



Sen. Rachel Ventura

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1 AMENDMENT TO SENATE BILL 664

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 664 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 3-102.10 and 3-106 and by adding Section  
6 3-102.2 as follows:

7 (775 ILCS 5/3-102.2 new)

8 Sec. 3-102.2. Civil rights violations; conviction record.

9 (A) It is a civil rights violation to inquire into a  
10 person's conviction record as defined under subsection (G-5)  
11 of Section 1-103 prior to making a conditional offer to sell,  
12 lease, or rent real property. As used in this Section,  
13 "conditional offer" means an offer to sell, lease, or rent  
14 real property contingent on conducting a criminal history  
15 check or criminal background check.

16 (B) Unless otherwise authorized by law, it is a civil

1 rights violation for an owner or any other person engaging in a  
2 real estate transaction, or for a real estate broker or  
3 salesman, because of conviction record, to:

4 (1) refuse to engage in a real estate transaction with  
5 a person or to discriminate in making available such a  
6 transaction;

7 (2) alter the terms, conditions, or privilege of a  
8 real estate transaction or in the furnishing of facilities  
9 or services in connection therewith;

10 (3) refuse to receive or to fail to transmit a bona  
11 fide offer to engage in a real estate transaction from a  
12 person;

13 (4) refuse to negotiate for a real estate transaction  
14 with a person;

15 (5) represent to a person that real property is not  
16 available for inspection, sale, rental, or lease when in  
17 fact it is so available, or to fail to bring a property  
18 listing to his or her attention, or to refuse to permit him  
19 or her to inspect real property;

20 (6) make, print, circulate, post, mail, publish, or  
21 cause to be made, printed, circulated, posted, mailed, or  
22 published any notice, statement, advertisement, or sign,  
23 or use a form of application for a real estate  
24 transaction, or make a record or inquiry in connection  
25 with a prospective real estate transaction, that indicates  
26 any preference or limitation, or an intention to make any

1 such preference, limitation, or discrimination; or

2 (7) offer, solicit, accept, use, or retain a listing  
3 of real property with knowledge that discrimination in a  
4 real estate transaction is intended.

5 (C) Nothing in this Article shall be construed to require  
6 an owner or any other person to conduct a criminal history  
7 check or criminal background check after making a conditional  
8 offer to sell, lease, or rent real property. Unless otherwise  
9 authorized by law, it is a civil rights violation to use a  
10 conviction record as a basis to rescind a conditional offer to  
11 sell, lease, or rent real property, unless:

12 (1) there is a substantial relationship between one or  
13 more of the previous criminal offenses and the offer made;

14 (2) the granting or continuation of the offer would  
15 involve an unreasonable risk to property or to the safety  
16 or welfare of specific individuals or the general public;  
17 or

18 (3) the use is otherwise authorized by law.

19 As used in this subsection, "substantial relationship"  
20 means a consideration of whether the conditional offer  
21 presents an opportunity for the same or a similar offense to  
22 occur and whether the circumstances leading to the conduct for  
23 which the person was convicted will recur as a result of the  
24 offer.

25 (D) In making a determination pursuant to subsection (C),  
26 an owner or any other person who elects to, or is otherwise

1 required to, consider a person's conviction record in  
2 connection with a conditional offer shall consider the  
3 following factors before making a preliminary decision that  
4 the conviction record is disqualifying:

5 (1) the nature and severity of the conduct underlying  
6 the conviction;

7 (2) whether the nature of the conviction presents a  
8 direct threat to the health or safety of other tenants or  
9 to the property;

10 (3) the terms of the sentence;

11 (4) the number of convictions on the person's record;

12 (5) the age of the person at the time of the  
13 conviction;

14 (6) the length of time since the conviction; and

15 (7) evidence of rehabilitation.

16 (E) If, after considering the factors in subsection (C),  
17 the owner or any other person making the conditional offer  
18 makes a preliminary decision that the conviction record is  
19 disqualifying, the owner or person making the conditional  
20 offer shall provide written notification to the disqualified  
21 person within 5 business days which shall contain the  
22 following:

23 (1) notice of the disqualifying conviction or  
24 convictions that are the basis of the preliminary decision  
25 and the reasons for the disqualification;

26 (2) a copy of the conviction record or other

1 information relied upon to make the preliminary decision  
2 to disqualify; and

3 (3) an explanation of the disqualified person's right  
4 to respond to the decision of the owner or any other person  
5 making the conditional offer before the preliminary  
6 decision becomes final. The explanation shall inform the  
7 disqualified person that the response may include, but is  
8 not limited to, submission of evidence challenging the  
9 accuracy of the conviction record that is the basis for  
10 the disqualification, or evidence of mitigation, such as  
11 rehabilitation.

12 (F) The disqualified person shall have at least 5 business  
13 days to respond to the notification as provided under  
14 subsection (D).

15 (G) The owner or person making the conditional offer shall  
16 consider information submitted by the disqualified person  
17 before making a final decision. If an owner or any other person  
18 making the conditional offer makes a final decision based on  
19 the disqualified person's conviction record, the owner or any  
20 other person making the conditional offer shall provide  
21 written notification to the disqualified person within 5  
22 business days which shall contain the following:

23 (1) notice of the disqualifying conviction or  
24 convictions that are the basis of the final decision and  
25 the reasons for the disqualification;

26 (2) any existing procedure the owner or any other

1 person making the conditional offer has for the  
2 disqualified person to challenge the decision or request  
3 reconsideration; and  
4 (3) the right to file a charge with the Department.

