

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1307 Session of 2015

INTRODUCED BY BROWNE, JUNE 10, 2016

SENATOR WAGNER, URBAN AFFAIRS AND HOUSING, AS AMENDED, JUNE 22, 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, AND <--
18 for prohibition of certain real estate practices,; PROVIDING <--
19 FOR PROTECTION OF RELIGIOUS EXERCISE; AND FURTHER PROVIDING
20 for powers and duties of the commission, for educational
21 program and for construction and exclusiveness of remedy.

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

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

1 AN ACT

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

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

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

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

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

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

26 (2) To assure equal opportunities to all individuals and to
27 safeguard their rights to public accommodation [and to secure
28 housing accommodation and commercial property] regardless of
29 race, color, familial status, religious creed, ancestry, age,
30 sex, national origin, handicap or disability, use of guide or

1 support animals because of blindness or deafness of the user or
2 because the user is a handler or trainer of guide or support
3 animals.

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

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

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

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

1 Section 3.1. Right to Freedom from Discrimination in
2 Employment.--The opportunity for an individual to obtain
3 employment for which he is qualified without discrimination
4 because of race, color, familial status, religious creed,
5 ancestry, handicap or disability, age, sex, SEXUAL ORIENTATION, <--
6 GENDER IDENTITY OR EXPRESSION, national origin, the use of a
7 guide or support animal because of the blindness, deafness or
8 physical handicap of the user or because the user is a handler
9 or trainer of support or guide animals is hereby recognized as
10 and declared to be a civil right which shall be enforceable as
11 set forth in this act.

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

23 ~~Section 3. Section 4 of the act is amended by adding <--~~
24 ~~subsections to read:~~

25 SECTION 3. SECTION 4(B) OF THE ACT, AMENDED DECEMBER 20, <--
26 1991 (P.L.414, NO.51), IS AMENDED AND THE SECTION IS AMENDED BY
27 ADDING SUBSECTIONS TO READ:

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

30 * * *

1 (B) THE TERM "EMPLOYER" INCLUDES THE COMMONWEALTH OR ANY <--
2 POLITICAL SUBDIVISION OR BOARD, DEPARTMENT, COMMISSION OR SCHOOL
3 DISTRICT THEREOF AND ANY PERSON EMPLOYING FOUR OR MORE PERSONS
4 WITHIN THE COMMONWEALTH, BUT EXCEPT AS HEREINAFTER PROVIDED,
5 DOES NOT INCLUDE RELIGIOUS, FRATERNAL, CHARITABLE OR SECTARIAN
6 CORPORATIONS OR ASSOCIATIONS, EXCEPT SUCH CORPORATIONS OR
7 ASSOCIATIONS SUPPORTED, IN WHOLE OR IN PART, BY GOVERNMENTAL
8 APPROPRIATIONS. THE TERM "EMPLOYER" WITH RESPECT TO
9 DISCRIMINATORY PRACTICES BASED ON RACE, COLOR, AGE, SEX, SEXUAL
10 ORIENTATION, GENDER IDENTITY OR EXPRESSION, NATIONAL ORIGIN OR
11 NON-JOB RELATED HANDICAP OR DISABILITY, INCLUDES RELIGIOUS,
12 FRATERNAL, CHARITABLE AND SECTARIAN CORPORATIONS AND
13 ASSOCIATIONS EMPLOYING FOUR OR MORE PERSONS WITHIN THE
14 COMMONWEALTH.

15 * * *

16 (bb) The term "sexual orientation" means heterosexuality,
17 homosexuality or bisexuality.

18 (cc) The term "gender identity or expression" means the
19 gender-related identity, appearance, mannerisms, expression or
20 other gender-related characteristics of an individual regardless
21 of the individual's designated sex at birth.

