

BILL NO. : 14 OF 2020  
INTRODUCED: DECEMBER 28, 2020  
BY: PRESIDENT MATTHEW T SHORRAW  
ENACTED: JANUARY 12, 2021  
ORDINANCE NO: 14 OF 2020

CITY OF MONESSEN

HUMAN RELATIONS ORDINANCE

ORDINANCE 14 OF 2020

AN ORDINANCE OF THE CITY OF MONESSEN, WESTMORELAND COUNTY, COMMONWEALTH OF PENNSYLVANIA, ACKNOWLEDGING CERTAIN CONDUCT AS DISCRIMINATION IN HOUSING, COMMERCIAL PROPERTY, EMPLOYMENT AND PUBLIC ACCOMMODATIONS BASED UPON RACE, COLOR, RELIGIOUS CREED, ANCESTRY, AGE, SEX, NATIONAL ORIGIN, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, GENETIC INFORMATION, HANDICAP OR DISABILITY, USE OF GUIDE OR SUPPORT ANIMALS BECAUSE THE USER IS A HANDLER OR TRAINER OF SUPPORT OR GUIDE ANIMALS; PROVIDING FOR THE CREATION OF THE CITY OF MONESSEN HUMAN RELATIONS COMMISSION; PROVIDING DEFINITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Monessen has found that 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, 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.

**WHEREAS**, the City Council of the City of Monessen has found that 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, and;

**WHEREAS**, the City of Monessen will not tolerate any prejudice, racism, sexism, bigotry, hatred, bullying, or violence toward any groups or individuals within our community, and;

**WHEREAS**, the City of Monessen rejects any attempt to intimidate, threaten, or otherwise marginalize members of our community, and values residents regardless of where they are from, who they love, how they worship, how they look, their abilities, or how they vote, and;

**WHEREAS**, in furtherance of these goals, and in the best interests of the health, safety, and welfare of the residents of the City of Monessen, the Council of the City of Monessen determines that a policy should be established for promoting promoting equality, diversity, inclusivity, and anti-discrimination.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the City of Monessen and it is hereby ordained and enacted as follows:

### **Section 1. Short Title**

This Ordinance may be cited as the "*Monessen Human Relations Ordinance*".

### **Section 2. Purpose and Intent.**

In order to assure that all persons, regardless of race, color, religion, national origin, ancestry, sex, gender identity or expression, sexual orientation, disability, age or use of a guide or support animal because of blindness, deafness or physical disability, enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing and use of public accommodation facilities, it is necessary that appropriate legislation be enacted. Nothing in this Ordinance shall be construed as supporting or advocating any particular doctrine, position, point of view, lifestyle, or religious view. To the contrary, it is the intention of this Ordinance that all persons are treated fairly and equally, and it is the express intent of this Ordinance to guarantee fair and equal treatment under law to all people of the City of Monessen.

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, 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.

### **Section 3. Definitions.**

The following words, terms and phrases, when used in this Ordinance, shall be defined as follows, unless the context clearly indicates otherwise:

**ACCESSIBLE** - Being in compliance with the applicable standards set forth in the following: The Fair Housing Act (Public Law 90-284, as amended, 42 U.S.C. § 3601 et seq.); The Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. § 12101 et seq., as amended); The Pennsylvania Uniform Construction Code accessibility requirements.

**AGE** - Includes any person 40 years of age or older, and shall also include any other person so protected by further amendment to the Federal Age Discrimination in Employment Act.

**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.

**COMMISSION** - means the City of Monessen Human Relations Commission

**COMMERCIAL PROPERTY** - Any building, structure or facility, or portion thereof, which is used or 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 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.

**DISABILITY** or **HANDICAP** Herein referred to as "disability," with respect to a person means: Physical or mental impairment which substantially limits one or more of such person's major life activities; Record of such an impairment; or 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). For employment, "disability" means a non-job-related disability. A non-job-related disability is a limitation of a major life function, which does not substantially interfere with the ability to perform the essential functions of the employment, which a person applies for, is currently working at or has worked at in the past. Un-insurability or increased cost of insurance under a group or employee insurance plan does not render a disability job-related.

