

1 AN ACT concerning human rights.

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, 2-101, 2-104, 3-102.1, 3-103,
6 and 3-104.1 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
9 policy of this State:

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

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

28 (E) Public Health, Welfare and Safety. To promote the
29 public health, welfare and safety by protecting the interest
30 of all people in Illinois in maintaining personal dignity, in
31 realizing their full productive capacities, and in furthering

1 their interests, rights and privileges as citizens of this
2 State.

3 (F) Implementation of Constitutional Guarantees. To
4 secure and guarantee the rights established by Sections 17,
5 18 and 19 of Article I of the Illinois Constitution of 1970.

6 (G) Equal Opportunity, Affirmative Action. To establish
7 Equal Opportunity and Affirmative Action as the policies of
8 this State in all of its decisions, programs and activities,
9 and to assure that all State departments, boards, commissions
10 and instrumentalities rigorously take affirmative action to
11 provide equality of opportunity and eliminate the effects of
12 past discrimination in the internal affairs of State
13 government and in their relations with the public.

14 (H) Unfounded Charges. To protect citizens of this State
15 against unfounded charges of unlawful discrimination, sexual
16 harassment in employment and sexual harassment in higher
17 education, and discrimination based on citizenship status in
18 employment.

19 (Source: P.A. 87-579; 88-178.)

20 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

23 (A) Age. "Age" means the chronological age of a person
24 who is at least 40 years old, except with regard to any
25 practice described in Section 2-102, insofar as that practice
26 concerns training or apprenticeship programs. In the case of
27 training or apprenticeship programs, for the purposes of
28 Section 2-102, "age" means the chronological age of a person
29 who is 18 but not yet 40 years old.

30 (B) Aggrieved Party. "Aggrieved party" means a person
31 who is alleged or proved to have been injured by a civil
32 rights violation or believes he or she will be injured by a
33 civil rights violation under Article 3 that is about to

1 occur.

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

5 (D) Civil Rights Violation. "Civil rights violation"
6 includes and shall be limited to only those specific acts set
7 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,
8 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
9 Act.

10 (E) Commission. "Commission" means the Human Rights
11 Commission created by this Act.

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

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

19 (H) Department. "Department" means the Department of
20 Human Rights created by this Act.

21 (I) Disability Handicap. "Disability Handicap" means a
22 determinable physical or mental characteristic of a person,
23 including, but not limited to, a determinable physical
24 characteristic which necessitates the person's use of a
25 guide, hearing or support dog, the history of such
26 characteristic, or the perception of such characteristic by
27 the person complained against, which may result from disease,
28 injury, congenital condition of birth or functional disorder
29 and which characteristic:

30 (1) For purposes of Article 2 is unrelated to the
31 person's ability to perform the duties of a particular
32 job or position and, pursuant to Section 2-104 of this
33 Act, a person's illegal use of drugs or alcohol is not a
34 disability handicap;

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

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

6 (4) For purposes of Article 5, is unrelated to a
7 person's ability to utilize and benefit from a place of
8 public accommodation.

9 (J) Marital Status. "Marital status" means the legal
10 status of being married, single, separated, divorced or
11 widowed.

12 (J-1) Military Status. "Military status" means a
13 person's status on active duty in the armed forces of the
14 United States.

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

17 (L) Person. "Person" includes one or more individuals,
18 partnerships, associations or organizations, labor
19 organizations, labor unions, joint apprenticeship committees,
20 or union labor associations, corporations, the State of
21 Illinois and its instrumentalities, political subdivisions,
22 units of local government, legal representatives, trustees in
23 bankruptcy or receivers.

24 (M) Public Contract. "Public contract" includes every
25 contract to which the State, any of its political
26 subdivisions or any municipal corporation is a party.

27 (N) Religion. "Religion" includes all aspects of
28 religious observance and practice, as well as belief, except
29 that with respect to employers, for the purposes of Article
30 2, "religion" has the meaning ascribed to it in paragraph (F)
31 of Section 2-101.

