



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2261

Introduced 2/14/2023, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Human Rights Act. Provides that it is a civil rights violation, because of immigration status, to: refuse to engage in a real estate transaction or otherwise make unavailable or deny real property; alter the terms, conditions, or privileges of a real estate transaction; refuse to receive or fail to transmit a bona fide offer in a real estate transaction from a person; refuse to negotiate a real estate transaction with a person; represent to a person that real property is not available for inspection, sale, rental, or lease, fail to bring a property listing to a person's attention, or refuse to permit a person to inspect real property; make, print, circulate, post, mail, publish, or cause such actions, any notice, statement, advertisement, or sign, use a form of application for a real estate transaction, or make a record or inquiry in connection with a prospective real estate transaction that indicates any preference, limitation, or discrimination based on immigration status, or an intention to make such preference, limitation, or discrimination; offer, solicit, accept, use, or retain a listing of real property with knowledge that discrimination based on immigration status in a real estate transaction is intended; refuse to engage in loan modification services; alter the terms, conditions, or privileges of loan modification services; discriminate in making loan modification services available; solicit for sale, lease, listing, or purchase any residential real estate on the grounds of loss of value due to the present or prospective entry into the vicinity of the property involved of any person of any particular immigration status; distribute or cause to be distributed, written material or statements designed to induce any owner of residential real estate to sell or lease property because of any present or prospective changes in the immigration status of residents in the vicinity of the property involved; or intentionally create alarm by transmitting communications to induce any owner of residential real estate to sell or lease property because of any present or prospective entry into the vicinity of the property involved of any person of any particular immigration status. Provides that nothing prohibits inquiry into or the use of immigration status if the inquiry or use is otherwise required by federal law. Makes other changes.

LRB103 27772 LNS 54150 b

A BILL FOR

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 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.
17 "Real estate transaction" also includes the brokering or
18 appraising of residential real property and the making or
19 purchasing of loans or providing other financial assistance:

20 (1) for purchasing, constructing, improving, repairing or
21 maintaining a dwelling; or

22 (2) secured by residential real estate.

23 (C) Housing Accommodations. "Housing accommodation"

1 includes any improved or unimproved real property, or part
2 thereof, which is used or occupied, or is intended, arranged
3 or designed to be used or occupied, as the home or residence of
4 one or more individuals.

5 (D) Real Estate Broker or Salesman. "Real estate broker or
6 salesman" means a person, whether licensed or not, who, for or
7 with the expectation of receiving a consideration, lists,
8 sells, purchases, exchanges, rents, or leases real property,
9 or who negotiates or attempts to negotiate any of these
10 activities, or who holds oneself ~~himself or herself~~ out as
11 engaged in these.

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

15 (1) a parent or person having legal custody of such
16 individual or individuals; or

17 (2) the designee of such parent or other person having
18 such custody, with the written permission of such parent or
19 other person.

20 The protections afforded by this Article against
21 discrimination on the basis of familial status apply to any
22 person who is pregnant or is in the process of securing legal
23 custody of any individual who has not attained the age of 18
24 years.

25 (F) Conciliation. "Conciliation" means the attempted
26 resolution of issues raised by a charge, or by the

1 investigation of such charge, through informal negotiations
2 involving the aggrieved party, the respondent and the
3 Department.

4 (G) Conciliation Agreement. "Conciliation agreement" means
5 a written agreement setting forth the resolution of the issues
6 in conciliation.

7 (H) Covered Multifamily Dwellings. As used in Section
8 3-102.1, "covered multifamily dwellings" means:

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

11 (2) ground floor units in other buildings consisting of 4
12 or more units.

13 (I) Immigration Status. "Immigration status" means a
14 person's actual or perceived citizenship or immigration
15 status.

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

17 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

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

25 (A) Transactions. ~~Transaction~~. Refuse to engage in a

1 real estate transaction ~~with a person~~ or otherwise make
2 unavailable or deny real property to discriminate in
3 making 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) Offers. ~~Offer.~~ Refuse to receive or to fail to
8 transmit a bona fide offer ~~to engage~~ in a real estate
9 transaction 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 the person's ~~his or her~~ attention,
16 or to refuse to permit the person ~~him or her~~ to inspect
17 real property;

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

1 familial status, immigration status, source of income, or
2 an arrest record, or an intention to make any such
3 preference, limitation, or discrimination;

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

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

10 (775 ILCS 5/3-102.10)

11 Sec. 3-102.10. Third-party loan modification service
12 provider.

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

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

18 (2) alter the terms, conditions, or privileges of such
19 services; or

20 (3) discriminate in making such services available,
21 including, but not limited to, by making a statement,
22 advertisement, representation, inquiry, listing, offer, or
23 solicitation that indicates a preference or the intention
24 to make such a preference in making such services
25 available.

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

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

11 (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

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

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

22 (B) Statements. Distribute or cause to be distributed,
23 written material or statements designed to induce any
24 owner of residential real estate in this State to sell or
25 lease the owner's ~~his or her~~ property because of any

1 present or prospective changes in the race, color,
2 religion, national origin, ancestry, age, sex, sexual
3 orientation, marital status, familial status, immigration
4 status, source of income, or disability of residents in
5 the vicinity of the property involved.

