

City of Lancaster, PA  
Monday, July 14, 2014

## Chapter 125. DISCRIMINATION

**[HISTORY: Adopted by the City Council of the City of Lancaster as Article 185 of the Codified Ordinances. Amendments noted where applicable.]**

### GENERAL REFERENCES

Housing — See Ch. 169.

### § 125-1. Findings and declaration of policy.

#### A. Findings.

- (1) The population of the City consists of people representing a broad spectrum of races, creeds and ethnic groups. The practice or policy of discrimination against individuals or groups by reason of their race, color, religion, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, possession of a General Education Development Certificate (GED), handicap or disability or use of a support animal because of the handicap or disability of the user or because the user is a handler or trainer of support or guide animals is a matter of concern to the City. Such discrimination encourages domestic strife and social unrest, while threatening the rights and privileges of all the inhabitants of the City.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

- (2) Employment discrimination deprives persons of earnings necessary to maintain decent standards of living, tends to impair the City's productive capacity, reduces public revenues and contributes to group tensions and conflicts. Housing discrimination results in overcrowded, segregated areas which tends to promote substandard, unsafe and unsanitary living conditions. These adverse conditions foster crime, vice, juvenile delinquency and similar evils which are all detrimental to the welfare of the City.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

- (3) Discrimination in educational institutions precludes equal opportunities. Lack of equal education opportunity impedes the students' abilities to compete for gainful employment when the educational phase is completed.

- (4) Discrimination in places of public accommodation causes humiliation, embarrassment and is an inconvenience to citizens and visitors alike.

B. Declaration of policy. It is hereby declared to be the policy of the City to promote the right and opportunity of all persons to participate in the social, cultural, recreational and economic life of the City and to assure equal opportunity for all persons concerning employment, housing and commercial property, education, public accommodations, lending practices and real estate practices without regard to race, color, religion, ancestry, national origin, sex, age, familial status, sexual orientation, marital status, possession of a GED, handicap or disability or the use of a support animal or because the user is a handler or trainer of support or guide animals.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

## § 125-2. Scope and application.

### **[Amended 11-27-2001 by Ord. No. 10-2001]**

This chapter applies to discriminatory practices, including but not limited to discrimination in employment, housing, education, public accommodations and lending, which occur within the corporate limits of the City.

## § 125-3. Right to freedom from discrimination.

### **[Amended 11-27-2001 by Ord. No. 10-2001]**

The opportunity for an individual to secure employment for which he is qualified, to obtain an equal education opportunity and to obtain all the accommodations, advantages, facilities and privileges of any place of public accommodation without discrimination and of housing accommodation and commercial property without discrimination and to obtain credit without discrimination because of race, color, religion, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, possession of a GED, handicap or disability or the use of a support animal 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 chapter.

## § 125-4. Definitions.

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

### **AGE**

Refers to individuals age 40 years and older for purposes of § 125-8.

### **[Amended 11-27-2001 by Ord. No. 10-2001]**

### **COMMERCIAL PROPERTY**

#### **[Amended 11-27-2001 by Ord. No. 10-2001]**

- A. Any buildings, structure or facility or portion thereof, which is used, occupied or is intended, arranged or designated to be used or occupied for the purpose of operating a business, an office, a manufactory or any public accommodation; or
- B. Any vacant land offered for sale or lease or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern or public accommodation.

### **COMMISSION**

The Lancaster City Human Relations Commission, created by this chapter, its agents or designees.

### **[Amended 11-27-2001 by Ord. No. 10-2001]**

### **DISCRIMINATE and DISCRIMINATION**

Includes any difference in treatment based on race, color, religion, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, possession of a GED, handicap or disability, use of a support animal or because the user is a handler or trainer of support or guide animals. The terms include "segregate" and "segregation."

### **[Amended 11-27-2001 by Ord. No. 10-2001]**

### **EDUCATIONAL INSTITUTION**

Any institution which accepts or solicits individuals to engage in the learning process such as day-care centers, nursery schools, kindergartens, primary and secondary schools, high schools, academies, extension schools, camps or any secretarial, business, vocational or trade school of post-secondary grade which is subject to the visitation, examination or inspection of or is licensed by the Commonwealth Department of Education, including any accredited correspondence school, post-secondary school, college, junior college or university, except any religious or denominational educational institution as defined in this section. It is not within the Commission's jurisdiction to

process complaints for people considered to be employees of the Commonwealth of Pennsylvania.

