

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 300 Session of 2013

INTRODUCED BY BROWNE, FARNESE, FERLO, COSTA, McILHINNEY, HUGHES, BOSCOLA, SCHWANK, WASHINGTON, FONTANA, SMITH, BLAKE, WILLIAMS, WOZNIAK, STACK, TEPLITZ, LEACH, TARTAGLIONE, DINNIMAN, KITCHEN, WILEY, BREWSTER, YUDICHAK, SOLOBAY AND KASUNIC, AUGUST 12, 2013

REFERRED TO STATE GOVERNMENT, AUGUST 12, 2013

AN ACT

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

19 The General Assembly of the Commonwealth of Pennsylvania
 20 hereby enacts as follows:

21 Section 1. The title and sections 2 and 3 of the act of
 22 October 27, 1955 (P.L.744, No.222), known as the Pennsylvania
 23 Human Relations Act, amended December 20, 1991 (P.L.414, No.51),
 24 are amended to read:

AN ACT

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

Section 2. 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, sexual orientation, gender identity or expression, age, sex, national origin, handicap or disability, use of guide or support animals because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals is a matter of concern of the Commonwealth. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the Commonwealth, and undermines the foundations of a free democratic state. 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 Commonwealth of earnings necessary to maintain decent standards of living, necessitates their resort to public relief and intensifies group conflicts, thereby resulting in grave

1 injury to the public health and welfare, compels many
2 individuals to live in dwellings which are substandard,
3 unhealthful and overcrowded, resulting in racial segregation in
4 public schools and other community facilities, juvenile
5 delinquency and other evils, thereby threatening the peace,
6 health, safety and general welfare of the Commonwealth and its
7 inhabitants.

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

26 (c) This act shall be deemed an exercise of the police power
27 of the Commonwealth for the protection of the public welfare,
28 prosperity, health and peace of the people of the Commonwealth
29 of Pennsylvania.

30 Section 3. Right to Freedom from Discrimination in

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

14 Section 2. Section 4(b) of the act, amended December 20,
15 1991 (P.L.414, No.51), is amended and the section is amended by
16 adding clauses to read:

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

19 * * *

20 (b) The term "employer" includes the Commonwealth or any
21 political subdivision or board, department, commission or school
22 district thereof and any person employing four or more persons
23 within the Commonwealth, but except as hereinafter provided,
24 does not include religious, fraternal, charitable or sectarian
25 corporations or associations, except such corporations or
26 associations supported, in whole or in part, by governmental
27 appropriations. The term "employer" with respect to
28 discriminatory practices based on race, color, age, sex,
29 national origin, sexual orientation, gender identity or
30 expression or non-job related handicap or disability, includes

1 religious, fraternal, charitable and sectarian corporations and
2 associations employing four or more persons within the
3 Commonwealth.

4 * * *

5 (bb) The term "sexual orientation" means actual or perceived
6 heterosexuality, homosexuality or bisexuality.

7 (cc) The term "gender identity or expression" means actual
8 or perceived gender identity, appearance, behavior, expression
9 or physical characteristics whether or not associated with an
10 individual's assigned sex at birth.

11 Section 3. Section 5(a), (b), (c), (f), (g), (h) and (i) of
12 the act, amended or added December 20, 1991 (P.L.414, No.51),
13 July 12, 1996 (P.L.684, No.117) and June 25, 1997 (P.L.326,
14 No.34), are amended to read:

15 Section 5. Unlawful Discriminatory Practices.--It shall be
16 an unlawful discriminatory practice, unless based upon a bona
17 fide occupational qualification, or in the case of a fraternal
18 corporation or association, unless based upon membership in such
19 association or corporation, or except where based upon
20 applicable security regulations established by the United States
21 or the Commonwealth of Pennsylvania:

22 (a) For any employer because of the race, color, religious
23 creed, ancestry, sexual orientation, gender identity or
24 expression, age, sex, national origin or non-job related
25 handicap or disability or the use of a guide or support animal
26 because of the blindness, deafness or physical handicap of any
27 individual or independent contractor, to refuse to hire or
28 employ or contract with, or to bar or to discharge from
29 employment such individual or independent contractor, or to
30 otherwise discriminate against such individual or independent

