BILL NO. 53-2009
AN ORDINANCE

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF READING, CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 5 BOARDS, DEPARTMENTS, COMMISSIONS, COMMITTEES AND COUNCILS, PART C HUMAN RELATIONS COMMISSION

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Human Relations Commission Ordinance outlines the City's position on discrimination.

SECTION 2. The Human Relations Commission Ordinance is amended to add sexual orientation and gender identity or expression as attached in Exhibit A.

SECTION 3. This Ordinance shall become effective 10 days from the passage of Council.

Enacted Sept 28, 2009

President of Council

Attest:

Linda Kelleher, City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 28th day of Sept. A. D. 2009. Witness my hand and seal of the said City this 2nd day of Oct. A. D. 2009

CITY CLERK

Submitted to Mayor: _____
Date: 9-29-09

Received by the Mayor's Office: _____
Date: 9/29/09

Approved by Mayor: _____
Date: 9/29/09

Vetoed by Mayor: _____
Date: _____

Exhibit A

C. Human Relations Commission; Discrimination.

§1-521. Legislative Findings and Declaration of Policy.

1. **Legislative Findings.**

   A. The population of the City consists of people of many races, colors, religions, ancestries, ***sexual orientations, gender identities or expressions,*** national origins, ages, sex and familial status. Some suffer from handicaps. Others have previously filed charges of discrimination with the Commission of Human Relations or a similar State or Federal agency. Some of these citizens, for one or more of the above mentioned reasons, are discriminated against in employment opportunities, places of business, public accommodations, resort, recreation and amusement, housing facilities and the obtaining of loans and the extending of credit for housing accommodations.

   B. Discrimination because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, handicap or previous opposition to individual discriminatory practices is contrary to the constitutions, laws and policies of the Commonwealth of Pennsylvania and the United States of America.

   C. Discrimination in employment prevents the gainful employment of segments of the residents of the City, tends to impair the City's productive capacity, reduces the public revenues, imposes substantial financial burden upon the public for relief and welfare, and tends to create breaches of the peace and depressed living conditions which breed crime, vice, juvenile delinquency and disease, and is detrimental to the public safety, economic growth and general welfare of the City.

   D. Discrimination in housing results in overcrowded, segregated areas with substandard, unsafe and unsanitary living conditions, which cause increased mortality, disease, crime, vice and juvenile delinquency, fires and risk of fire, intergroup tensions and other evils, all of which increase the cost of government and reduce the public revenues, and result in injury to the public safety, health and welfare of the City.

   E. Discrimination in places of public accommodation, resort, recreation, amusement and places of business, causes humiliation, embarrassment and inconvenience to residents and visitors of the City, tends to create breaches of the peace, intergroup tensions and conflicts and similar evils, and is detrimental to the public safety, general welfare and economic growth of the City.

2. **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 manufacture, to assure the right and opportunity of all persons to participate in the social, cultural, recreational and economic life of the City and to insure equal opportunity for all persons to live in decent housing facilities, free from restrictions because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.

B. To accomplish these goals, it shall be the public policy of the City to prohibit discrimination because of race, color, religion, ancestry, ***sexual orientation and gender identity or expression***, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination in employment, housing and places of business, public accommodation, resort, recreation or amusement. *(Ord. 6-2002*, 3/13/2002)

§1-522. Scope.

This Part applies to discriminatory practices including, but not limited to, discrimination in employment, housing and public accommodations, including places of business, which occur within the territorial limits of the City and to employment, contracted for, performed or to be performed within these limits, and to housing accommodations and places of business, public accommodation, resort, recreation and amusement located within the territorial limits of the City.
(*Ord. 6-2002*, 3/13/2002)

§1-523. Definitions.

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

ACCESSIBLE - with respect to covered multifamily dwellings that the public or common use areas of the building can be approached, entered and used by persons with individual handicaps.

AGE - includes any person 40 and above and shall also include any other person so protected by further amendment to the Federal Age Discrimination in the Employment Act.

AGGRIEVED PERSON - such person or persons who believe that they have been injured or will be injured by a discriminatory employment, housing or public accommodations act or practice that has occurred or is about to occur.

COMMISSION - the Commission of Human Relations established in the office of the Mayor of the City by this Part.

