

1 AMENDMENT TO HOUSE BILL 34

2 AMENDMENT NO. _____. Amend House Bill 34 by replacing the
3 title with the following:

4 "AN ACT concerning human rights."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Illinois Human Rights Act is amended by
8 changing Sections 1-102, 1-103, 2-101, 2-104, 3-102.1, 3-103,
9 and 3-104.1 as follows:

10 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

13 (A) Freedom from Unlawful Discrimination. To secure for
14 all individuals within Illinois the freedom from
15 discrimination against any individual because of his or her
16 race, color, religion, sex, national origin, ancestry, age,
17 marital status, physical or mental disability handicap,
18 military status, or unfavorable discharge from military
19 service in connection with employment, real estate
20 transactions, access to financial credit, and the
21 availability of public accommodations.

1 (B) Freedom from Sexual Harassment-Employment and Higher
2 Education. To prevent sexual harassment in employment and
3 sexual harassment in higher education.

4 (C) Freedom from Discrimination Based on Citizenship
5 Status-Employment. To prevent discrimination based on
6 citizenship status in employment.

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

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

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

19 (G) Equal Opportunity, Affirmative Action. To establish
20 Equal Opportunity and Affirmative Action as the policies of
21 this State in all of its decisions, programs and activities,
22 and to assure that all State departments, boards, commissions
23 and instrumentalities rigorously take affirmative action to
24 provide equality of opportunity and eliminate the effects of
25 past discrimination in the internal affairs of State
26 government and in their relations with the public.

27 (H) Unfounded Charges. To protect citizens of this State
28 against unfounded charges of unlawful discrimination, sexual
29 harassment in employment and sexual harassment in higher
30 education, and discrimination based on citizenship status in
31 employment.

32 (Source: P.A. 87-579; 88-178.)

33 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

3 (A) Age. "Age" means the chronological age of a person
4 who is at least 40 years old, except with regard to any
5 practice described in Section 2-102, insofar as that practice
6 concerns training or apprenticeship programs. In the case of
7 training or apprenticeship programs, for the purposes of
8 Section 2-102, "age" means the chronological age of a person
9 who is 18 but not yet 40 years old.

10 (B) Aggrieved Party. "Aggrieved party" means a person
11 who is alleged or proved to have been injured by a civil
12 rights violation or believes he or she will be injured by a
13 civil rights violation under Article 3 that is about to
14 occur.

15 (C) Charge. "Charge" means an allegation filed with the
16 Department by an aggrieved party or initiated by the
17 Department under its authority.

18 (D) Civil Rights Violation. "Civil rights violation"
19 includes and shall be limited to only those specific acts set
20 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,
21 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
22 Act.

23 (E) Commission. "Commission" means the Human Rights
24 Commission created by this Act.

25 (F) Complaint. "Complaint" means the formal pleading
26 filed by the Department with the Commission following an
27 investigation and finding of substantial evidence of a civil
28 rights violation.

29 (G) Complainant. "Complainant" means a person including
30 the Department who files a charge of civil rights violation
31 with the Department or the Commission.

32 (H) Department. "Department" means the Department of
33 Human Rights created by this Act.

34 (I) Disability Handicap. "Disability Handicap" means a

1 determinable physical or mental characteristic of a person,
2 including, but not limited to, a determinable physical
3 characteristic which necessitates the person's use of a
4 guide, hearing or support dog, the history of such
5 characteristic, or the perception of such characteristic by
6 the person complained against, which may result from disease,
7 injury, congenital condition of birth or functional disorder
8 and which characteristic:

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

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

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

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

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

25 (J-1) Military Status. "Military status" means a
26 person's status on active duty in the armed forces of the
27 United States.

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

30 (L) Person. "Person" includes one or more individuals,
31 partnerships, associations or organizations, labor
32 organizations, labor unions, joint apprenticeship committees,
33 or union labor associations, corporations, the State of
34 Illinois and its instrumentalities, political subdivisions,

1 units of local government, legal representatives, trustees in
2 bankruptcy or receivers.

