

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 1-102, 1-103, 3-103, and 3-106 and the
6 heading of Article 1 and adding Section 1-101.1 as follows:

7 (775 ILCS 5/Art. 1 heading)

8 ARTICLE 1.

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

10 (775 ILCS 5/1-101.1 new)

11 Sec. 1-101.1. Construction. Nothing in this Act shall be
12 construed as requiring any employer, employment agency, or
13 labor organization to give preferential treatment or special
14 rights based on sexual orientation or to implement affirmative
15 action policies or programs based on sexual orientation.

16 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

19 (A) Freedom from Unlawful Discrimination. To secure for all
20 individuals within Illinois the freedom from discrimination
21 against any individual because of his or her race, color,
22 religion, sex, national origin, ancestry, age, marital status,
23 physical or mental handicap, military status, sexual
24 orientation, or unfavorable discharge from military service in
25 connection with employment, real estate transactions, access
26 to financial credit, and the availability of public
27 accommodations.

28 (B) Freedom from Sexual Harassment-Employment and Higher
29 Education. To prevent sexual harassment in employment and
30 sexual harassment in higher education.

1 (C) Freedom from Discrimination Based on Citizenship
2 Status-Employment. To prevent discrimination based on
3 citizenship status in employment.

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

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

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

16 (G) Equal Opportunity, Affirmative Action. To establish
17 Equal Opportunity and Affirmative Action as the policies of
18 this State in all of its decisions, programs and activities,
19 and to assure that all State departments, boards, commissions
20 and instrumentalities rigorously take affirmative action to
21 provide equality of opportunity and eliminate the effects of
22 past discrimination in the internal affairs of State government
23 and in their relations with the public.

24 (H) Unfounded Charges. To protect citizens of this State
25 against unfounded charges of unlawful discrimination, sexual
26 harassment in employment and sexual harassment in higher
27 education, and discrimination based on citizenship status in
28 employment.

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

30 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

33 (A) Age. "Age" means the chronological age of a person who
34 is at least 40 years old, except with regard to any practice
35 described in Section 2-102, insofar as that practice concerns

1 training or apprenticeship programs. In the case of training or
2 apprenticeship programs, for the purposes of Section 2-102,
3 "age" means the chronological age of a person who is 18 but not
4 yet 40 years old.

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

9 (C) Charge. "Charge" means an allegation filed with the
10 Department by an aggrieved party or initiated by the Department
11 under its authority.

12 (D) Civil Rights Violation. "Civil rights violation"
13 includes and shall be limited to only those specific acts set
14 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,
15 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
16 Act.

17 (E) Commission. "Commission" means the Human Rights
18 Commission created by this Act.

19 (F) Complaint. "Complaint" means the formal pleading filed
20 by the Department with the Commission following an
21 investigation and finding of substantial evidence of a civil
22 rights violation.

23 (G) Complainant. "Complainant" means a person including
24 the Department who files a charge of civil rights violation
25 with the Department or the Commission.

26 (H) Department. "Department" means the Department of Human
27 Rights created by this Act.

28 (I) Handicap. "Handicap" means a determinable physical or
29 mental characteristic of a person, including, but not limited
30 to, a determinable physical characteristic which necessitates
31 the person's use of a guide, hearing or support dog, the
32 history of such characteristic, or the perception of such
33 characteristic by the person complained against, which may
34 result from disease, injury, congenital condition of birth or
35 functional disorder and which characteristic:

36 (1) For purposes of Article 2 is unrelated to the

1 person's ability to perform the duties of a particular job
2 or position and, pursuant to Section 2-104 of this Act, a
3 person's illegal use of drugs or alcohol is not a handicap;

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

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

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

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

14 (J-1) Military Status. "Military status" means a person's
15 status on active duty in the armed forces of the United States,
16 status as a current member of any reserve component of the
17 armed forces of the United States, including the United States
18 Army Reserve, United States Marine Corps Reserve, United States
19 Navy Reserve, United States Air Force Reserve, and United
20 States Coast Guard Reserve, or status as a current member of
21 the Illinois Army National Guard or Illinois Air National
22 Guard.

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

25 (L) Person. "Person" includes one or more individuals,
26 partnerships, associations or organizations, labor
27 organizations, labor unions, joint apprenticeship committees,
28 or union labor associations, corporations, the State of
29 Illinois and its instrumentalities, political subdivisions,
30 units of local government, legal representatives, trustees in
31 bankruptcy or receivers.

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

35 (N) Religion. "Religion" includes all aspects of religious
36 observance and practice, as well as belief, except that with

1 respect to employers, for the purposes of Article 2, "religion"
2 has the meaning ascribed to it in paragraph (F) of Section
3 2-101.

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

5 (O-1) Sexual orientation. "Sexual orientation" means
6 actual or perceived heterosexuality, homosexuality,
7 bisexuality, or gender-related identity, whether or not
8 traditionally associated with the person's designated sex at
9 birth. "Sexual orientation" does not include a physical or
10 sexual attraction to a minor by an adult.

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

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

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

24 (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

25 Sec. 3-103. Blockbusting.† It is a civil rights violation
26 for any person to:

27 (A) Solicitation. Solicit for sale, lease, listing or
28 purchase any residential real estate within this State, on the
29 grounds of loss of value due to the present or prospective
30 entry into the vicinity of the property involved of any person
31 or persons of any particular race, color, religion, national
32 origin, ancestry, age, sex, sexual orientation, marital
33 status, familial status or handicap.

34 (B) Statements. Distribute or cause to be distributed,
35 written material or statements designed to induce any owner of

1 residential real estate in this State to sell or lease his or
2 her property because of any present or prospective changes in
3 the race, color, religion, national origin, ancestry, age, sex,
4 sexual orientation, marital status, familial status or
5 handicap of residents in the vicinity of the property involved.

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

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

17 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

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

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

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

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

28 (3) The home is sold without the use in any manner of
29 the sales or rental facilities or services of any real
30 estate broker or salesman, or of any employee or agent of
31 any real estate broker or salesman;

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

35 (B) Apartments. Rental of a housing accommodation in a

1 building which contains housing accommodations for not more
2 than five families living independently of each other, if the
3 lessor or a member of his or her family resides in one of the
4 housing accommodations;

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

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

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

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

24 (G) Persons Convicted of Drug-Related Offenses. Conduct
25 against a person because such person has been convicted by any
26 court of competent jurisdiction of the illegal manufacture or
27 distribution of a controlled substance as defined in Section
28 102 of the federal Controlled Substances Act (21 U.S.C. 802).

29 (H) Persons engaged in the business of furnishing
30 appraisals of real property from taking into consideration
31 factors other than those based on unlawful discrimination or
32 familial status in furnishing appraisals.

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

1 (I) Housing for Older Persons. No provision in this Article
2 regarding familial status shall apply with respect to housing
3 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
27 policies and procedures relevant to a
28 determination of compliance with the
29 requirement of clause (ii).

30 These surveys and affidavits shall be admissible in
31 administrative and judicial proceedings for the purposes of
32 such verification.

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

35 (a) persons residing in such housing as of the
36 effective date of this amendatory Act of 1989 who do

1 not meet the age requirements of subsections (1)(b) or
2 (c); provided, that new occupants of such housing meet
3 the age requirements of subsections (1)(b) or (c) of
4 this subsection; or

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

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

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

17 (i) the person has no actual knowledge that the
18 facility or community is not, or will not be,
19 eligible for the exemption; and

20 (ii) the facility or community has stated
21 formally, in writing, that the facility or
22 community complies with the requirements for the
23 exemption.

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