

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1400 Session of
2007

INTRODUCED BY FRANKEL, ROSS, BENNINGTON, BEYER, BIANCUCCI,
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STEIL, STURLA, R. TAYLOR, THOMAS, VITALI, WAGNER, WALKO,
WANSACZ, WATERS, WHEATLEY, WILLIAMS, YOUNGBLOOD AND MELIO,
JUNE 18, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 18, 2007

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 findings and declaration of
12 policy, for right to freedom from discrimination in
13 employment, housing and public accommodation; defining
14 "sexual orientation" and "gender identity or expression"; and
15 further providing for unlawful discriminatory practices, for
16 powers and duties of commission, for education program and
17 for construction and exclusiveness of remedy.

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

20 Section 1. The title and sections 2 and 3 of the act of

1 October 27, 1955 (P.L.744, No.222), known as the Pennsylvania
2 Human Relations Act, amended December 20, 1991 (P.L.414, No.51),
3 are amended to read:

4 AN ACT

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

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

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

1 of the Commonwealth of earnings necessary to maintain decent
2 standards of living, necessitates their resort to public relief
3 and intensifies group conflicts, thereby resulting in grave
4 injury to the public health and welfare, compels many
5 individuals to live in dwellings which are substandard,
6 unhealthful and overcrowded, resulting in racial segregation in
7 public schools and other community facilities, juvenile
8 delinquency and other evils, thereby threatening the peace,
9 health, safety and general welfare of the Commonwealth and its
10 inhabitants.

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

29 (c) This act shall be deemed an exercise of the police power
30 of the Commonwealth for the protection of the public welfare,

1 prosperity, health and peace of the people of the Commonwealth
2 of Pennsylvania.

3 Section 3. Right to Freedom from Discrimination in
4 Employment, Housing and Public Accommodation.--The opportunity
5 for an individual to obtain employment for which he is
6 qualified, and to obtain all the accommodations, advantages,
7 facilities and privileges of any public accommodation and of any
8 housing accommodation and commercial property without
9 discrimination because of race, color, familial status,
10 religious creed, ancestry, sexual orientation, gender identity
11 or expression, handicap or disability, age, sex, national
12 origin, the use of a guide or support animal because of the
13 blindness, deafness or physical handicap of the user or because
14 the user is a handler or trainer of support or guide animals is
15 hereby recognized as and declared to be a civil right which
16 shall be enforceable as set forth in this act.

17 Section 2. Section 4(b) of the act, amended December 20,
18 1991 (P.L.414, No.51), is amended and the section is amended by
19 adding clauses to read:

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

22 * * *

23 (b) The term "employer" includes the Commonwealth or any
24 political subdivision or board, department, commission or school
25 district thereof and any person employing four or more persons
26 within the Commonwealth, but except as hereinafter provided,
27 does not include religious, fraternal, charitable or sectarian
28 corporations or associations, except such corporations or
29 associations supported, in whole or in part, by governmental
30 appropriations. The term "employer" with respect to

1 discriminatory practices based on race, color, age, sex,
2 national origin, sexual orientation, gender identity or
3 expression or non-job related handicap or disability, includes
4 religious, fraternal, charitable and sectarian corporations and
5 associations employing four or more persons within the
6 Commonwealth.

7 * * *

8 (bb) The term "sexual orientation" means actual or perceived
9 heterosexuality, homosexuality or bisexuality.

10 (cc) The term "gender identity or expression" means actual
11 or perceived gender identity, appearance, behavior, expression
12 or physical characteristics whether or not associated with an
13 individual's assigned sex at birth.

14 Section 3. Section 5(a), (b), (c), (f), (g), (h) and (i) of
15 the act, amended or added December 20, 1991 (P.L.414, No.51),
16 July 12, 1996 (P.L.684, No.117) and June 25, 1997 (P.L.326,
17 No.34), are amended to read:

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, sexual orientation, gender identity or
27 expression, age, sex, national origin or non-job related
28 handicap or disability or the use of a guide or support animal
29 because of the blindness, deafness or physical handicap of any
30 individual or independent contractor, to refuse to hire or

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

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

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

1 (5) Deny employment because of a prior handicap or
2 disability.