22 Section 4. Section ~~5(h)~~ 5(A), (B), (C), (F), (G) AND (H) of <--
23 the act, amended December 20, 1991 (P.L.414, No.51), July 12,
24 1996 (P.L.684, No.117) and June 25, 1997 (P.L.326, No.34), ~~is~~ <--
25 ARE amended to read: <--

26 Section 5. Unlawful Discriminatory Practices.--It shall be
27 an unlawful discriminatory practice, unless based upon a bona
28 fide occupational qualification, or in the case of a fraternal
29 corporation or association, unless based upon membership in such
30 association or corporation, or except where based upon

1 applicable security regulations established by the United States
2 or the Commonwealth of Pennsylvania:

3 * * *

<--

4 (A) FOR ANY EMPLOYER BECAUSE OF THE RACE, COLOR, RELIGIOUS <--
5 CREED, ANCESTRY, AGE, SEX, SEXUAL ORIENTATION, GENDER IDENTITY
6 OR EXPRESSION, NATIONAL ORIGIN OR NON-JOB RELATED HANDICAP OR
7 DISABILITY OR THE USE OF A GUIDE OR SUPPORT ANIMAL BECAUSE OF
8 THE BLINDNESS, DEAFNESS OR PHYSICAL HANDICAP OF ANY INDIVIDUAL
9 OR INDEPENDENT CONTRACTOR, TO REFUSE TO HIRE OR EMPLOY OR
10 CONTRACT WITH, OR TO BAR OR TO DISCHARGE FROM EMPLOYMENT SUCH
11 INDIVIDUAL OR INDEPENDENT CONTRACTOR, OR TO OTHERWISE
12 DISCRIMINATE AGAINST SUCH INDIVIDUAL OR INDEPENDENT CONTRACTOR
13 WITH RESPECT TO COMPENSATION, HIRE, TENURE, TERMS, CONDITIONS OR
14 PRIVILEGES OF EMPLOYMENT OR CONTRACT, IF THE INDIVIDUAL OR
15 INDEPENDENT CONTRACTOR IS THE BEST ABLE AND MOST COMPETENT TO
16 PERFORM THE SERVICES REQUIRED. THE [PROVISION] PROVISIONS OF
17 THIS PARAGRAPH SHALL NOT APPLY, TO (1) OPERATION OF THE TERMS OR
18 CONDITIONS OF ANY BONA FIDE RETIREMENT OR PENSION PLAN WHICH
19 HAVE THE EFFECT OF A MINIMUM SERVICE REQUIREMENT, (2) OPERATION
20 OF THE TERMS OR CONDITIONS OF ANY BONA FIDE GROUP OR EMPLOYEE
21 INSURANCE PLAN, (3) AGE LIMITATIONS PLACED UPON ENTRY INTO BONA
22 FIDE APPRENTICESHIP PROGRAMS OF TWO YEARS OR MORE APPROVED BY
23 THE STATE APPRENTICESHIP AND TRAINING COUNCIL OF THE DEPARTMENT
24 OF LABOR AND INDUSTRY, ESTABLISHED BY THE ACT OF JULY 14, 1961
25 (P.L.604, NO.304), KNOWN AS "THE APPRENTICESHIP AND TRAINING
26 ACT." NOTWITHSTANDING ANY PROVISION OF THIS CLAUSE, IT SHALL NOT
27 BE AN UNLAWFUL EMPLOYMENT PRACTICE FOR A RELIGIOUS CORPORATION
28 OR ASSOCIATION TO HIRE OR EMPLOY ON THE BASIS OF SEX IN THOSE
29 CERTAIN INSTANCES WHERE SEX IS A BONA FIDE OCCUPATIONAL
30 QUALIFICATION BECAUSE OF THE RELIGIOUS BELIEFS, PRACTICES, OR

1 OBSERVANCES OF THE CORPORATION, OR ASSOCIATION. EXCEPT AS
2 OTHERWISE REQUIRED BY LAW, IT IS NOT AN UNLAWFUL DISCRIMINATORY
3 PRACTICE BASED ON RACE, COLOR, RELIGIOUS CREED, ANCESTRY, AGE,
4 SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION OR NATIONAL
5 ORIGIN UNDER THIS ACT TO FAIL OR REFUSE TO CONSTRUCT NEW OR
6 ADDITIONAL FACILITIES.

