



1 93RD GENERAL ASSEMBLY
 2 FIRST CONFERENCE COMMITTEE REPORT
 3 ON SENATE BILL 3186

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6 To the President of the Senate and the Speaker of the House
 7 of Representatives:

8 We, the conference committee appointed to consider the
 9 differences between the houses in relation to House Amendment
 10 Nos. 1 and 2 to Senate Bill 3186, recommend the following:

11 (1) that the House recede from House Amendments Nos. 1 and
 12 2; and

13 (2) that Senate Bill 3186 be further amended by replacing
 14 everything after the enacting clause with the following:

15 "Section 5. The Illinois Human Rights Act is amended by
 16 changing Sections 1-102, 1-103, 3-103, and 3-106 and the
 17 heading of Article 1 and adding Section 1-101.1 as follows:

18 (775 ILCS 5/Art. 1 heading)

19 ARTICLE 1.

20 GENERAL PROVISIONS ~~TITLE, POLICY AND DEFINITIONS~~

21 (775 ILCS 5/1-101.1 new)

22 Sec. 1-101.1. Construction. Nothing in this Act shall be
 23 construed as requiring any employer, employment agency, or
 24 labor organization to give preferential treatment or special
 25 rights based on sexual orientation or to implement affirmative
 26 action policies or programs based on sexual orientation.

27 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

28 Sec. 1-102. Declaration of Policy. It is the public
 29 policy of this State:

1 (A) Freedom from Unlawful Discrimination. To secure for all
2 individuals within Illinois the freedom from discrimination
3 against any individual because of his or her race, color,
4 religion, sex, national origin, ancestry, age, marital status,
5 physical or mental handicap, military status, sexual
6 orientation, or unfavorable discharge from military service in
7 connection with employment, real estate transactions, access
8 to financial credit, and the availability of public
9 accommodations.

10 (B) Freedom from Sexual Harassment-Employment and Higher
11 Education. To prevent sexual harassment in employment and
12 sexual harassment in higher education.

13 (C) Freedom from Discrimination Based on Citizenship
14 Status-Employment. To prevent discrimination based on
15 citizenship status in employment.

16 (D) Freedom from Discrimination Based on Familial
17 Status-Real Estate Transactions. To prevent discrimination
18 based on familial status in real estate transactions.

19 (E) Public Health, Welfare and Safety. To promote the
20 public health, welfare and safety by protecting the interest of
21 all people in Illinois in maintaining personal dignity, in
22 realizing their full productive capacities, and in furthering
23 their interests, rights and privileges as citizens of this
24 State.

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

28 (G) Equal Opportunity, Affirmative Action. To establish
29 Equal Opportunity and Affirmative Action as the policies of
30 this State in all of its decisions, programs and activities,
31 and to assure that all State departments, boards, commissions
32 and instrumentalities rigorously take affirmative action to
33 provide equality of opportunity and eliminate the effects of
34 past discrimination in the internal affairs of State government

1 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 higher
5 education, and discrimination based on citizenship status in
6 employment.

7 (Source: P.A. 87-579; 88-178.)

8 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

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

25 (D) Civil Rights Violation. "Civil rights violation"
26 includes and shall be limited to only those specific acts set
27 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,
28 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
29 Act.

30 (E) Commission. "Commission" means the Human Rights
31 Commission created by this Act.

32 (F) Complaint. "Complaint" means the formal pleading filed
33 by the Department with the Commission following an

1 investigation and finding of substantial evidence of a civil
2 rights violation.

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

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

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

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

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

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

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

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

30 (J-1) Military Status. "Military status" means a person's
31 status on active duty in the armed forces of the United States,
32 status as a current member of any reserve component of the
33 armed forces of the United States, including the United States
34 Army Reserve, United States Marine Corps Reserve, United States

1 Navy Reserve, United States Air Force Reserve, and United
2 States Coast Guard Reserve, or status as a current member of
3 the Illinois Army National Guard or Illinois Air National
4 Guard.

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

7 (L) Person. "Person" includes one or more individuals,
8 partnerships, associations or organizations, labor
9 organizations, labor unions, joint apprenticeship committees,
10 or union labor associations, corporations, the State of
11 Illinois and its instrumentalities, political subdivisions,
12 units of local government, legal representatives, trustees in
13 bankruptcy or receivers.

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

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, "religion"
20 has the meaning ascribed to it in paragraph (F) of Section
21 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
27 birth. "Sexual orientation" does not include a physical or
28 sexual attraction to a minor by an adult.

