



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1210

Introduced 1/30/2013, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

New Act

775 ILCS 5/1-102

from Ch. 68, par. 1-102

775 ILCS 5/1-103

from Ch. 68, par. 1-103

Creates the Bill of Rights for the Homeless Act. Sets forth certain rights of homeless persons. Provides that in any civil action alleging a violation of the Act, the court may award appropriate injunctive and declaratory relief, actual damages, and reasonable attorney's fees and costs to a prevailing plaintiff. Amends the Illinois Human Rights Act to make corresponding changes. Defines "housing status" as the status of having or not having a fixed or regular residence, including the status of living on the streets, in a shelter, or in a temporary residence.

LRB098 07470 HEP 37540 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to homeless persons.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Bill
5 of Rights for the Homeless Act.

6 Section 5. Legislative intent. It is the long-standing
7 policy of this State that no person should suffer unnecessarily
8 from cold or hunger, be deprived of shelter or the basic rights
9 incident to shelter, or be subject to unfair discrimination
10 based on his or her homeless status. At the present time, many
11 persons have been rendered homeless as a result of economic
12 hardship, a severe shortage of safe and affordable housing, and
13 a shrinking social safety net. It is the intent of this Act to
14 lessen the adverse effects and conditions caused by the lack of
15 residence or a home.

16 Section 10. Bill of Rights.

17 (a) No person's rights, privileges, or access to public
18 services may be denied or abridged solely because he or she is
19 homeless. Such a person shall be granted the same rights and
20 privileges as any other citizen of this State. A person
21 experiencing homelessness has the following rights:

22 (1) the right to use and move freely in public spaces,

1 including but not limited to public sidewalks, public
2 parks, public transportation, and public buildings, in the
3 same manner as any other person and without discrimination
4 on the basis of his or her housing status;

5 (2) the right to equal treatment by all State and
6 municipal agencies, without discrimination on the basis of
7 housing status;

8 (3) the right not to face discrimination while seeking
9 or maintaining employment due to his or her lack of
10 permanent mailing address, or his or her mailing address
11 being that of a shelter or social service provider;

12 (4) the right to emergency medical care free from
13 discrimination based on his or her housing status;

14 (5) the right to vote, register to vote, and receive
15 documentation necessary to prove identity for voting
16 without discrimination due to his or her housing status;

17 (6) the right to protection from disclosure of his or
18 her records and information provided to homeless shelters
19 and service providers to State, municipal, and private
20 entities without appropriate legal authority; and the
21 right to confidentiality of personal records and
22 information in accordance with all limitations on
23 disclosure established by the federal Homeless Management
24 Information Systems, the federal Health Insurance
25 Portability and Accountability Act, and the federal
26 Violence Against Women Act; and

1 (7) the right to a reasonable expectation of privacy in
2 his or her personal property to the same extent as personal
3 property in a permanent residence.

4 (b) As used in this Act, "housing status" has the same
5 meaning as that contained in Section 1-103 of the Illinois
6 Human Rights Act.

7 Section 15. Damages and attorney's fees. In any civil
8 action alleging a violation of this Act, the court may award
9 appropriate injunctive and declaratory relief, actual damages,
10 and reasonable attorney's fees and costs to a prevailing
11 plaintiff.

12 Section 90. The Illinois Human Rights Act is amended by
13 changing Sections 1-102 and 1-103 as follows:

14 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

17 (A) Freedom from Unlawful Discrimination. To secure for all
18 individuals within Illinois the freedom from discrimination
19 against any individual because of his or her race, color,
20 religion, sex, national origin, ancestry, age, order of
21 protection status, marital status, physical or mental
22 disability, housing status, military status, sexual
23 orientation, or unfavorable discharge from military service in

1 connection with employment, real estate transactions, access
2 to financial credit, and the availability of public
3 accommodations.

4 (B) Freedom from Sexual Harassment-Employment and
5 Elementary, Secondary, and Higher Education. To prevent sexual
6 harassment in employment and sexual harassment in elementary,
7 secondary, and higher education.