**EMPLOYEE**

Does not include:

- A. Any individual employed in agriculture or in the domestic service of any person; or
- B. Any individual employed by such individual's parents, spouse or child.

**EMPLOYER**

Includes the City or any board, department, commission, authority thereof, any person employing four or more persons within the City and any religious, fraternal, charitable or sectarian corporation or association employing four or more persons and supported in whole or in part by governmental appropriations. Employer does not include parents, spouse or children or religious, fraternal, charitable or sectarian corporations or associations not supported by governmental appropriations.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

**EMPLOYMENT AGENCY**

Any person regularly undertaking, with or without compensation, to procure, recruit, refer or place employees.

**FAMILIAL STATUS**

- A. One or more individuals who have not attained the age of 18 years domiciled with:
- B. A parent or another person having legal custody of such individual; or
- C. The designee of such parent or other person having such custody, with the written permission of such parent or other person.
- D. 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 18 years.

**GED**

General Education Development Certificate.

**HANDICAP or DISABILITY**

A physical or mental impairment that substantially limits one or more major life activities, having a record of such impairment or being regarded as having such an impairment.

**HOUSING ACCOMMODATION**

- A. Includes:
- B. Any building, structure, mobile home site or facility or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home residence or sleeping place by a person, by a family or by a group of persons living together; or
- C. Any vacant land offered for sale or lease or held for the purpose of constructing or locating thereon any such building, structure, mobile home site or facility.
- D. Housing accommodation shall not include any personal residence offered for rent by the owner or lessee thereof or by his broker, salesperson, agent or employee.

**LABOR ORGANIZATION**

Any organization which exists for the purpose in whole or in part of collective bargaining or dealing with employers concerning grievances, wages, hours of work or other terms and conditions of employment or of other mutual aid or protection in relation to employment.

**LENDING INSTITUTION**

Any bank, insurance company, savings and loan association or any person or organization regularly engaged in the business of lending money, granting credit or guaranteeing loans, and including credit rating bureaus which supply information used to determine the eligibility for such loans or credit.

**NON-JOB-RELATED HANDICAP OR DISABILITY**

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

**OWNER**

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

**[Amended 11-27-2001 by Ord. No. 10-2001]**

**PERSON**

Any individual, partnership, corporation, labor organization, educational institution, the City and its legal authorities or other organization or association, including those acting in a fiduciary or representative capacity, whether appointed by a court or otherwise. As applied to partnerships or other organizations or associations, person includes their members, and as applied to corporations, person includes their officers.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

**PERSONAL RESIDENCE**

A building or structure containing living quarters occupied or intended to be occupied by no more than two individuals, two groups or two families living independently of each other and used by the owner as a bona fide residence for himself and any members of his family forming his household.

**POLITICAL SUBDIVISION**

Any city, township or borough within the County of Lancaster.

**PUBLIC ACCOMMODATION or PLACE OF PUBLIC ACCOMMODATION**

Any place which is open to and accepts or solicits the patronage of the general public, including but not limited to inns, taverns, restaurants or eating houses, resorts, places of recreation or amusement, hotels, motels, clinics, drug stores, hospitals, swimming pools, barbershops, beauty parlors, retail stores, parks, bowling alleys, gymnasiums and public libraries, and includes all governmental facilities, nonsectarian cemeteries, garages and all public conveyances operated on land or water or in the air as well as the stations, terminals and airports thereof and financial institutions. The above does not include any accommodations which are in their nature distinctly private.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

**REAL ESTATE BROKER**

Any natural person, partnership, corporation or other association that sells, purchases, exchanges, rents or negotiates or offers or attempts to negotiate the sale, purchase, exchange or rental of the real property of another or holds itself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, and includes real estate salespeople or agents or any person employed by a real estate broker to perform or to assist in the performance of his business.

**RELIGION**

A person's religious creed or the practices and observances with which a person expresses a religious creed.

**RELIGIOUS OR DENOMINATIONAL EDUCATIONAL INSTITUTION**

Any educational institution which is operated, supervised, controlled or sustained primarily by a religious, sectarian or denominational organization or is one which is stated by the parent church or denomination to be and is, in fact, officially related to it by being represented on the board of that institution and by providing substantial financial assistance.

**SEX**

The gender, male or female, of a person.

