

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1404 Session of 2019

INTRODUCED BY FRANKEL, BIZZARRO, BOYLE, BRADFORD, BRIGGS, BULLOCK, BURGOS, CALTAGIRONE, CARROLL, CEPHAS, CIRESI, COMMITTA, CONKLIN, CRUZ, DALEY, DAVIDSON, A. DAVIS, T. DAVIS, DAWKINS, DEASY, DeLISSIO, DELLOSO, DERMODY, DONATUCCI, DRISCOLL, FIEDLER, FITZGERALD, FLYNN, FREEMAN, GAINNEY, GALLOWAY, GOODMAN, HANBIDGE, HARKINS, HARRIS, HILL-EVANS, HOHENSTEIN, HOWARD, INNAMORATO, ISAACSON, KAUFER, KENYATTA, KIM, KINSEY, KIRKLAND, KRUEGER, KULIK, LEE, MADDEN, MALAGARI, MARKOSEK, MATZIE, McCARTER, McCLINTON, McNEILL, MERSKI, D. MILLER, MULLERY, MULLINS, MURT, NEILSON, O'MARA, OTTEN, PASHINSKI, RABB, RAVENSTAHL, READSHAW, ROEBUCK, SAMUELSON, SANCHEZ, SAPPEY, SCHLOSSBERG, SCHWEYER, SHUSTERMAN, SIMS, SOLOMON, STURLA, ULLMAN, VITALI, WARREN, WEBSTER, WHEATLEY, WILLIAMS, YOUNGBLOOD, ZABEL, ROZZI, QUINN AND JOHNSON-HARRELL, MAY 6, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 6, 2019

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222),
 2 entitled, "An act prohibiting certain practices of
 3 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 the title of the act, for
 12 findings and declaration of policy, for right to freedom from
 13 discrimination in employment, housing and public
 14 accommodation, for definitions, for unlawful discriminatory
 15 practices and for prohibition of certain real estate
 16 practices; providing for protection of religious exercise;
 17 and further providing for powers and duties of commission,
 18 for educational program and for construction and
 19 exclusiveness of remedy.

20 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The title and sections 2 and 3 of the act of
3 October 27, 1955 (P.L.744, No.222), known as the Pennsylvania
4 Human Relations Act, are amended to read:

5 AN ACT

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

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

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

1 their fullest extent, deprives large segments of the population
2 of the Commonwealth of earnings necessary to maintain decent
3 standards of living, necessitates their resort to public relief
4 and intensifies group conflicts, thereby resulting in grave
5 injury to the public health and welfare, compels many
6 individuals to live in dwellings which are substandard,
7 unhealthful and overcrowded, resulting in racial segregation in
8 public schools and other community facilities, juvenile
9 delinquency and other evils, thereby threatening the peace,
10 health, safety and general welfare of the Commonwealth and its
11 inhabitants. Public policies, reflecting an open and welcoming
12 environment and ensuring equal opportunity, foster economic
13 growth and prosperity which benefit the inhabitants of this
14 Commonwealth. Conversely, the absence of nondiscrimination
15 protections hinder efforts to recruit and retain the diversity
16 of talented individuals and successful enterprises required for
17 a thriving economy and strong public sector on which the
18 inhabitants of this Commonwealth depend.

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

1 commercial property regardless of race, color, familial status,
2 religious creed, ancestry, age, sex, sexual orientation, gender
3 identity or expression, national origin, handicap or disability,
4 use of guide or support animals because of blindness or deafness
5 of the user or because the user is a handler or trainer of guide
6 or support animals.

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

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

25 Section 2. Sections 4(b) and 5(a), (b), (c), (f), (g), (h)
26 and (i) of the act are amended and the sections are amended by
27 adding subsections to read:

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

30 * * *

1 (b) The term "employer" includes the Commonwealth or any
2 political subdivision or board, department, commission or school
3 district thereof and any person employing four or more persons
4 within the Commonwealth, but except as hereinafter provided,
5 does not include religious, fraternal, charitable or sectarian
6 corporations or associations, except such corporations or
7 associations supported, in whole or in part, by governmental
8 appropriations. The term "employer" with respect to
9 discriminatory practices based on race, color, age, sex, sexual
10 orientation, gender identity or expression, national origin or
11 non-job related handicap or disability, includes religious,
12 fraternal, charitable and sectarian corporations and
13 associations employing four or more persons within the
14 Commonwealth.

