

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1664 Session of 2015

INTRODUCED BY KAMPF, SCHLOSSBERG, THOMAS, PASHINSKI, BISHOP,
DRISCOLL, BOYLE, LEWIS, MURT, SCHWEYER, ZIMMERMAN, D. COSTA,
WARD, DiGIROLAMO, BRADFORD AND WATSON, OCTOBER 23, 2015

REFERRED TO COMMITTEE ON HUMAN SERVICES, OCTOBER 23, 2015

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, for right to freedom from
13 discrimination in employment, housing and public
14 accommodation, for definitions, for unlawful discriminatory
15 practices, for prohibition of certain real estate practices,
16 for powers and duties of the commission, for educational
17 program, for construction and exclusiveness of remedy and for
18 cooperation of State agencies.

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

21 Section 1. The title of the act of October 27, 1955
22 (P.L.744, No.222), known as the Pennsylvania Human Relations
23 Act, amended December 20, 1991 (P.L.414, No.51), is amended to
24 read:

AN ACT

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

10 Section 2. Sections 2, 3, 4(b), (p) and (p.1), 5, 5.3 and 7(i),
11 (j) and (k) of the act, amended December 20, 1991 (P.L.414,
12 No.51), are amended to read:

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

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

1 conflicts, thereby resulting in grave injury to the public
2 health and welfare, compels many individuals to live in
3 dwellings which are substandard, unhealthful and overcrowded,
4 resulting in racial segregation in public schools and other
5 community facilities, juvenile delinquency and other evils,
6 thereby threatening the peace, health, safety and general
7 welfare of the Commonwealth and its inhabitants.

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

25 (c) This act shall be deemed an exercise of the police power
26 of the Commonwealth for the protection of the public welfare,
27 prosperity, health and peace of the people of the Commonwealth
28 of Pennsylvania.

29 Section 3. Right to Freedom from Discrimination in
30 Employment, Housing and Public Accommodation.--The opportunity

1 for an individual to obtain employment for which he is
2 qualified, and to obtain all the accommodations, advantages,
3 facilities and privileges of any public accommodation and of any
4 housing accommodation and commercial property without
5 discrimination because of race, color, familial status,
6 religious creed, ancestry, [handicap or] disability, age, sex,
7 national origin, the use of a guide or support animal because of
8 the blindness, deafness or physical [handicap] disability of the
9 user or because the user is a handler or trainer of support or
10 guide animals is hereby recognized as and declared to be a civil
11 right which shall be enforceable as set forth in this act.

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

14 * * *

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

28 * * *

29 (p) The term "non-job related [handicap or] disability"
30 means any [handicap or] disability which does not substantially

1 interfere with the ability to perform the essential functions of
2 the employment which a [handicapped] person with a disability
3 applies for, is engaged in or has been engaged in.
4 Uninsurability or increased cost of insurance under a group or
5 employe insurance plan does not render a handicap or disability
6 job related.

7 (p.1) The term "[handicap or] disability," with respect to a
8 person, means:

- 9 (1) a physical or mental impairment which substantially
10 limits one or more of such person's major life activities;
11 (2) a history or record of having such an impairment; or
12 (3) being regarded as having such an impairment,
13 but such term does not include current, illegal use of or
14 addiction to a controlled substance, as defined in section 102
15 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. §
16 802).

17 * * *

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, age, sex, national origin or non-job related
27 [handicap or] disability or the use of a guide or support animal
28 because of the blindness, deafness or physical [handicap]
29 disability of any individual or independent contractor, to
30 refuse to hire or employ or contract with, or to bar or to

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

1 the blindness, deafness or physical [handicap] disability of any
2 applicant for employment or membership. Prior to an offer of
3 employment, an employer may not inquire as to whether an
4 individual has a [handicap or] disability or as to the severity
5 of such [handicap or] disability. An employer may inquire as to
6 the individual's ability to perform the essential functions of
7 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, age, sex, national origin, non-job related [handicap
13 or] disability or the use of a guide or support animal because
14 of the blindness, deafness or physical [handicap] disability of
15 the user.

