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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 224 Session of  
2019

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INTRODUCED BY BROWNE, FEBRUARY 8, 2019

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REFERRED TO LABOR AND INDUSTRY, FEBRUARY 8, 2019

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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:

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

25 AN ACT

26 Prohibiting certain practices of discrimination because of race,  
27 color, religious creed, ancestry, sex, sexual orientation,

1 gender identity or expression, age or national origin by  
2 employers, employment agencies, labor organizations and  
3 others as herein defined; creating the Pennsylvania Human  
4 Relations Commission in the Governor's Office; defining its  
5 functions, powers and duties; providing for procedure and  
6 enforcement; providing for formulation of an educational  
7 program to prevent prejudice; providing for judicial review  
8 and enforcement and imposing penalties.

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

10 (a) The practice or policy of discrimination against  
11 individuals or groups by reason of their race, color, familial  
12 status, religious creed, ancestry, age, sex, sexual orientation,  
13 gender identity or expression, national origin, handicap or  
14 disability, use of guide or support animals 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 is  
17 a matter of concern of the Commonwealth. Such discrimination  
18 foments domestic strife and unrest, threatens the rights and  
19 privileges of the inhabitants of the Commonwealth, and  
20 undermines the foundations of a free democratic state. The  
21 denial of equal employment, housing and public accommodation  
22 opportunities because of such discrimination, and the consequent  
23 failure to utilize the productive capacities of individuals to  
24 their fullest extent, deprives large segments of the population  
25 of the Commonwealth of earnings necessary to maintain decent  
26 standards of living, necessitates their resort to public relief  
27 and intensifies group conflicts, thereby resulting in grave  
28 injury to the public health and welfare, compels many  
29 individuals to live in dwellings which are substandard,  
30 unhealthful and overcrowded, resulting in racial segregation in

1 public schools and other community facilities, juvenile  
2 delinquency and other evils, thereby threatening the peace,  
3 health, safety and general welfare of the Commonwealth and its  
4 inhabitants. Public policies, reflecting an open and welcoming  
5 environment and ensuring equal opportunity, foster economic  
6 growth and prosperity which benefit the inhabitants of this  
7 Commonwealth. Conversely, the absence of nondiscrimination  
8 protections hinders efforts to recruit and retain the diversity  
9 of talented individuals and successful enterprises required for  
10 a thriving economy and strong public sector on which the  
11 inhabitants of this Commonwealth depend.

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

30 (c) This act shall be deemed an exercise of the police power

1 of the Commonwealth for the protection of the public welfare,  
2 prosperity, health and peace of the people of the Commonwealth  
3 of Pennsylvania.

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

18 Section 2. Sections 4(b) and 5(a), (b), (c), (f), (g), (h)  
19 and (i) of the act are amended and the sections are amended by  
20 adding subsections to read:

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

23 \* \* \*

24 (b) The term "employer" includes the Commonwealth or any  
25 political subdivision or board, department, commission or school  
26 district thereof and any person employing four or more persons  
27 within the Commonwealth, but except as hereinafter provided,  
28 does not include religious, fraternal, charitable or sectarian  
29 corporations or associations, except such corporations or  
30 associations supported, in whole or in part, by governmental

1 appropriations. The term "employer" with respect to  
2 discriminatory practices based on race, color, age, sex, sexual  
3 orientation, gender identity or expression, national origin or  
4 non-job related handicap or disability, includes religious,  
5 fraternal, charitable and sectarian corporations and  
6 associations employing four or more persons within the  
7 Commonwealth.

8 \* \* \*

9 (bb) The term "sexual orientation" means heterosexuality,  
10 homosexuality or bisexuality.

11 (cc) The term "gender identity or expression" means the  
12 gender-related identity, appearance, mannerisms, expression or  
13 other gender-related characteristics of an individual regardless  
14 of the individual's designated sex at birth.

