

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 300 Session of 2009

INTRODUCED BY FRANKEL, GERBER, BEYER, BISHOP, BRADFORD, BRENNAN, BRIGGS, BROWN, BUXTON, CALTAGIRONE, CARROLL, COHEN, D. COSTA, P. COSTA, CRUZ, CURRY, DALEY, DEASY, DePASQUALE, DERMODY, DeWEESE, DONATUCCI, DRUCKER, EACHUS, D. EVANS, FABRIZIO, FREEMAN, GALLOWAY, GEORGE, GERGELY, HARKINS, HORNAMAN, HOUGHTON, JOHNSON, JOSEPHS, W. KELLER, KESSLER, KIRKLAND, LENTZ, LEVDANSKY, MAHONEY, MANDERINO, MANN, McCALL, McGEEHAN, McILVAINE SMITH, MELIO, MUNDY, MURT, MYERS, M. O'BRIEN, O'NEILL, OLIVER, PARKER, PASHINSKI, PAYTON, PRESTON, READSHAW, ROEBUCK, ROSS, SABATINA, SAMUELSON, SANTARSIERO, SANTONI, SHAPIRO, SIPTROTH, K. SMITH, STURLA, R. TAYLOR, THOMAS, VITALI, WAGNER, WALKO, WANSACZ, WATERS, WHEATLEY, WILLIAMS, YOUNGBLOOD AND HELM, MARCH 5, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 5, 2009

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222),  
 2 entitled, as amended, "An act prohibiting certain practices  
 3 of discrimination because of race, color, religious creed,  
 4 ancestry, age or national origin by employers, employment  
 5 agencies, labor organizations and others as herein defined;  
 6 creating the Pennsylvania Human Relations Commission in the  
 7 Governor's Office; defining its functions, powers and duties;  
 8 providing for procedure and enforcement; providing for  
 9 formulation of an educational program to prevent prejudice;  
 10 providing for judicial review and enforcement and imposing  
 11 penalties," further providing for findings and declaration of  
 12 policy, for right to freedom from discrimination in  
 13 employment, housing and public accommodation; defining  
 14 "sexual orientation" and "gender identity or expression"; and  
 15 further providing for unlawful discriminatory practices, for  
 16 powers and duties of commission, for education program and  
 17 for construction and exclusiveness of remedy.

18 The General Assembly of the Commonwealth of Pennsylvania  
 19 hereby enacts as follows:

20 Section 1. The title and sections 2 and 3 of the act of

1 October 27, 1955 (P.L.744, No.222), known as the Pennsylvania  
2 Human Relations Act, amended December 20, 1991 (P.L.414, No.51),  
3 are amended to read:

4 AN ACT

5 Prohibiting certain practices of discrimination because of race,  
6 color, religious creed, ancestry, sexual orientation, gender  
7 identity or expression, age or national origin, by employers,  
8 employment agencies, labor organizations and others as herein  
9 defined; creating the Pennsylvania Human Relations Commission  
10 in the Governor's Office; defining its functions, powers and  
11 duties; providing for procedure and enforcement; providing  
12 for formulation of an educational program to prevent  
13 prejudice; providing for judicial review and enforcement and  
14 imposing penalties.

15 Section 2. Findings and Declaration of Policy.--

16 (a) The practice or policy of discrimination against  
17 individuals or groups by reason of their race, color, familial  
18 status, religious creed, ancestry, sexual orientation, gender  
19 identity or expression, age, sex, national origin, handicap or  
20 disability, use of guide or support animals because of the  
21 blindness, deafness or physical handicap of the user or because  
22 the user is a handler or trainer of support or guide animals is  
23 a matter of concern of the Commonwealth. Such discrimination  
24 foments domestic strife and unrest, threatens the rights and  
25 privileges of the inhabitants of the Commonwealth, and  
26 undermines the foundations of a free democratic state. The  
27 denial of equal employment, housing and public accommodation  
28 opportunities because of such discrimination, and the consequent  
29 failure to utilize the productive capacities of individuals to  
30 their fullest extent, deprives large segments of the population