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

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

19 (775 ILCS 5/3-104.1) (from Ch. 68, par. 3-104.1)

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

23 (A) refuse to sell or rent after the making of a bona
24 fide ~~bonafide~~ offer, or to refuse to negotiate for the
25 sale or rental of, or otherwise make unavailable or deny

1 property to any blind or hearing impaired person or person
2 with a physical disability because the blind or hearing
3 impaired person or person with a physical disability ~~he~~
4 has a guide, hearing, or support dog; or

5 (B) discriminate against any blind or hearing impaired
6 person or person with a physical disability in the terms,
7 conditions, or privileges of sale or rental property, or
8 in the provision of services or facilities in connection
9 therewith, because the blind or hearing impaired person or
10 person with a physical disability ~~he~~ has a guide, hearing,
11 or support dog; or

12 (C) require, because a blind or hearing impaired
13 person or person with a physical disability has a guide,
14 hearing, or support dog, an extra charge in a lease,
15 rental agreement, or contract of purchase or sale, other
16 than for actual damage done to the premises by the dog.

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

18 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

19 Sec. 3-106. Exemptions. Nothing contained in Section 3-102
20 shall prohibit:

21 (A) Private Sales of Single Family Homes.

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

24 (a) The owner does not own or have a beneficial
25 interest in more than 3 ~~three~~ single family homes at

1 the time of the sale;

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

4 (c) The home is sold without the use in any manner
5 of the sales or rental facilities or services of any
6 real estate broker or salesman, or of any employee or
7 agent of any real estate broker or salesman;

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

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

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

19 (C) Private Rooms. Rental of a room or rooms in a private
20 home by an owner if the owner ~~he or she~~ or a member of the
21 owner's ~~his or her~~ family resides therein or, while absent for
22 a period of not more than 12 ~~twelve~~ months, if the owner ~~he or~~
23 ~~she~~ or a member of the owner's ~~his or her~~ family intends to
24 return to reside therein. This exemption does not apply to
25 paragraph (F) of Section 3-102.

26 (D) Reasonable local, State, or Federal restrictions

1 regarding the maximum number of occupants permitted to occupy
2 a dwelling.

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

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

14 (G) Persons Convicted of Drug-Related Offenses. Conduct
15 against a person because such person has been convicted by any
16 court of competent jurisdiction of the illegal manufacture or
17 distribution of a controlled substance as defined in Section
18 102 of the federal Controlled Substances Act (21 U.S.C. 802).

19 (H) Persons engaged in the business of furnishing
20 appraisals of real property from taking into consideration
21 factors other than those based on unlawful discrimination or
22 familial status or source of income in furnishing appraisals.

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

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

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

6 (a) provided under any State or Federal program
7 that the Department determines is specifically
8 designed and operated to assist elderly persons (as
9 defined in the State or Federal program); or

10 (b) intended for, and solely occupied by, persons
11 62 years of age or older; or

12 (c) intended and operated for occupancy by persons
13 55 years of age or older and:

14 (i) at least 80% of the occupied units are
15 occupied by at least one person who is 55 years of
16 age or older;

17 (ii) the housing facility or community
18 publishes and adheres to policies and procedures
19 that demonstrate the intent required under this
20 subdivision (c); and

21 (iii) the housing facility or community
22 complies with rules adopted by the Department for
23 verification of occupancy, which shall:

24 (aa) provide for verification by reliable
25 surveys and affidavits; and

26 (bb) include examples of the types of

1 policies and procedures relevant to a
2 determination of compliance with the
3 requirement of clause (ii).

4 These surveys and affidavits shall be admissible in
5 administrative and judicial proceedings for the purposes
6 of such verification.

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

9 (a) persons residing in such housing as of the
10 effective date of this amendatory Act of 1989 who do
11 not meet the age requirements of subsections (1)(b) or
12 (c); provided, that new occupants of such housing meet
13 the age requirements of subsections (1)(b) or (c) of
14 this subsection; or

15 (b) unoccupied units; provided, that such units
16 are reserved for occupancy by persons who meet the age
17 requirements of subsections (1)(b) or (c) of this
18 subsection.

19 (3)(a) A person shall not be held personally liable
20 for monetary damages for a violation of this Article if
21 the person reasonably relied, in good faith, on the
22 application of the exemption under this subsection (I)
23 relating to housing for older persons.

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

1 (i) the person has no actual knowledge that the
2 facility or community is not, or will not be, eligible
3 for the exemption; and

4 (ii) the facility or community has stated
5 formally, in writing, that the facility or community
6 complies with the requirements for the exemption.

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

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

16 (L) Financial Institutions. A financial institution as
17 defined in Article 4 from considering source of income in a
18 real estate transaction in compliance with State or federal
19 law.

20 (M) Immigration Status. Inquiry into or the use of
21 immigration status if the inquiry or use is otherwise required
22 by federal law.

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

1 INDEX

2 Statutes amended in order of appearance

3	775 ILCS 5/3-101	from Ch. 68, par. 3-101
4	775 ILCS 5/3-102	from Ch. 68, par. 3-102
5	775 ILCS 5/3-102.10	
6	775 ILCS 5/3-103	from Ch. 68, par. 3-103
7	775 ILCS 5/3-104.1	from Ch. 68, par. 3-104.1
8	775 ILCS 5/3-106	from Ch. 68, par. 3-106