
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 974 Session of
2015

INTRODUCED BY BROWNE, FARNESE, VANCE, COSTA, McILHINNEY, WAGNER,
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BOSCOLA, HAYWOOD, BREWSTER, TARTAGLIONE, DINNIMAN AND
SABATINA, SEPTEMBER 8, 2015

REFERRED TO STATE GOVERNMENT, SEPTEMBER 8, 2015

AN ACT

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

20 The General Assembly of the Commonwealth of Pennsylvania
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, amended December 20, 1991 (P.L.414, No.51),
25 are amended to read:

1 AN ACT

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

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

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

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

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

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

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

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

21 Section 2. Section 4(b) of the act, amended December 20,
22 1991 (P.L.414, No.51), is amended and the section is amended by
23 adding subsections to read:

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

26 * * *

27 (b) The term "employer" includes the Commonwealth or any
28 political subdivision or board, department, commission or school
29 district thereof and any person employing four or more persons
30 within the Commonwealth, but except as hereinafter provided,

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

11 * * *

12 (bb) The term "sexual orientation" means heterosexuality,
13 homosexuality or bisexuality.

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

18 Section 3. Section 5(a), (b), (c), (f), (g), (h) and (i) of
19 the act, amended or added December 20, 1991 (P.L.414, No.51),
20 June 12, 1996 (P.L.684, No.117) and June 25, 1997 (P.L.326,
21 No.34), are amended and the section is amended by adding a
22 subsection 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 race, color, religious

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

1 origin under this act to fail or refuse to construct new or
2 additional facilities.

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

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

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

26 (3) Deny or limit, through a quota system, employment or
27 membership because of race, color, religious creed, ancestry,
28 age, sex, sexual orientation, gender identity or expression,
29 national origin, non-job related handicap or disability, the use
30 of a guide or support animal because of the blindness, deafness

1 or physical handicap of the user or place of birth.

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

11 (5) Deny employment because of a prior handicap or
12 disability.

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

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

27 * * *

28 (f) For any employment agency to fail or refuse to classify
29 properly, refer for employment or otherwise to discriminate
30 against any individual because of his race, color, religious

1 creed, ancestry, age, sex, sexual orientation, gender identity
2 or expression, national origin, non-job related handicap or
3 disability or the use of a guide or support animal because of
4 the blindness, deafness or physical handicap of the user.

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

13 (h) For any person to:

14 (1) Refuse to sell, lease, finance or otherwise to deny or
15 withhold any housing accommodation or commercial property from
16 any person because of the race, color, familial status, age,
17 religious creed, ancestry, sex, sexual orientation, gender
18 identity or expression, national origin or handicap or
19 disability of any person, prospective owner, occupant or user of
20 such housing accommodation or commercial property, or to refuse
21 to lease any housing accommodation or commercial property to any
22 person due to use of a guide animal because of the blindness or
23 deafness of the user, use of a support animal because of a
24 physical handicap of the user or because the user is a handler
25 or trainer of support or guide 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 (1.1) Evict or attempt to evict an occupant of any housing
29 accommodation before the end of the term of a lease because of
30 pregnancy or the birth of a child.

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

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

27 (3.1) Refuse to permit, at the expense of a person with a
28 handicap, reasonable modifications of existing premises occupied
29 or to be occupied by such person if such modifications may be
30 necessary to afford such person full enjoyment of the premises,

1 except that, in the case of a rental, the landlord may, where it
2 is reasonable to do so, grant permission for a modification if
3 the renter agrees to restore the interior of the premises to the
4 condition that existed before the modification, with reasonable
5 wear and tear excepted.

6 (3.2) Refuse to make reasonable accommodations in rules,
7 policies, practices or services when such accommodations may be
8 necessary to afford such person equal opportunity to use and
9 enjoy a housing accommodation.

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

23 (5) Print, publish or circulate any statement or
24 advertisement: (i) relating to the sale, lease or acquisition of
25 any housing accommodation or commercial property or the loan of
26 money, whether or not secured by mortgage, or otherwise for the
27 acquisition, construction, rehabilitation, repair or maintenance
28 of any housing accommodation or commercial property which
29 indicates any preference, limitation, specification, or
30 discrimination based upon race, color, familial status, age,

1 religious creed, ancestry, sex, sexual orientation, gender
2 identity or expression, national origin, handicap or disability
3 or because of the handicap or disability of an individual with
4 whom the person is known to have a relationship or association,
5 or (ii) relating to the sale, lease or acquisition of any
6 housing accommodation or commercial property which indicates any
7 preference, limitation, specification or discrimination based
8 upon use of a guide or support animal because of the blindness,
9 deafness or physical handicap of the user or because the user is
10 a handler or trainer of support or guide animals.

