

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1168 Session of
2022

INTRODUCED BY KANE, CAPPELLETTI, SAVAL, COLLETT, KEARNEY, COSTA
AND STREET, APRIL 8, 2022

REFERRED TO URBAN AFFAIRS AND HOUSING, APRIL 8, 2022

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222), entitled
2 "An act prohibiting certain practices of discrimination
3 because of race, color, religious creed, ancestry, age or
4 national origin by employers, employment agencies, labor
5 organizations and others as herein defined; creating the
6 Pennsylvania Human Relations Commission in the Governor's
7 Office; defining its functions, powers and duties; providing
8 for procedure and enforcement; providing for formulation of
9 an educational program to prevent prejudice; providing for
10 judicial review and enforcement and imposing penalties,"
11 further providing for unlawful discriminatory practices.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 5(h) (3.1) of the act of October 27, 1955
15 (P.L.744, No.222), known as the Pennsylvania Human Relations
16 Act, is amended to read:

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

1 or the Commonwealth of Pennsylvania:

2 * * *

3 (h) For any person to:

4 * * *

5 (3.1) Refuse to permit, at the expense of a person with a
6 handicap or disability, reasonable modifications of existing
7 premises occupied or to be occupied by such person if such
8 modifications may be necessary to afford such person full
9 enjoyment of the premises, except that, in the case of a rental,
10 the landlord [may] shall, where it is reasonable to do so, make
11 a modification at the landlord's expense or grant permission for
12 a renter modification at the renter's request if the renter
13 agrees to restore the interior of the premises to the condition
14 that existed before the modification, with reasonable wear and
15 tear excepted. In the case of a rental, the landlord shall
16 extend the protections granted under this subsection to any
17 existing renter who either is a person with a handicap or
18 disability or becomes a person with a handicap or disability
19 after the start date of the renter's term pursuant to the lease
20 or rental agreement. A lease or rental agreement:

21 (i) Shall permit the renter to terminate the lease or rental
22 agreement with no additional fee, cost or penalties if the
23 landlord refuses to make a reasonable accommodation under this
24 subsection within thirty days or grant a renter's reasonable
25 accommodation request under this subsection within ten days, as
26 the case may be.

27 (ii) Shall permit the renter to terminate the lease or
28 rental agreement with no additional fee, cost or penalties if
29 the renter's handicap or disability becomes more severe and the
30 renter needs to move to a new residence that will help the

1 renter treat and manage a handicap or disability.
2 (iii) May not waive any of the rights under this paragraph
3 by a provision of a lease or rental agreement and the landlord
4 may not charge any fee, service charge or additional rent to the
5 renter for exercising the renter's right under this paragraph.

6 * * *

7 Section 2. The amendment of section 5(h) (3.1) of the act
8 shall apply to a lease or rental agreement executed or renewed
9 after the effective date of this section.

10 Section 3. This act shall take effect in 60 days.