

ARTICLE 185  
Human Relations

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CROSS REFERENCES

Housing and redevelopment assistance, discrimination - see 35 P.S. §1664  
Pennsylvania Human Relations Act - see 43 P.S. §951 et seq.  
Fair Housing - see ADM. Art. 183  
Commission to enforce fair housing provisions - see ADM. 183.05

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185.01 SHORT TITLE.

This act may be cited as the "City of York Human Relations Ordinance."  
(Ord. 32-2022. Passed 5-18-22.)

185.02 FINDINGS AND DECLARATION OF POLICY.

(a) The practice or policy of discrimination against individuals or groups by reason of their race, color, familial status, religious creed, ancestry, age, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability, use of guide or support animals because of the disability of the user or because the user is a handler or trainer of support or guide animals is a matter of concern of the City. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the City, and undermines the foundations of a free democratic society.

The denial of equal employment, housing and public accommodation opportunities because of such discrimination, and the consequent failure to utilize the productive capacities of individuals to their fullest extent, deprives large segments of the population of the City of earnings necessary to maintain decent standards of living, necessitates a resort to public relief and intensifies group conflicts, thereby resulting in grave injury to the public health and welfare, compels many individuals to live in dwellings which are substandard, unhealthy and overcrowded, resulting in racial segregation in public schools and other community facilities, juvenile delinquency and other evils, hereby threatening the peace, health, safety and general welfare of the City and its inhabitants.

(b) It is hereby declared to be the public policy of this City to foster the employment of all individuals in accordance with their fullest capacities regardless of their race, color, religious creed, ancestry, age, familial status, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability, use of guide or support animals because of the disability of the user or because the user is a handler or trainer of support or guide animals, and to safeguard rights to obtain and hold employment without such discrimination, to assure equal opportunities to all individuals and to safeguard rights to public accommodation and to secure housing accommodation and commercial property regardless of race, color, familial status, religious creed, ancestry, age, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability, use of guide or support animals because of the disability of the user or because the user is a handler or trainer of guide or support animals.

(c) This article shall be deemed an exercise of the powers granted to the City under applicable State and Federal laws for the protection of the public welfare, prosperity, health and peace of the people of the City of York. The provisions of this article shall be construed liberally for the accomplishment of the purposes therein.  
(Ord. 32-2022. Passed 5-18-22.)

#### 185.03 GENERAL PURPOSE.

The opportunity for an individual to obtain employment for which he is qualified, and to obtain all the accommodations, advantages, facilities and privileges of any public accommodation and of any housing accommodation and commercial property without discrimination because of race, color, familial status, religious creed, ancestry, disability, age, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals is hereby recognized as and declared to be a civil right which shall be enforceable as set forth in this article.  
(Ord. 32-2022. Passed 5-18-22.)

#### 185.04 DEFINITIONS.

As used in this article, unless a different meaning clearly appears from the context, certain terms are defined as follows. Words importing the masculine extend and shall be applied to the feminine and neuter genders.

- (a) "Accessible" means being in compliance with the applicable standards set forth in the following:
- (1) The Fair Housing Act (Public Law 90-284, 42 U.S.C. § 3601 et seq.);
  - (2) The Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. § 12101 et seq.);

- (3) The act of September 1, 1965 (P.L. 459, No. 235, 71 P.S. § 1455.1 et seq.), 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 disabilities, and providing for enforcement;" and
- (4) Other applicable Federal, State or local laws or regulations covering accessibility or accommodations.
- (b) "Age" includes any person eighteen (18) years of age or older.
- (c) "Aggrieved person" means any person who claims to have been injured by a discriminatory practice or believes that a discriminatory practice is about to occur.
- (d) "Commercial property" means:
- (1) Any building, structure or facility, or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied for the purpose of operating a business, an office, a manufactory or any public accommodation; and
  - (2) Any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern or public accommodation.
- (e) "Commission" means the City of York Human Relations Commission.
- (f) "Disability," with respect to a person, means:
- (1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
  - (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. § 802).
- (4) As used in this paragraph, the phrase:
- A. "Physical or mental impairment" means a physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin and endocrine or a mental or psychological disorder, such as mental illness, and specific learning disabilities.
  - B. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
  - C. "Has a record of such an impairment" means has a physical or mental impairment that does not substantially limit major life activities but that is treated by an employer or owner, operator or provider of a public accommodation as constituting such a limitation; has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or has none of the impairments defined in subsection(f)(4)A. hereof but is treated by an employer or owner, operator, or provider of a public accommodation as having such an impairment.

