Council of the City of York, PA
Session 2015
Bill No. 22
Ordinance No. 22

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: October 6, 2015 BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None.

Carol Hill-Evans, President of Council

ATTEST:

Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this 7th day of October 2015.

Approved: _____ 10/7/15
Mayor Date

Vetoed: _____ _____
Mayor Date

Morpheus/Bills_2015/Article-183-Gender-ID

ARTICLE 183
Fair Housing

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

Council of the City of York, PA
Session 2015
Bill No. 23
Ordinance No. 23

INTRODUCED BY: Michael Ray Helfrich DATE: September 15, 2015

AN ORDINANCE

Amending Article 185 "Human Relations" 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 185 "Human Relations" 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: October 6, 2015 BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None.

Carol Hill-Evans, President of Council

ATTEST:

Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this 7th day of October 2015.

Approved: C. Kim Bracey Mayor — 10/7/15 Date

Vetoed: _____ Mayor — _____ Date

Morpheus/Bills_2015/Article-185-Gender-ID

ARTICLE 185
Human Relations

(Human Relations Commission Board)

185.01 Short title.
185.02 Findings and declaration of policy.
185.03 General purpose.
185.04 Definitions.
185.05 Unlawful discriminatory practices in employment.
185.06 Unlawful discriminatory practices in housing.
185.07 Unlawful discriminatory practices in public accommodation.
185.08 Religious observance.
185.09 Abortion and sterilization; immunity from requirement to perform; unlawful discriminatory practices.
185.10 Human Relations Commission; powers and duties.
185.11 Procedure.
185.12 Enforcement and judicial review.
185.13 Conflict.
185.14 Authorization to receive donations.
185.15 Additional coverage.
185.99 Penalty.

CROSS REFERENCES

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

185.01 SHORT TITLE.

This act may be cited as the "City of York Human Relations Ordinance." (Ord. 9-98. Passed 9-15-98.)

185.02 FINDINGS AND DECLARATION OF POLICY.

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

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

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

(c) This article shall be deemed an exercise of the powers granted to the City under applicable State and Federal laws for the protection of the public welfare, prosperity, health and peace of the people of the City of York. The provisions of this article shall be construed liberally for the accomplishment of the purposes therein.
(Ord. 9-98. Passed 9-15-98.)

185.03 GENERAL PURPOSE.

The opportunity for an individual to obtain employment for which he is qualified, and to obtain all the accommodations, advantages, facilities and privileges of any public accommodation and of any housing accommodation and commercial property without discrimination because of race, color, familial status, religious creed, ancestry, disability, age, sex, national origin, sexual orientation, **gender identification,** the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals is hereby recognized as and declared to be a civil right which shall be enforceable as set forth in this article.
(Ord. 9-98. Passed 9-15-98.)

185.04 DEFINITIONS.

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

(a) "Accessible" means being in compliance with the applicable standards set forth in the following:
  (1) The Fair Housing Act (Public Law 90-284, 42 U.S.C. § 3601 et seq.);
  (2) The Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. § 12101 et seq.);
  (3) The act of September 1, 1965 (P.L. 459, No. 235, 71 P.S. § 1455.1 et seq.), entitled, as amended, "An act requiring that certain buildings and facilities adhere to certain principles, standards and specifications to make the same accessible to and usable by persons with physical disabilities, and providing for enforcement;" and
  (4) Other applicable Federal, State or local laws or regulations covering accessibility or accommodations.

(b) "Age" includes any person eighteen (18) years of age or older.

(c) "Aggrieved person" means any person who claims to have been injured by a discriminatory practice or believes that a discriminatory practice is about to occur.

(d) "Commercial property" means:
  (1) Any building, structure or facility, or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied for the purpose of operating a business, an office, a manufactory or any public accommodation; and
  (2) Any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern or public accommodation.

(e) "Commission" means the City of York Human Relations Commission.

(f) "Disability," with respect to a person, means:
  (1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
  (2) A record of having such an impairment; or
  (3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance, as defined in section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. § 802).
  (4) As used in this paragraph, the phrase:
    A. "Physical or mental impairment" means a physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin and endocrine or a mental or psychological disorder, such as mental illness, and specific learning disabilities.
    B. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

C. "Has a record of such an impairment" means has a physical or mental impairment that does not substantially limit major life activities but that is treated by an employer or owner, operator or provider of a public accommodation as constituting such a limitation; has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or has none of the impairments defined in subsection(f)(4)A. hereof but is treated by an employer or owner, operator, or provider of a public accommodation as having such an impairment.

(g) "Discriminate" means any difference in treatment in hiring, referring for hire, promoting, training, membership in employee or labor organizations, the sale, lease, rental or financing of housing, rendering service in places of public accommodation, because of race, color, familial status, religious creed, ancestry, age, sex, national origin, sexual orientation, **gender identification,** disability, or the use of guide or support animals because of the disability of the user or because the user is a handler or trainer of support or guide animals. The term "discrimination" includes segregation, and also includes any act which is unlawful under this article.