**DISCRIMINATION** - Any exclusion, denial, intimidation, coercion, difference or segregation in treatment in hiring, referring for hire, promotion, or training; in membership in employee or labor organizations; in the advertisement, sale, lease, rental, financing or zoning of housing; or in rendering service in places of public accommodation because of protected class based upon race, color, religion, national origin, ancestry or sex, gender identity or expression, sexual orientation, disability, familial status (in housing only), age or use of a guide or support animal because of blindness, deafness or physical disability of any individual or independent contractor or because of the disability of an individual with whom the person is known to have an association.

**EMPLOYEE** - Any individuals who, as a part of their employment, reside in the personal residence of the employer; or Any individual employed by said individual's parents, spouse or child; Those employed by religious, fraternal, charitable or sectarian corporations or associations in the direct provision of services of the organization wherein membership is a bona fide occupational qualification, except such corporations or associations supported, in whole or in part, by government appropriations.

**EMPLOYER** Any person who employs four or more employees, exclusive of the parents, spouse or children of such person, including the City of Monessen, its departments, boards, council, commissions, and authorities, and any other governmental agency within its jurisdiction, but excluding any religious, fraternal, charitable or sectarian organization which is not supported in whole or part by any City of Monessen appropriations.

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

**FAIR HOUSING ACT** - Public Law 90-284, 42 U.S.C. § 3601 et seq., as amended.

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

**GENDER IDENTITY OR EXPRESSION** Self-perception, or perception by others, as male or female, including a person's appearance, mannerisms, expression, behavior, or other gender-related characteristics that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or sex assigned at birth.

**GUIDE OR SUPPORT ANIMAL** A dog or miniature horse that is individually trained to do work or perform tasks for people with disabilities.

**HOUSING ACCOMMODATIONS** Includes: Any building, structure, or 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 of one or more individuals, groups or families, whether or not living independently of each other; and 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. The term "housing accommodations" shall not include any personal residence offered for rent by the owner thereof.

**HOUSING FOR OLDER PERSONS** Housing: Provided under any state or federal program that the Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program; or Intended for, and solely occupied by, persons 62 years of age or older; or Intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this definition, the Commission's requirements shall include but not be limited to the following: That at least 80% of the units are occupied by at least one person 55 years of age or older per unit; and The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older. Housing shall not fail to meet the requirements for housing for older persons by reason of unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of this definition.

**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.

**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.

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

**MAJOR LIFE ACTIVITIES** - means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

**OWNER** Includes lessee, sub-lessee, 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 of Monessen and its departments, authorities, boards, council, and commissions.

**PENNSYLVANIA HUMAN RELATIONS ACT** Public Law 744, No. 222, as amended.

**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 all authorities, boards, council, and commissions thereof.

**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 thereof as a bona fide residence for himself and any members of his family forming his household.

**PHYSICAL OR MENTAL IMPAIRMENT** - 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.

**PROTECTED CLASS** Any person legally protected from discrimination based upon race, color, religion, national origin, ancestry or sex, gender identity or expression, sexual orientation, disability, familial status (in housing only), age or use of a guide or support animal because of blindness, deafness or physical disability of any individual or independent contractor, or because of the disability of an individual with whom the person is known to have an association.

**PUBLIC ACCOMMODATION RESORT OR AMUSEMENT** Any place which is open to, or accepts or solicits the patronage of, the general public or offers goods or services to the general public, including loans, or is listed in the Pennsylvania Human Relations Act, Section 4(l), but shall not include any personal professional services which are in their nature distinctly private.

**REAL-ESTATE-RELATED TRANSACTION** Any of the following: The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a housing accommodation or commercial property; or The purchasing, constructing, improving, repairing or maintaining a housing accommodation or commercial property; or The selling, brokering, using as collateral or appraising of real property.

**SEX** Male or female, and includes pregnancy.

**SEXUAL ORIENTATION** Male or female homosexuality, heterosexuality and bisexuality, by preference, practice or as perceived by others, whether or not such perception is accurate.

**Section 4. Preamble.**

1. 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, 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, 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.
2. This Ordinance 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 Monessen. The provisions of this Ordinance shall be construed liberally for the accomplishment of the purposes therein.