- (g) "Discriminate" or "discrimination" means any difference in treatment in hiring, referring for hire, promoting, training, membership in employee or labor organizations, the sale, lease, rental or financing of housing, rendering service in places of public accommodation, because of race, color, familial status, religious creed, ancestry, age, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability, or the use of guide or support animals because of the disability of the user or because the user is a handler or trainer of support or guide animals. The term "discrimination" includes segregation, and also includes any act which is unlawful under this article.
- (h) "Employee" does not include:
- (1) Any individual employed in agriculture or in the domestic service of any person;
  - (2) Any individuals who, as a part of their employment reside in the personal residence of the employer;
  - (3) Any individual employed by said individual's parents, spouse or child.
- (i) "Employer" means any person who employs four or more employees within the City of York, including the Commonwealth of Pennsylvania, and all political subdivisions, authorities, boards and commissions thereof, including the City of York, but excluding any religious group where selection is on the basis of membership in the religious group and not on the basis of race, color, familial status, ancestry, age, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability, or the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals.
- (j) "Employment agency" includes any person regularly undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer or place employees.
- (k) "Fair Housing Act" means Public Law 90-284, 42 U.S.C. § 3601 et seq.
- (l) "Familial status" means one or more individuals who have not attained the age of eighteen 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.
- NOTE: The protections 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 years
- (m) "Hairstyles" means hair texture and styles of hair of any length, such as protective or cultural hairstyles, natural hairstyles, and other forms of hair presentation.
- (n) "Housing accommodation" includes:
- (1) Any building, structure, mobile home site or facility, or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied as the home residence or sleeping place of one or more individuals, groups or families whether or not living independently of each other; and
  - (2) Any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, mobile home site or facility.

The term "housing accommodation" shall not include any personal residence, limited to the exceptions in §804 (except (c)) of the Fair Housing Amendments Act of 1988. (See "v" below).

- (o) "Housing for older persons" means housing:
- (1) Provided under any State or Federal program that ~~the Secretary Commission~~ determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program and subordinate to any determination made by the Secretary of Housing and Urban Development with respect to federally-assisted programs); or
  - (2) Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
  - (3) Intended and operated for occupancy by persons fifty-five (55) years of age or older, and:
    - A. At least eighty percent (80%) of the occupied units are occupied by at least one person who is fifty-five (55) years of age or older;
    - B. The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subsection; and
    - C. The housing facility or community complies with rules issued by the Commission for verification of occupancy, which shall:
      1. Provide for verification by reliable surveys and affidavits; and
      2. Include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of subsection (o)(3)C.1. hereof. Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.
- NOTE: Housing shall not fail to meet the requirements for housing for older persons by reason of persons residing in such housing as of September 13, 1988, who do not meet the age requirements of subsections (o)(1) or (3) hereof.
- (p) "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 (Public Law 90-284, 42 U.S.C. § 3601 et seq.).
- (q) "Labor organization" includes 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.
- (r) "Lending institution" means any bank, insurance company, savings and loan association or any other person or organization regularly engaged in the business of lending money, guaranteeing loans, purchasing loans or providing other financial assistance which is either secured by residential real estate or is for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or engaged in the selling, brokering, or appraising of residential real property.
- (s) "Non-job related disability" means any disability which does not substantially interfere with the ability to perform the essential functions of the employment which a disabled person applies for, is engaged in or has been engaged in. Uninsurability or increased cost of insurance under a group or employee insurance plan does not render a disability job related.

- (t) "Owner" includes lessee, sublessee, assignee, manager, agent or any other person having the right of ownership or possession or the authority to sell, rent or lease any housing accommodation, including the City and its departments, boards and commissions.
- (u) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees in bankruptcy or receivers. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, independent contractor, lending institution, the Commonwealth of Pennsylvania, and all political subdivisions, authorities, boards and commissions thereof, including the City of York.
- (v) "Personal residence" means any single-family house sold or rented by an owner, provided:
- (1) That such private individual owner does not own more than three such single-family houses at any one time;
  - (2) That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four (24) month period;
  - (3) That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one time.
  - (4) That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this article only if such house is sold or rented:
    - A. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person;
    - B. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of this article but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.
- The term "personal residence" is limited to rooms or units containing living quarters occupied or intended to be occupied by no more than two (2) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- ~~"Personal Residence" as defined is limited to the exceptions in §804 (except (e)) of the Fair Housing Amendments Act of 1988.~~
- (w) "Protective and Cultural Hair Textures and Hairstyles" means 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.