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

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

17 * * *

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

25 (g) For any individual seeking employment to publish or
26 cause to be published any advertisement which in any manner
27 expresses a limitation or preference as to the race, color,
28 religious creed, ancestry, sexual orientation, gender identity
29 or expression, age, sex, national origin, non-job related
30 handicap or disability or the use of a guide or support animal

1 because of the blindness, deafness or physical handicap of any
2 prospective employer.

3 (h) For any person to:

4 (1) Refuse to sell, lease, finance or otherwise to deny or
5 withhold any housing accommodation or commercial property from
6 any person because of the race, color, familial status, age,
7 religious creed, ancestry, sexual orientation, gender identity
8 or expression, sex, national origin or handicap or disability of
9 any person, prospective owner, occupant or user of such housing
10 accommodation or commercial property, or to refuse to lease any
11 housing accommodation or commercial property to any person due
12 to use of a guide animal because of the blindness or deafness of
13 the user, use of a support animal because of a physical handicap
14 of the user or because the user is a handler or trainer of
15 support or guide animals or because of the handicap or
16 disability of an individual with whom the person is known to
17 have a relationship or association.

18 (1.1) Evict or attempt to evict an occupant of any housing
19 accommodation before the end of the term of a lease because of
20 pregnancy or the birth of a child.

21 (2) Refuse to lend money, whether or not secured by mortgage
22 or otherwise for the acquisition, construction, rehabilitation,
23 repair or maintenance of any housing accommodation or commercial
24 property or otherwise withhold financing of any housing
25 accommodation or commercial property from any person because of
26 the race, color, familial status, age, religious creed,
27 ancestry, sexual orientation, gender identity or expression,
28 sex, national origin, handicap or disability of any person, the
29 use of a guide or support animal because of the blindness,
30 deafness or physical handicap of the user or because the user is

1 a handler or trainer of support or guide animals or because of
2 the handicap or disability of an individual with whom the person
3 is known to have a relationship or association.

4 (3) Discriminate against any person in the terms or
5 conditions of selling or leasing any housing accommodation or
6 commercial property or in furnishing facilities, services or
7 privileges in connection with the ownership, occupancy or use of
8 any housing accommodation or commercial property because of the
9 race, color, familial status, age, religious creed, ancestry,
10 sexual orientation, gender identity or expression, sex, national
11 origin, handicap or disability of any person, the use of a guide
12 or support animal because of the blindness, deafness or physical
13 handicap of the user or because the user is a handler or trainer
14 of support or guide animals or because of the handicap or
15 disability of an individual with whom the person is known to
16 have a relationship or association.

17 (3.1) Refuse to permit, at the expense of a person with a
18 handicap, reasonable modifications of existing premises occupied
19 or to be occupied by such person if such modifications may be
20 necessary to afford such person full enjoyment of the premises,
21 except that, in the case of a rental, the landlord may, where it
22 is reasonable to do so, grant permission for a modification if
23 the renter agrees to restore the interior of the premises to the
24 condition that existed before the modification, with reasonable
25 wear and tear excepted.

26 (3.2) Refuse to make reasonable accommodations in rules,
27 policies, practices or services when such accommodations may be
28 necessary to afford such person equal opportunity to use and
29 enjoy a housing accommodation.

30 (4) Discriminate against any person in the terms or

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

13 (5) Print, publish or circulate any statement or
14 advertisement: (i) relating to the sale, lease or acquisition of
15 any housing accommodation or commercial property or the loan of
16 money, whether or not secured by mortgage, or otherwise for the
17 acquisition, construction, rehabilitation, repair or maintenance
18 of any housing accommodation or commercial property which
19 indicates any preference, limitation, specification, or
20 discrimination based upon race, color, familial status, age,
21 religious creed, ancestry, sexual orientation, gender identity
22 or expression, sex, national origin, handicap or disability or
23 because of the handicap or disability of an individual with whom
24 the person is known to have a relationship or association, or
25 (ii) relating to the sale, lease or acquisition of any housing
26 accommodation or commercial property which indicates any
27 preference, limitation, specification or discrimination based
28 upon use of a guide or support animal because of the blindness,
29 deafness or physical handicap of the user or because the user is
30 a handler or trainer of support or guide animals.

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

20 (7) Construct, operate, offer for sale, lease or rent or
21 otherwise make available housing or commercial property which is
22 not accessible.

