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Committee: Committee on Human Resources **Status:** Passed Finally

Ordinance amending supplementing the Pittsburgh Code, Title Six: Conduct, Chapters 651: Findings and Policy, 653: Human Relations Commission, and Chapter 659: Unlawful Civil Rights Practices by simplifying language to offer clarity, defining terms specific to the enforcement of antidiscrimination provisions within City Code, and preserving the antidiscrimination enforcement power of the City in the wake of federal changes.

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

Section 1: Chapter 651 Findings and Policy is hereby amended as follows:

§ 651.01. Legislative Findings.

(a) The population of the City consists of people of every **Protected Class, including but not limited to, age,** race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, **state of pregnancy, childbirth, related medical conditions, or partnership with pregnant persons,** [~~status as a~~] victim**s** of domestic violence, handicap [~~and~~] **or** disability, **including the use or training of service animals, persons with any and all hair textures and wearers of protective hairstyles, citizenship or immigration status, preferred language, medical marijuana patients, or housing status,** many of whom are discriminated against in employment opportunities, **housing facilities,** places of public accommodation, resort, recreation, and amusement**, and in the delivery of City services** [~~and housing facilities~~].

(b) Discrimination because of **actual or perceived age (over 40), race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, state of pregnancy, childbirth, related medical conditions, or partnership with pregnant persons, status as a victim of domestic violence, handicap or disability, including the use or training of service animals, hair textures and use of protective hairstyles, citizenship or immigration status, preferred language, status as a medical marijuana patient, or housing status,** [~~race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, status as a victim of domestic violence, 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 [~~e~~]**C**ity **a**

(d) Discrimination in housing results in **both homelessness and displacement, which, in turn, results in negative impacts on the homeless and displaced peoples' health, life expectancy, safety, education, employment, economic opportunities, family cohesion, and other measures of wellbeing; and** 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 [~~c~~]**C**

(e) Discrimination in places of public accommodations, resort, recreation, amusement and places of business causes humiliation, embarrassment**, trauma, inaccessibility,** and inconvenience to residents and visitors of the **C[**~~e~~]ity[~~,~~]**;** 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.

(f) Discrimination in City services causes humiliation, embarrassment, trauma, inconvenience, and inaccessibility to residents and visitors of the City; tends to create breaches of the peace, intergroup tensions, conflicts and similar evils; undermines trust in the City government, authorities, boards, and commissions; 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 **actual or perceived Protected Class as identified in Section 659.03 of this Article** [~~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 **in employment** because of **actual or perceived Protected Class as identified in Section 659.02 of this Article** [~~race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, familial status, status as a victim of domestic violence, age, nonjob- related handicap, disability in employment, or status as a medical marijuana patient~~]; and

(c) It shall be the public policy of the City to prohibit discrimination **in places of public accommodation, resort, recreation or amusement** because of **actual or perceived Protected**

Class as identified in Section 659.04 of this Article; [~~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) It shall be the public policy of the City to prohibit discrimination in the delivery of City services by any City of Pittsburgh employee, official, or agency, including City of Pittsburgh Police, while acting as a representative of the City of Pittsburgh because of an actual or perceived Protected Class as identified in Section 659.07 of this Article.

(e) Nothing in this Chapter shall be construed as supporting or advocating any particular doctrine, position, point of view, lifestyle 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~~]**within** the **C**[~~c~~]ity **of Pittsburgh**.

§ 651.03. Scope and Jurisdiction.

This Article applies to discriminatory practices **which occur within the territorial limits of the City**, including but not limited to discrimination in [~~employment~~] **employment contracted for, performed or to be performed within the City limits, to places of public accommodations, resort, recreation and amusement located within the City limits**, housing **located within City limits,** [~~and public accommodations~~]**, and services provided by City of Pittsburgh employees, officials, or agencies, including City of Pittsburgh Police, while acting as a representative of the City of Pittsburgh and within City limits. [**~~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 **an actual or perceived Protected Class or Protected Activity. This includes any act which results in unequal treatment or segregation of an individual or group of individuals, or the use of facially neutral policies or practices that have an adverse or Disparate Impact on people of a Protected Class.** [~~race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity or expression, familial status, age, status as a victim of domestic violence, handicap or disability, use of support animals, or status as a medical marijuana patient, 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 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 (By Ord. 34-1993, eff. December 28, 1993).

(m) Repealed (By Ord. 34-1993, eff. December 28, 1993).

(n) SEXUAL ORIENTATION - 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:
    i. The Fair Housing Act (Public Law 90-284, 42 U.S.C. Section 3601, et seq.);
    ii. The Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. Section 12101 et seq.); and
    iii. 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
    iv. 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 Section 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:
    i. 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
    ii. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
    iii. 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 fail 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; or 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:
    i. For purchasing, constructing, improving, repairing or maintaining a dwelling; or
    ii. Secured by residential real estate.
2. The selling, brokering or appraising of residential real property.