- (x) "Public accommodation, resort or amusement" means provision of service; or any place which is open to, accepts or solicits the patronage of the general public; or offers goods or services to the general public; the Commonwealth of Pennsylvania, and all political subdivisions, authorities, boards and commissions thereof, including the City of York. The term "public accommodation" shall not include any accommodations which are in their nature distinctly private, personal and confidential.
- (y) "Real estate-related transaction" means any of the following:
  - (1) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a housing accommodation or commercial property.
  - (2) The purchasing, constructing, improving, repairing or maintaining a housing accommodation or commercial property.
  - (3) The selling, brokering or appraising of real property.
- (z) "Real estate broker" means any natural person, partnership, association or corporation who, for a fee or other valuable consideration, or other purposes, 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 himself out as engaged in the business of selling, purchasing, exchanging or renting the real property of another, or collects rental for the use of the real property of another or attempts to secure the listing for sale or rental of a housing unit by representing that a change has occurred or will or may occur with respect to the age, racial, religious creed, ethnic, disability, the use of a guide or support animal, sexual orientation, or familial status composition of the street, block, neighborhood or area in which such housing accommodation is located.
- (aa) "Real estate salesperson or agent" means any person employed by a real estate broker to perform, or to assist in the performance of, any or all of the functions of a real estate broker, or providing any services in connection therewith.
- (ab) "Sexual orientation" means male or female heterosexuality, homosexuality, bisexuality, or any other gender identity by practice or as perceived by others.
- (ac) "Gender identification" means one's personal sense of their gender. For transgender people, their birth-assigned sex and their own sense of gender identity do not match.  
(Ord. 32-2022. Passed 5-18-22.)

#### 185.05 UNLAWFUL DISCRIMINATORY PRACTICES IN EMPLOYMENT.

(a) It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualification, or in the case of a fraternal corporation or association, unless based upon membership in such association or corporation, or except where based upon applicable security regulations established by the United States, the Commonwealth of Pennsylvania, or the City of York; for any employer because of the race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, or non-job related disability or the use of a guide or support animal because of the disability of any individual or independent contractor, to refuse to hire or employ or contract with, or to bar or to discharge from employment such individual or independent contractor, or to otherwise discriminate against such individual or independent contractor with respect to compensation, hire, tenure, terms, conditions or privileges of employment or contract, if the individual or independent contractor is the best able and most competent to perform the services required.

- (b) For any employer, employment agency or labor organization, prior to the employment, contracting with an independent contractor or admission to membership, to:
- (1) Make any inquiry, elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability or the use of guide or support animal because of the disability of an applicant for employment or membership. Prior to an offer of employment, an employee may not inquire as to whether an individual has a disability or as to the severity of such disability. An employer may inquire as to the individual's ability to perform the essential functions of the employment.
  - (2) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, non-job related disability or the use of a guide or support animal because of the disability of the user.
  - (3) Deny or limit, through a quota system or otherwise, employment or membership because of race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, non-job related disability, the use of a guide or support animal because of the disability of the user.
  - (4) Substantially confine or limit recruitment or hiring of individuals, with intent to circumvent the spirit and purpose of this act, to any employment agency, employment service, labor organization, training school or training center or any other employee referring source.
  - (5) Deny employment because of, or a perception of, a prior disability.
  - (6) Nothing above shall prevent the Commission from requiring reports, information or answers to questions regarding race, color, religious creed, ancestry, age, sex, disability, the use of a guide or support animal, national origin or sexual orientation in connection with their compliance procedure or affirmative action or educational programs.

Nothing in subsection (b) hereof shall bar any institution or organization for disabled persons from limiting or giving preference in employment or membership to disabled persons.

(c) For any labor organization because of the race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, non-job related disability or the use of a guide or support animal because of the disability of any individual to deny full and equal membership rights to any individual or otherwise discriminate against such individuals with respect to hire, tenure, terms, conditions or privileges of employment or any other matter, directly or indirectly, related to employment.



(d) For any person, employer, employment agency or labor organization to discriminate in any manner against any individual because such individual has opposed any practice forbidden by this act, or because such individual has made a charge, testified or assisted, in any manner, in any investigation, proceeding or hearing under this article.

(e) For any person, employer, employment agency, labor organization or employee, to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or to obstruct or prevent any person from complying with the provisions of this article or any order issued thereunder, or to attempt, directly or indirectly, to commit any act declared by this section to be an unlawful discriminatory practice. (See also Section 185.06(b)).

(f) For any employment agency to fail or refuse to classify properly, refer for employment or otherwise to discriminate against any individual because of his race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, non-job related disability or the use of a guide or support animal because of the disability of the user.

(g) For any individual seeking employment to publish or cause to be published any advertisement which in any manner expresses a limitation or preference as to the race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, non-job related disability or the use of a guide or support animal because of the disability of any prospective employee.

(h) For any employer to discriminate against an employee or a prospective employee because the employee only has a diploma based on passing a general educational development test as compared to a high school diploma. However, should vocational technical training or other special training be required with regard to a specific position, then such training or special training may be considered by the employer.

(i) To exclude or otherwise deny equal jobs or benefits to a person because of the disability of an individual with whom the person is known to have a relationship or association.