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

6 (N) Religion. "Religion" includes all aspects of
7 religious observance and practice, as well as belief, except
8 that with respect to employers, for the purposes of Article
9 2, "religion" has the meaning ascribed to it in paragraph (F)
10 of Section 2-101.

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

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

18 (Q) Unlawful Discrimination. "Unlawful discrimination"
19 means discrimination against a person because of his or her
20 race, color, religion, national origin, ancestry, age, sex,
21 marital status, disability handicap, military status, or
22 unfavorable discharge from military service as those terms
23 are defined in this Section.

24 (Source: P.A. 88-178; 88-180; 88-670, eff. 12-2-94.)

25 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

26 Sec. 2-101. Definitions. The following definitions are
27 applicable strictly in the context of this Article.

28 (A) Employee.

29 (1) "Employee" includes:

30 (a) Any individual performing services for
31 remuneration within this State for an employer;

32 (b) An apprentice;

33 (c) An applicant for any apprenticeship.

1 (2) "Employee" does not include:

2 (a) Domestic servants in private homes;

3 (b) Individuals employed by persons who are
4 not "employers" as defined by this Act;

5 (c) Elected public officials or the members of
6 their immediate personal staffs;

7 (d) Principal administrative officers of the
8 State or of any political subdivision, municipal
9 corporation or other governmental unit or agency;

10 (e) A person in a vocational rehabilitation
11 facility certified under federal law who has been
12 designated an evaluatee, trainee, or work activity
13 client.

14 (B) Employer.

15 (1) "Employer" includes:

16 (a) Any person employing 15 or more employees
17 within Illinois during 20 or more calendar weeks
18 within the calendar year of or preceding the alleged
19 violation;

20 (b) Any person employing one or more employees
21 when a complainant alleges civil rights violation
22 due to unlawful discrimination based upon his or her
23 physical or mental disability handicap unrelated to
24 ability or sexual harassment;

25 (c) The State and any political subdivision,
26 municipal corporation or other governmental unit or
27 agency, without regard to the number of employees;

28 (d) Any party to a public contract without
29 regard to the number of employees;

30 (e) A joint apprenticeship or training
31 committee without regard to the number of employees.

32 (2) "Employer" does not include any religious
33 corporation, association, educational institution,
34 society, or non-profit nursing institution conducted by

1 and for those who rely upon treatment by prayer through
2 spiritual means in accordance with the tenets of a
3 recognized church or religious denomination with respect
4 to the employment of individuals of a particular religion
5 to perform work connected with the carrying on by such
6 corporation, association, educational institution,
7 society or non-profit nursing institution of its
8 activities.

9 (C) Employment Agency. "Employment Agency" includes both
10 public and private employment agencies and any person, labor
11 organization, or labor union having a hiring hall or hiring
12 office regularly undertaking, with or without compensation,
13 to procure opportunities to work, or to procure, recruit,
14 refer or place employees.

15 (D) Labor Organization. "Labor Organization" includes
16 any organization, labor union, craft union, or any voluntary
17 unincorporated association designed to further the cause of
18 the rights of union labor which is constituted for the
19 purpose, in whole or in part, of collective bargaining or of
20 dealing with employers concerning grievances, terms or
21 conditions of employment, or apprenticeships or applications
22 for apprenticeships, or of other mutual aid or protection in
23 connection with employment, including apprenticeships or
24 applications for apprenticeships.

25 (E) Sexual Harassment. "Sexual harassment" means any
26 unwelcome sexual advances or requests for sexual favors or
27 any conduct of a sexual nature when (1) submission to such
28 conduct is made either explicitly or implicitly a term or
29 condition of an individual's employment, (2) submission to or
30 rejection of such conduct by an individual is used as the
31 basis for employment decisions affecting such individual, or
32 (3) such conduct has the purpose or effect of substantially
33 interfering with an individual's work performance or creating
34 an intimidating, hostile or offensive working environment.