7 (B) FOR ANY EMPLOYER, EMPLOYMENT AGENCY OR LABOR
8 ORGANIZATION, PRIOR TO THE EMPLOYMENT, CONTRACTING WITH AN
9 INDEPENDENT CONTRACTOR OR ADMISSION TO MEMBERSHIP, TO:

10 (1) ELICIT ANY INFORMATION OR MAKE OR KEEP A RECORD OF OR
11 USE ANY FORM OF APPLICATION OR APPLICATION BLANK CONTAINING
12 QUESTIONS OR ENTRIES CONCERNING THE RACE, COLOR, RELIGIOUS
13 CREED, ANCESTRY, AGE, SEX, SEXUAL ORIENTATION, GENDER IDENTITY
14 OR EXPRESSION, NATIONAL ORIGIN, PAST HANDICAP OR DISABILITY OR
15 THE USE OF A GUIDE OR SUPPORT ANIMAL BECAUSE OF THE BLINDNESS,
16 DEAFNESS OR PHYSICAL HANDICAP OF ANY APPLICANT FOR EMPLOYMENT OR
17 MEMBERSHIP. PRIOR TO AN OFFER OF EMPLOYMENT, AN EMPLOYER MAY NOT
18 INQUIRE AS TO WHETHER AN INDIVIDUAL HAS A HANDICAP OR DISABILITY
19 OR AS TO THE SEVERITY OF SUCH HANDICAP OR DISABILITY. AN
20 EMPLOYER MAY INQUIRE AS TO THE INDIVIDUAL'S ABILITY TO PERFORM
21 THE ESSENTIAL FUNCTIONS OF THE EMPLOYMENT.

22 (2) PRINT OR PUBLISH OR CAUSE TO BE PRINTED OR PUBLISHED ANY
23 NOTICE OR ADVERTISEMENT RELATING TO EMPLOYMENT OR MEMBERSHIP
24 INDICATING ANY PREFERENCE, LIMITATION, SPECIFICATION OR
25 DISCRIMINATION BASED UPON RACE, COLOR, RELIGIOUS CREED,
26 ANCESTRY, AGE, SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR
27 EXPRESSION, NATIONAL ORIGIN, NON-JOB RELATED HANDICAP OR
28 DISABILITY OR THE USE OF A GUIDE OR SUPPORT ANIMAL BECAUSE OF
29 THE BLINDNESS, DEAFNESS OR PHYSICAL HANDICAP OF THE USER.

30 (3) DENY OR LIMIT, THROUGH A QUOTA SYSTEM, EMPLOYMENT OR

1 MEMBERSHIP BECAUSE OF RACE, COLOR, RELIGIOUS CREED, ANCESTRY,
2 AGE, SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION,
3 NATIONAL ORIGIN, NON-JOB RELATED HANDICAP OR DISABILITY, THE USE
4 OF A GUIDE OR SUPPORT ANIMAL BECAUSE OF THE BLINDNESS, DEAFNESS
5 OR PHYSICAL HANDICAP OF THE USER OR PLACE OF BIRTH.

6 (4) SUBSTANTIALLY CONFINE OR LIMIT RECRUITMENT OR HIRING OF
7 INDIVIDUALS, WITH INTENT TO CIRCUMVENT THE SPIRIT AND PURPOSE OF
8 THIS ACT, TO ANY EMPLOYMENT AGENCY, EMPLOYMENT SERVICE, LABOR
9 ORGANIZATION, TRAINING SCHOOL OR TRAINING CENTER OR ANY OTHER
10 EMPLOYE-REFERRING SOURCE WHICH SERVICES INDIVIDUALS WHO ARE
11 PREDOMINANTLY OF THE SAME RACE, COLOR, RELIGIOUS CREED,
12 ANCESTRY, AGE, SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR
13 EXPRESSION, NATIONAL ORIGIN OR NON-JOB RELATED HANDICAP OR
14 DISABILITY.