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

33 (P) Unfavorable Military Discharge. "Unfavorable
34 military discharge" includes discharges from the Armed Forces

1 of the United States, their Reserve components or any
2 National Guard or Naval Militia which are classified as RE-3
3 or the equivalent thereof, but does not include those
4 characterized as RE-4 or "Dishonorable".

5 (Q) Unlawful Discrimination. "Unlawful discrimination"
6 means discrimination against a person because of his or her
7 race, color, religion, national origin, ancestry, age, sex,
8 marital status, disability handicap, military status, or
9 unfavorable discharge from military service as those terms
10 are defined in this Section.

11 (Source: P.A. 88-178; 88-180; 88-670, eff. 12-2-94.)

12 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)
13 Sec. 2-101. Definitions. The following definitions are
14 applicable strictly in the context of this Article.

15 (A) Employee.

16 (1) "Employee" includes:

- 17 (a) Any individual performing services for
- 18 remuneration within this State for an employer;
- 19 (b) An apprentice;
- 20 (c) An applicant for any apprenticeship.

21 (2) "Employee" does not include:

- 22 (a) Domestic servants in private homes;
- 23 (b) Individuals employed by persons who are
- 24 not "employers" as defined by this Act;
- 25 (c) Elected public officials or the members of
- 26 their immediate personal staffs;
- 27 (d) Principal administrative officers of the
- 28 State or of any political subdivision, municipal
- 29 corporation or other governmental unit or agency;
- 30 (e) A person in a vocational rehabilitation
- 31 facility certified under federal law who has been
- 32 designated an evaluatee, trainee, or work activity
- 33 client.

1 (B) Employer.

2 (1) "Employer" includes:

3 (a) Any person employing 15 or more employees
4 within Illinois during 20 or more calendar weeks
5 within the calendar year of or preceding the alleged
6 violation;

7 (b) Any person employing one or more employees
8 when a complainant alleges civil rights violation
9 due to unlawful discrimination based upon his or her
10 physical or mental disability handicap unrelated to
11 ability or sexual harassment;

12 (c) The State and any political subdivision,
13 municipal corporation or other governmental unit or
14 agency, without regard to the number of employees;

15 (d) Any party to a public contract without
16 regard to the number of employees;

17 (e) A joint apprenticeship or training
18 committee without regard to the number of employees.

19 (2) "Employer" does not include any religious
20 corporation, association, educational institution,
21 society, or non-profit nursing institution conducted by
22 and for those who rely upon treatment by prayer through
23 spiritual means in accordance with the tenets of a
24 recognized church or religious denomination with respect
25 to the employment of individuals of a particular religion
26 to perform work connected with the carrying on by such
27 corporation, association, educational institution,
28 society or non-profit nursing institution of its
29 activities.

30 (C) Employment Agency. "Employment Agency" includes both
31 public and private employment agencies and any person, labor
32 organization, or labor union having a hiring hall or hiring
33 office regularly undertaking, with or without compensation,
34 to procure opportunities to work, or to procure, recruit,

1 refer or place employees.

2 (D) Labor Organization. "Labor Organization" includes
3 any organization, labor union, craft union, or any voluntary
4 unincorporated association designed to further the cause of
5 the rights of union labor which is constituted for the
6 purpose, in whole or in part, of collective bargaining or of
7 dealing with employers concerning grievances, terms or
8 conditions of employment, or apprenticeships or applications
9 for apprenticeships, or of other mutual aid or protection in
10 connection with employment, including apprenticeships or
11 applications for apprenticeships.

12 (E) Sexual Harassment. "Sexual harassment" means any
13 unwelcome sexual advances or requests for sexual favors or
14 any conduct of a sexual nature when (1) submission to such
15 conduct is made either explicitly or implicitly a term or
16 condition of an individual's employment, (2) submission to or
17 rejection of such conduct by an individual is used as the
18 basis for employment decisions affecting such individual, or
19 (3) such conduct has the purpose or effect of substantially
20 interfering with an individual's work performance or creating
21 an intimidating, hostile or offensive working environment.

