



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4562

by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

775 ILCS 5/8B-104

from Ch. 68, par. 8B-104

Amends the Illinois Human Rights Act. Increases the amount of civil penalties for civil rights violations relating to real estate transactions as follows: (i) a maximum of \$16,000 (instead of \$10,000) if the respondent has not been adjudged to have committed any prior civil rights violation concerning real estate transactions; (ii) a maximum of \$42,500 (instead of \$25,000) if the respondent has been adjudged to have committed one other civil rights violation concerning real estate transactions during the 5-year period ending on the date of the filing of the current charge; and (iii) a maximum of \$70,000 (instead of \$50,000) if the respondent has been adjudged to have committed 2 or more civil rights violations concerning real estate transactions during the 7-year period ending on the date of the filing of the current charge.

LRB099 15646 HEP 39939 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 8B-104 as follows:

6 (775 ILCS 5/8B-104) (from Ch. 68, par. 8B-104)

7 Sec. 8B-104. Relief; Penalties. Upon finding a civil rights
8 violation, a hearing officer may recommend and the Commission
9 or any three-member panel thereof may provide for any relief or
10 penalty identified in this Section, separately or in
11 combination, by entering an order directing the respondent to:

12 (A) Cease and Desist Order. Cease and desist from any
13 violation of this Act.

14 (B) Actual Damages. Pay actual damages, as reasonably
15 determined by the Commission, for injury or loss suffered by
16 the complainant.

17 (C) Civil Penalty. Pay a civil penalty to vindicate the
18 public interest:

19 (i) in an amount not exceeding \$16,000 ~~\$10,000~~ if the
20 respondent has not been adjudged to have committed any prior
21 civil rights violation under Article 3;

22 (ii) in an amount not exceeding \$42,500 ~~\$25,000~~ if the
23 respondent has been adjudged to have committed one other civil

1 rights violation under Article 3 during the 5-year period
2 ending on the date of the filing of this charge; and

3 (iii) in an amount not exceeding \$70,000 ~~\$50,000~~ if the
4 respondent has been adjudged to have committed 2 or more civil
5 rights violations under Article 3 during the 7-year period
6 ending on the date of the filing of this charge; except that if
7 the acts constituting the civil rights violation that is the
8 object of the charge are committed by the same natural person
9 who has been previously adjudged to have committed acts
10 constituting a civil rights violation under Article 3, then the
11 civil penalties set forth in subparagraphs (ii) and (iii) may
12 be imposed without regard to the period of time within which
13 any subsequent civil rights violation under Article 3 occurred.

14 (D) Attorney Fees; Costs. Pay to the complainant all or a
15 portion of the costs of maintaining the action, including
16 reasonable attorneys fees and expert witness fees incurred in
17 maintaining this action before the Department, the Commission
18 and in any judicial review and judicial enforcement
19 proceedings.

20 (E) Compliance Report. Report as to the manner of
21 compliance.

22 (F) Posting of Notices. Post notices in a conspicuous place
23 which the Commission may publish or cause to be published
24 setting forth requirements for compliance with this Act or
25 other relevant information which the Commission determines
26 necessary to explain this Act.

1 (G) Make Complainant Whole. Take such action as may be
2 necessary to make the individual complainant whole, including,
3 but not limited to, awards of interest on the complainant's
4 actual damages from the date of the civil rights violation.

5 (Source: P.A. 86-910.)