



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB3741

Introduced 2/24/2005, by Rep. Randall M. Hultgren, Shane Cultra, Chapin Rose, Art Tenhouse and Dave Winters

#### 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
775 ILCS 5/3-103	from Ch. 68, par. 3-103
775 ILCS 5/3-106	from Ch. 68, par. 3-106
775 ILCS 5/1-101.1 rep.	

Amends the Illinois Human Rights Act. Removes language added by Public Act 93-1078 providing that discrimination against a person because of sexual orientation constitutes unlawful discrimination and making it a civil rights violation to engage in blockbusting in real estate because of the present or prospective entry of persons with a particular sexual orientation into the vicinity.

LRB094 10195 WGH 40462 b

FISCAL NOTE ACT  
MAY APPLY

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 as follows:

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

7 (Text of Section before amendment by P.A. 93-1078)

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

10 (A) Freedom from Unlawful Discrimination. To secure for all  
11 individuals within Illinois the freedom from discrimination  
12 against any individual because of his or her race, color,  
13 religion, sex, national origin, ancestry, age, marital status,  
14 physical or mental handicap, military status, or unfavorable  
15 discharge from military service in connection with employment,  
16 real estate transactions, access to financial credit, and the  
17 availability of public accommodations.

18 (B) Freedom from Sexual Harassment-Employment and Higher  
19 Education. To prevent sexual harassment in employment and  
20 sexual harassment in higher education.

21 (C) Freedom from Discrimination Based on Citizenship  
22 Status-Employment. To prevent discrimination based on  
23 citizenship status in employment.

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

27 (E) Public Health, Welfare and Safety. To promote the  
28 public health, welfare and safety by protecting the interest of  
29 all people in Illinois in maintaining personal dignity, in  
30 realizing their full productive capacities, and in furthering  
31 their interests, rights and privileges as citizens of this  
32 State.

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

4 (G) Equal Opportunity, Affirmative Action. To establish  
5 Equal Opportunity and Affirmative Action as the policies of  
6 this State in all of its decisions, programs and activities,  
7 and to assure that all State departments, boards, commissions  
8 and instrumentalities rigorously take affirmative action to  
9 provide equality of opportunity and eliminate the effects of  
10 past discrimination in the internal affairs of State government  
11 and in their relations with the public.

12 (H) Unfounded Charges. To protect citizens of this State  
13 against unfounded charges of unlawful discrimination, sexual  
14 harassment in employment and sexual harassment in higher  
15 education, and discrimination based on citizenship status in  
16 employment.

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

18 (Text of Section after amendment by P.A. 93-1078)

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20 of this State:

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22 individuals within Illinois the freedom from discrimination  
23 against any individual because of his or her race, color,  
24 religion, sex, national origin, ancestry, age, marital status,  
25 physical or mental handicap, military status, ~~sexual~~  
26 ~~orientation~~, or unfavorable discharge from military service in  
27 connection with employment, real estate transactions, access  
28 to financial credit, and the availability of public  
29 accommodations.

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

33 (C) Freedom from Discrimination Based on Citizenship  
34 Status-Employment. To prevent discrimination based on  
35 citizenship status in employment.

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

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

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

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

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

26 (Source: P.A. 93-1078, eff. 1-1-06.)

27 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

28 (Text of Section before amendment by P.A. 93-1078)

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

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

1 "age" means the chronological age of a person who is 18 but not  
2 yet 40 years old.

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

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

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

15 (E) Commission. "Commission" means the Human Rights  
16 Commission created by this Act.

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

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

24 (H) Department. "Department" means the Department of Human  
25 Rights created by this Act.

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

34 (1) For purposes of Article 2 is unrelated to the  
35 person's ability to perform the duties of a particular job  
36 or position and, pursuant to Section 2-104 of this Act, a

1 person's illegal use of drugs or alcohol is not a handicap;

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

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

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

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

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

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

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

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

33 (N) Religion. "Religion" includes all aspects of religious  
34 observance and practice, as well as belief, except that with  
35 respect to employers, for the purposes of Article 2, "religion"  
36 has the meaning ascribed to it in paragraph (F) of Section

1 2-101.

