

ARTICLE V  
**Human Relations Commission**  
**[Adopted 9-8-2020 by Ord. No. 20-06]**

**§ 15-501. Policy and definitions.**

A. It is hereby declared to be the public policy of Middletown Township to:

- (1) Foster the employment of all individuals in accordance with their fullest capabilities, regardless of actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids.
- (2) Secure housing accommodations and commercial property without regard to actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids.
- (3) Assure equal opportunities to all individuals and to safeguard their rights to public accommodations without regard to actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, mental or physical disability, use of guide or support animals and/or mechanical aids.

B. The following words and phrases when used in this article shall have the meanings given to them in this subsection:

BOARD OF SUPERVISORS — The Board of Supervisors of Middletown Township, Bucks County, Commonwealth of Pennsylvania.

CONVERSION THERAPY — Any practices or treatments that seek to change an individual's sexual orientation and/or gender identity or expression, including, but not limited to, efforts to change behaviors or gender expressions, or to reduce or eliminate sexual or romantic attractions or feelings towards individuals of the same gender. Conversion therapy shall not include counseling that provides assistance to a person undergoing gender transition; and/or provides acceptance,

support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual orientation-neutral and gender identity or expression-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation and/or gender identity or expression.

**DISCRIMINATION** — Any unlawful discriminatory act(s) taken by any person, employer, employment agency, labor organization or public accommodation on the basis of actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids.

**DISCRIMINATORY ACTS** — All acts defined in the Pennsylvania Human Relations Act, 43 P.S. § 951, et seq., as unlawful discriminatory practices. The fact that the Pennsylvania Human Relations Act would not define a practice as unlawful when that practice is taken on the basis of actual or perceived sexual orientation, gender identity or expression, genetic information or marital status shall not exempt such practice from being considered a discriminatory act under this article.

**EDUCATIONAL INSTITUTION** — Those postsecondary programs defined as educational institutions pursuant to the Pennsylvania Fair Educational Opportunities Act, 24 P.S. § 5001 et. seq.

**EMPLOYEE** — Does not include any individuals who, as a part of their employment, reside in the personal residence of the employer.

**EMPLOYER** — Any person who employs one or more employees, including the Township, its departments, boards and commissions, and any other government agency within its jurisdiction.

**GENDER IDENTITY OR EXPRESSION** — Self-perception, or perception by others, as male, female, nonbinary or another gender, and shall include an individual's appearance, behavior, or physical characteristics, that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or sex assigned at birth, and shall include, but shall not be limited to, persons who are undergoing or have completed sex reassignment, are transgender, intersex, genderqueer, gender fluid, or gender nonconforming.

**GENETIC INFORMATION** — That information which is defined as genetic information in the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff.

**HOUSING** — Includes 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 of one or more individuals, groups or families whether or not living independently of each other; and any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, mobile home site or facility. The term "housing" shall not include any personal residence offered for rent by the owner or lessee thereof or by his or her broker, salesperson, agent or employee.

**LIFESTYLE** — Nothing in this article 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 article that all persons be treated fairly and equally, and it is the express intent of this article to guarantee fair and equal treatment under the law to all people of the Township.

**MENTAL HEALTH PROFESSIONAL** — A person who is licensed to provide professional mental health care or counseling under Pennsylvania law, or a person who performs mental health care or counseling as part of the person's professional training for any of such licensed profession.

**ORDINANCE** — This article, which shall also be known as the "Middletown Township Anti-Discrimination Ordinance."

**PERSON** — Any natural person, fraternal, civic or other membership organization, corporation, general or limited partnership, proprietorship, limited liability company, or similar business organization, including the Township, its departments, boards and commissions, and other for-profit and nonprofit organizations.

**PUBLIC ACCOMMODATION** — Any accommodation, resort, or amusement which is open to, accepts or solicits the patronage of the general public or offers goods or services, including loans, to the general public or is listed in Section 4(1) of the Pennsylvania Human Relations Act, 43 P.S. § 954(1), but shall not include any accommodations which are in their nature distinctly private.