DISCRIMINATE and **DISCRIMINATION** - includes any difference in treatment based on race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.

DISCRIMINATORY HOUSING PRACTICE - an act that is either unlawful under the provisions of this Part or is unlawful under §§804, 805, 806 or 818 of the Federal Fair Housing Act, or §§955 or 955(h) of the Pennsylvania Human Relations Act.

EMPLOYER - any person who employs five or more employees, exclusive of the parents, spouse or children of such person, including the City, its department, boards, commissions and authorities, and any other governmental agency within its jurisdiction. The term "employer," with respect to discriminatory practices based on a class protected under this Part, includes religious, fraternal, charitable and sectarian corporations and associations employing four or more persons in the City.

EMPLOYMENT AGENCY - any person regularly undertaking, with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees.

FAMILIAL STATUS - one or more individuals, who have not obtained the age of 18 years being domiciled with:

1. A parent or another person having legal custody of such individual or individuals.

2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

3. Any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FEDERAL FAIR HOUSING ACT - Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3600-3620.

GENDER IDENTITY OR EXPRESSION – the actual or perceived gender identity, appearance, behavior, expression or physical characteristics whether or not associated with an individual's assigned sex at birth.

HANDICAP - with respect to a person, a physical or mental impairment which substantially limits one or more major life activities; a record of having such an impairment; or being regarded as having such an impairment.

HOUSING ACCOMMODATION - any building, structure, or portion thereof which is occupied as or designed or intended for occupancy as a resident by one or more families, 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.

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 of conditions of employment, or of other mutual aid or protection in relation to employment.

LENDING INSTITUTION - any bank, insurance company, savings and loan association, or any other person regularly engaged in the business of lending money or guaranteeing loans.

NONJOB RELATED HANDICAP or DISABILITY - any handicap or disability which does not substantially interfere with the ability to perform the essential functions of the employment which a handicapped person applies for, is engaged in, or has been engaged in. Uninsurability or increased cost of insurance under a group or employee insurance plan does not render a handicap or disability job related.

OWNER - includes the owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent or any other person having equitable or security interest in any housing accommodation, including the City and its departments, boards, commissions and authorities.

PENNSYLVANIA HUMAN RELATIONS ACT - the Act of 1955, October 27, P.L. 744, No. 222, §1, as amended, 43 P.S. §951 *et seq.*

PERSON - any individual, partnership, corporation, labor organization or other organization or association including those acting in a fiduciary or representative capacity, whether appointed by a court or otherwise. The term "person," as applied to partnerships or other organizations or associations, includes their members, and as applied to corporations, includes their officers.

PUBLIC ACCOMMODATION, RESORT or AMUSEMENT - any accommodation, resort or amusement which is open to, accepts or solicits the patronage of the general public including, but not limited to, inns, taverns, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, or consumption on the premises; bars, stores, parks or anywhere that liquor is sold; ice cream parlors, soda fountains and all stores where beverages of any kind are sold for consumption on the premises; drug stores, clinics, hospitals, swimming pools; barber shops, beauty parlors; retail stores; theaters, movie houses; race courses, skating rinks, amusement, recreation parks and fairs; bowling alleys, gymnasiums, shooting galleries and billiard and pool halls; public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses and all education institutions under the supervision of this City; nonsectarian cemeteries;

garages and all public conveyances operated on land or water or in the air as well as the stations, terminals and airports thereof; financial institutions; and all City facilities and services including such facilities and services of all political subdivisions thereof; but shall not include any accommodations which are in the nature distinctly private.

SEXUAL ORIENTATION – Actual or perceived heterosexuality, homosexuality or bisexuality.

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 holds itself out as engaged in the business of managing, selling purchasing, exchanging or renting 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 salesmen or agents or any other person employed by real estate broker to perform or to assist in the performance of his business.
(*Ord. 6-2002*, 3/13/2002)

§1-524. Human Relations Commission.

1. There is hereby established in the City of Reading, under the supervision of the Managing Director, a Human Relations Commission to administer, implement and enforce the provisions of this Part.