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

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

9 (Q) Unlawful Discrimination. "Unlawful discrimination"  
10 means discrimination against a person because of his or her  
11 race, color, religion, national origin, ancestry, age, sex,  
12 marital status, handicap, military status, or unfavorable  
13 discharge from military service as those terms are defined in  
14 this Section.

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

16 (Text of Section after amendment by P.A. 93-1078)

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

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

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

30 (C) Charge. "Charge" means an allegation filed with the  
31 Department by an aggrieved party or initiated by the Department  
32 under its authority.

33 (D) Civil Rights Violation. "Civil rights violation"  
34 includes and shall be limited to only those specific acts set  
35 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,

1 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this  
2 Act.

3 (E) Commission. "Commission" means the Human Rights  
4 Commission created by this Act.

5 (F) Complaint. "Complaint" means the formal pleading filed  
6 by the Department with the Commission following an  
7 investigation and finding of substantial evidence of a civil  
8 rights violation.

9 (G) Complainant. "Complainant" means a person including  
10 the Department who files a charge of civil rights violation  
11 with the Department or the Commission.

12 (H) Department. "Department" means the Department of Human  
13 Rights created by this Act.

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

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

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

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

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

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

36 (J-1) Military Status. "Military status" means a person's



1 status on active duty in the armed forces of the United States,  
2 status as a current member of any reserve component of the  
3 armed forces of the United States, including the United States  
4 Army Reserve, United States Marine Corps Reserve, United States  
5 Navy Reserve, United States Air Force Reserve, and United  
6 States Coast Guard Reserve, or status as a current member of  
7 the Illinois Army National Guard or Illinois Air National  
8 Guard.

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

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

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

21 (N) Religion. "Religion" includes all aspects of religious  
22 observance and practice, as well as belief, except that with  
23 respect to employers, for the purposes of Article 2, "religion"  
24 has the meaning ascribed to it in paragraph (F) of Section  
25 2-101.

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

27 (O-1) (Blank). ~~Sexual orientation. "Sexual orientation"~~  
28 ~~means actual or perceived heterosexuality, homosexuality,~~  
29 ~~bisexuality, or gender related identity, whether or not~~  
30 ~~traditionally associated with the person's designated sex at~~  
31 ~~birth. "Sexual orientation" does not include a physical or~~  
32 ~~sexual attraction to a minor by an adult.~~

33 (P) Unfavorable Military Discharge. "Unfavorable military  
34 discharge" includes discharges from the Armed Forces of the  
35 United States, their Reserve components or any National Guard  
36 or Naval Militia which are classified as RE-3 or the equivalent

1       thereof, but does not include those characterized as RE-4 or  
2       "Dishonorable".

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

9       (Source: P.A. 93-941, eff. 8-16-04; 93-1078, eff. 1-1-06.)

10           (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

11           (Text of Section before amendment by P.A. 93-1078)

12           Sec. 3-103. Blockbusting.) It is a civil rights violation  
13       for any person to:

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

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

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

1 origin, ancestry, age, sex, marital status, familial status or  
2 handicap.

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

4 (Text of Section after amendment by P.A. 93-1078)

5 Sec. 3-103. Blockbusting. It is a civil rights violation  
6 for any person to:

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

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

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

31 (Source: P.A. 93-1078, eff. 1-1-06.)

32 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

33 (Text of Section before amendment by P.A. 93-1078)

34 Sec. 3-106. Exemptions.) Nothing contained in Section

1 3-102 shall prohibit:

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

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

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

10 (3) The home is sold without the use in any manner of  
11 the sales or rental facilities or services of any real  
12 estate broker or salesman, or of any employee or agent of  
13 any real estate broker or salesman;

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

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

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

27 (D) Reasonable local, State, or Federal restrictions  
28 regarding the maximum number of occupants permitted to occupy a  
29 dwelling.

30 (E) Religious Organizations. A religious organization,  
31 association, or society, or any nonprofit institution or  
32 organization operated, supervised or controlled by or in  
33 conjunction with a religious organization, association, or  
34 society, from limiting the sale, rental or occupancy of a  
35 dwelling which it owns or operates for other than a commercial  
36 purpose to persons of the same religion, or from giving

1 preference to such persons, unless membership in such religion  
2 is restricted on account of race, color, or national origin.

