



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2909

Introduced 2/6/2025, by Rep. Kevin John Olickal

SYNOPSIS AS INTRODUCED:

775 ILCS 5/4-101	from Ch. 68, par. 4-101
775 ILCS 5/4-102	from Ch. 68, par. 4-102
775 ILCS 5/4-103	from Ch. 68, par. 4-103
775 ILCS 5/4-104	from Ch. 68, par. 4-104
775 ILCS 5/5-101	from Ch. 68, par. 5-101
775 ILCS 5/5-102	from Ch. 68, par. 5-102
775 ILCS 5/5-102.1	
775 ILCS 5/8A-104	from Ch. 68, par. 8A-104

Amends the Illinois Human Rights Act. Changes the Public Accommodations and Financial Credit Articles to prohibit discrimination on the basis of citizenship, primary language, or immigration status that includes discrimination against a person because of the person's actual or perceived characteristic or characteristics within the listed categories or that the person is associated with a person who has, or is perceived to have, any particular characteristic or characteristics within the listed categories. "Citizenship" means the status of being: (i) a born U.S. citizen; (ii) a naturalized U.S. citizen; or (iii) a U.S. national. "Immigration status" means citizenship of some country other than the United States, including stateless persons, and the specific authority, or lack thereof, to reside in or otherwise to be present in the United States. "Primary language" means a person's preferred language for communication. Provides that it is not a civil rights violation to verify immigration status or any discrimination based upon verified immigration status if required by federal law. Nothing in the Act may be construed to require the provision of services or documents in a language other than English beyond that which is otherwise required by other provisions of federal, State, or local law. Provides that a civil rights violation for a violation of Articles 4 and 5 may include statutory damages of 3 times the amount of actual damages sustained or \$8,000, whichever is the greater.

LRB104 09699 JRC 19765 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 Sections 4-101, 4-102, 4-103, 4-104, 5-101, 5-102,
6 5-102.1, and 8A-104 as follows:

7 (775 ILCS 5/4-101) (from Ch. 68, par. 4-101)

8 Sec. 4-101. Definitions. The following definitions are
9 applicable strictly in the context of this Article:

10 (A) "Citizenship" means the status of being:

11 (1) a born U.S. citizen;

12 (2) a naturalized U.S. citizen; or

13 (3) a U.S. national.

14 (B) "Discrimination on the basis of citizenship, primary
15 language, or immigration status" means discrimination against
16 a person because of the person's actual or perceived
17 characteristic or characteristics within the listed categories
18 or that the person is associated with a person who has, or is
19 perceived to have, any particular characteristic or
20 characteristics within the listed categories.

21 (C) ~~(A)~~ Credit Card. "Credit card" has the meaning set
22 forth in Section 17-0.5 of the Criminal Code of 2012.

23 (D) ~~(B)~~ Financial Institution. "Financial institution"

1 means any bank, credit union, insurance company, mortgage
2 banking company or savings and loan association which operates
3 or has a place of business in this State.

4 (E) "Immigration status" means citizenship of some country
5 other than the United States, including stateless persons, and
6 the specific authority, or lack thereof, to reside in or
7 otherwise to be present in the United States.

8 (F) ~~(C)~~ Loan. "Loan" includes, but is not limited to, the
9 providing of funds, for consideration, which are sought for:
10 (1) the purpose of purchasing, constructing, improving,
11 repairing, or maintaining a housing accommodation as that term
12 is defined in paragraph (C) of Section 3-101; or (2) any
13 commercial or industrial purposes.

14 (G) "Primary language" means a person's preferred language
15 for communication.

16 (H) ~~(D)~~ Varying Terms. "Varying the terms of a loan"
17 includes, but is not limited to, the following practices:

18 (1) Requiring a greater down payment than is usual for
19 the particular type of a loan involved.

20 (2) Requiring a shorter period of amortization than is
21 usual for the particular type of loan involved.

22 (3) Charging a higher interest rate than is usual for
23 the particular type of loan involved.

24 (4) An under appraisal of real estate or other item of
25 property offered as security.

26 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

1 (775 ILCS 5/4-102) (from Ch. 68, par. 4-102)

2 Sec. 4-102. Civil Rights Violations: Loans. It shall be a
3 civil rights violation for any financial institution, on the
4 grounds of unlawful discrimination, or discrimination on the
5 basis of citizenship, primary language, or immigration status,
6 to:

7 (A) Denial of Services. Deny any person any of the
8 services normally offered by such an institution.