2. The Commission shall consist of nine members each to be appointed by the Mayor for a four year term. Commissioners may be reappointed to successive terms of office. Each member of the Commission shall continue to serve after his term until his successor has been appointed and qualified. Vacant seats on the Commission shall be filled within 90 days.

3. The Commission shall elect one of its members as chairman and may elect such other officers as it may deem necessary. The Chairman may, with the approval of the Commission, appoint such committees as may be necessary to carry out the powers and duties of the Commission, and the Commission may authorize such committees to take any necessary action for the Commission.

4. The Commission shall adopt such rules and regulations for its own organization, operations and procedures as the Commission shall deem necessary to administer, implement and enforce this Part.

5. The Commission shall hold at least eight meetings during each calendar year. Five members of the Commission shall constitute a quorum for the transaction of

business, and a majority vote of those present at any meeting shall be sufficient for any official action taken by the Commission.

6. The members of the Commission shall serve without compensation but upon resolution of Council, they may be reimbursed for all necessary expenses incurred in the performance of their duties in accordance with appropriations made by Council.

7. In the event no Commissioner shall be able and available to exercise any of the powers or fulfill any of the duties of the Commission as set forth in §1-525, the Mayor may appoint one or more Commissioners temporarily to assume the powers and/or fulfill the duties of the Commission. Such appointment may be limited in duration of term and in scope of the power and duties of any Commissioner so appointed.
(*Ord. 6-2002*, 3/13/2002)

§1-525. Powers and Duties of Commission.

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

A. Initiate, receive, investigate and seek the satisfactory adjustment of complaints charging unlawful practices, as set forth in this Part.

B. Issue subpoenas for persons and for documents which may be necessary to properly investigate a complaint of discrimination filed pursuant to this Part. Commissioners may not be subpoenaed to testify, nor may a Commissioner be deposed or otherwise interrogated with respect to any action taken on behalf of the Commission. Any complaint filed under this subsection which the Commission believes may constitute a violation of a law of the United States of America or the Commonwealth of Pennsylvania may be certified to the City Solicitor for such actions as he may deem proper.

C. 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 production 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 Part.

D. In the performance of its duties, the Commission may cooperate with and, if appropriate, contact interested citizens, private agencies and agencies of the Federal, State and local governments, and enter into such agreements as may be necessary to formalize such relationships.

E. Request staff, provided by the City to the Human Relations Commission, 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.

F. Hold investigative hearings upon request by Council in cases of racial tension and/or discrimination.

G. Assist in the enforcement of fair practices in City contracts.

H. Render, from time to time, a written report of its activities and recommendations to the Mayor and Council.

I. Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this Part. Such rules and regulations shall be in writing and be made available to parties upon request.
(*Ord. 6-2002*, 3/13/2002)

§1-526. Unlawful Employment Practices.

It shall be an unlawful employment practice, except where based upon applicable national security regulations established by the United States, by the Commonwealth of Pennsylvania, or by any political subdivision of the Commonwealth having jurisdiction in the City, or where based upon a bona fide occupational qualification:

A. For any employment to refuse to hire any person or otherwise, to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression*** national origin, age, sex, familial status, nonjob related handicap, or previous filing of a complaint of discrimination.

B. For any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting through a quota system or otherwise, the employment or membership opportunities of any person or group of persons because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.

C. For any employer, labor organization, employment agency or any joint labor management committee controlling apprentice training programs to deny or to withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training program, and on the job training program or any other occupational training program because of race, color, religion, ancestry, ***sexual orientation, gender***

identity or expression, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.

D. For any employer, employment agency or labor organization to require of any applicant for employment or membership any information concerning race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, nonjob related handicap, or previous filing of a complaint of discrimination, except when necessary to affirmatively promote minority hiring or promotion.

E. For any employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated any notice or advertisement relating to employment or membership which indicates any discrimination because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.

F. For any employment agency to fall or refuse to classify properly or refer to employment or otherwise to discriminate against any person because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression*** national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.

G. For any employer to confine or limit recruitment or hiring of employees, with intent to circumvent the spirit and purpose of this Part, to any employment agency, employment service, labor organization, training school, training center or any other employee referring source which serves persons who are predominantly of the same race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.

H. For any labor organization to discriminate against any person in any way which would deprive or limit his employment opportunities or otherwise adversely affect this status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.