1 of the Commonwealth of earnings necessary to maintain decent  
2 standards of living, necessitates their resort to public relief  
3 and intensifies group conflicts, thereby resulting in grave  
4 injury to the public health and welfare, compels many  
5 individuals to live in dwellings which are substandard,  
6 unhealthful and overcrowded, resulting in racial segregation in  
7 public schools and other community facilities, juvenile  
8 delinquency and other evils, thereby threatening the peace,  
9 health, safety and general welfare of the Commonwealth and its  
10 inhabitants.

11 (b) It is hereby declared to be the public policy of this  
12 Commonwealth to foster the employment of all individuals in  
13 accordance with their fullest capacities regardless of their  
14 race, color, religious creed, ancestry, sexual orientation,  
15 gender identity or expression, age, sex, national origin,  
16 handicap or disability, use of guide or support animals because  
17 of the blindness, deafness or physical handicap of the user or  
18 because the user is a handler or trainer of support or guide  
19 animals, and to safeguard their right to obtain and hold  
20 employment without such discrimination, to assure equal  
21 opportunities to all individuals and to safeguard their rights  
22 to public accommodation and to secure housing accommodation and  
23 commercial property regardless of race, color, familial status,  
24 religious creed, ancestry, sexual orientation, gender identity  
25 or expression, age, sex, national origin, handicap or  
26 disability, use of guide or support animals because of blindness  
27 or deafness of the user or because the user is a handler or  
28 trainer of guide or support animals.

29 (c) This act shall be deemed an exercise of the police power  
30 of the Commonwealth for the protection of the public welfare,

1 prosperity, health and peace of the people of the Commonwealth  
2 of Pennsylvania.

3 Section 3. Right to Freedom from Discrimination in  
4 Employment, Housing and Public Accommodation.--The opportunity  
5 for an individual to obtain employment for which he is  
6 qualified, and to obtain all the accommodations, advantages,  
7 facilities and privileges of any public accommodation and of any  
8 housing accommodation and commercial property without  
9 discrimination because of race, color, familial status,  
10 religious creed, ancestry, sexual orientation, gender identity  
11 or expression, handicap or disability, age, sex, national  
12 origin, the use of a guide or support animal because of the  
13 blindness, deafness or physical handicap of the user or because  
14 the user is a handler or trainer of support or guide animals is  
15 hereby recognized as and declared to be a civil right which  
16 shall be enforceable as set forth in this act.

17 Section 2. Section 4(b) of the act, amended December 20,  
18 1991 (P.L.414, No.51), is amended and the section is amended by  
19 adding clauses to read:

20 Section 4. Definitions.--As used in this act unless a  
21 different meaning clearly appears from the context:

22 \* \* \*

23 (b) The term "employer" includes the Commonwealth or any  
24 political subdivision or board, department, commission or school  
25 district thereof and any person employing four or more persons  
26 within the Commonwealth, but except as hereinafter provided,  
27 does not include religious, fraternal, charitable or sectarian  
28 corporations or associations, except such corporations or  
29 associations supported, in whole or in part, by governmental  
30 appropriations. The term "employer" with respect to

1 discriminatory practices based on race, color, age, sex,  
2 national origin, sexual orientation, gender identity or  
3 expression or non-job related handicap or disability, includes  
4 religious, fraternal, charitable and sectarian corporations and  
5 associations employing four or more persons within the  
6 Commonwealth.

7 \* \* \*

8 (bb) The term "sexual orientation" means actual or perceived  
9 heterosexuality, homosexuality or bisexuality.

10 (cc) The term "gender identity or expression" means actual  
11 or perceived gender identity, appearance, behavior, expression  
12 or physical characteristics whether or not associated with an  
13 individual's assigned sex at birth.

