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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1050 Session of  
2011

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INTRODUCED BY BROWNE, FERLO, FARNESE, BREWSTER, FONTANA,  
ERICKSON, STACK, COSTA, BLAKE, WASHINGTON, HUGHES, McILHINNEY  
AND DINNIMAN, MAY 10, 2011

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REFERRED TO STATE GOVERNMENT, MAY 10, 2011

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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 prohibition of certain  
17 real estate practices, for education program and for  
18 construction and exclusiveness of remedy.

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

21 Section 1. The title and sections 2 and 3 of the act of  
22 October 27, 1955 (P.L.744, No.222), known as the Pennsylvania  
23 Human Relations Act, amended December 20, 1991 (P.L.414, No.51),  
24 are amended to read:

25 AN ACT

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

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

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

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

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

13 Section 2. Section 4(b) of the act, amended December 20,  
14 1991 (P.L.414, No.51), is amended and the section is amended by  
15 adding clauses to read:

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

18 \* \* \*

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

1 associations employing four or more persons within the  
2 Commonwealth.

3 \* \* \*

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

6 (cc) The term "gender identity or expression" means actual  
7 or perceived gender identity, appearance, behavior, expression  
8 or physical characteristics whether or not associated with an  
9 individual's assigned sex at birth.

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

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

21 (a) For any employer because of the race, color, religious  
22 creed, ancestry, sexual orientation, gender identity or  
23 expression, age, sex, national origin or non-job related  
24 handicap or disability or the use of a guide or support animal  
25 because of the blindness, deafness or physical handicap of any  
26 individual or independent contractor, to refuse to hire or  
27 employ or contract with, or to bar or to discharge from  
28 employment such individual or independent contractor, or to  
29 otherwise discriminate against such individual or independent  
30 contractor with respect to compensation, hire, tenure, terms,

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

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

22 (1) Elicit any information or make or keep a record of or  
23 use any form of application or application blank containing  
24 questions or entries concerning the race, color, religious  
25 creed, ancestry, sexual orientation, gender identity or  
26 expression, age, sex, national origin, past handicap or  
27 disability or the use of a guide or support animal because of  
28 the blindness, deafness or physical handicap of any applicant  
29 for employment or membership. Prior to an offer of employment,  
30 an employer may not inquire as to whether an individual has a

1 handicap or disability or as to the severity of such handicap or  
2 disability. An employer may inquire as to the individual's  
3 ability to perform the essential functions of the employment.

4 (2) Print or publish or cause to be printed or published any  
5 notice or advertisement relating to employment or membership  
6 indicating any preference, limitation, specification or  
7 discrimination based upon race, color, religious creed,  
8 ancestry, sexual orientation, gender identity or expression,  
9 age, sex, national origin, non-job related handicap or  
10 disability or the use of a guide or support animal because of  
11 the blindness, deafness or physical handicap of the user.

12 (3) Deny or limit, through a quota system, employment or  
13 membership because of race, color, religious creed, ancestry,  
14 sexual orientation, gender identity or expression, age, sex,  
15 national origin, non-job related handicap or disability, the use  
16 of a guide or support animal because of the blindness, deafness  
17 or physical handicap of the user or place of birth.

18 (4) Substantially confine or limit recruitment or hiring of  
19 individuals, with intent to circumvent the spirit and purpose of  
20 this act, to any employment agency, employment service, labor  
21 organization, training school or training center or any other  
22 employe-referring source which services individuals who are  
23 predominantly of the same race, color, religious creed,  
24 ancestry, sexual orientation, gender identity or expression,  
25 age, sex, national origin or non-job related handicap or  
26 disability.

27 (5) Deny employment because of a prior handicap or  
28 disability.

29 Nothing in clause (b) of this section shall bar any  
30 institution or organization for handicapped or disabled persons

1 from limiting or giving preference in employment or membership  
2 to handicapped or disabled persons.

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

13 \* \* \*

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

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

29 (h) For any person to:

30 (1) Refuse to sell, lease, finance or otherwise to deny or



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

14 (1.1) Evict or attempt to evict an occupant of any housing  
15 accommodation before the end of the term of a lease because of  
16 pregnancy or the birth of a child.

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

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

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

13 (3.1) Refuse to permit, at the expense of a person with a  
14 handicap, reasonable modifications of existing premises occupied  
15 or to be occupied by such person if such modifications may be  
16 necessary to afford such person full enjoyment of the premises,  
17 except that, in the case of a rental, the landlord may, where it  
18 is reasonable to do so, grant permission for a modification if  
19 the renter agrees to restore the interior of the premises to the  
20 condition that existed before the modification, with reasonable  
21 wear and tear excepted.

22 (3.2) Refuse to make reasonable accommodations in rules,  
23 policies, practices or services when such accommodations may be  
24 necessary to afford such person equal opportunity to use and  
25 enjoy a housing accommodation.

26 (4) Discriminate against any person in the terms or  
27 conditions of any loan of money, whether or not secured by  
28 mortgage or otherwise for the acquisition, construction,  
29 rehabilitation, repair or maintenance of housing accommodation  
30 or commercial property because of the race, color, familial

1 status, age, religious creed, ancestry, sexual orientation,  
2 gender identity or expression, sex, national origin or 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 guide  
6 or support animals or because of the handicap or disability of  
7 an individual with whom the person is known to have a  
8 relationship or association.

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

27 (6) Make any inquiry, elicit any information, make or keep  
28 any record or use any form of application, containing questions  
29 or entries concerning race, color, familial status, age,  
30 religious creed, ancestry, sexual orientation, gender identity

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

16 (7) Construct, operate, offer for sale, lease or rent or  
17 otherwise make available housing or commercial property which is  
18 not accessible.