**Section 5. Unlawful Discriminatory Practices in Employment.**

1. 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 Monessen; for any employer because of the race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, 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.

2. For any employer, employment agency or labor organization, prior to the employment, contracting with an independent contractor or admission to membership, to:
  - a. 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, 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 employer 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.
  - b. 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, non-job related disability or the use of a guide or support animal because of the disability of the user.
  - c. 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, non-job related disability, the use of a guide or support animal because of the disability of the user.
  - d. 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.
  - e. Deny employment because of, or a perception of, a prior disability.
  - f. 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.
  - g. 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.
3. For any labor organization because of the race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, 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.
4. 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 Ordinance.
5. 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 Ordinance 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.
  6. 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, non-job related disability or the use of a guide or support animal because of the disability of the user.
  7. 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, non-job related disability or the use of a guide or support animal because of the disability of any prospective employee.
  8. 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.
  9. 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.
  10. 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. Likewise, this section of the Ordinance 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.

#### **Section 6. Unlawful Discriminatory Practices in Housing.**

1. It shall be an unlawful discriminatory practice for any person to:
  - a. 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, 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.

- b. 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.
- c. "Otherwise to deny" as stated above includes but is not limited to:
  - i. Representing to any person because of race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, 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.
  - ii. Failing to negotiate for the sale or rental of a dwelling.
- d. 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, 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.
- e. 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, 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.
- f. 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.

- g. 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.
- h. 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, 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.
- i. Print, publish, make, or circulate any statement, publication, notice, or advertisement:
  - i. 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, disability or because of the disability of an individual with whom the person is known to have a relationship or association, or;
  - ii. 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
- j. 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, 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.

- k. 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, 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.
- l. 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.
- m. Discriminate in real estate-related transactions, as described by and subject to the following:
  - i. 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, 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.
  - ii. 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, composition of the street, block, neighborhood or area in which such housing accommodation is located.
  - iii. 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, 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.

- n. Discriminate by engaging in certain real estate practices, including:
  - i. 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, disability, or who are guide or support animal dependent.
  - ii. 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, disability, or who are guide or support animal dependent.
  - iii. 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, disability, or who are guide or support animal dependent within such neighborhood, community or area.
  - iv. In any way misrepresenting or otherwise mis-advertising 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 mis-advertising 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, disability, or the use of a guide or support animal because of the disability of the user.

- o. For any person with the intention of defeating the purposes of this Ordinance 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.
- p. 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.
- q. Nothing in this clause, regarding age or familial status, shall apply with respect to housing for older persons.
- r. 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.
- s. The religious organization exemption applies only when membership in the religion is not restricted on account of race, color, ancestry, national origin, sexual orientation, sex, age or disability.
- t. 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.
- u. Nothing in this clause shall apply:
  - i. With respect to discrimination based on sex, to the rental or leasing of housing accommodations in a single-sex dormitory.
  - ii. 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.
- v. 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 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.

- w. 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.
2. Prohibited Interference, Coercion or Intimidation.
- a. 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 Ordinance, in accordance with the Fair Housing Act §818.
  - b. 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 or national origin.
      - i. 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 or national origin of such persons, or of visitors or associates of such person.
      - ii. 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 or national origin of that person or any person associated with that person.
      - iii. 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 Ordinance.
      - iv. Retaliating against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under this Ordinance or the Fair Housing Act.

**Section 7. Unlawful Discriminatory Practices In Public Accommodation.**

1. 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:
  - a. Refuse, withhold from, or deny to any person because of his race, color, sex, religious creed, ancestry, national origin, sexual orientation, 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.
  - 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 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, 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 thereof of any person, belonging to, or purporting to be of any particular age, race, color, religious creed, sex, ancestry, national origin, sexual orientation 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.
  - c. 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.
  - d. Construct, operate or otherwise make available such place of public accommodation, resort or amusement, which is not accessible.
  - e. 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.
  - f. For any person subject to this Ordinance 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 Monessen Human Relations Commission.
  - g. Nothing in this Ordinance 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, 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

- h. It shall be an unlawful discriminatory practice for any person to interfere with the exercise of one's rights under this Ordinance, harass, threaten, intimidate, harm, damage or otherwise penalize any person, group or business because he or they exercised his or their rights under this Ordinance, or because he or they have complied with the provisions of this Ordinance, or enjoyed the benefits of this Ordinance, or because he or they have made a charge, testified or assisted in any manner in any investigation, proceeding or hearing hereunder.
- i. 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 Ordinance or to obstruct or prevent any person from complying with the provisions of this Ordinance or any order issued hereunder.