22 (F) Religion. "Religion" with respect to employers
23 includes all aspects of religious observance and practice, as
24 well as belief, unless an employer demonstrates that he is
25 unable to reasonably accommodate an employee's or prospective
26 employee's religious observance or practice without undue
27 hardship on the conduct of the employer's business.

28 (G) Public Employer. "Public employer" means the State,
29 an agency or department thereof, unit of local government,
30 school district, instrumentality or political subdivision.

31 (H) Public Employee. "Public employee" means an
32 employee of the State, agency or department thereof, unit of
33 local government, school district, instrumentality or
34 political subdivision. "Public employee" does not include

1 public officers or employees of the General Assembly or
2 agencies thereof.

3 (I) Public Officer. "Public officer" means a person who
4 is elected to office pursuant to the Constitution or a
5 statute or ordinance, or who is appointed to an office which
6 is established, and the qualifications and duties of which
7 are prescribed, by the Constitution or a statute or
8 ordinance, to discharge a public duty for the State, agency
9 or department thereof, unit of local government, school
10 district, instrumentality or political subdivision.

11 (J) Eligible Bidder. "Eligible bidder" means a person
12 who, prior to a bid opening, has filed with the Department a
13 properly completed, sworn and currently valid employer report
14 form, pursuant to the Department's regulations. The
15 provisions of this Article relating to eligible bidders apply
16 only to bids on contracts with the State and its departments,
17 agencies, boards, and commissions, and the provisions do not
18 apply to bids on contracts with units of local government or
19 school districts.

20 (K) Citizenship Status. "Citizenship status" means the
21 status of being:

- 22 (1) a born U.S. citizen;
- 23 (2) a naturalized U.S. citizen;
- 24 (3) a U.S. national; or
- 25 (4) a person born outside the United States and not
26 a U.S. citizen who is not an unauthorized alien and who
27 is protected from discrimination under the provisions of
28 Section 1324b of Title 8 of the United States Code, as
29 now or hereafter amended.

30 (Source: P.A. 86-1343; 87-579; 87-666; 87-895.)

31 (775 ILCS 5/2-104) (from Ch. 68, par. 2-104)
32 Sec. 2-104. Exemptions.

33 (A) Nothing contained in this Act shall prohibit an

1 employer, employment agency or labor organization from:

2 (1) Bona Fide Qualification. Hiring or selecting
3 between persons for bona fide occupational qualifications
4 or any reason except those civil-rights violations
5 specifically identified in this Article.

6 (2) Veterans. Giving preferential treatment to
7 veterans and their relatives as required by the laws or
8 regulations of the United States or this State or a unit
9 of local government.

10 (3) Unfavorable Discharge From Military Service.
11 Using unfavorable discharge from military service as a
12 valid employment criterion when authorized by federal law
13 or regulation or when a position of employment involves
14 the exercise of fiduciary responsibilities as defined by
15 rules and regulations which the Department shall adopt.

16 (4) Ability Tests. Giving or acting upon the
17 results of any professionally developed ability test
18 provided that such test, its administration, or action
19 upon the results, is not used as a subterfuge for or does
20 not have the effect of unlawful discrimination.

21 (5) Merit and Retirement Systems.

22 (a) Applying different standards of
23 compensation, or different terms, conditions or
24 privileges of employment pursuant to a merit or
25 retirement system provided that such system or its
26 administration is not used as a subterfuge for or
27 does not have the effect of unlawful discrimination.

28 (b) Effecting compulsory retirement of any
29 employee who has attained 65 years of age and who,
30 for the 2-year period immediately preceding
31 retirement, is employed in a bona fide executive or
32 a high policymaking position, if such employee is
33 entitled to an immediate nonforfeitable annual
34 retirement benefit from a pension, profit-sharing,

1 savings, or deferred compensation plan, or any
 2 combination of such plans of the employer of such
 3 employee, which equals, in the aggregate, at least
 4 \$44,000. If any such retirement benefit is in a
 5 form other than a straight life annuity (with no
 6 ancillary benefits) or if the employees contribute
 7 to any such plan or make rollover contributions, the
 8 retirement benefit shall be adjusted in accordance
 9 with regulations prescribed by the Department, so
 10 that the benefit is the equivalent of a straight
 11 life annuity (with no ancillary benefits) under a
 12 plan to which employees do not contribute and under
 13 which no rollover contributions are made.