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

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

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

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

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

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

23 (10) Nothing in this clause shall bar any religious or  
24 denominational institution or organization or any charitable or  
25 educational organization which is operated, supervised or  
26 controlled by or in connection with a religious organization or  
27 any bona fide private or fraternal organization from giving  
28 preference to persons of the same religion or denomination or to  
29 members of such private or fraternal organization or from making  
30 such selection as is calculated by such organization to promote

1 the religious principles or the aims, purposes or fraternal  
2 principles for which it is established or maintained. Nor shall  
3 it apply to the rental of rooms in a landlord-occupied rooming  
4 house with a common entrance, nor with respect to discrimination  
5 based on sex, the advertising, rental or leasing of housing  
6 accommodations in a single-sex dormitory or rooms in one's  
7 personal residence in which common living areas are shared.

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

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

21 (1) Refuse, withhold from, or deny to any person because of  
22 his race, color, sex, religious creed, ancestry, sexual  
23 orientation, gender identity or expression, national origin, or  
24 handicap or disability, or to any person due to use of a guide  
25 or support animal because of the blindness, deafness or physical  
26 handicap of the user or because the user is a handler or trainer  
27 of support or guide animals, either directly or indirectly, any  
28 of the accommodations, advantages, facilities or privileges of  
29 such public accommodation, resort or amusement.

30 (2) Publish, circulate, issue, display, post or mail, either

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

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

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

28 \* \* \*

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

1 Section 5.3. Prohibition of Certain Real Estate Practices.--

2 It shall be an unlawful discriminatory practice for any person  
3 to:

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

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

24 (c) Misrepresent, create or distort a circumstance,  
25 condition or incident for the purpose of fostering the  
26 impression or belief, on the part of any owner, occupant or  
27 prospective owner or occupant of any housing accommodation or  
28 commercial property, that such housing accommodation or  
29 commercial property is within any neighborhood, community or  
30 area adjacent to any other area which would be adversely



1 impacted by the residence, or future increased or decreased  
2 residence, of persons of a particular race, color, familial  
3 status, age, religious creed, ancestry, sexual orientation,  
4 gender identity or expression, sex, national origin, handicap or  
5 disability, or who are guide or support animal dependent within  
6 such neighborhood, community or area.

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

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

24 \* \* \*

25 (i) To create such advisory agencies and conciliation  
26 councils, local or state-wide, as will aid in effectuating the  
27 purposes of this act. The Commission may itself or it may  
28 empower these agencies and councils to (1) study the problems of  
29 discrimination in all or specific fields of human relationships  
30 when based on race, color, familial status, religious creed,

1 ancestry, sexual orientation, gender identity or expression,  
2 age, sex, national origin or handicap or disability, and (2)  
3 foster, through community effort or otherwise, good will among  
4 the groups and elements of the population of the State. Such  
5 agencies and councils may make recommendations to the Commission  
6 for the development of policies and procedure in general.  
7 Advisory agencies and conciliation councils created by the  
8 Commission shall be composed of representative citizens, serving  
9 without pay, but the Commission may make provision for technical  
10 and clerical assistance to such agencies and councils, and for  
11 the payment of the expenses of such assistance.

12 (j) To issue such publications and such results of  
13 investigations and research as, in its judgment, will tend to  
14 promote good will and minimize or eliminate discrimination  
15 because of race, color, familial status, religious creed,  
16 ancestry, sexual orientation, gender identity or expression,  
17 age, sex, national origin or handicap or disability.

18 (k) To submit an annual report for each fiscal year by the  
19 following March 31 to the General Assembly, the Labor and  
20 Industry Committee of the Senate and the State Government  
21 Committee of the House of Representatives and the Governor  
22 describing in detail the types of complaints received, the  
23 investigations, status of cases, Commission action which has  
24 been taken, how many were found to have probable cause, how many  
25 were resolved by public hearing and the length of time from the  
26 initial complaint to final Commission resolution. It shall also  
27 contain recommendations for such further legislation concerning  
28 abuses and discrimination because of race, color, familial  
29 status, religious creed, ancestry, sexual orientation, gender  
30 identity or expression, national origin, age, sex, handicap or

1 disability or the use of a guide or support animal because of  
2 the blindness, deafness or physical handicap of the user or  
3 because the user is a handler or trainer of support or guide  
4 animals, as may be desirable.

5 \* \* \*

6 Section 5. Section 8 of the act, amended July 12, 1996  
7 (P.L.684, No.117), is amended to read:

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

20 Section 6. Section 12(b) of the act, amended December 20,  
21 1991 (P.L.414, No.51), is amended to read:

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

23 \* \* \*

24 (b) Except as provided in subsection (c), nothing contained  
25 in this act shall be deemed to repeal or supersede any of the  
26 provisions of any existing or hereafter adopted municipal  
27 ordinance, municipal charter or of any law of this Commonwealth  
28 relating to discrimination because of race, color, familial  
29 status, religious creed, ancestry, sexual orientation, gender  
30 identity or expression, age, sex, national origin or handicap or

1 disability, but as to acts declared unlawful by section five of  
2 this act the procedure herein provided shall, when invoked, be  
3 exclusive and the final determination therein shall exclude any  
4 other action, civil or criminal, based on the same grievance of  
5 the complainant concerned. If the complainant institutes any  
6 action based on such grievance without resorting to the  
7 procedure provided in this act, such complainant may not  
8 subsequently resort to the procedure herein. In the event of a  
9 conflict between the interpretation of a provision of this act  
10 and the interpretation of a similar provision contained in any  
11 municipal ordinance, the interpretation of the provision in this  
12 act shall apply to such municipal ordinance.

13 \* \* \*

14 Section 7. This act shall take effect in 30 days.