15 Section 5. Unlawful Discriminatory Practices.--It shall be  
16 an unlawful discriminatory practice, unless based upon a bona  
17 fide occupational qualification, or in the case of a fraternal  
18 corporation or association, unless based upon membership in such  
19 association or corporation, or except where based upon  
20 applicable security regulations established by the United States  
21 or the Commonwealth of Pennsylvania:

22 (a) For any employer because of the race, color, religious  
23 creed, ancestry, age, sex, sexual orientation, gender identity  
24 or expression, national origin or 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 any individual  
27 or independent contractor, to refuse to hire or employ or  
28 contract with, or to bar or to discharge from employment such  
29 individual or independent contractor, or to otherwise  
30 discriminate against such individual or independent contractor

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

25 (b) For any employer, employment agency or labor  
26 organization, prior to the employment, contracting with an  
27 independent contractor or admission to membership, to:

28 (1) Elicit any information or make or keep a record of or  
29 use any form of application or application blank containing  
30 questions or entries concerning the race, color, religious

1 creed, ancestry, age, sex, sexual orientation, gender identity  
2 or expression, national origin, past handicap or disability or  
3 the use of a guide or support animal because of the blindness,  
4 deafness or physical handicap of any applicant for employment or  
5 membership. Prior to an offer of employment, an employer may not  
6 inquire as to whether an individual has a handicap or disability  
7 or as to the severity of such handicap or disability. An  
8 employer may inquire as to the individual's ability to perform  
9 the essential functions of the employment.

10 (2) Print or publish or cause to be printed or published any  
11 notice or advertisement relating to employment or membership  
12 indicating any preference, limitation, specification or  
13 discrimination based upon race, color, religious creed,  
14 ancestry, age, sex, sexual orientation, gender identity or  
15 expression, national origin, non-job related handicap or  
16 disability or the use of a guide or support animal because of  
17 the blindness, deafness or physical handicap of the user.

18 (3) Deny or limit, through a quota system, employment or  
19 membership because of race, color, religious creed, ancestry,  
20 age, sex, sexual orientation, gender identity or expression,  
21 national origin, non-job related handicap or disability, the use  
22 of a guide or support animal because of the blindness, deafness  
23 or physical handicap of the user or place of birth.

24 (4) Substantially confine or limit recruitment or hiring of  
25 individuals, with intent to circumvent the spirit and purpose of  
26 this act, to any employment agency, employment service, labor  
27 organization, training school or training center or any other  
28 employe-referring source which services individuals who are  
29 predominantly of the same race, color, religious creed,  
30 ancestry, age, sex, sexual orientation, gender identity or

1 expression, national origin or non-job related handicap or  
2 disability.

3 (5) Deny employment because of a prior handicap or  
4 disability.

5 Nothing in clause (b) of this section shall bar any  
6 institution or organization for handicapped or disabled persons  
7 from limiting or giving preference in employment or membership  
8 to handicapped or disabled persons.

9 (c) For any labor organization because of the race, color,  
10 religious creed, ancestry, age, sex, sexual orientation, gender  
11 identity or expression, national origin, non-job related  
12 handicap or disability or the use of a guide or support animal  
13 because of the blindness, deafness or physical handicap of any  
14 individual to deny full and equal membership rights to any  
15 individual or otherwise to discriminate against such individuals  
16 with respect to hire, tenure, terms, conditions or privileges of  
17 employment or any other matter, directly or indirectly, related  
18 to employment.

19 \* \* \*

20 (f) For any employment agency to fail or refuse to classify  
21 properly, refer for employment or otherwise to discriminate  
22 against any individual because of his race, color, religious  
23 creed, ancestry, age, sex, sexual orientation, gender identity  
24 or 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 (g) For any individual seeking employment to publish or  
28 cause to be published any advertisement which in any manner  
29 expresses a limitation or preference as to the race, color,  
30 religious creed, ancestry, age, sex, sexual orientation, gender



1 identity or expression, national origin, non-job related  
2 handicap or disability or the use of a guide or support animal  
3 because of the blindness, deafness or physical handicap of any  
4 prospective employer.