14 (c) Until January 1, 1994, effecting
 15 compulsory retirement of any employee who has
 16 attained 70 years of age, and who is serving under a
 17 contract of unlimited tenure (or similar arrangement
 18 providing for unlimited tenure) at an institution of
 19 higher education as defined by Section 1201(a) of
 20 the Higher Education Act of 1965.

21 (6) Training and Apprenticeship programs.
 22 Establishing an educational requirement as a prerequisite
 23 to selection for a training or apprenticeship program,
 24 provided such requirement does not operate to
 25 discriminate on the basis of any prohibited
 26 classification except age.

27 (7) Police and Firefighter/Paramedic Retirement.
 28 Imposing a mandatory retirement age for
 29 firefighters/paramedics or law enforcement officers and
 30 discharging or retiring such individuals pursuant to the
 31 mandatory retirement age if such action is taken pursuant
 32 to a bona fide retirement plan provided that the law
 33 enforcement officer or firefighter/paramedic has
 34 attained:

1 (a) the age of retirement in effect under
2 applicable State or local law on March 3, 1983; or

3 (b) if the applicable State or local law was
4 enacted after the date of enactment of the federal
5 Age Discrimination in Employment Act Amendments of
6 1996 (P.L. 104-208), the age of retirement in effect
7 on the date of such discharge under such law.

8 This paragraph (7) shall not apply with respect to
9 any cause of action arising under the Illinois Human
10 Rights Act as in effect prior to the effective date of
11 this amendatory Act of 1997.

12 (8) Police and Firefighter/Paramedic Appointment.
13 Failing or refusing to hire any individual because of
14 such individual's age if such action is taken with
15 respect to the employment of an individual as a
16 firefighter/paramedic or as a law enforcement officer and
17 the individual has attained:

18 (a) the age of hiring or appointment in effect
19 under applicable State or local law on March 3,
20 1983; or

21 (b) the age of hiring in effect on the date of
22 such failure or refusal to hire under applicable
23 State or local law enacted after the date of
24 enactment of the federal Age Discrimination in
25 Employment Act Amendments of 1996 (P.L. 104-208).

26 As used in paragraph (7) or (8):

27 "Firefighter/paramedic" means an employee, the
28 duties of whose position are primarily to perform work
29 directly connected with the control and extinguishment of
30 fires or the maintenance and use of firefighting
31 apparatus and equipment, or to provide emergency medical
32 services, including an employee engaged in this activity
33 who is transferred to a supervisory or administrative
34 position.

1 "Law enforcement officer" means an employee, the
 2 duties of whose position are primarily the investigation,
 3 apprehension, or detention of individuals suspected or
 4 convicted of criminal offenses, including an employee
 5 engaged in this activity who is transferred to a
 6 supervisory or administrative position.

7 (9) Citizenship Status. Making legitimate
 8 distinctions based on citizenship status if specifically
 9 authorized or required by State or federal law.

10 (B) With respect to any employee who is subject to a
 11 collective bargaining agreement:

- 12 (a) which is in effect on June 30, 1986,
- 13 (b) which terminates after January 1, 1987,
- 14 (c) any provision of which was entered into by a
 15 labor organization as defined by Section 6(d)(4) of the
 16 Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(4)),
 17 and

18 (d) which contains any provision that would be
 19 superseded by this amendatory Act of 1987 (Public Act
 20 85-748),

21 such amendatory Act of 1987 shall not apply until the
 22 termination of such collective bargaining agreement or
 23 January 1, 1990, whichever occurs first.

24 (C)(1) For purposes of this Act, the term "disability
 25 handicap" shall not include any employee or applicant who is
 26 currently engaging in the illegal use of drugs, when an
 27 employer acts on the basis of such use.