(j) It shall not be an unlawful employment practice for an employer to express a preference for a certain kind of applicant where the position to be filled requires special qualifications, skills or experience as long as such preference is not on the basis of race, color, religious creed, ancestry, age, sex, national origin or disability, hairstyles and protective and cultural hair textures and hairstyles, the use of a guide or support animal, or sexual orientation or gender identification. Likewise, this section of the article shall not be construed to prohibit the refusal to hire or the dismissal of a person who is not able to function properly in the job applied for or engaged in.

(Ord. 32-2022. Passed 5-18-22.)

#### 185.06 UNLAWFUL DISCRIMINATORY PRACTICES IN HOUSING.

(a) It shall be an unlawful discriminatory practice for any person to:

- (1) Refuse to sell, lease, finance, or otherwise to deny, withhold, make unavailable, any housing accommodation or commercial property from any person, or establish, announce, or follow a policy of denying or

limiting housing opportunities through a quota or otherwise, because of the race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, Source of Income, or disability of any person, prospective owner, occupant or user of such housing accommodation or commercial property, or to refuse to lease any housing accommodation or commercial property to any person due to use of a guide animal because of the disability of the user, use of a support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals or because of the disability of an individual with whom the person is known to have a relationship or association.

- (1.1) Evict or attempt to evict an occupant of any housing accommodation before the end of the term of a lease because of pregnancy or the birth of a child.
- (1.2) "Otherwise to deny" as stated above includes but is not limited to:
  - A. Representing to any person because of race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability, or who are guide or support animal dependent, that a dwelling is not available for sale, rental or inspection when such dwelling is in fact available.
  - B. Failing to negotiate for the sale or rental of a dwelling.
- ~~(2) Refuse to lend money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property or otherwise withhold financing of any housing accommodation or commercial property from any person because of the race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability of any person, the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals or because of the disability of an individual with whom the person is known to have a relationship or association. This prohibition includes money lent for any purpose, when the loan is secured by residential real estate.~~
- (3) Discriminate against any person in the terms or conditions of selling or leasing any housing accommodation or commercial property or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any housing accommodation or commercial property because of the race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, Source of Income, disability of any person, the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals or because of the disability of an individual with whom the person is known to have a relationship or association.

**Commented [BF1]:** This was moved so exceptions that were not applicable did not apply.

- (3.1) Refuse to permit, at the expense of a person with a disability, 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, grant permission for a modification if the renter agrees to restore the interior of the premises to the condition that existed before the modification, with reasonable wear and tear excepted.
- (3.2) Refuse to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a housing accommodation.
- ~~(4) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property because of the race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, or disability of any person, the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of guide or support animals or because of the disability of an individual with whom the person is known to have a relationship or association.~~
- (5) Print, publish, make, or circulate any statement, publication, notice, or advertisement:
- A. Relating to the sale, lease or acquisition of any housing accommodation or commercial property or the loan of money, whether or not secured by mortgage, or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property which indicates any preference, limitation, specification, or discrimination based upon race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability or because of the disability of an individual with whom the person is known to have a relationship or association, or
- B. Relating to the sale, lease or acquisition of any housing accommodation or commercial property which indicates any preference, limitation, specification or discrimination based upon use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals.
- (6) Make any inquiry, elicit any information, make or keep any record or use any form of application for the purchase, rental or lease of housing accommodations or to make real estate appraisals, containing questions or entries concerning race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability or because of the disability of an individual with whom the

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person is known to have a relationship or association in connection with the sale or lease of any housing accommodation or commercial property or loan of any money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property, or to make any inquiry, elicit any information, make or keep any record or use any form of application containing questions or entries concerning the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals, in connection with the lease of any housing accommodation or commercial property.

- (7) Construct, operate, offer for sale, lease or rent or otherwise make available housing or commercial property which is not accessible in accordance with federal law. This provision includes design and construction requirements as required under §804(f)(3)(C) of the Fair Housing Amendments Act of 1988.
- (8) Nothing in the foregoing sections shall be construed to apply to Personal Residences.
- (9) Discriminate in the making or purchasing of loans or in the appraising or brokering of residential real estate. Discrimination in brokering includes, but is not limited to, denying access to or membership in any multiple listing service or facility relating to the sale or rental of dwellings based on race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability, or because of the disability of an individual with whom the person is known to have a relationship or association, or based upon use of a guide or support animal or because the person is a handler or trainer of guide or support animals.
- (10) ~~Construct, operate, offer for sale, lease or rent or otherwise make available housing or commercial property which is not accessible in accordance with federal law. This provision includes design and construction requirements as required under §804(f)(3)(C) of the Fair Housing Amendments Act of 1988.~~
- (11) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property because of the race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, or disability of any person, the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of guide or support animals or because of the disability of an individual with whom the person is known to have a relationship or association.
- (12) Refuse to lend money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property or otherwise withhold financing of any housing accommodation or commercial property from any person because of the race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability of any person, the use of a guide or support animal because of the disability

**Commented [BF3]:** This was moved from below to have the correct exceptions apply.

**Commented [BF4]:** This was moved so it applied only to the correct sections.

**Commented [BF5]:** Moved from above.

of the user or because the user is a handler or trainer of support or guide animals or because of the disability of an individual with whom the person is known to have a relationship or association. This prohibition includes money lent for any purpose, when the loan is secured by residential real estate.

