

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Real Estate Appraiser Licensing Act of 2002  
5 is amended by changing Section 15-10 and by adding Section  
6 10-25 as follows:

7 (225 ILCS 458/10-25 new)

8 Sec. 10-25. Discrimination prohibited. An appraiser shall  
9 not discriminate when preparing an appraisal of residential or  
10 commercial real estate. For the purposes of this Section, an  
11 appraiser discriminates when the appraiser considers the  
12 actual or perceived race, color, religion, sex, national  
13 origin, ancestry, age, order of protection status, marital  
14 status, physical or mental disability, military status, sexual  
15 orientation, pregnancy, unfavorable discharge from military  
16 service, familial status, source of income, or arrest record  
17 of the owner of the real estate or the residents of the  
18 geographic area in which the real estate is located when  
19 determining the market value of the real estate. In addition  
20 to the disciplinary procedures set forth in Section 15-10, an  
21 aggrieved party may commence a civil action alleging  
22 discrimination in an appropriate circuit court not later than  
23 2 years after the occurrence that constitutes discrimination

1 under this Section. Such a civil action shall be subject to the  
2 same procedures, rights, and remedies as a civil action  
3 alleging a civil rights violation of Article 3 of the Illinois  
4 Human Rights Act under Section 10-102 of the Illinois Human  
5 Rights Act.

6 A civil action may also be initiated by the Attorney  
7 General whenever the Attorney General has reasonable cause to  
8 believe that an appraiser is engaged in a pattern and practice  
9 of discrimination prohibited by this Section. Such a civil  
10 action shall be subject to the same procedures, rights, and  
11 remedies as a civil action alleging a civil rights violation  
12 of Article 3 of the Illinois Human Rights Act under Section  
13 10-104 of the Illinois Human Rights Act.

14 Prior to initiating a civil action, the Attorney General  
15 shall conduct a preliminary investigation to determine whether  
16 there is reasonable cause to believe that any person or group  
17 of persons is engaged in a pattern and practice of  
18 discrimination prohibited by this Section and whether the  
19 dispute can be resolved without litigation. In conducting this  
20 investigation, the Attorney General may: (i) require the  
21 individual or entity to file a statement or report in writing,  
22 under oath or otherwise, as to all information the Attorney  
23 General may consider necessary; (ii) examine under oath any  
24 person alleged to have participated in or with knowledge of  
25 the alleged pattern and practice violation; or (iii) issue  
26 subpoenas or conduct hearings in aid of any investigation.

1 (225 ILCS 458/15-10)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 15-10. Grounds for disciplinary action.

4 (a) The Department may suspend, revoke, refuse to issue,  
5 renew, or restore a license and may reprimand place on  
6 probation or administrative supervision, or take any  
7 disciplinary or non-disciplinary action, including imposing  
8 conditions limiting the scope, nature, or extent of the real  
9 estate appraisal practice of a licensee or reducing the  
10 appraisal rank of a licensee, and may impose an administrative  
11 fine not to exceed \$25,000 for each violation upon a licensee  
12 for any one or combination of the following:

13 (1) Procuring or attempting to procure a license by  
14 knowingly making a false statement, submitting false  
15 information, engaging in any form of fraud or  
16 misrepresentation, or refusing to provide complete  
17 information in response to a question in an application  
18 for licensure.

19 (2) Failing to meet the minimum qualifications for  
20 licensure as an appraiser established by this Act.

21 (3) Paying money, other than for the fees provided for  
22 by this Act, or anything of value to a member or employee  
23 of the Board or the Department to procure licensure under  
24 this Act.

25 (4) Conviction of, or plea of guilty or nolo

1           contendere, as enumerated in subsection (e) of Section  
2           5-22, under the laws of any jurisdiction of the United  
3           States: (i) that is a felony, misdemeanor, or  
4           administrative sanction or (ii) that is a crime that  
5           subjects the licensee to compliance with the requirements  
6           of the Sex Offender Registration Act.

7           (5) Committing an act or omission involving  
8           dishonesty, fraud, or misrepresentation with the intent to  
9           substantially benefit the licensee or another person or  
10          with intent to substantially injure another person as  
11          defined by rule.

12          (6) Violating a provision or standard for the  
13          development or communication of real estate appraisals as  
14          provided in Section 10-10 of this Act or as defined by  
15          rule.

16          (7) Failing or refusing without good cause to exercise  
17          reasonable diligence in developing, reporting, or  
18          communicating an appraisal, as defined by this Act or by  
19          rule.

20          (8) Violating a provision of this Act or the rules  
21          adopted pursuant to this Act.

22          (9) Having been disciplined by another state, the  
23          District of Columbia, a territory, a foreign nation, a  
24          governmental agency, or any other entity authorized to  
25          impose discipline if at least one of the grounds for that  
26          discipline is the same as or the equivalent of one of the

1 grounds for which a licensee may be disciplined under this  
2 Act.

3 (10) Engaging in dishonorable, unethical, or  
4 unprofessional conduct of a character likely to deceive,  
5 defraud, or harm the public.

6 (11) Accepting an appraisal assignment when the  
7 employment itself is contingent upon the appraiser  
8 reporting a predetermined estimate, analysis, or opinion  
9 or when the fee to be paid is contingent upon the opinion,  
10 conclusion, or valuation reached or upon the consequences  
11 resulting from the appraisal assignment.

12 (12) Developing valuation conclusions based on the  
13 race, color, religion, sex, national origin, ancestry,  
14 age, marital status, family status, physical or mental  
15 disability, sexual orientation, pregnancy, order of  
16 protection status, military status, or unfavorable  
17 military discharge, as defined under the Illinois Human  
18 Rights Act, of the prospective or present owners or  
19 occupants of the area or property under appraisal.