5 (h) For any person to:

6 (1) Refuse to sell, lease, finance or otherwise to deny or  
7 withhold any housing accommodation or commercial property from  
8 any person because of the race, color, familial status, age,  
9 religious creed, ancestry, sex, sexual orientation, gender  
10 identity or expression, national origin or handicap or  
11 disability of any person, prospective owner, occupant or user of  
12 such housing accommodation or commercial property, or to refuse  
13 to lease any housing accommodation or commercial property to any  
14 person due to use of a guide animal because of the blindness or  
15 deafness of the user, use of a support animal because of a  
16 physical handicap of the user or because the user is a handler  
17 or trainer of support or guide animals or because of the  
18 handicap or disability of an individual with whom the person is  
19 known to have a relationship or association.

20 (1.1) Evict or attempt to evict an occupant of any housing  
21 accommodation before the end of the term of a lease because of  
22 pregnancy or the birth of a child.

23 (2) Refuse to lend money, whether or not secured by mortgage  
24 or otherwise for the acquisition, construction, rehabilitation,  
25 repair or maintenance of any housing accommodation or commercial  
26 property or otherwise withhold financing of any housing  
27 accommodation or commercial property from any person because of  
28 the race, color, familial status, age, religious creed,  
29 ancestry, sex, sexual orientation, gender identity or  
30 expression, national origin, handicap or disability of any

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

6 (3) Discriminate against any person in the terms or  
7 conditions of selling or leasing any housing accommodation or  
8 commercial property or in furnishing facilities, services or  
9 privileges in connection with the ownership, occupancy or use of  
10 any housing accommodation or commercial property because of the  
11 race, color, familial status, age, religious creed, ancestry,  
12 sex, sexual orientation, gender identity or expression, national  
13 origin, handicap or disability of any person, the 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 or because of the handicap or  
17 disability of an individual with whom the person is known to  
18 have a relationship or association.

19 (3.1) Refuse to permit, at the expense of a person with a  
20 handicap, reasonable modifications of existing premises occupied  
21 or to be occupied by such person if such modifications may be  
22 necessary to afford such person full enjoyment of the premises,  
23 except that, in the case of a rental, the landlord may, where it  
24 is reasonable to do so, grant permission for a modification if  
25 the renter agrees to restore the interior of the premises to the  
26 condition that existed before the modification, with reasonable  
27 wear and tear excepted.

28 (3.2) Refuse to make reasonable accommodations in rules,  
29 policies, practices or services when such accommodations may be  
30 necessary to afford such person equal opportunity to use and

1 enjoy a housing accommodation.

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

15 (5) Print, publish or circulate any statement or  
16 advertisement: (i) relating to the sale, lease or acquisition of  
17 any housing accommodation or commercial property or the loan of  
18 money, whether or not secured by mortgage, or otherwise for the  
19 acquisition, construction, rehabilitation, repair or maintenance  
20 of any housing accommodation or commercial property which  
21 indicates any preference, limitation, specification, or  
22 discrimination based upon race, color, familial status, age,  
23 religious creed, ancestry, sex, sexual orientation, gender  
24 identity or expression, national origin, handicap or disability  
25 or because of the handicap or disability of an individual with  
26 whom the person is known to have a relationship or association,  
27 or (ii) relating to the sale, lease or acquisition of any  
28 housing accommodation or commercial property which indicates any  
29 preference, limitation, specification or discrimination based  
30 upon use of a guide or support animal because of the blindness,

1 deafness or physical handicap of the user or because the user is  
2 a handler or trainer of support or guide animals.