- (13) Discriminate in real estate-related transactions, as described by and subject to the following:
- A. It shall be unlawful for any person or other entity whose business includes engaging in real estate-related transactions to discriminate against any person in making available such a transaction or in the terms or conditions of such a transaction because of race, color, religious creed, ancestry, national origin, sexual orientation, gender identification, sex, age, hairstyles and protective and cultural hair textures and hairstyles, disability, use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of guide or support animals or familial status.
  - B. It shall be unlawful for any real estate broker or real estate sales person or agent, or any other person for business or economic or other 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 a housing accommodation by representing that a change has occurred or will or may occur with respect to the racial, age, religious, ethnic, gender, hairstyles and protective and cultural hair textures and hairstyles, disability, the use of a guide or support animal, familial status or sexual orientation, gender identification, composition of the street, block, neighborhood or area in which such housing accommodation is located.
  - C. Nothing in this act prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religious creed, ancestry, national origin, sexual orientation, gender identification, sex, age, hairstyles and protective and cultural hair textures and hairstyles, disability, use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of guide or support animals or familial status.
- (14) Discriminate by engaging in certain real estate practices, including:
- A. Inducing, soliciting or attempting to induce or solicit for commercial profit any listing, sale or transaction involving any housing accommodation or commercial property by representing that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area in which there reside, or do not reside, persons of a particular race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability, or who are guide or support animal dependent.
  - B. Discouraging, or attempting to discourage, for commercial profit, the purchase or lease of any housing accommodation or commercial property by representing that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area in which there reside, or may in the future reside in increased or decreased numbers, persons of a particular race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability, or who are guide or support animal dependent.
  - C. Misrepresenting, creating or distorting a circumstance, condition or incident for the purpose of fostering the impression or belief, on the part of any owner, occupant or prospective owner or occupant

of any housing accommodation or commercial property, that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area which would be adversely impacted by the residence, or future increased or decreased residence, of persons of a particular race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability, or who are guide or support animal dependent within such neighborhood, community or area.

D. In any way misrepresenting or otherwise misadvertising within a neighborhood or community, whether or not in writing, that any housing accommodation or commercial property within such neighborhood or community is available for inspection, sale, lease, sublease or other transfer, in any context where such misrepresentation or misadvertising would have the effect of fostering an impression or belief that there has been or will be an increase in real estate activity within such neighborhood or community due to the residence, or anticipated increased or decreased residence, of persons of a particular race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, disability, or the use of a guide or support animal because of the disability of the user.

- (15) For any person with the intention of defeating the purposes of this article to sell, lease or transfer or attempt to sell, lease, or transfer or offer, advertise, or make available for sale, lease, or transfer any housing accommodation which is the subject of a written verified complaint filed with the Commission until final determination of the complaint.
- (11.1) For any person, after a complaint regarding a housing accommodation has been filed and prior to final determination by the Commission, to fail to include a notice of the complaint in any subsequent lease or agreement of sale involving that housing accommodation.
- (16) Nothing in this clause, regarding age or familial status, shall apply with respect to housing for older persons.
- (17) Nothing in this clause shall bar any religious or denominational institution or organization or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious organization or any bona fide private or fraternal organization from giving preference to persons of the same religion or denomination or to members of such private or fraternal organization or from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes or fraternal principles for which it is established, or maintained. This exemption requires that the dwelling be owned and operated for other than a commercial purpose.
- (13.1) The religious organization exemption applies only when membership in the religion is not restricted on account of race, color, ancestry, national origin, sexual orientation, gender identification, sex, age, hairstyles and protective and cultural hair textures and hairstyles, or disability.
- (13.2) The exemption for a fraternal organization is only for a private club not in fact open to the public and applies only to lodgings provided as an incident to the club's primary purpose.
- (18) Nothing in this clause shall apply:
  - A. With respect to discrimination based on sex, to the rental or leasing of housing accommodations in a single-sex dormitory.
  - B. To the rental of rooms in a landlord occupied rooming house with a common entrance. This exemption is limited to rooms or units containing living quarters occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies one of such living

quarters as his or her residence. NOTE: A "family" includes one person.