(h) "Employee" does not include:

(1) Any individual employed in agriculture or in the domestic service of any person;

(2) Any individuals who, as a part of their employment reside in the personal residence of the employer;

(3) Any individual employed by said individual's parents, spouse or child.

(i) "Employer" means any person who employs four or more employees within the City of York, including the Commonwealth of Pennsylvania, and all political subdivisions, authorities, boards and commissions thereof, including the City of York, but excluding any religious group where selection is on the basis of membership in the religious group and not on the basis of race, color, familial status, ancestry, age, sex, national origin, sexual orientation, **gender identification,** disability, or the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals.

(j) "Employment agency" includes any person regularly undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer or place employees.

(k) "Fair Housing Act" means Public Law 90-284, 42 U.S.C. § 3601 et seq.

(l) "Familial status" means one or more individuals who have not attained the age of eighteen years being domiciled with:

(1) A parent or other person having legal custody of such individual or individuals; or

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

NOTE: The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(m) "Housing accommodation" includes:
(1) Any building, structure, mobile home site or facility, or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied as the home residence or sleeping place of one or more individuals, groups or families whether or not living independently of each other; and
(2) Any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, mobile home site or facility.

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

(n) "Housing for older persons" means housing:
(1) Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program and subordinate to any determination made by the Secretary of Housing and Urban Development with respect to federally-assisted programs); or
(2) Intended for, and solely occupied by, persons sixty-two years of age or older; or
(3) Intended and operated for occupancy by persons fifty-five years of age or older, and:
A. At least eighty percent (80%) of the occupied units are occupied by at least one person who is fifty-five years of age or older;
B. The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subsection; and
C. The housing facility or community complies with rules issued by the Commission for verification of occupancy, which shall:
1. Provide for verification by reliable surveys and affidavits; and
2. Include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of subsection (n)(3)C.1.hereof. Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

NOTE: Housing shall not fail to meet the requirements for housing for older persons by reason of persons residing in such housing as of September 13, 1988, who do not meet the age requirements of subsections (n)(1) or (3) hereof.

(o) "Independent contractor" includes any person who is subject to the provisions governing any of the professions and occupations regulated by State licensing laws enforced by the Bureau of Professional and Occupational Affairs in the Department of State, or is included in the Fair Housing Act (Public Law 90-284, 42 U.S.C. § 3601 et seq.).

(p) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in relation to employment.

(q) "Lending institution" means any bank, insurance company, savings and loan association or any other person or organization regularly engaged in the business of lending money, guaranteeing loans, purchasing loans or providing other financial assistance which is either secured by residential real estate or is for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or engaged in the selling, brokering, or appraising of residential real property.

(r) "Non-job related disability" means any disability which does not substantially interfere with the ability to perform the essential functions of the employment which a disabled person applies for, is engaged in or has been engaged in. Uninsurability or increased cost of insurance under a group or employee insurance plan does not render a disability job related.

(s) "Owner" includes lessee, sublessee, assignee, manager, agent or any other person having the right of ownership or possession or the authority to sell, rent or lease any housing accommodation, including the City and its departments, boards and commissions.

(t) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees in bankruptcy or receivers. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, independent contractor, lending institution, the Commonwealth of Pennsylvania, and all political subdivisions, authorities, boards and commissions thereof, including the City of York.

(u) "Personal residence" means any single-family house sold or rented by an owner, provided:

(1) That such private individual owner does not own more than three such single-family houses at any one time;

(2) That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period;

(3) That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time.

(4) That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this article only if such house is sold or rented:

A. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

B. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of this article but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

The term "personal residence" is limited to rooms or units containing living quarters occupied or intended to be occupied by no more than two (2) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

"Personal Residence" as defined is limited to the exceptions in §804 (except (c))of the Fair Housing Amendments Act of 1988.

(v) "Public accommodation, resort or amusement" means provision of service; or any place which is open to, accepts or solicits the patronage of the general public; or offers goods or services to the general public; the Commonwealth of Pennsylvania, and all political subdivisions, authorities, boards and commissions thereof, including the City of York. The term "public accommodation" shall not include any accommodations which are in their nature distinctly private, personal and confidential.

(w) "Real estate-related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a housing accommodation or commercial property.

(2) The purchasing, constructing, improving, repairing or maintaining a housing accommodation or commercial property.

(3) The selling, brokering or appraising of real property.

(x) "Real estate broker" means any natural person, partnership, association or corporation who, for a fee or other valuable consideration, or other purposes, sells, purchases, exchanges or rents, or negotiates or offers or attempts to negotiate, the sale, purchase, exchange or rental of the real property of another, or holds himself out as engaged in the business of selling, purchasing, exchanging or renting the real property of another, or collects rental for the use of the real property of another or attempts to secure the listing for sale or rental of a housing unit by representing that a change has occurred or will or may occur with respect to the age, racial, religious creed, ethnic, disability, the use of a guide or support animal, sexual orientation, **gender identification,** or familial status composition of the street, block, neighborhood or area in which such housing accommodation is located.