14 Section 3. Section 5(a), (b), (c), (f), (g), (h) and (i) of  
15 the act, amended or added December 20, 1991 (P.L.414, No.51),  
16 July 12, 1996 (P.L.684, No.117) and June 25, 1997 (P.L.326,  
17 No.34), are amended to read:

18 Section 5. Unlawful Discriminatory Practices.--It shall be  
19 an unlawful discriminatory practice, unless based upon a bona  
20 fide occupational qualification, or in the case of a fraternal  
21 corporation or association, unless based upon membership in such  
22 association or corporation, or except where based upon  
23 applicable security regulations established by the United States  
24 or the Commonwealth of Pennsylvania:

25 (a) For any employer because of the race, color, religious  
26 creed, ancestry, sexual orientation, gender identity or  
27 expression, age, sex, national origin or non-job related  
28 handicap or disability or the use of a guide or support animal  
29 because of the blindness, deafness or physical handicap of any  
30 individual or independent contractor, to refuse to hire or

1 employ or contract with, or to bar or to discharge from  
2 employment such individual or independent contractor, or to  
3 otherwise discriminate against such individual or independent  
4 contractor with respect to compensation, hire, tenure, terms,  
5 conditions or privileges of employment or contract, if the  
6 individual or independent contractor is the best able and most  
7 competent to perform the services required. The provision of  
8 this paragraph shall not apply, to (1) operation of the terms or  
9 conditions of any bona fide retirement or pension plan which  
10 have the effect of a minimum service requirement, (2) operation  
11 of the terms or conditions of any bona fide group or employe  
12 insurance plan, (3) age limitations placed upon entry into bona  
13 fide apprenticeship programs of two years or more approved by  
14 the State Apprenticeship and Training Council of the Department  
15 of Labor and Industry, established by the act of July 14, 1961  
16 (P.L.604, No.304), known as "The Apprenticeship and Training  
17 Act." Notwithstanding any provision of this clause, it shall not  
18 be an unlawful employment practice for a religious corporation  
19 or association to hire or employ on the basis of sex in those  
20 certain instances where sex is a bona fide occupational  
21 qualification because of the religious beliefs, practices, or  
22 observances of the corporation, or association.

23 (b) For any employer, employment agency or labor  
24 organization, prior to the employment, contracting with an  
25 independent contractor or admission to membership, to:

26 (1) Elicit any information or make or keep a record of or  
27 use any form of application or application blank containing  
28 questions or entries concerning the race, color, religious  
29 creed, ancestry, sexual orientation, gender identity or  
30 expression, age, sex, national origin, past handicap or

1 disability or the use of a guide or support animal because of  
2 the blindness, deafness or physical handicap of any applicant  
3 for employment or membership. Prior to an offer of employment,  
4 an employer may not inquire as to whether an individual has a  
5 handicap or disability or as to the severity of such handicap or  
6 disability. An employer may inquire as to the individual's  
7 ability to perform the essential functions of the employment.

8 (2) Print or publish or cause to be printed or published any  
9 notice or advertisement relating to employment or membership  
10 indicating any preference, limitation, specification or  
11 discrimination based upon race, color, religious creed,  
12 ancestry, sexual orientation, gender identity or expression,  
13 age, sex, national origin, non-job related handicap or  
14 disability or the use of a guide or support animal because of  
15 the blindness, deafness or physical handicap of the user.

16 (3) Deny or limit, through a quota system, employment or  
17 membership because of race, color, religious creed, ancestry,  
18 sexual orientation, gender identity or expression, age, sex,  
19 national origin, non-job related handicap or disability, the use  
20 of a guide or support animal because of the blindness, deafness  
21 or physical handicap of the user or place of birth.

22 (4) Substantially confine or limit recruitment or hiring of  
23 individuals, with intent to circumvent the spirit and purpose of  
24 this act, to any employment agency, employment service, labor  
25 organization, training school or training center or any other  
26 employe-referring source which services individuals who are  
27 predominantly of the same race, color, religious creed,  
28 ancestry, sexual orientation, gender identity or expression,  
29 age, sex, national origin or non-job related handicap or  
30 disability.

