

AMENDMENTS TO HOUSE BILL NO. 1394

Sponsor: REPRESENTATIVE ROAE

Printer's No. 1556

1 Amend Bill, page 1, lines 1 through 11, by striking out all
2 of said lines and inserting

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

20 Amend Bill, page 1, lines 14 through 20; page 2, lines 1
21 through 5; by striking out all of said lines on said pages and
22 inserting

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, are amended to read:
26 Prohibiting certain practices of discrimination because of race,
27 color, religious creed, ancestry, age [or], national origin
28 or political affiliation by employers, employment agencies,
29 labor organizations and others as herein defined; creating
30 the Pennsylvania Human Relations Commission in the Governor's
31 Office; defining its functions, powers and duties; providing
32 for procedure and enforcement; providing for formulation of
33 an educational program to prevent prejudice; providing for
34 judicial review and enforcement and imposing penalties.

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

1 (a) The practice or policy of discrimination against
2 individuals or groups by reason of their race, color, familial
3 status, religious creed, ancestry, age, sex, national origin,
4 political affiliation, handicap or disability, use of guide or
5 support animals because of the blindness, deafness or physical
6 handicap of the user or because the user is a handler or trainer
7 of support or guide animals is a matter of concern of the
8 Commonwealth. Such discrimination foments domestic strife and
9 unrest, threatens the rights and privileges of the inhabitants
10 of the Commonwealth, and undermines the foundations of a free
11 democratic state. The denial of equal employment, housing and
12 public accommodation opportunities because of such
13 discrimination, and the consequent failure to utilize the
14 productive capacities of individuals to their fullest extent,
15 deprives large segments of the population of the Commonwealth of
16 earnings necessary to maintain decent standards of living,
17 necessitates their resort to public relief and intensifies group
18 conflicts, thereby resulting in grave injury to the public
19 health and welfare, compels many individuals to live in
20 dwellings which are substandard, unhealthful and overcrowded,
21 resulting in racial segregation in public schools and other
22 community facilities, juvenile delinquency and other evils,
23 thereby threatening the peace, health, safety and general
24 welfare of the Commonwealth and its inhabitants.

25 (b) It is hereby declared to be the public policy of this
26 Commonwealth to foster the employment of all individuals in
27 accordance with their fullest capacities regardless of their
28 race, color, religious creed, ancestry, age, sex, national
29 origin, political affiliation, handicap or disability, use of
30 guide or support animals because of the blindness, deafness or
31 physical handicap of the user or because the user is a handler
32 or trainer of support or guide animals, and to safeguard their
33 right to obtain and hold employment without such discrimination,
34 to assure equal opportunities to all individuals and to
35 safeguard their rights to public accommodation and to secure
36 housing accommodation and commercial property regardless of
37 race, color, familial status, religious creed, ancestry, age,
38 sex, national origin, political affiliation, handicap or
39 disability, use of guide or support animals because of blindness
40 or deafness of the user or because the user is a handler or
41 trainer of guide or support animals.

42 (c) This act shall be deemed an exercise of the police power
43 of the Commonwealth for the protection of the public welfare,
44 prosperity, health and peace of the people of the Commonwealth
45 of Pennsylvania.

46 Section 3. Right to Freedom from Discrimination in
47 Employment, Housing and Public Accommodation.--The opportunity
48 for an individual to obtain employment for which he is
49 qualified, and to obtain all the accommodations, advantages,
50 facilities and privileges of any public accommodation and of any
51 housing accommodation and commercial property without

1 discrimination because of race, color, familial status,
2 religious creed, ancestry, handicap or disability, age, sex,
3 national origin, political affiliation, the use of a guide or
4 support animal because of the blindness, deafness or physical
5 handicap of the user or because the user is a handler or trainer
6 of support or guide animals is hereby recognized as and declared
7 to be a civil right which shall be enforceable as set forth in
8 this act.