3 (6) Make any inquiry, elicit any information, make or keep  
4 any record or use any form of application, containing questions  
5 or entries concerning 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 in connection with the sale or lease of any housing  
11 accommodation or commercial property or loan of any money,  
12 whether or not secured by mortgage or otherwise for the  
13 acquisition, construction, rehabilitation, repair or maintenance  
14 of any housing accommodation or commercial property, or to make  
15 any inquiry, elicit any information, make or keep any record or  
16 use any form of application, containing questions or entries  
17 concerning the use of a guide or support animal because of the  
18 blindness, deafness or physical handicap of the user or because  
19 the user is a handler or trainer of support or guide animals, in  
20 connection with the lease of any housing accommodation or  
21 commercial property.

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

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

27 (i) It shall be unlawful for any person or other entity  
28 whose business includes engaging in real estate-related  
29 transactions to discriminate against any person in making  
30 available such a transaction or in the terms or conditions of

1 such a transaction because of race, color, religious creed,  
2 ancestry, national origin, sex, sexual orientation, gender  
3 identity or expression, age, handicap or disability, use of a  
4 guide or support animal because of a physical handicap or  
5 because the user is a handler or trainer of guide or support  
6 animals or familial status.

7 (ii) Nothing in this act prohibits a person engaged in the  
8 business of furnishing appraisals of real property to take into  
9 consideration factors other than race, color, religious creed,  
10 ancestry, national origin, sex, sexual orientation, gender  
11 identity or expression, age, handicap or disability, use of a  
12 guide or support animal because of a physical handicap or  
13 because the user is a handler or trainer of guide or support  
14 animals or familial status.

15 (9) Nothing in this clause, regarding age or familial  
16 status, shall apply with respect to housing for older persons. A  
17 person shall not be held personally liable for monetary damages  
18 for a violation of this act if the person reasonably relied, in  
19 good faith, on the application of the exemption of this  
20 subclause. A person may only prove good faith reliance on the  
21 application of the exemption of this subclause by proving that  
22 at the time of the act complained of all of the following  
23 applied:

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

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

29 (10) Nothing in this clause shall bar any religious or  
30 denominational institution or organization or any charitable or

1 educational organization which is operated, supervised or  
2 controlled by or in connection with a religious organization or  
3 any bona fide private or fraternal organization from giving  
4 preference to persons of the same religion or denomination or to  
5 members of such private or fraternal organization or from making  
6 such selection as is calculated by such organization to promote  
7 the religious principles or the aims, purposes or fraternal  
8 principles for which it is established or maintained. Nor shall  
9 it apply to the rental of rooms in a landlord-occupied rooming  
10 house with a common entrance, nor with respect to discrimination  
11 based on sex, the advertising, rental or leasing of housing  
12 accommodations in a single-sex dormitory or rooms in one's  
13 personal residence in which common living areas are shared.

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

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

27 (1) Refuse, withhold from, or deny to any person because of  
28 [his] race, color, sex, sexual orientation, gender identity or  
29 expression, religious creed, ancestry, national origin or  
30 handicap or disability, or to any person due to use of a guide

1 or support animal because of the blindness, deafness or physical  
2 handicap of the user or because the user is a handler or trainer  
3 of support or guide animals, either directly or indirectly, any  
4 of the accommodations, advantages, facilities or privileges of  
5 such public accommodation, resort or amusement.

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

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

30 (4) Construct, operate or otherwise make available such

1 place of public accommodation, resort or amusement which is not  
2 accessible.

3 \* \* \*

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

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

9 (2) a person or group with whom a person or group associates  
10 has a personal characteristic or characteristics upon which this  
11 act prohibits discrimination.

12 \* \* \*

13 Section 3. Section 5.3 of the act is amended to read:

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

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

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



1 community or area adjacent to any other area in which there  
2 reside, or may in the future reside in increased or decreased  
3 numbers, persons of a particular race, color, familial status,  
4 age, religious creed, ancestry, sex, sexual orientation, gender  
5 identity or expression, national origin, handicap or disability,  
6 or who are guide or support animal dependent.

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

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

1 orientation, gender identity or expression, national origin,  
2 handicap or disability, or the use of a guide or support animal  
3 because of the blindness, deafness or physical handicap of the  
4 user.

