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Title: Ordinance amending and supplementing the Pittsburgh City Code, Title Six Conduct, Article V Discrimination, Chapter 659 Unlawful Practices, Sections §659.02 Unlawful Employment Practices, §659.03 Unlawful Housing Practices, and §659.04 Unlawful Public Accommodations Practices to explicitly prohibit employment, housing, and public accommodation discrimination based on gender identity and gender expression, create more inclusive definitions of protected classes, and add gender -inclusive language.

Sponsors: Erika Strassburger, Bruce A. Kraus

Indexes: PGH. CODE ORDINANCES TITLE 06 - CONDUCT

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
7/11/2019	1	Mayor	Signed by the Mayor	
7/9/2019	1	City Council	Passed Finally	Pass
7/1/2019	1	Standing Committees	Affirmatively Recommended	Pass
6/25/2019	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh City Code, Title Six Conduct, Article V Discrimination, Chapter 659 Unlawful Practices, Sections §659.02 Unlawful Employment Practices, §659.03 Unlawful Housing Practices, and §659.04 Unlawful Public Accommodations Practices to explicitly prohibit employment, housing, and public accommodation discrimination based on gender identity and gender expression, create more inclusive definitions of protected classes, and add gender-inclusive language.

WHEREAS, no individual should be forced to lose their job or their residence or live in fear because of who they are, who they love, or how they express themselves; and,

WHEREAS, the City of Pittsburgh affirms its commitment to enhancing justice, equity, and opportunity to all, regardless of sex, sexual orientation, gender expression, or gender identity;

WHEREAS, members of the LGBTQIA+ community experience discrimination in all aspects of life at an alarmingly high rate, and it is incumbent upon the City of Pittsburgh to protect all who live in, work in, and visit our city; and,

WHEREAS, given the absence of state and federal laws protecting residents from discrimination based on sexual orientation, gender identity, or gender expression, it is critical to strengthen these protections at the local level to ensure that residents, employees, and visitors can enjoy a life free of discrimination in Pittsburgh; and,

WHEREAS, the addition of more inclusive definitions of sex, sexual, orientation, gender identity, and gender expression help to ensure that individuals fully understand their rights under the law and that employers, landlords, realtors, and service providers fully comprehend their responsibility to ensure equal access to housing, employment, and public accommodation to all in Pittsburgh; and,

WHEREAS, 2019 marks the 50th anniversary of the signing of Pittsburgh Human Relations Ordinance #395 banning sex discrimination, which made Pittsburgh's discrimination laws the strongest in the nation, and this year is also the 50th anniversary of the successful campaign led by the Pittsburgh Area Chapter of the National Organization of Women, which led to the lawsuit that ended the practice of gendered want advertisements and set a national precedent barring this discriminatory tradition. These amendments seek to build on that progress to strengthen our discrimination laws even further; and,

WHEREAS, it is important to replace gendered language, which reinforce sex-stereotypes, with more gender-inclusive language in the City Code.

SEE ATTACHMENT

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code, Title Six Conduct, Article V Discrimination, Chapter 659 Unlawful Practices, Sections 659.02 Unlawful Employment Practices, 659.03 Unlawful Housing Practices, and 659.04 Unlawful Public Accommodations Practices are hereby amended as follows:

CHAPTER 659: - UNLAWFUL PRACTICES
§ 651.01 - LEGISLATIVE FINDINGS.
(a) The population of the City consists of people of every race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, **gender identity, gender expression,** familial status, handicap and disability, many of whom are discriminated against in employment opportunities, places of public accommodation, resort, recreation, and amusement and housing facilities.
(b) Discrimination because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, **gender identity, gender expression**, familial status, handicap and disability is contrary to laws and policies of the City of Pittsburgh.
(c) Discrimination in employment prevents the gainful employment of large segments of residents of the city, tends to impair the City's productive capacity, reduces the public revenues, imposes substantial financial burdens upon the public for relief and welfare, and tends to create breaches of the peace and depressed living conditions which breed crime, vice, juvenile delinquency and disease, and is detrimental to the public safety, economic growth and general welfare of the city.
(d) Discrimination in housing results in overcrowded, segregated areas with substandard, unsafe and unsanitary living conditions, which cause increased mortality, disease, crime, vice and juvenile delinquency, fires and risk of fire, intergroup tensions and other evils, all of which increase the cost of government and reduce the public revenues, and result in injury to the public safety, health and welfare of the city.
(e) Discrimination in places of public accommodations, resort, recreation, amusement and places of business causes humiliation, embarrassment and inconvenience to residents and visitors of the city, tends to create breaches of the peace, intergroup tensions and conflicts and similar evils and is detrimental to the public safety, general welfare and economic growth of the city.
§ 651.02 - DECLARATION OF POLICY.
(a) It is hereby declared to be the policy of the city, in the exercise of its powers for the protection of the