1 contractor with respect to compensation, hire, tenure, terms,
2 conditions or privileges of employment or contract, if the
3 individual or independent contractor is the best able and most
4 competent to perform the services required. The provision of
5 this paragraph shall not apply, to (1) operation of the terms or
6 conditions of any bona fide retirement or pension plan which
7 have the effect of a minimum service requirement, (2) operation
8 of the terms or conditions of any bona fide group or employee
9 insurance plan, (3) age limitations placed upon entry into bona
10 fide apprenticeship programs of two years or more approved by
11 the State Apprenticeship and Training Council of the Department
12 of Labor and Industry, established by the act of July 14, 1961
13 (P.L.604, No.304), known as "The Apprenticeship and Training
14 Act." Notwithstanding any provision of this clause, it shall not
15 be an unlawful employment practice for a religious corporation
16 or association to hire or employ on the basis of sex in those
17 certain instances where sex is a bona fide occupational
18 qualification because of the religious beliefs, practices, or
19 observances of the corporation, or association.

20 (b) For any employer, employment agency or labor
21 organization, prior to the employment, contracting with an
22 independent contractor or admission to membership, to:

23 (1) Elicit any information or make or keep a record of or
24 use any form of application or application blank containing
25 questions or entries concerning the race, color, religious
26 creed, ancestry, sexual orientation, gender identity or
27 expression, age, sex, national origin, past handicap or
28 disability or the use of a guide or support animal because of
29 the blindness, deafness or physical handicap of any applicant
30 for employment or membership. Prior to an offer of employment,

1 an employer may not inquire as to whether an individual has a
2 handicap or disability or as to the severity of such handicap or
3 disability. An employer may inquire as to the individual's
4 ability to perform the essential functions of the employment.

5 (2) Print or publish or cause to be printed or published any
6 notice or advertisement relating to employment or membership
7 indicating any preference, limitation, specification or
8 discrimination based upon race, color, religious creed,
9 ancestry, sexual orientation, gender identity or expression,
10 age, sex, national origin, non-job related handicap or
11 disability or the use of a guide or support animal because of
12 the blindness, deafness or physical handicap of the user.

13 (3) Deny or limit, through a quota system, employment or
14 membership because of race, color, religious creed, ancestry,
15 sexual orientation, gender identity or expression, age, sex,
16 national origin, non-job related handicap or disability, the use
17 of a guide or support animal because of the blindness, deafness
18 or physical handicap of the user or place of birth.

19 (4) Substantially confine or limit recruitment or hiring of
20 individuals, with intent to circumvent the spirit and purpose of
21 this act, to any employment agency, employment service, labor
22 organization, training school or training center or any other
23 employe-referring source which services individuals who are
24 predominantly of the same race, color, religious creed,
25 ancestry, sexual orientation, gender identity or expression,
26 age, sex, national origin or non-job related handicap or
27 disability.

28 (5) Deny employment because of a prior handicap or
29 disability.

30 Nothing in clause (b) of this section shall bar any

1 institution or organization for handicapped or disabled persons
2 from limiting or giving preference in employment or membership
3 to handicapped or disabled persons.

4 (c) For any labor organization because of the race, color,
5 religious creed, ancestry, sexual orientation, gender identity
6 or expression, age, sex, national origin, non-job related
7 handicap or disability or the use of a guide or support animal
8 because of the blindness, deafness or physical handicap of any
9 individual to deny full and equal membership rights to any
10 individual or otherwise to discriminate against such individuals
11 with respect to hire, tenure, terms, conditions or privileges of
12 employment or any other matter, directly or indirectly, related
13 to employment.

14 * * *

15 (f) For any employment agency to fail or refuse to classify
16 properly, refer for employment or otherwise to discriminate
17 against any individual because of his race, color, religious
18 creed, ancestry, sexual orientation, gender identity or
19 expression, age, sex, national origin, non-job related handicap
20 or disability or the use of a guide or support animal because of
21 the blindness, deafness or physical handicap of the user.