I. For any employer, employment agency or labor organization to discriminate against any person because he has opposed any practice forbidden by this Part or because he had made a complaint or testified or

assisted in any manner in any investigation or proceeding under this Part or a substantially similar State and/or Federal law.

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

K. Notwithstanding any provision of this Section, it shall not be an unlawful employment practice for a religious corporation or association to hire or employ any person on the basis of the sex or religion of that person in those certain instances where sex or religion is a bona fide occupational qualification because of the religious beliefs, practices or observances of the corporation or association.
(Ord. 6-2002, 3/13/2002)

§1-527. Unlawful Housing Practices.

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

A. For an owner, real estate broker or any other person to refuse to sell, lease, sublease, rent, assign or otherwise transfer, or to refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any housing accommodation to any person, or to represent that any housing accommodation is not available for any inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise make unavailable any housing accommodation from any person because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person), or previous filing of a complaint of discrimination, or to discriminate against, segregate or assign quotas to any person or group of persons in connection with the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any housing accommodation or housing accommodations.

B. For any person, including any owner or real estate broker, to include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing accommodation any clause, condition or restriction discriminating against, or requiring any other person to discriminate against, any person in the use or occupancy of such

housing accommodation because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age or sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination.

C. For any person, including any owner or real estate broker, to discriminate in the furnishing of any facilities or services for any housing accommodation because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination.

D. For any person to:

(1) Refuse to permit, at the expense of the handicapped person, the making of reasonable modifications to the existing premises occupied or to be occupied if such modifications may be necessary to afford the handicapped person full enjoyment of the premises, except that, in the case of a rental, the landlord may, when it is reasonable to do so, condition permission for the requested modification on the renter's agreement to restore the interior of the premises to the condition that existed prior to the modification, reasonable wear and tear excepted.

(2) Refuse to make reasonable accommodations with respect to the rules, policies, practices or services as necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

E. For any person to fail, in connection with the design and construction of multifamily dwellings covered under the provisions of the Federal Fair Housing Act, and after March 13, 1991, to design and construct dwellings in such a manner that such dwellings are not accessible within the meaning of the Federal Housing Act.

F. The dwellings have at least one building entrance on an accessible re-route, unless it is impractical to do so because of the terrain or unusual characteristics of the site:

(1) With respect to a dwelling with a building entrance on an accessible route:

(a) The public use and common portions of the dwellings are readily accessible and usable by handicapped persons.

(b) All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by handicapped persons in wheelchairs.

(c) All premises with covered multifamily dwelling units contain an accessible route into and through the dwelling; light switches, electrical outlets, thermostats and other environmental controls are in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. As used in this Section, the term "covered family dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

G. For any person, including any owner or real estate broker, to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer or listing of a housing accommodation or accommodations which indicates any preference, limitation, specification or discrimination based on race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status or handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person).

H. For any person, including any bank, banking organization, mortgage company, insurance company or other financial or lending institution, or any agent or employee thereof, regardless of whether application is made for financial assistance for the purchase, sale, lease, acquisition, brokering, appraisal, construction, rehabilitation, repair, maintenance or the purchasing of loans or providing other financial assistance for purchasing, constructing improving, repairing or maintaining a dwelling or secured by residential real estate of any housing accommodation or housing accommodations:

(1) To discriminate against any person or group of persons because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person

associated with that person) or previous filing of a complaint of discrimination of such person or group of persons or of the prospective occupants or tenants of such housing accommodation in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges of any such financial assistance or in the extension of services in connection therewith.

(2) To use any form of application for such financial assistance or to make any record of inquiry in connection with application for such financial assistance which indicates, directly or indirectly, any limitation, specification or discrimination.

I. For any real estate broker or real estate salesman or agent, or any other person for business or economic purposes, to induce, directly or indirectly, or to attempt to induce directly or indirectly, the sale or rental or the listing for sale or rental, of a housing accommodation by representing that a change has occurred or will or may occur with respect to racial, religious or ethnic composition of the street, block, neighborhood or area in which such housing accommodation is located, or to communicate to any prospective purchaser or renter of a dwelling that he or she would not be comfortable or compatible with existing residents of a community, neighborhood or development because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression***, national origin, sex, handicap, or familial status.