15 (5) DENY EMPLOYMENT BECAUSE OF A PRIOR HANDICAP OR
16 DISABILITY.

17 NOTHING IN CLAUSE (B) OF THIS SECTION SHALL BAR ANY
18 INSTITUTION OR ORGANIZATION FOR HANDICAPPED OR DISABLED PERSONS
19 FROM LIMITING OR GIVING PREFERENCE IN EMPLOYMENT OR MEMBERSHIP
20 TO HANDICAPPED OR DISABLED PERSONS.

21 (C) FOR ANY LABOR ORGANIZATION BECAUSE OF THE RACE, COLOR,
22 RELIGIOUS CREED, ANCESTRY, AGE, SEX, SEXUAL ORIENTATION, GENDER
23 IDENTITY OR EXPRESSION, NATIONAL ORIGIN, NON-JOB RELATED
24 HANDICAP OR DISABILITY OR THE USE OF A GUIDE OR SUPPORT ANIMAL
25 BECAUSE OF THE BLINDNESS, DEAFNESS OR PHYSICAL HANDICAP OF ANY
26 INDIVIDUAL TO DENY FULL AND EQUAL MEMBERSHIP RIGHTS TO ANY
27 INDIVIDUAL OR OTHERWISE TO DISCRIMINATE AGAINST SUCH INDIVIDUALS
28 WITH RESPECT TO HIRE, TENURE, TERMS, CONDITIONS OR PRIVILEGES OF
29 EMPLOYMENT OR ANY OTHER MATTER, DIRECTLY OR INDIRECTLY, RELATED
30 TO EMPLOYMENT.

1 * * *

2 (F) FOR ANY EMPLOYMENT AGENCY TO FAIL OR REFUSE TO CLASSIFY
3 PROPERLY, REFER FOR EMPLOYMENT OR OTHERWISE TO DISCRIMINATE
4 AGAINST ANY INDIVIDUAL BECAUSE OF HIS RACE, COLOR, RELIGIOUS
5 CREED, ANCESTRY, AGE, SEX, SEXUAL ORIENTATION, GENDER IDENTITY
6 OR EXPRESSION, NATIONAL ORIGIN, NON-JOB RELATED HANDICAP OR
7 DISABILITY OR THE USE OF A GUIDE OR SUPPORT ANIMAL BECAUSE OF
8 THE BLINDNESS, DEAFNESS OR PHYSICAL HANDICAP OF THE USER.

9 (G) FOR ANY INDIVIDUAL SEEKING EMPLOYMENT TO PUBLISH OR
10 CAUSE TO BE PUBLISHED ANY ADVERTISEMENT WHICH IN ANY MANNER
11 EXPRESSES A LIMITATION OR PREFERENCE AS TO THE RACE, COLOR,
12 RELIGIOUS CREED, ANCESTRY, AGE, SEX, SEXUAL ORIENTATION, GENDER
13 IDENTITY OR EXPRESSION, NATIONAL ORIGIN, NON-JOB RELATED
14 HANDICAP OR DISABILITY OR THE USE OF A GUIDE OR SUPPORT ANIMAL
15 BECAUSE OF THE BLINDNESS, DEAFNESS OR PHYSICAL HANDICAP OF ANY
16 PROSPECTIVE EMPLOYER.

17 (h) For any person to:

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

1 known to have a relationship or association.

2 (1.1) Evict or attempt to evict an occupant of any housing
3 accommodation before the end of the term of a lease because of
4 pregnancy or the birth of a child.