8 (C) Freedom from Discrimination Based on Citizenship
9 Status-Employment. To prevent discrimination based on
10 citizenship status in employment.

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

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

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

23 (G) Equal Opportunity, Affirmative Action. To establish
24 Equal Opportunity and Affirmative Action as the policies of
25 this State in all of its decisions, programs and activities,
26 and to assure that all State departments, boards, commissions

1 and instrumentalities rigorously take affirmative action to
2 provide equality of opportunity and eliminate the effects of
3 past discrimination in the internal affairs of State government
4 and in their relations with the public.

5 (H) Unfounded Charges. To protect citizens of this State
6 against unfounded charges of unlawful discrimination, sexual
7 harassment in employment and sexual harassment in elementary,
8 secondary, and higher education, and discrimination based on
9 citizenship status in employment.

10 (Source: P.A. 95-668, eff. 10-10-07; 96-447, eff. 1-1-10;
11 96-1319, eff. 7-27-10.)

12 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

1 (C) Charge. "Charge" means an allegation filed with the
2 Department by an aggrieved party or initiated by the Department
3 under its authority.

4 (D) Civil Rights Violation. "Civil rights violation"
5 includes and shall be limited to only those specific acts set
6 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
7 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
8 6-101, and 6-102 of this Act.

9 (E) Commission. "Commission" means the Human Rights
10 Commission created by this Act.

11 (F) Complaint. "Complaint" means the formal pleading filed
12 by the Department with the Commission following an
13 investigation and finding of substantial evidence of a civil
14 rights violation.

15 (G) Complainant. "Complainant" means a person including
16 the Department who files a charge of civil rights violation
17 with the Department or the Commission.

18 (H) Department. "Department" means the Department of Human
19 Rights created by this Act.

20 (I) Disability. "Disability" means a determinable physical
21 or mental characteristic of a person, including, but not
22 limited to, a determinable physical characteristic which
23 necessitates the person's use of a guide, hearing or support
24 dog, the history of such characteristic, or the perception of
25 such characteristic by the person complained against, which may
26 result from disease, injury, congenital condition of birth or

1 functional disorder and which characteristic:

2 (1) For purposes of Article 2 is unrelated to the
3 person's ability to perform the duties of a particular job
4 or position and, pursuant to Section 2-104 of this Act, a
5 person's illegal use of drugs or alcohol is not a
6 disability;

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

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

12 (4) For purposes of Article 5, is unrelated to a
13 person's ability to utilize and benefit from a place of
14 public accommodation;

15 (5) For purposes of Article 5, also includes any
16 mental, psychological, or developmental disability,
17 including autism spectrum disorders.

18 (I-5) Housing status. "Housing status" means the status of
19 having or not having a fixed or regular residence, including
20 the status of living on the streets, in a shelter, or in a
21 temporary residence.

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

24 (J-1) Military Status. "Military status" means a person's
25 status on active duty in or status as a veteran of the armed
26 forces of the United States, status as a current member or

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

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

9 (K-5) "Order of protection status" means a person's status
10 as being a person protected under an order of protection issued
11 pursuant to the Illinois Domestic Violence Act of 1986 or an
12 order of protection issued by a court of another state.

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

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

23 (N) Religion. "Religion" includes all aspects of religious
24 observance and practice, as well as belief, except that with
25 respect to employers, for the purposes of Article 2, "religion"
26 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 (O-1) Sexual orientation. "Sexual orientation" means
4 actual or perceived heterosexuality, homosexuality,
5 bisexuality, or gender-related identity, whether or not
6 traditionally associated with the person's designated sex at
7 birth. "Sexual orientation" does not include a physical or
8 sexual attraction to a minor by an adult.

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

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

22 (Source: P.A. 96-328, eff. 8-11-09; 96-447, eff. 1-1-10;
23 97-410, eff. 1-1-12; 97-813, eff. 7-13-12.)