28 (2) Paragraph (1) shall not apply where an employee or
 29 applicant for employment:

- 30 (a) has successfully completed a supervised drug
 31 rehabilitation program and is no longer engaging in the
 32 illegal use of drugs, or has otherwise been rehabilitated
 33 successfully and is no longer engaging in such use;

- 34 (b) is participating in a supervised rehabilitation

1 program and is no longer engaging in such use; or

2 (c) is erroneously regarded as engaging in such
3 use, but is not engaging in such use.

4 It shall not be a violation of this Act for an employer
5 to adopt or administer reasonable policies or procedures,
6 including but not limited to drug testing, designed to ensure
7 that an individual described in subparagraph (a) or (b) is no
8 longer engaging in the illegal use of drugs.

9 (3) An employer:

10 (a) may prohibit the illegal use of drugs and the
11 use of alcohol at the workplace by all employees;

12 (b) may require that employees shall not be under
13 the influence of alcohol or be engaging in the illegal
14 use of drugs at the workplace;

15 (c) may require that employees behave in
16 conformance with the requirements established under the
17 federal Drug-Free Workplace Act of 1988 (11 U.S.C. 701 et
18 seq.) and the Drug Free Workplace Act;

19 (d) may hold an employee who engages in the illegal
20 use of drugs or who is an alcoholic to the same
21 qualification standards for employment or job performance
22 and behavior that such employer holds other employees,
23 even if any unsatisfactory performance or behavior is
24 related to the drug use or alcoholism of such employee;
25 and

26 (e) may, with respect to federal regulations
27 regarding alcohol and the illegal use of drugs, require
28 that:

29 (i) employees comply with the standards
30 established in such regulations of the United States
31 Department of Defense, if the employees of the
32 employer are employed in an industry subject to such
33 regulations, including complying with regulations
34 (if any) that apply to employment in sensitive

1 positions in such an industry, in the case of
2 employees of the employer who are employed in such
3 positions (as defined in the regulations of the
4 Department of Defense);

5 (ii) employees comply with the standards
6 established in such regulations of the Nuclear
7 Regulatory Commission, if the employees of the
8 employer are employed in an industry subject to such
9 regulations, including complying with regulations
10 (if any) that apply to employment in sensitive
11 positions in such an industry, in the case of
12 employees of the employer who are employed in such
13 positions (as defined in the regulations of the
14 Nuclear Regulatory Commission); and

15 (iii) employees comply with the standards
16 established in such regulations of the United States
17 Department of Transportation, if the employees of
18 the employer are employed in a transportation
19 industry subject to such regulations, including
20 complying with such regulations (if any) that apply
21 to employment in sensitive positions in such an
22 industry, in the case of employees of the employer
23 who are employed in such positions (as defined in
24 the regulations of the United States Department of
25 Transportation).

26 (4) For purposes of this Act, a test to determine the
27 illegal use of drugs shall not be considered a medical
28 examination. Nothing in this Act shall be construed to
29 encourage, prohibit, or authorize the conducting of drug
30 testing for the illegal use of drugs by job applicants or
31 employees or making employment decisions based on such test
32 results.

33 (5) Nothing in this Act shall be construed to encourage,
34 prohibit, restrict, or authorize the otherwise lawful

1 exercise by an employer subject to the jurisdiction of the
2 United States Department of Transportation of authority to:

3 (a) test employees of such employer in, and
4 applicants for, positions involving safety-sensitive
5 duties for the illegal use of drugs and for on-duty
6 impairment by alcohol; and

7 (b) remove such persons who test positive for
8 illegal use of drugs and on-duty impairment by alcohol
9 pursuant to subparagraph (a) from safety-sensitive duties
10 in implementing paragraph (3).

11 (Source: P.A. 90-481, eff. 8-17-97.)

12 (775 ILCS 5/3-102.1) (from Ch. 68, par. 3-102.1)

13 Sec. 3-102.1. Disability Handicap. (A) It is a civil
14 rights violation to refuse to sell or rent or to otherwise
15 make unavailable or deny a dwelling to any buyer or renter
16 because of a disability handicap of that buyer or renter, a
17 disability handicap of a person residing or intending to
18 reside in that dwelling after it is sold, rented or made
19 available or a disability handicap of any person associated
20 with the buyer or renter.