**SEXUAL ORIENTATION** — Actual or perceived sexual and/or romantic attraction and/or feelings toward other individuals. The term includes, but is not limited to, individuals who are

heterosexual, homosexual, gay, lesbian, bisexual, queer, asexual, aromantic, and/or questioning.

TOWNSHIP — The Township of Middletown, Bucks County, the Commonwealth of Pennsylvania.

- C. To the extent words and phrases appearing in this article are not expressly defined herein, the meaning of this section shall be construed consistently with the Pennsylvania Human Relations Act.

### **§ 15-502. Unlawful practices.**

- A. Discrimination in housing, employment, public accommodations, or access to educational institutions is prohibited under this article.
- B. Retaliation against any individual because such individual has opposed any practice forbidden by this article, or because such individual has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this article, is prohibited under this article.
- C. Aiding, abetting, inciting, compelling, or coercing the doing of any act declared by this article to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this article, is prohibited under this article.
- D. It is a prohibited form of discrimination under this article for a mental health professional to engage in conversion therapy with a person under 18 years of age.

### **§ 15-503. Exceptions.**

- A. Notwithstanding any other provision of this article, it shall not be an unlawful employment practice for a religious corporation or association, not supported in whole or in part by governmental appropriations, to refuse to hire or employ an individual on the basis of religion.
- B. Nothing in this article shall be interpreted to prohibit a religious organization, religious denomination, or association of religious organizations or denominations that is exempt from federal taxation under § 501(c)(3) of the Internal Revenue Code, or any organization affiliated with that religious organization, religious denomination, or association of religious organizations or denominations, from engaging in any conduct or activity that is required by, or that implements or expresses its religious beliefs

or tenets of faith. Nor shall anything in this article be interpreted to require any such religious organization, religious denomination, or association of religious organizations or denominations, or any organization affiliated with that religious organization, religious denomination, or association of religious organizations or denominations to engage in any conduct or activity that is prohibited by its religious beliefs or tenets of faith.

**§ 15-504. Establishment of Human Relations Commission.**

- A. Pursuant to 43 P.S. § 962.1(a) of the Pennsylvania Human Relations Act, there is hereby established a Human Relations Commission in and for Middletown Township (hereinafter referred to as the "Middletown Township Human Relations Commission" or the "Commission").
- B. The Middletown Township Human Relations Commission shall consist of the same members as the Middletown Township Disabled Persons Advisory Board, as set forth at Chapter 15, Boards, Article IV, Disabled Persons Advisory Board, which provides as follows:
- (1) The Board shall consist of seven members. It is highly encouraged, but not required, that three members be disabled residents, as such term is further defined herein, and that the members of the Board be representative of the persons that the Pennsylvania Human Relations Act, 43 P.S. § 951, et. seq., and the United States enacted the Americans with Disabilities Act, 42 U.S.C.A. § 12101, et. seq., were designed to protect. The members of the Board shall be appointed by the Board of Supervisors. All members shall serve for staggered terms of two years. No such member shall hold office in any political party. Members shall serve without salary but may be paid expenses incurred in the performance of their duties.
- C. One of the Commission's members shall be appointed as the Chairperson of the Commission by the members of the Commission. The Chairperson will be responsible for setting Commission meetings, coordinating with the Middletown Township Manager regarding received complaints and answers, and generally ensuring that the duties of the Commission are fulfilled. The Chairperson may delegate responsibility for Commission duties to specific Commissioners or to paid staff, if applicable.

- D. The Board of Supervisors hereby grants to the Middletown Township Human Relations Commission all of the powers necessary for the execution of its duties, as set forth below, provided that those powers shall not exceed those exercised by the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act. Such powers shall include the ability to conduct public trainings, educational sessions, informational seminars, and community activities related to the purpose and provisions of the Pennsylvania Human Relations Act.
- E. The Middletown Township Human Relations Commission shall operate within the scope of funds which may be annually allocated by the Board of Supervisors and shall not exceed the annual allocation in any year, except upon prior approval by the Board of Supervisors. It is the intention of the Board of Supervisors that the Commission's actions shall be supported by volunteers and unpaid staff and shall be as close to "zero-cost" to Middletown Township as reasonably feasible.

