

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 141

Session of
1985

INTRODUCED BY PITTS, AFFLERBACH, GREENWOOD, TIGUE, CAWLEY, NOYE,
FLICK, MICOZZIE, FARGO, SHOWERS, PHILLIPS, MERRY, SEMMEL,
B. SMITH, BURD, D. W. SNYDER, BELARDI, PRATT, DAWIDA, CIMINI,
J. L. WRIGHT, BOOK, SAURMAN, SCHEETZ, MORRIS, VROON,
KUKOVICH, GEIST, CIVERA, ANGSTADT, JACKSON, JOHNSON, ITKIN,
ARTY, E. Z. TAYLOR AND TRELLO, FEBRUARY 4, 1985

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 4, 1985

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 Department of Labor and Industry; defining its functions,
8 powers and duties; providing for procedure and enforcement;
9 providing for formulation of an educational program to
10 prevent prejudice; providing for judicial review and
11 enforcement and imposing penalties," providing for the use of
12 support dogs because of a physical handicap of the user.

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

15 Section 1. Sections 2, 3 and 5(h) and (i) of the act of
16 October 27, 1955 (P.L.744, No.222), known as the Pennsylvania
17 Human Relations Act, amended April 8, 1982 (P.L.284, No.80), are
18 amended to read:

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

20 (a) The practice or policy of discrimination against
21 individuals or groups by reason of their race, color, religious

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

22 (b) It is hereby declared to be the public policy of this
23 Commonwealth to foster the employment of all individuals in
24 accordance with their fullest capacities regardless of their
25 race, color, religious creed, ancestry, handicap or disability,
26 use of guide dogs because of blindness or deafness of the user,
27 use of support dogs because of a physical handicap of the user,
28 age, sex, or national origin, and to safeguard their right to
29 obtain and hold employment without such discrimination, to
30 assure equal opportunities to all individuals and to safeguard

1 their rights at places of public accommodation and to secure
2 commercial housing regardless of race, color, religious creed,
3 ancestry, sex, handicap or disability, use of guide dogs because
4 of blindness or deafness of the user or national origin.

5 (c) This act shall be deemed an exercise of the police power
6 of the Commonwealth for the protection of the public welfare,
7 prosperity, health and peace of the people of the Commonwealth
8 of Pennsylvania.

9 Section 3. Right to Freedom from Discrimination in
10 Employment, Housing and Places of Public Accommodation.--The
11 opportunity for an individual to obtain employment for which he
12 is qualified, and to obtain all the accommodations, advantages,
13 facilities and privileges of any place of public accommodation
14 and of commercial housing without discrimination because of
15 race, color, religious creed, ancestry, handicap or disability,
16 age, sex or national origin are hereby recognized as and
17 declared to be civil rights which shall be enforceable as set
18 forth in this act.

19 The opportunity of an individual to obtain all the
20 accommodations, advantages, facilities and privileges of
21 commercial housing without discrimination due to the sex of an
22 individual, or to the use of a guide dog because of blindness or
23 deafness of the user, or to the use of a support dog because of
24 a physical handicap of the user, is hereby recognized as and
25 declared to be a civil right which shall be enforceable as set
26 forth in this act.

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

1 association or corporation, or except where based upon
2 applicable security regulations established by the United States
3 or the Commonwealth of Pennsylvania:

4 * * *

5 (h) For any person to:

6 (1) Refuse to sell, lease, finance or otherwise to deny or
7 withhold commercial housing from any person because of the race,
8 color, religious creed, ancestry, sex, national origin or
9 handicap or disability of any prospective owner, occupant or
10 user of such commercial housing, or to refuse to lease
11 commercial housing to any person due to use of a guide dog
12 because of the blindness or deafness of the user, or use of a
13 support dog because of a physical handicap of the user.

14 (2) Refuse to lend money, whether or not secured by mortgage
15 or otherwise for the acquisition, construction, rehabilitation,
16 repair or maintenance of commercial housing or otherwise
17 withhold financing of commercial housing from any person because
18 of the race, color, religious creed, ancestry, sex, national
19 origin or handicap or disability of any present or prospective
20 owner, occupant or user of such commercial housing.