20 (13) Violating the confidential nature of government  
21 records to which the licensee gained access through  
22 employment or engagement as an appraiser by a government  
23 agency.

24 (14) Being adjudicated liable in a civil proceeding on  
25 grounds of fraud, misrepresentation, or deceit. In a  
26 disciplinary proceeding based upon a finding of civil

1 liability, the appraiser shall be afforded an opportunity  
2 to present mitigating and extenuating circumstances, but  
3 may not collaterally attack the civil adjudication.

4 (15) Being adjudicated liable in a civil proceeding  
5 for violation of a state or federal fair housing law.

6 (16) Engaging in misleading or untruthful advertising  
7 or using a trade name or insignia of membership in a real  
8 estate appraisal or real estate organization of which the  
9 licensee is not a member.

10 (17) Failing to fully cooperate with a Department  
11 investigation by knowingly making a false statement,  
12 submitting false or misleading information, or refusing to  
13 provide complete information in response to written  
14 interrogatories or a written request for documentation  
15 within 30 days of the request.

16 (18) Failing to include within the certificate of  
17 appraisal for all written appraisal reports the  
18 appraiser's license number and licensure title. All  
19 appraisers providing significant contribution to the  
20 development and reporting of an appraisal must be  
21 disclosed in the appraisal report. It is a violation of  
22 this Act for an appraiser to sign a report, transmittal  
23 letter, or appraisal certification knowing that a person  
24 providing a significant contribution to the report has not  
25 been disclosed in the appraisal report.

26 (19) Violating the terms of a disciplinary order or

1 consent to administrative supervision order.

2 (20) Habitual or excessive use or addiction to  
3 alcohol, narcotics, stimulants, or any other chemical  
4 agent or drug that results in a licensee's inability to  
5 practice with reasonable judgment, skill, or safety.

6 (21) A physical or mental illness or disability which  
7 results in the inability to practice under this Act with  
8 reasonable judgment, skill, or safety.

9 (22) Gross negligence in developing an appraisal or in  
10 communicating an appraisal or failing to observe one or  
11 more of the Uniform Standards of Professional Appraisal  
12 Practice.

13 (23) A pattern of practice or other behavior that  
14 demonstrates incapacity or incompetence to practice under  
15 this Act.

16 (24) Using or attempting to use the seal, certificate,  
17 or license of another as one's own; falsely impersonating  
18 any duly licensed appraiser; using or attempting to use an  
19 inactive, expired, suspended, or revoked license; or  
20 aiding or abetting any of the foregoing.

21 (25) Solicitation of professional services by using  
22 false, misleading, or deceptive advertising.

23 (26) Making a material misstatement in furnishing  
24 information to the Department.

25 (27) Failure to furnish information to the Department  
26 upon written request.

1           (28) Engaging in discrimination as provided in Section  
2           10-25.

3           (b) The Department may reprimand suspend, revoke, or  
4 refuse to issue or renew an education provider's license, may  
5 reprimand, place on probation, or otherwise discipline an  
6 education provider and may suspend or revoke the course  
7 approval of any course offered by an education provider and  
8 may impose an administrative fine not to exceed \$25,000 upon  
9 an education provider, for any of the following:

10           (1) Procuring or attempting to procure licensure by  
11 knowingly making a false statement, submitting false  
12 information, engaging in any form of fraud or  
13 misrepresentation, or refusing to provide complete  
14 information in response to a question in an application  
15 for licensure.

16           (2) Failing to comply with the covenants certified to  
17 on the application for licensure as an education provider.

18           (3) Committing an act or omission involving  
19 dishonesty, fraud, or misrepresentation or allowing any  
20 such act or omission by any employee or contractor under  
21 the control of the provider.

22           (4) Engaging in misleading or untruthful advertising.

23           (5) Failing to retain competent instructors in  
24 accordance with rules adopted under this Act.

25           (6) Failing to meet the topic or time requirements for  
26 course approval as the provider of a qualifying curriculum

1 course or a continuing education course.

2 (7) Failing to administer an approved course using the  
3 course materials, syllabus, and examinations submitted as  
4 the basis of the course approval.

5 (8) Failing to provide an appropriate classroom  
6 environment for presentation of courses, with  
7 consideration for student comfort, acoustics, lighting,  
8 seating, workspace, and visual aid material.

9 (9) Failing to maintain student records in compliance  
10 with the rules adopted under this Act.

11 (10) Failing to provide a certificate, transcript, or  
12 other student record to the Department or to a student as  
13 may be required by rule.

14 (11) Failing to fully cooperate with an investigation  
15 by the Department by knowingly making a false statement,  
16 submitting false or misleading information, or refusing to  
17 provide complete information in response to written  
18 interrogatories or a written request for documentation  
19 within 30 days of the request.

20 (c) In appropriate cases, the Department may resolve a  
21 complaint against a licensee through the issuance of a Consent  
22 to Administrative Supervision order. A licensee subject to a  
23 Consent to Administrative Supervision order shall be  
24 considered by the Department as an active licensee in good  
25 standing. This order shall not be reported or considered by  
26 the Department to be a discipline of the licensee. The records

1 regarding an investigation and a Consent to Administrative  
2 Supervision order shall be considered confidential and shall  
3 not be released by the Department except as mandated by law. A  
4 complainant shall be notified if the complaint has been  
5 resolved by a Consent to Administrative Supervision order.

6 (Source: P.A. 102-20, eff. 1-1-22.)