- (19) Nothing above shall prevent the Commission from requiring reports, information or answers to questions regarding race, color, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, gender identification or hairstyles and protective and cultural hair textures and hairstyles, disability, or the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals, in connection with their compliance procedure of affirmative action or educational programs.

NOTE: Everything in this section is subject to Subtitle B at Title 24 of the Code of Federal Regulations (CFR) Part 100 - Discriminatory Conduct Under the Fair Housing Act. Specifically, the exemptions at §100.10 are not subject to §804 (except (c)) but are subject to §§805, 806 and 818 of the Fair Housing Amendments Act of 1988.

(b) Prohibited Interference, Coercion or Intimidation.

- (1) It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this part, in accordance with the Fair Housing Act §818.
- (2) Conduct made unlawful under this section includes, but is not limited to, the following:
- A. Coercing a person, either orally, in writing, or by other means, to deny or limit the benefits provided that person in connection with the sale or rental of a dwelling or in connection with a residential real estate-related transaction because of race, ancestry, age, color, religion, sex, disability, familial status, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, or national origin.
  - B. Threatening, intimidating or interfering with persons in their enjoyment of a dwelling because of race, ancestry, age, color, religion, sex, disability, familial status, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, or national origin of such persons, or of visitors or associates of such person.
  - C. Threatening an employee or agent with dismissal or an adverse employment action, or taking such adverse employment action, for any effort to assist a person seeking access to the sale or rental of a dwelling or seeking access to any residential real estate-related transaction, because of the race, ancestry, age, color, religion, sex, disability, familial status, sexual orientation, gender identification, hairstyles and protective and cultural hair textures and hairstyles, or national origin of that person or any person associated with that person.
  - D. Intimidating or threatening any person because that person is engaging in activities designed to make other persons aware of, or encouraging such other persons to exercise, rights granted or protected by this article.

- E. Retaliating against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under this article or the Fair Housing Act. (Ord. 32-2022. Passed 5-18-22.)

\* \* \*

#### 185.10 PROCEDURE.

(a) Any person claiming to be aggrieved by an alleged unlawful discriminatory practice, may make, sign and file with the Commission a verified complaint in writing which shall state the name and address of the persons alleged to have committed the unlawful practice and the particulars thereof. The complaint shall also contain such other information as may be required by the Commission. The Commission, upon its own initiative, may in like manner sign and file a complaint. The complainant shall have the power to fairly and reasonably amend any complaint, and the respondent shall have the like power to amend an answer. The Commission's right to amend a complaint is hereby limited to those complaints initiated and filed by the Commission.

(b) After the filing of any complaint the Commission shall make a prompt investigation. The Commission, or its designee, may engage in mediation at any point as authorized by the complainant. In the conduct of such investigation the Commission may issue subpoenas to any person to furnish information, records and other documents. The Commission must commence proceedings within thirty (30) days of receipt of the complaint. The Commission shall complete its investigation of a complaint within 100 days of receipt of the complaint, unless otherwise impracticable and, then, upon written notification and explanation of such impracticability to all parties. Administrative disposition of a complaint shall be within one (1) year of its filing and, if otherwise impracticable, upon written notification to all parties of the reasons for such impracticability.

(c) At the time of filing a complaint, the Commission shall advise the complainant of the time limits and choice of forums and advise the respondent of procedural rights.

(d) Upon the filing of a complaint, the Commission shall send a copy of the complaint to the complainant and to the named respondent within ten (10) days from the date of docketing the complaint, unless otherwise required by the Fair Housing Act.

(e) A respondent shall file a written, verified answer to the complaint within thirty (30) days of service of the complaint, unless otherwise required by the Fair Housing Act. The Commission, upon request of the respondent, may grant an extension of not more than thirty additional days, unless otherwise required by the Fair Housing Act.

(f) If after thirty (30) days (in no case more than sixty (60) days with an extension granted by the Commission) a respondent fails to answer the complaint, the allegations contained within said complaint will be deemed admitted by respondent and the Commission will proceed as if respondent had filed an answer admitting the allegations contained within the complaint.

(g) After service of the complaint, the Commission shall encourage voluntary and informed predetermination settlements between parties through conciliation.

- (1) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the Commission.
- (2) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

**Commented [BF6]:** This was not a HUD request, just a clarification as the Commission's staff are the ones doing the investigations.

**Commented [BF7]:** Required conciliation process.



- (3) Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Commission determines that disclosure is not required to further the purposes of this subchapter.
- (4) Any conciliation agreement arising out of conciliation efforts by the Commission shall be an agreement between the Commission, respondent and the complainant and shall be subject to the approval of the Commission. Each conciliation agreement shall be made public unless the complainant, respondent, and Commission all agree that disclosure is not required to further the purposes of this Article.

