ORDINANCE NO. 714

HATFIELD TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE OF HATFIELD TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF HATFIELD TOWNSHIP, PART I, ADMINISTRATIVE LEGISLATION, CHAPTER 9, BOARDS, COMMITTEES AND COMMISSIONS, CREATING A NEW ARTICLE IX, TITLED HUMAN RELATIONS COMMISSION, WHICH SHALL CREATE THE HATFIELD TOWNSHIP HUMAN RELATIONS COMMISSION.

WHEREAS, the Pennsylvania First Class Township Code authorizes the Board of Commissioners of Hatfield Township ("Board") to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of Hatfield Township ("Township") and the maintenance of peace, good government, health and welfare of the Township and its citizens; and

WHEREAS, the public policy of the United States of America, and the Commonwealth of Pennsylvania is grounded in the concept that all individuals are entitled to equality and equal protection under law, United States Constitution, Amendment 14; Constitution of the Commonwealth of Pennsylvania, Article I, §§ 26, 28; and

WHEREAS, the Board of Commissioners of Hatfield Township finds that the population of the Township is reflective of the general population of the United States, in that it consists of a diverse array of individuals representing different characteristics based upon actual or perceived race, color, familial status, age, religion, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression; and

WHEREAS, the Township prides itself on the diversity of its citizens, and the harmonious relations which have been fostered in the Township by a widely practiced and recognized attitude of respect among all citizens of Hatfield Township; and

WHEREAS, the Board of Commissioners finds that the direct and secondary negative effects of discrimination and discriminatory practices involving the personal characteristics described above in matters of employment, housing, commercial property and public accommodation, are well documented nationally; and

WHEREAS, the practice or policy of engaging in discrimination or discriminatory practices against any individual or group, because of actual or perceived race, color, familial status,

age, religion, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression is a matter of highest public concern, and constitutes a paramount threat to the rights, privileges, peace and good order of the citizens of Hatfield Township, and to guests and visitors of the Township, that undermines the basic tenets of our freedom as citizens of the United States, and is utterly unwelcome in this Township, which has a storied tradition of fiercely defending the individual rights of its citizens; and

WHEREAS, the Board of Commissioners desires to establish and adopt an official policy of non-discrimination in Hatfield Township, in all matters involving employment, housing and commercial property, and public accommodation; and

WHEREAS, the Board, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents and guests of the Township will be served by this amendment of the Hatfield Township Code as set forth below.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Board of Commissioners of Hatfield Township as follows:

SECTION I. CODE AMENDMENT. The Hatfield Township Code, Part I, Administrative Legislation, Chapter 9, Boards, Committees, and Commissions, creating a new Article IX, titled Human relations commission, which shall read in its entirety as follows:

§9-34 Short Title.

This Chapter shall be known as the "Hatfield Township Human Relations Ordinance."

§9-35 Purpose and Declaration of Policy.

A. Hatfield Township finds that it is of high public importance to adopt appropriate legislation to ensure that all persons, regardless of actual or perceived race, color, familial status, age, religion, religious creed, ancestry, sex, national origin, handicap, use of guide or support animals because of blindness, deafness or physical handicap of the user or the user is a handler or trainer of support or guide animals; sexual orientation, gender identity or gender expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing and public accommodation.

B. The Hatfield Township Board of Commissioners hereby declares it to be the public policy of the Township to foster equality and equal opportunity for all citizens, regardless of actual or perceived race, color, familial status, age, religion, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals; sexual orientation, gender identity or gender expression in all matters affecting employment,

housing and commercial property, and public accommodation, and to safeguard the right of all persons to remain free of discrimination or discriminatory practices in any of the foregoing aspects of their lives.

C. Nothing in this Chapter shall be construed as supporting, endorsing or advocating any particular doctrine, point of view, or religious belief. On the contrary, it is the express purpose and intent of this Chapter that all persons be treated fairly and equally, and that all persons in Hatfield Township shall be guaranteed fair and equal treatment under the law.