public safety and the general welfare, for the maintenance of peace and good government and for the promotion of the City's trade, commerce and manufacturers, to assure the right and opportunity of all persons to participate in the social, cultural, recreational and economic life of the city, and to assure equal opportunity for all persons to live in decent housing facilities, free from restrictions because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, **gender identity, gender expression,** familial status, age, status as a victim of domestic violence, handicap or disability or use of support animals, because of the handicap or disability of the user; and

(b) It shall be the public policy of the City to prohibit discrimination because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, **gender identity, gender expression,** familial status, age, nonjob related handicap, or disability in employment; and

(c) It shall be the public policy of the City to prohibit discrimination because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, **gender identity, gender expression,** familial status, handicap or disability or use of support animals because of the handicap or disability of the user, in places of public accommodation, resort, recreation or amusement.

(d) Nothing in this Chapter shall be construed as supporting or advocating any particular doctrine, position, point of view, life style or religious view. To the contrary, it is the intention of this Chapter that all persons are treated fairly and equally and it is the express intent of this Chapter to guarantee fair and equal treatment under law to all people of the city.

§ 651.03 - SCOPE AND JURISDICTION.

This Article applies to discriminatory practices, including but not limited to discrimination in employment, housing and public accommodations, which occur within the territorial limits of the city, and to employment contracted for, performed or to be performed within these limits, and to places of public accommodations, resort, recreation and amusement located within the City limits.

§ 651.04 - DEFINITIONS.

As used in this Article, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

(a) COMMISSION. The Commission on Human Relations as established by the Pittsburgh Home Rule Charter.

(b) DISCRIMINATE OR DISCRIMINATION. Any difference in treatment based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity ~~or expression~~, **gender expression**, familial status, age, handicap or disability, or use of support animals, as specified.

(c) EMPLOYER. Any person who employs five (5) or more employees, exclusive of the parents, spouse or children of such person, including the City of Pittsburgh, its departments, boards, commissions and authorities, and any other governmental agency within its jurisdiction, but excluding any religious, fraternal, charitable or sectarian organization which is not supported in whole or part by any governmental appropriations.

(d) EMPLOYMENT. Shall not include the employment of individuals in domestic service.

(e) EMPLOYMENT AGENCY. Any person regularly undertaking with or without compensation to procure opportunities for employment or to procure, recruit, refer or place employees.

(f) LABOR ORGANIZATION. Any organization which exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in relation to employment.

(g) LENDING INSTITUTION. Any bank, insurance company, saving and loan association, or any other person whose business consists in whole or in part in lending money or guaranteeing loans.

(h) Reserved.

(i) OWNER. Includes the owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent or any other person having the right of ownership or possession or the authority to sell, rent or lease any dwelling, or any person having an equitable or security interest in any dwelling, including the City of Pittsburgh and its