1 (5) Deny employment because of a prior handicap or  
2 disability.

3 Nothing in clause (b) of this section shall bar any  
4 institution or organization for handicapped or disabled persons  
5 from limiting or giving preference in employment or membership  
6 to handicapped or disabled persons.

7 (c) For any labor organization because of the race, color,  
8 religious creed, ancestry, sexual orientation, gender identity  
9 or expression, age, sex, national origin, non-job related  
10 handicap or disability or the use of a guide or support animal  
11 because of the blindness, deafness or physical handicap of any  
12 individual to deny full and equal membership rights to any  
13 individual or otherwise to discriminate against such individuals  
14 with respect to hire, tenure, terms, conditions or privileges of  
15 employment or any other matter, directly or indirectly, related  
16 to employment.

17 \* \* \*

18 (f) For any employment agency to fail or refuse to classify  
19 properly, refer for employment or otherwise to discriminate  
20 against any individual because of his race, color, religious  
21 creed, ancestry, sexual orientation, gender identity or  
22 expression, age, sex, national origin, non-job related handicap  
23 or disability or the use of a guide or support animal because of  
24 the blindness, deafness or physical handicap of the user.

25 (g) For any individual seeking employment to publish or  
26 cause to be published any advertisement which in any manner  
27 expresses a limitation or preference as to the race, color,  
28 religious creed, ancestry, sexual orientation, gender identity  
29 or expression, age, sex, national origin, non-job related  
30 handicap or disability or the use of a guide or support animal



1 because of the blindness, deafness or physical handicap of any  
2 prospective employer.

3 (h) For any person to:

4 (1) Refuse to sell, lease, finance or otherwise to deny or  
5 withhold any housing accommodation or commercial property from  
6 any person because of the race, color, familial status, age,  
7 religious creed, ancestry, sexual orientation, gender identity  
8 or expression, sex, national origin or handicap or disability of  
9 any person, prospective owner, occupant or user of such housing  
10 accommodation or commercial property, or to refuse to lease any  
11 housing accommodation or commercial property to any person due  
12 to use of a guide animal because of the blindness or deafness of  
13 the user, use of a support animal because of a physical handicap  
14 of the user or because the user is a handler or trainer of  
15 support or guide animals or because of the handicap or  
16 disability of an individual with whom the person is known to  
17 have a relationship or association.

18 (1.1) Evict or attempt to evict an occupant of any housing  
19 accommodation before the end of the term of a lease because of  
20 pregnancy or the birth of a child.

21 (2) Refuse to lend money, whether or not secured by mortgage  
22 or otherwise for the acquisition, construction, rehabilitation,  
23 repair or maintenance of any housing accommodation or commercial  
24 property or otherwise withhold financing of any housing  
25 accommodation or commercial property from any person because of  
26 the race, color, familial status, age, religious creed,  
27 ancestry, sexual orientation, gender identity or expression,  
28 sex, national origin, handicap or disability of any person, the  
29 use of a guide or support animal because of the blindness,  
30 deafness or physical handicap of the user or because the user is

1 a handler or trainer of support or guide animals or because of  
2 the handicap or disability of an individual with whom the person  
3 is known to have a relationship or association.

4 (3) Discriminate against any person in the terms or  
5 conditions of selling or leasing any housing accommodation or  
6 commercial property or in furnishing facilities, services or  
7 privileges in connection with the ownership, occupancy or use of  
8 any housing accommodation or commercial property because of the  
9 race, color, familial status, age, religious creed, ancestry,  
10 sexual orientation, gender identity or expression, sex, national  
11 origin, handicap or disability of any person, the use of a guide  
12 or support animal because of the blindness, deafness or physical  
13 handicap of the user or because the user is a handler or trainer  
14 of support or guide animals or because of the handicap or  
15 disability of an individual with whom the person is known to  
16 have a relationship or association.

