



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1878

Introduced 2/23/2007, by Rep. Wyvetter H. Younge

SYNOPSIS AS INTRODUCED:

New Act

775 ILCS 5/1-102

from Ch. 68, par. 1-102

775 ILCS 5/1-103

from Ch. 68, par. 1-103

Creates the Bill of Rights for the Homeless Act. Sets forth certain rights of homeless persons, including the right to live in any community in the State, the right to choose living arrangements, and the right to employment and training opportunities. Directs the Department of Human Rights to monitor and enforce homeless persons' rights, and provides criminal penalties for violations of those rights. Authorizes the Department of Commerce and Economic Opportunity to establish priorities of eligibility for temporary rental or other housing assistance among the various categories of persons needing assistance in obtaining or retaining housing.

LRB095 10352 AJO 30567 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to homeless persons.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Bill
5 of Rights for the Homeless Act.

6 Section 5. Legislative intent. It is the long-standing
7 policy of this State that no person should suffer unnecessarily
8 from cold or hunger, or be deprived of shelter or the basic
9 rights incident to shelter. At the present time, many persons
10 have been rendered homeless as a result of economic adversity,
11 a severe shortage of affordable housing, and increased stress
12 due to the complexity of daily living that has created an
13 inability on the part of those persons to interact in society.
14 It is the intent of this Act to lessen the adverse effects and
15 conditions caused by the lack of residence or a home.

16 Section 10. Bill of Rights.

17 (a) No person's rights, privileges, or access to public
18 services may be denied or abridged solely because he or she is
19 homeless. Such a person shall be granted the same rights and
20 privileges as any other citizen of this State. These rights
21 include but are not limited to the following:

22 (1) The right to live in any community in this State in

1 which he or she can afford to live.

2 (2) The right to choose a type of living arrangements
3 in accordance with local regulations without harassment or
4 interference from any other citizen or from any public or
5 private entity.

6 (3) The right to employment and training opportunities
7 in accordance with his or her interests and abilities.

8 (4) The right to access emergency medical health
9 services in any health care facility doing business in this
10 State.

11 (5) The right to manage his or her own personal
12 finances notwithstanding his or her living arrangements,
13 unless (i) the person voluntarily signs a written
14 agreement, sworn to and witnessed before a notary public,
15 authorizing an individual or agency to manage his or her
16 finances, (ii) the person resides in a shelter for homeless
17 persons and has enrolled in a savings program designed to
18 provide rent money upon the person's departure from the
19 shelter, or (iii) the person has been ruled or adjudicated
20 by a court of competent jurisdiction to be incompetent to
21 manage his or her financial affairs.

22 (6) The right to not be coerced or penalized in any way
23 for not taking any medication or for not undergoing any
24 medical treatment that has not been authorized by a
25 qualified physician.

26 (7) In the case of a group living arrangement or

1 long-term care facility, the right to receive and sign any
2 check, voucher, or other warrant or legal tender issued in
3 his or her name before the moneys may be expended by the
4 person's landlord or a public or private agency, unless the
5 person waives the right in a writing sworn to before a
6 notary public. If the person is unable to sign his or her
7 name, the person may make his or her signature with an "X"
8 that is witnessed by 2 other persons not employed or
9 directly associated with the landlord or agency,
10 preferably a relative or guardian of the person or someone
11 designated by the person beforehand.

12 (8) The right to vote, which may not be denied solely
13 because the person does not have a permanent residence,
14 notwithstanding any provision of the Election Code.

15 (9) The right of visitation with family members,
16 friends, clergy, and professional or public consultants
17 notwithstanding the person's living arrangements, as long
18 as the visitation does not interfere with the smooth
19 operation of the person's place of residence.

20 (10) The right to receive public services or
21 accommodations offered to any other citizen of this State
22 in accordance, with established eligibility guidelines for
23 those services.

