
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 503 Session of
2023

INTRODUCED BY GUENST, HANBIDGE, SANCHEZ, MADDEN, HILL-EVANS,
RABB, HOHENSTEIN, DELLOSO, WARREN, CERRATO AND N. NELSON,
MARCH 17, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 17, 2023

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222),
2 entitled, as amended, "An act prohibiting certain practices
3 of discrimination because of race, color, religious creed,
4 ancestry, age or national origin by employers, employment
5 agencies, labor organizations and others as herein defined;
6 creating the Pennsylvania Human Relations Commission in the
7 Governor's Office; defining its functions, powers and duties;
8 providing for procedure and enforcement; providing for
9 formulation of an educational program to prevent prejudice;
10 providing for judicial review and enforcement and imposing
11 penalties," further providing for findings and declaration of
12 policy, for right to freedom from discrimination in
13 employment, housing and public accommodation, for
14 definitions, for unlawful discriminatory practices, for
15 prohibition of certain real estate practices, for powers and
16 duties of the commission, for educational program and for
17 construction and exclusiveness of remedy.

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

20 Section 1. Sections 2(a) and (b) and 3 of the act of October
21 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human
22 Relations Act, are amended to read:

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

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

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

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

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

11 * * *

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

26 Section 2. Section 4 of the act is amended by adding
27 clauses to read:

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

30 * * *

1 (bb) The term "family caregiver status" means a person who
2 provides medical or supervisory care to a person related to the
3 caregiver by blood, legal custody or marriage.

4 (cc) The term "marital status" means whether a person is
5 single, married, divorced, separated or widowed.

6 Section 3. Sections 5(a), (b), (c), (f), (g) and (h), 5.3,
7 7(i), (j) and (k), 8 and 12(b) of the act are amended to read:

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

15 (a) For any employer because of the race, color, religious
16 creed, ancestry, familial status, marital status, family
17 caregiver status, age, sex, national origin or non-job related
18 handicap or disability or the use of a guide or support animal
19 because of the blindness, deafness or physical handicap of any
20 individual or independent contractor, to refuse to hire or
21 employ or contract with, or to bar or to discharge from
22 employment such individual or independent contractor, or to
23 otherwise discriminate against such individual or independent
24 contractor with respect to compensation, hire, tenure, terms,
25 conditions or privileges of employment or contract, if the
26 individual or independent contractor is the best able and most
27 competent to perform the services required. The provision of
28 this paragraph shall not apply, to (1) operation of the terms or
29 conditions of any bona fide retirement or pension plan which
30 have the effect of a minimum service requirement, (2) operation

1 of the terms or conditions of any bona fide group or employe
2 insurance plan, (3) age limitations placed upon entry into bona
3 fide apprenticeship programs of two years or more approved by
4 the State Apprenticeship and Training Council of the Department
5 of Labor and Industry, established by the act of July 14, 1961
6 (P.L.604, No.304), known as "The Apprenticeship and Training
7 Act." Notwithstanding any provision of this clause, it shall not
8 be an unlawful employment practice for a religious corporation
9 or association to hire or employ on the basis of sex in those
10 certain instances where sex is a bona fide occupational
11 qualification because of the religious beliefs, practices, or
12 observances of the corporation, or association.

13 (b) For any employer, employment agency or labor
14 organization, prior to the employment, contracting with an
15 independent contractor or admission to membership, to:

16 (1) Elicit any information or make or keep a record of or
17 use any form of application or application blank containing
18 questions or entries concerning the race, color, religious
19 creed, ancestry, familial status, marital status, family
20 caregiver status, age, sex, national origin, past handicap or
21 disability or the use of a guide or support animal because of
22 the blindness, deafness or physical handicap of any applicant
23 for employment or membership. Prior to an offer of employment,
24 an employer may not inquire as to whether an individual has a
25 handicap or disability or as to the severity of such handicap or
26 disability. Prior to an offer of employment, an employer may not
27 inquire as to whether an individual intends to have a child. An
28 employer may inquire as to the individual's ability to perform
29 the essential functions of the employment.

30 (2) Print or publish or cause to be printed or published any

1 notice or advertisement relating to employment or membership
2 indicating any preference, limitation, specification or
3 discrimination based upon race, color, religious creed,
4 ancestry, age, sex, national origin, non-job related handicap or
5 disability or the use of a guide or support animal because of
6 the blindness, deafness or physical handicap of the user.

7 (3) Deny or limit, through a quota system, employment or
8 membership because of race, color, religious creed, ancestry,
9 familial status, marital status, family caregiver status, age,
10 sex, national origin, non-job related handicap or disability,
11 the use of a guide or support animal because of the blindness,
12 deafness or physical handicap of the user or place of birth.

