



Rep. Jennifer Gong-Gershowitz

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LRB103 27772 LNS 59408 a

1 AMENDMENT TO HOUSE BILL 2261

2 AMENDMENT NO. _____. Amend House Bill 2261 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 3-101, 3-102, 3-102.10, 3-103, 3-104.1, and
6 3-106 as follows:

7 (775 ILCS 5/3-101) (from Ch. 68, par. 3-101)

8 Sec. 3-101. Definitions. The following definitions are
9 applicable strictly in the context of this Article:

10 (A) Real Property. "Real property" includes buildings,
11 structures, real estate, lands, tenements, leaseholds,
12 interests in real estate cooperatives, condominiums, and
13 hereditaments, corporeal and incorporeal, or any interest
14 therein.

15 (B) Real Estate Transaction. "Real estate transaction"
16 includes the sale, exchange, rental or lease of real property.

1 "Real estate transaction" also includes the brokering or
2 appraising of residential real property and the making or
3 purchasing of loans or providing other financial assistance:

4 (1) for purchasing, constructing, improving, repairing or
5 maintaining a dwelling; or

6 (2) secured by residential real estate.

7 (C) Housing Accommodations. "Housing accommodation"
8 includes any improved or unimproved real property, or part
9 thereof, which is used or occupied, or is intended, arranged
10 or designed to be used or occupied, as the home or residence of
11 one or more individuals.

12 (D) Real Estate Broker or Salesman. "Real estate broker or
13 salesman" means a person, whether licensed or not, who, for or
14 with the expectation of receiving a consideration, lists,
15 sells, purchases, exchanges, rents, or leases real property,
16 or who negotiates or attempts to negotiate any of these
17 activities, or who holds oneself ~~himself or herself~~ out as
18 engaged in these.

19 (E) Familial Status. "Familial status" means one or more
20 individuals (who have not attained the age of 18 years) being
21 domiciled with:

22 (1) a parent or person having legal custody of such
23 individual or individuals; or

24 (2) the designee of such parent or other person having
25 such custody, with the written permission of such parent or
26 other person.

1 The protections afforded by this Article against
2 discrimination on the basis of familial status apply to any
3 person who is pregnant or is in the process of securing legal
4 custody of any individual who has not attained the age of 18
5 years.

6 (F) Conciliation. "Conciliation" means the attempted
7 resolution of issues raised by a charge, or by the
8 investigation of such charge, through informal negotiations
9 involving the aggrieved party, the respondent and the
10 Department.

11 (G) Conciliation Agreement. "Conciliation agreement" means
12 a written agreement setting forth the resolution of the issues
13 in conciliation.

14 (H) Covered Multifamily Dwellings. As used in Section
15 3-102.1, "covered multifamily dwellings" means:

16 (1) buildings consisting of 4 or more units if such
17 buildings have one or more elevators; and

18 (2) ground floor units in other buildings consisting of 4
19 or more units.

20 (I) Immigration Status. "Immigration status" means a
21 person's actual or perceived citizenship or immigration
22 status.

23 (Source: P.A. 86-820; 86-910; 86-1028.)

24 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

25 Sec. 3-102. Civil rights violations; real estate

1 transactions and other prohibited acts. It is a civil rights
2 violation for an owner or any other person ~~engaging in a real~~
3 ~~estate transaction~~, or for a real estate broker or salesman,
4 because of unlawful discrimination, familial status,
5 immigration status, source of income, or an arrest record, as
6 defined under subsection (B-5) of Section 1-103, to:

7 (A) Transactions. ~~Transaction~~. Refuse to engage in a
8 real estate transaction ~~with a person~~ or otherwise make
9 unavailable or deny real property to discriminate in
10 making available such a transaction;

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

14 (C) Offers. ~~Offer~~. Refuse to receive or to fail to
15 transmit a bona fide offer ~~to engage~~ in a real estate
16 transaction from a person;

17 (D) Negotiation. Refuse to negotiate ~~for~~ a real estate
18 transaction with a person;

