

Council of the City of York, PA  
Session 2015  
Bill No.  
Ordinance No.

INTRODUCED BY: Michael Ray Helfrich

DATE: September 15, 2015

**AN ORDINANCE**

Amending Article 183 "Fair Housing" of the York City Codified Ordinances to define and include "gender identification" as a protected class.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that Article 183 "Fair Housing" of the York City Codified Ordinances is hereby amended, as attached hereto and made a part hereof, to define and include "gender identification" as a protected class.

PASSED FINALLY:

BY THE FOLLOWING VOTE:

YEAS: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

NAYS: \_\_\_\_\_.

\_\_\_\_\_  
Carol Hill-Evans, President of Council

ATTEST:

\_\_\_\_\_  
Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this \_\_\_\_\_ day of \_\_\_\_\_.

Approved: \_\_\_\_\_  
Mayor Date

Vetoed: \_\_\_\_\_  
Mayor Date

ARTICLE 183  
Fair Housing

183.01	Definitions.	183.04	Exemptions.
183.02	Scope.	183.05	Enforcement by
183.03	Prohibited acts.		Commission.

CROSS REFERENCES

Housing and development assistance, discrimination -  
see 35 P.S. Sec. 1664  
Discrimination and Human Relations Commission - see  
ADM. Art. 185  
Unlawful housing practices - see ADM. 185.03  
Citizens Advisory Committee to review housing programs -  
see ADM. 199.01(c)

183.01 DEFINITIONS.

As used in this article, unless a different meaning clearly appears from the content, the following terms shall have the following meanings. Words importing the masculine extend and shall be applied to the feminine and neuter genders.

- (a) "Commission" means the City Human Relations Commission.  
(Ord. 25-1991 Sec. 1. Passed 12-3-91.)
- (b) "Discriminate" or "discrimination" means any difference in treatment in the sale, lease, rental or financing of housing units or housing accommodations because of race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, **gender identification** or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.  
(Ord. 3-1993 Sec. 1. Passed 2-16-93.)
- (c) "Housing unit" means a single room or suite of rooms, or an apartment or dwelling, occupied or intended for occupancy as separate living quarters by any person or a family, or a parcel of real property or a lot available for the construction of a housing unit.
- (d) "Lending institution" means any person, as defined in this article, regularly engaged in the business of lending money or guaranteeing loans.

- (e) "Owner" includes the lessee, sub-lessee, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing unit which is part of a housing accommodation or to furnish services in connection therewith.
- (f) "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 and the Commonwealth of Pennsylvania, and all political subdivisions, authorities, boards and commissions thereof.
- (g) "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 racial, religious, ethnic, handicap or disability, or familial status composition of the street, block, neighborhood or area in which such housing accommodation is located.
- (h) "Real estate sales person 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. (Ord. 25-1991 Sec. 1. Passed 12-3-91.)
- (i) "Sexual orientation" means male or female homosexuality, heterosexuality and bisexuality, by preference, practice or as perceived by others. (Ord. 3-1993 Sec. 1. Passed 2-16-93.)
- (j) **"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.**

#### 183.02 SCOPE.

This article applies to discriminatory housing units located within territorial limits of the City. (Ord. 25-1991 Sec. 1. Passed 12-3-91.)

#### 183.03 PROHIBITED ACTS.

(a) No real estate broker or real estate sales person or agent, or owner or other person shall refuse to sell, lease, sublease, rent, assign or otherwise transfer or refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold or other interest in any housing unit to any person, or represent that a housing unit is not available for inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise deny or withhold any housing unit from any person because of race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.

(b) No owner shall refuse to sell, lease, sublease, rent, assign or otherwise transfer the title, leasehold or other interest in any housing unit, which is part of a housing unit to a person, or otherwise deny or withhold such housing unit or deny or withhold the furnishing of services in connection therewith from any person because of race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, **gender identification** or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.

(c) No real estate broker or real estate sales person or agent shall include in the terms, conditions, privileges or services in connection therewith of any sale, lease, sublease, rental, assignment or other transfer of any housing unit, any clause, condition or restriction discriminating against any person in the use or occupancy of such housing unit because of race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, **gender identification** or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.

(d) No person shall include in the terms, conditions or privileges of the sale, lease, sublease, rental, assignment or other transfer of a housing unit, which is part of a housing accommodation, any clause, condition or restriction discriminating against any person in the use or occupancy of such housing unit because of race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, **gender identification** or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.

(e) No person shall discriminate in the furnishing of any facilities or services for a housing unit, which is part of a housing accommodation, because of race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, **gender identification** or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.

(f) No lending institution shall discriminate in lending money, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing unit or housing accommodation, because of race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, **gender identification** or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.

(g) No real estate broker, real estate sales person or agent, owner or any other person or any lending institution shall publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or announce a policy, or use any form of application for the purchase, lease, rental or financing of housing, or make any record or inquiry in connection with the prospective purchase,

rental or lease of housing, which expresses directly or indirectly any limitation, specification or discrimination as to race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, **gender identification** or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals, or any intent to make any such limitation, specification or discrimination.

(Ord. 3-1993 Sec. 2. Passed 2-16-93.)

(h) No person, whether or not a real estate broker, real estate sales person or agent, owner or lending institution, shall aid, incite, compel, coerce or participate in the doing of any act declared to be unlawful housing practice under this article, or obstruct or prevent enforcement or compliance with the provisions of this article of any rule, regulation or order of the Commission, or attempt directly or indirectly to commit any act declared by this article to be an unlawful housing practice.

(Ord. 25-1991 Sec. 1. Passed 12-3-91.)

#### 183.04 EXEMPTIONS.

Nothing in this article shall bar any religious or denominational institution or religious or denominational organization which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination, or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained, as long as such selection or preference is not on the basis of race, color, handicap or disability, familial status, creed, ancestry, age, sex, national origin, sexual orientation, **gender identification** or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.

(Ord. 3-1993 Sec. 3. Passed 2-16-93.)

#### 183.05 ENFORCEMENT BY COMMISSION.

The provisions of this article shall be enforced by the Human Relations Commission pursuant to procedure and regulations which they shall establish.

(Ord. 25-1991 Sec. 1. Passed 12-3-91.)