### **SEXUAL ORIENTATION**

Male or female homosexuality, heterosexuality, bisexuality and any other gender identity, by practice or as perceived by others.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

## **§ 125-5. Lancaster City Human Relations Commission.**

**[Amended 11-27-2001 by Ord. No. 10-2001]**

- A. The Lancaster City Human Relations Commission (the Commission) shall administer, implement and enforce the provisions of this chapter.
- B. The Commission shall consist of five regular members appointed by the Mayor, with the prior approval of the Council of the City of Lancaster. The members appointed shall reflect the cultural, racial, economic, religious, gender and physically impaired groups in the City. Members shall be residents of the City.
- C. Persons appointed as Commissioners shall serve for terms of three years, provided that in making the first appointments to the Commission, two members shall be appointed for terms of one year each, two members shall be appointed for terms of two years each, and one member shall be appointed for a term of three years. Members may be reappointed. Each member of the Commission shall continue to serve after the term until a successor is appointed. In the event of a vacancy due to the death, resignation, removal or any other reason, the Chairperson of the Commission shall notify the Mayor in writing of the vacancy. Thereafter, the Mayor, with the prior approval of City Council, shall appoint an individual to serve the remainder of vacated term.
- D. The Commission shall elect one of its members as Chairperson and may elect such other officers as it may deem necessary. The Chairperson may, with the approval of the Commission, appoint such committees as may be necessary to carry out the powers and duties of the Commission. The Commission may authorize such committees to take any necessary action for the Commission.
- E. The Commission shall hold meetings as required, but shall convene at least two times during each calendar year. Three members of the Commission shall constitute a quorum for the transaction of business, and a majority of votes of those present at any meeting at which a quorum is present shall be sufficient for any official action taken by the Commission, except approval of a majority of all the members shall be required before any public hearing may be held. A member who shall be absent for three consecutive regular meetings without good cause shall be considered by the Commission to have resigned membership, and the Chairperson shall so inform the Mayor and City Council in order that a replacement may be appointed.

**[Amended 10-22-2013 by Ord. No. 11-2013]**

- F. The members of the Commission shall serve without compensation, but may be reimbursed for all necessary expenses incurred in the performance of their duties in accordance with appropriations made by the City.
- G. The Commission shall adopt such rules and policies for its own organization as may be necessary to carry out the duties of the Commission in implementing, administering and enforcing this chapter.
- H. There shall also be, as part of the Commission, a Board of Directors (the Board) composed of 13 members appointed by the Mayor with the prior approval of the Council of the City. The members appointed shall be broadly representative of the cultural, racial, economic, religious, gender and physically impaired groups in the City. Members shall be residents of Lancaster City.
- I. Persons appointed as Directors shall serve for terms of three years, provided that in making the initial appointments to the Board, four members shall be appointed for terms of one year each, four shall be appointed for terms of two years each, and five members shall be appointed for terms of three years each. Directors may be reappointed. Each member of the Board shall continue to

serve after the term until a successor is appointed.

- J. The Board of Directors shall elect one of its members as Chairperson and may elect such other officers as it may deem necessary. The Chairperson may, with the approval of the Board, appoint such committees as may be necessary to carry out the duties of the Board.
- K. The Board shall hold meetings as required, but shall convene at least two times during each calendar year. Three members shall constitute a quorum, and a majority of votes of those present at any meeting at which a quorum is present shall be sufficient for any action taken by the Board. Any member who shall be absent for three consecutive regular meetings without good cause shall be assumed by the Board to have resigned membership, and the Chairperson shall so inform the Mayor and City Council so that a replacement may be appointed.

**[Amended 10-22-2013 by Ord. No. 11-2013]**

- L. The members of the Board shall serve without compensation, but may be reimbursed for all necessary expenses incurred in the performance of their duties in accordance with appropriations made by the City.
- M. The Board shall adopt such rules and policies for its own organization as may be necessary to carry out the duties of the Board, however, the Board has no power to administer, implement, enforce or otherwise involve itself in the enforcement of this chapter.
- N. The Board shall be responsible for the development and implementation of programs, materials, workshops, seminars and other educational endeavors which will promote good human relations among the diverse individuals and groups of the City and which will help prevent unlawful discriminatory practices. At least once per month, the Board shall provide the Mayor and City Council a schedule of the Board's upcoming events for the following month.
- O. The Board shall work in concert with the Commissioners in these and other administrative duties.