9 Section 2. Section 4(b) of the act is amended and the
10 section is amended by adding subsections to read:

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

13 * * *

14 (b) The term "employer" includes the Commonwealth or any
15 political subdivision or board, department, commission or school
16 district thereof and any person employing four or more persons
17 within the Commonwealth, but except as hereinafter provided,
18 does not include religious, fraternal, charitable or sectarian
19 corporations or associations, except such corporations or
20 associations supported, in whole or in part, by governmental
21 appropriations. The term "employer" with respect to
22 discriminatory practices based on race, color, age, sex,
23 national origin, political affiliation or non-job related
24 handicap or disability, includes religious, fraternal,
25 charitable and sectarian corporations and associations employing
26 four or more persons within the Commonwealth.

27 * * *

28 (bb) The term "race" includes traits historically associated
29 with race, including hair texture and protective hairstyles.

30 (cc) The term "protective hairstyle" includes, but is not
31 limited to, such hairstyles as dreads, locs, braids, twists,
32 coils, Bantu knots, cornrows and extensions.

33 Section 3. Sections 5(a), (b)(1), (2), (3) and (4), (c),
34 (f), (g), (h)(1), (2), (3), (4), (5), (6) and (8) and (i)(1) and
35 (2), 7(i), (j) and (k), 8 and 12(b) are amended to read:

36 Section 5. Unlawful Discriminatory Practices.--It shall be
37 an unlawful discriminatory practice, unless based upon a bona
38 fide occupational qualification, or in the case of a fraternal
39 corporation or association, unless based upon membership in such
40 association or corporation, or except where based upon
41 applicable security regulations established by the United States
42 or the Commonwealth of Pennsylvania:

43 (a) For any employer because of the race, color, religious
44 creed, ancestry, age, sex, national origin, political
45 affiliation or non-job related handicap or disability or the use
46 of a guide or support animal because of the blindness, deafness
47 or physical handicap of any individual or independent
48 contractor, to refuse to hire or employ or contract with, or to
49 bar or to discharge from employment such individual or
50 independent contractor, or to otherwise discriminate against
51 such individual or independent contractor with respect to

1 compensation, hire, tenure, terms, conditions or privileges of
2 employment or contract, if the individual or independent
3 contractor is the best able and most competent to perform the
4 services required. The provision of this paragraph shall not
5 apply, to (1) operation of the terms or conditions of any bona
6 fide retirement or pension plan which have the effect of a
7 minimum service requirement, (2) operation of the terms or
8 conditions of any bona fide group or employe insurance plan, (3)
9 age limitations placed upon entry into bona fide apprenticeship
10 programs of two years or more approved by the State
11 Apprenticeship and Training Council of the Department of Labor
12 and Industry, established by the act of July 14, 1961 (P.L.604,
13 No.304), known as "The Apprenticeship and Training Act."

14 Notwithstanding any provision of this clause, it shall not be an
15 unlawful employment practice for a religious corporation or
16 association to hire or employ on the basis of sex in those
17 certain instances where sex is a bona fide occupational
18 qualification because of the religious beliefs, practices, or
19 observances of the corporation, or association.

20 (b) For any employer, employment agency or labor
21 organization, prior to the employment, contracting with an
22 independent contractor or admission to membership, to:

23 (1) Elicit any information or make or keep a record of or
24 use any form of application or application blank containing
25 questions or entries concerning the race, color, religious
26 creed, ancestry, age, sex, national origin, political
27 affiliation, past handicap or disability or the use of a guide
28 or support animal because of the blindness, deafness or physical
29 handicap of any applicant for employment or membership. Prior to
30 an offer of employment, an employer may not inquire as to
31 whether an individual has a handicap or disability or as to the
32 severity of such handicap or disability. An employer may inquire
33 as to the individual's ability to perform the essential
34 functions of the employment.

35 (2) Print or publish or cause to be printed or published any
36 notice or advertisement relating to employment or membership
37 indicating any preference, limitation, specification or
38 discrimination based upon race, color, religious creed,
39 ancestry, age, sex, national origin, political affiliation, non-
40 job related handicap or disability or the use of a guide or
41 support animal because of the blindness, deafness or physical
42 handicap of the user.

43 (3) Deny or limit, through a quota system, employment or
44 membership because of race, color, religious creed, ancestry,
45 age, sex, national origin, political affiliation, non-job
46 related handicap or disability, the use of a guide or support
47 animal because of the blindness, deafness or physical handicap
48 of the user or place of birth.

