

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1510 Session of 2015

INTRODUCED BY FRANKEL, KILLION, SIMS, ROSS, SANTARSIERO, ACOSTA, BISHOP, BIZZARRO, BOYLE, BRADFORD, BRIGGS, V. BROWN, CALTAGIRONE, CARROLL, COHEN, CONKLIN, D. COSTA, P. COSTA, CRUZ, M. DALEY, P. DALEY, DAVIDSON, DAVIS, DAWKINS, DEAN, DEASY, DeLISSIO, DERMODY, DONATUCCI, DRISCOLL, EVANS, FABRIZIO, FARINA, FLYNN, FREEMAN, GAINNEY, GALLOWAY, GERGELY, GOODMAN, HANNA, HARKINS, HARPER, J. HARRIS, KAMPF, KAUFER, KAVULICH, W. KELLER, KIM, KINSEY, KIRKLAND, MARKOSEK, MATZIE, McCARTER, McNEILL, D. MILLER, MULLERY, MURT, O'BRIEN, C. PARKER, PASHINSKI, PETRI, QUINN, RAVENSTAHL, READSHAW, ROEBUCK, ROZZI, SABATINA, SAMUELSON, SANTORA, SCHLOSSBERG, SCHREIBER, SCHWEYER, SNYDER, STEPHENS, STURLA, TAYLOR, THOMAS, VITALI, WATSON, WHEATLEY, YOUNGBLOOD, NEILSON, BRANEKY, BULLOCK AND MCCLINTON, SEPTEMBER 8, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 8, 2015

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 the title of the act, for  
 12 findings and declaration of policy, for right to freedom from  
 13 discrimination in employment, housing and public  
 14 accommodation, for definitions, for unlawful discriminatory  
 15 practices and for prohibition of certain real estate  
 16 practices; providing for protection of religious exercise;  
 17 and further providing for powers and duties of commission,  
 18 for educational program and for construction and  
 19 exclusiveness of remedy.

20 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

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

6 AN ACT

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

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

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

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

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

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

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

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,  
19 religious creed, ancestry, handicap or disability, age, sex,  
20 sexual orientation, gender identity or expression, national  
21 origin, the use of a guide or support animal 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 hereby recognized as and declared to be a civil right which  
25 shall be enforceable as set forth in this act.

26 Section 2. Section 4(b) of the act, amended December 20,  
27 1991 (P.L.414, No.51), is amended and the section is amended by  
28 adding subsections to read:

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

1 \* \* \*

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

16 \* \* \*

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

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

23 Section 3. Section 5(a), (b), (c), (f), (g), (h) and (i) of  
24 the act, amended or added December 20, 1991 (P.L.414, No.51),  
25 June 12, 1996 (P.L.684, No.117) and June 25, 1997 (P.L.326,  
26 No.34), are amended and the section is amended by adding a  
27 subsection to read:

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

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

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

1 qualification because of the religious beliefs, practices, or  
2 observances of the corporation, or association. Except as  
3 otherwise required by law, it is not an unlawful discriminatory  
4 practice based on race, color, religious creed, ancestry, age,  
5 sexual orientation, gender identity or expression or national  
6 origin under this act to fail or refuse to construct new or  
7 additional 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 race, color, religious creed, ancestry,  
3 age, sex, sexual orientation, gender identity or expression,  
4 national origin, non-job related handicap or disability, the use  
5 of a guide or support animal because of the blindness, deafness  
6 or physical handicap of the user or place of birth.

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

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

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

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

1 to employment.