D. This Chapter shall be deemed an exercise of the police power of Hatfield Township, as provided under the Pennsylvania First Class Township Code, to maintain peace, good government and the welfare of the Township, and to protect the health, safety, morals and general welfare of the Township's inhabitants.

§9-36 Definitions.

The following words and phrases, when appearing in this Chapter, shall have the meanings given to them under this Section:

BOARD OF COMMISSIONERS or BOARD. The Board of Commissioners of Hatfield Township, Montgomery County, Pennsylvania.

CHAPTER. This chapter, the "Hatfield Township Human Relations Ordinance."

COMMERCIAL PROPERTY OR HOUSING. The opportunity for an individual to obtain any commercial property or housing accommodation for which he or she is qualified.

DISCRIMINATION. Any discriminatory act(s) taken by any person, employer, entity, employment agency, or labor organization, with respect to or involving a transaction related to employment, public accommodations, publicly offered commercial property or housing accommodations, on the basis of a person's actual or perceived race, color, familial status, age, religion, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression.

DISCRIMINATORY ACTS. All acts or actions defined in the Pennsylvania Human Relations Act as unlawful discriminatory practices as related to employment, public accommodations, publicly offered commercial property or housing accommodations, actual or perceived race, color, familial status, age, religion, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals; or, though not set forth in the Pennsylvania Human Relations Act, because of an individual's sexual orientation, gender identity or gender expression.

EMPLOYEE. The term does not include any individuals who, as a part of their employment, reside in the personal residence of the employer.

EMPLOYER. The term includes the Township, its departments, boards and commissions, any other governmental agency or school district thereof, and any person employing four or more persons within the Township, but except as hereinafter provided, does not include religious fraternal, charitable or sectarian corporations or associations, except such corporations or associations supported, in whole or in part, by governmental appropriations.

EMPLOYMENT. The opportunity for an individual to obtain employment for which he or she is qualified.

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

ORDINANCE. This Ordinance, which shall be referred to as the "Hatfield Township Human Relations 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 any other for-profit and nonprofit organization.

PUBLIC ACCOMMODATION. The opportunity for an individual to access food, beverages or lodging, resort or amusement which is open to, accepts, or solicits the patronage of the general public, but shall not include any accommodations which are in their nature distinctly private.

SEXUAL ORIENTATION. Actual or perceived homosexuality, heterosexuality and/or bisexuality.

Any terms of this Chapter not expressly defined herein shall be construed in a manner consistent with the Pennsylvania Human Relations Act.

§9-37 Unlawful Practices.

A. Discrimination in employment, housing and commercial property, or any public accommodation is prohibited under this Chapter.

B. Retaliation against any individual because such person has opposed any practice forbidden by this Chapter, or because such person has made a charge, testified, or assisted in any manner in any investigation or proceeding under this Chapter is prohibited under this Chapter.

C. Aiding, abetting, inciting, compelling or coercing the doing of any act declared by this Chapter to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this Chapter is prohibited under this Chapter.

§9-38 Exceptions.

Nothing in this Chapter 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 any 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 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. Nor shall it apply to rental of rooms in a landlord-occupied rooming house with a common entrance, nor with respect to discrimination based on sex, the advertising, the rental or leasing of housing accommodations in a single-sex dormitory or rooms in one's personal residence in which common living areas are shared.

§9-39 Establishment of Human Relations Commission.

Pursuant to the authority set forth under the Pennsylvania Human Relations Act, 43 P.S. § 962.1, there is hereby established a Human Relations Commission for Hatfield Township, which shall be known as the "Hatfield Township Human Relations Commission."

A. The Hatfield Township Human Relations Commission shall consist of five (5) members, who shall be appointed to terms of three (3) years by the Board. The terms of the members of the Commission shall be staggered. All members of the Commission shall be residents or business owners of Hatfield Township, and shall serve without compensation.

B. The Human Relations Commission shall, annually, designate one member to serve as Chairperson of the Commission. The Chairperson shall be responsible for coordinating the activities, meetings, and operations of the Commission, as set forth under this Chapter, such meetings which shall occur a minimum of twice per year. The Chairperson shall also report, from time to time, to the Township Manager regarding the activities of the Commission.

