

1 AN ACT concerning civil law.

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 Section 1-103 and by adding Section 3-104.2 as
6 follows:

7 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

8 Sec. 1-103. General definitions. When used in this Act,
9 unless the context requires otherwise, the term:

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

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

21 (B-5) Arrest record. "Arrest record" means:

22 (1) an arrest not leading to a conviction;

23 (2) a juvenile record; or

1 (3) criminal history record information ordered
2 expunged, sealed, or impounded under Section 5.2 of the
3 Criminal Identification Act.

4 (C) Charge. "Charge" means an allegation filed with the
5 Department by an aggrieved party or initiated by the
6 Department under its authority.

7 (D) Civil rights violation. "Civil rights violation"
8 includes and shall be limited to only those specific acts set
9 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
10 3-102.10, 3-104.1, 3-104.2, 3-105, 3-105.1, 4-102, 4-103,
11 5-102, 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

12 (E) Commission. "Commission" means the Human Rights
13 Commission created by this Act.

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

18 (G) Complainant. "Complainant" means a person including
19 the Department who files a charge of civil rights violation
20 with the Department or the Commission.

21 (G-5) Conviction record. "Conviction record" means
22 information indicating that a person has been convicted of a
23 felony, misdemeanor or other criminal offense, placed on
24 probation, fined, imprisoned, or paroled pursuant to any law
25 enforcement or military authority.

26 (H) Department. "Department" means the Department of Human

1 Rights created by this Act.

2 (I) Disability.

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

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

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

19 (c) For purposes of Article 4, is unrelated to a
20 person's ability to repay;

21 (d) For purposes of Article 5, is unrelated to a
22 person's ability to utilize and benefit from a place of
23 public accommodation;

24 (e) For purposes of Article 5, also includes any
25 mental, psychological, or developmental disability,
26 including autism spectrum disorders.

1 (2) Discrimination based on disability includes unlawful
2 discrimination against an individual because of the
3 individual's association with a person with a disability.

4 (J) Marital status. "Marital status" means the legal
5 status of being married, single, separated, divorced, or
6 widowed.

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

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

19 (K-5) "Order of protection status" means a person's status
20 as being a person protected under an order of protection
21 issued pursuant to the Illinois Domestic Violence Act of 1986,
22 Article 112A of the Code of Criminal Procedure of 1963, the
23 Stalking No Contact Order Act, or the Civil No Contact Order
24 Act, or an order of protection issued by a court of another
25 state.

26 (L) Person. "Person" includes one or more individuals,

1 partnerships, associations or organizations, labor
2 organizations, labor unions, joint apprenticeship committees,
3 or union labor associations, corporations, the State of
4 Illinois and its instrumentalities, political subdivisions,
5 units of local government, legal representatives, trustees in
6 bankruptcy or receivers.

7 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
8 or medical or common conditions related to pregnancy or
9 childbirth.

10 (M) Public contract. "Public contract" includes every
11 contract to which the State, any of its political
12 subdivisions, or any municipal corporation is a party.

13 (M-5) Race. "Race" includes traits associated with race,
14 including, but not limited to, hair texture and protective
15 hairstyles such as braids, locks, and twists.

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

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

22 (O-1) Sexual orientation. "Sexual orientation" means
23 actual or perceived heterosexuality, homosexuality,
24 bisexuality, or gender-related identity, whether or not
25 traditionally associated with the person's designated sex at
26 birth. "Sexual orientation" does not include a physical or

1 sexual attraction to a minor by an adult.

2 (O-2) Reproductive Health Decisions. "Reproductive Health
3 Decisions" means a person's decisions regarding the person's
4 use of: contraception; fertility or sterilization care;
5 assisted reproductive technologies; miscarriage management
6 care; healthcare related to the continuation or termination of
7 pregnancy; or prenatal, intranatal, or postnatal care.

8 (O-5) Source of income. "Source of income" means the
9 lawful manner by which an individual supports himself or
10 herself and his or her dependents.

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
15 equivalent thereof, but does not include those characterized
16 as RE-4 or "Dishonorable".

17 (Q) Unlawful discrimination. "Unlawful discrimination"
18 means discrimination against a person because of his or her
19 actual or perceived: race, color, religion, national origin,
20 ancestry, age, sex, marital status, order of protection
21 status, disability, military status, sexual orientation,
22 pregnancy, reproductive health decisions, or unfavorable
23 discharge from military service as those terms are defined in
24 this Section.

25 (Source: P.A. 102-362, eff. 1-1-22; 102-419, eff. 1-1-22;
26 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-896, eff.

1 1-1-23; 102-1102, eff. 1-1-23; 103-154, eff. 6-30-23; 103-785,
2 eff. 1-1-25.)

3 (775 ILCS 5/3-104.2 new)

4 Sec. 3-104.2. Credit history and subsidies.

5 (a) As used in this Section, "housing subsidy" means, but
6 is not limited to, housing choice vouchers, permanent
7 supportive housing program placements, or rapid rehousing
8 subsidies.

9 (b) If there is a housing subsidy involved in the process
10 of securing rental housing, it is a civil rights violation for
11 an owner or any other person, or for a real estate broker or
12 salesman, to:

13 (1) use a financial or income standard in assessing
14 eligibility for the rental of housing that is not based on
15 the portion of the rent to be paid by the tenant; or

16 (2) use a person's credit history as part of the
17 application process for a rental accommodation or deny an
18 applicant based on credit score or credit history, without
19 offering the applicant the option, at the applicant's
20 discretion, of providing lawful, verifiable alternative
21 evidence of the applicant's reasonable ability to pay the
22 portion of the rent to be paid by the tenant, including,
23 but not limited to, bank statements, pay stubs, rental
24 history, or benefit statements.

25 (c) If the applicant elects to provide lawful, verifiable

1 alternative evidence of the applicant's reasonable ability to
2 pay under subsection (b), the housing provider must do both of
3 the following:

4 (1) provide the applicant reasonable time to respond
5 with that alternative evidence; and

6 (2) reasonably consider that alternative evidence in
7 lieu of the person's credit score or credit history in
8 determining whether to offer the rental accommodation to
9 the applicant.

10 (d) The Department shall adopt any rules necessary for the
11 implementation and enforcement of this Section, including, but
12 not limited to, rules on the circumstances and conditions
13 under which use of credit scores or history to deny a rental
14 application to a person with a housing subsidy may constitute
15 a civil rights violation under this Section.