1 (F) Religion. "Religion" with respect to employers
2 includes all aspects of religious observance and practice, as
3 well as belief, unless an employer demonstrates that he is
4 unable to reasonably accommodate an employee's or prospective
5 employee's religious observance or practice without undue
6 hardship on the conduct of the employer's business.

7 (G) Public Employer. "Public employer" means the State,
8 an agency or department thereof, unit of local government,
9 school district, instrumentality or political subdivision.

10 (H) Public Employee. "Public employee" means an
11 employee of the State, agency or department thereof, unit of
12 local government, school district, instrumentality or
13 political subdivision. "Public employee" does not include
14 public officers or employees of the General Assembly or
15 agencies thereof.

16 (I) Public Officer. "Public officer" means a person who
17 is elected to office pursuant to the Constitution or a
18 statute or ordinance, or who is appointed to an office which
19 is established, and the qualifications and duties of which
20 are prescribed, by the Constitution or a statute or
21 ordinance, to discharge a public duty for the State, agency
22 or department thereof, unit of local government, school
23 district, instrumentality or political subdivision.

24 (J) Eligible Bidder. "Eligible bidder" means a person
25 who, prior to a bid opening, has filed with the Department a
26 properly completed, sworn and currently valid employer report
27 form, pursuant to the Department's regulations. The
28 provisions of this Article relating to eligible bidders apply
29 only to bids on contracts with the State and its departments,
30 agencies, boards, and commissions, and the provisions do not
31 apply to bids on contracts with units of local government or
32 school districts.

33 (K) Citizenship Status. "Citizenship status" means the
34 status of being:

- 1 (1) a born U.S. citizen;
- 2 (2) a naturalized U.S. citizen;
- 3 (3) a U.S. national; or
- 4 (4) a person born outside the United States and not
- 5 a U.S. citizen who is not an unauthorized alien and who
- 6 is protected from discrimination under the provisions of
- 7 Section 1324b of Title 8 of the United States Code, as
- 8 now or hereafter amended.

9 (Source: P.A. 86-1343; 87-579; 87-666; 87-895.)

10 (775 ILCS 5/2-104) (from Ch. 68, par. 2-104)

11 Sec. 2-104. Exemptions.

12 (A) Nothing contained in this Act shall prohibit an
13 employer, employment agency or labor organization from:

14 (1) Bona Fide Qualification. Hiring or selecting
15 between persons for bona fide occupational qualifications
16 or any reason except those civil-rights violations
17 specifically identified in this Article.

18 (2) Veterans. Giving preferential treatment to
19 veterans and their relatives as required by the laws or
20 regulations of the United States or this State or a unit
21 of local government.

22 (3) Unfavorable Discharge From Military Service.
23 Using unfavorable discharge from military service as a
24 valid employment criterion when authorized by federal law
25 or regulation or when a position of employment involves
26 the exercise of fiduciary responsibilities as defined by
27 rules and regulations which the Department shall adopt.

28 (4) Ability Tests. Giving or acting upon the
29 results of any professionally developed ability test
30 provided that such test, its administration, or action
31 upon the results, is not used as a subterfuge for or does
32 not have the effect of unlawful discrimination.

33 (5) Merit and Retirement Systems.

1 (a) Applying different standards of
2 compensation, or different terms, conditions or
3 privileges of employment pursuant to a merit or
4 retirement system provided that such system or its
5 administration is not used as a subterfuge for or
6 does not have the effect of unlawful discrimination.