15 * * *

16 (bb) The term "sexual orientation" means heterosexuality,
17 homosexuality or bisexuality.

18 (cc) The term "gender identity or expression" means the
19 gender-related identity, appearance, mannerisms, expression or
20 other gender-related characteristics of an individual regardless
21 of the individual's designated sex at birth.

22 Section 5. Unlawful Discriminatory Practices.--It shall be
23 an unlawful discriminatory practice, unless based upon a bona
24 fide occupational qualification, or in the case of a fraternal
25 corporation or association, unless based upon membership in such
26 association or corporation, or except where based upon
27 applicable security regulations established by the United States
28 or the Commonwealth of Pennsylvania:

29 (a) For any employer because of the race, color, religious
30 creed, ancestry, age, sex, sexual orientation, gender identity

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

1 additional facilities.

2 (b) For any employer, employment agency or labor
3 organization, prior to the employment, contracting with an
4 independent contractor or admission to membership, to:

5 (1) Elicit any information or make or keep a record of or
6 use any form of application or application blank containing
7 questions or entries concerning the race, color, religious
8 creed, ancestry, age, sex, sexual orientation, gender identity
9 or expression, national origin, past handicap or disability or
10 the use of a guide or support animal because of the blindness,
11 deafness or physical handicap of any applicant for employment or
12 membership. Prior to an offer of employment, an employer may not
13 inquire as to whether an individual has a handicap or disability
14 or as to the severity of such handicap or disability. An
15 employer may inquire as to the individual's ability to perform
16 the essential functions of the employment.

17 (2) Print or publish or cause to be printed or published any
18 notice or advertisement relating to employment or membership
19 indicating any preference, limitation, specification or
20 discrimination based upon race, color, religious creed,
21 ancestry, age, sex, sexual orientation, gender identity or
22 expression, national origin, non-job related handicap or
23 disability or the use of a guide or support animal because of
24 the blindness, deafness or physical handicap of the user.

25 (3) Deny or limit, through a quota system, employment or
26 membership because of race, color, religious creed, ancestry,
27 age, sex, sexual orientation, gender identity or expression,
28 national origin, non-job related handicap or disability, the use
29 of a guide or support animal because of the blindness, deafness
30 or physical handicap of the user or place of birth.

1 (4) Substantially confine or limit recruitment or hiring of
2 individuals, with intent to circumvent the spirit and purpose of
3 this act, to any employment agency, employment service, labor
4 organization, training school or training center or any other
5 employe-referring source which services individuals who are
6 predominantly of the same race, color, religious creed,
7 ancestry, age, sex, sexual orientation, gender identity or
8 expression, national origin or non-job related handicap or
9 disability.

10 (5) Deny employment because of a prior handicap or
11 disability.

12 Nothing in clause (b) of this section shall bar any
13 institution or organization for handicapped or disabled persons
14 from limiting or giving preference in employment or membership
15 to handicapped or disabled persons.

16 (c) For any labor organization because of the race, color,
17 religious creed, ancestry, age, sex, sexual orientation, gender
18 identity or expression, national origin, non-job related
19 handicap or disability or the use of a guide or support animal
20 because of the blindness, deafness or physical handicap of any
21 individual to deny full and equal membership rights to any
22 individual or otherwise to discriminate against such individuals
23 with respect to hire, tenure, terms, conditions or privileges of
24 employment or any other matter, directly or indirectly, related
25 to employment.