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

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

1 (3.1) Refuse to permit, at the expense of a person with a
2 handicap, reasonable modifications of existing premises occupied
3 or to be occupied by such person if such modifications may be
4 necessary to afford such person full enjoyment of the premises,
5 except that, in the case of a rental, the landlord may, where it
6 is reasonable to do so, grant permission for a modification if
7 the renter agrees to restore the interior of the premises to the
8 condition that existed before the modification, with reasonable
9 wear and tear excepted.

10 (3.2) Refuse to make reasonable accommodations in rules,
11 policies, practices or services when such accommodations may be
12 necessary to afford such person equal opportunity to use and
13 enjoy a housing accommodation.

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

27 (5) Print, publish or circulate any statement or
28 advertisement: (i) relating to the sale, lease or acquisition of
29 any housing accommodation or commercial property or the loan of
30 money, whether or not secured by mortgage, or otherwise for the

1 acquisition, construction, rehabilitation, repair or maintenance
2 of any housing accommodation or commercial property which
3 indicates any preference, limitation, specification, or
4 discrimination based upon race, color, familial status, age,
5 religious creed, ancestry, sex, sexual orientation, gender
6 identity or expression, national origin, handicap or disability
7 or because of the handicap or disability of an individual with
8 whom the person is known to have a relationship or association,
9 or (ii) relating to the sale, lease or acquisition of any
10 housing accommodation or commercial property which indicates any
11 preference, limitation, specification or discrimination based
12 upon use of a guide or support animal because of the blindness,
13 deafness or physical handicap of the user or because the user is
14 a handler or trainer of support or guide animals.

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

1 the user is a handler or trainer of support or guide animals, in
2 connection with the lease of any housing accommodation or
3 commercial property.

4 (7) Construct, operate, offer for sale, lease or rent or
5 otherwise make available housing or commercial property which is
6 not accessible.

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

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

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

27 (9) Nothing in this clause, regarding age or familial
28 status, shall apply with respect to housing for older persons. A
29 person shall not be held personally liable for monetary damages
30 for a violation of this act if the person reasonably relied, in

1 good faith, on the application of the exemption of this
2 subclause. A person may only prove good faith reliance on the
3 application of the exemption of this subclause by proving that
4 at the time of the act complained of all of the following
5 applied:

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

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

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

26 (11) Nothing in this act limits the applicability of the
27 Fair Housing Act and reasonable State or local restrictions on
28 the maximum number of occupants permitted to occupy a dwelling
29 or a reasonable restriction relating to health or safety
30 standards or business necessity. Owners and managers of

1 dwellings may develop and implement reasonable occupancy and
2 safety standards based on factors such as the number and size of
3 sleeping areas or bedrooms and the overall size of a dwelling
4 unit so long as the standards do not violate the Fair Housing
5 Act or State or local restrictions.

6 * * *

7 Section 5. ~~Sections 5.3 and 7(i), (j) and (k)~~ SECTION 5.3 of <--
8 the act, amended December 20, 1991 (P.L.414, No.51), ~~are~~ IS <--
9 amended to read:

10 Section 5.3. Prohibition of Certain Real Estate Practices.--
11 It shall be an unlawful discriminatory practice for any person
12 to:

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

23 (b) Discourage, or attempt to discourage, for commercial
24 profit, the purchase or lease of any housing accommodation or
25 commercial property by representing that such housing
26 accommodation or commercial property is within any neighborhood,
27 community or area adjacent to any other area in which there
28 reside, or may in the future reside in increased or decreased
29 numbers, persons of a particular race, color, familial status,
30 age, religious creed, ancestry, sex, sexual orientation, gender

1 identity or expression, national origin, handicap or disability,
2 or who are guide or support animal dependent.

3 (c) Misrepresent, create or distort a circumstance,
4 condition or incident for the purpose of fostering the
5 impression or belief, on the part of any owner, occupant or
6 prospective owner or occupant of any housing accommodation or
7 commercial property, that such housing accommodation or
8 commercial property is within any neighborhood, community or
9 area adjacent to any other area which would be adversely
10 impacted by the residence, or future increased or decreased
11 residence, of persons of a particular race, color, familial
12 status, age, religious creed, ancestry, sex, sexual orientation,
13 gender identity or expression, national origin, handicap or
14 disability, or who are guide or support animal dependent within
15 such neighborhood, community or area.