7 (b) Effecting compulsory retirement of any
8 employee who has attained 65 years of age and who,
9 for the 2-year period immediately preceding
10 retirement, is employed in a bona fide executive or
11 a high policymaking position, if such employee is
12 entitled to an immediate nonforfeitable annual
13 retirement benefit from a pension, profit-sharing,
14 savings, or deferred compensation plan, or any
15 combination of such plans of the employer of such
16 employee, which equals, in the aggregate, at least
17 \$44,000. If any such retirement benefit is in a
18 form other than a straight life annuity (with no
19 ancillary benefits) or if the employees contribute
20 to any such plan or make rollover contributions, the
21 retirement benefit shall be adjusted in accordance
22 with regulations prescribed by the Department, so
23 that the benefit is the equivalent of a straight
24 life annuity (with no ancillary benefits) under a
25 plan to which employees do not contribute and under
26 which no rollover contributions are made.

27 (c) Until January 1, 1994, effecting
28 compulsory retirement of any employee who has
29 attained 70 years of age, and who is serving under a
30 contract of unlimited tenure (or similar arrangement
31 providing for unlimited tenure) at an institution of
32 higher education as defined by Section 1201(a) of
33 the Higher Education Act of 1965.

34 (6) Training and Apprenticeship programs.

1 Establishing an educational requirement as a prerequisite
2 to selection for a training or apprenticeship program,
3 provided such requirement does not operate to
4 discriminate on the basis of any prohibited
5 classification except age.

6 (7) Police and Firefighter/Paramedic Retirement.
7 Imposing a mandatory retirement age for
8 firefighters/paramedics or law enforcement officers and
9 discharging or retiring such individuals pursuant to the
10 mandatory retirement age if such action is taken pursuant
11 to a bona fide retirement plan provided that the law
12 enforcement officer or firefighter/paramedic has
13 attained:

14 (a) the age of retirement in effect under
15 applicable State or local law on March 3, 1983; or

16 (b) if the applicable State or local law was
17 enacted after the date of enactment of the federal
18 Age Discrimination in Employment Act Amendments of
19 1996 (P.L. 104-208), the age of retirement in effect
20 on the date of such discharge under such law.

21 This paragraph (7) shall not apply with respect to
22 any cause of action arising under the Illinois Human
23 Rights Act as in effect prior to the effective date of
24 this amendatory Act of 1997.

25 (8) Police and Firefighter/Paramedic Appointment.
26 Failing or refusing to hire any individual because of
27 such individual's age if such action is taken with
28 respect to the employment of an individual as a
29 firefighter/paramedic or as a law enforcement officer and
30 the individual has attained:

31 (a) the age of hiring or appointment in effect
32 under applicable State or local law on March 3,
33 1983; or

34 (b) the age of hiring in effect on the date of

1 such failure or refusal to hire under applicable
2 State or local law enacted after the date of
3 enactment of the federal Age Discrimination in
4 Employment Act Amendments of 1996 (P.L. 104-208).

5 As used in paragraph (7) or (8):

6 "Firefighter/paramedic" means an employee, the
7 duties of whose position are primarily to perform work
8 directly connected with the control and extinguishment of
9 fires or the maintenance and use of firefighting
10 apparatus and equipment, or to provide emergency medical
11 services, including an employee engaged in this activity
12 who is transferred to a supervisory or administrative
13 position.

14 "Law enforcement officer" means an employee, the
15 duties of whose position are primarily the investigation,
16 apprehension, or detention of individuals suspected or
17 convicted of criminal offenses, including an employee
18 engaged in this activity who is transferred to a
19 supervisory or administrative position.

20 (9) Citizenship Status. Making legitimate
21 distinctions based on citizenship status if specifically
22 authorized or required by State or federal law.

23 (B) With respect to any employee who is subject to a
24 collective bargaining agreement:

25 (a) which is in effect on June 30, 1986,
26 (b) which terminates after January 1, 1987,
27 (c) any provision of which was entered into by a
28 labor organization as defined by Section 6(d)(4) of the
29 Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(4)),
30 and

31 (d) which contains any provision that would be
32 superseded by this amendatory Act of 1987 (Public Act
33 85-748),

34 such amendatory Act of 1987 shall not apply until the

1 termination of such collective bargaining agreement or
2 January 1, 1990, whichever occurs first.