(h) If it is determined after such investigation that there is no basis for the allegations of the complaint, the Commission shall, within ten (10) days from such determination, cause to be issued and served upon the complainant written notice of such determination. The notices shall also state that the complaint will be dismissed unless within ten (10) days after such service the complainant or his attorney file, with the Commission, a request for a review hearing. The Commission shall, upon request for such a hearing, provide the complainant and his attorney, if any, an opportunity to appear before the Commission, a member thereof or a staff representative of the Commission, at the election of the Commission to present such additional information as may be available to support the allegations of the complaint. If, after such a hearing, the Commission or its representative determines that there is no basis for the allegation the complaint shall be dismissed and there shall be no appeal from such a decision.

(i) If the Commission, after investigation, determines that probable cause exists, the Commission shall promptly issue a charge and immediately endeavor to eliminate the unlawful practice complained of by conference, conciliation, and persuasion. ~~Any conciliation agreement arising out of conciliation efforts by the Commission shall be an agreement between the respondent and the complainant and shall be subject to the approval of the Commission. Each conciliation agreement shall be made public unless the complainant, respondent, and Commission all agree that disclosure is not required to further the purposes of this article.~~

Commented [BF8]: This was moved into (g).

(j) If the Commission, ~~in its discretion,~~ finds it is not possible to eliminate such unlawful practices by persuasion, the Commission shall cause to be issued and served a written notice, together with a copy of such complaint as originally filed or as the same may have been amended by the Commission, requiring the respondent to answer the charges of such complaint at a hearing before the Commission at a time and place to be specified in such notice. The Commission may designate one or more of its members to preside at such meeting, or it may at its election conduct such hearing en banc.

- (1) Whenever notice of a hearing has been given under this subsection, either party may elect to have the claim asserted in the complaint decided in a civil action brought under the original jurisdiction of the Court of Common Pleas of York County. The written notice of the Commission shall inform the parties of this right. An election must be made within twenty (20) days after receipt of the notice of hearing. If an election for civil action is made by either party, the Commission shall, within thirty (30) days from the date of election, commence and maintain a civil action on behalf of the complainant.

(k) The case in support of the complaint shall be presented to the Commission by its attorney or by a member of its staff. The respondent may file a written verified answer to the complaint and appear at such hearing in person or with counsel. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and shall be recorded by a stenographer which shall be transcribed if necessary.

(l) If, upon all the evidence at the hearing, the Commission finds that the respondent has been engaged in or is engaged in any unlawful practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent an order requiring the

respondent to cease and desist from such unlawful practice or practices and to take such affirmative action, including, but not limited to hiring, reinstatement or upgrading of employees, with or without back pay, restoration to membership in any respondent labor organization, or the extension of full, equal and unsegregated accommodation, advantages, facilities and privileges to all persons, and/or such other equitable and civil remedies including but not limited to compensatory damages, attorney's fees, out-of-pocket expenses, costs, and the assessment of a civil penalty as available under the Pennsylvania Human Relations Act, Act of Oct. 27, 1955, (P.L. 744, No. 222), as amended, as, in the judgment of the Commission, will effectuate the purpose of this article, and including a requirement for report of the manner of compliance.

(m) If, upon all the evidence, the Commission finds that the respondent has not engaged in any unlawful practice, the Commission shall state its findings of fact and shall dismiss the complaint. Notice of such action shall be given to the complainant and respondent.

(n) Any complaint filed pursuant to this section must be so filed within 180 days after the alleged act of discrimination, unless otherwise required by the Fair Housing Act. Any complaint may be withdrawn at any time by the party filing the complaint.

(o) In all situations which may require prompt judicial relief, including those situations when it appears that a housing unit or units involved in a complaint may be sold, rented or otherwise disposed of before a determination of the case has been made, and the Commission shows probable cause for the complaint, the Court of Common Pleas of York County may issue an injunction restraining the complained of activity, including injunction of the sale, rental or other disposition of the unit or units except in compliance with the order of court. The court may attach to any such injunction granted such other conditions as it deems proper. Such injunction, if issued, shall be of no more than thirty (30) days duration. If an extension of time is required, this extension may be granted at the discretion of the court but a reasonable bond may be required by the court before granting such extension.

(p) In cases involving a claim of discrimination, if a complainant invokes the procedures set forth in this article, the right of the complainant to concurrently commence a civil action, that individual's right of action in the courts of the Commonwealth shall not be foreclosed diminished, so long as such civil action is commenced within two (2) years after the occurrence or termination of an alleged discriminatory practice. If the court finds that the respondent has engaged in or is engaging in an unlawful discriminatory practice charged in the complaint, the court shall enjoin the respondent from engaging in such unlawful discriminatory practice and order affirmative action which may include, but is not limited to, reinstatement or hiring of employees, granting of back pay, compensatory or punitive damages, attorney's fees, or any other legal or equitable relief as the court deems appropriate. (Ord. 32-2022. Passed 5-18-22.)