19 (E) Representations. Represent to a person that real
20 property is not available for inspection, sale, rental, or
21 lease when in fact it is so available, or to fail to bring
22 a property listing to the person's ~~his or her~~ attention,
23 or to refuse to permit the person ~~him or her~~ to inspect
24 real property;

25 (F) Publication of Intent. Make, print, circulate,
26 post, mail, publish or cause to be made, printed,

1 circulated, posted, mailed, or published any notice,
2 statement, advertisement or sign, or use a form of
3 application for a real estate transaction, or make a
4 record or inquiry in connection with a prospective real
5 estate transaction, that indicates any preference,
6 limitation, or discrimination based on unlawful
7 discrimination or unlawful discrimination based on
8 familial status, immigration status, source of income, or
9 an arrest record, or an intention to make any such
10 preference, limitation, or discrimination;

11 (G) Listings. Offer, solicit, accept, use or retain a
12 listing of real property with knowledge that unlawful
13 discrimination or discrimination on the basis of familial
14 status, immigration status, source of income, or an arrest
15 record in a real estate transaction is intended.

16 (Source: P.A. 101-565, eff. 1-1-20; 102-896, eff. 1-1-23.)

17 (775 ILCS 5/3-102.10)

18 Sec. 3-102.10. Third-party loan modification service
19 provider.

20 (A) It is a civil rights violation for a third-party loan
21 modification service provider, because of unlawful
22 discrimination, familial status, immigration status, source of
23 income, or an arrest record, to:

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

25 (2) alter the terms, conditions, or privileges of such

1 services; or

2 (3) discriminate in making such services available,
3 including, but not limited to, by making a statement,
4 advertisement, representation, inquiry, listing, offer, or
5 solicitation that indicates a preference or the intention
6 to make such a preference in making such services
7 available.

8 (B) For purposes of this Section, "third-party loan
9 modification service provider" means a person or entity,
10 whether licensed or not, who, for or with the expectation of
11 receiving consideration, provides assistance or services to a
12 loan borrower to obtain a modification to a term of an existing
13 real estate loan or to obtain foreclosure relief. "Third-party
14 loan modification service provider" does not include lenders,
15 brokers or appraisers of mortgage loans, or the servicers,
16 subsidiaries, affiliates, or agents of the lender.

17 (Source: P.A. 102-362, eff. 1-1-22.)

18 (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

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

21 (A) Solicitation. Solicit for sale, lease, listing or
22 purchase any residential real estate within this State, on
23 the grounds of loss of value due to the present or
24 prospective entry into the vicinity of the property
25 involved of any person or persons of any particular race,

1 color, religion, national origin, ancestry, age, sex,
2 sexual orientation, marital status, familial status,
3 immigration status, source of income, or disability.

4 (B) Statements. Distribute or cause to be distributed,
5 written material or statements designed to induce any
6 owner of residential real estate in this State to sell or
7 lease the owner's ~~his or her~~ property because of any
8 present or prospective changes in the race, color,
9 religion, national origin, ancestry, age, sex, sexual
10 orientation, marital status, familial status, immigration
11 status, source of income, or disability of residents in
12 the vicinity of the property involved.

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

25 (Source: P.A. 102-896, eff. 1-1-23.)

1 (775 ILCS 5/3-104.1) (from Ch. 68, par. 3-104.1)

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

5 (A) refuse to sell or rent after the making of a bona
6 fide ~~bonafide~~ offer, or to refuse to negotiate for the
7 sale or rental of, or otherwise make unavailable or deny
8 property to any blind or hearing impaired person or person
9 with a physical disability because the blind or hearing
10 impaired person or person with a physical disability ~~he~~
11 has a guide, hearing, l or support dog; or

12 (B) discriminate against any blind or hearing impaired
13 person or person with a physical disability in the terms,
14 conditions, or privileges of sale or rental property, or
15 in the provision of services or facilities in connection
16 therewith, because the blind or hearing impaired person or
17 person with a physical disability ~~he~~ has a guide, hearing, l
18 or support dog; or

19 (C) require, because a blind or hearing impaired
20 person or person with a physical disability has a guide,
21 hearing, l or support dog, an extra charge in a lease,
22 rental agreement, or contract of purchase or sale, other
23 than for actual damage done to the premises by the dog.

