



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1565

Introduced 2/15/2011, by Rep. Rita Mayfield

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-103

from Ch. 68, par. 1-103

775 ILCS 5/3-104.2 new

Amends the Illinois Human Rights Act. Adds to the definition of a civil rights violation: a prohibition against a landlord inquiring about an arrest record or refusing to rent a unit because the prospective tenant has an arrest record. Provides that it is a civil rights violation for the owner or the agent of any housing accommodation to inquire whether a prospective tenant has an arrest record or to refuse to rent a unit because the prospective tenant has an arrest record. Provides that these 2 prohibitions shall not apply to an apartment rental in an apartment building with 4 units or less when one is occupied by the owner or to the rental of a room in a private home that is owner-occupied.

LRB097 10521 AJO 50845 b

1 AN ACT concerning human rights.

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

4 Section 5. The Illinois Human Rights Act is amended by  
5 changing Section 1-103 and by adding Section 3-104.2 as  
6 follows:

7 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

21 (C) Charge. "Charge" means an allegation filed with the  
22 Department by an aggrieved party or initiated by the Department  
23 under its authority.

1 (D) Civil Rights Violation. "Civil rights violation"  
2 includes and shall be limited to only those specific acts set  
3 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,  
4 3-104, 3-104.1, 3-104.2, 3-105, 3-105.1, 4-102, 4-103, 5-102,  
5 5A-102, 6-101, and 6-102 of this Act.

6 (E) Commission. "Commission" means the Human Rights  
7 Commission created by this Act.

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

12 (G) Complainant. "Complainant" means a person including  
13 the Department who files a charge of civil rights violation  
14 with the Department or the Commission.

15 (H) Department. "Department" means the Department of Human  
16 Rights created by this Act.

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

25 (1) For purposes of Article 2 is unrelated to the  
26 person's ability to perform the duties of a particular job

1 or position and, pursuant to Section 2-104 of this Act, a  
2 person's illegal use of drugs or alcohol is not a  
3 disability;

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

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

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

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

14 (J-1) Military Status. "Military status" means a person's  
15 status on active duty in or status as a veteran of the armed  
16 forces of the United States, status as a current member or  
17 veteran of any reserve component of the armed forces of the  
18 United States, including the United States Army Reserve, United  
19 States Marine Corps Reserve, United States Navy Reserve, United  
20 States Air Force Reserve, and United States Coast Guard  
21 Reserve, or status as a current member or veteran of the  
22 Illinois Army National Guard or Illinois Air National Guard.

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

25 (K-5) "Order of protection status" means a person's status  
26 as being a person protected under an order of protection issued

1 pursuant to the Illinois Domestic Violence Act of 1986 or an  
2 order of protection issued by a court of another state.

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

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

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

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

19 (O-1) Sexual orientation. "Sexual orientation" means  
20 actual or perceived heterosexuality, homosexuality,  
21 bisexuality, or gender-related identity, whether or not  
22 traditionally associated with the person's designated sex at  
23 birth. "Sexual orientation" does not include a physical or  
24 sexual attraction to a minor by an adult.

25 (P) Unfavorable Military Discharge. "Unfavorable military  
26 discharge" includes discharges from the Armed Forces of the

1 United States, their Reserve components or any National Guard  
2 or Naval Militia which are classified as RE-3 or the equivalent  
3 thereof, but does not include those characterized as RE-4 or  
4 "Dishonorable".

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

12 (Source: P.A. 95-392, eff. 8-23-07; 95-668, eff. 10-10-07;  
13 95-876, eff. 8-21-08; 96-328, eff. 8-11-09; 96-447, eff.  
14 1-1-10.)

15 (775 ILCS 5/3-104.2 new)

16 Sec. 3-104.2. Refusal to rent because of an arrest record.

17 (a) It is a civil rights violation for the owner or agent  
18 of any housing accommodation to:

19 (1) inquire into any arrest record of a renter; or

20 (2) refuse to rent or otherwise make unavailable rental  
21 property to any person because he or she has an arrest  
22 record.

23 (b) Nothing contained in subsection (a) shall prohibit:

24 (1) rental of a housing accommodation in a building  
25 which contains housing accommodations for not more than 4

1 families living independently of each other, if the owner  
2 resides in one of the housing accommodations; or  
3 (2) rental of a room or rooms in a private home by an  
4 owner if he or she or a member of his or her family resides  
5 therein or, while absent for a period of not more than  
6 twelve months, if he or she or a member of his or her  
7 family intends to return to reside therein.