26 * * *

27 (f) For any employment agency to fail or refuse to classify
28 properly, refer for employment or otherwise to discriminate
29 against any individual because of his race, color, religious
30 creed, ancestry, age, sex, sexual orientation, gender identity

1 or expression, national origin, non-job related handicap or
2 disability or the use of a guide or support animal because of
3 the blindness, deafness or physical handicap of the user.

4 (g) For any individual seeking employment to publish or
5 cause to be published any advertisement which in any manner
6 expresses a limitation or preference as to the race, color,
7 religious creed, ancestry, age, sex, sexual orientation, gender
8 identity or expression, national origin, non-job related
9 handicap or disability or the use of a guide or support animal
10 because of the blindness, deafness or physical handicap of any
11 prospective employer.

12 (h) For any person to:

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

27 (1.1) Evict or attempt to evict an occupant of any housing
28 accommodation before the end of the term of a lease because of
29 pregnancy or the birth of a child.

30 (2) Refuse to lend money, whether or not secured by mortgage

1 or otherwise for the acquisition, construction, rehabilitation,
2 repair or maintenance of any housing accommodation or commercial
3 property or otherwise withhold financing of any housing
4 accommodation or commercial property from any person because of
5 the race, color, familial status, age, religious creed,
6 ancestry, sex, sexual orientation, gender identity or
7 expression, national origin, handicap or disability of any
8 person, 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 or
11 because of the handicap or disability of an individual with whom
12 the person is known to have a relationship or association.

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

26 (3.1) Refuse to permit, at the expense of a person with a
27 handicap, reasonable modifications of existing premises occupied
28 or to be occupied by such person if such modifications may be
29 necessary to afford such person full enjoyment of the premises,
30 except that, in the case of a rental, the landlord may, where it

1 is reasonable to do so, grant permission for a modification if
2 the renter agrees to restore the interior of the premises to the
3 condition that existed before the modification, with reasonable
4 wear and tear excepted.

5 (3.2) Refuse to make reasonable accommodations in rules,
6 policies, practices or services when such accommodations may be
7 necessary to afford such person equal opportunity to use and
8 enjoy a housing accommodation.

9 (4) Discriminate against any person in the terms or
10 conditions of any loan of money, whether or not secured by
11 mortgage or otherwise for the acquisition, construction,
12 rehabilitation, repair or maintenance of housing accommodation
13 or commercial property because of the race, color, familial
14 status, age, religious creed, ancestry, sex, sexual orientation,
15 gender identity or expression, national origin or handicap or
16 disability of any person, the use of a guide or support animal
17 because of the blindness, deafness or physical handicap of the
18 user or because the user is a handler or trainer of guide or
19 support animals or because of the handicap or disability of an
20 individual with whom the person is known to have a relationship
21 or association.

22 (5) Print, publish or circulate any statement or
23 advertisement: (i) relating to the sale, lease or acquisition of
24 any housing accommodation or commercial property or the loan of
25 money, whether or not secured by mortgage, or otherwise for the
26 acquisition, construction, rehabilitation, repair or maintenance
27 of any housing accommodation or commercial property which
28 indicates any preference, limitation, specification, or
29 discrimination based upon race, color, familial status, age,
30 religious creed, ancestry, sex, sexual orientation, gender

1 identity or expression, national origin, handicap or disability
2 or because of the handicap or disability of an individual with
3 whom the person is known to have a relationship or association,
4 or (ii) relating to the sale, lease or acquisition of any
5 housing accommodation or commercial property which indicates any
6 preference, limitation, specification or discrimination based
7 upon use of a guide or support animal because of the blindness,
8 deafness or physical handicap of the user or because the user is
9 a handler or trainer of support or guide animals.

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

29 (7) Construct, operate, offer for sale, lease or rent or
30 otherwise make available housing or commercial property which is

1 not accessible.

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

4 (i) It shall be unlawful for any person or other entity
5 whose business includes engaging in real estate-related
6 transactions to discriminate against any person in making
7 available such a transaction or in the terms or conditions of
8 such a transaction because of race, color, religious creed,
9 ancestry, national origin, sex, sexual orientation, gender
10 identity or expression, age, handicap or disability, use of a
11 guide or support animal because of a physical handicap or
12 because the user is a handler or trainer of guide or support
13 animals or familial status.