17 (3.1) Refuse to permit, at the expense of a person with a  
18 handicap, reasonable modifications of existing premises occupied  
19 or to be occupied by such person if such modifications may be  
20 necessary to afford such person full enjoyment of the premises,  
21 except that, in the case of a rental, the landlord may, where it  
22 is reasonable to do so, grant permission for a modification if  
23 the renter agrees to restore the interior of the premises to the  
24 condition that existed before the modification, with reasonable  
25 wear and tear excepted.

26 (3.2) Refuse to make reasonable accommodations in rules,  
27 policies, practices or services when such accommodations may be  
28 necessary to afford such person equal opportunity to use and  
29 enjoy a housing accommodation.

30 (4) Discriminate against any person in the terms or

1 conditions of any loan of money, whether or not secured by  
2 mortgage or otherwise for the acquisition, construction,  
3 rehabilitation, repair or maintenance of housing accommodation  
4 or commercial property because of the race, color, familial  
5 status, age, religious creed, ancestry, sexual orientation,  
6 gender identity or expression, sex, national origin or handicap  
7 or disability of any person, the use of a guide or support  
8 animal because of the blindness, deafness or physical handicap  
9 of the user or because the user is a handler or trainer of guide  
10 or support animals or because of the handicap or disability of  
11 an individual with whom the person is known to have a  
12 relationship or association.

13 (5) Print, publish or circulate any statement or  
14 advertisement: (i) relating to the sale, lease or acquisition of  
15 any housing accommodation or commercial property or the loan of  
16 money, whether or not secured by mortgage, or otherwise for the  
17 acquisition, construction, rehabilitation, repair or maintenance  
18 of any housing accommodation or commercial property which  
19 indicates any preference, limitation, specification, or  
20 discrimination based upon race, color, familial status, age,  
21 religious creed, ancestry, sexual orientation, gender identity  
22 or expression, sex, national origin, handicap or disability or  
23 because of the handicap or disability of an individual with whom  
24 the person is known to have a relationship or association, or  
25 (ii) relating to the sale, lease or acquisition of any housing  
26 accommodation or commercial property which indicates any  
27 preference, limitation, specification or discrimination based  
28 upon use of a guide or support animal because of the blindness,  
29 deafness or physical handicap of the user or because the user is  
30 a handler or trainer of support or guide animals.

1       (6) Make any inquiry, elicit any information, make or keep  
2 any record or use any form of application, containing questions  
3 or entries concerning race, color, familial status, age,  
4 religious creed, ancestry, sexual orientation, gender identity  
5 or expression, sex, national origin, handicap or disability or  
6 because of the handicap or disability of an individual with whom  
7 the person is known to have a relationship or association in  
8 connection with the sale or lease of any housing accommodation  
9 or commercial property or loan of any money, whether or not  
10 secured by mortgage or otherwise for the acquisition,  
11 construction, rehabilitation, repair or maintenance of any  
12 housing accommodation or commercial property, or to make any  
13 inquiry, elicit any information, make or keep any record or use  
14 any form of application, containing questions or entries  
15 concerning the use of a guide or support animal because of the  
16 blindness, deafness or physical handicap of the user or because  
17 the user is a handler or trainer of support or guide animals, in  
18 connection with the lease of any housing accommodation or  
19 commercial property.

20       (7) Construct, operate, offer for sale, lease or rent or  
21 otherwise make available housing or commercial property which is  
22 not accessible.

23       (8) Discriminate in real estate-related transactions, as  
24 described by and subject to the following:

25       (i) It shall be unlawful for any person or other entity  
26 whose business includes engaging in real estate-related  
27 transactions to discriminate against any person in making  
28 available such a transaction or in the terms or conditions of  
29 such a transaction because of race, color, religious creed,  
30 ancestry, sexual orientation, gender identity or expression,

1 national origin, sex, age, handicap or disability, use of a  
2 guide or support animal because of a physical handicap or  
3 because the user is a handler or trainer of guide or support  
4 animals or familial status.

