



Rep. Camille Y. Lilly

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LRB104 09254 JRC 23485 a

1 AMENDMENT TO HOUSE BILL 1929

2 AMENDMENT NO. _____. Amend House Bill 1929 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 3-102.10 and 3-106 and by adding Section
6 3-102.2 as follows:

7 (775 ILCS 5/3-102.2 new)

8 Sec. 3-102.2. Civil rights violations; conviction record.

9 (A) It is a civil rights violation to inquire into a
10 person's conviction record as defined under subsection (G-5)
11 of Section 1-103 prior to making a conditional offer to sell,
12 lease, or rent real property. As used in this Section,
13 "conditional offer" means an offer to sell, lease, or rent
14 real property contingent on conducting a criminal history
15 check or criminal background check.

16 (B) Unless otherwise authorized by law, it is a civil

1 rights violation for an owner or any other person engaging in a
2 real estate transaction, or for a real estate broker or
3 salesman, because of conviction record, to:

4 (1) refuse to engage in a real estate transaction with
5 a person or to discriminate in making available such a
6 transaction;

7 (2) alter the terms, conditions, or privilege of a
8 real estate transaction or in the furnishing of facilities
9 or services in connection therewith;

10 (3) refuse to receive or to fail to transmit a bona
11 fide offer to engage in a real estate transaction from a
12 person;

13 (4) refuse to negotiate for a real estate transaction
14 with a person;

15 (5) represent to a person that real property is not
16 available for inspection, sale, rental, or lease when in
17 fact it is so available, or to fail to bring a property
18 listing to his or her attention, or to refuse to permit him
19 or her to inspect real property;

20 (6) make, print, circulate, post, mail, publish, or
21 cause to be made, printed, circulated, posted, mailed, or
22 published any notice, statement, advertisement, or sign,
23 or use a form of application for a real estate
24 transaction, or make a record or inquiry in connection
25 with a prospective real estate transaction, that indicates
26 any preference or limitation, or an intention to make any

1 such preference, limitation, or discrimination; or

2 (7) offer, solicit, accept, use, or retain a listing
3 of real property with knowledge that discrimination in a
4 real estate transaction is intended.

5 (C) Nothing in this Article shall be construed to require
6 an owner or any other person to conduct a criminal history
7 check or criminal background check after making a conditional
8 offer to sell, lease, or rent real property. Unless otherwise
9 authorized by law, it is a civil rights violation to use a
10 conviction record as a basis to rescind a conditional offer to
11 sell, lease, or rent real property, unless:

12 (1) there is a substantial relationship between one or
13 more of the previous criminal offenses and the offer made;

14 (2) the granting or continuation of the offer would
15 involve an unreasonable risk to property or to the safety
16 or welfare of specific individuals or the general public;
17 or

18 (3) the use is otherwise authorized by law.

19 As used in this subsection, "substantial relationship"
20 means a consideration of whether the conditional offer
21 presents an opportunity for the same or a similar offense to
22 occur and whether the circumstances leading to the conduct for
23 which the person was convicted will recur as a result of the
24 offer.

25 (D) In making a determination pursuant to subsection (C),
26 an owner or any other person who elects to, or is otherwise

1 required to, consider a person's conviction record in
2 connection with a conditional offer shall consider the
3 following factors before making a preliminary decision that
4 the conviction record is disqualifying:

5 (1) the nature and severity of the conduct underlying
6 the conviction;

7 (2) whether the nature of the conviction presents a
8 direct threat to the health or safety of other tenants or
9 to the property;

10 (3) the terms of the sentence;

11 (4) the number of convictions on the person's record;

12 (5) the age of the person at the time of the
13 conviction;

14 (6) the length of time since the conviction; and

15 (7) evidence of rehabilitation.

16 (E) If, after considering the factors in subsection (C),
17 the owner or any other person making the conditional offer
18 makes a preliminary decision that the conviction record is
19 disqualifying, the owner or person making the conditional
20 offer shall provide written notification to the disqualified
21 person within 5 business days which shall contain the
22 following:

23 (1) notice of the disqualifying conviction or
24 convictions that are the basis of the preliminary decision
25 and the reasons for the disqualification;

26 (2) a copy of the conviction record or other

1 information relied upon to make the preliminary decision
2 to disqualify; and

3 (3) an explanation of the disqualified person's right
4 to respond to the decision of the owner or any other person
5 making the conditional offer before the preliminary
6 decision becomes final. The explanation shall inform the
7 disqualified person that the response may include, but is
8 not limited to, submission of evidence challenging the
9 accuracy of the conviction record that is the basis for
10 the disqualification, or evidence of mitigation, such as
11 rehabilitation.

