

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 3-102 and 3-106 as follows:

6 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

7 Sec. 3-102. Civil Rights Violations; Real Estate
8 Transactions_+}

9 (1) It is a civil rights violation for an owner or any
10 other person engaging in a real estate transaction, or for a
11 real estate broker or salesman, because of unlawful
12 discrimination or familial status, to

13 (A) Transaction. Refuse to engage in a real estate
14 transaction with a person or to discriminate in making
15 available such a transaction;

16 (B) Terms. Alter the terms, conditions or
17 privileges of a real estate transaction or in the
18 furnishing of facilities or services in connection
19 therewith;

20 (C) Offer. Refuse to receive or to fail to transmit
21 a bona fide offer to engage in a real estate transaction
22 from a person;

23 (D) Negotiation. Refuse to negotiate for a real
24 estate transaction with a person;

25 (E) Representations. Represent to a person that
26 real property is not available for inspection, sale,
27 rental, or lease when in fact it is so available, or to
28 fail to bring a property listing to his or her attention,
29 or to refuse to permit him or her to inspect real
30 property;

31 (F) Publication of Intent. Print, circulate, post,

1 mail, publish or cause to be so published a written or
2 oral statement, advertisement or sign, or to use a form
3 of application for a real estate transaction, or to make
4 a record or inquiry in connection with a prospective real
5 estate transaction, which expresses any limitation
6 founded upon, or indicates, directly or indirectly, an
7 intent to engage in unlawful discrimination;

8 (G) Listings. Offer, solicit, accept, use or
9 retain a listing of real property with knowledge that
10 unlawful discrimination or discrimination on the basis of
11 familial status in a real estate transaction is intended.

12 (2) It is a civil rights violation for the owner of any
13 housing accommodation or an agent or employee of the owner to
14 refuse to rent the housing accommodation to any person
15 because a majority of the person's income consists of child
16 support payments.

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

18 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

19 Sec. 3-106. Exemptions.) Nothing contained in Section
20 3-102 shall prohibit:

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

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

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

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

33 (4) The home is sold without the publication,

1 posting or mailing, after notice, of any advertisement or
2 written notice in violation of paragraph (1)(F) of
3 Section 3-102.

4 (B) Apartments. Rental of a housing accommodation in a
5 building which contains housing accommodations for not more
6 than five families living independently of each other, if the
7 lessor or a member of his or her family resides in one of the
8 housing accommodations;

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

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

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

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

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

1 (H) Persons engaged in the business of furnishing
2 appraisals of real property from taking into consideration
3 factors other than those based on unlawful discrimination or
4 familial status in furnishing appraisals.

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

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

10 (a) provided under any State or Federal
11 program that the Department determines is
12 specifically designed and operated to assist elderly
13 persons (as defined in the State or Federal
14 program); or

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

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

19 (i) at least 80% of the occupied units
20 are occupied by at least one person who is 55
21 years of age or older;

22 (ii) the housing facility or community
23 publishes and adheres to policies and
24 procedures that demonstrate the intent required
25 under this subdivision (c); and

26 (iii) the housing facility or community
27 complies with rules adopted by the Department
28 for verification of occupancy, which shall:

29 (aa) provide for verification by
30 reliable surveys and affidavits; and

31 (bb) include examples of the types
32 of policies and procedures relevant to a
33 determination of compliance with the
34 requirement of clause (ii).

1 These surveys and affidavits shall be admissible in
2 administrative and judicial proceedings for the purposes of
3 such verification.

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

6 (a) persons residing in such housing as of the
7 effective date of this amendatory Act of 1989 who do
8 not meet the age requirements of subsections (1)(b)
9 or (c); provided, that new occupants of such housing
10 meet the age requirements of subsections (1)(b) or
11 (c) of this subsection; or

12 (b) unoccupied units; provided, that such
13 units are reserved for occupancy by persons who meet
14 the age requirements of subsections (1)(b) or (c) of
15 this subsection.

16 (3) (a) A person shall not be held personally
17 liable for monetary damages for a violation of this
18 Article if the person reasonably relied, in good
19 faith, on the application of the exemption under
20 this subsection (I) relating to housing for older
21 persons.

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

25 (i) the person has no actual knowledge
26 that the facility or community is not, or will
27 not be, eligible for the exemption; and

28 (ii) the facility or community has stated
29 formally, in writing, that the facility or
30 community complies with the requirements for
31 the exemption.

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