J. For any person to deny another access to, or membership or participation in a multiple listing service, real estate brokers organization, or other service because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or to discriminate with respect to the terms or conditions of such access, membership or participation therein because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or to discriminate with respect to the terms or conditions of such access, membership or participation therein because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.

K. For any person, whether or not a real estate broker, real estate salesman or agent, owner or lending institution to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful housing practice under this Part, or to obstruct or prevent enforcement or compliance with the provisions of this Part or any rule, regulation or order

of the Human Relations Commission, or to attempt, directly or indirectly, to commit any act declared by this Part to be an unlawful housing practice.

L. For any person to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this Part.

M. For any person, based on the racial or ethnic composition of a community, neighborhood or development, or based on the characteristics of an individual or individuals which place such individual or individuals within a class protected by this Part, to discriminate with respect to the provision of municipal services or with respect to the provision of property, casualty, fire, hazard or other similar insurance.

N. With respect to any property held for noncommercial purpose, nothing in this Section shall bar any religious or denomination, institution or organization or 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 limiting 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 reasonable for the organization to promote the religious or fraternal principles, aims or purposes for which such organization is established or maintained unless membership in such religious or denominational institution or organization or charitable or educational organization is restricted on account of race, color or national origin.
(*Ord. 6-2002*, 3/13/2002)

§1-528. Unlawful Lending Practices.

It shall be an unlawful lending practice for a lending institution:

A. To deny, withhold, limit or otherwise discriminate against any person or group of persons because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination, in lending money or extending credit.

B. To establish unequal terms or conditions in the contract for loans and mortgages, or other extensions of credit because of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or

made available, or any person associated with that person) or previous filing of a complaint of discrimination.
(*Ord. 6-2002*, 3/13/2002)

§1-529. Unlawful Public Accommodation Practices.

It shall be an unlawful public accommodation practice:

A. For any owner, lessor, proprietor, manager, agent or employer of any business or place of public accommodation, resort, recreation or amusement to:

(1) Refuse, withhold from or deny to any person because of his race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex. familial status handicap or previous filing of a complaint of discrimination, either directly or indirectly, any of the accommodations, advantages, facilities, services or privileges, products or goods of such place of public accommodation, resort or amusement.

(2) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or that the patronage of any person of any particular race, color, religion, ancestry, ***sexual orientation, gender identity or expression,*** national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination is unwelcome, objectionable or not acceptable, desired or solicited.

B. For any person, whether or not included in this Section, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful public accommodations practice under this subsection.
(*Ord. 6-2002*, 3/13/2002)

§1-530. Obstruction of Fair Practices.

It shall be unlawful for any person, whether or not within the named classifications set forth in this Part, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful practice under this Part, or to obstruct or prevent enforcement of compliance with the provisions of this Part or any rule, regulation or order of the Human Relations Commission or to attempt, directly or indirectly, to be an unlawful practice.

(*Ord. 6-2002*, 3/13/2002)

§1-531. City Contracts.

1. All contracts of the City and its contracting agencies shall obligate the contractor to comply with this Part and with any State or Federal law or laws or regulations relating to unlawful employment practices in connection with any work to be performed thereunder, and shall require the contractor to include a similar provision in all subcontracts.

2. The Human Relations Commission shall promulgate rules and regulations for the processing of complaints of discrimination received under this Section.
(*Ord. 6-2002*, 3/13/2002)

§1-532. Procedure.

1. A complaint charging that any person has engaged, is engaging or will engage in any unlawful practice as set forth in this Part may be made by the Human Relations Commission, or to the Commission by an aggrieved person or by an organization which has one of its purposes the combating of discrimination for the promotion of equal opportunities, and any complaint may be amended by the complainant or the Commission at any time before final action has been taken by the Commission, in accordance with such rules and regulations as the Commission shall prescribe. No complaint shall be considered unless it is filed with the Commission within 180 days after the occurrence of the alleged unlawful practice.

2. The complaint shall be in writing, signed, verified and notarized and include the name and address of the person or persons alleged to have committed the unlawful practice and the particulars thereof, and such other information as may be required by the Commission.