2 \* \* \*

3 (f) For any employment agency to fail or refuse to classify  
4 properly, refer for employment or otherwise to discriminate  
5 against any individual because of his race, color, religious  
6 creed, ancestry, age, sex, sexual orientation, gender identity  
7 or expression, national origin, non-job related handicap or  
8 disability or the use of a guide or support animal because of  
9 the blindness, deafness or physical 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 race, color, familial status, age,  
22 religious creed, ancestry, sex, sexual orientation, gender  
23 identity or expression, national origin or handicap or  
24 disability of any person, prospective owner, occupant or user of  
25 such housing accommodation or commercial property, or to refuse  
26 to lease any housing accommodation or commercial property to any  
27 person due to use of a guide animal because of the blindness or  
28 deafness of the user, use of a support animal because of a  
29 physical handicap of the user or because the user is a handler  
30 or trainer of support or guide animals or because of the

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

3 (1.1) Evict or attempt to evict an occupant of any housing  
4 accommodation before the end of the term of a lease because of  
5 pregnancy or the birth of a child.

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

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

1 have a relationship or association.

2 (3.1) Refuse to permit, at the expense of a person with a  
3 handicap, reasonable modifications of existing premises occupied  
4 or to be occupied by such person if such modifications may be  
5 necessary to afford such person full enjoyment of the premises,  
6 except that, in the case of a rental, the landlord may, where it  
7 is reasonable to do so, grant permission for a modification if  
8 the renter agrees to restore the interior of the premises to the  
9 condition that existed before the modification, with reasonable  
10 wear and tear excepted.

11 (3.2) Refuse to make reasonable accommodations in rules,  
12 policies, practices or services when such accommodations may be  
13 necessary to afford such person equal opportunity to use and  
14 enjoy a housing accommodation.

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

28 (5) Print, publish or circulate any statement or  
29 advertisement: (i) relating to the sale, lease or acquisition of  
30 any housing accommodation or commercial property or the loan of

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

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

1 blindness, deafness or physical handicap of the user or because  
2 the user is a handler or trainer of support or guide animals, in  
3 connection with the lease of any housing accommodation or  
4 commercial property.

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

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

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

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

28 (9) Nothing in this clause, regarding age or familial  
29 status, shall apply with respect to housing for older persons. A  
30 person shall not be held personally liable for monetary damages

1 for a violation of this act if the person reasonably relied, in  
2 good faith, on the application of the exemption of this  
3 subclause. A person may only prove good faith reliance on the  
4 application of the exemption of this subclause by proving that  
5 at the time of the act complained of all of the following  
6 applied:

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

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

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

27 (11) Nothing in this act limits the applicability of the  
28 Fair Housing Act and reasonable State or local restrictions on  
29 the maximum number of occupants permitted to occupy a dwelling  
30 or a reasonable restriction relating to health or safety

1 standards or business necessity. Owners and managers of  
2 dwellings may develop and implement reasonable occupancy and  
3 safety standards based on factors such as the number and size of  
4 sleeping areas or bedrooms and the overall size of a dwelling  
5 unit so long as the standards do not violate the Fair Housing  
6 Act or State or local restrictions.

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

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

19 (2) Publish, circulate, issue, display, post or mail, either  
20 directly or indirectly, any written or printed communication,  
21 notice or advertisement to the effect that any of the  
22 accommodations, advantages, facilities and privileges of any  
23 such place shall be refused, withheld from or denied to any  
24 person on account of race, color, religious creed, sex, sexual  
25 orientation, gender identity or expression, ancestry, national  
26 origin or handicap or disability, or to any person due to use of  
27 a 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 support or guide animals, or that the patronage or  
30 custom thereat of any person[, belonging to or purporting to be

1 of any particular] because of race, color, religious creed, sex,  
2 sexual orientation, gender identity or expression, ancestry,  
3 national origin or handicap or disability, or to any person due  
4 to use of a guide or support animal because of the blindness,  
5 deafness or physical handicap of the user or because the user is  
6 a handler or trainer of support or guide animals, is unwelcome,  
7 objectionable or not acceptable, desired or solicited.

8 (3) Exclude or otherwise deny equal goods, services,  
9 facilities, privileges, advantages, accommodations or other  
10 opportunities to a person because of the handicap or disability  
11 of an individual with whom the person is known to have a  
12 relationship or association.

13 (4) Construct, operate or otherwise make available such  
14 place of public accommodation, resort or amusement which is not  
15 accessible.