**§ 15-505. Procedures; expanded procedures.**

- A. Filing a complaint.
  - (1) Any person(s) claiming to be aggrieved by an unlawful practice may make, sign, and file a verified complaint alleging violations of this article, which shall include the following information:
    - (a) The name and address of the aggrieved person(s);
    - (b) The name and address of the person(s) alleged to have committed the prohibited practice;
    - (c) A statement of the relevant facts, including pertinent dates, constituting the alleged discriminatory practice;
    - (d) If applicable, the address and a description of the dwelling unit or business which is involved; and
    - (e) Such other information as may be required by the Township.
  - (2) Complaints may be filed in person at the Middletown Township Municipal Building, 3 Municipal Way, Langhorne, PA 19047 or by mailing such complaints to the Chairperson of the Commission, Generally, all complaints must be received by the Middletown Township Manager or by the Commission within 180 days of the alleged act of discrimination to be

considered timely. Equitable principles such as waiver, estoppel, and equitable tolling shall apply to the time limitations for the filing of any complaint or other pleading under this article.

- (3) The Middletown Township Manager shall convey all original complaints received by that office to the Chairperson of the Commission within 10 days of the office's receipt of such complaints.
- (4) Upon receipt of any complaint, the Middletown Township Human Relations Commission shall contact the person filing the complaint and recommend that they immediately dual file with the Pennsylvania Human Relations Commission.

B. Notification and answer.

- (1) Within 30 days of its receipt of a complaint, the Commission shall:
  - (a) Send a copy of the complaint to the person(s) charged with a discriminatory practice [the "respondent(s)"]; and
  - (b) Send a notice to the person(s) aggrieved, informing them that the complaint has been received. If the complaint alleges discrimination on a basis prescribed under federal or state law, the notice sent to the person(s) aggrieved shall also inform them of the right to file with the Pennsylvania Human Relations Commission and/or with the United States Equal Employment Opportunity Commission or the United States Department of Housing and Urban Development.
- (2) The respondent(s) shall file a written verified answer to the complaint within 60 days of service of the complaint. An answer to a complaint may be filed in the same manner as an original complaint. If the answer is filed at the Middletown Township Municipal Building, it shall be conveyed by the Middletown Township Manager to the Chairperson of the Commission within 10 days of the Township's receipt thereof. The Commission shall promptly send a copy of the answer to the person(s) aggrieved.

C. Mediation.

- (1) Thirty days after an answer has been received, or 60 days after the filing of the complaint if no answer is received, the Commission shall invite the parties to voluntarily participate

in mediation with the Middletown Township Human Relations Commission. The parties shall respond to the invitation to participate in the mediation within 30 days of being invited to participate.

(2) If all parties agree to participate in the mediation, the following procedures shall apply:

(a) The mediation shall be conducted by a minimum of two members of the Middletown Township Human Relations Commission.

(b) The mediation sessions shall remain private and not otherwise subject to public attendance.

(c) When mediation has resulted in an amicable resolution of the complaint, the Commission shall notify the parties that the complaint has been dismissed and shall record the result of the mediation in a notice of dismissal.

(3) In the event that the complaint has not been resolved through mediation or the mediation has been declined by either party, the Commission may:

(a) Elect to proceed with the expanded procedures outlined herein, or if expanded procedures are not elected and the case alleges discrimination not covered by the PHRA, inform the aggrieved party that he/she is entitled to proceed with filing a complaint in the applicable Pennsylvania Court of Common Pleas of Bucks County; or

(b) If the matter is covered by the PHRA, and the Commission does not elect to proceed with the expanded procedures, inform the aggrieved party that he/she may not file a complaint in the Pennsylvania Court of Common Pleas of Bucks County until the administrative remedies outlined in the PHRA are exhausted by filing with and proceeding before the Pennsylvania Human Relations Commission. If the matter was already dual filed with the Pennsylvania Human Relations Commission, the Commission shall refer the matter to the Pennsylvania Human Relations Commission for further action consistent with the administrative remedies outlined in the PHRA.