3. The Commission shall commence proceedings on any formal complaint within 30 days of the filing. The parties shall each receive promptly a copy of the complaint along with a concise statement of the procedural rights of such parties. The respondent shall be afforded the right to file an answer to such complaint within such time as not to delay the proceedings, but failure to file such answer shall not prevent the Commission from commencing its investigation as provided herein.

4. The Commission shall institute and complete the investigation of any formal complaint within 100 days of the filing of the formal complaint.

5. If, pursuant to its investigation, the Commission shall determine that there is no basis for the allegations in a complaint, the complaint shall be dismissed and the complainant and respondent notified in writing of such determination. Within 20

days from the receipt of such notice, the complainant or his attorney, if any, may file with the Commission a request for review and the Commission shall provide the parties and their attorneys an opportunity to appear before the Commission or a member thereof for such purpose. After such a review, the Commission may reverse its decision or, if the Commission or its representative determines that there is no basis for the allegation, the dismissal of the complaint shall be affirmed and there shall be no further review of such decision.

6. If the Commission determines after investigation that probable cause exists for the allegations made in the complaint, it shall promptly notify the parties in writing and may attempt to eliminate the alleged unlawful practice by means of private conferences, meetings or conciliation with all parties. Any conciliation agreement arising from such efforts shall be in writing, signed by the parties or their representative, and shall be subject to the approval of the Commission. A conciliation agreement shall be made public unless the parties otherwise agree and the Commission determines that disclosure of the terms of the agreement is not required to further the purpose of this Part.

7. If the Commission determines that a housing accommodation or housing accommodations involved in a complaint of an unlawful housing practice under §1-527 may be sold, rented or otherwise disposed of before a determination of the case has been made, and the Commission believes that judicial action is necessary to effectuate the purpose of this Part, the Commission may request the City Solicitor to seek an injunction restraining the sale, rental or other disposition of the housing accommodation or housing accommodations in accordance with the provisions of §9.1 of the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, added by Act No. 533, approved January 24, 1966, as hereafter amended, supplemented or modified by the General Assembly of Pennsylvania.

8. In any case of failure to eliminate the unlawful practice charged in the complaint by means of informal proceedings, or in advance thereof, if, in the judgment of the Commission the facts so warrant, the Commission may hold a public hearing to determine whether or not an unlawful practice has been committed. Without holding such a hearing, the Commission may certify the case to the City Solicitor in accordance with subsection (7), hereof.

9. Where a public hearing is ordered, the Commission shall designate one or more members or a hearing examiner to conduct such a hearing. The Commission shall serve upon the person charged with having engaged or engaging in the unlawful practice or amended complaint and a notice of the time and place of the hearing. In addition, the Commission shall provide the respondent with notice of procedural rights and obligations. The hearing shall be held not less than 20 days after the service of the statement of charges.

10. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person or to be represented by an attorney or, subject to

the approval of the hearing panel, by any other person, and to examine and cross examine witnesses. The complainant shall also have the right to be represented by an attorney or, subject to the approval of the hearing panel, by any other person. 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 transcribed.

11. With respect to a complaint alleging an unlawful housing practice arising under §1-527, in lieu of proceeding before the Commission pursuant to this subsection, any party may elect, within 20 days of receipt of the charge, to have the claims contained in the charge decided in a civil action tried by a court of competent jurisdiction. The party making such election shall notify the Commission and all other interested parties within 10 days of making such election. The complainant shall be represented by an attorney in a civil action instituted pursuant to an election made under this subsection. Representation of the complainant shall be at the Commission's expense and such representation shall include presentation of the complainant's case at the public hearing.

12. Subsequent to the public hearing, a transcription of the testimony shall be ordered and, when completed, distributed to the Commissioners for review. Upon review, the Commissioners shall meet to discuss and decide the case. A vote by a majority of the Commissioners participating in the public hearing or designated as hearing Commissioners shall be necessary to find that the respondent has engaged in an unlawful practice. A decision shall be rendered within 45 days of the close of testimony or the final post hearing submission of the parties, if any.

