



Rep. Kevin John Olickal

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10400HB5394ham002

LRB104 20008 JRC 36684 a

1 AMENDMENT TO HOUSE BILL 5394

2 AMENDMENT NO. _____. Amend House Bill 5394, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Human Rights Act is amended by
6 changing Section 1-103 and by adding Section 3-104.2 as
7 follows:

8 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

1 yet 40 years old.

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

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

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

8 (2) a juvenile record; or

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

12 (C) Charge. "Charge" means an allegation filed with the
13 Department by an aggrieved party or initiated by the
14 Department under its authority.

15 (D) Civil rights violation. "Civil rights violation"
16 includes and shall be limited to only those specific acts set
17 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
18 3-102.10, 3-104.1, 3-104.2, 3-105, 3-105.1, 4-102, 4-103,
19 5-102, 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

20 (E) Commission. "Commission" means the Human Rights
21 Commission created by this Act.

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

26 (G) Complainant. "Complainant" means a person including

1 the Department who files a charge of civil rights violation
2 with the Department or the Commission.

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

8 (H) Department. "Department" means the Department of Human
9 Rights created by this Act.

10 (I) Disability.

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

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

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

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

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

6 (e) For purposes of Article 5, also includes any
7 mental, psychological, or developmental disability,
8 including autism spectrum disorders.

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

12 (J) Marital status. "Marital status" means the legal
13 status of being married, single, separated, divorced, or
14 widowed.

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

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

1 (K-5) "Order of protection status" means a person's status
2 as being a person protected under an order of protection
3 issued pursuant to the Illinois Domestic Violence Act of 1986,
4 Article 112A of the Code of Criminal Procedure of 1963, the
5 Stalking No Contact Order Act, or the Civil No Contact Order
6 Act, or an order of protection issued by a court of another
7 state.

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

15 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
16 or medical or common conditions related to pregnancy or
17 childbirth.

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

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

24 (N) Religion. "Religion" includes all aspects of religious
25 observance and practice, as well as belief, except that with
26 respect to employers, for the purposes of Article 2,

1 "religion" has the meaning ascribed to it in paragraph (F) of
2 Section 2-101.

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

4 (O-1) Sexual orientation. "Sexual orientation" means
5 actual or perceived heterosexuality, homosexuality,
6 bisexuality, or gender-related identity, whether or not
7 traditionally associated with the person's designated sex at
8 birth. "Sexual orientation" does not include a physical or
9 sexual attraction to a minor by an adult.

10 (O-2) Reproductive Health Decisions. "Reproductive Health
11 Decisions" means a person's decisions regarding the person's
12 use of: contraception; fertility or sterilization care;
13 assisted reproductive technologies; miscarriage management
14 care; healthcare related to the continuation or termination of
15 pregnancy; or prenatal, intranatal, or postnatal care.

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

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

25 (Q) Unlawful discrimination. "Unlawful discrimination"
26 means discrimination against a person because of his or her

1 actual or perceived: race, color, religion, national origin,
2 ancestry, age, sex, marital status, order of protection
3 status, disability, military status, sexual orientation,
4 pregnancy, reproductive health decisions, or unfavorable
5 discharge from military service as those terms are defined in
6 this Section.

7 (Source: P.A. 102-362, eff. 1-1-22; 102-419, eff. 1-1-22;
8 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-896, eff.
9 1-1-23; 102-1102, eff. 1-1-23; 103-154, eff. 6-30-23; 103-785,
10 eff. 1-1-25.)

11 (775 ILCS 5/3-104.2 new)

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

13 (a) As used in this Section, "housing subsidy" means, but
14 is not limited to, housing choice vouchers, permanent
15 supportive housing program placements, or rapid rehousing
16 subsidies.

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

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

24 (2) use a person's credit history as part of the
25 application process for a rental accommodation or deny an

1 applicant based on credit score or credit history, without
2 offering the applicant the option, at the applicant's
3 discretion, of providing lawful, verifiable alternative
4 evidence of the applicant's reasonable ability to pay the
5 portion of the rent to be paid by the tenant, including,
6 but not limited to, bank statements, pay stubs, rental
7 history, or benefit statements.

8 (c) If the applicant elects to provide lawful, verifiable
9 alternative evidence of the applicant's reasonable ability to
10 pay under subsection (b), the housing provider must do both of
11 the following:

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

14 (2) reasonably consider that alternative evidence in
15 lieu of the person's credit score or credit history in
16 determining whether to offer the rental accommodation to
17 the applicant.

18 (d) The Department shall adopt any rules necessary for the
19 implementation and enforcement of this Section, including, but
20 not limited to, rules on the circumstances and conditions
21 under which use of credit scores or history to deny a rental
22 application to a person with a housing subsidy may constitute
23 a civil rights violation under this Section."