

# SB2990



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2990

Introduced 1/31/2024, by Sen. Mike Simmons

### SYNOPSIS AS INTRODUCED:

775 ILCS 5/3-102  
775 ILCS 5/3-106

from Ch. 68, par. 3-102  
from Ch. 68, par. 3-106

Amends the Illinois Human Rights Act. Makes it a violation of the Real Estate Transactions Article of the Act to unlawfully discriminate using credit score and history, including insufficient credit history. Limits these provisions to landlord and tenant agreements only.

LRB103 38614 JRC 68751 b

A BILL FOR

1 AN ACT concerning property.

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 Sections 3-102 and 3-106 as follows:

6 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

7 Sec. 3-102. Civil rights violations; real estate  
8 transactions and other prohibited acts. It is a civil rights  
9 violation for an owner or any other person, or for a real  
10 estate broker or salesman, because of unlawful discrimination,  
11 familial status, immigration status, source of income, credit  
12 score and history including insufficient credit history, or an  
13 arrest record, as defined under subsection (B-5) of Section  
14 1-103, to:

15 (A) Transactions. Refuse to engage in a real estate  
16 transaction with a person or to discriminate in making  
17 available such a transaction;

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

21 (C) Offers. Refuse to receive or to fail to transmit a  
22 bona fide offer in a real estate transaction from a  
23 person;

1 (D) Negotiation. Refuse to negotiate a real estate  
2 transaction with a person;

3 (E) Representations. Represent to a person that real  
4 property is not available for inspection, sale, rental, or  
5 lease when in fact it is so available, or to fail to bring  
6 a property listing to the person's attention, or to refuse  
7 to permit the person to inspect real property;

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

20 (G) Listings. Offer, solicit, accept, use or retain a  
21 listing of real property with knowledge that unlawful  
22 discrimination or discrimination on the basis of familial  
23 status, immigration status, source of income, or an arrest  
24 record in a real estate transaction is intended.

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

1 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

2 Sec. 3-106. Exemptions. Nothing contained in Section 3-102  
3 shall prohibit:

4 (A) Private Sales of Single Family Homes.

5 (1) Any sale of a single family home by its owner so  
6 long as the following criteria are met:

7 (a) The owner does not own or have a beneficial  
8 interest in more than 3 single family homes at the time  
9 of the sale;

10 (b) The owner or a member of the owner's family was  
11 the last current resident of the home;

12 (c) The home is sold without the use in any manner  
13 of the sales or rental facilities or services of any  
14 real estate broker or salesman, or of any employee or  
15 agent of any real estate broker or salesman;

16 (d) The home is sold without the publication,  
17 posting or mailing, after notice, of any advertisement  
18 or written notice in violation of paragraph (F) of  
19 Section 3-102.

20 (2) This exemption does not apply to paragraph (F) of  
21 Section 3-102.

22 (B) Apartments. Rental of a housing accommodation in a  
23 building which contains housing accommodations for not more  
24 than 4 families living independently of each other, if the  
25 owner resides in one of the housing accommodations. This  
26 exemption does not apply to paragraph (F) of Section 3-102.

1 (C) Private Rooms. Rental of a room or rooms in a private  
2 home by an owner if the owner or a member of the owner's family  
3 resides therein or, while absent for a period of not more than  
4 12 months, if the owner or a member of the owner's family  
5 intends to return to reside therein. This exemption does not  
6 apply to paragraph (F) of Section 3-102.

7 (D) Reasonable local, State, or Federal restrictions  
8 regarding the maximum number of occupants permitted to occupy  
9 a dwelling.

10 (E) Religious Organizations. A religious organization,  
11 association, or society, or any nonprofit institution or  
12 organization operated, supervised or controlled by or in  
13 conjunction with a religious organization, association, or  
14 society, from limiting the sale, rental or occupancy of a  
15 dwelling which it owns or operates for other than a commercial  
16 purpose to persons of the same religion, or from giving  
17 preference to such persons, unless membership in such religion  
18 is restricted on account of race, color, or national origin.

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

21 (G) Persons Convicted of Drug-Related Offenses. Conduct  
22 against a person because such person has been convicted by any  
23 court of competent jurisdiction of the illegal manufacture or  
24 distribution of a controlled substance as defined in Section  
25 102 of the federal Controlled Substances Act (21 U.S.C. 802).

26 (H) Persons engaged in the business of furnishing

1 appraisals of real property from taking into consideration  
2 factors other than those based on unlawful discrimination or  
3 familial status or source of income in furnishing appraisals.

4 (H-1) The owner of an owner-occupied residential building  
5 with 4 or fewer units (including the unit in which the owner  
6 resides) from making decisions regarding whether to rent to a  
7 person based upon that person's sexual orientation.

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

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

13 (a) provided under any State or Federal program  
14 that the Department determines is specifically  
15 designed and operated to assist elderly persons (as  
16 defined in the State or Federal program); or

17 (b) intended for, and solely occupied by, persons  
18 62 years of age or older; or

19 (c) intended and operated for occupancy by persons  
20 55 years of age or older and:

21 (i) at least 80% of the occupied units are  
22 occupied by at least one person who is 55 years of  
23 age or older;

24 (ii) the housing facility or community  
25 publishes and adheres to policies and procedures  
26 that demonstrate the intent required under this

1 subdivision (c); and

2 (iii) the housing facility or community  
3 complies with rules adopted by the Department for  
4 verification of occupancy, which shall:

5 (aa) provide for verification by reliable  
6 surveys and affidavits; and

7 (bb) include examples of the types of  
8 policies and procedures relevant to a  
9 determination of compliance with the  
10 requirement of clause (ii).

11 These surveys and affidavits shall be admissible in  
12 administrative and judicial proceedings for the purposes  
13 of such verification.

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

16 (a) persons residing in such housing as of the  
17 effective date of this amendatory Act of 1989 who do  
18 not meet the age requirements of subsections (1)(b) or  
19 (c); provided, that new occupants of such housing meet  
20 the age requirements of subsections (1)(b) or (c) of  
21 this subsection; or

22 (b) unoccupied units; provided, that such units  
23 are reserved for occupancy by persons who meet the age  
24 requirements of subsections (1)(b) or (c) of this  
25 subsection.

26 (3) (a) A person shall not be held personally liable

1 for monetary damages for a violation of this Article if  
2 the person reasonably relied, in good faith, on the  
3 application of the exemption under this subsection (I)  
4 relating to housing for older persons.

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

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

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

14 (J) Child Sex Offender Refusal to Rent. Refusal of a child  
15 sex offender who owns and resides at residential real estate  
16 to rent any residential unit within the same building in which  
17 the child sex offender resides to a person who is the parent or  
18 guardian of a child or children under 18 years of age.

19 (K) Arrest Records. Inquiry into or the use of an arrest  
20 record if the inquiry or use is otherwise authorized by State  
21 or federal law.

22 (L) Financial Institutions. A financial institution as  
23 defined in Article 4 from considering source of income or  
24 immigration status in a real estate transaction in compliance  
25 with State or federal law.

26 (M) Immigration Status. Inquiry into or the use of



1 immigration status if the inquiry or use is in compliance with  
2 State or federal law.

3 (N) Credit Reports. The consideration and use of credit  
4 scores and credit history including insufficient credit  
5 history is prohibited only for landlord and tenant agreements.

6 (Source: P.A. 102-896, eff. 1-1-23; 103-232, eff. 1-1-24.)