

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 300 Session of 2021

INTRODUCED BY FRANKEL, BENHAM, KENYATTA, SIMS, McCLINTON, BURGOS, HILL-EVANS, STURLA, RABB, ZABEL, LEE, SAMUELSON, SANCHEZ, FREEMAN, SCHLOSSBERG, HOWARD, McNEILL, THOMAS, A. DAVIS, PISCIOTTANO, GALLOWAY, ISAACSON, DELLOSO, HOHENSTEIN, SCHWEYER, N. NELSON, BRIGGS, OTTEN, GAINNEY, BULLOCK, D. MILLER, FIEDLER, GUENST, DALEY, MALAGARI, CIRESI, ROZZI, CONKLIN, FITZGERALD, INNAMORATO, O'MARA, KOSIEROWSKI, MARKOSEK, KIM, SHUSTERMAN, D. WILLIAMS, HERRIN, BRADFORD, DEASY, WARREN, MADDEN, BIZZARRO, GUZMAN, KINKEAD, YOUNG, KRUEGER, HARRIS, KRAJEWSKI, KINSEY, MERSKI, SAPPEY, CARROLL, T. DAVIS, DRISCOLL, CRUZ, STEPHENS, HANBIDGE, WHEATLEY AND CEPHAS, JUNE 11, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 11, 2021

AN ACT

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

20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

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

4 AN ACT

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

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

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

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

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

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

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

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

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

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

28 * * *

29 (b) The term "employer" includes the Commonwealth or any
30 political subdivision or board, department, commission or school

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

13 * * *

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

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

21 Section 3. Section 5(a), (b), (c), (f), (g), (h) and (i) of
22 the act are amended to read:

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

30 (a) For any employer because of the actual or perceived

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

1 orientation, gender identity or expression or national origin
2 under this act to fail or refuse to construct new or additional
3 facilities.

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

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

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

27 (3) Deny or limit, through a quota system, employment or
28 membership because of the actual or perceived race, color,
29 religious creed, ancestry, age, sex, sexual orientation, gender
30 identity or expression, national origin, non-job related

1 handicap or disability, the use of a guide or support animal
2 because of the blindness, deafness or physical handicap of the
3 user or place of birth.

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

13 (5) Deny employment because of a prior handicap or
14 disability.

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

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

29 * * *

30 (f) For any employment agency to fail or refuse to classify

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

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

16 (h) For any person to:

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

1 or association.

2 (1.1) Evict or attempt to evict an occupant of any housing
3 accommodation before the end of the term of a lease because of
4 pregnancy or the birth of a child.

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

1 the person is known to 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 actual or perceived race,
20 color, familial status, age, religious creed, ancestry, sex,
21 sexual orientation, gender identity or expression, national
22 origin or handicap or disability of any person, the use of a
23 guide or support animal because of the blindness, deafness or
24 physical handicap of the user or because the user is a handler
25 or trainer of guide or support animals or because of the
26 handicap or disability of an individual with whom the person is
27 known to have a relationship 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 actual or perceived race, color,
15 religious creed, ancestry, national origin, sex, sexual
16 orientation, gender identity or expression, age, handicap or
17 disability, use of a guide or support animal because of a
18 physical handicap or because the user is a handler or trainer of
19 guide or support 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] the actual or perceived race, color, sex, sexual
12 orientation, gender identity or expression, religious creed,
13 ancestry, national origin or handicap or disability, or to any
14 person due to 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,
17 either directly or indirectly, any of the accommodations,
18 advantages, facilities or privileges of such public
19 accommodation, resort or amusement.

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

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

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

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

17 * * *

18 Section 4. Section 5.3 of the act is amended to read:

19 Section 5.3. Prohibition of Certain Real Estate Practices.--
20 It shall be an unlawful discriminatory practice for any person
21 to:

22 (a) Induce, solicit or attempt to induce or solicit for
23 commercial profit any listing, sale or transaction involving any
24 housing accommodation or commercial property by representing
25 that such housing accommodation or commercial property is within
26 any neighborhood, community or area adjacent to any other area
27 in which there reside, or do not reside, persons of a particular
28 race, color, familial status, age, religious creed, ancestry,
29 sex, sexual orientation, gender identity or expression, national
30 origin, handicap or disability, or who are guide or support

1 animal dependent.

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

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

25 (d) In any way misrepresent or otherwise misadvertise within
26 a neighborhood or community, whether or not in writing, that any
27 housing accommodation or commercial property within such
28 neighborhood or community is available for inspection, sale,
29 lease, sublease or other transfer, in any context where such
30 misrepresentation or misadvertising would have the effect of

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

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

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

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

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

28 (b) As used in this section, the term "religious entity"
29 means a religious or denominational institution or organization
30 or a charitable or educational organization which is operated,

1 supervised or controlled by or in connection with a religious
2 organization.

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

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 actual or perceived race, color, familial status,
14 religious creed, ancestry, age, sex, sexual orientation, gender
15 identity or expression, national origin or handicap or
16 disability, and (2) foster, through community effort or
17 otherwise, good will among the groups and elements of the
18 population of the State. Such agencies and councils may make
19 recommendations to the Commission for the development of
20 policies and procedure in general. Advisory agencies and
21 conciliation councils created by the Commission shall be
22 composed of representative citizens, serving without pay, but
23 the Commission may make provision for technical and clerical
24 assistance to such agencies and councils, and for the payment of
25 the expenses of such assistance.

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

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

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

20 * * *

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

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

3 Section 7. Section 12(b) of the act is amended and the
4 section is amended by adding a subsection to read:

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

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

26 * * *

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

1 that the employer permits an employe to adhere to the dress or
2 grooming standards that are consistent with the employe's gender
3 identity or expression.

4 Section 8. This act shall take effect in 30 days.