

1 AN ACT concerning housing.

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 1-102, 1-103, 3-102, 3-103, and 3-106 as
6 follows:

7 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

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

19 (B) Freedom from Sexual Harassment-Employment and
20 Elementary, Secondary, and Higher Education. To prevent sexual
21 harassment in employment and sexual harassment in elementary,
22 secondary, and higher education.

23 (C) Freedom from Discrimination Based on Citizenship

1 Status-Employment. To prevent discrimination based on
2 citizenship status in employment.

3 (C-5) Freedom from Discrimination Based on Work
4 Authorization Status-Employment. To prevent discrimination
5 based on the specific status or term of status that
6 accompanies a legal work authorization.

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

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

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

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

1 government and in their relations with the public.

2 (H) Unfounded Charges. To protect citizens of this State
3 against unfounded charges of unlawful discrimination, sexual
4 harassment in employment and sexual harassment in elementary,
5 secondary, and higher education, and discrimination based on
6 citizenship status or work authorization status in employment.

7 (Source: P.A. 102-233, eff. 8-2-21.)

8 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

22 (B-5) Arrest record. "Arrest record" means:

23 (1) an arrest not leading to a conviction;

24 (2) a juvenile record; or

25 (3) criminal history record information ordered

1 expunged, sealed, or impounded under Section 5.2 of the
2 Criminal Identification Act.

3 (C) Charge. "Charge" means an allegation filed with the
4 Department by an aggrieved party or initiated by the
5 Department under its authority.

6 (D) Civil rights violation. "Civil rights violation"
7 includes and shall be limited to only those specific acts set
8 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
9 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,
10 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

11 (E) Commission. "Commission" means the Human Rights
12 Commission created by this Act.

13 (F) Complaint. "Complaint" means the formal pleading filed
14 by the Department with the Commission following an
15 investigation and finding of substantial evidence of a civil
16 rights violation.

17 (G) Complainant. "Complainant" means a person including
18 the Department who files a charge of civil rights violation
19 with the Department or the Commission.

20 (G-5) Conviction record. "Conviction record" means
21 information indicating that a person has been convicted of a
22 felony, misdemeanor or other criminal offense, placed on
23 probation, fined, imprisoned, or paroled pursuant to any law
24 enforcement or military authority.

25 (H) Department. "Department" means the Department of Human
26 Rights created by this Act.

1 (I) Disability.

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

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

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

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

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

23 (e) For purposes of Article 5, also includes any
24 mental, psychological, or developmental disability,
25 including autism spectrum disorders.

26 (2) Discrimination based on disability includes unlawful

1 discrimination against an individual because of the
2 individual's association with a person with a disability.

3 (J) Marital status. "Marital status" means the legal
4 status of being married, single, separated, divorced, or
5 widowed.

6 (J-1) Military status. "Military status" means a person's
7 status on active duty in or status as a veteran of the armed
8 forces of the United States, status as a current member or
9 veteran of any reserve component of the armed forces of the
10 United States, including the United States Army Reserve,
11 United States Marine Corps Reserve, United States Navy
12 Reserve, United States Air Force Reserve, and United States
13 Coast Guard Reserve, or status as a current member or veteran
14 of the Illinois Army National Guard or Illinois Air National
15 Guard.

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

18 (K-5) "Order of protection status" means a person's status
19 as being a person protected under an order of protection
20 issued pursuant to the Illinois Domestic Violence Act of 1986,
21 Article 112A of the Code of Criminal Procedure of 1963, the
22 Stalking No Contact Order Act, or the Civil No Contact Order
23 Act, or an order of protection issued by a court of another
24 state.

25 (L) Person. "Person" includes one or more individuals,
26 partnerships, associations or organizations, labor

1 organizations, labor unions, joint apprenticeship committees,
2 or union labor associations, corporations, the State of
3 Illinois and its instrumentalities, political subdivisions,
4 units of local government, legal representatives, trustees in
5 bankruptcy or receivers.

6 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
7 or medical or common conditions related to pregnancy or
8 childbirth.

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

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

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

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

24 (O-5) Source of income. "Source of income" means the
25 lawful manner by which an individual supports himself or
26 herself and his or her dependents.