9 (B) Modification of Services. Provide any person with any
10 service which is different from, or provided in a different
11 manner than, that which is provided to other persons similarly
12 situated.

13 (C) Loan Terms. Deny or vary the terms of a loan.

14 (D) Property Location. Deny or vary the terms of a loan on
15 the basis that a specific parcel of real estate offered as
16 security is located in a specific geographical area.

17 (E) Consideration of Income. Deny or vary the terms of a
18 loan without having considered all of the regular and
19 dependable income of each person who would be liable for
20 repayment of the loan.

21 (F) Lending Standards. Utilize lending standards that have
22 no economic basis and which constitute unlawful
23 discrimination, or discrimination on the basis of citizenship,
24 primary language, or immigration status.

25 (Source: P.A. 81-1216.)

1 (775 ILCS 5/4-103) (from Ch. 68, par. 4-103)

2 Sec. 4-103. Credit Cards. It is a civil rights violation
3 for a person who offers credit cards to the public in this
4 State:

5 (A) Denial. To refuse to issue a credit card, upon
6 proper application, on the basis of unlawful
7 discrimination, or discrimination on the basis of
8 citizenship, primary language, or immigration status.

9 (B) Reasons for Rejection. To fail to inform an
10 applicant for a credit card, upon request, of the reason
11 that his or her application for a credit card has been
12 rejected.

13 (Source: P.A. 81-1216.)

14 (775 ILCS 5/4-104) (from Ch. 68, par. 4-104)

15 Sec. 4-104. Exemptions.

16 (A) Nothing contained in this Article shall prohibit:

17 (1) ~~(A)~~ Sound Underwriting Practices. A financial
18 institution from considering sound underwriting
19 practices in contemplation of any loan to any person.
20 Such practices shall include:

21 (a) ~~(1)~~ The willingness and the financial
22 ability of the borrower to repay the loan.

23 (b) ~~(2)~~ The market value of any real estate or
24 other item of property proposed as security for

1 any loan.

2 (c) ~~(3)~~ Diversification of the financial
3 institution's investment portfolio.

4 (2) ~~(B)~~ Credit-worthiness Information; Credit
5 Systems. A financial institution or a person who
6 offers credit cards from:

7 (a) ~~(1)~~ making an inquiry of an ~~the~~
8 applicant's ~~age, permanent residence, immigration~~
9 ~~status, or any additional~~ information if such
10 inquiry is for the purpose of determining the
11 amount and probable continuance of income levels,
12 credit history, or other pertinent element of
13 credit-worthiness as provided in regulations of
14 the Department, except that a financial
15 institution or a person who offers credit cards
16 may not make an inquiry of an applicant's
17 permanent residence or immigration status for any
18 element of creditworthiness;

19 (b) ~~(2)~~ using any empirically derived credit
20 system which considers age if such system is
21 demonstrably and statistically sound in accordance
22 with regulations of the Department, except that in
23 the operation of such system the age of an
24 applicant over the age of 62 years may not be
25 assigned a negative factor or value.

26 (3) ~~(C)~~ Special Credit Programs. A financial

1 institution from refusing to extend credit when
2 required to by or pursuant to any:

3 (a) ~~(1)~~ credit assistance program expressly
4 authorized by law for an economically
5 disadvantaged class of persons;

6 (b) ~~(2)~~ credit assistance program administered
7 by a nonprofit organization for its members of an
8 economically disadvantaged class of persons;

9 (c) ~~(3)~~ special purpose credit program offered
10 by a profit-making organization to meet special
11 social needs which meets standards prescribed by
12 the Department in its regulations.

13 (B) It is not a civil rights violation to verify
14 immigration status or any discrimination based upon
15 verified immigration status if required by federal law.

16 (C) Nothing in this Article may be construed to
17 require the provision of services or documents in a
18 language other than English, beyond that which is
19 otherwise required by other provisions of federal, State,
20 or local law.

21 (Source: P.A. 100-201, eff. 8-18-17.)

22 (775 ILCS 5/5-101) (from Ch. 68, par. 5-101)

23 Sec. 5-101. Definitions. The following definitions are
24 applicable strictly in the context of this Article:

25 (A) "Citizenship" means the status of being:

- 1 (1) a born U.S. citizen;
2 (2) a naturalized U.S. citizen; or
3 (3) a U.S. national.