49 (4) Substantially confine or limit recruitment or hiring of
50 individuals, with intent to circumvent the spirit and purpose of
51 this act, to any employment agency, employment service, labor

1 organization, training school or training center or any other
2 employe-referring source which services individuals who are
3 predominantly of the same race, color, religious creed,
4 ancestry, age, sex, national origin, political affiliation or
5 non-job related handicap or disability.

6 * * *

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

16 * * *

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

24 (g) For any individual seeking employment to publish or
25 cause to be published any advertisement which in any manner
26 expresses a limitation or preference as to the race, color,
27 religious creed, ancestry, age, sex, national origin, political
28 affiliation, non-job related handicap or disability or the use
29 of a guide or support animal because of the blindness, deafness
30 or physical handicap of any prospective employer.

31 (h) For any person to:

32 (1) Refuse to sell, lease, finance or otherwise to deny or
33 withhold any housing accommodation or commercial property from
34 any person because of the race, color, familial status, age,
35 religious creed, ancestry, sex, national origin, political
36 affiliation or handicap or disability of any person, prospective
37 owner, occupant or user of such housing accommodation or
38 commercial property, or to refuse to lease any housing
39 accommodation or commercial property to any person due to use of
40 a guide animal because of the blindness or deafness of the user,
41 use of a support animal because of a physical handicap of the
42 user or because the user is a handler or trainer of support or
43 guide animals or because of the handicap or disability of an
44 individual with whom the person is known to have a relationship
45 or association.

46 * * *

47 (2) Refuse to lend money, whether or not secured by mortgage
48 or otherwise for the acquisition, construction, rehabilitation,
49 repair or maintenance of any housing accommodation or commercial
50 property or otherwise withhold financing of any housing
51 accommodation or commercial property from any person because of

1 the race, color, familial status, age, religious creed,
2 ancestry, sex, national origin, political affiliation, handicap
3 or disability of any person, the use of a guide or support
4 animal because of the blindness, deafness or physical handicap
5 of the user or because the user is a handler or trainer of
6 support or guide animals or because of the handicap or
7 disability of an individual with whom the person is known to
8 have a relationship or association.

9 (3) Discriminate against any person in the terms or
10 conditions of selling or leasing any housing accommodation or
11 commercial property or in furnishing facilities, services or
12 privileges in connection with the ownership, occupancy or use of
13 any housing accommodation or commercial property because of the
14 race, color, familial status, age, religious creed, ancestry,
15 sex, national origin, political affiliation, 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 support or
19 guide 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 * * *

23 (4) Discriminate against any person in the terms or
24 conditions of any loan of money, whether or not secured by
25 mortgage or otherwise for the acquisition, construction,
26 rehabilitation, repair or maintenance of housing accommodation
27 or commercial property because of the race, color, familial
28 status, age, religious creed, ancestry, sex, national origin,
29 political affiliation or handicap or disability of any person,
30 the use of a guide or support animal because of the blindness,
31 deafness or physical handicap of the user or because the user is
32 a handler or trainer of guide or support animals or because of
33 the handicap or disability of an individual with whom the person
34 is known to have a relationship or association.

35 (5) Print, publish or circulate any statement or
36 advertisement: (i) relating to the sale, lease or acquisition of
37 any housing accommodation or commercial property or the loan of
38 money, whether or not secured by mortgage, or otherwise for the
39 acquisition, construction, rehabilitation, repair or maintenance
40 of any housing accommodation or commercial property which
41 indicates any preference, limitation, specification, or
42 discrimination based upon race, color, familial status, age,
43 religious creed, ancestry, sex, national origin, political
44 affiliation, handicap or disability or because of the handicap
45 or disability of an individual with whom the person is known to
46 have a relationship or association, or (ii) relating to the
47 sale, lease or acquisition of any housing accommodation or
48 commercial property which indicates any preference, limitation,
49 specification or discrimination based upon use of a guide or
50 support animal because of the blindness, deafness or physical
51 handicap of the user or because the user is a handler or trainer

1 of support or guide animals.