D. Option of the Commission to elect for expanded procedures.

(1) The Commission shall have the authority to elect to adopt expanded procedures as set forth in Subsections E through K



of this section, subject to approval by the Board of Supervisors and appropriation of funding for such procedures. A simple majority of the Commission members must vote in favor of adopting expanded procedures in order for such procedures to be adopted. In the event that such procedures are adopted, they must, while in effect, be applied to all complaints that are not resolved through a fact-finding conference. If the Commission has adopted expanded procedures, it may also, by majority vote and in its sole discretion, eliminate such procedures.

E. Expanded procedures; dismissal or nondismissal of the complaint.

- (1) If the fact-finding conference was successful in resolving the complaint, the Commission shall follow the procedures set forth in Subsection C of this section for dismissing the complaint. If the fact-finding conference was not successful in resolving the complaint, the Commission shall not dismiss the complaint but shall instead undertake the procedures set out in Subsections G through L of this section.

F. Expanded procedures; investigation.

- (1) The Commission shall, in a timely fashion, investigate the allegations of discrimination set forth in the complaint. The Commission may, in the conduct of such investigation, issue subpoenas to any person to furnish information, records or other documents, or to give sworn testimony, as necessary to assist in its investigation.

G. Expanded procedures, finding of no cause.

- (1) If it shall be determined after the Commission's investigation that there is no basis for the allegations in the complaint, the Commission shall cause to be issued and served upon the parties written notice of such determination. This notice shall inform the person aggrieved that he/she has the right to pursue the matter in court by filing a lawsuit.

H. Expanded procedures, conciliation.

- (1) If the Commission, after investigation, determines that probable cause exists for the allegations of the complaint, the Commission shall immediately endeavor to eliminate the unlawful practice complained of by persuasion, conference, and conciliation.

## I. Expanded procedures; public hearing.

- (1) If the Commission, in its discretion, finds it is not possible to eliminate the unlawful practices by persuasion, conference, or conciliation, the Commission shall cause to be issued and served a written notice, together with a copy of the complaint, which informs the respondent that the respondent must answer the charges of such complaint at a hearing before the Commission at a time and place to be specified in such notice.
- (2) The Commission may designate one or more of its members to preside at such a hearing.
- (3) At the public hearing, the case in support of the complaint shall be presented to the Commission by pro bono counsel, by Commission staff, or by the Township Solicitor's office. The case in support of the complaint may instead be presented by the complainant's attorney, if the complainant is represented. Both the complainant and the respondent may appear at the hearing with or without counsel and provide testimony. In addition, both the complainant and the respondent may introduce the testimony of additional witnesses and may submit documentary evidence. The Commission and the parties shall not be bound by the strict rules of evidence set in forth in the Pennsylvania Rules of Evidence at the hearing.

## J. Expanded procedures; findings.

- (1) If upon all the evidence at the hearing the Commission shall find that a respondent has engaged in or is engaging in any unlawful discriminatory practice, as defined in this subpart, the Commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such additional action as the Commission deems appropriate. The Commission shall have the authority to order any remedies available to the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act.

## K. Expanded procedures, finding of no discrimination.

- (1) If upon all the evidence the Commission shall find that a respondent has not engaged in any unlawful discriminatory practice, the Commission shall state its findings of fact and

shall issue and cause to be served on the parties an order dismissing the complaint as to such respondent.

**§ 15-506. Private right of action and nonlimitation of remedies.**

- A. Any person(s) aggrieved by a violation of this article shall have a right of action in the Bucks County Court of Common Pleas or any other court of competent jurisdiction and may recover for each violation the following remedies:
- (1) Back pay, front pay and other actual damages, as those remedies are defined in the Pennsylvania Human Relations Act and case law interpreting the same;
  - (2) Emotional distress damages;
  - (3) Exemplary damages;
  - (4) Reasonable attorney's fees and court costs; and
  - (5) Such other relief, including injunctive relief, as the court may deem appropriate.
- B. The right of action created by this article may be brought upon receipt by the aggrieved person(s) of notice that the Commission has dismissed the complaint or, if no such notice is received, after two years after the Commission closes the complaint. If the person aggrieved has received notice that the Commission has dismissed the complaint, an action under this article must be brought by the aggrieved person within two years from the date of receipt of said notice or it will be barred.
- C. Nothing in this article limits the right of an aggrieved person to recover under any other applicable law or legal theory.