22 (g) For any individual seeking employment to publish or
23 cause to be published any advertisement which in any manner
24 expresses a limitation or preference as to the race, color,
25 religious creed, ancestry, sexual orientation, gender identity
26 or expression, age, sex, national origin, non-job related
27 handicap or disability or the use of a guide or support animal
28 because of the blindness, deafness or physical handicap of any
29 prospective employer.

30 (h) For any person to:

1 (1) Refuse to sell, lease, finance or otherwise to deny or
2 withhold any housing accommodation or commercial property from
3 any person because of the race, color, familial status, age,
4 religious creed, ancestry, sexual orientation, gender identity
5 or expression, sex, national origin or handicap or disability of
6 any person, prospective owner, occupant or user of such housing
7 accommodation or commercial property, or to refuse to lease any
8 housing accommodation or commercial property to any person due
9 to use of a guide animal because of the blindness or deafness of
10 the user, use of a support animal because of a physical handicap
11 of the user or because the user is a handler or trainer of
12 support or guide animals or because of the handicap or
13 disability of an individual with whom the person is known to
14 have a relationship or association.

15 (1.1) Evict or attempt to evict an occupant of any housing
16 accommodation before the end of the term of a lease because of
17 pregnancy or the birth of a child.

18 (2) Refuse to lend money, whether or not secured by mortgage
19 or otherwise for the acquisition, construction, rehabilitation,
20 repair or maintenance of any housing accommodation or commercial
21 property or otherwise withhold financing of any housing
22 accommodation or commercial property from any person because of
23 the race, color, familial status, age, religious creed,
24 ancestry, sexual orientation, gender identity or expression,
25 sex, national origin, handicap or disability of any person, the
26 use of a guide or support animal because of the blindness,
27 deafness or physical handicap of the user or because the user is
28 a handler or trainer of support or guide animals or because of
29 the handicap or disability of an individual with whom the person
30 is known to have a relationship or association.

1 (3) Discriminate against any person in the terms or
2 conditions of selling or leasing any housing accommodation or
3 commercial property or in furnishing facilities, services or
4 privileges in connection with the ownership, occupancy or use of
5 any housing accommodation or commercial property because of the
6 race, color, familial status, age, religious creed, ancestry,
7 sexual orientation, gender identity or expression, sex, national
8 origin, handicap or disability of any person, the use of a guide
9 or support animal because of the blindness, deafness or physical
10 handicap of the user or because the user is a handler or trainer
11 of support or guide animals or because of the handicap or
12 disability of an individual with whom the person is known to
13 have a relationship or association.

14 (3.1) Refuse to permit, at the expense of a person with a
15 handicap, reasonable modifications of existing premises occupied
16 or to be occupied by such person if such modifications may be
17 necessary to afford such person full enjoyment of the premises,
18 except that, in the case of a rental, the landlord may, where it
19 is reasonable to do so, grant permission for a modification if
20 the renter agrees to restore the interior of the premises to the
21 condition that existed before the modification, with reasonable
22 wear and tear excepted.

23 (3.2) Refuse to make reasonable accommodations in rules,
24 policies, practices or services when such accommodations may be
25 necessary to afford such person equal opportunity to use and
26 enjoy a housing accommodation.

27 (4) Discriminate against any person in the terms or
28 conditions of any loan of money, whether or not secured by
29 mortgage or otherwise for the acquisition, construction,
30 rehabilitation, repair or maintenance of housing accommodation

1 or commercial property because of the race, color, familial
2 status, age, religious creed, ancestry, sexual orientation,
3 gender identity or expression, sex, national origin or handicap
4 or disability of any person, the use of a guide or support
5 animal because of the blindness, deafness or physical handicap
6 of the user or because the user is a handler or trainer of guide
7 or support animals or because of the handicap or disability of
8 an individual with whom the person is known to have a
9 relationship or association.

10 (5) Print, publish or circulate any statement or
11 advertisement: (i) relating to the sale, lease or acquisition of
12 any housing accommodation or commercial property or the loan of
13 money, whether or not secured by mortgage, or otherwise for the
14 acquisition, construction, rehabilitation, repair or maintenance
15 of any housing accommodation or commercial property which
16 indicates any preference, limitation, specification, or
17 discrimination based upon race, color, familial status, age,
18 religious creed, ancestry, sexual orientation, gender identity
19 or expression, sex, national origin, handicap or disability or
20 because of the handicap or disability of an individual with whom
21 the person is known to have a relationship or association, or
22 (ii) relating to the sale, lease or acquisition of any housing
23 accommodation or commercial property which indicates any
24 preference, limitation, specification or discrimination based
25 upon use of a guide or support animal because of the blindness,
26 deafness or physical handicap of the user or because the user is
27 a handler or trainer of support or guide animals.