16 \* \* \*

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

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

22 (2) a person or group with whom a person or group associates  
23 has a personal characteristic or characteristics upon which this  
24 act prohibits discrimination.

25 \* \* \*

26 Section 4. Section 5.3 of the act, amended December 20, 1991  
27 (P.L.414, No.51), is amended to read:

28 Section 5.3. Prohibition of Certain Real Estate Practices.--  
29 It shall be an unlawful discriminatory practice for any person  
30 to:

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

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

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

1 gender identity or expression, national origin, handicap or  
2 disability, or who are guide or support animal dependent within  
3 such neighborhood, community or area.

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

19 Section 5. The act is amended by adding a section to read:

20 Section 5.4. Protection of Religious Exercise.--(a) Nothing  
21 contained in this act, or in any ordinance, charter, law or  
22 regulation that is or has been adopted by any political  
23 subdivision in this Commonwealth in accordance with this act,  
24 shall be interpreted to:

25 (1) Prohibit any religious entity from determining the  
26 tenets of its faith, or from expressing those tenets, if such  
27 prohibition would violate the freedom of speech or free exercise  
28 of religion guaranteed to the religious entity by the  
29 Constitution of the United States or the Constitution of  
30 Pennsylvania.

1     (2) Require any individual or religious entity to engage in  
2 conduct prohibited by or inconsistent with the tenets of its  
3 faith, if such requirement would violate the free exercise of  
4 religion guaranteed to the individual or religious entity by the  
5 Constitution of the United States or the Constitution of  
6 Pennsylvania.

7     (b) As used in this section, the term "religious entity"  
8 means any religious or denominational institution or  
9 organization or any charitable or educational organization which  
10 is operated, supervised or controlled by or in connection with a  
11 religious organization.

12     Section 6. Section 7(i), (j) and (k) of the act, amended  
13 December 20, 1991 (P.L.414, No.51), are amended to read:

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

16     \* \* \*

17     (i) To create such advisory agencies and conciliation  
18 councils, local or state-wide, as will aid in effectuating the  
19 purposes of this act. The Commission may itself or it may  
20 empower these agencies and councils to (1) study the problems of  
21 discrimination in all or specific fields of human relationships  
22 when based on race, color, familial status, religious creed,  
23 ancestry, age, sex, sexual orientation, gender identity or  
24 expression, national origin or handicap or disability, and (2)  
25 foster, through community effort or otherwise, good will among  
26 the groups and elements of the population of the State. Such  
27 agencies and councils may make recommendations to the Commission  
28 for the development of policies and procedure in general.  
29 Advisory agencies and conciliation councils created by the  
30 Commission shall be composed of representative citizens, serving

1 without pay, but the Commission may make provision for technical  
2 and clerical assistance to such agencies and councils, and for  
3 the payment of the expenses of such assistance.

4 (j) To issue such publications and such results of  
5 investigations and research as, in its judgment, will tend to  
6 promote good will and minimize or eliminate discrimination  
7 because of race, color, familial status, religious creed,  
8 ancestry, age, sex, sexual orientation, gender identity or  
9 expression, national origin or handicap or 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 race, color, familial  
21 status, religious creed, ancestry, national origin, age, sex,  
22 sexual orientation, gender identity or expression, handicap or  
23 disability or the use of a guide or support animal because of  
24 the blindness, deafness or physical handicap of the user or  
25 because the user is a handler or trainer of support or guide  
26 animals, as may be desirable.

27 \* \* \*

28 Section 7. Section 8 of the act, amended July 12, 1996  
29 (P.L.684, No.117), is amended to read:

30 Section 8. Educational Program.--The Commission, in

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

12 Section 8. Section 12(b) of the act, amended December 20,  
13 1991 (P.L.414, No.51), is amended and the section is amended by  
14 adding a subsection to read:

15 Section 12. Construction and Exclusiveness of Remedy.--\* \* \*

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

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

5 \* \* \*

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

13 Section 9. This act shall take effect in 30 days.