(y) "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.

(z) "Sexual orientation" means male or female heterosexuality, homosexuality, bisexuality, or any other gender identity by practice or as perceived by others. (Ord. 9-98. Passed 9-15-98.)

(za) "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.

185.05 UNLAWFUL DISCRIMINATORY PRACTICES IN EMPLOYMENT.

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

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

(1) Make any inquiry, elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, **gender identification,** disability or the use of guide or support animal because of the disability of an applicant for employment or membership. Prior to an offer of employment, an employee may not inquire as to whether an individual has a disability or as to the severity of such disability. An employer may inquire as to the individual's ability to perform the essential functions of the employment.

(2) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, **gender identification,** non-job related disability or the use of a guide or support animal because of the disability of the user.

(3) Deny or limit, through a quota system or otherwise, employment or membership because of race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, **gender identification,** non-job related disability, the use of a guide or support animal because of the disability of the user.

(4) Substantially confine or limit recruitment or hiring of individuals, with intent to circumvent the spirit and purpose of this act, to any employment agency, employment service, labor organization, training school or training center or any other employee referring source.

(5) Deny employment because of, or a perception of, a prior disability.

(6) Nothing above shall prevent the Commission from requiring reports, information or answers to questions regarding race, color, religious creed, ancestry, age, sex, disability, the use of a guide or support animal, national origin or sexual orientation in connection with their compliance procedure or affirmative action or educational programs.

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

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

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

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

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

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

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

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

(j) It shall not be an unlawful employment practice for an employer to express a preference for a certain kind of applicant where the position to be filled requires special qualifications, skills or experience as long as such preference is not on the basis of race, color, religious creed, ancestry, age, sex, national origin or disability, the use of a guide or support animal, ~~or~~ sexual orientation, **or gender identification,**. Likewise, this section of the article shall not be construed to prohibit the refusal to hire or the dismissal of a person who is not able to function properly in the job applied for or engaged in.
(Ord. 9-98. Passed 9-15-98.)

185.06 UNLAWFUL DISCRIMINATORY PRACTICES IN HOUSING.

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

(1) Refuse to sell, lease, finance, or otherwise to deny, withhold, make unavailable, any housing accommodation or commercial property from any person, or establish, announce, or follow a policy of denying or limiting housing opportunities through a quota or otherwise, because of the race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, **gender identification,** or disability of any person, prospective owner, occupant or user of such housing accommodation or commercial property, or to refuse to lease any housing accommodation or commercial property to any person due to use of a guide animal because of the disability of the user, use of a support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals or because of the disability of an individual with whom the person is known to have a relationship or association.

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

(1.2) "Otherwise to deny" as stated above includes but is not limited to:

A. Representing to any person because of race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, **gender identification,** disability, or who are guide or support animal dependent, that a dwelling is not available for sale, rental or inspection when such dwelling is in fact available.

B. Failing to negotiate for the sale or rental of a dwelling.

(2) Refuse to lend money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property or otherwise withhold financing of any housing accommodation or commercial property from any person because of the race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, **gender identification,** disability of any person, the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals or because of the disability of an individual with whom the person is known to have a relationship or association. This prohibition includes money lent for any purpose, when the loan is secured by residential real estate.

(3) Discriminate against any person in the terms or conditions of selling or leasing any housing accommodation or commercial property or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any housing accommodation or commercial property because of the race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, **gender identification,** disability of any person, the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals or because of the disability of an individual with whom the person is known to have a relationship or association.

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

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

(4) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property because of the race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, **gender identification,** or disability of any person, the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of guide or support animals or because of the disability of an individual with whom the person is known to have a relationship or association.

(5) Print, publish, make, or circulate any statement, publication, notice, or advertisement:

A. Relating to the sale, lease or acquisition of any housing accommodation or commercial property or the loan of money, whether or not secured by mortgage, or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property which indicates any preference, limitation, specification, or discrimination based upon race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, **gender identification,** disability or because of the disability of an individual with whom the person is known to have a relationship or association, or

B. Relating to the sale, lease or acquisition of any housing accommodation or commercial property which indicates any preference, limitation, specification or discrimination based upon use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals.

(6) Make any inquiry, elicit any information, make or keep any record or use any form of application for the purchase, rental or lease of housing accommodations or to make real estate appraisals, containing questions or entries concerning race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, **gender identification,** disability or because of the disability of an individual with whom the person is known to have a relationship or association in connection with the sale or lease of any housing accommodation or commercial property or loan of any money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property, or to make any inquiry, elicit any information, make or keep any record or use any form of application containing questions or entries concerning the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals, in connection with the lease of any housing accommodation or commercial property.