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departments, boards, commissions and authorities.
(j) REAL ESTATE BROKER. Any natural person, partnership, corporation or other association which for a fee or other valuable consideration manages, sells, purchases, exchanges or rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange or rental of the real property of another, or holds itself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, or collects rent for the use of the real property of another, and includes real estate salespersons or agents or any other person employed by a real estate broker to perform or to assist in the performance of their business.
(k) PUBLIC ACCOMMODATION, RESORT, RECREATION OR AMUSEMENT. Includes any place, business or activity which is open to, accepts or solicits the patronage of the general public or offers goods, services or recreation to the general public.
(l) Repealed
(m) Repealed
(n) SEXUAL ORIENTATION. ~~Male or female homosexuality, heterosexuality and bisexuality or perceived homosexuality, heterosexuality and bisexuality.~~ **A person's identified or perceived engagement in, or desire for, sexual, physical, or romantic relationships with a person or persons of a particular sex, gender, gender identity, or gender expression.**
(o) ACCESSIBLE. When used with respect to the public and common use areas of a building containing covered multifamily dwellings, means:
(1) That the public or common use areas of the building can be approached, entered and used by individuals with physical handicaps. The phrase "readily accessible to and usable by" is synonymous with accessible. A public or common use area that complies with the appropriate requirements of ANSI A117.1-1986 or a comparable standard is ACCESSIBLE within the meaning of this subsection; or
(2) Being in compliance with the applicable standards set forth in the following:
A. The Fair Housing Act (Public Law 90-284, 42 U.S.C. Section 3601, et seq.);
B. The Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. Section 12101 et seq.); and
C. The Act of September 1, 1965 (P.L. 459, No. 235), entitled, as amended, "An act requiring that certain buildings and facilities adhere to certain principles, standards and specifications to make the same accessible to and usable by persons with physical handicaps, and providing for enforcement;" and
D. Any other applicable Federal or State law or regulation, or any local ordinance or resolution, relating to accessibility or accommodations.
(p) AGE. Includes any person forty (40) years of age or older and shall also include any other person so protected by further amendment to the Federal Age Discrimination in Employment Act.
(q) AGGRIEVED PERSON. Any person who:
(1) Claims to have been injured by an unlawful practice under Chapter 659; or
(2) Believes that such person will be injured by an unlawful practice under Chapter 659.
(r) ANSI A117.1-1986. The 1986 edition of the American National Standard Institute for buildings and facilities providing accessibility and usability for physically handicapped people.
(s) CHARITABLE ORGANIZATION. An organization, institution, association or corporation which is dedicated to philanthropic pursuits and provides goods, services and financial aid to the public free of charge.
(t) COMMON USE AREAS. Rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or the guest thereof. These areas include, but are not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas and passageways among and between buildings.
(u) CONCILIATION. The attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent and the Commission.
(v) CONCILIATION AGREEMENT. A written agreement setting forth the resolution of the issues in conciliation.

(w) COVERED MULTIFAMILY DWELLINGS. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and ground floor units in other buildings consisting of four (4) or more units.
(x) DISABILITY. The term DISABILITY is synonymous with the term HANDICAP.
(y) DISCRIMINATORY HOUSING PRACTICE. Any act that is unlawful under § 659.03.
(z) DWELLING. Any building, structure or portion thereof which is occupied as or designed or is intended for occupancy as, a residence by an individual or one (1) or more families, or by a group of persons living together, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
(aa) DWELLING UNIT. A single unit of residence for a family of one (1) or more persons.
(bb) FAIR HOUSING ACT. Public Law 90-284, 42 U.S.C. Section 3601 et seq., as amended.
(cc) FAMILIAL STATUS. One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:
(1) A parent or other person having legal custody of such individual or individuals; or
(2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.
The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.
(dd) HANDICAP. The term handicap or disability, with respect to a person, means:
(1) A physical or mental impairment which substantially limits one (1) or more of such person's major life activities; or
(2) A record of having such an impairment; or
(3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. Section 802).
(ee) HOUSING FOR OLDER PERSONS.
(1) Housing:
A. Provided under any state or federal program that the U.S. Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program; or
B. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
C. Intended and operated for at least one (1) person fifty-five (55) years of age or older per unit as determined by the Secretary of U.S. Housing and Urban Development.
(2) In determining whether housing qualifies as housing for older persons under this Article, the Commission shall follow the standards set forth in the Fair Housing Act and regulations pertaining to housing for older persons as promulgated by the U.S. Secretary of Housing and Urban Development.
(3) Housing shall not fall to meet the requirements for housing for older persons by reason of unoccupied units provided that such units are reserved for occupancy by persons who meet the age requirements of this subsection.
(ff) INDEPENDENT CONTRACTOR. Includes any person who is subject to the provisions governing any of the professions and occupations regulated by State licensing laws enforced by the Bureau of Professional and Occupational Affairs in the Department of State, or is included in the Fair Housing Act.
(gg) NONJOB RELATED HANDICAP OR DISABILITY. Any handicap or disability which does not substantially interfere with the ability to perform the essential functions of the employment which a handicapped person applies for, is engaged in or has been engaged in.
(hh) RESIDENTIAL REAL ESTATE-RELATED TRANSACTION. Any of the following:
(1) The making or purchasing of loans or providing other financial assistance and any terms and conditions of such a transaction:

A. For purchasing, constructing, improving, repairing or maintaining a dwelling; or
B. Secured by residential real estate.
(2) The selling, brokering or appraising of residential real property.
(ii) SEX. ~~The gender of a person, as perceived, presumed or assumed by others, including those who are changing or have changed their gender identification.~~ **A person's identified or perceived biological traits as they relate to that person's reproductive system, secondary sex characteristics, or genetic composition including physical anatomy, chromosomal sex, or sex assigned at birth.**
(jj) DOMESTIC VIOLENCE. The occurrence of one or more of the following acts between family or household members, sexual, or intimate partners, or persons who share biological parenthood:
(1.) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault or incest, with or without a deadly weapon.
(2.) Placing another in reasonable fear of imminent serious bodily injury.
(3.) The infliction of false imprisonment pursuant to 18 Pa. C.S.§ 2903 (relating to false imprisonment).
(4.) Physically or sexually abusing minor children, including sexual abuse as defined at 23 Pa. C.S. § 6303.
(5.) Stalking as defined in Section 651.04(ll)
(ll) STALKING. Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or engaging in a course of conduct or repeatedly communicating to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.
(mm) VICTIM OF DOMESTIC VIOLENCE. An individual who has been subjected to Domestic Violence.
(nn) PREGNANCY. The state of being pregnant, including the partner of a pregnant person, seeking to become pregnant, and related symptoms of pregnancy.
(oo) CHILDBIRTH. Labor or childbirth, whether or not it results in a live birth.
(pp) RELATED MEDICAL CONDITIONS AND EVENTS. Any medical condition and events that are related to or caused by pregnancy or childbirth, which can occur before, during, or after the gestation period, or after childbirth, whether or not it results in a live birth, including being the partner of a person affected by any such related medical condition or event.
(qq) GENDER IDENTITY. A person's actual or perceived identity as it relates to the gender spectra.
(rr) GENDER EXPRESSION. A person's actual or perceived expression of gender identity through appearance, dress, behavior, mannerisms, or other traits.

§ 659.01 - GENERAL PROHIBITIONS.
No person whether or not within any named classifications set forth herein, shall aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful practice under this Article, or obstruct or prevent enforcement of compliance with the provisions of this Article or any rule, regulation or order of the Human Relations Commission, or attempt directly or indirectly to commit any act declared by this Article to be an unlawful practice.

§ 659.02 - UNLAWFUL EMPLOYMENT PRACTICES.
It shall be an unlawful employment practice, except where based upon applicable national security regulations established by the United States, the Commonwealth or any political subdivisions thereof, or except where based upon a bona fide occupational exemption certified by the Commission in accordance with Section 653.05 (d):

(a) For any employer to refuse to hire any person or otherwise to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, **gender identity, gender expression,** age, nonjob-related handicap or disability

(b) For any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, the employment or membership opportunities of any person or group of persons because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, **gender identity, gender expression,** age, nonjob-related handicap or disability

(c) For any employer, labor organization, employment agency or any joint labor management committee controlling apprentice training programs to deny to or withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training program, an on-the-job training program or any other occupational training program because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, **gender identity, gender expression,** age, nonjob-related handicap or disability

(d) For any employer, employment agency or labor organization to require of any applicant for employment or membership any information concerning race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, **gender identity, gender expression,** age, nonjob-related handicap or disability (e) For any employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any discrimination because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, **gender identity, gender expression,** age, nonjob-related handicap or disability

(f) For any employment agency to fail or refuse to classify properly or refer for employment or otherwise to discriminate against any person because of race, color religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, **gender identity, gender expression,** age, nonjob-related handicap or disability

(g) For any employer substantially to confine or limit recruitment or hiring of employees, with intent to circumvent the spirit and purpose of this Article, to any employment agency, employment service, labor organization, training school, training center or any other employee-referring source which serves persons who are predominantly of the same race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, **gender identity, gender expression,** age, nonjob-related handicap or disability.