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

25 (i) It shall be unlawful for any person or other entity
26 whose business includes engaging in real estate-related
27 transactions to discriminate against any person in making
28 available such a transaction or in the terms or conditions of
29 such a transaction because of race, color, religious creed,
30 ancestry, sexual orientation, gender identity or expression,

1 national origin, sex, age, handicap or disability, use of a
2 guide or support animal because of a physical handicap or
3 because the user is a handler or trainer of guide or support
4 animals or familial status.

5 (ii) Nothing in this act prohibits a person engaged in the
6 business of furnishing appraisals of real property to take into
7 consideration factors other than race, color, religious creed,
8 ancestry, sexual orientation, gender identity or expression,
9 national origin, sex, age, handicap or disability, use of a
10 guide or support animal because of a physical handicap or
11 because the user is a handler or trainer of guide or support
12 animals or familial status.

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

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

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

27 (10) Nothing in this clause shall bar any religious or
28 denominational institution or organization or any charitable or
29 educational organization which is operated, supervised or
30 controlled by or in connection with a religious organization or

1 any bona fide private or fraternal organization from giving
2 preference to persons of the same religion or denomination or to
3 members of such private or fraternal organization or from making
4 such selection as is calculated by such organization to promote
5 the religious principles or the aims, purposes or fraternal
6 principles for which it is established or maintained. Nor shall
7 it apply to the rental of rooms in a landlord-occupied rooming
8 house with a common entrance, nor with respect to discrimination
9 based on sex, the advertising, rental or leasing of housing
10 accommodations in a single-sex dormitory or rooms in one's
11 personal residence in which common living areas are shared.

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

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

25 (1) Refuse, withhold from, or deny to any person because of
26 his race, color, sex, religious creed, ancestry, sexual
27 orientation, gender identity or expression, national origin, or
28 handicap or disability, or to any person due to use of a guide
29 or support animal because of the blindness, deafness or physical
30 handicap of the user or because the user is a handler or trainer

1 of support or guide animals, either directly or indirectly, any
2 of the accommodations, advantages, facilities or privileges of
3 such public accommodation, resort or amusement.

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

24 (3) Exclude or otherwise deny equal goods, services,
25 facilities, privileges, advantages, accommodations or other
26 opportunities to a person because of the handicap or disability
27 of an individual with whom the person is known to have a
28 relationship or association.

29 (4) Construct, operate or otherwise make available such
30 place of public accommodation, resort or amusement which is not

1 accessible.

2 * * *

3 Section 4. Sections 5.3 and 7(i), (j), (k) of the act,
4 amended December 20, 1991 (P.L.414, No.51), are amended to read:

5 Section 5.3. Prohibition of Certain Real Estate Practices.--
6 It shall be an unlawful discriminatory practice for any person
7 to:

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

18 (b) Discourage, or attempt to discourage, for commercial
19 profit, the purchase or lease of any housing accommodation or
20 commercial property by representing that such housing
21 accommodation or commercial property is within any neighborhood,
22 community or area adjacent to any other area in which there
23 reside, or may in the future reside in increased or decreased
24 numbers, persons of a particular race, color, familial status,
25 age, religious creed, ancestry, sexual orientation, gender
26 identity or expression, sex, national origin, handicap or
27 disability, or who are guide or support animal dependent.

28 (c) Misrepresent, create or distort a circumstance,
29 condition or incident for the purpose of fostering the
30 impression or belief, on the part of any owner, occupant or

1 prospective owner or occupant of any housing accommodation or
2 commercial property, that such housing accommodation or
3 commercial property is within any neighborhood, community or
4 area adjacent to any other area which would be adversely
5 impacted by the residence, or future increased or decreased
6 residence, of persons of a particular race, color, familial
7 status, age, religious creed, ancestry, sexual orientation,
8 gender identity or expression, sex, national origin, handicap or
9 disability, or who are guide or support animal dependent within
10 such neighborhood, community or area.

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

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, sexual orientation, gender identity or expression,
6 age, sex, 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, sexual orientation, gender identity or expression,
21 age, sex, 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, sexual orientation, gender
4 identity or expression, national origin, age, sex, 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 5. 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, sexual orientation, gender
22 identity or expression, age, sex, national origin, handicap or
23 disability.

24 Section 6. Section 12(b) of the act, amended December 20,
25 1991 (P.L.414, No.51), is amended to read:

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

27 * * *

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

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

17 * * *

18 Section 7. This act shall take effect in 60 days.