(7) Discriminate in the making or purchasing of loans or in the appraising or brokering of residential real estate. Discrimination in brokering includes, but is not limited to, denying access to or membership in any multiple listing service or facility relating to the sale or rental of dwellings based on race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, **gender identification,** disability, or because of the disability of an individual with whom the person is known to have a relationship or association, or based upon use of a guide or support animal or because the person is a handler or trainer of guide or support animals.

(8) Construct, operate, offer for sale, lease or rent or otherwise make available housing or commercial property which is not accessible in accordance with federal law. This provision includes design and construction requirements as required under §804(f)(3)(C) of the Fair Housing Amendments Act of 1988.

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

A. It shall be unlawful for any person or other entity whose business includes engaging in real estate-related transactions to discriminate against any person in making available such a transaction or in the terms or conditions of such a transaction because of race, color, religious creed, ancestry, national origin, sexual orientation, **gender identification,** sex, age, disability, use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of guide or support animals or familial status.

B. It shall be unlawful for any real estate broker or real estate sales person or agent, or any other person for business or economic or other purposes to induce, directly or indirectly, or to attempt to induce, directly or indirectly, the sale or rental or the listing for sale or rental, of a housing accommodation by representing that a change has occurred or will or may occur with respect to the racial, age, religious, ethnic, gender, disability, the use of a guide or support animal, familial status or sexual orientation, **gender identification,** composition of the street, block, neighborhood or area in which such housing accommodation is located.

C. Nothing in this act prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religious creed, ancestry, national origin, sexual orientation, **gender identification,** sex, age, disability, use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of guide or support animals or familial status.

(10) Discriminate by engaging in certain real estate practices, including:

A. Inducing, soliciting or attempting to induce or solicit for commercial profit any listing, sale or transaction involving any housing accommodation or commercial property by representing that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area in which there reside, or do not reside, persons of a particular race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, **gender identification,** disability, or who are guide or support animal dependent.

B. Discouraging, or attempting to discourage, for commercial profit, the purchase or lease of any housing accommodation or commercial property by representing that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area in which there reside, or may in the future reside in increased or decreased numbers, persons of a particular race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, **gender identification,** disability, or who are guide or support animal dependent.

C. Misrepresenting, creating or distorting a circumstance, condition or incident for the purpose of fostering the impression or belief, on the part of any owner, occupant or prospective owner or occupant of any housing accommodation or commercial property, that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area which would be adversely impacted by the residence, or future increased or decreased residence, of persons of a particular race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, **gender identification,** disability, or who are guide or support animal dependent within such neighborhood, community or area.

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

(11) For any person with the intention of defeating the purposes of this article to sell, lease or transfer or attempt to sell, lease, or transfer or offer, advertise, or make available for sale, lease, or transfer any housing accommodation which is the subject of a written verified complaint filed with the Commission until final determination of the complaint.

(11.1) For any person, after a complaint regarding a housing accommodation has been filed and prior to final determination by the Commission, to fail to include a notice of the complaint in any subsequent lease or agreement of sale involving that housing accommodation.

(12) Nothing in this clause, regarding age or familial status, shall apply with respect to housing for older persons.

(13) Nothing in this clause shall bar any religious or denominational institution or organization or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious organization or any bona fide private or fraternal organization from giving preference to persons of the same religion or denomination or to members of such private or fraternal organization or from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes or fraternal principles for which it is established, or maintained. This exemption requires that the dwelling be owned and operated for other than a commercial purpose.

(13.1) The religious organization exemption applies only when membership in the religion is not restricted on account of race, color, ancestry, national origin, sexual orientation, **gender identification,** sex, age or disability.

(13.2) The exemption for a fraternal organization is only for a private club not in fact open to the public and applies only to lodgings provided as an incident to the club's primary purpose.

(14) Nothing in this clause shall apply:

A. With respect to discrimination based on sex, to the rental or leasing of housing accommodations in a single-sex dormitory.

B. To the rental of rooms in a landlord occupied rooming house with a common entrance. This exemption is limited to rooms or units containing living quarters occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence. NOTE: A "family" includes one person.

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

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

(b) Prohibited Interference, Coercion or Intimidation.

(1) It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this part, in accordance with the Fair Housing Act §818.

(2) Conduct made unlawful under this section includes, but is not limited to, the following:

A. Coercing a person, either orally, in writing, or by other means, to deny or limit the benefits provided that person in connection with the sale or rental of a dwelling or in connection with a residential real estate-related transaction because of race, ancestry, age, color, religion, sex, disability, familial status, sexual orientation, **gender identification,** or national origin.

B. Threatening, intimidating or interfering with persons in their enjoyment of a dwelling because of race, ancestry, age, color, religion, sex, disability, familial status, sexual orientation, **gender identification,** or national origin of such persons, or of visitors or associates of such person.