(h) For any labor organization to discriminate against any person in any way which would deprive or limit ~~his~~ **their** employment opportunities or otherwise adversely affect ~~his~~ **their** status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, **gender identity, gender expression,** age, nonjob-related handicap or disability.

(i) For any employer, employment agency or labor organization to discriminate against any person because ~~he~~ **the individual** has opposed any practice forbidden by this Article or because ~~he~~ **the individual** has made a complaint or testifies or assisted in any manner in any investigation or proceeding under this Article.

(j) For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful employment practice by this Article, or to obstruct or prevent any person from enforcing or complying with the provisions of this Article or any rule, regulation or order of the Human Relations Commission, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful employment practice.

(Ord. 15-1979, eff. 5-29-79; Ord. 13-1980, eff. 8-8-80; Am. Ord. 2-1990, eff. 4-3-90; Ord. No. 21-

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2014, § 1, eff. 10-14-14; Ord. No. 11-2019, § 1, eff. 3-15-19)

§ 659.03 - UNLAWFUL HOUSING PRACTICES.

It shall be an unlawful housing practice, except as otherwise provided in this section:

(a) For any owner, real estate broker or any other person to refuse to sell, lease, sublease, rent, assign or otherwise transfer, or to refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of, the title, leasehold or other interest in any dwelling to any person, or to represent that any dwelling is not available for inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise to deny or withhold any dwelling from any person because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, **gender identity, gender expression,** familial status, handicap or disability or use of support animals because of the handicap or disability of the user, or actual or perceived status as a victim of domestic violence or to discriminate against, segregate or assign quotas to any person or group of persons in connection with the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any dwelling or dwellings.

(b) For any person, including any owner or real estate broker, to include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any dwelling any clause, condition or restriction discriminating against or requiring any other person to discriminate against, any person in the use or occupancy of such dwelling because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, **gender identity, gender expression,** familial status, handicap or disability or use of support animals because of the handicap or disability of the user, or actual or perceived status as a victim of domestic violence.

(c) For any person, including any owner or real estate broker, to discriminate in the furnishing of any facilities or services for any dwelling because of race, color, religion, ancestry, national origin, place of birth, sexual orientation, **gender identity, gender expression,** familial status, handicap or disability or use of support animals because of the handicap or disability of the user, or actual or perceived status as a victim of domestic violence.

(d) For any person, including any owner or real estate broker, to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer or listing of a dwelling or accommodations which indicates any preference, limitation, specification or discrimination based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, **gender identity, gender expression,** familial status, handicap or disability or use of support animals because of the handicap or disability of the user, or actual or perceived status as a victim of domestic violence.

(e) For any person, including any bank, banking organization, mortgage company, insurance company or other financial or lending institution, or any agent or employee thereof, engaged in whole or in part in the business of providing or arranging for appraisals and/or for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any dwelling or dwellings:

(1) To discriminate against any person or group of persons because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, **gender identity, gender expression**, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, or actual or perceived status as a victim of domestic violence, of such person or group of persons or of the prospective occupants or tenants of such dwelling in the granting, withholding, extending, modifying or in the rates, terms, conditions or privileges of any such financial assistance in connection therewith; or

(2) To use any form of application for such financial assistance or make any record of inquiry in connection with applications for such financial assistance which indicates, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, **gender identity, gender expression**, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, or actual or perceived status as a victim of domestic violence or any intent to make any such limitation, specification or discrimination.