14 (ii) Nothing in this act prohibits a person engaged in the
15 business of furnishing appraisals of real property to take into
16 consideration factors other than race, color, religious creed,
17 ancestry, national origin, sex, sexual orientation, gender
18 identity or expression, age, handicap or disability, use of a
19 guide or support animal because of a physical handicap or
20 because the user is a handler or trainer of guide or support
21 animals or familial status.

22 (9) Nothing in this clause, regarding age or familial
23 status, shall apply with respect to housing for older persons. A
24 person shall not be held personally liable for monetary damages
25 for a violation of this act if the person reasonably relied, in
26 good faith, on the application of the exemption of this
27 subclause. A person may only prove good faith reliance on the
28 application of the exemption of this subclause by proving that
29 at the time of the act complained of all of the following
30 applied:

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

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

6 (10) Nothing in this clause shall bar any religious or
7 denominational institution or organization or any charitable or
8 educational organization which is operated, supervised or
9 controlled by or in connection with a religious organization or
10 any bona fide private or fraternal organization from giving
11 preference to persons of the same religion or denomination or to
12 members of such private or fraternal organization or from making
13 such selection as is calculated by such organization to promote
14 the religious principles or the aims, purposes or fraternal
15 principles for which it is established or maintained. Nor shall
16 it apply to the rental of rooms in a landlord-occupied rooming
17 house with a common entrance, nor with respect to discrimination
18 based on sex, the advertising, rental or leasing of housing
19 accommodations in a single-sex dormitory or rooms in one's
20 personal residence in which common living areas are shared.

21 (11) Nothing in this act limits the applicability of the
22 Fair Housing Act and reasonable State or local restrictions on
23 the maximum number of occupants permitted to occupy a dwelling
24 or a reasonable restriction relating to health or safety
25 standards or business necessity. Owners and managers of
26 dwellings may develop and implement reasonable occupancy and
27 safety standards based on factors such as the number and size of
28 sleeping areas or bedrooms and the overall size of a dwelling
29 unit so long as the standards do not violate the Fair Housing
30 Act or State or local restrictions.

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

4 (1) Refuse, withhold from, or deny to any person because of
5 [his] race, color, sex, sexual orientation, gender identity or
6 expression, religious creed, ancestry, national origin or
7 handicap or disability, or to any person due to 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, either directly or indirectly, any
11 of the accommodations, advantages, facilities or privileges of
12 such public accommodation, resort or amusement.

13 (2) Publish, circulate, issue, display, post or mail, either
14 directly or indirectly, any written or printed communication,
15 notice or advertisement to the effect that any of the
16 accommodations, advantages, facilities and privileges of any
17 such place shall be refused, withheld from or denied to any
18 person on account of race, color, religious creed, sex, sexual
19 orientation, gender identity or expression, ancestry, national
20 origin or handicap or disability, or to any person due to use of
21 a guide or support animal because of the blindness, deafness or
22 physical handicap of the user, or because the user is a handler
23 or trainer of support or guide animals, or that the patronage or
24 custom thereat of any person[, belonging to or purporting to be
25 of any particular] because of race, color, religious creed, sex,
26 sexual orientation, gender identity or expression, ancestry,
27 national origin or handicap or disability, or to any person due
28 to 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, is unwelcome,

1 objectionable or not acceptable, desired or solicited.

2 (3) Exclude or otherwise deny equal goods, services,
3 facilities, privileges, advantages, accommodations or other
4 opportunities to a person because of the handicap or disability
5 of an individual with whom the person is known to have a
6 relationship or association.

7 (4) Construct, operate or otherwise make available such
8 place of public accommodation, resort or amusement which is not
9 accessible.