12 (F) The disqualified person shall have at least 5 business
13 days to respond to the notification as provided under
14 subsection (D).

15 (G) The owner or person making the conditional offer shall
16 consider information submitted by the disqualified person
17 before making a final decision. If an owner or any other person
18 making the conditional offer makes a final decision based on
19 the disqualified person's conviction record, the owner or any
20 other person making the conditional offer shall provide
21 written notification to the disqualified person within 5
22 business days which shall contain the following:

23 (1) notice of the disqualifying conviction or
24 convictions that are the basis of the final decision and
25 the reasons for the disqualification;

26 (2) any existing procedure the owner or any other

1 person making the conditional offer has for the
2 disqualified person to challenge the decision or request
3 reconsideration; and
4 (3) the right to file a charge with the Department.

5 (775 ILCS 5/3-102.10)

6 Sec. 3-102.10. Third-party loan modification service
7 provider.

8 (A) It is a civil rights violation for a third-party loan
9 modification service provider, because of unlawful
10 discrimination, familial status, immigration status, source of
11 income, or an arrest record, or a conviction record, to:

12 (1) refuse to engage in loan modification services;

13 (2) alter the terms, conditions, or privileges of such
14 services; or

15 (3) discriminate in making such services available,
16 including, but not limited to, by making a statement,
17 advertisement, representation, inquiry, listing, offer, or
18 solicitation that indicates a preference or the intention
19 to make such a preference in making such services
20 available.

21 (B) For purposes of this Section, "third-party loan
22 modification service provider" means a person or entity,
23 whether licensed or not, who, for or with the expectation of
24 receiving consideration, provides assistance or services to a
25 loan borrower to obtain a modification to a term of an existing

1 real estate loan or to obtain foreclosure relief. "Third-party
2 loan modification service provider" does not include lenders,
3 brokers or appraisers of mortgage loans, or the servicers,
4 subsidiaries, affiliates, or agents of the lender.

5 (Source: P.A. 102-362, eff. 1-1-22; 103-232, eff. 1-1-24.)

6 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

7 Sec. 3-106. Exemptions. Nothing contained in Sections
8 ~~Section~~ 3-102 and 3-102.2 shall prohibit:

9 (A) Private Sales of Single Family Homes.

10 (1) Any sale of a single family home by its owner so
11 long as the following criteria are met:

12 (a) The owner does not own or have a beneficial
13 interest in more than 3 single family homes at the time
14 of the sale;

15 (b) The owner or a member of the owner's family was
16 the last current resident of the home;

17 (c) The home is sold without the use in any manner
18 of the sales or rental facilities or services of any
19 real estate broker or salesman, or of any employee or
20 agent of any real estate broker or salesman;

21 (d) The home is sold without the publication,
22 posting or mailing, after notice, of any advertisement
23 or written notice in violation of paragraph (F) of
24 Section 3-102.

25 (2) This exemption does not apply to paragraph (F) of

1 Section 3-102.

2 (B) Apartments. Rental of a housing accommodation in a
3 building which contains housing accommodations for not more
4 than 4 families living independently of each other, if the
5 owner resides in one of the housing accommodations. This
6 exemption does not apply to paragraph (F) of Section 3-102.

7 (C) Private Rooms. Rental of a room or rooms in a private
8 home by an owner if the owner or a member of the owner's family
9 resides therein or, while absent for a period of not more than
10 12 months, if the owner or a member of the owner's family
11 intends to return to reside therein. This exemption does not
12 apply to paragraph (F) of Section 3-102.

13 (D) Reasonable local, State, or federal ~~Federal~~
14 restrictions regarding the maximum number of occupants
15 permitted to occupy a dwelling.

16 (E) Religious Organizations. A religious organization,
17 association, or society, or any nonprofit institution or
18 organization operated, supervised, or controlled by or in
19 conjunction with a religious organization, association, or
20 society, from limiting the sale, rental, or occupancy of a
21 dwelling which it owns or operates for other than a commercial
22 purpose to persons of the same religion, or from giving
23 preference to such persons, unless membership in such religion
24 is restricted on account of race, color, or national origin.

25 (F) Sex. Restricting the rental of rooms in a housing
26 accommodation to persons of one sex.