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

20 * * *

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

23 (i) It shall be unlawful for any person or other entity
24 whose business includes engaging in real estate-related
25 transactions to discriminate against any person in making
26 available such a transaction or in the terms or conditions of
27 such a transaction because of race, color, religious creed,
28 ancestry, national origin, political affiliation, sex, age,
29 handicap or disability, use of a guide or support animal because
30 of a physical handicap or because the user is a handler or
31 trainer of guide or support animals or familial status.

32 (ii) Nothing in this act prohibits a person engaged in the
33 business of furnishing appraisals of real property to take into
34 consideration factors other than race, color, religious creed,
35 ancestry, national origin, political affiliation, sex, age,
36 handicap or disability, use of a guide or support animal because
37 of a physical handicap or because the user is a handler or
38 trainer of guide or support animals or familial status.

39 * * *

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

43 (1) Refuse, withhold from, or deny to any person because of
44 his race, color, sex, religious creed, ancestry, national
45 origin, political affiliation or handicap or disability, or to
46 any person due to use of a guide or support animal because of
47 the blindness, deafness or physical handicap of the user or
48 because the user is a handler or trainer of support or guide
49 animals, either directly or indirectly, any of the
50 accommodations, advantages, facilities or privileges of such
51 public accommodation, resort or amusement.

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

20 * * *

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

23 * * *

24 (i) To create such advisory agencies and conciliation
25 councils, local or state-wide, as will aid in effectuating the
26 purposes of this act. The Commission may itself or it may
27 empower these agencies and councils to (1) study the problems of
28 discrimination in all or specific fields of human relationships
29 when based on race, color, familial status, religious creed,
30 ancestry, age, sex, national origin, political affiliation or
31 handicap or disability, and (2) foster, through community effort
32 or otherwise, good will among the groups and elements of the
33 population of the State. Such agencies and councils may make
34 recommendations to the Commission for the development of
35 policies and procedure in general. Advisory agencies and
36 conciliation councils created by the Commission shall be
37 composed of representative citizens, serving without pay, but
38 the Commission may make provision for technical and clerical
39 assistance to such agencies and councils, and for the payment of
40 the expenses of such assistance.

41 (j) To issue such publications and such results of
42 investigations and research as, in its judgment, will tend to
43 promote good will and minimize or eliminate discrimination
44 because of race, color, familial status, religious creed,
45 ancestry, age, sex, national origin, political affiliation or
46 handicap or disability.

47 (k) To submit an annual report for each fiscal year by the
48 following March 31 to the General Assembly, the Labor and
49 Industry Committee of the Senate and the State Government
50 Committee of the House of Representatives and the Governor
51 describing in detail the types of complaints received, the

1 investigations, status of cases, Commission action which has
2 been taken, how many were found to have probable cause, how many
3 were resolved by public hearing and the length of time from the
4 initial complaint to final Commission resolution. It shall also
5 contain recommendations for such further legislation concerning
6 abuses and discrimination because of race, color, familial
7 status, religious creed, ancestry, national origin, political
8 affiliation, age, sex, handicap or disability or the use of a
9 guide or support animal because of the blindness, deafness or
10 physical handicap of the user or because the user is a handler
11 or trainer of support or guide animals, as may be desirable.

12 * * *

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

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

25 * * *

26 (b) Except as provided in subsection (c), nothing contained
27 in this act shall be deemed to repeal or supersede any of the
28 provisions of any existing or hereafter adopted municipal
29 ordinance, municipal charter or of any law of this Commonwealth
30 relating to discrimination because of race, color, familial
31 status, religious creed, ancestry, age, sex, national origin,
32 political affiliation or handicap or disability, but as to acts
33 declared unlawful by section five of this act the procedure
34 herein provided shall, when invoked, be exclusive and the final
35 determination therein shall exclude any other action, civil or
36 criminal, based on the same grievance of the complainant
37 concerned. If the complainant institutes any action based on
38 such grievance without resorting to the procedure provided in
39 this act, such complainant may not subsequently resort to the
40 procedure herein. In the event of a conflict between the
41 interpretation of a provision of this act and the interpretation
42 of a similar provision contained in any municipal ordinance, the
43 interpretation of the provision in this act shall apply to such
44 municipal ordinance.

45 * * *

46 Section 4. This act shall take effect in 60 days.