10 * * *

11 (m) It shall neither be a bar to a claim nor a defense to a
12 claim under this act that an action was taken based on a
13 mistaken belief that:

14 (1) a person or group has a personal characteristic or
15 characteristics upon which this act prohibits discrimination; or

16 (2) a person or group with whom a person or group associates
17 has a personal characteristic or characteristics upon which this
18 act prohibits discrimination.

19 * * *

20 Section 3. Section 5.3 of the act is amended to read:

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

22 It shall be an unlawful discriminatory practice for any person
23 to:

24 (a) Induce, solicit or attempt to induce or solicit for
25 commercial profit any listing, sale or transaction involving any
26 housing accommodation or commercial property by representing
27 that such housing accommodation or commercial property is within
28 any neighborhood, community or area adjacent to any other area
29 in which there reside, or do not reside, persons of a particular
30 race, color, familial status, age, religious creed, ancestry,

1 sex, sexual orientation, gender identity or expression, national
2 origin, handicap or disability, or who are guide or support
3 animal dependent.

4 (b) Discourage, or attempt to discourage, for commercial
5 profit, the purchase or lease of any housing accommodation or
6 commercial property by representing that such housing
7 accommodation or commercial property is within any neighborhood,
8 community or area adjacent to any other area in which there
9 reside, or may in the future reside in increased or decreased
10 numbers, persons of a particular race, color, familial status,
11 age, religious creed, ancestry, sex, sexual orientation, gender
12 identity or expression, national origin, handicap or disability,
13 or who are guide or support animal dependent.

14 (c) Misrepresent, create or distort a circumstance,
15 condition or incident for the purpose of fostering the
16 impression or belief, on the part of any owner, occupant or
17 prospective owner or occupant of any housing accommodation or
18 commercial property, that such housing accommodation or
19 commercial property is within any neighborhood, community or
20 area adjacent to any other area which would be adversely
21 impacted by the residence, or future increased or decreased
22 residence, of persons of a particular race, color, familial
23 status, age, religious creed, ancestry, sex, sexual orientation,
24 gender identity or expression, national origin, handicap or
25 disability, or who are guide or support animal dependent within
26 such neighborhood, community or area.

27 (d) In any way misrepresent or otherwise misadvertise within
28 a neighborhood or community, whether or not in writing, that any
29 housing accommodation or commercial property within such
30 neighborhood or community is available for inspection, sale,

1 lease, sublease or other transfer, in any context where such
2 misrepresentation or misadvertising would have the effect of
3 fostering an impression or belief that there has been or will be
4 an increase in real estate activity within such neighborhood or
5 community due to the residence, or anticipated increased or
6 decreased residence, of persons of a particular race, color,
7 familial status, age, religious creed, ancestry, sex, sexual
8 orientation, gender identity or expression, national origin,
9 handicap or disability, or the use of a guide or support animal
10 because of the blindness, deafness or physical handicap of the
11 user.

12 Section 4. The act is amended by adding a section to read:

13 Section 5.4. Protection of Religious Exercise.--(a) Nothing
14 contained in this act, or in any ordinance, charter, law or
15 regulation that is or has been adopted by any political
16 subdivision in this Commonwealth in accordance with this act,
17 shall be interpreted to:

18 (1) Prohibit any religious entity from determining the
19 tenets of its faith, or from expressing those tenets, if the
20 prohibition would violate the freedom of speech or free exercise
21 of religion guaranteed to the religious entity by the
22 Constitution of the United States or the Constitution of
23 Pennsylvania.

24 (2) Require an individual or religious entity to engage in
25 conduct prohibited by or inconsistent with the tenets of its
26 faith if the requirement would violate the free exercise of
27 religion guaranteed to the individual or religious entity by the
28 Constitution of the United States or the Constitution of
29 Pennsylvania.

30 (b) As used in this section, the term "religious entity"

1 means a religious or denominational institution or organization
2 or a charitable or educational organization which is operated,
3 supervised or controlled by or in connection with a religious
4 organization.