4 (B) "Discrimination on the basis of citizenship, primary
5 language, or immigration status" includes discrimination
6 against a person because of the person's actual or perceived
7 characteristic or characteristics within the listed categories
8 or that the person is associated with a person who has, or is
9 perceived to have, any particular characteristic or
10 characteristics within the listed categories.

11 (C) "Immigration status" means citizenship of some country
12 other than the United States, including stateless persons, and
13 the specific authority, or lack thereof, to reside in or
14 otherwise to be present in the United States.

15 (D) ~~(A)~~ Place of Public Accommodation. "Place of public
16 accommodation" includes, but is not limited to:

17 (1) an inn, hotel, motel, or other place of lodging,
18 except for an establishment located within a building that
19 contains not more than 5 units for rent or hire and that is
20 actually occupied by the proprietor of such establishment
21 as the residence of such proprietor;

22 (2) a restaurant, bar, or other establishment serving
23 food or drink;

24 (3) a motion picture house, theater, concert hall,
25 stadium, or other place of exhibition or entertainment;

26 (4) an auditorium, convention center, lecture hall, or

1 other place of public gathering;

2 (5) a bakery, grocery store, clothing store, hardware
3 store, shopping center, or other sales or rental
4 establishment;

5 (6) a laundromat, dry-cleaner, bank, barber shop,
6 beauty shop, travel service, shoe repair service, funeral
7 parlor, gas station, office of an accountant or lawyer,
8 pharmacy, insurance office, professional office of a
9 health care provider, hospital, or other service
10 establishment;

11 (7) public conveyances on air, water, or land;

12 (8) a terminal, depot, or other station used for
13 specified public transportation;

14 (9) a museum, library, gallery, or other place of
15 public display or collection;

16 (10) a park, zoo, amusement park, or other place of
17 recreation;

18 (11) a non-sectarian nursery, day care center,
19 elementary, secondary, undergraduate, or postgraduate
20 school, or other place of education;

21 (12) a senior citizen center, homeless shelter, food
22 bank, non-sectarian adoption agency, or other social
23 service center establishment; and

24 (13) a gymnasium, health spa, bowling alley, golf
25 course, or other place of exercise or recreation.

26 (E) "Primary language" means a person's preferred language

1 for communication.

2 (F) ~~(B)~~ Operator. "Operator" means any owner, lessee,
3 proprietor, manager, superintendent, agent, or occupant of a
4 place of public accommodation or an employee of any such
5 person or persons.

6 (G) ~~(C)~~ Public Official. "Public official" means any
7 officer or employee of the state or any agency thereof,
8 including state political subdivisions, municipal
9 corporations, park districts, forest preserve districts,
10 educational institutions, and schools.

11 (Source: P.A. 100-863, eff. 8-14-18.)

12 (775 ILCS 5/5-102) (from Ch. 68, par. 5-102)

13 Sec. 5-102. Civil Rights Violations: Public
14 Accommodations. It is a civil rights violation for any person
15 on the basis of unlawful discrimination, or discrimination on
16 the basis of citizenship, primary language, or immigration
17 status to:

18 (A) Enjoyment of Facilities, Goods, and Services. Deny or
19 refuse to another the full and equal enjoyment of the
20 facilities, goods, and services of any public place of
21 accommodation;

22 (B) Written Communications. Directly or indirectly, as the
23 operator of a place of public accommodation, publish,
24 circulate, display or mail any written communication, except a
25 private communication sent in response to a specific inquiry,

1 which the operator knows is to the effect that any of the
2 facilities of the place of public accommodation will be denied
3 to any person or that any person is unwelcome, objectionable
4 or unacceptable because of unlawful discrimination, or
5 discrimination on the basis of citizenship, primary language,
6 or immigration status;

7 (C) Public Officials. Deny or refuse to another, as a
8 public official, the full and equal enjoyment of the
9 accommodations, advantage, facilities or privileges of the
10 official's office or services or of any property under the
11 official's care because of unlawful discrimination, or
12 discrimination on the basis of citizenship, primary language,
13 or immigration status.

14 (Source: P.A. 95-668, eff. 10-10-07.)