C. Threatening an employee or agent with dismissal or an adverse employment action, or taking such adverse employment action, for any effort to assist a person seeking access to the sale or rental of a dwelling or seeking access to any residential real estate-related transaction, because of the race, ancestry, age, color, religion, sex, disability, familial status, sexual orientation, **gender identification,** or national origin of that person or any person associated with that person.

D. Intimidating or threatening any person because that person is engaging in activities designed to make other persons aware of, or encouraging such other persons to exercise, rights granted or protected by this article.

E. Retaliating against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under this article or the Fair Housing Act.

(Ord. 9-98. Passed 9-15-98.)

185.07 UNLAWFUL DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATION.

(a) It shall be an unlawful discriminatory practice for any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any public accommodation, resort or amusement to:

(1) Refuse, withhold from, or deny to any person because of his race, color, sex, religious creed, ancestry, national origin, sexual orientation, **gender identification,** or disability, or to any person due to use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of such 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 and privileges of any such place shall be refused, withheld from or denied to any person on account of race, color, religious creed, sex, ancestry, national origin, sexual orientation, **gender identification,** disability, or to any person due to use of a guide or support animal because of the disability of the user, or because the user is a handler or trainer of support or guide animals, or that the patronage or custom thereat of any person, belonging to, or purporting to be of any particular age, race, color, religious creed, sex, ancestry, national origin, sexual orientation, **gender identification,** or disability, or to any person due to use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals, is unwelcome, objectionable or not acceptable, desired or solicited.

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

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

(5) Aid, abet, incite, compel or coerce the doing of any act declared by this subsection to be an unlawful discriminatory practice, or to obstruct or prevent any person from complying with the provisions of this subsection or any order issued thereunder, or to attempt, directly or indirectly, to commit any act declared by this subsection to be an unlawful discriminatory practice.

(b) For any person subject to this article to fail to post and exhibit prominently in his place of business any fair practices notice prepared and distributed by the Pennsylvania Human Relations Commission or the York Human Relations Commission.

(c) Nothing in this article shall bar any religious or denominational institution or organization, or any religious or denominational organization operated for charitable or educational purposes, 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 with regard to the occupancy, leasing, sale or purchase of real estate, or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained, provided that such selection or preference is not on the basis of race, color, familial status, ancestry, age, sex, national origin, sexual orientation, **gender identification,** disability, or the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals.

(d) It shall be an unlawful discriminatory practice for any person to interfere with the exercise of one's rights under this article, harass, threaten, intimidate, harm, damage or otherwise penalize any person, group or business because he or they exercised his or their rights under this article, or because he or they have complied with the provisions of this article, or enjoyed the benefits of this article, or because he or they have made a charge, testified or assisted in any manner in any investigation, proceeding or hearing hereunder. (See also Section 185.06(b)).

(e) It shall be an unlawful discriminatory practice for any person to aid, abet, incite, induce, compel or coerce the doing of an unlawful employment, housing, or public accommodation practice prohibited by this article or to obstruct or prevent any person from complying with the provisions of this article or any order issued hereunder.
(Ord. 9-98. Passed 9-15-98.)

185.08 RELIGIOUS OBSERVANCE.

(a) It shall be an unlawful discriminatory practice for any employer to prohibit, prevent or disqualify any person from, or otherwise to discriminate against any person in, obtaining or holding employment because of such person's observance of any particular day or days or any portion thereof as a Sabbath or other holy day in accordance with the requirements of the person's religion.

(b) Except as may be required in an emergency or where personal presence is indispensable to the orderly transaction of public business, no employee shall be required to remain at the place of employment during any day or days or portion thereof that, as a religious requirement, the person observes as the Sabbath or other holy day, including a reasonable time prior and subsequent thereto for travel between the place of employment and home, provided however, that any such absence from work shall, wherever practicable in the judgment of the employer, be made up by an equivalent amount of time and work at some other mutually convenient time, or shall be charged against any leave with pay ordinarily granted, other than sick leave, provided further, however, that any such absence not so made up or charged, may be treated by the employer of such person as leave taken without pay.

(c) This section shall not be construed to apply to any position dealing with the public health or safety where the person holding such position must be available for duty whenever needed, or to any position or class of positions duties of which are such that the personal presence of the holder of such position is regularly essential on any particular day or days or portion thereof for the normal performance of such duties with respect to any applicant therefor or holder thereof who, as a religious requirement, observes such as the Sabbath or other holy day.
(Ord. 9-98. Passed 9-15-98.)

185.09 ABORTION AND STERILIZATION; IMMUNITY FROM REQUIREMENT TO PERFORM; UNLAWFUL DISCRIMINATORY PRACTICES.

(a) No hospital or other health care facility shall be required to, or held liable for refusal to, perform or permit the performance of abortion or sterilization contrary to its stated ethical policy. No physician, nurse, staff member or employee of a hospital or other health care facility, who shall state in writing to such hospital or health care facility an objection to performing, participating in, or cooperating in, abortion or sterilization on moral, religious or professional grounds, shall be required to, or held liable for refusal to, perform, participate in, or cooperate in such abortion or sterilization.

