

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 Sections 1-102, 1-103, 3-102.1, 3-104.1, 5-101, and
6 5-102 and by adding Section 5-102.1 as follows:

7 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

10 (A) Freedom from Unlawful Discrimination. To secure for all
11 individuals within Illinois the freedom from discrimination
12 against any individual because of his or her race, color,
13 religion, sex, national origin, ancestry, age, marital status,
14 physical or mental disability ~~handicap~~, military status,
15 sexual orientation, or unfavorable discharge from military
16 service in connection with employment, real estate
17 transactions, access to financial credit, and the availability
18 of public accommodations.

19 (B) Freedom from Sexual Harassment-Employment and Higher
20 Education. To prevent sexual harassment in employment and
21 sexual harassment in higher education.

22 (C) Freedom from Discrimination Based on Citizenship
23 Status-Employment. To prevent discrimination based on

1 citizenship status in employment.

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

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

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

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

22 (H) Unfounded Charges. To protect citizens of this State
23 against unfounded charges of unlawful discrimination, sexual
24 harassment in employment and sexual harassment in higher
25 education, and discrimination based on citizenship status in
26 employment.

1 (Source: P.A. 93-1078, eff. 1-1-06.)

2 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

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

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

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

1 (F) Complaint. "Complaint" means the formal pleading filed
2 by the Department with the Commission following an
3 investigation and finding of substantial evidence of a civil
4 rights violation.

5 (G) Complainant. "Complainant" means a person including
6 the Department who files a charge of civil rights violation
7 with the Department or the Commission.

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

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

19 (1) 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 handicap;

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

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

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

8 (J-1) Military Status. "Military status" means a person's
9 status on active duty in or status as a veteran of the armed
10 forces of the United States, status as a current member or
11 veteran of any reserve component of the armed forces of the
12 United States, including the United States Army Reserve, United
13 States Marine Corps Reserve, United States Navy Reserve, United
14 States Air Force Reserve, and United States Coast Guard
15 Reserve, or status as a current member or veteran of the
16 Illinois Army National Guard or Illinois Air National 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 (L) Person. "Person" includes one or more individuals,
20 partnerships, associations or organizations, labor
21 organizations, labor unions, joint apprenticeship committees,
22 or union labor associations, corporations, the State of
23 Illinois and its instrumentalities, political subdivisions,
24 units of local government, legal representatives, trustees in
25 bankruptcy or receivers.

26 (M) Public Contract. "Public contract" includes every

1 contract to which the State, any of its political subdivisions
2 or any municipal corporation is a party.

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

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

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

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

21 (Q) Unlawful Discrimination. "Unlawful discrimination"
22 means discrimination against a person because of his or her
23 race, color, religion, national origin, ancestry, age, sex,
24 marital status, disability ~~handicap~~, military status, sexual
25 orientation, or unfavorable discharge from military service as
26 those terms are defined in this Section.

1 (Source: P.A. 93-941, eff. 8-16-04; 93-1078, eff. 1-1-06;
2 94-803, eff. 5-26-06.)

3 (775 ILCS 5/3-102.1) (from Ch. 68, par. 3-102.1)

4 Sec. 3-102.1. Disability Handicap. (A) It is a civil rights
5 violation to refuse to sell or rent or to otherwise make
6 unavailable or deny a dwelling to any buyer or renter because
7 of a disability handicap of that buyer or renter, a disability
8 handicap of a person residing or intending to reside in that
9 dwelling after it is sold, rented or made available or a
10 disability handicap of any person associated with the buyer or
11 renter.

12 (B) It is a civil rights violation to alter the terms,
13 conditions or privileges of sale or rental of a dwelling or the
14 provision of services or facilities in connection with such
15 dwelling because of a disability of a person with a disability
16 person's handicap or a disability handicap of any person
17 residing or intending to reside in that dwelling after it is
18 sold, rented or made available, or a disability handicap of any
19 person associated with that person.

20 (C) It is a civil rights violation:

21 (1) to refuse to permit, at the expense of the ~~handicapped~~
22 person with a disability, reasonable modifications of existing
23 premises occupied or to be occupied by such person if such
24 modifications may be necessary to afford such person full
25 enjoyment of the premises; except that, in the case of a

1 rental, the landlord may, where it is reasonable to do so,
2 condition permission for a modification on the renter agreeing
3 to restore the interior of the premises to the condition that
4 existed before modifications, reasonable wear and tear
5 excepted. The landlord may not increase for ~~handicapped~~ persons
6 with a disability any customarily required security deposit.
7 However, where it is necessary in order to ensure with
8 reasonable certainty that funds will be available to pay for
9 the restorations at the end of the tenancy, the landlord may
10 negotiate as part of such a restoration agreement a provision
11 requiring that the tenant pay into an interest bearing escrow
12 account, over a reasonable period, a reasonable amount of money
13 not to exceed the cost of the restorations. The interest in any
14 such account shall accrue to the benefit of the tenant. A
15 landlord may condition permission for a modification on the
16 renter providing a reasonable description of the proposed
17 modifications as well as reasonable assurances that the work
18 will be done in a workmanlike manner and that any required
19 building permits will be obtained;