24 (11) The right to confidentiality of records. Homeless
25 shelters shall obtain a voluntary written release from a
26 homeless person prior to disclosing any personal

1 information regarding the homeless person, including, but
2 not limited to, name, social security number, and birth
3 date, except in aggregate form. The right to
4 confidentiality of records includes the dissemination of
5 materials to other agencies, either private or public. The
6 homeless person shall be given the option of whether to
7 release records via informed consent, based on guidelines
8 from the Office of Human Research Protections, United
9 States Department of Health and Human Services, including:

10 (A) the expected duration of the subject's
11 participation;

12 (B) an explanation of whom to contact for answers
13 to pertinent questions about the research and research
14 subjects' rights, and whom to contact in the event of a
15 research-related injury to the subject;

16 (C) a statement that participation in releasing
17 records is voluntary, refusal to participate will
18 involve no penalty or loss of benefits to which the
19 subject is otherwise entitled, and the subject may
20 discontinue participation in the record release at any
21 time without penalty or loss of benefits to which the
22 subject is otherwise entitled;

23 (D) a description of any reasonably foreseeable
24 risks or discomforts to the subject; and

25 (E) a statement describing the extent, if any, to
26 which confidentiality of records identifying the

1 subject will be maintained.

2 (b) The Department of Human Rights shall enforce the rights
3 of homeless persons set forth in subsection (a) in accordance
4 with the Illinois Human Rights Act.

5 Section 15. DCEO; housing assistance. The Department of
6 Commerce and Economic Opportunity may establish priorities of
7 eligibility for temporary rental or other housing assistance
8 among the various categories of persons needing assistance in
9 obtaining or retaining housing, including, without limitation,
10 persons subject to immediate eviction for nonpayment of rent or
11 subject to foreclosure for nonpayment of mortgage installments
12 or property taxes, when nonpayment is attributable to illness,
13 unemployment, underemployment, or any other failure of lack of
14 resources beyond the person's control.

15 Section 90. The Illinois Human Rights Act is amended by
16 changing Sections 1-102 and 1-103 as follows:

17 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

18 Sec. 1-102. Declaration of Policy. It is the public policy
19 of this State:

20 (A) Freedom from Unlawful Discrimination. To secure for all
21 individuals within Illinois the freedom from discrimination
22 against any individual because of his or her race, color,
23 religion, sex, national origin, ancestry, age, marital status,

1 physical or mental handicap, housing status, military status,
2 sexual orientation, or unfavorable discharge from military
3 service in connection with employment, real estate
4 transactions, access to financial credit, and the availability
5 of public accommodations.

6 (B) Freedom from Sexual Harassment-Employment and Higher
7 Education. To prevent sexual harassment in employment and
8 sexual harassment in higher education.

9 (C) Freedom from Discrimination Based on Citizenship
10 Status-Employment. To prevent discrimination based on
11 citizenship status in employment.

12 (D) Freedom from Discrimination Based on Familial
13 Status-Real Estate Transactions. To prevent discrimination
14 based on familial status in real estate transactions.

15 (E) Public Health, Welfare and Safety. To promote the
16 public health, welfare and safety by protecting the interest of
17 all people in Illinois in maintaining personal dignity, in
18 realizing their full productive capacities, and in furthering
19 their interests, rights and privileges as citizens of this
20 State.

21 (F) Implementation of Constitutional Guarantees. To secure
22 and guarantee the rights established by Sections 17, 18 and 19
23 of Article I of the Illinois Constitution of 1970.

24 (G) Equal Opportunity, Affirmative Action. To establish
25 Equal Opportunity and Affirmative Action as the policies of
26 this State in all of its decisions, programs and activities,

1 and to assure that all State departments, boards, commissions
2 and instrumentalities rigorously take affirmative action to
3 provide equality of opportunity and eliminate the effects of
4 past discrimination in the internal affairs of State government
5 and in their relations with the public.

6 (H) Unfounded Charges. To protect citizens of this State
7 against unfounded charges of unlawful discrimination, sexual
8 harassment in employment and sexual harassment in higher
9 education, and discrimination based on citizenship status in
10 employment.

11 (Source: P.A. 93-1078, eff. 1-1-06.)

12 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

13 Sec. 1-103. General Definitions. When used in this Act,
14 unless the context requires otherwise, the term:

15 (A) Age. "Age" means the chronological age of a person who
16 is at least 40 years old, except with regard to any practice
17 described in Section 2-102, insofar as that practice concerns
18 training or apprenticeship programs. In the case of training or
19 apprenticeship programs, for the purposes of Section 2-102,
20 "age" means the chronological age of a person who is 18 but not
21 yet 40 years old.

22 (B) Aggrieved Party. "Aggrieved party" means a person who
23 is alleged or proved to have been injured by a civil rights
24 violation or believes he or she will be injured by a civil
25 rights violation under Article 3 that is about to occur.

1 (C) Charge. "Charge" means an allegation filed with the
2 Department by an aggrieved party or initiated by the Department
3 under its authority.