(b) It shall be an unlawful discriminatory practice:

(1) For any person to impose penalties or take disciplinary action against, or to deny or limit public funds, licenses, certifications, degrees, or other approvals or documents of qualification to, any hospital or other health care facility, refusal of such hospital or health care facility to perform or permit to be performed, participate in, or cooperate in, abortion or sterilization by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such hospital or health care facility with respect to abortion or sterilization.

(2) For any person to impose penalties or take disciplinary action against, or to deny or limit public funds, licenses, certifications, degrees, or other approvals or documents of qualification to any physician, nurse or staff member or employee of any hospital or health care facility, due to the willingness or refusal of such physician, nurse or staff member or employee to perform or participate in abortion or sterilization by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such physician, nurse or staff member or employee with respect to abortion or sterilization.

(3) For any public or private agency, institution or person, including a medical, nursing or other school, to deny admission to, impose any burdens in terms or conditions of employment upon, or otherwise discriminate against any applicant for admission thereto or any physician, nurse, staff member, student or employee thereof, on account of the willingness or refusal of such applicant, physician, nurse, staff member, student or employee to perform or participate in, abortion or sterilization by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such person with respect to abortion or sterilization; provided, however, that this subsection shall not apply to any health care facility operated exclusively for the performance of abortion or sterilization or directly related procedures or to a separate clinic of a health care facility for the performance of abortion or sterilization or directly related procedures. (Ord. 9-98. Passed 9-15-98.)

185.10 HUMAN RELATIONS COMMISSION; POWERS AND DUTIES.

(a) There is hereby established the City Human Relations Commission. The Commission shall be composed of eleven members, at least eight of whom shall be City residents, selected from a broadly representative cross-section of the City's racial, ethnic and economic groups, sympathetic with the principles and purposes of this ordinance, appointed by the Mayor subject to the approval and confirmation of Council. All appointments shall be for three-year terms, and members shall serve without compensation.

(1) Any vacancy on the Commission arising from expiration of term or other cause shall be filled for the unexpired terms in the same manner as original appointments. All reasonable efforts will be made to fill any vacancy within sixty (60) days from the date of its occurrence with a duly appointed, approved, and confirmed Commissioner.

(2) A Commissioner whose term has expired shall continue to serve until replaced by a duly appointed, approved, and confirmed Commissioner.

(3) Six members of the Commission or a majority of those duly appointed and qualified shall constitute a quorum for transacting business, and a majority vote of those present at any meeting shall be sufficient for any official action taken by the Commission.

(b) The Commission is hereby vested with the authority to administer and enforce this article and in connection therewith it shall have the following powers and duties:

(1) To establish and maintain a central office in the City.

(2) To meet and function at any place within the City.

(3) To appoint attorneys to render legal advice to Commission members on matters appearing before it.

(4) To appoint employees and agents as it may deem necessary, fix their compensation subject to Article 165 (Employment Provisions) with the prior approval of the Mayor and Council; subject employees to Article 167 (Officers and Employees Retirement System), and prescribe their duties in accordance with practices and procedures adopted by the Commission, and also with annual or more frequent work plans adopted and regularly monitored by the Commission. Within these parameters set solely by the Commission, employees shall be City employees and subject to City administrative policies, procedures, rules and regulations, with administrative oversight of employees' activities to be carried out by the City's chief Human Resources official in consultation with the Commission's chair or designee.

(4.1) Staff duties include, but are not limited to:

A. The responsibility to initiate, receive, investigate and pass upon complaints charging unlawful discriminatory practices.

B. To assist the Commission to otherwise enforce the article.

(Ord. 42-2011. Passed 12-20-11.)

(4.2) Cost of Living Adjustment for HRC Employees: Employees of the York City Human Relations Commission shall receive an annual cost of living adjustment to their salary as recommended by the Mayor and approved by the City Council in the annual City budget.

(Ord. 6-2014. Passed 3-18-14.)

(5) To adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this article and to make recommendations to agencies of the City and Council to effectuate such policies.

(6) To study the problems of discrimination in all or specific fields of human relationships when based on race, color, familial status, religious creed, ancestry, age, sex, national origin, disability, sexual orientation, **gender identification,** or the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals, and foster, through community effort or otherwise, good will among the groups and elements of the population of the City, as well as seeking the creation of a joint City-County Commission on Human Relations.

(7) To issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, familial status, religious creed, ancestry, age, sex, national origin, disability, sexual orientation, **gender identification,** or the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals.

(8) To prepare and distribute fair practices notices.

(9) From time to time, but not less than once a year, a report to Council, describing in detail the investigations, proceedings, hearings and studies it has conducted and their outcome, the decisions it has rendered and the other work performed by it and make recommendations for such further legislation concerning abuses and discrimination because of race, color, familial status, religious creed, ancestry, age, sex, national origin, disability, sexual orientation, **gender identification,** or the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals, as may be desirable.

