

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 300 Session of 2023

INTRODUCED BY KENYATTA, BENHAM, FRANKEL, MAYES, SMITH-WADE-EL, SCOTT, MADDEN, PROBST, SIEGEL, STURLA, BRENNAN, WAXMAN, SANCHEZ, ZABEL, KINKEAD, FIEDLER, SCHLOSSBERG, PARKER, PISCIOTTANO, ROZZI, N. NELSON, MARKOSEK, HILL-EVANS, McNEILL, O'MARA, SAMUELSON, HANBIDGE, GUENST, RABB, BURGOS, KINSEY, CIRESI, OTTEN, DEASY, DELLOSO, VENKAT, CERRATO, HOWARD, CEPEDA-FREYITZ, WARREN, DALEY, KRAJEWSKI, BRIGGS, FLEMING, CONKLIN, WEBSTER, MADSEN, SHUSTERMAN, HOHENSTEIN, PIELLI, McANDREW, INNAMORATO, MALAGARI, D. WILLIAMS, KHAN, BOROWSKI, TAKAC, DONAHUE, GREEN, KIM, KRUEGER, T. DAVIS, ISAACSON, HARRIS AND YOUNG, APRIL 17, 2023

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 24, 2023

AN ACT

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

20 The General Assembly of the Commonwealth of Pennsylvania  
21 hereby enacts as follows:

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 the  
16 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  
20 of the individual's designated or perceived sex.

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

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

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

1 applicable security regulations established by the United States  
2 or the Commonwealth of Pennsylvania:

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

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

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

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

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

30 (3) Deny or limit, through a quota system, employment or

1 membership because of the actual or perceived race, color,  
2 religious creed, ancestry, age, sex, sexual orientation, gender  
3 identity or expression, national origin, non-job related  
4 handicap or disability, the use of a guide or support animal  
5 because of the blindness, deafness or physical handicap of the  
6 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 actual or  
23 perceived race, color, religious creed, ancestry, age, sex,  
24 sexual orientation, gender identity or expression, national  
25 origin, non-job related handicap or disability or the use of a  
26 guide or support animal because of the blindness, deafness or  
27 physical handicap of any individual to deny full and equal  
28 membership rights to any individual or otherwise to discriminate  
29 against such individuals with respect to hire, tenure, terms,  
30 conditions or privileges of employment or any other matter,



1 directly or indirectly, related 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] the actual or perceived  
6 race, color, religious creed, ancestry, age, sex, sexual  
7 orientation, gender identity or expression, national origin,  
8 non-job related handicap or disability or the use of a guide or  
9 support animal because of the blindness, deafness or physical  
10 handicap of the user.

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

19 (h) For any person to:

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

1 because the user is a handler or trainer of support or guide  
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 (1.1) Evict or attempt to evict an occupant of any housing  
6 accommodation before the end of the term of a lease because of  
7 pregnancy or the birth of a child.

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

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

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

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

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

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

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

1 any inquiry, elicit any information, make or keep any record or  
2 use any form of application, containing questions or entries  
3 concerning the use of a guide or support animal 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, in  
6 connection with the lease of any housing accommodation or  
7 commercial property.

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

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

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

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

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

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

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

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

30 (10.1) Except for rentals arranged through a booking agent,

1 nothing in this clause shall apply to the rental of rooms in a  
2 personal residence in which common living areas are shared or a  
3 landlord-occupied rooming house with a common entrance.

4 (10.2) Nothing in this clause shall apply to, with respect  
5 to discrimination based on sex, the advertising, rental or  
6 leasing of housing accommodations in a single-sex dormitory or  
7 rooms in one's personal residence in which common living areas  
8 are shared.

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

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

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

1 accommodation, resort or amusement.

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

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

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

29 \* \* \*

30 Section 5.3. Prohibition of Certain Real Estate Practices.--



1 It shall be an unlawful discriminatory practice for any person  
2 to:

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

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

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

1 residence, of persons of a particular race, color, familial  
2 status, age, religious creed, ancestry, sex, sexual orientation,  
3 gender identity or expression, national origin, handicap or  
4 disability, or who are guide or support animal dependent within  
5 such neighborhood, community or area.

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

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

22 Section 5.4. Protection of Religious Exercise.--(a) Nothing  
23 contained in this act, or in any ordinance, charter, law or  
24 regulation that is or has been adopted by any political  
25 subdivision in this Commonwealth in accordance with this act,  
26 shall be interpreted to require an individual or religious  
27 entity to engage in conduct that constitutes a substantial  
28 burden on the free exercise of religion WITHOUT COMPELLING <--  
29 JUSTIFICATION under the act of December 9, 2002 (P.L.1701,  
30 No.214), known as the "Religious Freedom Protection Act."

1 (b) As used in this section, the term "religious entity"  
2 means a religious or denominational institution or organization <--  
3 or a charitable or educational organization which is operated,  
4 supervised or controlled by or in connection with a religious  
5 organization. CHURCH, ASSOCIATION OF CHURCHES OR OTHER RELIGIOUS <--  
6 ORDER, BODY OR INSTITUTION WHICH QUALIFIES FOR EXEMPTION FROM  
7 TAXATION UNDER SECTION 501(C) (3) OR (D) OF THE INTERNAL REVENUE  
8 CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501).

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

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

13 \* \* \*

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

1 the expenses of such assistance.

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

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

26 \* \* \*

27 Section 8. Educational Program.--The Commission, in  
28 cooperation with the Department of Education, is authorized to  
29 recommend a multicultural educational program, designed for the  
30 students of the schools in this Commonwealth and for all other

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

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

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

12 \* \* \*

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

1 interpretation of the provision in this act shall apply to such  
2 municipal ordinance.

3 \* \* \*

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

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