



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5525

Introduced 2/9/2024, by Rep. Lilian Jiménez

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102

from Ch. 68, par. 1-102

775 ILCS 5/1-103

from Ch. 68, par. 1-103

Amends the Illinois Human Rights Act. Provides that State policy is that access to housing is a fundamental human right in preventing discrimination based on familial status or source of income in real estate transactions. Defines "source of income". Provides that this definition prohibits a person engaged in a real estate transaction from requiring a credit check before approving another person in the process of renting real property or requiring a move-in fee in lieu of a security deposit or in addition to a security deposit.

LRB103 37596 JRC 67722 b

1 AN ACT concerning civil law.

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 and 1-103 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

7 (Text of Section before amendment by P.A. 103-472)

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; 102-896, eff. 1-1-23.)

8 (Text of Section after amendment by P.A. 103-472)

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

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

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

25 (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 because access to housing is a
11 fundamental human right.

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

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

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

1 past discrimination in the internal affairs of State
2 government and in their relations with the public.

3 (H) Unfounded Charges. To protect citizens of this State
4 against unfounded charges of prohibited discrimination in
5 employment, real estate transactions, financial credit, and
6 public accommodations, including in elementary, secondary, and
7 higher education.

8 (Source: P.A. 102-233, eff. 8-2-21; 102-896, eff. 1-1-23;
9 103-472, eff. 8-1-24.)

10 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

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

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

1 (2) a juvenile record; or

2 (3) criminal history record information ordered
3 expunged, sealed, or impounded under Section 5.2 of the
4 Criminal Identification Act.

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

8 (D) Civil rights violation. "Civil rights violation"
9 includes and shall be limited to only those specific acts set
10 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
11 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,
12 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

13 (E) Commission. "Commission" means the Human Rights
14 Commission created by this Act.

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

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

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

1 (H) Department. "Department" means the Department of Human
2 Rights created by this Act.

3 (I) Disability.

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

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

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

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

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

25 (e) For purposes of Article 5, also includes any
26 mental, psychological, or developmental disability,

1 including autism spectrum disorders.

2 (2) Discrimination based on disability includes unlawful
3 discrimination against an individual because of the
4 individual's association with a person with a disability.

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

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

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

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

1 (L) Person. "Person" includes one or more individuals,
2 partnerships, associations or organizations, labor
3 organizations, labor unions, joint apprenticeship committees,
4 or union labor associations, corporations, the State of
5 Illinois and its instrumentalities, political subdivisions,
6 units of local government, legal representatives, trustees in
7 bankruptcy or receivers.

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

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

14 (M-5) Race. "Race" includes traits associated with race,
15 including, but not limited to, hair texture and protective
16 hairstyles such as braids, locks, and twists.

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

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

23 (O-1) Sexual orientation. "Sexual orientation" means
24 actual or perceived heterosexuality, homosexuality,
25 bisexuality, or gender-related identity, whether or not
26 traditionally associated with the person's designated sex at

1 birth. "Sexual orientation" does not include a physical or
2 sexual attraction to a minor by an adult.

3 (O-5) Source of income. "Source of income" means the
4 lawful manner by which an individual supports himself or
5 herself and his or her dependents. This definition prohibits a
6 person engaged in a real estate transaction from requiring a
7 credit check before approving another person in the process of
8 renting real property or requiring a move-in fee in lieu of a
9 security deposit or in addition to a security deposit.

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

16 (Q) Unlawful discrimination. "Unlawful discrimination"
17 means discrimination against a person because of his or her
18 actual or perceived: race, color, religion, national origin,
19 ancestry, age, sex, marital status, order of protection
20 status, disability, military status, sexual orientation,
21 pregnancy, or unfavorable discharge from military service as
22 those terms are defined in this Section.

23 (Source: P.A. 102-362, eff. 1-1-22; 102-419, eff. 1-1-22;
24 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-896, eff.
25 1-1-23; 102-1102, eff. 1-1-23; 103-154, eff. 6-30-23.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.