

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-FREYITZ, WARREN, DALEY, KRAJEWSKI, BRIGGS, FLEMING, CONKLIN, WEBSTER, MADSEN, SHUSTERMAN, HOHENSTEIN, PIELLI, McANDREW, INNAMORATO, MALAGARI, D. WILLIAMS, KHAN, BOROWSKI, TAKAC, DONAHUE, GREEN, KIM, KRUEGER, T. DAVIS, ISAACSON, HARRIS, YOUNG, CEPHAS, ABNEY, A. BROWN, GIRAL, SCHWEYER, SOLOMON, BULLOCK, BIZZARRO, FREEMAN, FRIEL, SAPPEY, STEELE, BOYLE, VITALI, BELLMON, D. MILLER, KOSIEROWSKI, GALLOWAY, SALISBURY, McCLINTON, KAZEEM AND CURRY, APRIL 17, 2023

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 2, 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.~~

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

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

29 * * *

30 (b) The term "employer" includes the Commonwealth or any

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

14 * * *

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

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

22 (dd) The term "booking agent" means the same as the term
23 "booking agent" under section 209(a)(1.2) of the act of March 4,
24 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

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

27 Section 5. Unlawful Discriminatory Practices.--It shall be
28 an unlawful discriminatory practice, unless based upon a bona
29 fide occupational qualification, or in the case of a fraternal
30 corporation or association, unless based upon membership in such

1 association or corporation, or except where based upon
2 applicable security regulations established by the United States
3 or the Commonwealth of Pennsylvania:

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

1 beliefs, practices, or observances of the corporation, or
2 association. Except as otherwise required by law, it is not an
3 unlawful discriminatory practice based on the actual or
4 perceived race, color, religious creed, ancestry, age, sexual
5 orientation, gender identity or expression or national origin
6 under this act to fail or refuse to construct new or additional
7 facilities.

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

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

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

1 (3) Deny or limit, through a quota system, employment or
2 membership because of the actual or perceived race, color,
3 religious creed, ancestry, age, sex, sexual orientation, gender
4 identity or expression, national origin, non-job related
5 handicap or disability, the use of a guide or support animal
6 because of the blindness, deafness or physical handicap of the
7 user or place of birth.

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

17 (5) Deny employment because of a prior handicap or
18 disability.

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

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

1 conditions or privileges of employment or any other matter,
2 directly or indirectly, related to employment.

3 * * *

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

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

20 (h) For any person to:

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

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

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

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

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

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

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

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

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

1 known to have a relationship or association.

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

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

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

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

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

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

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

1 animals or familial status.

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

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

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

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

1 (10.1) Except for rentals arranged through a booking agent,
2 nothing in this clause shall apply to the rental of rooms in a
3 personal residence in which common living areas are shared or a
4 landlord-occupied rooming house with a common entrance.

5 (10.2) Nothing in this clause shall apply to, with respect
6 to discrimination based on sex, the advertising, rental or
7 leasing of housing accommodations in a single-sex dormitory or
8 rooms in one's personal residence in which common living areas
9 are shared.

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

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

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

1 advantages, facilities or privileges of such public
2 accommodation, resort or amusement.

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

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

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

30 * * *

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 sex, sexual orientation, gender identity or expression, 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, sex, sexual orientation, gender
22 identity or expression, national origin, handicap or disability,
23 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, sex, sexual orientation,
4 gender identity or expression, 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, sex, sexual
18 orientation, gender identity or expression, national origin,
19 handicap or disability, or the use of a guide or support animal
20 because of the blindness, deafness or physical handicap of the
21 user.

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

23 Section 5.4. Protection of Religious Exercise.--(a) Nothing
24 contained in this act, or in any ordinance, charter, law or
25 regulation that is or has been adopted by any political
26 subdivision in this Commonwealth in accordance with this act,
27 shall be interpreted to require an individual or religious
28 entity to engage in conduct that constitutes a substantial
29 burden on the free exercise of religion without compelling <--
30 justification under A COMPELLING INTEREST AND THROUGH THE LEAST <--

1 RESTRICTIVE MEANS OF FURTHERING THE COMPELLING INTEREST
2 CONSISTENT WITH THE PROVISIONS OF the act of December 9, 2002
3 (P.L.1701, No.214), known as the "Religious Freedom Protection
4 Act."

5 (b) As used in this section, the term "religious entity"
6 means a church, association of churches or other religious
7 order, body or institution which qualifies for exemption from
8 taxation under section 501(c)(3) or (d) of the Internal Revenue
9 Code of 1986 (Public Law 99-514, 26 U.S.C. § 501).

10 Section 5. ~~Sections 7(i), (j) and (k) and 8~~ SECTION 7(I), <--
11 (J) AND (K) of the act are amended to read:

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

14 * * *

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

1 assistance to such agencies and councils, and for the payment of
2 the expenses of such assistance.

3 (j) To issue such publications and such results of
4 investigations and research as, in its judgment, will tend to
5 promote good will and minimize or eliminate discrimination
6 because of the actual or perceived race, color, familial status,
7 religious creed, ancestry, age, sex, sexual orientation, gender
8 identity or expression, national origin or handicap or
9 disability.

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

27 * * *

28 ~~Section 8. Educational Program. The Commission, in~~ <--
29 ~~cooperation with the Department of Education, is authorized to~~
30 ~~recommend a multicultural educational program, designed for the~~

~~1 students of the schools in this Commonwealth and for all other
2 residents thereof, with emphasis on foreign cultural and
3 language studies, as well as on the basic shared precepts and
4 principles of United States culture, in order to promote
5 cultural understanding and appreciation and to further good will
6 among all persons, without regard to race, color, familial
7 status, religious creed, ancestry, age, sex, sexual orientation,
8 gender identity or expression, national origin, handicap or
9 disability.~~

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

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

13 * * *

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

1 of a similar provision contained in any municipal ordinance, the
2 interpretation of the provision in this act shall apply to such
3 municipal ordinance.

4 * * *

5 (g) Nothing in this act shall prohibit an employer from
6 requiring an employe, during the employe's hours at work, to
7 adhere to reasonable dress or grooming standards not prohibited
8 by other provisions of Federal, State or local law, provided
9 that the employer permits an employe to adhere to the dress or
10 grooming standards that are consistent with the employe's gender
11 identity or expression.

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