

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 300 Session of 2023

INTRODUCED BY KENYATTA, BENHAM, FRANKEL, MAYES, SMITH-WADE-EL, SCOTT, MADDEN, PROBST, SIEGEL, STURLA, BRENNAN, WAXMAN, SANCHEZ, ZABEL, KINKEAD, FIEDLER, SCHLOSSBERG, PARKER, PISCIOTTANO, ROZZI, N. NELSON, MARKOSEK, HILL-EVANS, McNEILL, O'MARA, SAMUELSON, HANBIDGE, GUENST, RABB, BURGOS, KINSEY, CIRESI, OTTEN, DEASY, DELLOSO, VENKAT, CERRATO, HOWARD, CEPEDA-FREYTIZ, WARREN, DALEY, KRAJEWSKI, BRIGGS, FLEMING, CONKLIN, WEBSTER, MADSEN, SHUSTERMAN, HOHENSTEIN, PIELLI, McANDREW, INNAMORATO, MALAGARI, D. WILLIAMS, KHAN, BOROWSKI, TAKAC, DONAHUE AND GREEN, APRIL 17, 2023

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 17, 2023

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222), entitled
2 "An act prohibiting certain practices of discrimination
3 because of race, color, religious creed, ancestry, age or
4 national origin by employers, employment agencies, labor
5 organizations and others as herein defined; creating the
6 Pennsylvania Human Relations Commission in the Governor's
7 Office; defining its functions, powers and duties; providing
8 for procedure and enforcement; providing for formulation of
9 an educational program to prevent prejudice; providing for
10 judicial review and enforcement and imposing penalties,"
11 further providing for the title of the act, for findings and
12 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
21 hereby enacts as follows:

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

October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, are amended to read:

AN ACT

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

Section 2. Findings and Declaration of Policy.--

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

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

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

1 identity or expression, national origin, handicap or disability,
2 use of guide or support animals because of blindness or deafness
3 of the user or because the user is a handler or trainer of guide
4 or support animals.

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

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

23 Section 2. Section 4(b) of the act is amended and the
24 section is amended by adding subsections to read:

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

27 * * *

28 (b) The term "employer" includes the Commonwealth or any
29 political subdivision or board, department, commission or school
30 district thereof and any person employing four or more persons

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

12 * * *

13 (bb) The term "sexual orientation" means an individual's
14 physical, romantic or emotional attraction to individuals of the
15 same or different gender.

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

20 (dd) The term "booking agent" means the same as the term
21 "booking agent" under section 209(a)(1.2) of the act of March 4,
22 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

23 Section 3. Sections 5(a), (b), (c), (f), (g), (h) and (i)
24 and 5.3 of the act are amended to read:

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

1 or the Commonwealth of Pennsylvania:

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

1 unlawful discriminatory practice based on the actual or
2 perceived race, color, religious creed, ancestry, age, sexual
3 orientation, gender identity or expression or national origin
4 under this act to fail or refuse to construct new or additional
5 facilities.

6 (b) For any employer, employment agency or labor
7 organization, prior to the employment, contracting with an
8 independent contractor or admission to membership, to:

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

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

29 (3) Deny or limit, through a quota system, employment or
30 membership because of the actual or perceived race, color,

1 religious creed, ancestry, age, sex, sexual orientation, gender
2 identity or expression, national origin, non-job related
3 handicap or disability, the use of a guide or support animal
4 because of the blindness, deafness or physical handicap of the
5 user or place of birth.

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

15 (5) Deny employment because of a prior handicap or
16 disability.

17 Nothing in clause (b) of this section shall bar any
18 institution or organization for handicapped or disabled persons
19 from limiting or giving preference in employment or membership
20 to handicapped or disabled persons.

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

1 * * *

2 (f) For any employment agency to fail or refuse to classify
3 properly, refer for employment or otherwise to discriminate
4 against any individual because of [his] the actual or perceived
5 race, color, religious creed, ancestry, age, sex, sexual
6 orientation, gender identity or expression, national origin,
7 non-job related handicap or disability or the use of a guide or
8 support animal because of the blindness, deafness or physical
9 handicap of the user.