24 (Source: P.A. 99-143, eff. 7-27-15.)

25 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

1 Sec. 3-106. Exemptions. Nothing contained in Section 3-102
2 shall prohibit:

3 (A) Private Sales of Single Family Homes.

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

6 (a) The owner does not own or have a beneficial
7 interest in more than 3 ~~three~~ single family homes at
8 the time of the sale;

9 (b) The owner or a member of the owner's ~~his or her~~
10 family was the last current resident of the home;

11 (c) The home is sold without the use in any manner
12 of the sales or rental facilities or services of any
13 real estate broker or salesman, or of any employee or
14 agent of any real estate broker or salesman;

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

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

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

26 (C) Private Rooms. Rental of a room or rooms in a private

1 home by an owner if the owner ~~he or she~~ or a member of the
2 owner's ~~his or her~~ family resides therein or, while absent for
3 a period of not more than 12 ~~twelve~~ months, if the owner ~~he or~~
4 ~~she~~ or a member of the owner's ~~his or her~~ family intends to
5 return to reside therein. This exemption does not apply to
6 paragraph (F) of Section 3-102.

7 (D) Reasonable local, State, or Federal restrictions
8 regarding the maximum number of occupants permitted to occupy
9 a dwelling.

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

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

21 (G) Persons Convicted of Drug-Related Offenses. Conduct
22 against a person because such person has been convicted by any
23 court of competent jurisdiction of the illegal manufacture or
24 distribution of a controlled substance as defined in Section
25 102 of the federal Controlled Substances Act (21 U.S.C. 802).

26 (H) Persons engaged in the business of furnishing

1 appraisals of real property from taking into consideration
2 factors other than those based on unlawful discrimination or
3 familial status or source of income in furnishing appraisals.

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

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

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

13 (a) provided under any State or Federal program
14 that the Department determines is specifically
15 designed and operated to assist elderly persons (as
16 defined in the State or Federal program); or

17 (b) intended for, and solely occupied by, persons
18 62 years of age or older; or

19 (c) intended and operated for occupancy by persons
20 55 years of age or older and:

21 (i) at least 80% of the occupied units are
22 occupied by at least one person who is 55 years of
23 age or older;

24 (ii) the housing facility or community
25 publishes and adheres to policies and procedures
26 that demonstrate the intent required under this

1 subdivision (c); and

2 (iii) the housing facility or community
3 complies with rules adopted by the Department for
4 verification of occupancy, which shall:

5 (aa) provide for verification by reliable
6 surveys and affidavits; and

7 (bb) include examples of the types of
8 policies and procedures relevant to a
9 determination of compliance with the
10 requirement of clause (ii).

11 These surveys and affidavits shall be admissible in
12 administrative and judicial proceedings for the purposes
13 of such verification.

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

16 (a) persons residing in such housing as of the
17 effective date of this amendatory Act of 1989 who do
18 not meet the age requirements of subsections (1)(b) or
19 (c); provided, that new occupants of such housing meet
20 the age requirements of subsections (1)(b) or (c) of
21 this subsection; or

22 (b) unoccupied units; provided, that such units
23 are reserved for occupancy by persons who meet the age
24 requirements of subsections (1)(b) or (c) of this
25 subsection.

26 (3)(a) A person shall not be held personally liable

1 for monetary damages for a violation of this Article if
2 the person reasonably relied, in good faith, on the
3 application of the exemption under this subsection (I)
4 relating to housing for older persons.

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

8 (i) the person has no actual knowledge that the
9 facility or community is not, or will not be, eligible
10 for the exemption; and

11 (ii) the facility or community has stated
12 formally, in writing, that the facility or community
13 complies with the requirements for the exemption.

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

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

23 (L) Financial Institutions. A financial institution as
24 defined in Article 4 from considering source of income or
25 immigration status in a real estate transaction in compliance
26 with State or federal law.

1 (M) Immigration Status. Inquiry into or the use of
2 immigration status if the inquiry or use is otherwise required
3 by State or federal law.

4 (Source: P.A. 101-565, eff. 1-1-20; 102-896, eff. 1-1-23.)".