(10) To elect one of its members as chairperson and such other officers as it may deem necessary.

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

(12) To inspect, upon request, such records of the Commonwealth or any other political subdivision, board, department, commission or school district thereof as it may deem necessary or advisable to carry into effect the provisions of this article.

(13) To investigate where no complaint has been filed, but with the consent of at least eight of the members of the Commission any problem of racial discrimination with the intention of avoiding and preventing the development of racial tension.

(14) On the request of Council, to investigate claims of excessive use of force by police in civil rights protest activities.

(15) To hold hearings, subpoena witnesses, compel attendance, administer oaths, take testimony of any person under oath or affirmation and, in connection therewith, to require the production for examination of any books and papers relating to any matter under investigation. The Commission may make rules as to the issuance of subpoenas by individual Commissioners. In case of contumacy or refusal to obey a subpoena issued to any person, any court of jurisdiction, upon application by the Commission, may issue to such person an order requiring such person to appear before the Commission, to produce documentary evidence, if so ordered, or to give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the Commission or of any individual Commissioner, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled after having claimed his privilege against self incrimination,

to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.
(Ord. 42-2011. Passed 12-20-11.)

185.11 PROCEDURE.

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

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

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

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

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

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

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

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

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

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

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

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

(l) If, upon all the evidence at the hearing, the Commission finds that the respondent has been engaged in or is engaged in any unlawful practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent an order requiring the respondent to cease and desist from such unlawful practice or practices and to take such affirmative action, including, but not limited to hiring, reinstatement or upgrading of employees, with or without back pay, restoration to membership in any respondent labor organization, or the extension of full, equal and unsegregated accommodation, advantages, facilities and privileges to all persons, and/or such other equitable and civil remedies including but not limited to compensatory damages, attorney's fees, out-of-pocket expenses, costs, and the assessment of a civil penalty as available under the Pennsylvania Human Relations Act, Act of Oct. 27, 1955, (P.L. 744, No. 222), as amended, as, in the judgment of the Commission, will effectuate the purpose of this article, and including a requirement for report of the manner of compliance.

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

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

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

(p) In cases involving a claim of discrimination, if a complainant invokes the procedures set forth in this article, that individual's right of action in the courts of the Commonwealth shall not be foreclosed. If the court finds that the respondent has engaged in or is engaging in an unlawful discriminatory practice charged in the complaint, the court shall enjoin the respondent from engaging in such unlawful discriminatory practice and order affirmative action which may include, but is not limited to, reinstatement or hiring of employees, granting of back pay, compensatory or punitive damages, attorney's fees, or any other legal or equitable relief as the court deems appropriate.
(Ord. 9-98. Passed 9-15-98.)

185.12 ENFORCEMENT AND JUDICIAL REVIEW.

The complainant, the City or the Commission may secure enforcement of the order of the Commission or other appropriate relief by the Court of Common Pleas of York County. When the Commission has heard and decided any complaint before it, enforcement of its order shall be initiated by the filing of a petition in such court, together with a transcript of the record of the hearing before the Commission, and issuance and service of a copy of such petition as in proceedings in equity. When enforcement of a Commission order is sought, the court may make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, an order or decree enforcing, modifying and enforcing as so modified, or setting aside, in whole or in part, the order of the Commission, and the jurisdiction of the court shall not be limited by acts pertaining to equity jurisdiction of the courts. Any failure to obey an order of the court may be punished by such court as a contempt thereof. A final order entered by the Commission is an appealable order.
(Ord. 9-98. Passed 9-15-98.)

185.13 CONFLICT.

When a provision of this article is found to be in conflict with a provision of any other City ordinance, or any regulation issued under the authority of such ordinance, the provisions which establish the higher standard for the protection of health, safety and welfare shall prevail.
(Ord. 9-98. Passed 9-15-98.)

185.14 AUTHORIZATION TO RECEIVE DONATIONS.

The authorization and appropriation of public funds to the Human Relations Commission shall not preclude the Commission from accepting donations, to be used in administering this article, from any other sources, public or private.
(Ord. 9-98. Passed 9-15-98.)

185.15 ADDITIONAL COVERAGE.

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

(a) A statement of intent and a record of the proceedings shall be certified to the City Solicitor by a representative of the governmental unit seeking affiliation.

(b) Amendments to this article shall be drafted by the representatives of Council, the Commission and the governmental unit electing to affiliate, in order to resolve problems of affiliation relating to financial support, representation, reporting changes in name and other relationships.

(c) The governmental unit electing to affiliate shall, after the conditions of participation have been agreed upon by their representatives as provided in subsection (b) hereof, transmit to the City Solicitor the resolutions and proceedings of the governmental subdivision, stating the conditions of affiliation.

(d) Upon acceptance of such affiliation by Council, by resolution duly adopted by it which includes the conditions of affiliation, the provisions of this article shall be applicable to such governmental unit, in accordance with the conditions of affiliation.