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

18 (h) For any person to:

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

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

4 (1.1) Evict or attempt to evict an occupant of any housing
5 accommodation before the end of the term of a lease because of
6 pregnancy or the birth of a child.

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

21 (3) Discriminate against any person in the terms or
22 conditions of selling or leasing any housing accommodation or
23 commercial property or in furnishing facilities, services or
24 privileges in connection with the ownership, occupancy or use of
25 any housing accommodation or commercial property because of the
26 actual or perceived race, color, familial status, age, religious
27 creed, ancestry, sex, sexual orientation, gender identity or
28 expression, national origin, handicap or disability of any
29 person, the use of a guide or support animal because of the
30 blindness, deafness or physical handicap of the user or because

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

4 (3.1) Refuse to permit, at the expense of a person with a
5 handicap, reasonable modifications of existing premises occupied
6 or to be occupied by such person if such modifications may be
7 necessary to afford such person full enjoyment of the premises,
8 except that, in the case of a rental, the landlord may, where it
9 is reasonable to do so, grant permission for a modification if
10 the renter agrees to restore the interior of the premises to the
11 condition that existed before the modification, with reasonable
12 wear and tear excepted.

13 (3.2) Refuse to make reasonable accommodations in rules,
14 policies, practices or services when such accommodations may be
15 necessary to afford such person equal opportunity to use and
16 enjoy a housing accommodation.

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

30 (5) Print, publish or circulate any statement or

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

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

1 use any form of application, containing questions or entries
2 concerning the use of a guide or support animal because of the
3 blindness, deafness or physical handicap of the user or because
4 the user is a handler or trainer of support or guide animals, in
5 connection with the lease of any housing accommodation or
6 commercial property.

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

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

12 (i) It shall be unlawful for any person or other entity
13 whose business includes engaging in real estate-related
14 transactions to discriminate against any person in making
15 available such a transaction or in the terms or conditions of
16 such a transaction because of the actual or perceived race,
17 color, religious creed, ancestry, national origin, sex, sexual
18 orientation, gender identity or expression, age, handicap or
19 disability, use of a guide or support animal because of a
20 physical handicap or because the user is a handler or trainer of
21 guide or support animals or familial status.

22 (ii) Nothing in this act prohibits a person engaged in the
23 business of furnishing appraisals of real property to take into
24 consideration factors other than race, color, religious creed,
25 ancestry, national origin, sex, sexual orientation, gender
26 identity or expression, age, handicap or disability, use of a
27 guide or support animal because of a physical handicap or
28 because the user is a handler or trainer of guide or support
29 animals or familial status.

30 (9) Nothing in this clause, regarding age or familial

1 status, shall apply with respect to housing for older persons. A
2 person shall not be held personally liable for monetary damages
3 for a violation of this act if the person reasonably relied, in
4 good faith, on the application of the exemption of this
5 subclause. A person may only prove good faith reliance on the
6 application of the exemption of this subclause by proving that
7 at the time of the act complained of all of the following
8 applied:

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

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

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

29 (10.1) Except for rentals arranged through a booking agent,
30 nothing in this clause shall apply to the rental of rooms in a

personal residence in which common living areas are shared or a
landlord-occupied rooming house with a common entrance.

(10.2) Nothing in this clause shall apply to, with respect
to discrimination based on sex, the advertising, rental or
leasing of housing accommodations in a single-sex dormitory or
rooms in one's personal residence in which common living areas
are shared.