4 (D) Civil Rights Violation. "Civil rights violation"
5 includes and shall be limited to only those specific acts set
6 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,
7 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
8 Act.

9 (E) Commission. "Commission" means the Human Rights
10 Commission created by this Act.

11 (F) Complaint. "Complaint" means the formal pleading filed
12 by the Department with the Commission following an
13 investigation and finding of substantial evidence of a civil
14 rights violation.

15 (G) Complainant. "Complainant" means a person including
16 the Department who files a charge of civil rights violation
17 with the Department or the Commission.

18 (H) Department. "Department" means the Department of Human
19 Rights created by this Act.

20 (I) Handicap. "Handicap" means a determinable physical or
21 mental characteristic of a person, including, but not limited
22 to, a determinable physical characteristic which necessitates
23 the person's use of a guide, hearing or support dog, the
24 history of such characteristic, or the perception of such
25 characteristic by the person complained against, which may
26 result from disease, injury, congenital condition of birth or

1 functional disorder and which characteristic:

2 (I-5) Housing status. "Housing status" means (i) the type
3 of housing in which an individual resides or (ii) the status of
4 having or not having a fixed or regular residence, including
5 the status of living on the streets, in a shelter, or in a
6 temporary residence.

7 (1) For purposes of Article 2 is unrelated to the
8 person's ability to perform the duties of a particular job
9 or position and, pursuant to Section 2-104 of this Act, a
10 person's illegal use of drugs or alcohol is not a handicap;

11 (2) For purposes of Article 3, is unrelated to the
12 person's ability to acquire, rent or maintain a housing
13 accommodation;

14 (3) For purposes of Article 4, is unrelated to a
15 person's ability to repay;

16 (4) For purposes of Article 5, is unrelated to a
17 person's ability to utilize and benefit from a place of
18 public accommodation.

19 (J) Marital Status. "Marital status" means the legal status
20 of being married, single, separated, divorced or widowed.

21 (J-1) Military Status. "Military status" means a person's
22 status on active duty in or status as a veteran of the armed
23 forces of the United States, status as a current member or
24 veteran of any reserve component of the armed forces of the
25 United States, including the United States Army Reserve, United
26 States Marine Corps Reserve, United States Navy Reserve, United

1 States Air Force Reserve, and United States Coast Guard
2 Reserve, or status as a current member or veteran of the
3 Illinois Army National Guard or Illinois Air National Guard.

4 (K) National Origin. "National origin" means the place in
5 which a person or one of his or her ancestors was born.

6 (L) Person. "Person" includes one or more individuals,
7 partnerships, associations or organizations, labor
8 organizations, labor unions, joint apprenticeship committees,
9 or union labor associations, corporations, the State of
10 Illinois and its instrumentalities, political subdivisions,
11 units of local government, legal representatives, trustees in
12 bankruptcy or receivers.

13 (M) Public Contract. "Public contract" includes every
14 contract to which the State, any of its political subdivisions
15 or any municipal corporation is a party.

16 (N) Religion. "Religion" includes all aspects of religious
17 observance and practice, as well as belief, except that with
18 respect to employers, for the purposes of Article 2, "religion"
19 has the meaning ascribed to it in paragraph (F) of Section
20 2-101.

21 (O) Sex. "Sex" means the status of being male or female.

22 (O-1) Sexual orientation. "Sexual orientation" means
23 actual or perceived heterosexuality, homosexuality,
24 bisexuality, or gender-related identity, whether or not
25 traditionally associated with the person's designated sex at
26 birth. "Sexual orientation" does not include a physical or

1 sexual attraction to a minor by an adult.

2 (P) Unfavorable Military Discharge. "Unfavorable military
3 discharge" includes discharges from the Armed Forces of the
4 United States, their Reserve components or any National Guard
5 or Naval Militia which are classified as RE-3 or the equivalent
6 thereof, but does not include those characterized as RE-4 or
7 "Dishonorable".

8 (Q) Unlawful Discrimination. "Unlawful discrimination"
9 means discrimination against a person because of his or her
10 race, color, religion, national origin, ancestry, age, sex,
11 marital status, handicap, housing status, military status,
12 sexual orientation, or unfavorable discharge from military
13 service as those terms are defined in this Section.

14 (Source: P.A. 93-941, eff. 8-16-04; 93-1078, eff. 1-1-06;
15 94-803, eff. 5-26-06.)