5 Section 5. Sections 7(i), (j) and (k) and 8 of the act are
6 amended to read:

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

9 * * *

10 (i) To create such advisory agencies and conciliation
11 councils, local or state-wide, as will aid in effectuating the
12 purposes of this act. The Commission may itself or it may
13 empower these agencies and councils to (1) study the problems of
14 discrimination in all or specific fields of human relationships
15 when based on race, color, familial status, religious creed,
16 ancestry, age, sex, sexual orientation, gender identity or
17 expression, national origin or handicap or disability, and (2)
18 foster, through community effort or otherwise, good will among
19 the groups and elements of the population of the State. Such
20 agencies and councils may make recommendations to the Commission
21 for the development of policies and procedure in general.

22 Advisory agencies and conciliation councils created by the
23 Commission shall be composed of representative citizens, serving
24 without pay, but the Commission may make provision for technical
25 and clerical assistance to such agencies and councils, and for
26 the payment of the expenses of such assistance.

27 (j) To issue such publications and such results of
28 investigations and research as, in its judgment, will tend to
29 promote good will and minimize or eliminate discrimination
30 because of race, color, familial status, religious creed,

1 ancestry, age, sex, sexual orientation, gender identity or
2 expression, national origin or handicap or disability.

3 (k) To submit an annual report for each fiscal year by the
4 following March 31 to the General Assembly, the Labor and
5 Industry Committee of the Senate and the State Government
6 Committee of the House of Representatives and the Governor
7 describing in detail the types of complaints received, the
8 investigations, status of cases, Commission action which has
9 been taken, how many were found to have probable cause, how many
10 were resolved by public hearing and the length of time from the
11 initial complaint to final Commission resolution. It shall also
12 contain recommendations for such further legislation concerning
13 abuses and discrimination because of race, color, familial
14 status, religious creed, ancestry, national origin, age, sex,
15 sexual orientation, gender identity or expression, handicap or
16 disability or the use of a guide or support animal because of
17 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, as may be desirable.

20 * * *

21 Section 8. Educational Program.--The Commission, in
22 cooperation with the Department of Education, is authorized to
23 recommend a multicultural educational program, designed for the
24 students of the schools in this Commonwealth and for all other
25 residents thereof, with emphasis on foreign cultural and
26 language studies, as well as on the basic shared precepts and
27 principles of United States culture, in order to promote
28 cultural understanding and appreciation and to further good will
29 among all persons, without regard to race, color, familial
30 status, religious creed, ancestry, age, sex, sexual orientation,

1 gender identity or expression, national origin, handicap or
2 disability.

3 Section 6. Section 12(b) of the act is amended and the
4 section is amended by adding a subsection to read:

5 Section 12. Construction and Exclusiveness of Remedy.--* * *

6 (b) Except as provided in subsection (c), nothing contained
7 in this act shall be deemed to repeal or supersede any of the
8 provisions of any existing or hereafter adopted municipal
9 ordinance, municipal charter or of any law of this Commonwealth
10 relating to discrimination because of race, color, familial
11 status, religious creed, ancestry, age, sex, sexual orientation,
12 gender identity or expression, national origin or handicap or
13 disability, but as to acts declared unlawful by section five of
14 this act the procedure herein provided shall, when invoked, be
15 exclusive and the final determination therein shall exclude any
16 other action, civil or criminal, based on the same grievance of
17 the complainant concerned. If the complainant institutes any
18 action based on such grievance without resorting to the
19 procedure provided in this act, such complainant may not
20 subsequently resort to the procedure herein. In the event of a
21 conflict between the interpretation of a provision of this act
22 and the interpretation of a similar provision contained in any
23 municipal ordinance, the interpretation of the provision in this
24 act shall apply to such municipal ordinance.

25 * * *

26 (g) Nothing in this act shall prohibit an employer from
27 requiring an employe, during the employe's hours at work, to
28 adhere to reasonable dress or grooming standards not prohibited
29 by other provisions of Federal, State or local law, provided
30 that the employer permits an employe to adhere to the dress or

1 grooming standards that are consistent with the employe's gender
2 identity or expression.

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