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

30 (5) Deny employment because of a prior [handicap or]

1 disability.

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

7 (c) For any labor organization because of the race, color,
8 religious creed, ancestry, age, sex, national origin, non-job
9 related [handicap or] disability or the use of a guide or
10 support animal because of the blindness, deafness or physical
11 [handicap] disability 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 (d) For any person, employer, employment agency or labor
17 organization to discriminate in any manner against any
18 individual because such individual has opposed any practice
19 forbidden by this act, or because such individual has made a
20 charge, testified or assisted, in any manner, in any
21 investigation, proceeding or hearing under this act.

22 (e) For any person, employer, employment agency, labor
23 organization or employe, to aid, abet, incite, compel or coerce
24 the doing of any act declared by this section to be an unlawful
25 discriminatory practice, or to obstruct or prevent any person
26 from complying with the provisions of this act or any order
27 issued thereunder, or to attempt, directly or indirectly, to
28 commit any act declared by this section to be an unlawful
29 discriminatory practice.

30 (f) For any employment agency to fail or refuse to classify

1 properly, refer for employment or otherwise to discriminate
2 against any individual because of his race, color, religious
3 creed, ancestry, age, sex, national origin, non-job related
4 [handicap or] disability or the use of a guide or support animal
5 because of the blindness, deafness or physical [handicap]
6 disability of the user.

7 (g) For any individual seeking employment to publish or
8 cause to be published any advertisement which in any manner
9 expresses a limitation or preference as to the race, color,
10 religious creed, ancestry, age, sex, national origin, non-job
11 related [handicap or] disability or the use of a guide or
12 support animal because of the blindness, deafness or physical
13 [handicap] disability of any prospective employer.

14 (h) For any person to:

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

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

1 (2) Refuse to lend money, whether or not secured by mortgage
2 or otherwise for the acquisition, construction, rehabilitation,
3 repair or maintenance of any housing accommodation or commercial
4 property or otherwise withhold financing of any housing
5 accommodation or commercial property from any person because of
6 the race, color, familial status, age, religious creed,
7 ancestry, sex, 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] disability of the
10 user or because the user is a handler or trainer of support or
11 guide animals or because of the [handicap or] disability of an
12 individual with whom the person is known to have a relationship
13 or association.

14 (3) Discriminate against any person in the terms or
15 conditions of selling or leasing any housing accommodation or
16 commercial property or in furnishing facilities, services or
17 privileges in connection with the ownership, occupancy or use of
18 any housing accommodation or commercial property because of the
19 race, color, familial status, age, religious creed, ancestry,
20 sex, national origin, [handicap or] disability of any person,
21 the use of a guide or support animal because of the blindness,
22 deafness or physical [handicap] disability of the user or
23 because the user is a handler or trainer of support or guide
24 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 (3.1) Refuse to permit, at the expense of a person with a
28 [handicap] disability, reasonable modifications of existing
29 premises occupied or to be occupied by such person if such
30 modifications may be necessary to afford such person full

1 enjoyment of the premises, except that, in the case of a rental,
2 the landlord may, where it is reasonable to do so, grant
3 permission for a modification if the renter agrees to restore
4 the interior of the premises to the condition that existed
5 before the modification, with reasonable wear and tear excepted.

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

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

1 disability or because of the [handicap or] disability of an
2 individual with whom the person is known to have a relationship
3 or association, or (ii) relating to the sale, lease or
4 acquisition of any housing accommodation or commercial property
5 which indicates any preference, limitation, specification or
6 discrimination based upon use of a guide or support animal
7 because of the blindness, deafness or physical [handicap]
8 disability of the user or because the user is a handler or
9 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, national origin, [handicap or]
14 disability or because of the [handicap or] disability of an
15 individual with whom the person is known to have a relationship
16 or association in connection with the sale or lease of any
17 housing accommodation or commercial property or loan of any
18 money, whether or not secured by mortgage or otherwise for the
19 acquisition, construction, rehabilitation, repair or maintenance
20 of any housing accommodation or commercial property, or to make
21 any inquiry, elicit any information, make or keep any record or
22 use any form of application, containing questions or entries
23 concerning the use of a guide or support animal because of the
24 blindness, deafness or physical [handicap] disability of the
25 user or because the user is a handler or trainer of support or
26 guide animals, in connection with the lease of any housing
27 accommodation or commercial property.