3 (C)(1) For purposes of this Act, the term "disability
4 handicap" shall not include any employee or applicant who is
5 currently engaging in the illegal use of drugs, when an
6 employer acts on the basis of such use.

7 (2) Paragraph (1) shall not apply where an employee or
8 applicant for employment:

9 (a) has successfully completed a supervised drug
10 rehabilitation program and is no longer engaging in the
11 illegal use of drugs, or has otherwise been rehabilitated
12 successfully and is no longer engaging in such use;

13 (b) is participating in a supervised rehabilitation
14 program and is no longer engaging in such use; or

15 (c) is erroneously regarded as engaging in such
16 use, but is not engaging in such use.

17 It shall not be a violation of this Act for an employer
18 to adopt or administer reasonable policies or procedures,
19 including but not limited to drug testing, designed to ensure
20 that an individual described in subparagraph (a) or (b) is no
21 longer engaging in the illegal use of drugs.

22 (3) An employer:

23 (a) may prohibit the illegal use of drugs and the
24 use of alcohol at the workplace by all employees;

25 (b) may require that employees shall not be under
26 the influence of alcohol or be engaging in the illegal
27 use of drugs at the workplace;

28 (c) may require that employees behave in
29 conformance with the requirements established under the
30 federal Drug-Free Workplace Act of 1988 (11 U.S.C. 701 et
31 seq.) and the Drug Free Workplace Act;

32 (d) may hold an employee who engages in the illegal
33 use of drugs or who is an alcoholic to the same
34 qualification standards for employment or job performance

1 and behavior that such employer holds other employees,
2 even if any unsatisfactory performance or behavior is
3 related to the drug use or alcoholism of such employee;
4 and

5 (e) may, with respect to federal regulations
6 regarding alcohol and the illegal use of drugs, require
7 that:

8 (i) employees comply with the standards
9 established in such regulations of the United States
10 Department of Defense, if the employees of the
11 employer are employed in an industry subject to such
12 regulations, including complying with regulations
13 (if any) that apply to employment in sensitive
14 positions in such an industry, in the case of
15 employees of the employer who are employed in such
16 positions (as defined in the regulations of the
17 Department of Defense);

18 (ii) employees comply with the standards
19 established in such regulations of the Nuclear
20 Regulatory Commission, if the employees of the
21 employer are employed in an industry subject to such
22 regulations, including complying with regulations
23 (if any) that apply to employment in sensitive
24 positions in such an industry, in the case of
25 employees of the employer who are employed in such
26 positions (as defined in the regulations of the
27 Nuclear Regulatory Commission); and

28 (iii) employees comply with the standards
29 established in such regulations of the United States
30 Department of Transportation, if the employees of
31 the employer are employed in a transportation
32 industry subject to such regulations, including
33 complying with such regulations (if any) that apply
34 to employment in sensitive positions in such an

1 industry, in the case of employees of the employer
 2 who are employed in such positions (as defined in
 3 the regulations of the United States Department of
 4 Transportation).

5 (4) For purposes of this Act, a test to determine the
 6 illegal use of drugs shall not be considered a medical
 7 examination. Nothing in this Act shall be construed to
 8 encourage, prohibit, or authorize the conducting of drug
 9 testing for the illegal use of drugs by job applicants or
 10 employees or making employment decisions based on such test
 11 results.

12 (5) Nothing in this Act shall be construed to encourage,
 13 prohibit, restrict, or authorize the otherwise lawful
 14 exercise by an employer subject to the jurisdiction of the
 15 United States Department of Transportation of authority to:

16 (a) test employees of such employer in, and
 17 applicants for, positions involving safety-sensitive
 18 duties for the illegal use of drugs and for on-duty
 19 impairment by alcohol; and

20 (b) remove such persons who test positive for
 21 illegal use of drugs and on-duty impairment by alcohol
 22 pursuant to subparagraph (a) from safety-sensitive duties
 23 in implementing paragraph (3).