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(Ord. 23-1992, eff. 5-28-92)

(f) For any real estate broker or real estate salesperson or agent, or any other person for business or economic purposes, to induce, directly or indirectly, or to attempt to induce directly or indirectly, the sale or rental or the listing for sale or rental, of any dwelling by representing that a change has occurred or will or may occur regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, ancestry, national origin, sex, sexual orientation, **gender identity, gender expression,** familial status, source of income or handicap status of the street, block, neighborhood or area in which such dwelling is located.

(g) For any real estate broker, agent, sales representative or other person to solicit any property for sale or rental or the listing of any property for sale or rental at any time after such real estate broker, agent, sales representative or other person shall have written notice that any owner or occupant of such real estate does not desire to sell such real estate, or does not desire to be solicited either by such real estate broker, agent, sales representative or other person, or by any and all brokers, agents, sales representatives or other persons. The word "solicit" means any printed matter mailed or delivered to the owner or occupant of a residential property by any real estate broker, agent, sales representative or other person or any oral communication made either in person or by telephone to the owner or occupant of a residential property by any real estate broker, agent, sales representative or other person which advertises the accomplishments and/or abilities of the real estate broker, agent, sales representative or other person to sell homes or rent apartments or which requests or suggests that the owner or occupant list ~~his~~ **their** house for sale or rent with the real estate broker, agent, sales representative or other person or which offers to purchase or rent the owner's house or apartment.

(1) All written correspondence hereunder shall be by certified mail, return receipt requested. The owner or occupant shall provide the Commission a true and correct copy of the written notice to the real estate broker, agent, sales representative or other person at the time such notice is given. The notice may be by individual letter or by petition. The notice is effective upon receipt by the real estate broker, agent, sales representative or other person.

(2) The Commission on its own motion or on appeal by the broker, agent, sales representative or other person after notice and public hearing, may declare any notice null and void if it finds such notice discriminates against any such real estate broker, agent, sales representative or other person.

(3) All notices are void after one (1) year unless renewed within thirty (30) days of the expiration date.

(4) The provisions of this subsection (g) shall not be applicable to any person who has placed ~~his/her~~ **their** home for sale.

(h) For any real estate broker, agent, sales representative or other person to solicit the owner or occupant of a dwelling located within a nonsolicitation area. The Commission may designate an area as a nonsolicitation area for a period of up to one (1) year upon making written findings based on substantial evidence introduced at a public hearing that practices made unlawful by subsection (f) hereof are causing or are likely to cause blockbusting or panic selling within the area.

(1) The Commission may extend one (1) or more times the designation of a nonsolicitation area for a period of one (1) year upon making written findings based on substantial evidence introduced at a public hearing that practices made unlawful by subsection (f) hereof are continuing to occur. The public hearing on any extension shall be held not more than thirty (30) days before the day on which the designation or earlier extension is scheduled to expire. The Commission may by this same procedure, at any time, terminate the designation of a nonsolicitation area, or extension of any such designation made pursuant to this subsection (h).

(2) The Commission shall promptly announce by legal notice each designation or extension made pursuant to this subsection (h), describing the area to which it applies by reference to named streets and/or landmarks. Any designation or extension shall take effect upon completion of the publication required for legal notice.

(3) The Commission shall maintain and make available to all interested persons a listing of designated nonsolicitation areas.

(4) The Commission may, in accordance with the provisions of this Article, attempt to reach a nonsolicitation agreement with real estate brokers, agents, sales representatives or other persons doing business within a