(ii) SEX - 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.

[~~SOURCE OF INCOME - All lawful sources of income or rental assistance program, including, but not limited to, earned income, child support, alimony, insurance and pension proceeds, and all forms of public assistance including federal, state and local housing assistance programs. This includes the Section 8 Housing Choice Voucher Program.~~]

(jj) Reserved

(kk) DOMESTIC VIOLENCE - The occurrence of one (1) or more of the following acts between family or household members, current or former dating partners, 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, emotional distress, substantial emotional distress, 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 including but not limited to making threats of harm or intimidation.
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.

(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 **ABUSE OR** VIOLENCE - An individual who has been subjected to domestic violence **or intimate partner abuse as defined in Section 651.04 (ll)**. The term "survivor of domestic violence" may be used interchangeably with "victim of domestic violence."

(nn) PREGNANCY - The state of being pregnant, including **being** 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~~] **a** 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.

(ss) CITIZENSHIP OR IMMIGRATION STATUS - Perceived or actual matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States, the time or manner of a person's entry into the United States, or any other immigration matter enforced by the United States Department of Homeland Security or a successor or other federal agency charged with the enforcement of civil immigration laws.

(tt) PREFERRED LANGUAGE - Perceived or actual spoken or written language or form of sign language most preferred by the individual as means of communication.

(uu) HAIRSTYLE - Hair texture and styles of hair of any length, such as protective or cultural hairstyles, and natural hairstyles.

(vv) PROTECTIVE AND CULTURAL HAIR TEXTURES AND HAIRSTYLES - Hairstyles and hair textures most commonly associated with race, including, but not limited to braids, cornrows, locs, Bantu knots, Afros, and twists, whether or not hair extensions or treatments are used to create or maintain any such style, and whether or not hair is adorned by hair ornaments, beads, or headwraps.

(ww) INCITING INCIDENT - An act of domestic violence or an action, event or circumstance related to an act of domestic violence that puts a tenant in reasonable fear of further harm from the responsible party.

(xx) FAMILY OR HOUSEHOLD MEMBERS - Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

(yy) RESPONSIBLE PARTY - An individual who commits, or is alleged to have committed, an act of domestic violence.

(zz) LANDLORD - Any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.

(aaa) MEDICAL MARIJUANA PATIENT - An individual who has a serious medical condition, disability or handicap such that qualifies them for medical marijuana use and who is certified under the Pennsylvania Medical

Marijuana Act of 2016 to access marijuana for a certified medical use.

(bbb) ELECTIVE MEDICAL CARE - Any non-emergency care which may be scheduled in advance by the attending practitioner, facility, or recipient, **and** which is provided by an individual who is licensed, certified or registered under the laws of the Commonwealth of Pennsylvania to provide, to an individual or a group, health services, including but not limited to, treatment of physical illness or injury, rehabilitation from illness or physical injury, palliative care, nursing home or other long term care, or the assessment or improvement of physical, mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease.

(ccc) HOUSING STATUS - The actual or perceived type of housing in which an individual resides, or previously resided in, whether publicly or privately owned; or the status of not having a fixed residence, including the status of living on the streets or in a homeless shelter or similar temporary residence; or currently or formerly living in transitional, temporary, or shelter housing; or lacking a residential rental housing history in whole or in part.

(ddd) PROTECTED CLASS - A set of identities or traits that are protected by law against discrimination. For the purposes of this ordinance, protected classes shall be defined as relates to this ordinance and its sections.

(eee) PERCEIVED PROTECTED CLASS - When a person is believed to have a set of identities or traits that are protected by law against discrimination, even if that belief is incorrect.

(fff) PROTECTED ACTIVITY. Activity including, but not limited to, opposing, reporting, or making a complaint of practices made unlawful by the ordinance; or making a reasonable accommodation or modification request based on any Protected Class or status identified in the ordinance; or participating in or cooperating with an investigation of any of the discriminatory practices made unlawful by the ordinance.

(ggg) DISPARATE IMPACT - Demonstration that a facially neutral policy or practice of a covered entity, or a group of policies or practices of a covered entity, results in an adverse impact to any group protected by the provisions of this chapter.

Section 2: Chapter 653 Human Relations Commission is hereby amended as follows:

§ 653.05. Powers and Duties.

The Human Relations Commission shall have the power and duty to:

(1) Initiate, receive, investigate and seek the satisfactory adjustment of complaints charging unlawful practices as set forth in this Article. In accordance with this subsection the Commission may issue subpoenas and order discovery in aid of investigations and hearings under this Title.

