
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1307 Session of
2015

INTRODUCED BY BROWNE, JUNE 10, 2016

REFERRED TO URBAN AFFAIRS AND HOUSING, JUNE 10, 2016

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 the title of the act, for
12 findings and declaration of policy and for right to freedom
13 from discrimination in employment, housing and public
14 accommodation; providing for right to freedom from
15 discrimination in employment and for right to freedom from
16 discrimination in public accommodation; and further providing
17 for definitions, for unlawful discriminatory practices, for
18 prohibition of certain real estate practices, for powers and
19 duties of the commission, for educational program and for
20 construction and exclusiveness of remedy.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. The title and sections 2 and 3 of the act of
24 October 27, 1955 (P.L.744, No.222), known as the Pennsylvania
25 Human Relations Act, amended December 20, 1991 (P.L.414, No.51),
26 are amended to read:

27 AN ACT

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

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

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

1 individuals to live in dwellings which are substandard,
2 unhealthful and overcrowded, resulting in racial segregation in
3 public schools and other community facilities, juvenile
4 delinquency and other evils, thereby threatening the peace,
5 health, safety and general welfare of the Commonwealth and its
6 inhabitants. Public policies, reflecting an open and welcoming
7 environment and ensuring equal opportunity, foster economic
8 growth and prosperity which benefit the inhabitants of this
9 Commonwealth. Conversely, the absence of nondiscrimination
10 protections hinder efforts to recruit and retain the diversity
11 of talented individuals and successful enterprises required for
12 a thriving economy and strong public sector on which the
13 inhabitants of this Commonwealth depend.

14 (b) It is hereby declared to be the public policy of this
15 Commonwealth [to]:

16 (1) To foster the employment of all individuals in
17 accordance with their fullest capacities regardless of their
18 race, color, religious creed, ancestry, age, sex, national
19 origin, handicap or disability, use of guide or support animals
20 because of the blindness, deafness or physical handicap of the
21 user or because the user is a handler or trainer of support or
22 guide animals, and to safeguard their right to obtain and hold
23 employment without such discrimination[, to].

24 (2) To assure equal opportunities to all individuals and to
25 safeguard their rights to public accommodation [and to secure
26 housing accommodation and commercial property] regardless of
27 race, color, familial status, religious creed, ancestry, age,
28 sex, national origin, handicap or disability, use of guide or
29 support animals because of blindness or deafness of the user or
30 because the user is a handler or trainer of guide or support

1 animals.

2 (3) To assure equal opportunities to all individuals and to
3 safeguard their rights to secure housing accommodation and
4 commercial property regardless of race, color, familial status,
5 religious creed, ancestry, age, sex, sexual orientation, gender
6 identity or expression, national origin, handicap or disability,
7 use of guide or support animals because of blindness or deafness
8 of the user or because the user is a handler or trainer of guide
9 or support animals.

10 (c) This act shall be deemed an exercise of the police power
11 of the Commonwealth for the protection of the public welfare,
12 prosperity, health and peace of the people of the Commonwealth
13 of Pennsylvania.

14 Section 3. Right to Freedom from Discrimination in
15 [Employment,] Housing [and Public Accommodation].--The
16 opportunity for an individual [to obtain employment for which he
17 is qualified, and] to obtain all the accommodations, advantages,
18 facilities and privileges [of any public accommodation and] of
19 any housing accommodation and commercial property without
20 discrimination because of race, color, familial status,
21 religious creed, ancestry, handicap or disability, age, sex,
22 sexual orientation, gender identity or expression, national
23 origin, the use of a guide or support animal because of the
24 blindness, deafness or physical handicap of the user or because
25 the user is a handler or trainer of support or guide animals is
26 hereby recognized as and declared to be a civil right which
27 shall be enforceable as set forth in this act.

28 Section 2. The act is amended by adding sections to read:

29 Section 3.1. Right to Freedom from Discrimination in
30 Employment.--The opportunity for an individual to obtain

1 employment for which he is qualified without discrimination
2 because of race, color, familial status, religious creed,
3 ancestry, handicap or disability, age, sex, national origin, the
4 use of a guide or support animal because of the blindness,
5 deafness or physical handicap of the user or because the user is
6 a handler or trainer of support or guide animals is hereby
7 recognized as and declared to be a civil right which shall be
8 enforceable as set forth in this act.

