

1 AN ACT to amend the Illinois Human Rights Act by changing
2 Sections 1-102, 1-103, 3-103, and 3-106 and the heading of
3 Article 1 and adding Section 1-101.1.

4 Be it enacted by the People of the State of Illinois,
5 represented in the General Assembly:

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

9 (775 ILCS 5/Art. 1 heading)

10 ARTICLE 1. GENERAL PROVISIONS ~~TITLE 7 - POLICY AND DEFINITIONS~~

11 (775 ILCS 5/1-101.1 new)

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

18 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

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

1 (B) Freedom from Sexual Harassment-Employment and Higher
2 Education. To prevent sexual harassment in employment and
3 sexual harassment in higher education.

4 (C) Freedom from Discrimination Based on Citizenship
5 Status-Employment. To prevent discrimination based on
6 citizenship status in employment.

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

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

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

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

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

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

33 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

3 (A) Age. "Age" means the chronological age of a person
4 who is at least 40 years old, except with regard to any
5 practice described in Section 2-102, insofar as that practice
6 concerns training or apprenticeship programs. In the case of
7 training or apprenticeship programs, for the purposes of
8 Section 2-102, "age" means the chronological age of a person
9 who is 18 but not yet 40 years old.

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

15 (C) Charge. "Charge" means an allegation filed with the
16 Department by an aggrieved party or initiated by the
17 Department under its authority.

18 (D) Civil Rights Violation. "Civil rights violation"
19 includes and shall be limited to only those specific acts set
20 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,
21 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
22 Act.

23 (E) Commission. "Commission" means the Human Rights
24 Commission created by this Act.

25 (F) Complaint. "Complaint" means the formal pleading
26 filed by the Department with the Commission following an
27 investigation and finding of substantial evidence of a civil
28 rights violation.

29 (G) Complainant. "Complainant" means a person including
30 the Department who files a charge of civil rights violation
31 with the Department or the Commission.

32 (H) Department. "Department" means the Department of
33 Human Rights created by this Act.

34 (I) Handicap. "Handicap" means a determinable physical

1 or mental characteristic of a person, including, but not
2 limited to, a determinable physical characteristic which
3 necessitates the person's use of a guide, hearing or support
4 dog, the history of such characteristic, or the perception of
5 such characteristic by the person complained against, which
6 may result from disease, injury, congenital condition of
7 birth or functional disorder and which characteristic:

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

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

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

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

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

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

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

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

1 bankruptcy or receivers.

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

5 (N) Religion. "Religion" includes all aspects of
6 religious observance and practice, as well as belief, except
7 that with respect to employers, for the purposes of Article
8 2, "religion" has the meaning ascribed to it in paragraph (F)
9 of Section 2-101.

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

11 (O-1) Sexual orientation. "Sexual orientation" means
12 having or being perceived as having an emotional, physical,
13 or sexual attraction to another person without regard to the
14 sex of that person or having or being perceived as having an
15 orientation for such attraction, or having or being perceived
16 as having a self-image or identity not traditionally
17 associated with one's biological maleness or femaleness.
18 "Sexual orientation" does not include a physical or sexual
19 attraction to a minor by an adult.

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

26 (Q) Unlawful Discrimination. "Unlawful discrimination"
27 means discrimination against a person because of his or her
28 race, color, religion, national origin, ancestry, age, sex,
29 marital status, handicap, military status, sexual
30 orientation, or unfavorable discharge from military service
31 as those terms are defined in this Section.

32 (Source: P.A. 88-178; 88-180; 88-670, eff. 12-2-94.)

33 (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

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

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

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

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

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

29 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

30 Sec. 3-106. Exemptions.) Nothing contained in Section
31 3-102 shall prohibit:

32 (A) Private Sales of Single Family Homes. Any sale of a
33 single family home by its owner so long as the following

1 criteria are met:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (i) at least 80% of the occupied units

1 are occupied by at least one person who is 55
2 years of age or older;

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

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

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

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

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

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

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

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

31 (3) (a) A person shall not be held personally
32 liable for monetary damages for a violation of this
33 Article if the person reasonably relied, in good
34 faith, on the application of the exemption under

1 this subsection (I) relating to housing for older
2 persons.

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

6 (i) the person has no actual knowledge
7 that the facility or community is not, or will
8 not be, eligible for the exemption; and

9 (ii) the facility or community has stated
10 formally, in writing, that the facility or
11 community complies with the requirements for
12 the exemption.

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