20 (2) to refuse to make reasonable accommodations in rules,
21 policies, practices, or services, when such accommodations may
22 be necessary to afford such person equal opportunity to use and
23 enjoy a dwelling; or

24 (3) in connection with the design and construction of
25 covered multifamily dwellings for first occupancy after March
26 13, 1991, to fail to design and construct those dwellings in

1 such a manner that:

2 (a) the public use and common use portions of such
3 dwellings are readily accessible to and usable by ~~handicapped~~
4 persons with a disability;

5 (b) all the doors designed to allow passage into and within
6 all premises within such dwellings are sufficiently wide to
7 allow passage by ~~handicapped~~ persons with a disability in
8 wheelchairs; and

9 (c) all premises within such dwellings contain the
10 following features of adaptive design:

11 (i) an accessible route into and through the dwelling;

12 (ii) light switches, electrical outlets, thermostats, and
13 other environmental controls in accessible locations;

14 (iii) reinforcements in bathroom walls to allow later
15 installation of grab bars; and

16 (iv) usable kitchens and bathrooms such that an individual
17 in a wheelchair can maneuver about the space.

18 (D) Compliance with the appropriate standards of the
19 Illinois Accessibility Code for adaptable dwelling units (71
20 Illinois Administrative Code Section 400.350 (e) 1-6) suffices
21 to satisfy the requirements of subsection (C) (3) (c).

22 (E) If a unit of local government has incorporated into its
23 law the requirements set forth in subsection (C) (3),
24 compliance with its law shall be deemed to satisfy the
25 requirements of that subsection.

26 (F) A unit of local government may review and approve newly

1 constructed covered multifamily dwellings for the purpose of
2 making determinations as to whether the design and construction
3 requirements of subsection (C) (3) are met.

4 (G) The Department shall encourage, but may not require,
5 units of local government to include in their existing
6 procedures for the review and approval of newly constructed
7 covered multifamily dwellings, determinations as to whether
8 the design and construction of such dwellings are consistent
9 with subsection (C) (3), and shall provide technical assistance
10 to units of local government and other persons to implement the
11 requirements of subsection (C) (3).

12 (H) Nothing in this Act shall be construed to require the
13 Department to review or approve the plans, designs or
14 construction of all covered multifamily dwellings to determine
15 whether the design and construction of such dwellings are
16 consistent with the requirements of subsection (C) (3).

17 (I) Nothing in subsections (E), (F), (G) or (H) shall be
18 construed to affect the authority and responsibility of the
19 Department to receive and process complaints or otherwise
20 engage in enforcement activities under State and local law.

21 (J) Determinations by a unit of local government under
22 subsections (E) and (F) shall not be conclusive in enforcement
23 proceedings under this Act if those determinations are not in
24 accord with the terms of this Act.

25 (K) Nothing in this Section requires that a dwelling be
26 made available to an individual whose tenancy would constitute

1 a direct threat to the health or safety of others or would
2 result in substantial physical damage to the property of
3 others.

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

5 (775 ILCS 5/3-104.1) (from Ch. 68, par. 3-104.1)

6 Sec. 3-104.1. Refusal to sell or rent because a person has
7 a guide, hearing or support dog. It is a civil rights violation
8 for the owner or agent of any housing accommodation to:

9 (A) refuse to sell or rent after the making of a bonafide
10 offer, or to refuse to negotiate for the sale or rental of, or
11 otherwise make unavailable or deny property to any blind,
12 hearing impaired or physically disabled ~~handicapped~~ person
13 because he has a guide, hearing or support dog; or

14 (B) discriminate against any blind, hearing impaired or
15 physically disabled ~~handicapped~~ person in the terms,
16 conditions, or privileges of sale or rental property, or in the
17 provision of services or facilities in connection therewith,
18 because he has a guide, hearing or support dog; or

19 (C) require, because a blind, hearing impaired or
20 physically disabled ~~handicapped~~ person has a guide, hearing or
21 support dog, an extra charge in a lease, rental agreement, or
22 contract of purchase or sale, other than for actual damage done
23 to the premises by the dog.

24 (Source: P.A. 83-93.)