9 Section 3.2. Right to Freedom from Discrimination in Public
10 Accommodation.--The opportunity for an individual to obtain all
11 the accommodations, advantages, facilities and privileges of any
12 public accommodation without discrimination because of race,
13 color, familial status, religious creed, ancestry, handicap or
14 disability, age, sex, national origin, the use of a guide or
15 support animal because of the blindness, deafness or physical
16 handicap of the user or because the user is a handler or trainer
17 of support or guide animals is hereby recognized as and declared
18 to be a civil right which shall be enforceable as set forth in
19 this act.

20 Section 3. Section 4 of the act is amended by adding
21 subsections to read:

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

24 * * *

25 (bb) The term "sexual orientation" means heterosexuality,
26 homosexuality or bisexuality.

27 (cc) The term "gender identity or expression" means the
28 gender-related identity, appearance, mannerisms, expression or
29 other gender-related characteristics of an individual regardless
30 of the individual's designated sex at birth.

1 Section 4. Section 5(h) of the act, amended December 20,
2 1991 (P.L.414, No.51), July 12, 1996 (P.L.684, No.117) and June
3 25, 1997 (P.L.326, No.34), is amended to read:

4 Section 5. Unlawful Discriminatory Practices.--It shall be
5 an unlawful discriminatory practice, unless based upon a bona
6 fide occupational qualification, or in the case of a fraternal
7 corporation or association, unless based upon membership in such
8 association or corporation, or except where based upon
9 applicable security regulations established by the United States
10 or the Commonwealth of Pennsylvania:

11 * * *

12 (h) For any person to:

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

27 (1.1) Evict or attempt to evict an occupant of any housing
28 accommodation before the end of the term of a lease because of
29 pregnancy or the birth of a child.

30 (2) Refuse to lend money, whether or not secured by mortgage

1 or otherwise for the acquisition, construction, rehabilitation,
2 repair or maintenance of any housing accommodation or commercial
3 property or otherwise withhold financing of any housing
4 accommodation or commercial property from any person because of
5 the race, color, familial status, age, religious creed,
6 ancestry, sex, sexual orientation, gender identity or
7 expression, national origin, handicap or disability of any
8 person, the use of a guide or support animal because of the
9 blindness, deafness or physical handicap of the user or because
10 the user is a handler or trainer of support or guide animals or
11 because of the handicap or disability of an individual with whom
12 the person is known to have a relationship or association.

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

26 (3.1) Refuse to permit, at the expense of a person with a
27 handicap, reasonable modifications of existing premises occupied
28 or to be occupied by such person if such modifications may be
29 necessary to afford such person full enjoyment of the premises,
30 except that, in the case of a rental, the landlord may, where it

1 is reasonable to do so, grant permission for a modification if
2 the renter agrees to restore the interior of the premises to the
3 condition that existed before the modification, with reasonable
4 wear and tear excepted.

5 (3.2) Refuse to make reasonable accommodations in rules,
6 policies, practices or services when such accommodations may be
7 necessary to afford such person equal opportunity to use and
8 enjoy a housing accommodation.

9 (4) Discriminate against any person in the terms or
10 conditions of any loan of money, whether or not secured by
11 mortgage or otherwise for the acquisition, construction,
12 rehabilitation, repair or maintenance of housing accommodation
13 or commercial property because of the race, color, familial
14 status, age, religious creed, ancestry, sex, sexual orientation,
15 gender identity or expression, national origin or handicap or
16 disability of any person, the use of a guide or support animal
17 because of the blindness, deafness or physical handicap of the
18 user or because the user is a handler or trainer of guide or
19 support animals or because of the handicap or disability of an
20 individual with whom the person is known to have a relationship
21 or association.