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

5 (G) Persons Convicted of Drug-Related Offenses. Conduct  
6 against a person because such person has been convicted by any  
7 court of competent jurisdiction of the illegal manufacture or  
8 distribution of a controlled substance as defined in Section  
9 102 of the federal Controlled Substances Act (21 U.S.C. 802).

10 (H) Persons engaged in the business of furnishing  
11 appraisals of real property from taking into consideration  
12 factors other than those based on unlawful discrimination or  
13 familial status in furnishing appraisals.

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

27 (i) at least 80% of the occupied units are  
28 occupied by at least one person who is 55 years of  
29 age or older;

30 (ii) the housing facility or community  
31 publishes and adheres to policies and procedures  
32 that demonstrate the intent required under this  
33 subdivision (c); and

34 (iii) the housing facility or community  
35 complies with rules adopted by the Department for  
36 verification of occupancy, which shall:

1 (aa) provide for verification by reliable  
2 surveys and affidavits; and

3 (bb) include examples of the types of  
4 policies and procedures relevant to a  
5 determination of compliance with the  
6 requirement of clause (ii).

7 These surveys and affidavits shall be admissible in  
8 administrative and judicial proceedings for the purposes  
9 of such verification.

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

12 (a) persons residing in such housing as of the  
13 effective date of this amendatory Act of 1989 who do  
14 not meet the age requirements of subsections (1)(b) or  
15 (c); provided, that new occupants of such housing meet  
16 the age requirements of subsections (1)(b) or (c) of  
17 this subsection; or

18 (b) unoccupied units; provided, that such units  
19 are reserved for occupancy by persons who meet the age  
20 requirements of subsections (1)(b) or (c) of this  
21 subsection.

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

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

30 (i) the person has no actual knowledge that the  
31 facility or community is not, or will not be,  
32 eligible for the exemption; and

33 (ii) the facility or community has stated  
34 formally, in writing, that the facility or  
35 community complies with the requirements for the  
36 exemption.

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

2 (Text of Section after amendment by P.A. 93-1078)

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

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

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

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

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

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

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

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

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

33 (E) Religious Organizations. A religious organization,  
34 association, or society, or any nonprofit institution or  
35 organization operated, supervised or controlled by or in

1 conjunction with a religious organization, association, or  
2 society, from limiting the sale, rental or occupancy of a  
3 dwelling which it owns or operates for other than a commercial  
4 purpose to persons of the same religion, or from giving  
5 preference to such persons, unless membership in such religion  
6 is restricted on account of race, color, or national origin.

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

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

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

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

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

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

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

31 (b) intended for, and solely occupied by, persons  
32 62 years of age or older; or

33 (c) intended and operated for occupancy by persons  
34 55 years of age or older and:

35 (i) at least 80% of the occupied units are  
36 occupied by at least one person who is 55 years of



1 age or older;

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

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

9 (aa) provide for verification by reliable  
10 surveys and affidavits; and

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

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

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

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

26 (b) unoccupied units; provided, that such units  
27 are reserved for occupancy by persons who meet the age  
28 requirements of subsections (1)(b) or (c) of this  
29 subsection.

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

35 (b) For the purposes of this item (3), a person may  
36 show good faith reliance on the application of the

1 exemption only by showing that:

2 (i) the person has no actual knowledge that the  
3 facility or community is not, or will not be,  
4 eligible for the exemption; and

5 (ii) the facility or community has stated  
6 formally, in writing, that the facility or  
7 community complies with the requirements for the  
8 exemption.

9 (Source: P.A. 93-1078, eff. 1-1-06.)

10 (775 ILCS 5/1-101.1 rep.)

11 Section 10. The Illinois Human Rights Act is amended by  
12 repealing Section 1-101.1.

13 Section 95. No acceleration or delay. Where this Act makes  
14 changes in a statute that is represented in this Act by text  
15 that is not yet or no longer in effect (for example, a Section  
16 represented by multiple versions), the use of that text does  
17 not accelerate or delay the taking effect of (i) the changes  
18 made by this Act or (ii) provisions derived from any other  
19 Public Act.