1 (P) Unfavorable military discharge. "Unfavorable military
2 discharge" includes discharges from the Armed Forces of the
3 United States, their Reserve components, or any National Guard
4 or Naval Militia which are classified as RE-3 or the
5 equivalent thereof, but does not include those characterized
6 as RE-4 or "Dishonorable".

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

14 (Source: P.A. 101-81, eff. 7-12-19; 101-221, eff. 1-1-20;
15 101-565, eff. 1-1-20; 101-656, eff. 3-23-21; 102-362, eff.
16 1-1-22; 102-419, eff. 1-1-22; 102-558, eff. 8-20-21; revised
17 9-29-21.)

18 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

19 Sec. 3-102. Civil rights violations; real estate
20 transactions. It is a civil rights violation for an owner or
21 any other person engaging in a real estate transaction, or for
22 a real estate broker or salesman, because of unlawful
23 discrimination, familial status, source of income, or an
24 arrest record, as defined under subsection (B-5) of Section
25 1-103, to:

1 (A) Transaction. Refuse to engage in a real estate
2 transaction with a person or to discriminate in making
3 available such a transaction;

4 (B) Terms. Alter the terms, conditions or privileges
5 of a real estate transaction or in the furnishing of
6 facilities or services in connection therewith;

7 (C) Offer. Refuse to receive or to fail to transmit a
8 bona fide offer to engage in a real estate transaction
9 from a person;

10 (D) Negotiation. Refuse to negotiate for a real estate
11 transaction with a person;

12 (E) Representations. Represent to a person that real
13 property is not available for inspection, sale, rental, or
14 lease when in fact it is so available, or to fail to bring
15 a property listing to his or her attention, or to refuse to
16 permit him or her to inspect real property;

17 (F) Publication of Intent. Make, print, circulate,
18 post, mail, publish or cause to be made, printed,
19 circulated, posted, mailed, or published any notice,
20 statement, advertisement or sign, or use a form of
21 application for a real estate transaction, or make a
22 record or inquiry in connection with a prospective real
23 estate transaction, that indicates any preference,
24 limitation, or discrimination based on unlawful
25 discrimination or unlawful discrimination based on
26 familial status, source of income, or an arrest record, or

1 an intention to make any such preference, limitation, or
2 discrimination;

3 (G) Listings. Offer, solicit, accept, use or retain a
4 listing of real property with knowledge that unlawful
5 discrimination or discrimination on the basis of familial
6 status, source of income, or an arrest record in a real
7 estate transaction is intended.

8 (Source: P.A. 101-565, eff. 1-1-20.)

9 (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

10 Sec. 3-103. Blockbusting. It is a civil rights violation
11 for any person to:

12 (A) Solicitation. Solicit for sale, lease, listing or
13 purchase any residential real estate within this State, on the
14 grounds of loss of value due to the present or prospective
15 entry into the vicinity of the property involved of any person
16 or persons of any particular race, color, religion, national
17 origin, ancestry, age, sex, sexual orientation, marital
18 status, familial status, source of income, or disability.

19 (B) Statements. Distribute or cause to be distributed,
20 written material or statements designed to induce any owner of
21 residential real estate in this State to sell or lease his or
22 her property because of any present or prospective changes in
23 the race, color, religion, national origin, ancestry, age,
24 sex, sexual orientation, marital status, familial
25 status, source of income, or disability of residents in the

1 vicinity of the property involved.

2 (C) Creating Alarm. Intentionally create alarm, among
3 residents of any community, by transmitting communications in
4 any manner, including a telephone call whether or not
5 conversation thereby ensues, with a design to induce any owner
6 of residential real estate in this state to sell or lease his
7 or her property because of any present or prospective entry
8 into the vicinity of the property involved of any person or
9 persons of any particular race, color, religion, national
10 origin, ancestry, age, sex, sexual orientation, marital
11 status, familial status, source of income, or disability.

12 (Source: P.A. 97-877, eff. 8-2-12.)

13 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

14 Sec. 3-106. Exemptions. Nothing contained in Section 3-102
15 shall prohibit:

16 (A) Private Sales of Single Family Homes.