15 (775 ILCS 5/5-102.1)

16 Sec. 5-102.1. No Civil Rights Violation: Public
17 Accommodations.

18 (a) It is not a civil rights violation for a medical,
19 dental, or other health care professional or a private
20 professional service provider such as a lawyer, accountant, or
21 insurance agent to refer or refuse to treat or provide
22 services to an individual in a protected class for any
23 non-discriminatory reason if, in the normal course of his or
24 her operations or business, the professional would for the
25 same reason refer or refuse to treat or provide services to an

1 individual who is not in the protected class of the individual
2 who seeks or requires the same or similar treatment or
3 services.

4 (b) With respect to a place of public accommodation
5 defined in paragraph (11) of Section 5-101, the exercise of
6 free speech, free expression, free exercise of religion or
7 expression of religiously based views by any individual or
8 group of individuals that is protected under the First
9 Amendment to the United States Constitution or under Section 3
10 of Article I, or Section 4 of Article I, of the Illinois
11 Constitution, shall not be a civil rights violation.

12 (c) It is not a civil rights violation to verify
13 immigration status or any discrimination based upon verified
14 immigration status where required by federal law.

15 (d) Nothing in this Article may be construed to require
16 the provision of services or documents in a language other
17 than English, beyond that which is otherwise required by other
18 provisions of federal, State, or local law.

19 (Source: P.A. 95-668, eff. 10-10-07; 96-814, eff. 1-1-10.)

20 (775 ILCS 5/8A-104) (from Ch. 68, par. 8A-104)

21 Sec. 8A-104. Relief; Penalties. Upon finding a civil
22 rights violation, a hearing officer may recommend and the
23 Commission or any three-member panel thereof may provide for
24 any relief or penalty identified in this Section, separately
25 or in combination, by entering an order directing the

1 respondent to:

2 (A) Cease and Desist Order. Cease and desist from any
3 violation of this Act.

4 (B) Actual Damages. Pay actual damages, as reasonably
5 determined by the Commission, for injury or loss suffered by
6 the complainant.

7 (B-5) Statutory Damages. Pay 3 times the amount of actual
8 damages sustained or \$8,000, whichever is the greater, for
9 violations of Article 4 or Article 5.

10 (C) Hiring; Reinstatement; Promotion; Backpay; Fringe
11 Benefits. Hire, reinstate or upgrade the complainant with or
12 without back pay or provide such fringe benefits as the
13 complainant may have been denied.

14 (D) Restoration of Membership; Admission To Programs.
15 Admit or restore the complainant to labor organization
16 membership, to a guidance program, apprenticeship training
17 program, on the job training program, or other occupational
18 training or retraining program.

19 (E) Public Accommodations. Admit the complainant to a
20 public accommodation.

21 (F) Services. Extend to the complainant the full and equal
22 enjoyment of the goods, services, facilities, privileges,
23 advantages, or accommodations of the respondent.

24 (G) Attorneys Fees; Costs. Pay to the complainant all or a
25 portion of the costs of maintaining the action, including
26 reasonable attorney fees and expert witness fees incurred in

1 maintaining this action before the Department, the Commission
2 and in any judicial review and judicial enforcement
3 proceedings. Provided, however, that no award of attorney fees
4 or costs shall be made pursuant to this amendatory Act of 1987
5 with respect to any charge for which the complaint before the
6 Commission was filed prior to December 1, 1987. With respect
7 to all charges for which complaints were filed with the
8 Commission prior to December 1, 1987, attorney fees and costs
9 shall be awarded pursuant to the terms of this subsection as it
10 existed prior to revision by this amendatory Act of 1987.

11 (H) Compliance Report. Report as to the manner of
12 compliance.

13 (I) Posting of Notices. Post notices in a conspicuous
14 place which the Commission may publish or cause to be
15 published setting forth requirements for compliance with this
16 Act or other relevant information which the Commission
17 determines necessary to explain this Act.

18 (J) Make Complainant Whole. Take such action as may be
19 necessary to make the individual complainant whole, including,
20 but not limited to, awards of interest on the complainant's
21 actual damages and backpay from the date of the civil rights
22 violation. Provided, however, that no award of prejudgment
23 interest shall be made pursuant to this amendatory Act of 1987
24 with respect to any charge in which the complaint before the
25 Commission was filed prior to December 1, 1987. With respect
26 to all charges for which complaints were filed with the

1 Commission prior to December 1, 1987, make whole relief shall
2 be awarded pursuant to this subsection as it existed prior to
3 revision by this amendatory Act of 1987.

4 There shall be no distinction made under this Section
5 between complaints filed by the Department and those filed by
6 the aggrieved party.

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