28 (6) Make any inquiry, elicit any information, make or keep
29 any record or use any form of application, containing questions
30 or entries concerning race, color, familial status, age,

1 religious creed, ancestry, sexual orientation, gender identity
2 or expression, sex, national origin, handicap or disability or
3 because of the handicap or disability of an individual with whom
4 the person is known to have a relationship or association in
5 connection with the sale or lease of any housing accommodation
6 or commercial property or loan of any money, whether or not
7 secured by mortgage or otherwise for the acquisition,
8 construction, rehabilitation, repair or maintenance of any
9 housing accommodation or commercial property, or to make any
10 inquiry, elicit any information, make or keep any record or use
11 any form of application, containing questions or entries
12 concerning the use of a guide or support animal because of the
13 blindness, deafness or physical handicap of the user or because
14 the user is a handler or trainer of support or guide animals, in
15 connection with the lease of any housing accommodation or
16 commercial property.

17 (7) Construct, operate, offer for sale, lease or rent or
18 otherwise make available housing or commercial property which is
19 not accessible.

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

22 (i) It shall be unlawful for any person or other entity
23 whose business includes engaging in real estate-related
24 transactions to discriminate against any person in making
25 available such a transaction or in the terms or conditions of
26 such a transaction because of race, color, religious creed,
27 ancestry, sexual orientation, gender identity or expression,
28 national origin, sex, age, handicap or disability, use of a
29 guide or support animal because of a physical handicap or
30 because the user is a handler or trainer of guide or support

1 animals or familial status.

2 (ii) Nothing in this act prohibits a person engaged in the
3 business of furnishing appraisals of real property to take into
4 consideration factors other than race, color, religious creed,
5 ancestry, sexual orientation, gender identity or expression,
6 national origin, sex, age, handicap or disability, use of a
7 guide or support animal because of a physical handicap or
8 because the user is a handler or trainer of guide or support
9 animals or familial status.

10 (9) Nothing in this clause, regarding age or familial
11 status, shall apply with respect to housing for older persons. A
12 person shall not be held personally liable for monetary damages
13 for a violation of this act if the person reasonably relied, in
14 good faith, on the application of the exemption of this
15 subclause. A person may only prove good faith reliance on the
16 application of the exemption of this subclause by proving that
17 at the time of the act complained of all of the following
18 applied:

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

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

24 (10) Nothing in this clause shall bar any religious or
25 denominational institution or organization or any charitable or
26 educational organization which is operated, supervised or
27 controlled by or in connection with a religious organization or
28 any bona fide private or fraternal organization from giving
29 preference to persons of the same religion or denomination or to
30 members of such private or fraternal organization or from making

1 such selection as is calculated by such organization to promote
2 the religious principles or the aims, purposes or fraternal
3 principles for which it is established or maintained. Nor shall
4 it apply to the rental of rooms in a landlord-occupied rooming
5 house with a common entrance, nor with respect to discrimination
6 based on sex, the advertising, rental or leasing of housing
7 accommodations in a single-sex dormitory or rooms in one's
8 personal residence in which common living areas are shared.

9 (11) Nothing in this act limits the applicability of the
10 Fair Housing Act and reasonable State or local restrictions on
11 the maximum number of occupants permitted to occupy a dwelling
12 or a reasonable restriction relating to health or safety
13 standards or business necessity. Owners and managers of
14 dwellings may develop and implement reasonable occupancy and
15 safety standards based on factors such as the number and size of
16 sleeping areas or bedrooms and the overall size of a dwelling
17 unit so long as the standards do not violate the Fair Housing
18 Act or State or local restrictions.