13 (4) Substantially confine or limit recruitment or hiring of
14 individuals, with intent to circumvent the spirit and purpose of
15 this act, to any employment agency, employment service, labor
16 organization, training school or training center or any other
17 employe-referring source which services individuals who are
18 predominantly of the same race, color, religious creed,
19 ancestry, familial status, marital status, family caregiver
20 status, age, sex, national origin or non-job related handicap or
21 disability.

22 (5) Deny employment because of a prior handicap or
23 disability.

24 Nothing in clause (b) of this section shall bar any
25 institution or organization for handicapped or disabled persons
26 from limiting or giving preference in employment or membership
27 to handicapped or disabled persons.

28 (c) For any labor organization because of the race, color,
29 religious creed, ancestry, familial status, marital status,
30 family caregiver status, age, sex, national origin, non-job

1 related handicap or disability or the use of a guide or support
2 animal because of the blindness, deafness or physical handicap
3 of any individual to deny full and equal membership rights to
4 any individual or otherwise to discriminate against such
5 individuals with respect to hire, tenure, terms, conditions or
6 privileges of employment or any other matter, directly or
7 indirectly, related to employment.

8 * * *

9 (f) For any employment agency to fail or refuse to classify
10 properly, refer for employment or otherwise to discriminate
11 against any individual because of his race, color, religious
12 creed, ancestry, familial status, marital status, family
13 caregiver status, age, sex, national origin, non-job related
14 handicap or disability or the use of a guide or support animal
15 because of the blindness, deafness or physical handicap of the
16 user.

17 (g) For any individual seeking employment to publish or
18 cause to be published any advertisement which in any manner
19 expresses a limitation or preference as to the race, color,
20 religious creed, ancestry, familial status, marital status,
21 family caregiver status, age, sex, national origin, non-job
22 related handicap or disability or the use of a guide or support
23 animal because of the blindness, deafness or physical handicap
24 of any prospective employer.

25 (h) For any person to:

26 (1) Refuse to sell, lease, finance or otherwise to deny or
27 withhold any housing accommodation or commercial property from
28 any person because of the race, color, familial status, marital
29 status, family caregiver status, age, religious creed, ancestry,
30 sex, national origin or handicap or disability of any person,

1 prospective owner, occupant or user of such housing
2 accommodation or commercial property, or to refuse to lease any
3 housing accommodation or commercial property to any person due
4 to use of a guide animal because of the blindness or deafness of
5 the user, use of a support animal because of a physical handicap
6 of the user or because the user is a handler or trainer of
7 support or guide animals or because of the handicap or
8 disability of an individual with whom the person is known to
9 have a relationship or association.

10 (1.1) Evict or attempt to evict an occupant of any housing
11 accommodation before the end of the term of a lease because of
12 pregnancy or the birth of a child.

13 (2) Refuse to lend money, whether or not secured by mortgage
14 or otherwise for the acquisition, construction, rehabilitation,
15 repair or maintenance of any housing accommodation or commercial
16 property or otherwise withhold financing of any housing
17 accommodation or commercial property from any person because of
18 the race, color, familial status, marital status, family
19 caregiver status, age, religious creed, ancestry, sex, 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) Discriminate against any person in the terms or
27 conditions of selling or leasing any housing accommodation or
28 commercial property or in furnishing facilities, services or
29 privileges in connection with the ownership, occupancy or use of
30 any housing accommodation or commercial property because of the

1 race, color, familial status, marital status, family caregiver
2 status, age, religious creed, ancestry, sex, national origin,
3 handicap or disability of any person, the use of a guide or
4 support animal because of the blindness, deafness or physical
5 handicap of the user or because the user is a handler or trainer
6 of support or guide animals or because of the handicap or
7 disability of an individual with whom the person is known to
8 have a relationship or association.

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

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

22 (4) Discriminate against any person in the terms or
23 conditions of any loan of money, whether or not secured by
24 mortgage or otherwise for the acquisition, construction,
25 rehabilitation, repair or maintenance of housing accommodation
26 or commercial property because of the race, color, familial
27 status, marital status, family caregiver status, age, religious
28 creed, ancestry, sex, national origin or handicap or disability
29 of any person, the use of a guide or support animal because of
30 the blindness, deafness or physical handicap of the user or

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

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

23 (6) Make any inquiry, elicit any information, make or keep
24 any record or use any form of application, containing questions
25 or entries concerning race, color, familial status, marital
26 status, family caregiver status, age, religious creed, ancestry,
27 sex, national origin, handicap or disability or because of the
28 handicap or disability of an individual with whom the person is
29 known to have a relationship or association in connection with
30 the sale or lease of any housing accommodation or commercial

1 property or loan of any money, whether or not secured by
2 mortgage or otherwise for the acquisition, construction,
3 rehabilitation, repair or maintenance of any housing
4 accommodation or commercial property, or to make any inquiry,
5 elicit any information, make or keep any record or use any form
6 of application, containing questions or entries concerning the
7 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, in connection
10 with the lease of any housing accommodation or commercial
11 property.