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

19 (a) The owner does not own or have a beneficial
20 interest in more than three single family homes at the
21 time of the sale;

22 (b) The owner or a member of his or her family was
23 the last current resident of the home;

24 (c) The home is sold without the use in any manner
25 of the sales or rental facilities or services of any

1 real estate broker or salesman, or of any employee or
2 agent of any real estate broker or salesman;

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

7 (2) This exemption does not apply to paragraph (F) of
8 Section 3-102.

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

14 (C) Private Rooms. Rental of a room or rooms in a private
15 home by an owner if he or she or a member of his or her family
16 resides therein or, while absent for a period of not more than
17 twelve months, if he or she or a member of his or her family
18 intends to return to reside therein.

19 (D) Reasonable local, State, or Federal restrictions
20 regarding the maximum number of occupants permitted to occupy
21 a dwelling.

22 (E) Religious Organizations. A religious organization,
23 association, or society, or any nonprofit institution or
24 organization operated, supervised or controlled by or in
25 conjunction with a religious organization, association, or
26 society, from limiting the sale, rental or occupancy of a

1 dwelling which it owns or operates for other than a commercial
2 purpose to persons of the same religion, or from giving
3 preference to such persons, unless membership in such religion
4 is restricted on account of race, color, or national origin.

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

7 (G) Persons Convicted of Drug-Related Offenses. Conduct
8 against a person because such person has been convicted by any
9 court of competent jurisdiction of the illegal manufacture or
10 distribution of a controlled substance as defined in Section
11 102 of the federal Controlled Substances Act (21 U.S.C. 802).

12 (H) Persons engaged in the business of furnishing
13 appraisals of real property from taking into consideration
14 factors other than those based on unlawful discrimination or
15 familial status or source of income in furnishing appraisals.

16 (H-1) The owner of an owner-occupied residential building
17 with 4 or fewer units (including the unit in which the owner
18 resides) from making decisions regarding whether to rent to a
19 person based upon that person's sexual orientation.

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

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

25 (a) provided under any State or Federal program
26 that the Department determines is specifically

1 designed and operated to assist elderly persons (as
2 defined in the State or Federal program); or

3 (b) intended for, and solely occupied by, persons
4 62 years of age or older; or

5 (c) intended and operated for occupancy by persons
6 55 years of age or older and:

7 (i) at least 80% of the occupied units are
8 occupied by at least one person who is 55 years of
9 age or older;

10 (ii) the housing facility or community
11 publishes and adheres to policies and procedures
12 that demonstrate the intent required under this
13 subdivision (c); and

14 (iii) the housing facility or community
15 complies with rules adopted by the Department for
16 verification of occupancy, which shall:

17 (aa) provide for verification by reliable
18 surveys and affidavits; and

19 (bb) include examples of the types of
20 policies and procedures relevant to a
21 determination of compliance with the
22 requirement of clause (ii).

23 These surveys and affidavits shall be admissible in
24 administrative and judicial proceedings for the purposes
25 of such verification.

26 (2) Housing shall not fail to meet the requirements

1 for housing for older persons by reason of:

2 (a) persons residing in such housing as of the
3 effective date of this amendatory Act of 1989 who do
4 not meet the age requirements of subsections (1)(b) or
5 (c); provided, that new occupants of such housing meet
6 the age requirements of subsections (1)(b) or (c) of
7 this subsection; or

8 (b) unoccupied units; provided, that such units
9 are reserved for occupancy by persons who meet the age
10 requirements of subsections (1)(b) or (c) of this
11 subsection.

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

17 (b) For the purposes of this item (3), a person may
18 show good faith reliance on the application of the
19 exemption only by showing that:

20 (i) the person has no actual knowledge that
21 the facility or community is not, or will not be,
22 eligible for the exemption; and

23 (ii) the facility or community has stated
24 formally, in writing, that the facility or
25 community complies with the requirements for the
26 exemption.

1 (J) Child Sex Offender Refusal to Rent. Refusal of a child
2 sex offender who owns and resides at residential real estate
3 to rent any residential unit within the same building in which
4 he or she resides to a person who is the parent or guardian of
5 a child or children under 18 years of age.

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

9 (L) Financial Institutions. A financial institution as
10 defined in Article 4 from considering source of income in a
11 real estate transaction in compliance with State or federal
12 law.

13 (Source: P.A. 101-565, eff. 1-1-20.)