## § 125-6. Powers and duties of the Commission.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

The Lancaster City Human Relations Commission shall have the power and duty to:

- A. Meet and function at any place within the City.
- B. Initiate, receive, investigate and seek satisfactory adjustment of complaints charging unlawful discriminatory practices as defined in §§ **125-4** and **125-8** through **125-12**.
- C. Hold hearings, subpoena witnesses, administer oaths, take testimony of any person under oath or affirmation and, in connection therewith, require the production of evidence relating to any matter under investigation or any question before the Commission, make findings of fact, issue orders and publish such findings of fact and orders and do all other things necessary and proper for the enforcement of this chapter. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at a hearing shall be under oath and shall be transcribed. 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 competent jurisdiction, upon application by the Commission, may issue to such person an order requiring such person to appear before the Commission, there to produce documentary evidence, if so ordered, or there to give evidence touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.
- D. Issue subpoenas and subpoenas duces tecum, either at its instance or upon written application at the instance of any party to the proceeding, whenever necessary to compel the attendance of witnesses or to require the production for examination of any books, payroll records, personnel records, correspondence, documents, papers or any other evidence relating to any matter under investigation or in question before the Commission or members thereof. The issuance of such subpoenas and subpoenas duces tecum at the instance of a party to the proceedings shall depend

upon a showing of the necessity therefor.

- E. Recommend to the City such attorneys and permanent hearing examiners and other employees and agents as it may deem necessary, recommend compensation to the City and prescribe their duties.
- F. Attorneys:
  - (1) Recommend attorneys to the City to perform the following functions:
    - (a) Render legal advice to Commission members on matters appearing before it; and
    - (b) At the discretion of the Commission, give legal assistance to complainants and respondents appearing before the Commission or hearing examiners.
  - (2) These responsibilities may not be performed by the same attorneys in the same matter.
- G. Issue such publications and such results of investigations and research as, in its judgment, shall tend to promote good will and minimize or eliminate discrimination.
- H. Prepare and publish all findings of fact, conclusions of law, final decisions and orders made after a public hearing by the hearing examiners, Commission panel or full Commission.
- I. Give public access to the Commission's Compliance Manual.
- J. Recommend to the City an Executive Director and such other employees and agents as it may deem necessary, recommend compensation to the City or its equivalent within the limits provided by policy and prescribe their duties.
- K. Render from time to time, but not less than semiannually, a written report of its activities and recommendations to the Mayor and City Council.

**[Amended 10-22-2013 by Ord. No. 11-2013]**

- L. Adopt, promulgate, amend or rescind such rules and regulations, as may be necessary, to carry out the purposes and provisions of this chapter.
- M. The City may contract with another political subdivision to provide administrative, technical, logistical and other support to the Commission to enable the Commission to carry out its duties as set forth in Subsections **B, C, D, F, G, H,** and I above (service contracts). If the City enters such a service contract, the Commissioners' power under this subsection shall be limited by such contract.

## § 125-7. Investigatory hearings related to racial or ethnic problems.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

Whenever any problem of racial or ethnic discrimination or racial or ethnic tension arises, the Lancaster City Human Relations Commission may immediately hold investigatory hearings. The place of any such hearings may be held anywhere in the City that a problem arises. The hearings may be public or private and the Commission shall have the same powers as provided in this chapter for hearings on complaints. The purpose of the hearings shall be to resolve the situation promptly by the gathering of all the facts from all interested parties and making such recommendations as may be necessary. Should the recommendations of the Commission not be accepted within a reasonable time, the Commissioners may, with the consent of the majority of members, on its own behalf initiate a complaint based upon the findings resulting from the hearings, and thereafter the procedure shall be as set forth in §§ **125-15** and **125-17**.

## § 125-8. Unlawful employment practices.

It shall be an unlawful discriminatory employment practice, unless based upon a bona fide occupational qualification or applicable security regulation established by the United States of America, the Commonwealth of Pennsylvania, the County of Lancaster or any ordinance of the City of Lancaster:

- A. For any employer to refuse to hire any person or otherwise to discriminate (as defined in § **125-4**) against any person with respect to hiring, tenure, compensation, promotion, discharge or other

terms, conditions or privileges directly or indirectly related to employment if the individual is the best able and most competent to perform the services required.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

(1) The provisions of this subsection shall not apply to:

- (a) Termination of employment because of the terms or conditions of any bona fide retirement or pension plan;
- (b) Operation of the terms or conditions of any bona fide retirement or pension plan which has the effect of a minimum service requirement;
- (c) Operation of the terms or conditions of any bona fide group or employee insurance plan; or
- (d) Age limitations placed upon entry into bona fide apprenticeship programs of two years or more approved by the State Apprenticeship and Training Council of the Department of Labor and Industry.