(Ord. 9-98. Passed 9-15-98.)

185.99 PENALTY.

Whoever violates any of the provisions of this article shall, upon conviction thereof, be fined not more than five hundred dollars ($500.00) and costs in addition to any order or decree that may be issued by any court and any applicable penalties under the Fair Housing Act. (Ord. 9-98. Passed 9-15-98.)

Council of the City of York, PA
Session 2015
Bill No. **24**
Ordinance No. **24**

INTRODUCED BY: **Henry Hay Nixon** DATE: **September 15, 2015**

AN ORDINANCE

Amending the York City Budget for the year 2015 by appropriating revenue and expense for the York City Police Department in the amount of $60,699.00 for the enhancement of law enforcement operations.

WHEREAS, the York City Police Department applied for, and received, an award of $60,699.00 from the Bureau of Justice Assistance, and

WHEREAS, the Finance Bureau has reviewed the budget and has determined that the budget must be amended.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that the City of York 2015 Budget is hereby amended in accordance with the following schedule.

Account #	Description	Revenue	Expense
10-500-34020-10184	Police Grant	$60,699.00	
10-500-43150-10184	Interfund Transfer		$54,699.00
10-500-44400-10184	Other Contractual Services		$ 6,000.00
50-500-39090-10184	Transfer from General Fund	$54,699.00	
50-500-46110-10184	Furniture		$10,000.00
50-500-46121-10184	Data Processing Software		$ 5,150.00
50-500-46170-10184	Other Capital Equipment		$16,300.00
50-500-46180-10184	Weapons		$23,249.00

PASSED FINALLY: **October 6, 2015** BY THE FOLLOWING VOTE:

YEAS: **Helfrich**, **Nixon**, **Satterlee** **Nelson**, **Hill-Evans** - **5**

NAYS: **None**.

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

ATTEST:

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

Presented to the Mayor for approval this **7th** day of **October 2015**.

Approved: C. Kim Bracey 10/7/15
Mayor Date

Vetoed: _____ _____
Mayor Date

Morpheus/Bills_2015/JAGaward-$60,699

Council of City of York, PA
Session 2015
Bill No. **25**
Ordinance No. **25**

INTRODUCED BY: **Henry Hay Nixon** DATE: **September 15, 2015**

AN ORDINANCE

Amending Article 1763 "Property Maintenance Code," Section 706.2 and 706.2.1.1 to clarify residential structures required to be equipped with Carbon Monoxide Alarms.

WHEREAS, the City of York has adopted the Property Maintenance Code of the City of York, Pennsylvania; and

WHEREAS, the expressed intent of the Property Maintenance Code is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises; and

WHEREAS, Bill No. 11, Ordinance No. 12 of 2015, the Council of the City of York, Pennsylvania amended the Property Maintenance Code to require that all tenant occupied properties be equipped with Carbon Monoxide Detectors; and

WHEREAS, there was no specific requirement for detector installation in the immediate vicinity of fossil fuel supplied water heaters; and

WHEREAS, fossil fueled water heaters operate around the clock, every day and have a greater potential to introduce carbon monoxide into a residence;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania that the Council hereby approves the following amendment to the Property Maintenance Code of the City of York, Pennsylvania:

706.2 Carbon monoxide detectors. All tenant occupied residential structures that have fire places, fossil fuel burning ~~appliances or having an attached garage~~ *heaters, water heaters or fireplaces* shall be equipped with single or multiple station carbon monoxide detectors complying with the American National Standard for Carbon Monoxide Alarms (ANSI/UL2304) and The American National Standard for Gas and Vapor Detectors and Sensors (ASNI/UL2075) as required by this section.

706.2.1.1 Detector locations. Carbon monoxide detectors shall be installed in the following locations:

1. In the immediate vicinity of all fossil fuel burning ~~appliances~~ heaters, *water heaters* or fireplaces.
2. In the vicinity of all sleep rooms or areas.
3. ~~In attached garages and within the immediate vicinity of the interior door to the attached garage on the residence side of the door.~~
4. ~~In the immediate vicinity of any other appliance or device that may produce carbon monoxide.~~

#3 & #4 was Removed per Bill 11, Ord. 12 of 2015. (Nixon amendment) Adopted 5/5/15

Note: If requirements of the above cited references conflict, the most restrictive requirement shall apply.

This ordinance shall become effective in accordance with the law.

PASSED FINALLY: **October 6, 2015** BY THE FOLLOWING VOTE:

YEAS: **Helfrich**, **Nixon**, **Satterlee**, **Nelson**, **Hill-Evans - 5**

NAYS: **None**.

Carol Hill-Evans

Carol Hill-Evans, President of Council

ATTEST:

Dianna L. Thompson-Mitchell

Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this **7th** day of **October** 2015.

APPROVED: Kim Bracey 10/7/15

Mayor Date

VETOED: _____

Mayor Date