28 (7) Construct, operate, offer for sale, lease or rent or
29 otherwise make available housing or commercial property which is
30 not accessible.

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

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

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

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

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

(ii) The owner or manager of the housing had stated

1 formally, in writing, that the housing complied with the
2 requirements for exemption under this subclause.

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

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

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

1 (1) Refuse, withhold from, or deny to any person because of
2 his race, color, sex, religious creed, ancestry, national origin
3 or [handicap or] disability, or to any person due to use of a
4 guide or support animal because of the blindness, deafness or
5 physical [handicap] disability of the user or because the user
6 is a handler or trainer of support or guide animals, either
7 directly or indirectly, any of the accommodations, advantages,
8 facilities or privileges of such public accommodation, resort or
9 amusement.

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

28 (3) Exclude or otherwise deny equal goods, services,
29 facilities, privileges, advantages, accommodations or other
30 opportunities to a person because of the [handicap or]

1 disability of an individual with whom the person is known to
2 have a relationship or association.

3 (4) Construct, operate or otherwise make available such
4 place of public accommodation, resort or amusement which is not
5 accessible.

6 (j) For any person subject to the act to fail to post and
7 exhibit prominently in his place of business any fair practices
8 notice prepared and distributed by the Pennsylvania Human
9 Relations Commission.

10 (k) For any employer to discriminate against an employe or a
11 prospective employe because the employe only has a diploma based
12 on passing a general educational development test as compared to
13 a high school diploma. However, should vocational technical
14 training or other special training be required with regard to a
15 specific position, then such training or special training may be
16 considered by the employer.

17 (l) To exclude or otherwise deny equal jobs or benefits to a
18 person because of the [handicap or] disability of an individual
19 with whom the person is known to have a relationship or
20 association.

21 This section of the act shall not be construed to prohibit
22 the refusal to hire or the dismissal of a person who is not able
23 to function properly in the job applied for or engaged in.

24 Section 5.3. Prohibition of Certain Real Estate Practices.--
25 It shall be an unlawful discriminatory practice for any person
26 to:

27 (a) Induce, solicit or attempt to induce or solicit for
28 commercial profit any listing, sale or transaction involving any
29 housing accommodation or commercial property by representing
30 that such housing accommodation or commercial property is within

1 any neighborhood, community or area adjacent to any other area
2 in which there reside, or do not reside, persons of a particular
3 race, color, familial status, age, religious creed, ancestry,
4 sex, national origin, [handicap or] disability, or who are guide
5 or support animal dependent.

6 (b) Discourage, or attempt to discourage, for commercial
7 profit, the purchase or lease of any housing accommodation or
8 commercial property by representing that such housing
9 accommodation or commercial property is within any neighborhood,
10 community or area adjacent to any other area in which there
11 reside, or may in the future reside in increased or decreased
12 numbers, persons of a particular race, color, familial status,
13 age, religious creed, ancestry, sex, national origin, [handicap
14 or] disability, or who are guide or support animal dependent.

15 (c) Misrepresent, create or distort a circumstance,
16 condition or incident for the purpose of fostering the
17 impression or belief, on the part of any owner, occupant or
18 prospective owner or occupant of any housing accommodation or
19 commercial property, that such housing accommodation or
20 commercial property is within any neighborhood, community or
21 area adjacent to any other area which would be adversely
22 impacted by the residence, or future increased or decreased
23 residence, of persons of a particular race, color, familial
24 status, age, religious creed, ancestry, sex, national origin,
25 [handicap or] disability, or who are guide or support animal
26 dependent within such neighborhood, community or area.