5 (775 ILCS 5/3-102.10)

6 Sec. 3-102.10. Third-party loan modification service  
7 provider.

8 (A) It is a civil rights violation for a third-party loan  
9 modification service provider, because of unlawful  
10 discrimination, familial status, ~~or~~ an arrest record, or a  
11 conviction record, to:

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

13 (2) alter the terms, conditions, or privileges of such  
14 services; or

15 (3) discriminate in making such services available,  
16 including, but not limited to, by making a statement,  
17 advertisement, representation, inquiry, listing, offer, or  
18 solicitation that indicates a preference or the intention  
19 to make such a preference in making such services  
20 available.

21 (B) For purposes of this Section, "third-party loan  
22 modification service provider" means a person or entity,  
23 whether licensed or not, who, for or with the expectation of  
24 receiving consideration, provides assistance or services to a  
25 loan borrower to obtain a modification to a term of an existing

1 real estate loan or to obtain foreclosure relief. "Third-party  
2 loan modification service provider" does not include lenders,  
3 brokers or appraisers of mortgage loans, or the servicers,  
4 subsidiaries, affiliates, or agents of the lender.

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

6 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

7 Sec. 3-106. Exemptions. Nothing contained in Sections  
8 ~~Section~~ 3-102 and 3-102.2 shall prohibit:

9 (A) Private Sales of Single Family Homes.

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

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

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

17 (c) The home is sold without the use in any manner  
18 of the sales or rental facilities or services of any  
19 real estate broker or salesman, or of any employee or  
20 agent of any real estate broker or salesman;

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

25 (2) This exemption does not apply to paragraph (F) of

1 Section 3-102.

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

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

12 (D) Reasonable local, State, or Federal restrictions  
13 regarding the maximum number of occupants permitted to occupy  
14 a dwelling.

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

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

26 (G) Persons Convicted of Drug-Related Offenses. Conduct



1 against a person because such person has been convicted by any  
2 court of competent jurisdiction of the illegal manufacture or  
3 distribution of a controlled substance as defined in Section  
4 102 of the federal Controlled Substances Act (21 U.S.C. 802).

5 (H) Persons engaged in the business of furnishing  
6 appraisals of real property from taking into consideration  
7 factors other than those based on unlawful discrimination or  
8 familial status or source of income in furnishing appraisals.

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

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

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

19 (a) provided under any State or Federal program  
20 that the Department determines is specifically  
21 designed and operated to assist elderly persons (as  
22 defined in the State or Federal program); or

23 (b) intended for, and solely occupied by, persons  
24 62 years of age or older; or

25 (c) intended and operated for occupancy by persons  
26 55 years of age or older and:

1           (i) at least 80% of the occupied units are  
2 occupied by at least one person who is 55 years of  
3 age or older;

4           (ii) the housing facility or community  
5 publishes and adheres to policies and procedures  
6 that demonstrate the intent required under this  
7 subdivision (c); and

8           (iii) the housing facility or community  
9 complies with rules adopted by the Department for  
10 verification of occupancy, which shall:

11           (aa) provide for verification by reliable  
12 surveys and affidavits; and

13           (bb) include examples of the types of  
14 policies and procedures relevant to a  
15 determination of compliance with the  
16 requirement of clause (ii).

17           These surveys and affidavits shall be admissible in  
18 administrative and judicial proceedings for the purposes  
19 of such verification.

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

22           (a) persons residing in such housing as of the  
23 effective date of this amendatory Act of 1989 who do  
24 not meet the age requirements of subsections (1)(b) or  
25 (c); provided, that new occupants of such housing meet  
26 the age requirements of subsections (1)(b) or (c) of

1           this subsection; or

2                   (b) unoccupied units; provided, that such units  
3           are reserved for occupancy by persons who meet the age  
4           requirements of subsections (1)(b) or (c) of this  
5           subsection.

6           (3)(a) A person shall not be held personally liable  
7           for monetary damages for a violation of this Article if  
8           the person reasonably relied, in good faith, on the  
9           application of the exemption under this subsection (I)  
10          relating to housing for older persons.

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

14                   (i) the person has no actual knowledge that the  
15           facility or community is not, or will not be, eligible  
16           for the exemption; and

17                   (ii) the facility or community has stated  
18           formally, in writing, that the facility or community  
19           complies with the requirements for the exemption.

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

25          (K) Arrest Records. Inquiry into or the use of an arrest  
26          record if the inquiry or use is otherwise authorized by State

1 or federal law.

2 (K-5) Conviction Record. Inquiry into or the use of a  
3 conviction record if the inquiry or use is otherwise  
4 authorized by State or federal law.

5 (K-10) Sex Offender Conviction Records. Use of a criminal  
6 conviction that results in a current sex offender registration  
7 requirement pursuant to the Sex Offender Registration Act, or  
8 similar law in another jurisdiction, or a current child sex  
9 offender residency restriction.

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

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