24 (Source: P.A. 90-481, eff. 8-17-97.)

25 (775 ILCS 5/3-102.1) (from Ch. 68, par. 3-102.1)

26 Sec. 3-102.1. Disability Handicap. (A) It is a civil
 27 rights violation to refuse to sell or rent or to otherwise
 28 make unavailable or deny a dwelling to any buyer or renter
 29 because of a disability handicap of that buyer or renter, a
 30 disability handicap of a person residing or intending to
 31 reside in that dwelling after it is sold, rented or made
 32 available or a disability handicap of any person associated
 33 with the buyer or renter.

1 (B) It is a civil rights violation to alter the terms,
2 conditions or privileges of sale or rental of a dwelling or
3 the provision of services or facilities in connection with
4 such dwelling because of a person's disability handicap or a
5 disability handicap of any person residing or intending to
6 reside in that dwelling after it is sold, rented or made
7 available, or a disability handicap of any person associated
8 with that person.

9 (C) It is a civil rights violation:

10 (1) to refuse to permit, at the expense of the disabled
11 handicapped person, reasonable modifications of existing
12 premises occupied or to be occupied by such person if such
13 modifications may be necessary to afford such person full
14 enjoyment of the premises; except that, in the case of a
15 rental, the landlord may, where it is reasonable to do so,
16 condition permission for a modification on the renter
17 agreeing to restore the interior of the premises to the
18 condition that existed before modifications, reasonable wear
19 and tear excepted. The landlord may not increase for
20 disabled handicapped persons any customarily required
21 security deposit. However, where it is necessary in order to
22 ensure with reasonable certainty that funds will be available
23 to pay for the restorations at the end of the tenancy, the
24 landlord may negotiate as part of such a restoration
25 agreement a provision requiring that the tenant pay into an
26 interest bearing escrow account, over a reasonable period, a
27 reasonable amount of money not to exceed the cost of the
28 restorations. The interest in any such account shall accrue
29 to the benefit of the tenant. A landlord may condition
30 permission for a modification on the renter providing a
31 reasonable description of the proposed modifications as well
32 as reasonable assurances that the work will be done in a
33 workmanlike manner and that any required building permits
34 will be obtained;

1 (2) to refuse to make reasonable accommodations in
2 rules, policies, practices, or services, when such
3 accommodations may be necessary to afford such person equal
4 opportunity to use and enjoy a dwelling; or

5 (3) in connection with the design and construction of
6 covered multifamily dwellings for first occupancy after March
7 13, 1991, to fail to design and construct those dwellings in
8 such a manner that:

9 (a) the public use and common use portions of such
10 dwellings are readily accessible to and usable by disabled
11 handicapped persons;

12 (b) all the doors designed to allow passage into and
13 within all premises within such dwellings are sufficiently
14 wide to allow passage by disabled handicapped persons in
15 wheelchairs; and

16 (c) all premises within such dwellings contain the
17 following features of adaptive design:

18 (i) an accessible route into and through the dwelling;

19 (ii) light switches, electrical outlets, thermostats,
20 and other environmental controls in accessible locations;

21 (iii) reinforcements in bathroom walls to allow later
22 installation of grab bars; and

23 (iv) usable kitchens and bathrooms such that an
24 individual in a wheelchair can maneuver about the space.

25 (D) Compliance with the appropriate standards of the
26 Illinois Accessibility Code for adaptable dwelling units (71
27 Illinois Administrative Code Section 400.350 (e) 1-6)
28 suffices to satisfy the requirements of subsection (C)(3)(c).