(2) Notwithstanding any provision of this subsection, it shall not be an unlawful employment practice for a religious corporation or association to hire or employ on the basis of sex in those certain instances where sex is a bona fide occupational qualification because of the religious beliefs, practices or observances of the corporation or association.

B. For any employer, employment agency or labor organization to require of any applicant for employment or membership any information concerning race, color, religion, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, possession of a GED or non-job-related handicap or disability, use of a support animal or because the user is a handler or trainer of support or guide animals. An employer may inquire as to the individual's ability to perform the essential functions of the employment. Prior to an offer of employment, an employer may not inquire as to the existence and nature of a present handicap or disability.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

C. For an employer, employment agency or labor organization to publish or circulate or to cause to be published or circulated any notice or advertisement relating to employment or membership which indicates any discrimination or intent to discriminate (as defined in § 125-4).

**[Amended 11-27-2001 by Ord. No. 10-2001]**

D. For any employment agency to fail or refuse to classify properly or refer to employment or otherwise to discriminate against any person (as defined in § 125-4).

**[Amended 11-27-2001 by Ord. No. 10-2001]**

E. For any employer substantially to confine or limit recruitment or hiring of employees to any employment agency, employment service, labor organization, training school, training center or any other employee-referring source which serves persons who are predominantly of the same race, color, religion, ancestry, national origin, age, sex, family status, sexual orientation, marital status, non-job-related handicap or disability.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

F. For any labor organization to discriminate (as defined in § 125-4) against any person in any way which would deprive or limit that person's employment opportunities or otherwise adversely affect that person's status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

G. For any employer, employment agency or labor organization to penalize or discriminate against any person because that person has opposed any practice forbidden by this section or because he has made a complaint or testified or assisted in any manner in any investigation or proceeding under this chapter.



- H. For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce or participate in the execution of any act declared to be an unlawful employment practice by this chapter, or to obstruct or prevent any person from enforcing or complying with the provisions of this chapter or any rule, regulation or order of the Commission, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful employment practice.
- I. For any employer to fail to make reasonable efforts to assure a working environment free of bias in regard to employees' race, color, religion, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, non-job-related handicap or disability or possession of a GED, use of a support animal or because the user is a handler or trainer of support or guide animals.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

- J. For any employer, employment agency or labor organization, prior to the employment or admission to membership, to deny employment because of a prior handicap or disability.

## § 125-9. Unlawful housing practices.

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

- A. For any owner, real estate broker or any other person to discriminate (as defined in § 125-4) against any person by refusing to sell, lease, sublease, rent, assign or otherwise transfer, or by refusing to negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold or other interest in any housing accommodation or commercial property to any person, or by representing that any housing accommodation or commercial property is not available for inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise by denying or withholding any housing accommodation or commercial property from any person, or to discriminate against, segregate or assign quotas to any such person or group of persons in connection with the sale, lease, sublease, rental, assignment or other transfer of title, leasehold or other interest in any housing accommodation or commercial property.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

- B. For any person, including any owner or real estate broker, to include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing accommodation or commercial property any clause, condition or restriction which discriminates against or requires any other person to discriminate (as defined in § 125-4) against any person in the use or occupancy of such housing accommodation or commercial property.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

- C. For any person, including any owner or real estate broker, to discriminate (as defined in § 125-4) in the furnishing of any facilities or services for any housing accommodation or commercial property.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

- D. For any person, including any owner or real estate broker, to publish, circulate, issue or display or cause to be published, circulated, issued or displayed any communication, notice, advertisement or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer or listing of any housing accommodation or commercial property which indicates any preference, limitation, specification or other discrimination (as defined in § 125-4) or an intent to discriminate.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

- E. For any person, including any bank, banking organization, mortgage company, insurance company or other financial or lending institution or any agent or employee thereof, to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation or commercial property:

**[Amended 11-27-2001 by Ord. No. 10-2001]**

- (1) To discriminate (as defined in § 125-4) against any person or group of persons or against the

prospective occupants or tenants of such housing accommodation or commercial property in granting, withholding, extending, modifying or renewing of or in the rates, terms, conditions or privileges of any such financial assistance or the extension of services in connection therewith; or