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

1 SECTION 6. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--

2 SECTION 5.4. PROTECTION OF RELIGIOUS EXERCISE.--(A) NOTHING
3 CONTAINED IN THIS ACT, OR IN ANY ORDINANCE, CHARTER, LAW OR
4 REGULATION THAT IS OR HAS BEEN ADOPTED BY ANY POLITICAL
5 SUBDIVISION IN THIS COMMONWEALTH IN ACCORDANCE WITH THIS ACT,
6 SHALL BE INTERPRETED TO:

7 (1) PROHIBIT ANY RELIGIOUS ENTITY FROM DETERMINING THE
8 TENETS OF ITS FAITH, OR FROM EXPRESSING THOSE TENETS, IF SUCH
9 PROHIBITION WOULD VIOLATE THE FREEDOM OF SPEECH OR FREE EXERCISE
10 OF RELIGION GUARANTEED TO THE RELIGIOUS ENTITY BY THE
11 CONSTITUTION OF THE UNITED STATES OR THE CONSTITUTION OF
12 PENNSYLVANIA.

13 (2) REQUIRE ANY INDIVIDUAL OR RELIGIOUS ENTITY TO ENGAGE IN
14 CONDUCT PROHIBITED BY OR INCONSISTENT WITH THE TENETS OF ITS
15 FAITH, IF SUCH REQUIREMENT WOULD VIOLATE THE FREE EXERCISE OF
16 RELIGION GUARANTEED TO THE INDIVIDUAL OR RELIGIOUS ENTITY BY THE
17 CONSTITUTION OF THE UNITED STATES OR THE CONSTITUTION OF
18 PENNSYLVANIA.

19 (B) AS USED IN THIS SECTION, THE TERM "RELIGIOUS ENTITY"
20 MEANS ANY RELIGIOUS OR DENOMINATIONAL INSTITUTION OR
21 ORGANIZATION OR ANY CHARITABLE OR EDUCATIONAL ORGANIZATION WHICH
22 IS OPERATED, SUPERVISED OR CONTROLLED BY OR IN CONNECTION WITH A
23 RELIGIOUS ORGANIZATION.

24 SECTION 7. SECTION 7(I), (J) AND (K) OF THE ACT, AMENDED
25 DECEMBER 20, 1991 (P.L.414, NO.51), ARE AMENDED TO READ:

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, age, sex, sexual orientation, gender identity or
6 expression, 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, age, sex, sexual orientation, gender identity or
21 expression, 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, national origin, age, sex,
4 sexual orientation, gender identity or expression, 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 6 8. 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, age, sex, sexual orientation,
22 gender identity or expression, national origin, handicap or
23 disability.

24 Section 7 9. Section 12(b) of the act, amended December 20, <--
25 1991 (P.L.414, No.51), is amended AND THE SECTION IS AMENDED BY <--
26 ADDING A SUBSECTION to read:

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

28 * * *

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

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

18 * * *

19 (G) NOTHING IN THIS ACT SHALL PROHIBIT AN EMPLOYER FROM <--
20 REQUIRING AN EMPLOYEE, DURING THE EMPLOYEE'S HOURS AT WORK, TO
21 ADHERE TO REASONABLE DRESS OR GROOMING STANDARDS NOT PROHIBITED
22 BY OTHER PROVISIONS OF FEDERAL, STATE OR LOCAL LAW, PROVIDED
23 THAT THE EMPLOYER PERMITS ANY EMPLOYEE TO ADHERE TO THE DRESS OR
24 GROOMING STANDARDS THAT ARE CONSISTENT WITH THE EMPLOYEE'S GENDER
25 IDENTITY OR EXPRESSION.

26 Section 8 10. This act shall take effect in 30 days. <--