#### **Section 8. Religious Observance.**

- 1. 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.
- 2. 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.

3. 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.

**Section 9. Human Relations Commission Established; Powers and Duties.**

1. There is hereby established the City of Monessen Human Relations Commission. The Commission shall be composed of five (5) members, at least three (3) 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, and subject to the approval and confirmation of Council. All appointments shall be for five-year terms, and members shall serve without compensation. Appointments shall follow the City of Monessen's appointment procedures for Boards, Authorities and Commissions, as laid out in Resolution 11 of 2020.
  - a. 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.
  - b. A Commissioner whose term has expired shall continue to serve until replaced by a duly appointed, approved, and confirmed Commissioner.
  - c. Three (3) 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.
2. The Commission is hereby vested with the authority to administer and this Ordinance (except that the Commission shall have no authority to engage in enforcement proceedings or proceed with any claim or cause of action, including on behalf of or for any aggrieved person, against any person alleged to have violated any provision of this Ordinance) and in connection therewith it shall have the following powers and duties:
  - a. To establish and maintain a central office in the City.
  - b. To meet and function at any publicly accessible place within the City.
  - c. Duties include, but are not limited to:
    - i. Act as an advisory, educational, and research-based board, that shall study any issues related to the subject matter laid out in this Ordinance.
    - ii. To make recommendations to agencies of the City and Mayor and Council to effectuate such policies and procedures as seen

fit by research in the subject matter, as laid out in this Ordinance.

- iii. 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 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.
- iv. To issue such publications and such results of studies 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 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.
- v. From time to time, but not less than once a year, a report to Council, describing in detail any findings, studies, or other relevant business, 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 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.
- vi. To elect one of its members as chairperson and such other officers as it may deem necessary.
- vii. 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.
- viii. 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 Ordinance.
- ix. To investigate where no complaint has been filed, but with the consent of at least four (4) of the members of the Commission any problem of racial discrimination with the intention of avoiding and preventing the development of racial tension, for research and educational purposes.
- x. On the request of Council, and in coordination with the Monessen Police Accountability and Internal Affairs Board, to

provide research or studies conducted, when claims of excessive use of force by police in civil rights protest activities exist within the City, or on any other relevant matter.

**Section 10. Construction.**

The provisions of this Ordinance shall be construed liberally for the accomplishment of the purposes thereof, and any law inconsistent with any provisions hereof shall not apply.

**Section 11. Conflict.**

1. When a provision of this Ordinance 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.

**Section 12. Intergovernmental Cooperation.**

County government or other governmental subdivisions of Westmoreland 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 Ordinance 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 Ordinance shall be applicable to such governmental unit, in accordance with the conditions of affiliation.

**Section 13. Severability.**

If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and to the persons or circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this

Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

**Section 14. Repealer.**

All ordinances or resolutions or parts of ordinances or resolutions or code sections insofar as they are inconsistent herewith are hereby repealed and rescinded to the extent of any such conflict.

**Section 15. Miscellaneous.**

Nothing in this Ordinance shall be construed to abridge or alter the remedies now existing at common law, by statute or by ordinance, but the provisions of this Ordinance are in addition to such remedies.


**Section 16. Effectiveness.**

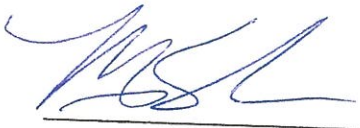
This ordinance shall become effective immediately upon approval because it is an Ordinance providing for the preservation of public peace, health, safety, and the general welfare.

**ORDAINED AND ENACTED** this 12<sup>th</sup> day of January, 2020, by the Council of the City of Monessen, in lawful session duly assembled.

ATTEST:

CITY OF MONESSEN

  
Cheryl Gordon  
City Clerk

  
Matthew T. Shorraw  
Mayor and President of Council