- (2) To make any inquiry, elicit any information, make or keep any record or use any form of application for such financial assistance in connection with applications for such financial assistance which indicates, directly or indirectly, any limitation, specification or discrimination because of race, color, religion, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, possession of a GED, handicap or disability or use of a support animal or because the user is a handler or trainer of support or guide animals.
- F. For any person, including any owner or real estate broker, for business or economic purposes to induce, directly or indirectly, the sale or rental or the listing for sale or rental, of a housing accommodation or commercial property by representing that a change has occurred or shall or may occur with respect to the racial, religious or ethnic composition of the street, block, neighborhood or area in which such housing accommodation or commercial property is located.
- G. For any person, including any owner, real estate broker or lending institution, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful housing practice under this section, or to obstruct or prevent enforcement or compliance with the provisions of this section or any rule, regulation or order of the Commission, or to attempt, directly or indirectly, to commit any act declared by this section to be an unlawful housing practice.
- H. For any person to make, print, publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a housing accommodation or commercial property which indicates any preference, limitation or other unlawful practice or an intention to make any such preference, limitation or other discrimination (as defined in § 125-4).

**[Amended 11-27-2001 by Ord. No. 10-2001]**

- I. Nothing in this section shall prohibit any religious or sectarian institution or organization or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious or sectarian organization, or any bona fide private or fraternal organization from limiting admission to or giving preference to persons of the same religion or sect or to members of such private or fraternal organization, or from making such selection as is calculated by such organization to promote the religious or sectarian principles or the aims, purposes or fraternal principles for which it is established or maintained.
- J. Nothing in this section shall prohibit any person from owning and operating a housing accommodation in which a room or rooms are leased, subleased or rented only to persons of the same sex, when such housing accommodation contains common lavatory, kitchen or similar facilities available for the use of all persons occupying such housing accommodations.
- K. Nothing in this section shall apply to rooms or units in dwellings 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 such owner's personal residence.
- L. Nothing in this section shall prohibit a minimum age requirement imposed by the owner of a housing accommodation within a duly approved age-restricted community, development or building.

**[Added 11-27-2001 by Ord. No. 10-2001]**

## § 125-10. Unlawful educational practices.

- A. It shall be an unlawful educational practice for an educational institution, except a religious or denominational educational institution:

**[Amended 11-27-2001 by Ord. No. 10-2001]**

- (1) To exclude, limit or otherwise discriminate (as defined in § 125-4) against any student seeking admission as a student to such institutions. However, it shall not be an unlawful educational practice for any educational institution to use criteria other than race, color, religion, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, possession of a GED, handicap or disability, use of a support animal or because the user is a handler or trainer of support or guide animals, in the admission of students.
- (2) To make any written or oral inquiry prior to admission concerning or designed to elicit information as to the race, color, religion, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, handicap or disability, use of support animal or if the user is a handler or trainer of support or guide animals of a student seeking admission to such institution.
- (3) To expel, suspend, punish, deny use of facilities or otherwise discriminate (as defined in § 125-4) against any student.
- (4) To penalize or discriminate against any individual because that individual has initiated, testified, participated or assisted in any proceedings under this chapter.
- (5) To fail to preserve for a period of three years any records, documents and data dealing with or pertaining to the admission, rejection, expulsion or suspension of students or to refuse to make such records, documents, and data available at all times for the inspection of the Lancaster City Human Relations Commission.

B. It shall be an unlawful educational practice for a religious or denominational educational institution:

**[Amended 11-27-2001 by Ord. No. 10-2001]**

- (1) To exclude or limit or otherwise discriminate because of race, color, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, possession of a GED, handicap or disability or use or training of support animals against any student or students seeking admission as students to such institutions. However, it shall not be unfair educational practice for any religious or denominational educational institution to use criteria other than race, color, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, possession of a GED, handicap or disability, use of a support animal or because the user is a handler or trainer of support or guide animals of or by a student seeking admission to such institution.
- (2) To expel, suspend, punish, deny facilities or otherwise discriminate against any student because of race, color, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, possession of a GED, handicap or disability, use of a support animal or because the user is a handler or trainer of support or guide animals.
- (3) To penalize or discriminate against any individual because that individual has initiated, testified, participated or assisted in any proceedings under this chapter.