27 (d) In any way misrepresent or otherwise misadvertise within
28 a neighborhood or community, whether or not in writing, that any
29 housing accommodation or commercial property within such
30 neighborhood or community is available for inspection, sale,

1 lease, sublease or other transfer, in any context where such
2 misrepresentation or misadvertising would have the effect of
3 fostering an impression or belief that there has been or will be
4 an increase in real estate activity within such neighborhood or
5 community due to the residence, or anticipated increased or
6 decreased residence, of persons of a particular race, color,
7 familial status, age, religious creed, ancestry, sex, national
8 origin, [handicap or] disability, or the use of a guide or
9 support animal because of the blindness, deafness or physical
10 [handicap] disability of the user.

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

13 * * *

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

30 (j) To issue such publications and such results of

1 investigations and research as, in its judgment, will tend to
2 promote good will and minimize or eliminate discrimination
3 because of race, color, familial status, religious creed,
4 ancestry, age, sex, national origin or [handicap or] disability.

5 (k) To submit an annual report for each fiscal year by the
6 following March 31 to the General Assembly, the Labor and
7 Industry Committee of the Senate and the State Government
8 Committee of the House of Representatives and the Governor
9 describing in detail the types of complaints received, the
10 investigations, status of cases, Commission action which has
11 been taken, how many were found to have probable cause, how many
12 were resolved by public hearing and the length of time from the
13 initial complaint to final Commission resolution. It shall also
14 contain recommendations for such further legislation concerning
15 abuses and discrimination because of race, color, familial
16 status, religious creed, ancestry, national origin, age, sex,
17 [handicap or] disability or the use of a guide or support animal
18 because of the blindness, deafness or physical [handicap]
19 disability of the user or because the user is a handler or
20 trainer of support or guide animals, as may be desirable.

21 * * *

22 Section 3. Section 8 of the act, amended July 12, 1996
23 (P.L.684, No.117), is amended to read:

24 Section 8. Educational Program.--The Commission, in
25 cooperation with the Department of Education, is authorized to
26 recommend a multicultural educational program, designed for the
27 students of the schools in this Commonwealth and for all other
28 residents thereof, with emphasis on foreign cultural and
29 language studies, as well as on the basic shared precepts and
30 principles of United States culture, in order to promote

1 cultural understanding and appreciation and to further good will
2 among all persons, without regard to race, color, familial
3 status, religious creed, ancestry, age, sex, national origin[,
4 handicap] or disability.

5 Section 4. Sections 12(b) and (d) and 12.2, amended December
6 20, 1991 (P.L.414, No.51), of the act are amended to read:

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

8 * * *

9 (b) Except as provided in subsection (c), nothing contained
10 in this act shall be deemed to repeal or supersede any of the
11 provisions of any existing or hereafter adopted municipal
12 ordinance, municipal charter or of any law of this Commonwealth
13 relating to discrimination because of race, color, familial
14 status, religious creed, ancestry, age, sex, national origin or
15 [handicap or] disability, but as to acts declared unlawful by
16 section five of this act the procedure herein provided shall,
17 when invoked, be exclusive and the final determination therein
18 shall exclude any other action, civil or criminal, based on the
19 same grievance of the complainant concerned. If the complainant
20 institutes any action based on such grievance without resorting
21 to the procedure provided in this act, such complainant may not
22 subsequently resort to the procedure herein. In the event of a
23 conflict between the interpretation of a provision of this act
24 and the interpretation of a similar provision contained in any
25 municipal ordinance, the interpretation of the provision in this
26 act shall apply to such municipal ordinance.

27 * * *

28 (d) Nothing in this act shall be construed to require any
29 employer to hire any person with a job-related [handicap or]
30 disability.

1 * * *

2 Section 12.2. Cooperation of State Agencies.--The Bureau of
3 Blindness and Visual Services, the Office of Vocational
4 Rehabilitation, the Office for the Deaf and Hearing Impaired,
5 and any other State agency which seeks to aid persons with
6 [handicaps or disability] disabilities shall assist employers,
7 the Commission and the courts of this Commonwealth in the
8 implementation and enforcement of this act by providing
9 expertise in the area of [handicaps and] disabilities.

10 Section 5. This act shall take effect in 60 days.