

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1514 Session of
2013

INTRODUCED BY HELM, BOBACK, SCHLOSSBERG, CALTAGIRONE, KIM, HESS,
FRANKEL, HACKETT, KORTZ, GINGRICH, GABLER AND M. K. KELLER,
JUNE 10, 2013

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 10, 2013

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, for
14 definitions, for unlawful discriminatory practices and for
15 powers and duties of the commission.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

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

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

23 (a) The practice or policy of discrimination against
24 individuals or groups by reason of their race, color, familial

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

23 (b) It is hereby declared to be the public policy of this
24 Commonwealth to foster the employment of all individuals in
25 accordance with their fullest capacities regardless of their
26 race, color, religious creed, ancestry, age, sex, national
27 origin, handicap or disability, matriculation, use of guide or
28 support animals because of the blindness, deafness or physical
29 handicap of the user or because the user is a handler or trainer
30 of support or guide animals, and to safeguard their right to

1 obtain and hold employment without such discrimination, to
2 assure equal opportunities to all individuals and to safeguard
3 their rights to public accommodation and to secure housing
4 accommodation and commercial property regardless of race, color,
5 familial status, religious creed, ancestry, age, sex, national
6 origin, handicap or disability, matriculation, use of guide or
7 support animals because of blindness or deafness of the user or
8 because the user is a handler or trainer of guide or support
9 animals.

10 (c) This act shall be deemed an exercise of the police power
11 of the Commonwealth for the protection of the public welfare,
12 prosperity, health and peace of the people of the Commonwealth
13 of Pennsylvania.

14 Section 3. Right to Freedom from Discrimination in
15 Employment, Housing and Public Accommodation.--The opportunity
16 for an individual to obtain employment for which he is
17 qualified, and to obtain all the accommodations, advantages,
18 facilities and privileges of any public accommodation and of any
19 housing accommodation and commercial property without
20 discrimination because of race, color, familial status,
21 religious creed, ancestry, handicap or disability, age, sex,
22 national origin, matriculation, the use of a guide or support
23 animal because of the blindness, deafness or physical handicap
24 of the user or because the user is a handler or trainer of
25 support or guide animals is hereby recognized as and declared to
26 be a civil right which shall be enforceable as set forth in this
27 act.

28 Section 2. Section 4 of the act is amended by adding a
29 definition to read:

30 Section 4. Definitions.--As used in this act unless a

1 different meaning clearly appears from the context:

2 * * *

3 (bb) The term "matriculation" means the state of being
4 enrolled in a postsecondary educational institution, including
5 reasonable periods of time before and between periods of
6 matriculation.

7 Section 3. Sections 5(h)(1), (3) and (8)(i) and 7(i), (j)
8 and (k) of the act, amended December 20, 1991 (P.L.414, No.51),
9 are amended to read:

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

17 * * *

18 (h) For any person to:

19 (1) Refuse to sell, lease, finance or otherwise to deny or
20 withhold any housing accommodation from any person because of
21 matriculation status, or refuse to sell, lease, finance or
22 otherwise deny or withhold any housing accommodation or
23 commercial property from any person because of the race, color,
24 familial status, age, religious creed, ancestry, sex, national
25 origin or handicap or disability of any person, prospective
26 owner, occupant or user of such housing accommodation or
27 commercial property, or to refuse to lease any housing
28 accommodation or commercial property to any person due to use of
29 a guide animal because of the blindness or deafness of the user,
30 use of a support animal because of a physical handicap of the

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

5 * * *

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

19 * * *

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

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

1 * * *

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

4 * * *

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

22 (j) To issue such publications and such results of
23 investigations and research as, in its judgment, will tend to
24 promote good will and minimize or eliminate discrimination
25 because of race, color, familial status, religious creed,
26 ancestry, age, sex, national origin [or], handicap or disability
27 or matriculation.

28 (k) To submit an annual report for each fiscal year by the
29 following March 31 to the General Assembly, the Labor and
30 Industry Committee of the Senate and the State Government

1 Committee of the House of Representatives and the Governor
2 describing in detail the types of complaints received, the
3 investigations, status of cases, Commission action which has
4 been taken, how many were found to have probable cause, how many
5 were resolved by public hearing and the length of time from the
6 initial complaint to final Commission resolution. It shall also
7 contain recommendations for such further legislation concerning
8 abuses and discrimination because of race, color, familial
9 status, religious creed, ancestry, national origin, age, sex,
10 handicap or disability, matriculation or the use of a guide or
11 support animal because of the blindness, deafness or physical
12 handicap of the user or because the user is a handler or trainer
13 of support or guide animals, as may be desirable.

14 Section 4. This act shall take effect in 60 days.