22 (5) Print, publish or circulate any statement or
23 advertisement: (i) relating to the sale, lease or acquisition of
24 any housing accommodation or commercial property or the loan of
25 money, whether or not secured by mortgage, or otherwise for the
26 acquisition, construction, rehabilitation, repair or maintenance
27 of any housing accommodation or commercial property which
28 indicates any preference, limitation, specification, or
29 discrimination based upon race, color, familial status, age,
30 religious creed, ancestry, sex, sexual orientation, gender

1 identity or expression, national origin, handicap or disability
2 or because of the handicap or disability of an individual with
3 whom the person is known to have a relationship or association,
4 or (ii) relating to the sale, lease or acquisition of any
5 housing accommodation or commercial property which indicates any
6 preference, limitation, specification or discrimination based
7 upon use of a guide or support animal because of the blindness,
8 deafness or physical handicap of the user or because the user is
9 a handler or trainer of support or guide animals.

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

29 (7) Construct, operate, offer for sale, lease or rent or
30 otherwise make available housing or commercial property which is

1 not accessible.

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

4 (i) It shall be unlawful for any person or other entity
5 whose business includes engaging in real estate-related
6 transactions to discriminate against any person in making
7 available such a transaction or in the terms or conditions of
8 such a transaction because of race, color, religious creed,
9 ancestry, national origin, sex, sexual orientation, gender
10 identity or expression, age, handicap or disability, use of a
11 guide or support animal because of a physical handicap or
12 because the user is a handler or trainer of guide or support
13 animals or familial status.

14 (ii) Nothing in this act prohibits a person engaged in the
15 business of furnishing appraisals of real property to take into
16 consideration factors other than race, color, religious creed,
17 ancestry, national origin, sex, sexual orientation, gender
18 identity or expression, age, handicap or disability, use of a
19 guide or support animal because of a physical handicap or
20 because the user is a handler or trainer of guide or support
21 animals or familial status.

22 (9) Nothing in this clause, regarding age or familial
23 status, shall apply with respect to housing for older persons. A
24 person shall not be held personally liable for monetary damages
25 for a violation of this act if the person reasonably relied, in
26 good faith, on the application of the exemption of this
27 subclause. A person may only prove good faith reliance on the
28 application of the exemption of this subclause by proving that
29 at the time of the act complained of all of the following
30 applied:

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

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

6 (10) Nothing in this clause shall bar any religious or
7 denominational institution or organization or any charitable or
8 educational organization which is operated, supervised or
9 controlled by or in connection with a religious organization or
10 any bona fide private or fraternal organization from giving
11 preference to persons of the same religion or denomination or to
12 members of such private or fraternal organization or from making
13 such selection as is calculated by such organization to promote
14 the religious principles or the aims, purposes or fraternal
15 principles for which it is established or maintained. Nor shall
16 it apply to the rental of rooms in a landlord-occupied rooming
17 house with a common entrance, nor with respect to discrimination
18 based on sex, the advertising, rental or leasing of housing
19 accommodations in a single-sex dormitory or rooms in one's
20 personal residence in which common living areas are shared.

21 (11) Nothing in this act limits the applicability of the
22 Fair Housing Act and reasonable State or local restrictions on
23 the maximum number of occupants permitted to occupy a dwelling
24 or a reasonable restriction relating to health or safety
25 standards or business necessity. Owners and managers of
26 dwellings may develop and implement reasonable occupancy and
27 safety standards based on factors such as the number and size of
28 sleeping areas or bedrooms and the overall size of a dwelling
29 unit so long as the standards do not violate the Fair Housing
30 Act or State or local restrictions.

1 * * *

2 Section 5. Sections 5.3 and 7(i), (j) and (k) of the act,
3 amended December 20, 1991 (P.L.414, No.51), are amended to read:

4 Section 5.3. Prohibition of Certain Real Estate Practices.--

5 It shall be an unlawful discriminatory practice for any person
6 to:

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

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

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

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

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

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

27 * * *

28 (i) To create such advisory agencies and conciliation
29 councils, local or state-wide, as will aid in effectuating the
30 purposes of this act. The Commission may itself or it may

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

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

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

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

8 * * *

9 Section 6. Section 8 of the act, amended July 12, 1996
10 (P.L.684, No.117), is amended to read:

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

23 Section 7. Section 12(b) of the act, amended December 20,
24 1991 (P.L.414, No.51), is amended to read:

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

26 * * *

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

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

16 * * *

17 Section 8. This act shall take effect in 30 days.