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

6 Section 5.4. Protection of Religious Exercise.--(a) Nothing  
7 contained in this act, or in any ordinance, charter, law or  
8 regulation that is or has been adopted by any political  
9 subdivision in this Commonwealth in accordance with this act,  
10 shall be interpreted to:

11 (1) Prohibit a religious entity from determining the tenets  
12 of its faith, or from expressing those tenets, if the  
13 prohibition would violate the freedom of speech or free exercise  
14 of religion guaranteed to the religious entity by the  
15 Constitution of the United States or the Constitution of  
16 Pennsylvania.

17 (2) Require an individual or religious entity to engage in  
18 conduct prohibited by or inconsistent with the tenets of its  
19 faith, if the requirement would violate the free exercise of  
20 religion guaranteed to the individual or religious entity by the  
21 Constitution of the United States or the Constitution of  
22 Pennsylvania.

23 (b) As used in this section, the term "religious entity"  
24 means a religious or denominational institution or organization  
25 or a charitable or educational organization which is operated,  
26 supervised or controlled by or in connection with a religious  
27 organization.

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

30 Section 7. Powers and Duties of the Commission.--The

1 Commission shall have the following powers and duties:

2 \* \* \*

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

20 (j) To issue such publications and such results of  
21 investigations and research as, in its judgment, will tend to  
22 promote good will and minimize or eliminate discrimination  
23 because of race, color, familial status, religious creed,  
24 ancestry, age, sex, sexual orientation, gender identity or  
25 expression, national origin or handicap or disability.

26 (k) To submit an annual report for each fiscal year by the  
27 following March 31 to the General Assembly, the Labor and  
28 Industry Committee of the Senate and the State Government  
29 Committee of the House of Representatives and the Governor  
30 describing in detail the types of complaints received, the

1 investigations, status of cases, Commission action which has  
2 been taken, how many were found to have probable cause, how many  
3 were resolved by public hearing and the length of time from the  
4 initial complaint to final Commission resolution. It shall also  
5 contain recommendations for such further legislation concerning  
6 abuses and discrimination because of race, color, familial  
7 status, religious creed, ancestry, national origin, age, sex,  
8 sexual orientation, gender identity or expression, handicap or  
9 disability or the use of a guide or support animal because of  
10 the blindness, deafness or physical handicap of the user or  
11 because the user is a handler or trainer of support or guide  
12 animals, as may be desirable.

13 \* \* \*

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

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

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

29 \* \* \*

30 (b) Except as provided in subsection (c), nothing contained

1 in this act shall be deemed to repeal or supersede any of the  
2 provisions of any existing or hereafter adopted municipal  
3 ordinance, municipal charter or of any law of this Commonwealth  
4 relating to discrimination because of race, color, familial  
5 status, religious creed, ancestry, age, sex, sexual orientation,  
6 gender identity or expression, national origin or handicap or  
7 disability, but as to acts declared unlawful by section five of  
8 this act the procedure herein provided shall, when invoked, be  
9 exclusive and the final determination therein shall exclude any  
10 other action, civil or criminal, based on the same grievance of  
11 the complainant concerned. If the complainant institutes any  
12 action based on such grievance without resorting to the  
13 procedure provided in this act, such complainant may not  
14 subsequently resort to the procedure herein. In the event of a  
15 conflict between the interpretation of a provision of this act  
16 and the interpretation of a similar provision contained in any  
17 municipal ordinance, the interpretation of the provision in this  
18 act shall apply to such municipal ordinance.

19 \* \* \*

20 (g) Nothing in this act shall prohibit an employer from  
21 requiring an employe, during the employe's hours at work, to  
22 adhere to reasonable dress or grooming standards not prohibited  
23 by other provisions of Federal, State or local law, provided  
24 that the employer permits an employe to adhere to the dress or  
25 grooming standards that are consistent with the employe's gender  
26 identity or expression.

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