



Sen. Graciela Guzmán

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LRB104 18900 JRC 36942 a

1 AMENDMENT TO SENATE BILL 3461

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3461 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Human Rights Act is amended by  
5 changing Sections 3-101 and 3-102 as follows:

6 (775 ILCS 5/3-101) (from Ch. 68, par. 3-101)

7 Sec. 3-101. Definitions. The following definitions are  
8 applicable strictly in the context of this Article:

9 (A) Real Property. "Real property" includes buildings,  
10 structures, real estate, lands, tenements, leaseholds,  
11 interests in real estate cooperatives, condominiums, and  
12 hereditaments, corporeal and incorporeal, or any interest  
13 therein.

14 (B) Real Estate Transaction. "Real estate transaction"  
15 includes the sale, exchange, rental or lease of real property,  
16 or any act that otherwise makes available such a transaction

1 or alters a person's rights to real property. "Real estate  
2 transaction" also includes the brokering or appraising of  
3 residential real property and the making or purchasing of  
4 loans or providing other financial assistance:

5 (1) for purchasing, constructing, improving, repairing  
6 or maintaining a dwelling; or

7 (2) secured by residential real estate.

8 (C) Housing Accommodations. "Housing accommodation"  
9 includes any improved or unimproved real property, or part  
10 thereof, which is used or occupied, or is intended, arranged  
11 or designed to be used or occupied, as the home or residence of  
12 one or more individuals.

13 (D) Real Estate Broker or Salesman. "Real estate broker or  
14 salesman" means a person, whether licensed or not, who, for or  
15 with the expectation of receiving a consideration, lists,  
16 sells, purchases, exchanges, rents, or leases real property,  
17 or who negotiates or attempts to negotiate any of these  
18 activities, or who holds oneself out as engaged in these.

19 (E) Familial Status. "Familial status" means one or more  
20 individuals (who have not attained the age of 18 years) being  
21 domiciled with:

22 (1) a parent or person having legal custody of such  
23 individual or individuals; or

24 (2) the designee of such parent or other person having  
25 such custody, with the written permission of such parent  
26 or other person.

1           The protections afforded by this Article against  
2 discrimination on the basis of familial status apply to any  
3 person who is pregnant or is in the process of securing legal  
4 custody of any individual who has not attained the age of 18  
5 years.

6           (F) Conciliation. "Conciliation" means the attempted  
7 resolution of issues raised by a charge, or by the  
8 investigation of such charge, through informal negotiations  
9 involving the aggrieved party, the respondent and the  
10 Department.

11           (G) Conciliation Agreement. "Conciliation agreement" means  
12 a written agreement setting forth the resolution of the issues  
13 in conciliation.

14           (H) Covered Multifamily Dwellings. As used in Section  
15 3-102.1, "covered multifamily dwellings" means:

16           (1) buildings consisting of 4 or more units if such  
17 buildings have one or more elevators; and

18           (2) ground floor units in other buildings consisting  
19 of 4 or more units.

20           (I) Immigration Status. "Immigration status" means a  
21 person's actual or perceived citizenship or immigration  
22 status.

23           (J) Domestic violence. "Domestic violence" means "abuse",  
24 as defined in Section 103 of the Illinois Domestic Violence  
25 Act of 1986, by a "family or household member", as defined in  
26 Section 103 of the Illinois Domestic Violence Act of 1986.

1       (K) Sexual violence. "Sexual violence" means any act of  
2 sexual assault, sexual abuse, or stalking of an adult or minor  
3 child, including, but not limited to, non-consensual sexual  
4 conduct or non-consensual sexual penetration as defined in the  
5 Civil No Contact Order Act and the offenses of stalking,  
6 aggravated stalking, criminal sexual assault, aggravated  
7 criminal sexual assault, predatory criminal sexual assault of  
8 a child, criminal sexual abuse, and aggravated criminal sexual  
9 abuse as those offenses are described in the Criminal Code of  
10 2012.

11       (L) Gender-based violence. "Gender-based violence" has the  
12 same meaning as provided in Section 2-1401 of the Code of Civil  
13 Procedure.

14       (Source: P.A. 103-232, eff. 1-1-24; 103-859, eff. 1-1-25.)

15       (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

16       Sec. 3-102. Civil rights violations; real estate  
17 transactions and other prohibited acts. It is a civil rights  
18 violation for an owner or any other person, or for a real  
19 estate broker or salesman, because of unlawful discrimination,  
20 familial status, immigration status, source of income, history  
21 of experienced or perceived experience of domestic, sexual, or  
22 gender-based violence, or an arrest record, as defined under  
23 subsection (B-5) of Section 1-103, to:

24       (A) Transactions. Refuse to engage in a real estate  
25 transaction or deny real property, or to discriminate in

1 making available such a transaction;

2 (B) Terms. Alter the terms, conditions or privileges  
3 of a real estate transaction or in the furnishing of  
4 facilities or services in connection therewith;

5 (C) Offers. Refuse to receive or to fail to transmit a  
6 bona fide offer in a real estate transaction from a  
7 person;

8 (D) Negotiation. Refuse to negotiate a real estate  
9 transaction with a person;

10 (E) Representations. Represent to a person that real  
11 property is not available for inspection, sale, rental, or  
12 lease when in fact it is so available, or to fail to bring  
13 a property listing to the person's attention, or to refuse  
14 to permit the person to inspect real property;

15 (F) Publication of Intent. Make, print, circulate,  
16 post, mail, publish or cause to be made, printed,  
17 circulated, posted, mailed, or published any notice,  
18 statement, advertisement or sign, or use a form of  
19 application for a real estate transaction, or make a  
20 record or inquiry in connection with a prospective real  
21 estate transaction, that indicates any preference,  
22 limitation, or discrimination based on unlawful  
23 discrimination or unlawful discrimination based on  
24 familial status, immigration status, source of income, or  
25 an arrest record, or an intention to make any such  
26 preference, limitation, or discrimination;

1           (G) Listings. Offer, solicit, accept, use or retain a  
2 listing of real property with knowledge that unlawful  
3 discrimination or discrimination on the basis of familial  
4 status, immigration status, source of income, or an arrest  
5 record in a real estate transaction is intended.

6           (H) Criteria. Use criteria or methods that have the  
7 effect of subjecting individuals to unlawful  
8 discrimination or discrimination based on familial status,  
9 immigration status, source of income, or an arrest record  
10 in a real estate transaction. Such criteria or methods are  
11 unlawful under this subsection if they are not necessary  
12 to achieve a substantial, legitimate, non-discriminatory  
13 interest; or if the substantial, legitimate,  
14 non-discriminatory interest could be served by another  
15 practice that has a less discriminatory effect.

16 (Source: P.A. 102-896, eff. 1-1-23; 103-232, eff. 1-1-24;  
17 103-859, eff. 1-1-25.)".