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specified geographical area.
(5) The word "solicit" shall have the same meaning as set forth in subsection (g) hereof.
(Ord. 15-1979, eff. 5-29-79)
(i) For any person to deny access, membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate in the terms or conditions of such access, membership or participation, on account of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, **gender identity, gender expression,** familial status, source of income, handicap or disability or use of support animals because of the handicap or disability of the user.
(j) Nothing in this Article shall bar any religious or sectarian institution or organization, or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious or sectarian organization, or any bona fide private or fraternal organization from limiting admission to or giving preference with respect to the sale, rental, or occupancy of any dwelling which the subject organization or entity owns or operates for other than commercial purposes to persons of the same religion or sect, or to members of such private or fraternal organization, or from making such selection as is calculated by such organization to promote the religious or sectarian principles or the aims, purposes or fraternal principles for which it is established or maintained, unless membership in such religion is restricted on account of race, color or national origin.
(k) For purposes of this Section only, discrimination on the basis of handicap or disability also includes:
(1) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
(2) A refusal to make reasonable accommodations in rules, policies, practices or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or
(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:
A. The public use and common use portions of the dwelling are readily accessible to and usable by handicapped persons;
B. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage to handicapped persons in wheelchairs; and
C. All premises within the dwelling contained the following features of adaptive design:
1. An accessible route into and through the dwelling;
2. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
3. Reinforcements in bathroom walls to allow later installation of grab bars; and
4. Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.
D. Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A117.1-1996" satisfies the requirements of Section 659.03(k)(3)C. above.
E. Discriminatory housing practices filed pursuant to subsection (k)(3) hereof but occurring prior to the effective date of subsection (k)(3) hereof shall be referred to the U.S. Department of Housing and Urban Development for processing and disposition.
F. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
(l) For any person to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of ~~his or her~~ **the individual** having exercised or enjoyed, or on account of ~~his or her~~ **the individual** having aided or encouraged any other person in the exercise of enjoyment of, any right granted or

protected under this Section or any rule or regulation of the Human Relations Commission.
(m) Exceptions to unlawful housing practices.
(1) Nothing in this Section shall limit the authority of the landlord, owner, agent, or other person operating or managing the premises to evict a tenant who is the victim of domestic violence for any violation of the lease other than one premised on the act or acts of violence in question against such tenant, provided that, in determining whether to evict, the landlord, owner, agent, or other person operating or managing the premises does not apply a more demanding standard than that applied to other tenants who are not victims of domestic or sexual violence.
(2) Nothing in this Section shall limit the authority of any court to evict an abuser under the Pennsylvania Protection from Abuse Act, Act of December 19, 1990, P.L. 1240, No. 206, § 2 (23 Pa. C.S. § 6101 et seq.).
(n) Discriminate against any person because ~~he or she has~~ **they have** opposed any practice forbidden by this Article or because ~~he or she has~~ **they have** made a complaint or testifies**d** or assisted in any manner in any investigation or proceeding under this Article.
(Ord. 23-1992, eff. 5-28-92; Am. Ord. 8-1997, eff. 2-7-97; Ord. No. 59-2015, § 2, eff. 12-18-15; Ord. No. 16-2016, § 1, eff. 6-21-16; Ord. No. 22-2017, eff. 4-24-17)

§ 659.04 - UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICES.
It shall be an unlawful public accommodation practice for the owner, lessee, proprietor, manager, superintendent, agent or employee of any business or place of public accommodation, resort, recreation or amusement to:
(a) Refuse, withhold from or deny to any person because of ~~his~~ **their** race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, **gender identity, gender expression,** handicap or disability or use of support animals because of the handicap or, disability of the user, either directly or indirectly any of the accommodations, advantages, facilities, services or privileges, products or goods in such place of public accommodation, resort or amusement.
(b) Publish, circulate, issue, display, post or mail, either directly or indirectly, any printed, verbal, or written communication, notice or advertisement to the effect that indicates any preference, limitation, specification, or discrimination of any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, **gender identity, gender expression**, handicap or disability or use of support animals because of the handicap or disability of the user, or that the patronage of any person of any particular race, color, religion, ancestry, national origin, place of birth, sex, **sexual orientation, gender identity, gender expression,** handicap or disability or use of guide dogs because of the blindness of the user is unwelcome, objectionable, or not acceptable, desired or solicited.
(c) Aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful public accommodations practice under this Article, whether such person is included by reference or not.
(d) Discriminate against any person because ~~he or she~~ **that individual** has opposed any practice forbidden by this Article or because ~~he or she~~ **that individual** has made a complaint or testifies**d** or assisted in any manner in any investigation or proceeding under this Article.
(Ord. 13-1980, eff. 8-8-80; Am. Ord. 2-1990, eff. 4-3-90; Am. Ord. 3-1997, eff. 2-7-97; Ord. No. 23-2017, eff. 4-24-17)