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

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

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

27 (ii) Nothing in this act prohibits a person engaged in the
28 business of furnishing appraisals of real property to take into
29 consideration factors other than race, color, familial status,
30 marital status, family caregiver status, religious creed,

1 ancestry, national origin, sex, age, handicap or disability, use
2 of a guide or support animal because of a physical handicap or
3 because the user is a handler or trainer of guide or support
4 animals [or familial status].

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

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

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

19 (10) Nothing in this clause shall bar any religious or
20 denominational institution or organization or any charitable or
21 educational organization which is operated, supervised or
22 controlled by or in connection with a religious organization or
23 any bona fide private or fraternal organization from giving
24 preference to persons of the same religion or denomination or to
25 members of such private or fraternal organization or from making
26 such selection as is calculated by such organization to promote
27 the religious principles or the aims, purposes or fraternal
28 principles for which it is established or maintained. Nor shall
29 it apply to the rental of rooms in a landlord-occupied rooming
30 house with a common entrance, nor with respect to discrimination

1 based on sex, the advertising, rental or leasing of housing
2 accommodations in a single-sex dormitory or rooms in one's
3 personal residence in which common living areas are shared.

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

14 * * *

15 Section 5.3. Prohibition of Certain Real Estate Practices.--
16 It shall be an unlawful discriminatory practice for any person
17 to:

18 (a) Induce, solicit or attempt to induce or solicit for
19 commercial profit any listing, sale or transaction involving any
20 housing accommodation or commercial property by representing
21 that such housing accommodation or commercial property is within
22 any neighborhood, community or area adjacent to any other area
23 in which there reside, or do not reside, persons of a particular
24 race, color, familial status, marital status, family caregiver
25 status, age, religious creed, ancestry, sex, national origin,
26 handicap or disability, or who are guide or support animal
27 dependent.

28 (b) Discourage, or attempt to discourage, for commercial
29 profit, the purchase or lease of any housing accommodation or
30 commercial property by representing that such housing

1 accommodation or commercial property is within any neighborhood,
2 community or area adjacent to any other area in which there
3 reside, or may in the future reside in increased or decreased
4 numbers, persons of a particular race, color, familial status,
5 marital status, family caregiver status, age, religious creed,
6 ancestry, sex, national origin, handicap or disability, or who
7 are guide or support animal dependent.

8 (c) Misrepresent, create or distort a circumstance,
9 condition or incident for the purpose of fostering the
10 impression or belief, on the part of any owner, occupant or
11 prospective owner or occupant of any housing accommodation or
12 commercial property, that such housing accommodation or
13 commercial property is within any neighborhood, community or
14 area adjacent to any other area which would be adversely
15 impacted by the residence, or future increased or decreased
16 residence, of persons of a particular race, color, familial
17 status, marital status, family caregiver status, age, religious
18 creed, ancestry, sex, national origin, handicap or disability,
19 or who are guide or support animal dependent within such
20 neighborhood, community or area.

21 (d) In any way misrepresent or otherwise misadvertise within
22 a neighborhood or community, whether or not in writing, that any
23 housing accommodation or commercial property within such
24 neighborhood or community is available for inspection, sale,
25 lease, sublease or other transfer, in any context where such
26 misrepresentation or misadvertising would have the effect of
27 fostering an impression or belief that there has been or will be
28 an increase in real estate activity within such neighborhood or
29 community due to the residence, or anticipated increased or
30 decreased residence, of persons of a particular race, color,

1 familial status, marital status, family caregiver status, age,
2 religious creed, ancestry, sex, national origin, handicap or
3 disability, or the use of a guide or support animal because of
4 the blindness, deafness or physical handicap of the user.

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

7 * * *

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

25 (j) To issue such publications and such results of
26 investigations and research as, in its judgment, will tend to
27 promote good will and minimize or eliminate discrimination
28 because of race, color, familial status, marital status, family
29 caregiver status, religious creed, ancestry, age, sex, national
30 origin or handicap or disability.

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

18 * * *

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

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

2 * * *

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

22 * * *

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