



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 2/6/2004, by Ira I. Silverstein

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-103

from Ch. 68, par. 1-103

775 ILCS 5/3-104.1

from Ch. 68, par. 3-104.1

Amends provisions of the Illinois Human Rights Act making it a civil rights violation for the owner or agent of any housing accommodation to: refuse to sell or rent property to a blind, hearing impaired, or physically handicapped person because he or she has a guide, hearing, or support dog; discriminate against such a person in the terms, conditions, or privileges of sale or rental property because the person has such a dog; or require, because such a person has such a dog, an extra charge in a lease, rental agreement, or contract of purchase or sale, other than for actual damage. Provides that the same prohibitions also apply with respect to a mentally handicapped person who has such a dog. Provides that conditions requiring the assistance of such a dog shall be medically documented upon request. Effective January 1, 2005.

LRB093 20456 WGH 46242 b

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 1-103 and 3-104.1 as follows:

6 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

7 Sec. 1-103. General Definitions. When used in this Act,  
8 unless the context requires otherwise, the term:

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

16 (B) Aggrieved Party. "Aggrieved party" means a person who  
17 is alleged or proved to have been injured by a civil rights  
18 violation or believes he or she will be injured by a civil  
19 rights violation under Article 3 that is about to occur.

20 (C) Charge. "Charge" means an allegation filed with the  
21 Department by an aggrieved party or initiated by the Department  
22 under its authority.

23 (D) Civil Rights Violation. "Civil rights violation"  
24 includes and shall be limited to only those specific acts set  
25 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,  
26 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this  
27 Act.

28 (E) Commission. "Commission" means the Human Rights  
29 Commission created by this Act.

30 (F) Complaint. "Complaint" means the formal pleading filed  
31 by the Department with the Commission following an  
32 investigation and finding of substantial evidence of a civil

1 rights violation.

2 (G) Complainant. "Complainant" means a person including  
3 the Department who files a charge of civil rights violation  
4 with the Department or the Commission.

5 (H) Department. "Department" means the Department of Human  
6 Rights created by this Act.

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

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

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

22 (3) For purposes of Article 4, is unrelated to a  
23 person's ability to repay;

24 (4) For purposes of Article 5, is unrelated to a  
25 person's ability to utilize and benefit from a place of  
26 public accommodation.

27 (J) Marital Status. "Marital status" means the legal status  
28 of being married, single, separated, divorced or widowed.

29 (J-1) Military Status. "Military status" means a person's  
30 status on active duty in the armed forces of the United States.

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

33 (L) Person. "Person" includes one or more individuals,  
34 partnerships, associations or organizations, labor  
35 organizations, labor unions, joint apprenticeship committees,  
36 or union labor associations, corporations, the State of

1 Illinois and its instrumentalities, political subdivisions,  
2 units of local government, legal representatives, trustees in  
3 bankruptcy or receivers.

4 (M) Public Contract. "Public contract" includes every  
5 contract to which the State, any of its political subdivisions  
6 or any municipal corporation is a party.

7 (N) Religion. "Religion" includes all aspects of religious  
8 observance and practice, as well as belief, except that with  
9 respect to employers, for the purposes of Article 2, "religion"  
10 has the meaning ascribed to it in paragraph (F) of Section  
11 2-101.

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

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

19 (Q) Unlawful Discrimination. "Unlawful discrimination"  
20 means discrimination against a person because of his or her  
21 race, color, religion, national origin, ancestry, age, sex,  
22 marital status, handicap, military status, or unfavorable  
23 discharge from military service as those terms are defined in  
24 this Section.

25 (Source: P.A. 88-178; 88-180; 88-670, eff. 12-2-94.)

26 (775 ILCS 5/3-104.1) (from Ch. 68, par. 3-104.1)

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

30 (A) refuse to sell or rent after the making of a bonafide  
31 offer, or to refuse to negotiate for the sale or rental of, or  
32 otherwise make unavailable or deny property to any blind,  
33 hearing impaired or mentally or physically handicapped person  
34 because he has a guide, hearing or support dog; or

35 (B) discriminate against any blind, hearing impaired or

1 mentally or physically handicapped person in the terms,  
2 conditions, or privileges of sale or rental property, or in the  
3 provision of services or facilities in connection therewith,  
4 because he has a guide, hearing or support dog; or

5 (C) require, because a blind, hearing impaired or mentally  
6 or physically handicapped person has a guide, hearing or  
7 support dog, an extra charge in a lease, rental agreement, or  
8 contract of purchase or sale, other than for actual damage done  
9 to the premises by the dog.

10 Conditions requiring the assistance of a guide, hearing, or  
11 support dog shall be medically documented upon request.

12 (Source: P.A. 83-93.)

13 Section 99. Effective date. This Act takes effect January  
14 1, 2005.