29 (P) Unfavorable Military Discharge. "Unfavorable military
30 discharge" includes discharges from the Armed Forces of the
31 United States, their Reserve components or any National Guard
32 or Naval Militia which are classified as RE-3 or the equivalent
33 thereof, but does not include those characterized as RE-4 or
34 "Dishonorable".

1 (Q) Unlawful Discrimination. "Unlawful discrimination"
2 means discrimination against a person because of his or her
3 race, color, religion, national origin, ancestry, age, sex,
4 marital status, handicap, military status, sexual orientation,
5 or unfavorable discharge from military service as those terms
6 are defined in this Section.

7 (Source: P.A. 93-941, eff. 8-16-04.)

8 (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

9 Sec. 3-103. Blockbusting.➤ It is a civil rights violation
10 for any person to:

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

18 (B) Statements. Distribute or cause to be distributed,
19 written material or statements designed to induce any owner of
20 residential real estate in this State to sell or lease his or
21 her property because of any present or prospective changes in
22 the race, color, religion, national origin, ancestry, age, sex,
23 sexual orientation, marital status, familial status or
24 handicap of residents in the vicinity of the property involved.

25 (C) Creating Alarm. Intentionally create alarm, among
26 residents of any community, by transmitting communications in
27 any manner, including a telephone call whether or not
28 conversation thereby ensues, with a design to induce any owner
29 of residential real estate in this state to sell or lease his
30 or her property because of any present or prospective entry
31 into the vicinity of the property involved of any person or
32 persons of any particular race, color, religion, national
33 origin, ancestry, age, sex, sexual orientation, marital

1 status, familial status or handicap.

2 (Source: P.A. 86-910.)

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

4 Sec. 3-106. Exemptions.) Nothing contained in Section
5 3-102 shall prohibit:

6 (A) Private Sales of Single Family Homes. Any sale of a
7 single family home by its owner so long as the following
8 criteria are met:

9 (1) The owner does not own or have a beneficial
10 interest in more than three single family homes at the time
11 of the sale;

12 (2) The owner or a member of his or her family was the
13 last current resident of the home;

14 (3) The home is sold without the use in any manner of
15 the sales or rental facilities or services of any real
16 estate broker or salesman, or of any employee or agent of
17 any real estate broker or salesman;

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

21 (B) Apartments. Rental of a housing accommodation in a
22 building which contains housing accommodations for not more
23 than five families living independently of each other, if the
24 lessor or a member of his or her family resides in one of the
25 housing accommodations;

26 (C) Private Rooms. Rental of a room or rooms in a private
27 home by an owner if he or she or a member of his or her family
28 resides therein or, while absent for a period of not more than
29 twelve months, if he or she or a member of his or her family
30 intends to return to reside therein;

31 (D) Reasonable local, State, or Federal restrictions
32 regarding the maximum number of occupants permitted to occupy a
33 dwelling.

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

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

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

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

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

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

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

30 (a) provided under any State or Federal program
31 that the Department determines is specifically
32 designed and operated to assist elderly persons (as
33 defined in the State or Federal program); or

34 (b) intended for, and solely occupied by, persons

1 62 years of age or older; or

2 (c) intended and operated for occupancy by persons
3 55 years of age or older and:

4 (i) at least 80% of the occupied units are
5 occupied by at least one person who is 55 years of
6 age or older;

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

11 (iii) the housing facility or community
12 complies with rules adopted by the Department for
13 verification of occupancy, which shall:

14 (aa) provide for verification by reliable
15 surveys and affidavits; and

16 (bb) include examples of the types of
17 policies and procedures relevant to a
18 determination of compliance with the
19 requirement of clause (ii).

20 These surveys and affidavits shall be admissible in
21 administrative and judicial proceedings for the purposes of
22 such verification.

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

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

31 (b) unoccupied units; provided, that such units
32 are reserved for occupancy by persons who meet the age
33 requirements of subsections (1)(b) or (c) of this
34 subsection.

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

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

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

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

16 (Source: P.A. 89-520, eff. 7-18-96.)".

17 Submitted on November 17, 2004.

18 <u>Carol Ronen</u>	<u>Larry McKeon</u>
19 s/Senator Ronen	s/Representative McKeon
20 <u>John J. Cullerton</u>	<u>John A. Fritchey</u>
21 s/Senator Cullerton	s/Representative Fritchey
22 <u>Terry Link</u>	<u>Lou Lang</u>
23 s/Senator Link	Representative Lang
24 <u>Edward Petka</u>	<u>Mark H. Beaubien, Jr.</u>
25 Senator Petka	s/Representative Beaubien
26 <u>Peter J. Roskam</u>	<u>Bob Biggins</u>
27 Senator Roskam	Representative Biggins
28 Committee for the Senate	Committee for the House