21 (B) It is a civil rights violation to alter the terms,
22 conditions or privileges of sale or rental of a dwelling or
23 the provision of services or facilities in connection with
24 such dwelling because of a person's disability handicap or a
25 disability handicap of any person residing or intending to
26 reside in that dwelling after it is sold, rented or made
27 available, or a disability handicap of any person associated
28 with that person.

29 (C) It is a civil rights violation:

30 (1) to refuse to permit, at the expense of the disabled
31 handicapped person, reasonable modifications of existing
32 premises occupied or to be occupied by such person if such
33 modifications may be necessary to afford such person full

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

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

26 (3) in connection with the design and construction of
27 covered multifamily dwellings for first occupancy after March
28 13, 1991, to fail to design and construct those dwellings in
29 such a manner that:

30 (a) the public use and common use portions of such
31 dwellings are readily accessible to and usable by disabled
32 handieapped persons;

33 (b) all the doors designed to allow passage into and
34 within all premises within such dwellings are sufficiently

1 wide to allow passage by disabled handicapped persons in
2 wheelchairs; and

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

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

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

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

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

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

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

20 (F) A unit of local government may review and approve
21 newly constructed covered multifamily dwellings for the
22 purpose of making determinations as to whether the design and
23 construction requirements of subsection (C)(3) are met.

24 (G) The Department shall encourage, but may not require,
25 units of local government to include in their existing
26 procedures for the review and approval of newly constructed
27 covered multifamily dwellings, determinations as to whether
28 the design and construction of such dwellings are consistent
29 with subsection (C)(3), and shall provide technical
30 assistance to units of local government and other persons to
31 implement the requirements of subsection (C)(3).

32 (H) Nothing in this Act shall be construed to require
33 the Department to review or approve the plans, designs or
34 construction of all covered multifamily dwellings to

1 determine whether the design and construction of such
2 dwellings are consistent with the requirements of subsection
3 (C)(3).

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

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

12 (K) Nothing in this Section requires that a dwelling be
13 made available to an individual whose tenancy would
14 constitute a direct threat to the health or safety of others
15 or would result in substantial physical damage to the
16 property of others.

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

18 (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

19 Sec. 3-103. Blockbusting.) It is a civil rights
20 violation for any person to:

21 (A) Solicitation. Solicit for sale, lease, listing or
22 purchase any residential real estate within this State, on
23 the grounds of loss of value due to the present or
24 prospective entry into the vicinity of the property involved
25 of any person or persons of any particular race, color,
26 religion, national origin, ancestry, age, sex, marital
27 status, familial status or disability handicap.

28 (B) Statements. Distribute or cause to be distributed,
29 written material or statements designed to induce any owner
30 of residential real estate in this State to sell or lease his
31 or her property because of any present or prospective changes
32 in the race, color, religion, national origin, ancestry, age,
33 sex, marital status, familial status or disability handicap

1 of residents in the vicinity of the property involved.

2 (C) Creating Alarm. Intentionally create alarm, among
3 residents of any community, by transmitting communications in
4 any manner, including a telephone call whether or not
5 conversation thereby ensues, with a design to induce any
6 owner of residential real estate in this state to sell or
7 lease his or her property because of any present or
8 prospective entry into the vicinity of the property involved
9 of any person or persons of any particular race, color,
10 religion, national origin, ancestry, age, sex, marital
11 status, familial status or disability handicap.

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

13 (775 ILCS 5/3-104.1) (from Ch. 68, par. 3-104.1)

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

18 (A) refuse to sell or rent after the making of a
19 bonafide offer, or to refuse to negotiate for the sale or
20 rental of, or otherwise make unavailable or deny property to
21 any blind, hearing impaired or physically disabled
22 ~~handicapped~~ person because he has a guide, hearing or support
23 dog; or

24 (B) discriminate against any blind, hearing impaired or
25 physically disabled ~~handicapped~~ person in the terms,
26 conditions, or privileges of sale or rental property, or in
27 the provision of services or facilities in connection
28 therewith, because he has a guide, hearing or support dog; or

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

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