1 (775 ILCS 5/5-101) (from Ch. 68, par. 5-101)
2 Sec. 5-101. Definitions) The following definitions are
3 applicable strictly in the context of this Article:

4 (A) Place of Public Accommodation. ~~(1) "Place of public~~
5 ~~accommodation" includes, but is not limited to means: a~~
6 ~~business, accommodation, refreshment, entertainment,~~
7 ~~recreation, or transportation facility of any kind, whether~~
8 ~~licensed or not, whose goods, services, facilities,~~
9 ~~privileges, advantages or accommodations are extended,~~
10 ~~offered, sold, or otherwise made available to the public.~~

11 (1) an inn, hotel, motel, or other place of lodging,
12 except for an establishment located within a building that
13 contains not more than 5 units for rent or hire and that is
14 actually occupied by the proprietor of such establishment
15 as the residence of such proprietor;

16 (2) a restaurant, bar, or other establishment serving
17 food or drink;

18 (3) a motion picture house, theater, concert hall,
19 stadium, or other place of exhibition or entertainment;

20 (4) an auditorium, convention center, lecture hall, or
21 other place of public gathering;

22 (5) a bakery, grocery store, clothing store, hardware
23 store, shopping center, or other sales or rental
24 establishment;

25 (6) a laundromat, dry-cleaner, bank, barber shop,
26 beauty shop, travel service, shoe repair service, funeral

1 parlor, gas station, office of an accountant or lawyer,
2 pharmacy, insurance office, professional office of a
3 health care provider, hospital, or other service
4 establishment;

5 (7) public conveyances on air, water, or land;

6 (8) a terminal, depot, or other station used for
7 specified public transportation;

8 (9) a museum, library, gallery, or other place of
9 public display or collection;

10 (10) a park, zoo, amusement park, or other place of
11 recreation;

12 (11) a non-sectarian nursery, day care center,
13 elementary, secondary, undergraduate, or postgraduate
14 school, or other place of education in regard to the
15 failure to enroll an individual or the denial of access to
16 its facilities, goods, or services, except that the
17 Department shall not have jurisdiction over charges
18 involving curriculum content, course content, or course
19 offerings, conduct of the class by the teacher or
20 instructor, or any activity within the classroom or
21 connected with a class activity such as physical education;

22 (12) a senior citizen center, homeless shelter, food
23 bank, non-sectarian adoption agency, or other social
24 service center establishment; and

25 (13) a gymnasium, health spa, bowling alley, golf
26 course, or other place of exercise or recreation.

1 ~~(2) By way of example, but not of limitation, "place of~~
2 ~~public accommodation" includes facilities of the following~~
3 ~~types: inns, restaurants, eating houses, hotels, soda~~
4 ~~fountains, soft drink parlors, taverns, roadhouses, barber~~
5 ~~shops, department stores, clothing stores, hat stores, shoe~~
6 ~~stores, bathrooms, restrooms, theatres, skating rinks, public~~
7 ~~golf courses, public golf driving ranges, concerts, cafes,~~
8 ~~bicycle rinks, elevators, ice cream parlors or rooms,~~
9 ~~railroads, omnibuses, busses, stages, airplanes, street cars,~~
10 ~~boats, funeral hearses, crematories, cemeteries, and public~~
11 ~~conveyances on land, water, or air, public swimming pools and~~
12 ~~other places of public accommodation and amusement.~~

13 (B) Operator. "Operator" means any owner, lessee,
14 proprietor, manager, superintendent, agent, or occupant of a
15 place of public accommodation or an employee of any such person
16 or persons.

17 (C) Public Official. "Public official" means any officer or
18 employee of the state or any agency thereof, including state
19 political subdivisions, municipal corporations, park
20 districts, forest preserve districts, educational institutions
21 and schools.

22 (Source: P.A. 81-1267.)

23 (775 ILCS 5/5-102) (from Ch. 68, par. 5-102)

24 Sec. 5-102. Civil Rights Violations: Public
25 Accommodations. It is a civil rights violation for any person

1 on the basis of unlawful discrimination to:

2 (A) Enjoyment of Facilities, Goods, and Services. Deny or
3 refuse to another the full and equal enjoyment of the
4 facilities, goods, and services of any public place of
5 accommodation;

6 (B) Written Communications. Directly or indirectly, as the
7 operator of a place of public accommodation, publish,
8 circulate, display or mail any written communication, except a
9 private communication sent in response to a specific inquiry,
10 which the operator knows is to the effect that any of the
11 facilities of the place of public accommodation will be denied
12 to any person or that any person is unwelcome, objectionable or
13 unacceptable because of unlawful discrimination;

14 (C) Public Officials. Deny or refuse to another, as a
15 public official, the full and equal enjoyment of the
16 accommodations, advantage, facilities or privileges of the
17 official's office or services or of any property under the
18 official's care because of unlawful discrimination.

19 (Source: P.A. 81-1216.)

20 (775 ILCS 5/5-102.1 new)

21 Sec. 5-102.1. No Civil Rights Violation: Public
22 Accommodations. It is not a civil rights violation for a
23 medical, dental, or other health care professional or a private
24 professional service provider such as a lawyer, accountant, or
25 insurance agent to refer or refuse to treat or provide services

1 to an individual in a protected class for any
2 non-discriminatory reason if, in the normal course of his or
3 her operations or business, the professional would for the same
4 reason refer or refuse to treat or provide services to an
5 individual who is not in the protected class of the individual
6 who seeks or requires the same or similar treatment or
7 services.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.