Commented [BF9]: Revised to track the language of the Act.

#### 185.12 ENFORCEMENT AND JUDICIAL REVIEW.

The complainant, the City or the Commission may secure enforcement of the order of the Commission or other appropriate relief by the Court of Common Pleas of York County. When the Commission has heard and decided any complaint before it, enforcement of its order shall be initiated by the filing of a petition in such court, together with a transcript of the record of the hearing before the Commission, and issuance and service of a copy of such petition as in proceedings in equity. When enforcement of a Commission order is sought, the court may make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, an order or decree enforcing, modifying and enforcing as so modified, or setting aside, in whole or in part, the order of the Commission, and the jurisdiction of the court shall not be limited by acts pertaining to equity jurisdiction of the courts. Any failure to obey an order of the court may be punished by such court as a contempt thereof. A final order entered by the Commission is an appealable order. (Ord. 32-2022. Passed 5-18-22.)

#### 185.13 CONFLICT.

When a provision of this article is found to be in conflict with a provision of any other City ordinance, or any regulation issued under the authority of such ordinance, the provisions which establish the higher standard for the protection of health, safety and welfare shall prevail.

(Ord. 32-2022. Passed 5-18-22.)

#### 185.14 AUTHORIZATION TO RECEIVE DONATIONS.

The authorization and appropriation of public funds to the Human Relations Commission shall not preclude the Commission from accepting donations, to be used in administering this article, from any other sources, public or private.

(Ord. 32-2022. Passed 5-18-22.)

#### 185.15 ADDITIONAL COVERAGE.

County government or other governmental subdivisions of York County may elect to be affiliated with the Commission in accordance with the following procedures:

- (a) A statement of intent and a record of the proceedings shall be certified to the City Solicitor by a representative of the governmental unit seeking affiliation.
- (b) Amendments to this article shall be drafted by the representatives of Council, the Commission and the governmental unit electing to affiliate, in order to resolve problems of affiliation relating to financial support, representation, reporting changes in name and other relationships.
- (c) The governmental unit electing to affiliate shall, after the conditions of participation have been agreed upon by their representatives as provided in subsection (b) hereof, transmit to the City Solicitor the resolutions and proceedings of the governmental subdivision, stating the conditions of affiliation.
- (d) Upon acceptance of such affiliation by Council, by resolution duly adopted by it which includes the conditions of affiliation, the provisions of this article shall be applicable to such governmental unit, in accordance with the conditions of affiliation.

(Ord. 32-2022. Passed 5-18-22.)

#### 185.99 PENALTY.

~~Whoever violates any of the provisions of this article shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) and costs in addition to any order or decree that may be issued by any court and any applicable penalties under the Fair Housing Act.~~  
(Ord. 32-2022. Passed 5-18-22.)

#### (a) Penalties for Unlawful Discriminatory Practices in Housing.

If the Commission finds that a respondent has engaged or is about to engage in a discriminatory housing practice prohibited by this Article, the Commission shall promptly issue an order for such relief as may be appropriate, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent—

(1) in an amount not exceeding \$11,000 if the respondent has not been adjudged to have committed any prior discriminatory practice;

(2) in an amount not exceeding \$27,500 if the respondent has been adjudged to have committed one other discriminatory practice during the 5- year period ending on the date of the filing of this charge; and

(3) in an amount not exceeding \$55,000 if the respondent has been adjudged to have committed 2 or more discriminatory practices during the 7- year period ending on the date of the filing of this charge; except that if the acts constituting the discriminatory practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory practice, then the civil penalties set forth in subparagraphs (B) and (C) may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

(b) Penalties for Unlawful Discriminatory Practices in Employment. If the Commission finds that a respondent has engaged or is about to engage in a discriminatory employment practice prohibited by this Article, the Commission shall promptly issue an order for such relief as authorized under the Civil Rights Act of 1964, 42 U.S.C § 2000e et seq.; Civil Rights Act of 1991, 42 U.S.C. § 1981 et seq.; and the Pennsylvania Human Relations Act, 43 P.S. § 951 et seq. as the Commission deems appropriate.

(c) Penalties for Unlawful Discriminatory Practices by Public Accommodations. If the Commission finds that a respondent has engaged or is about to engage in a discriminatory practice prohibited by this Article, the Commission shall promptly issue an order for such

Commented [BF10]: Revised with the language of the Act.

relief as may be appropriate, which may include actual damages suffered by the aggrieved person, injunctive or other equitable relief, punitive damages as the Commission determines is necessary to appropriately deter such future conduct, and, to vindicate the public interest as the Commission may determine, assess a civil penalty against the respondent in an amount not to exceed \$1,000.00.