21 (3) Discriminate against any person in the terms or
22 conditions of selling or leasing any commercial housing or in
23 furnishing facilities, services or privileges in connection with
24 the ownership, occupancy or use of any commercial housing
25 because of the race, color, religious creed, ancestry, sex,
26 national origin or handicap or disability of any present or
27 prospective owner, occupant or user of such commercial housing
28 or to discriminate against any person in the terms of leasing
29 any commercial housing or in furnishing facilities, services or
30 privileges in connection with the occupancy or use of any

1 commercial housing due to use of a guide dog because of the
2 blindness or deafness of the user, or use of a support dog
3 because of a physical handicap of the user.

4 (4) Discriminate against any person in the terms or
5 conditions of any loan of money, whether or not secured by
6 mortgage or otherwise for the acquisition, construction,
7 rehabilitation, repair or maintenance of commercial housing
8 because of the race, color, religious creed, ancestry, sex,
9 national origin or handicap or disability of any present or
10 prospective owner, occupant or user of such commercial housing.

11 (5) Print, publish or circulate any statement or
12 advertisement relating to the sale, lease or acquisition of any
13 commercial housing or the loan of money, whether or not secured
14 by mortgage, or otherwise for the acquisition, construction,
15 rehabilitation, repair or maintenance of commercial housing
16 which indicates any preference, limitation, specification, or
17 discrimination based upon race, color, religious creed,
18 ancestry, sex, national origin or handicap or disability, or to
19 print, publish or circulate any statement or advertisement
20 relating to the lease of any commercial dwelling which indicates
21 any preference, limitation, specification or discrimination
22 based upon use of a guide dog because of the blindness or
23 deafness of the user, or use of a support dog because of a
24 physical handicap of the user.

25 (6) Make any inquiry, elicit any information, make or keep
26 any record or use any form of application, containing questions
27 or entries concerning race, color, religious creed, ancestry,
28 sex, national origin or handicap or disability in connection
29 with the sale or lease of any commercial housing or loan of any
30 money, whether or not secured by mortgage or otherwise for the

1 acquisition, construction, rehabilitation, repair or maintenance
2 of commercial housing, or to make any inquiry, elicit any
3 information, make or keep any record or use any form of
4 application, containing questions or entries concerning the use
5 of a guide dog because of the blindness or deafness of the user,
6 or use of a support dog because of a physical handicap of the
7 user, in connection with the lease of any commercial housing.

8 (i) For any person being the owner, lessee, proprietor,
9 manager, superintendent, agent or employe of any place of public
10 accommodation, resort or amusement to:

11 (1) Refuse, withhold from, or deny to any person because of
12 his race, color, sex, religious creed, ancestry, national origin
13 or handicap or disability, or to any person due to use of a
14 guide dog because of the blindness or deafness of the user, or
15 use of a support dog because of a physical handicap of the user,
16 either directly or indirectly, any of the accommodations,
17 advantages, facilities or privileges of such place of public
18 accommodation, resort or amusement.

19 (2) Publish, circulate, issue, display, post or mail, either
20 directly or indirectly, any written or printed communication,
21 notice or advertisement to the effect that any of the
22 accommodations, advantages, facilities and privileges of any
23 such place shall be refused, withheld from or denied to any
24 person on account of race, color, religious creed, ancestry,
25 national origin or handicap or disability, or to any person due
26 to use of a guide dog because of the blindness or deafness of
27 the user, or use of a support dog because of a physical handicap
28 of the user, or that the patronage or custom thereat of any
29 person, belonging to or purporting to be of any particular race,
30 color, religious creed, ancestry, national origin or handicap or

1 disability, or to any person due to use of a guide dog because
2 of the blindness or deafness of the user, is unwelcome,
3 objectionable or not acceptable, desired or solicited.

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5 Section 2. This act shall take effect immediately.