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

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

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

1 (2) Publish, circulate, issue, display, post or mail, either
2 directly or indirectly, any written or printed communication,
3 notice or advertisement to the effect that any of the
4 accommodations, advantages, facilities and privileges of any
5 such place shall be refused, withheld from or denied to any
6 person on account of race, color, religious creed, sex, sexual
7 orientation, gender identity or expression, ancestry, national
8 origin or handicap or disability, or to any person due to use of
9 a guide or support animal because of the blindness, deafness or
10 physical handicap of the user, or because the user is a handler
11 or trainer of support or guide animals, or that the patronage or
12 custom thereat of any person[, belonging to or purporting to be
13 of any particular] because of race, color, religious creed, sex,
14 sexual orientation, gender identity or expression, ancestry,
15 national origin or handicap or disability, or to any person due
16 to use of a guide or support animal because of the blindness,
17 deafness or physical handicap of the user or because the user is
18 a handler or trainer of support or guide animals, is unwelcome,
19 objectionable or not acceptable, desired or 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 5.3. Prohibition of Certain Real Estate Practices.--

30 It shall be an unlawful discriminatory practice for any person

1 to:

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

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

22 (c) Misrepresent, create or distort a circumstance,
23 condition or incident for the purpose of fostering the
24 impression or belief, on the part of any owner, occupant or
25 prospective owner or occupant of any housing accommodation or
26 commercial property, that such housing accommodation or
27 commercial property is within any neighborhood, community or
28 area adjacent to any other area which would be adversely
29 impacted by the residence, or future increased or decreased
30 residence, of persons of a particular race, color, familial

1 status, age, religious creed, ancestry, sex, sexual orientation,
2 gender identity or expression, national origin, handicap or
3 disability, or who are guide or support animal dependent within
4 such neighborhood, community or area.

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

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

21 Section 5.4. Protection of Religious Exercise.--(a) Nothing
22 contained in this act, or in any ordinance, charter, law or
23 regulation that is or has been adopted by any political
24 subdivision in this Commonwealth in accordance with this act,
25 shall be interpreted to require an individual or religious
26 entity to engage in conduct that constitutes a substantial
27 burden on the free exercise of religion under the act of
28 December 9, 2002 (P.L.1701, No.214), known as the "Religious
29 Freedom Protection Act."

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

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

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

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

* * *

(i) To create such advisory agencies and conciliation
councils, local or state-wide, as will aid in effectuating the
purposes of this act. The Commission may itself or it may
empower these agencies and councils to (1) study the problems of
discrimination in all or specific fields of human relationships
when based on the actual or perceived race, color, familial
status, religious creed, ancestry, age, sex, sexual orientation,
gender identity or expression, national origin or handicap or
disability, and (2) foster, through community effort or
otherwise, good will among the groups and elements of the
population of the State. Such agencies and councils may make
recommendations to the Commission for the development of
policies and procedure in general. Advisory agencies and
conciliation councils created by the Commission shall be
composed of representative citizens, serving without pay, but
the Commission may make provision for technical and clerical
assistance to such agencies and councils, and for the payment of
the expenses of such assistance.

(j) To issue such publications and such results of
investigations and research as, in its judgment, will tend to
promote good will and minimize or eliminate discrimination

1 because of the actual or perceived race, color, familial status,
2 religious creed, ancestry, age, sex, sexual orientation, gender
3 identity or expression, national origin or handicap or
4 disability.

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

22 * * *

23 Section 8. Educational Program.--The Commission, in
24 cooperation with the Department of Education, is authorized to
25 recommend a multicultural educational program, designed for the
26 students of the schools in this Commonwealth and for all other
27 residents thereof, with emphasis on foreign cultural and
28 language studies, as well as on the basic shared precepts and
29 principles of United States culture, in order to promote
30 cultural understanding and appreciation and to further good will

1 among all persons, without regard to race, color, familial
2 status, religious creed, ancestry, age, sex, sexual orientation,
3 gender identity or expression, national origin, handicap or
4 disability.

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

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

8 * * *

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

29 * * *

30 (g) Nothing in this act shall prohibit an employer from

1 requiring an employe, during the employe's hours at work, to
2 adhere to reasonable dress or grooming standards not prohibited
3 by other provisions of Federal, State or local law, provided
4 that the employer permits an employe to adhere to the dress or
5 grooming standards that are consistent with the employe's gender
6 identity or expression.

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