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

22 (1) Refuse, withhold from, or deny to any person because of
23 his race, color, sex, religious creed, ancestry, sexual
24 orientation, gender identity or expression, national origin, or
25 handicap or disability, or to any person due to use of a guide
26 or support animal because of the blindness, deafness or physical
27 handicap of the user or because the user is a handler or trainer
28 of support or guide animals, either directly or indirectly, any
29 of the accommodations, advantages, facilities or privileges of
30 such public accommodation, resort or amusement.

1 (2) Publish, circulate, issue, display, post or mail, either
2 directly or indirectly, any written or printed communication,
3 notice or advertisement to the effect that any of the
4 accommodations, advantages, facilities and privileges of any
5 such place shall be refused, withheld from or denied to any
6 person on account of race, color, religious creed, sex,
7 ancestry, sexual orientation, gender identity or expression,
8 national origin or handicap or disability, or to any person due
9 to use of a guide or support animal because of the blindness,
10 deafness or physical handicap of the user, or because the user
11 is a handler or trainer of support or guide animals, or that the
12 patronage or custom thereat of any person, belonging to or
13 purporting to be of any particular race, color, religious creed,
14 sex, ancestry, sexual orientation, gender identity or
15 expression, national origin or handicap or disability, or to any
16 person due to use of a guide or support animal because of the
17 blindness, deafness or physical handicap of the user or because
18 the user is a handler or trainer of support or guide animals, is
19 unwelcome, objectionable or not acceptable, desired or
20 solicited.

21 (3) Exclude or otherwise deny equal goods, services,
22 facilities, privileges, advantages, accommodations or other
23 opportunities to a person because of the handicap or disability
24 of an individual with whom the person is known to have a
25 relationship or association.

26 (4) Construct, operate or otherwise make available such
27 place of public accommodation, resort or amusement which is not
28 accessible.

29 * * *

30 Section 4. Sections 5.3 and 7(i), (j) and (k) of the act,

1 amended December 20, 1991 (P.L.414, No.51), are amended to read:

2 Section 5.3. Prohibition of Certain Real Estate Practices.--

3 It shall be an unlawful discriminatory practice for any person
4 to:

5 (a) Induce, solicit or attempt to induce or solicit for
6 commercial profit any listing, sale or transaction involving any
7 housing accommodation or commercial property by representing
8 that such housing accommodation or commercial property is within
9 any neighborhood, community or area adjacent to any other area
10 in which there reside, or do not reside, persons of a particular
11 race, color, familial status, age, religious creed, ancestry,
12 sexual orientation, gender identity or expression, sex, national
13 origin, handicap or disability, or who are guide or support
14 animal dependent.

15 (b) Discourage, or attempt to discourage, for commercial
16 profit, the purchase or lease of any housing accommodation or
17 commercial property by representing that such housing
18 accommodation or commercial property is within any neighborhood,
19 community or area adjacent to any other area in which there
20 reside, or may in the future reside in increased or decreased
21 numbers, persons of a particular race, color, familial status,
22 age, religious creed, ancestry, sexual orientation, gender
23 identity or expression, sex, national origin, handicap or
24 disability, or who are guide or support animal dependent.

25 (c) Misrepresent, create or distort a circumstance,
26 condition or incident for the purpose of fostering the
27 impression or belief, on the part of any owner, occupant or
28 prospective owner or occupant of any housing accommodation or
29 commercial property, that such housing accommodation or
30 commercial property is within any neighborhood, community or

1 area adjacent to any other area which would be adversely
2 impacted by the residence, or future increased or decreased
3 residence, of persons of a particular race, color, familial
4 status, age, religious creed, ancestry, sexual orientation,
5 gender identity or expression, sex, national origin, handicap or
6 disability, or who are guide or support animal dependent within
7 such neighborhood, community or area.

8 (d) In any way misrepresent or otherwise misadvertise within
9 a neighborhood or community, whether or not in writing, that any
10 housing accommodation or commercial property within such
11 neighborhood or community is available for inspection, sale,
12 lease, sublease or other transfer, in any context where such
13 misrepresentation or misadvertising would have the effect of
14 fostering an impression or belief that there has been or will be
15 an increase in real estate activity within such neighborhood or
16 community due to the residence, or anticipated increased or
17 decreased residence, of persons of a particular race, color,
18 familial status, age, religious creed, ancestry, sexual
19 orientation, gender identity or expression, sex, national
20 origin, handicap or disability, or the use of a guide or support
21 animal because of the blindness, deafness or physical handicap
22 of the user.