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

30 (7) Construct, operate, offer for sale, lease or rent or

1 otherwise make available housing or commercial property which is
2 not accessible.

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

5 (i) It shall be unlawful for any person or other entity
6 whose business includes engaging in real estate-related
7 transactions to discriminate against any person in making
8 available such a transaction or in the terms or conditions of
9 such a transaction because of 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 (ii) Nothing in this act prohibits a person engaged in the
16 business of furnishing appraisals of real property to take into
17 consideration factors other than race, color, religious creed,
18 ancestry, national origin, sex, sexual orientation, gender
19 identity or expression, age, handicap or disability, use of a
20 guide or support animal because of a physical handicap or
21 because the user is a handler or trainer of guide or support
22 animals or familial status.

23 (9) Nothing in this clause, regarding age or familial
24 status, shall apply with respect to housing for older persons. A
25 person shall not be held personally liable for monetary damages
26 for a violation of this act if the person reasonably relied, in
27 good faith, on the application of the exemption of this
28 subclause. A person may only prove good faith reliance on the
29 application of the exemption of this subclause by proving that
30 at the time of the act complained of all of the following

1 applied:

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

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

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

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

1 Act or State or local restrictions.

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

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

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

1 a handler or trainer of support or guide animals, is unwelcome,
2 objectionable or not acceptable, desired or solicited.

3 (3) Exclude or otherwise deny equal goods, services,
4 facilities, privileges, advantages, accommodations or other
5 opportunities to a person because of the handicap or disability
6 of an individual with whom the person is known to have a
7 relationship or association.

8 (4) Construct, operate or otherwise make available such
9 place of public accommodation, resort or amusement which is not
10 accessible.

11 * * *

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

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

17 (2) a person or group with whom a person or group associates
18 has a personal characteristic or characteristics upon which this
19 act prohibits discrimination.

20 * * *

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

23 Section 5.3. Prohibition of Certain Real Estate Practices.--
24 It shall be an unlawful discriminatory practice for any person
25 to:

26 (a) Induce, solicit or attempt to induce or solicit for
27 commercial profit any listing, sale or transaction involving any
28 housing accommodation or commercial property by representing
29 that such housing accommodation or commercial property is within
30 any neighborhood, community or area adjacent to any other area

1 in which there reside, or do not reside, persons of a particular
2 race, color, familial status, age, religious creed, ancestry,
3 sex, sexual orientation, gender identity or expression, national
4 origin, handicap or disability, or who are guide or support
5 animal dependent.

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

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

29 (d) In any way misrepresent or otherwise misadvertise within
30 a neighborhood or community, whether or not in writing, that any

1 housing accommodation or commercial property within such
2 neighborhood or community is available for inspection, sale,
3 lease, sublease or other transfer, in any context where such
4 misrepresentation or misadvertising would have the effect of
5 fostering an impression or belief that there has been or will be
6 an increase in real estate activity within such neighborhood or
7 community due to the residence, or anticipated increased or
8 decreased residence, of persons of a particular race, color,
9 familial status, age, religious creed, ancestry, sex, sexual
10 orientation, gender identity or expression, national origin,
11 handicap or disability, or the use of a guide or support animal
12 because of the blindness, deafness or physical handicap of the
13 user.

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

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

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

26 (2) Require any individual or religious entity to engage in
27 conduct prohibited by or inconsistent with the tenets of its
28 faith, if such requirement would violate the free exercise of
29 religion guaranteed to the individual or religious entity by the
30 Constitution of the United States or the Constitution of

1 Pennsylvania.

2 (b) As used in this section, the term "religious entity"
3 means any religious or denominational institution or
4 organization or any charitable or educational organization which
5 is operated, supervised or controlled by or in connection with a
6 religious organization.

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

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

11 * * *

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

29 (j) To issue such publications and such results of
30 investigations and research as, in its judgment, will tend to

1 promote good will and minimize or eliminate discrimination
2 because of race, color, familial status, religious creed,
3 ancestry, age, sex, sexual orientation, gender identity or
4 expression, national origin or handicap or disability.

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

22 * * *

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

25 Section 8. Educational Program.--The Commission, in
26 cooperation with the Department of Education, is authorized to
27 recommend a multicultural educational program, designed for the
28 students of the schools in this Commonwealth and for all other
29 residents thereof, with emphasis on foreign cultural and
30 language studies, as well as on the basic shared precepts and

1 principles of United States culture, in order to promote
2 cultural understanding and appreciation and to further good will
3 among all persons, without regard to race, color, familial
4 status, religious creed, ancestry, age, sex, sexual orientation,
5 gender identity or expression, national origin, handicap or
6 disability.

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

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

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

30 * * *

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

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