13. If upon all the evidence presented, the Commission finds that the respondent has not engaged in any unlawful practice, it shall state its findings of fact in writing and dismiss the complaint. If upon all the evidence presented, the Commission finds that the respondent has engaged or is engaging in an unlawful practice, it shall state its findings of fact in writing and shall issue such order in writing as the facts warrant to effectuate the purposes of this Part. Such order may require the respondent to cease and desist from such unlawful practice and to take such affirmative action including, but not limited to, the hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, the selling, renting or leasing of a housing accommodation or housing accommodations upon equal terms and conditions and with such equal facilities, services and privileges, the tendering of money, whether or not secured by mortgages or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, the granting, permitting, selling or admission to any of the accommodations, advantages, facilities, services or privileges, products or goods of any respondent place of public accommodation, resort, recreation or amusement, upon such equal terms and conditions to any person discriminated against or to all persons as, in the judgment of the Commission, shall effectuate the purposes of this Part and are warranted by the facts presented at the hearing,

including a requirement for a report or reports of the manner of compliance. Compensatory damages may be awarded in appropriate circumstances for a violation of any of the provisions of §1-527. Copies of the order shall be served on all parties.

14. Any adjudication made by the Commission shall be in writing and dated, and shall be deemed to be a final adjudication 5 days after the date of issuance thereof. Parties shall have 30 days from the final adjudication to appeal the decision of the Commission to the Berks County Court of Common Pleas. An appeal from the Commission's order shall act as a supersedes and stay enforcement of such order until a final disposition of the appeal.

15. The Commission shall make a final administrative disposition of a formal complaint within 1 year of the date of receipt of such complaint unless it is impracticable to do so. If the Commission is unable to dispose of the complaint within the time limitation set forth herein, it shall notify the parties in writing of such fact and the reasons therefor. Should the Commission fail to finally adjudicate or otherwise dispose of a formal complaint within the time limit of the filing thereof, any party may commence a civil action for the enforcement of this Part in an appropriate court of competent jurisdiction no later than 2 years after the occurrence or termination of the alleged discriminatory act or practice.

16. An aggrieved person may commence a civil action whether or not a complaint has been filed under this Section and without regard to the status of any such complaint. There shall be no need for a complainant to exhaust administrative remedies with respect to a complaint that could be brought under §1-527, so long as any action brought is commenced within 1 year of the alleged discriminatory housing practice. The court in which any such action is brought shall be empowered, in appropriate circumstances, to award compensatory and punitive damages as well as equitable relief. However, if the Commission has obtained a conciliation agreement with the consent of the aggrieved person, no action may be filed by such aggrieved person with respect to the discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such agreement.
(*Ord. 6-2002*, 3/13/2002)

§1-533. Enforcement.

In the event the respondent refuses or fails to comply with any order of the Human Relations Commission or violates any of the provisions of this Part, the Commission shall certify the case and the entire record of its proceedings to the City Solicitor, who shall invoke the aid of an appropriate court to secure enforcement or compliance with the order or to impose the penalties set forth in §1-534, or both.
Ord. 6-2002, 3/13/2002)

§1-534. Penalty.

1. In addition to any other remedies provided herein, upon a finding of a violation of any provision of this Part relating to unlawful discriminatory housing practices, or any rule or regulation pertaining thereto adopted by the Human Relations Commission, or any order of the Commission, shall be subject to a civil penalty of not more than:

A. Ten thousand dollars if the respondent has not been adjudged to have committed any prior discriminatory housing practice in any administrative hearing or civil action permitted under the Fair Housing Act or any State or local fair housing law, or in any licensing or regulatory proceeding conducted by a Federal, State or local governmental agency.

B. Twenty-five thousand dollars if the respondent has been adjudged to have committed one other discriminatory housing practice in any forum set forth in subsection (A), hereof.

C. Fifty thousand dollars if the respondent has been adjudged to have committed two or more discriminatory housing practices in any forum set forth in subsection (A), hereof.

2. Respondent shall also be responsible for costs and shall be subject to imprisonment for not more than 1 year. The Commission, in its discretion, may allow the prevailing party other than the Commission a reasonable attorney's fee and costs. Monetary awards may be given under appropriate circumstances the amount of which shall be based on the record made before the Commission and may include damages caused by humiliation and embarrassment.
(*Ord. 6-2002*, 3/13/2002)