(2) Initiate or receive and investigate other complaints of discrimination against any person because of **actual or perceived Protected Class or retaliation for engaging in a Protected Activity** [~~race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age,~~

~~handicap or disability or use of support animals because of the handicap or disability of the user,~~] and seek the satisfactory adjustment of such complaints. Any complaint filed under this subsection which the Commission believes may constitute a violation of a law of the United States or the Commonwealth may be certified to its Solicitor for such actions as it deems proper.

(3) Hold public hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith require the productions of evidence relating to any matter under investigation or any question before the Commission, make findings of fact, issue orders and publish such findings of fact and orders and do all other things necessary and proper for the enforcement of this Article.

(4) Certify upon the request of any person that a particular occupation or position is exempt from the provisions of this Article relating to unlawful employment practices if the Commission finds that the occupation or position reasonably requires the employment of persons of a particular [~~race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, age, handicap or disability or use of support animals because of the handicap or disability of the user,~~] **Protected Class as defined under Section 659.03 of this Article** and that such certification is not sought as a means of circumventing the spirit and purpose of this Article. The burden of proving the facts required for such a finding shall be in each instance upon the person requesting the certification of exemption from the provisions of this Article.

(5) Study and investigate by means of public hearings or otherwise any conditions having an adverse effect on intergroup relations in the [~~c~~]**C**ity, and study the problems of prejudice, intolerance, bigotry and discrimination as it affects the public safety and general welfare of the city.

(6) Institute and conduct educational and other programs to promote the equal rights and opportunities of all persons, regardless of [~~their race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age, handicap or disability or use of support animals because of the handicap or disability of the user,~~]**actual or perceived Protected Class** and promote understanding among persons and groups of different [~~races, colors, religions, ancestries, national origins, places of birth, sexes, sexual orientations, familial status, ages, handicaps or disabilities or use of support animals~~]**Protected Classes**. In the performance of its duties, the Commission may cooperate with interested residents, private agencies and agencies of the Federal, Commonwealth and local governments.

(7) Issue publications and reports of investigations and research in the field of human relations[~~,~~] and cooperate with and accept grants from public and private agencies, including foundations, colleges and universities, engaged in similar research.

(8) Request other departments, boards and commissions of the City government to assist in the performance of its duties, and such other departments, boards and commissions shall cooperate fully with the Commission.

(9) Assist in the enforcement of fair practices in [~~the~~] City contracts.

(10) Render written reports of its activities and recommendations to the Mayor and Council.

(11) Recommend legislation to promote and [~~insure~~]**ensure** equal rights and opportunities for all persons regardless of [~~their race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age, handicap or disability or use of support animals because of the handicap or disability of the user.~~]**actual or perceived Protected Class.**

(12) Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this Article.

Section 3: Chapter 659 Unlawful Practices is hereby amended as follows:

§ 659.07 UNLAWFUL CIVIL RIGHTS PRACTICES.

(a) It shall be an unlawful civil rights practice for any City **of Pittsburgh** employee, **official, or agency**, including City of Pittsburgh Police, while acting as **a representative of the City of Pittsburgh** [~~an employee~~], to discriminate in the treatment of any person **because of their protected class**. In the case of the police, such unlawful discriminatory treatment includes, but is not limited to interviews, confrontations, **detentions,** investigations, interrogations, patdowns, searches, seizures, or arrests conducted because of the person's **actual or perceived protected class identity or status** [~~race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, age, handicap or disability or use of support animals.~~]

(b) [~~There shall be no Commission actions taken under this section while a complaint is filed, investigated and otherwise processed by the bureau, division or office (now known as the Office of Municipal Investigation) in charge of internal affairs for a period of one hundred eighty (180) days or until the Office of Municipal Investigations processes are completed, whichever first occurs.~~] **Protected classes under this section shall include Race; Color; Religion; Ancestry; National Origin; Place of Birth; Sex; Sexual Orientation; Pregnancy; Gender Identity or Expression; Handicap or Disability, including use or training of assistance animals; Hairstyles and protective and cultural hair textures and hairstyles; Citizenship or immigration status; Preferred language; and Victims of domestic violence.**

(c) If a complaint has been filed with the bureau, division or office in charge of internal affairs, [~~once it has been disposed of,~~] the bureau, division or office in charge of internal affairs shall cooperate with the Commission and provide all information necessary for the Commission's proceedings **to the extent possible**.

(d) If, after a hearing, the Commission finds that a respondent has not engaged in or is not engaging in any unlawful civil rights practices as defined in this section, **and the respondent proves that the**

complaint upon which the hearing was based was brought in bad faith, the Commission [~~shall~~] **may** award attorney fees and costs to the prevailing respondent [~~if the respondent proves that the complaint upon which the hearing was based was brought in bad faith.~~]