C. It shall be an unlawful educational practice for any person to aid, abet, incite, compel or coerce the doing of any act declared by this chapter to be an unlawful educational practice, or to obstruct or prevent any person from complying with the provisions of this chapter or any order issued hereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful educational practice.

D. Nothing in this section shall be deemed to affect in any way the right of bona fide religious groups, sects or denominational educational institutions to select their students exclusively or primarily from members of such sects, religions or denominations or from giving preference in such selection to such members.

E. Nothing in this section shall prohibit any educational institution from accepting and administering any inter vivos or testamentary gift upon such terms and conditions as may be prescribed by the

donor to the extent that the acceptance and administration thereof does not violate the constitutions or laws of the United States of America or the Commonwealth of Pennsylvania.

F. As used in this section, "student" means a person seeking admission to, or in attendance at, a school or educational institution.

## § 125-11. Unlawful public accommodations practices.

### **[Amended 11-27-2001 by Ord. No. 10-2001]**

It shall be an unlawful public accommodation practice for any person being the owner, lessee, proprietor, manager, superintendent, agent or employee for any place of public accommodation to:

- A. Discriminate (as defined in § 125-4) against any person by refusing, withholding from or denying any person, either directly or indirectly, any of the accommodations, advantages, facilities, services or privileges, products or goods of such place of public accommodation; or
- B. Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person because of race, color, religion, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, handicap or disability, use of a support animal or because the user is a handler or trainer of support or guide animals, or that the patronage of any person of any particular race, color, religion, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, handicap or disability, use of a support animal or because the user is a handler or trainer of support or guide animals is unwelcome, objectionable or not acceptable, desired or solicited.
- C. Nothing within this section shall prohibit the establishment of reasonable minimum age restriction or age restriction required by other law.

## § 125-12. Unlawful real estate practices.

### **[Amended 11-27-2001 by Ord. No. 10-2001]**

It shall be an unlawful discriminatory practice for any person, including any owner or real estate broker, to:

- A. Induce, solicit or attempt to induce or solicit 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, religion, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, handicap or disability or who are support animal dependent or handle or train support or guide animals.
- B. Discourage, or attempt to discourage, 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, religion, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, handicap or disability or who are support animal dependent or handle or train support animals.
- C. Misrepresent, create or distort 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, religion, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, handicap or disability or who are support animal dependent or

handle or train support animals within such neighborhood, community or area.

- D. In any way misrepresent or otherwise misadvertise 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, religion, ancestry, national origin, age, sex, familial status, sexual orientation, marital status, handicap or disability or who are support animal dependent or handle or train support animals.
- E. Nothing within this section shall prohibit the creation or establishment of age restricted communities which have been duly approved by the City and/or other appropriate authority.

## § 125-13. Injunctions in certain housing complaints.

### **[Amended 11-27-2001 by Ord. No. 10-2001]**

When the Lancaster City Human Relations Commission determines that a housing accommodation or accommodations involved in a complaint of unlawful housing practice 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 Lancaster County may issue an injunction restraining the sale, rental or other disposition of the housing accommodation or accommodations except in compliance with the order of court. In every such case, the court shall grant or deny the injunction within 30 days of the filing of the suit. 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 30 days' duration. If an extension of time is required by the Commission, this extension may be granted at the discretion of the court, but a reasonable bond shall be required by the court before granting such extension.

## § 125-14. Complaint procedure.

- A. Any person claiming to be aggrieved by an alleged unlawful discriminatory act may initiate, sign and file with the Lancaster City Human Relations Commission a verified complaint in writing which shall state the name and address of the person or 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, make, sign and file a complaint. The Commission shall send a copy of the complaint to the person or persons charged with having engaged or engaging in an unlawful practice, hereinafter referred to as "respondent," within 30 days from the date of docketing the complaint. A respondent shall file a written verified answer to the complaint within 20 days of service of the complaint. The Commission, upon request of the respondent, may grant an extension of not more than 30 additional days. The Commission or the complainant shall have the power to amend any complaint. If a complaint is amended, the Commission shall send a copy of the amended complaint to the named respondent within 30 days of docketing the amended complaint. The respondent shall have like power to amend any answer at any time before final action has been taken by the Commission.

### **[Amended 11-27-2001 by Ord. No. 10-2001]**

- B. After the filing of any complaint, the Commission shall conduct a prompt investigation. After service of the complaint, the Commission shall encourage voluntary and informed predetermination settlements between the parties.