5 (ii) Nothing in this act prohibits a person engaged in the  
6 business of furnishing appraisals of real property to take into  
7 consideration factors other than race, color, religious creed,  
8 ancestry, sexual orientation, gender identity or expression,  
9 national origin, sex, age, handicap or disability, use of a  
10 guide or support animal because of a physical handicap or  
11 because the user is a handler or trainer of guide or support  
12 animals or familial status.

13 (9) Nothing in this clause, regarding age or familial  
14 status, shall apply with respect to housing for older persons. A  
15 person shall not be held personally liable for monetary damages  
16 for a violation of this act if the person reasonably relied, in  
17 good faith, on the application of the exemption of this  
18 subclause. A person may only prove good faith reliance on the  
19 application of the exemption of this subclause by proving that  
20 at the time of the act complained of all of the following  
21 applied:

22 (i) The person had no actual knowledge that the housing was  
23 not eligible for exemption under this subclause.

24 (ii) The owner or manager of the housing had stated  
25 formally, in writing, that the housing complied with the  
26 requirements for exemption under this subclause.

27 (10) Nothing in this clause shall bar any religious or  
28 denominational institution or organization or any charitable or  
29 educational organization which is operated, supervised or  
30 controlled by or in connection with a religious organization or

1 any bona fide private or fraternal organization from giving  
2 preference to persons of the same religion or denomination or to  
3 members of such private or fraternal organization or from making  
4 such selection as is calculated by such organization to promote  
5 the religious principles or the aims, purposes or fraternal  
6 principles for which it is established or maintained. Nor shall  
7 it apply to the rental of rooms in a landlord-occupied rooming  
8 house with a common entrance, nor with respect to discrimination  
9 based on sex, the advertising, rental or leasing of housing  
10 accommodations in a single-sex dormitory or rooms in one's  
11 personal residence in which common living areas are shared.

12 (11) Nothing in this act limits the applicability of the  
13 Fair Housing Act and reasonable State or local restrictions on  
14 the maximum number of occupants permitted to occupy a dwelling  
15 or a reasonable restriction relating to health or safety  
16 standards or business necessity. Owners and managers of  
17 dwellings may develop and implement reasonable occupancy and  
18 safety standards based on factors such as the number and size of  
19 sleeping areas or bedrooms and the overall size of a dwelling  
20 unit so long as the standards do not violate the Fair Housing  
21 Act or State or local restrictions.

22 (i) For any person being the owner, lessee, proprietor,  
23 manager, superintendent, agent or employe of any public  
24 accommodation, resort or amusement to:

25 (1) Refuse, withhold from, or deny to any person because of  
26 his race, color, sex, religious creed, ancestry, sexual  
27 orientation, gender identity or expression, national origin, or  
28 handicap or disability, or to any person due to use of a guide  
29 or support animal because of the blindness, deafness or physical  
30 handicap of the user or because the user is a handler or trainer

1 of support or guide animals, either directly or indirectly, any  
2 of the accommodations, advantages, facilities or privileges of  
3 such public accommodation, resort or amusement.

4 (2) Publish, circulate, issue, display, post or mail, either  
5 directly or indirectly, any written or printed communication,  
6 notice or advertisement to the effect that any of the  
7 accommodations, advantages, facilities and privileges of any  
8 such place shall be refused, withheld from or denied to any  
9 person on account of race, color, religious creed, sex,  
10 ancestry, sexual orientation, gender identity or expression,  
11 national origin or handicap or disability, or to any person due  
12 to use of a guide or support animal because of the blindness,  
13 deafness or physical handicap of the user, or because the user  
14 is a handler or trainer of support or guide animals, or that the  
15 patronage or custom thereat of any person, belonging to or  
16 purporting to be of any particular race, color, religious creed,  
17 sex, ancestry, sexual orientation, gender identity or  
18 expression, national origin or handicap or disability, or to any  
19 person due to use of a guide or support animal because of the  
20 blindness, deafness or physical handicap of the user or because  
21 the user is a handler or trainer of support or guide animals, is  
22 unwelcome, objectionable or not acceptable, desired or  
23 solicited.