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

25 * * *

26 (i) To create such advisory agencies and conciliation
27 councils, local or state-wide, as will aid in effectuating the
28 purposes of this act. The Commission may itself or it may
29 empower these agencies and councils to (1) study the problems of
30 discrimination in all or specific fields of human relationships

1 when based on race, color, familial status, religious creed,
2 ancestry, sexual orientation, gender identity or expression,
3 age, sex, national origin or handicap or disability, and (2)
4 foster, through community effort or otherwise, good will among
5 the groups and elements of the population of the State. Such
6 agencies and councils may make recommendations to the Commission
7 for the development of policies and procedure in general.
8 Advisory agencies and conciliation councils created by the
9 Commission shall be composed of representative citizens, serving
10 without pay, but the Commission may make provision for technical
11 and clerical assistance to such agencies and councils, and for
12 the payment of the expenses of such assistance.

13 (j) To issue such publications and such results of
14 investigations and research as, in its judgment, will tend to
15 promote good will and minimize or eliminate discrimination
16 because of race, color, familial status, religious creed,
17 ancestry, sexual orientation, gender identity or expression,
18 age, sex, national origin or handicap or disability.

19 (k) To submit an annual report for each fiscal year by the
20 following March 31 to the General Assembly, the Labor and
21 Industry Committee of the Senate and the State Government
22 Committee of the House of Representatives and the Governor
23 describing in detail the types of complaints received, the
24 investigations, status of cases, Commission action which has
25 been taken, how many were found to have probable cause, how many
26 were resolved by public hearing and the length of time from the
27 initial complaint to final Commission resolution. It shall also
28 contain recommendations for such further legislation concerning
29 abuses and discrimination because of race, color, familial
30 status, religious creed, ancestry, sexual orientation, gender

1 identity or expression, national origin, age, sex, handicap or
2 disability or the use of a guide or support animal because of
3 the blindness, deafness or physical handicap of the user or
4 because the user is a handler or trainer of support or guide
5 animals, as may be desirable.

6 * * *

7 Section 5. Section 8 of the act, amended July 12, 1996
8 (P.L.684, No.117), is amended to read:

9 Section 8. Educational Program.--The Commission, in
10 cooperation with the Department of Education, is authorized to
11 recommend a multicultural educational program, designed for the
12 students of the schools in this Commonwealth and for all other
13 residents thereof, with emphasis on foreign cultural and
14 language studies, as well as on the basic shared precepts and
15 principles of United States culture, in order to promote
16 cultural understanding and appreciation and to further good will
17 among all persons, without regard to race, color, familial
18 status, religious creed, ancestry, sexual orientation, gender
19 identity or expression, age, sex, national origin, handicap or
20 disability.

21 Section 6. Section 12(b) of the act, amended December 20,
22 1991 (P.L.414, No.51), is amended to read:

23 Section 12. Construction and Exclusiveness of Remedy.--

24 * * *

25 (b) Except as provided in subsection (c), nothing contained
26 in this act shall be deemed to repeal or supersede any of the
27 provisions of any existing or hereafter adopted municipal
28 ordinance, municipal charter or of any law of this Commonwealth
29 relating to discrimination because of race, color, familial
30 status, religious creed, ancestry, sexual orientation, gender

1 identity or expression, age, sex, national origin or handicap or
2 disability, but as to acts declared unlawful by section five of
3 this act the procedure herein provided shall, when invoked, be
4 exclusive and the final determination therein shall exclude any
5 other action, civil or criminal, based on the same grievance of
6 the complainant concerned. If the complainant institutes any
7 action based on such grievance without resorting to the
8 procedure provided in this act, such complainant may not
9 subsequently resort to the procedure herein. In the event of a
10 conflict between the interpretation of a provision of this act
11 and the interpretation of a similar provision contained in any
12 municipal ordinance, the interpretation of the provision in this
13 act shall apply to such municipal ordinance.

14 * * *

15 Section 7. This act shall take effect in 30 days.