1 (G) Persons Convicted of Drug-Related Offenses. Conduct
2 against a person because such person has been convicted by any
3 court of competent jurisdiction of the illegal manufacture or
4 distribution of a controlled substance as defined in Section
5 102 of the federal Controlled Substances Act (21 U.S.C. 802).

6 (H) Persons engaged in the business of furnishing
7 appraisals of real property from taking into consideration
8 factors other than those based on unlawful discrimination or
9 familial status or source of income in furnishing appraisals.

10 (H-1) The owner of an owner-occupied residential building
11 with 4 or fewer units (including the unit in which the owner
12 resides) from making decisions regarding whether to rent to a
13 person based upon that person's sexual orientation or
14 conviction record.

15 (I) Housing for Older Persons. No provision in this
16 Article regarding familial status shall apply with respect to
17 housing for older persons.

18 (1) As used in this Section, "housing for older
19 persons" means housing:

20 (a) provided under any State or federal ~~Federal~~
21 program that the Department determines is specifically
22 designed and operated to assist elderly persons (as
23 defined in the State or federal ~~Federal~~ program); or

24 (b) intended for, and solely occupied by, persons
25 62 years of age or older; or

26 (c) intended and operated for occupancy by persons

1 55 years of age or older and:

2 (i) at least 80% of the occupied units are
3 occupied by at least one person who is 55 years of
4 age or older;

5 (ii) the housing facility or community
6 publishes and adheres to policies and procedures
7 that demonstrate the intent required under this
8 subparagraph ~~subdivision~~ (c); and

9 (iii) the housing facility or community
10 complies with rules adopted by the Department for
11 verification of occupancy, which shall:

12 (aa) provide for verification by reliable
13 surveys and affidavits; and

14 (bb) include examples of the types of
15 policies and procedures relevant to a
16 determination of compliance with the
17 requirement of clause (ii).

18 These surveys and affidavits shall be admissible in
19 administrative and judicial proceedings for the purposes
20 of such verification.

21 (2) Housing shall not fail to meet the requirements
22 for housing for older persons by reason of:

23 (a) persons residing in such housing as of the
24 effective date of this amendatory Act of 1989 who do
25 not meet the age requirements of subparagraph
26 ~~subsections~~ (1)(b) or (c); provided, that new

1 occupants of such housing meet the age requirements of
2 subparagraph ~~subsections~~ (1)(b) or (c) of this
3 subsection; or

4 (b) unoccupied units; provided, that such units
5 are reserved for occupancy by persons who meet the age
6 requirements of subparagraph ~~subsections~~ (1)(b) or (c)
7 of this subsection.

8 (3)(a) A person shall not be held personally liable
9 for monetary damages for a violation of this Article if
10 the person reasonably relied, in good faith, on the
11 application of the exemption under this subsection (I)
12 relating to housing for older persons.

13 (b) For the purposes of this paragraph ~~item~~ (3), a
14 person may show good faith reliance on the application of
15 the exemption only by showing that:

16 (i) the person has no actual knowledge that the
17 facility or community is not, or will not be, eligible
18 for the exemption; and

19 (ii) the facility or community has stated
20 formally, in writing, that the facility or community
21 complies with the requirements for the exemption.

22 (J) Child Sex Offender Refusal to Rent. Refusal of a child
23 sex offender who owns and resides at residential real estate
24 to rent any residential unit within the same building in which
25 the child sex offender resides to a person who is the parent or
26 guardian of a child or children under 18 years of age.

1 (K) Arrest Records. Inquiry into or the use of an arrest
2 record if the inquiry or use is otherwise authorized by State
3 or federal law.

4 (K-5) Conviction Record. Inquiry into or the use of a
5 conviction record if the inquiry or use is otherwise
6 authorized by State or federal law.

7 (K-10) Sex Offender Conviction Records. Use of a criminal
8 conviction that results in a current sex offender registration
9 requirement pursuant to the Sex Offender Registration Act, or
10 similar law in another jurisdiction, or a current child sex
11 offender residency restriction.

12 (L) Financial Institutions. A financial institution as
13 defined in Article 4 from considering source of income or
14 immigration status in a real estate transaction in compliance
15 with State or federal law.

16 (M) Immigration Status. Inquiry into or the use of
17 immigration status if the inquiry or use is in compliance with
18 State or federal law.

19 (Source: P.A. 102-896, eff. 1-1-23; 103-232, eff. 1-1-24;
20 revised 7-24-24.)".