24 (3) Exclude or otherwise deny equal goods, services,  
25 facilities, privileges, advantages, accommodations or other  
26 opportunities to a person because of the handicap or disability  
27 of an individual with whom the person is known to have a  
28 relationship or association.

29 (4) Construct, operate or otherwise make available such  
30 place of public accommodation, resort or amusement which is not

1 accessible.

2 \* \* \*

3 Section 4. Sections 5.3 and 7(i), (j), (k) of the act,  
4 amended December 20, 1991 (P.L.414, No.51), are amended to read:

5 Section 5.3. Prohibition of Certain Real Estate Practices.--  
6 It shall be an unlawful discriminatory practice for any person  
7 to:

8 (a) Induce, solicit or attempt to induce or solicit for  
9 commercial profit any listing, sale or transaction involving any  
10 housing accommodation or commercial property by representing  
11 that such housing accommodation or commercial property is within  
12 any neighborhood, community or area adjacent to any other area  
13 in which there reside, or do not reside, persons of a particular  
14 race, color, familial status, age, religious creed, ancestry,  
15 sexual orientation, gender identity or expression, sex, national  
16 origin, handicap or disability, or who are guide or support  
17 animal dependent.

18 (b) Discourage, or attempt to discourage, for commercial  
19 profit, the purchase or lease of any housing accommodation or  
20 commercial property by representing that such housing  
21 accommodation or commercial property is within any neighborhood,  
22 community or area adjacent to any other area in which there  
23 reside, or may in the future reside in increased or decreased  
24 numbers, persons of a particular race, color, familial status,  
25 age, religious creed, ancestry, sexual orientation, gender  
26 identity or expression, sex, national origin, handicap or  
27 disability, or who are guide or support animal dependent.

28 (c) Misrepresent, create or distort a circumstance,  
29 condition or incident for the purpose of fostering the  
30 impression or belief, on the part of any owner, occupant or



1 prospective owner or occupant of any housing accommodation or  
2 commercial property, that such housing accommodation or  
3 commercial property is within any neighborhood, community or  
4 area adjacent to any other area which would be adversely  
5 impacted by the residence, or future increased or decreased  
6 residence, of persons of a particular race, color, familial  
7 status, age, religious creed, ancestry, sexual orientation,  
8 gender identity or expression, sex, national origin, handicap or  
9 disability, or who are guide or support animal dependent within  
10 such neighborhood, community or area.

11 (d) In any way misrepresent or otherwise misadvertise within  
12 a neighborhood or community, whether or not in writing, that any  
13 housing accommodation or commercial property within such  
14 neighborhood or community is available for inspection, sale,  
15 lease, sublease or other transfer, in any context where such  
16 misrepresentation or misadvertising would have the effect of  
17 fostering an impression or belief that there has been or will be  
18 an increase in real estate activity within such neighborhood or  
19 community due to the residence, or anticipated increased or  
20 decreased residence, of persons of a particular race, color,  
21 familial status, age, religious creed, ancestry, sexual  
22 orientation, gender identity or expression, sex, national  
23 origin, handicap or disability, or the use of a guide or support  
24 animal because of the blindness, deafness or physical handicap  
25 of the user.