### **[Amended 11-27-2001 by Ord. No. 10-2001]**

- C. If it is determined after investigation that there is no basis for the allegations in a complaint, the

Commission shall within 10 days from such determination cause to be issued and served upon the named parties to the complaint written notice of such determination. Within 10 days from the receipt of such notice, the complainant or the complainant's attorney may file with the Commission a written request for review and the Commission shall provide the complainant and the complainant's attorney an opportunity to appear before the Commission or a member thereof. After such review the Commission may reverse its decision, or if the Commission or its representative determines that there is no basis for the allegations in the complaint, the dismissal of the complaint shall be affirmed and there shall be no further review of such decision.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

- D. If the Commission determines after investigation that probable cause exists for the allegations of the complaint, the Commission shall immediately endeavor to eliminate the unlawful practice by conference, conciliation and persuasion. The Commission shall not make public any matters relating to efforts to adjust the complaint; but it may publish the terms of any agreement when a complaint has been satisfactorily adjusted. The Commission shall dismiss a case with prejudice before or after a finding of probable cause which, in its opinion, appropriate remedy has been offered by the respondent and refused by the Complainant.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

- E. In any case of failure to eliminate the unlawful practice charged in the complaint by means of informal proceedings or if, in the judgment of the Commission, the facts so warrant, the Commission may hold a public hearing to determine whether or not an unlawful practice has been committed.
- F. Where a public hearing is ordered, the Commission shall designate one or more members or other designee to conduct such a hearing. The Commission shall serve upon the person charged with having engaged or engaging in unlawful practice, hereinafter referred to as "respondent," a notice of the time and place of the hearing. The respondent shall have the right to file an answer to the complaint or any amended complaint, to appear at the hearing in person and/or to be represented by an attorney or, subject to the approval of the hearing panel, by any other person, and to examine and cross-examine witnesses. The complainant shall also have the right to be represented by an attorney or, subject to the approval of the hearing panel, by any other person, and to examine and cross-examine witnesses. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and shall be transcribed.
- G. 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, admission or restoration to membership in any respondent labor organization, the making of reasonable accommodations, or selling, renting or leasing of a housing accommodation or commercial property upon such equal terms and conditions and with such equal facilities, services and privileges, or lending 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 the granting, permitting, selling or admission to any of the accommodations, advantages, facilities, services or privileges, products or goods of any respondent place of public accommodation, upon such equal terms and conditions to any person discriminated against or to all persons as, in the judgment of the Commission, will effectuate the purposes of this chapter, including a requirement for a report or reports on the manner of compliance. Copies of the order shall be served on all parties. No order shall impose punitive damages on a respondent who the

Commission finds has been engaged in or is engaged in any unlawful practice.

- H. 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.
- I. No complaint shall be considered unless it is filed with the Commission within 180 days after the occurrence of the alleged unlawful practice. Any complaint may be withdrawn at any time by the party filing the complaint.
- J. At any time after the filing of a complaint, the Commission shall dismiss with prejudice a complaint which, in its opinion, is untimely with no grounds for equitable tolling, outside of its jurisdiction or frivolous on its face.

**[Added 11-27-2001 by Ord. No. 10-2001]**

## § 125-15. Encouragement of unlawful practices and obstruction of Commission orders prohibited.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

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

## § 125-16. Enforcement and judicial review.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

The complainant, the City or the Lancaster City Human Relations Commission may secure enforcement of the order of the Commission or other appropriate relief. When the Commission has heard and decided any complaint brought before it, enforcement of its order shall be initiated by the filing of a petition in 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. An appeal may be taken as in other civil actions. Any failure to obey an order of the court may be punished by such court as a contempt thereof.

## § 125-17. Authorization to receive donations.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

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

## § 125-18. Violations and penalties.

**[Amended 11-27-2001 by Ord. No. 10-2001]**

Any person who shall willfully resist, prevent, impede or interfere with the Lancaster City Human Relations Commission, its members, agents or agencies in the performance of duties pursuant to this chapter or who shall willfully violate an order of the Commission shall, upon conviction thereof, be

sentenced to pay a fine of not less than \$100 nor more than \$300 or to undergo imprisonment not exceeding 10 days, or both, in the discretion of the court. Procedure for the review of an order shall not be deemed to be such willful conduct.