29 (E) If a unit of local government has incorporated into
30 its law the requirements set forth in subsection (C) (3),
31 compliance with its law shall be deemed to satisfy the
32 requirements of that subsection.

33 (F) A unit of local government may review and approve
34 newly constructed covered multifamily dwellings for the

1 purpose of making determinations as to whether the design and
2 construction requirements of subsection (C)(3) are met.

3 (G) The Department shall encourage, but may not require,
4 units of local government to include in their existing
5 procedures for the review and approval of newly constructed
6 covered multifamily dwellings, determinations as to whether
7 the design and construction of such dwellings are consistent
8 with subsection (C)(3), and shall provide technical
9 assistance to units of local government and other persons to
10 implement the requirements of subsection (C)(3).

11 (H) Nothing in this Act shall be construed to require
12 the Department to review or approve the plans, designs or
13 construction of all covered multifamily dwellings to
14 determine whether the design and construction of such
15 dwellings are consistent with the requirements of subsection
16 (C)(3).

17 (I) Nothing in subsections (E), (F), (G) or (H) shall be
18 construed to affect the authority and responsibility of the
19 Department to receive and process complaints or otherwise
20 engage in enforcement activities under State and local law.

21 (J) Determinations by a unit of local government under
22 subsections (E) and (F) shall not be conclusive in
23 enforcement proceedings under this Act if those
24 determinations are not in accord with the terms of this Act.

25 (K) Nothing in this Section requires that a dwelling be
26 made available to an individual whose tenancy would
27 constitute a direct threat to the health or safety of others
28 or would result in substantial physical damage to the
29 property of others.

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

31 (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

32 Sec. 3-103. Blockbusting.) It is a civil rights
33 violation for any person to:

1 (A) Solicitation. Solicit for sale, lease, listing or
2 purchase any residential real estate within this State, on
3 the grounds of loss of value due to the present or
4 prospective entry into the vicinity of the property involved
5 of any person or persons of any particular race, color,
6 religion, national origin, ancestry, age, sex, marital
7 status, familial status or disability handicap.

8 (B) Statements. Distribute or cause to be distributed,
9 written material or statements designed to induce any owner
10 of residential real estate in this State to sell or lease his
11 or her property because of any present or prospective changes
12 in the race, color, religion, national origin, ancestry, age,
13 sex, marital status, familial status or disability handicap
14 of residents in the vicinity of the property involved.

15 (C) Creating Alarm. Intentionally create alarm, among
16 residents of any community, by transmitting communications in
17 any manner, including a telephone call whether or not
18 conversation thereby ensues, with a design to induce any
19 owner of residential real estate in this state to sell or
20 lease his or her property because of any present or
21 prospective entry into the vicinity of the property involved
22 of any person or persons of any particular race, color,
23 religion, national origin, ancestry, age, sex, marital
24 status, familial status or disability handicap.

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

26 (775 ILCS 5/3-104.1) (from Ch. 68, par. 3-104.1)

27 Sec. 3-104.1. Refusal to sell or rent because a person
28 has a guide, hearing or support dog. It is a civil rights
29 violation for the owner or agent of any housing accommodation
30 to:

31 (A) refuse to sell or rent after the making of a
32 bonafide offer, or to refuse to negotiate for the sale or
33 rental of, or otherwise make unavailable or deny property to

1 any blind, hearing impaired or physically disabled
2 handicapped person because he has a guide, hearing or support
3 dog; or

4 (B) discriminate against any blind, hearing impaired or
5 physically disabled handicapped person in the terms,
6 conditions, or privileges of sale or rental property, or in
7 the provision of services or facilities in connection
8 therewith, because he has a guide, hearing or support dog; or

9 (C) require, because a blind, hearing impaired or
10 physically disabled handicapped person has a guide, hearing
11 or support dog, an extra charge in a lease, rental agreement,
12 or contract of purchase or sale, other than for actual damage
13 done to the premises by the dog.

14 (Source: P.A. 83-93.)".