26 Section 7. Powers and Duties of the Commission.--The  
27 Commission shall have the following powers and duties:

28 \* \* \*

29 (i) To create such advisory agencies and conciliation  
30 councils, local or state-wide, as will aid in effectuating the

1 purposes of this act. The Commission may itself or it may  
2 empower these agencies and councils to (1) study the problems of  
3 discrimination in all or specific fields of human relationships  
4 when based on race, color, familial status, religious creed,  
5 ancestry, sexual orientation, gender identity or expression,  
6 age, sex, national origin or handicap or disability, and (2)  
7 foster, through community effort or otherwise, good will among  
8 the groups and elements of the population of the State. Such  
9 agencies and councils may make recommendations to the Commission  
10 for the development of policies and procedure in general.  
11 Advisory agencies and conciliation councils created by the  
12 Commission shall be composed of representative citizens, serving  
13 without pay, but the Commission may make provision for technical  
14 and clerical assistance to such agencies and councils, and for  
15 the payment of the expenses of such assistance.

16 (j) To issue such publications and such results of  
17 investigations and research as, in its judgment, will tend to  
18 promote good will and minimize or eliminate discrimination  
19 because of race, color, familial status, religious creed,  
20 ancestry, sexual orientation, gender identity or expression,  
21 age, sex, national origin or handicap or disability.

22 (k) To submit an annual report for each fiscal year by the  
23 following March 31 to the General Assembly, the Labor and  
24 Industry Committee of the Senate and the State Government  
25 Committee of the House of Representatives and the Governor  
26 describing in detail the types of complaints received, the  
27 investigations, status of cases, Commission action which has  
28 been taken, how many were found to have probable cause, how many  
29 were resolved by public hearing and the length of time from the  
30 initial complaint to final Commission resolution. It shall also

1 contain recommendations for such further legislation concerning  
2 abuses and discrimination because of race, color, familial  
3 status, religious creed, ancestry, sexual orientation, gender  
4 identity or expression, national origin, age, sex, handicap or  
5 disability or the use of a guide or support animal because of  
6 the blindness, deafness or physical handicap of the user or  
7 because the user is a handler or trainer of support or guide  
8 animals, as may be desirable.

9 \* \* \*

10 Section 5. Section 8 of the act, amended July 12, 1996  
11 (P.L.684, No.117), is amended to read:

12 Section 8. Educational Program.--The Commission, in  
13 cooperation with the Department of Education, is authorized to  
14 recommend a multicultural educational program, designed for the  
15 students of the schools in this Commonwealth and for all other  
16 residents thereof, with emphasis on foreign cultural and  
17 language studies, as well as on the basic shared precepts and  
18 principles of United States culture, in order to promote  
19 cultural understanding and appreciation and to further good will  
20 among all persons, without regard to race, color, familial  
21 status, religious creed, ancestry, sexual orientation, gender  
22 identity or expression, age, sex, national origin, handicap or  
23 disability.

24 Section 6. Section 12(b) of the act, amended December 20,  
25 1991 (P.L.414, No.51), is amended to read:

26 Section 12. Construction and Exclusiveness of Remedy.--

27 \* \* \*

28 (b) Except as provided in subsection (c), nothing contained  
29 in this act shall be deemed to repeal or supersede any of the  
30 provisions of any existing or hereafter adopted municipal

1 ordinance, municipal charter or of any law of this Commonwealth  
2 relating to discrimination because of race, color, familial  
3 status, religious creed, ancestry, sexual orientation, gender  
4 identity or expression, age, sex, national origin or handicap or  
5 disability, but as to acts declared unlawful by section five of  
6 this act the procedure herein provided shall, when invoked, be  
7 exclusive and the final determination therein shall exclude any  
8 other action, civil or criminal, based on the same grievance of  
9 the complainant concerned. If the complainant institutes any  
10 action based on such grievance without resorting to the  
11 procedure provided in this act, such complainant may not  
12 subsequently resort to the procedure herein. In the event of a  
13 conflict between the interpretation of a provision of this act  
14 and the interpretation of a similar provision contained in any  
15 municipal ordinance, the interpretation of the provision in this  
16 act shall apply to such municipal ordinance.

17 \* \* \*

18 Section 7. This act shall take effect in 60 days.