C. The Chairperson of the Commission will designate one member as needed to receive complaints and conduct an intake meeting with the complainants. The member charged with this duty shall not participate in any mediations involving parties to the complaint for which they handled the intake, nor shall this member vote on complaints brought in front of the Commission.

D. Members of the Commission shall, as soon after their appointment as practical, attend such training and education seminars or sessions as deemed necessary to acquaint themselves with the functioning of the Hatfield Township Human Relations Commission under this Chapter, as well as the terms, conditions and provisions of the Pennsylvania Human Relations Act, and

the operation of the Pennsylvania Human Relations Commission. Such training and education shall be as directed by the Chairperson and shall be performed in conjunction with the state Human Relations Commission.

E. The Hatfield Township Human Relations Commission shall have all of those powers necessary to execute the duties set forth under this Chapter, provided that such powers shall not exceed those exercised by the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act.

F. The Hatfield Township Human Relations Commission shall operate within the scope of funds which may be allocated, on an annual basis by the Board of Commissioners and shall not exceed the annual allocation in any year, except upon prior approval by the Board. In adopting this Chapter, the Board hereby expresses its intention that the operation of the Hatfield Township Human Relations Commission under this Chapter shall be supported by volunteers, unpaid staff, and volunteer efforts, and shall be as close to "zero-cost" to the Township as reasonably feasible.

§9-40 Complaint Procedures.

A. Complaints. Any person claiming to be aggrieved by a practice which is made unlawful under this Chapter may make, sign and file a verified complaint, as provided under §9-40.B(1) of this Chapter, alleging violations of this Chapter. Such complaint shall, at a minimum, contain the following information:

(1) The name, telephone number, mailing address and email (if applicable) of the aggrieved person(s);

(2) The name, telephone number, mailing address and email (if applicable) of the person(s) alleged to have committed the prohibited practice;

(3) A concise statement of the facts, including pertinent dates, time, locations, people, and acts involved constituting the alleged discriminatory practice;

(4) Such other information as may be required by the Commission.

B. Procedure.

(1) Complaints may be filed in person at the office of the Township Manager, or by mailing such complaints to the Township offices, to the attention of the Township Manager or the member of the Commission designated to handle intake. All such complaints must be received by the Township within one hundred eighty (180) days of the occurrence of the last act giving rise to the complaint, or such complaint shall be dismissed as untimely.

(2) The Township Manager shall transmit all complaints received to the Chairperson of the Commission not later than ten (10) days of receipt of the complaint. The Township Manager shall conspicuously mark the face of the complaint with the date the document was first received in the Township offices.

(3) The Commission may promulgate forms for use by persons wishing to file a complaint, however, complaints which are prepared without the use of an approved form shall be deemed acceptable under this Chapter so long as the facts set forth under §9-40.A can be clearly determined from the document submitted as a complaint.

(4) The Commission may provide for a process by which persons seeking to file a complaint may consult with a volunteer or other staff person affiliated with the Commission, who is trained to assist the prospective complainant in discerning the facts relevant to the prospective complaint. Such process shall also include referral of additional information to the prospective complainant concerning the content of this Chapter, the content of the Pennsylvania Human Relations Act, and the availability of the Pennsylvania Human Relations Commission as an additional venue within which the prospective complainant may seek redress when possible.

C. Notifications and Answer. Within thirty (30) days of receipt of a complaint, the Commission shall:

(1) Send a copy of the complaint to the person(s) charged with a discriminatory act or practice under this Chapter (the "respondent"), together with a copy of this Chapter.

(2) Send a notice to the complainant, informing him or her that the complaint has been accepted and processed by the Commission. If the complaint alleges discrimination on a basis proscribed under federal or state law, the Notice shall also inform the complainant of his or her right to file a complaint with the Pennsylvania Human Relations Commission or the federal Equal Employment Opportunity Commission, as well as the U.S. Department of Housing and Urban Development, where applicable.

(3) The Commission shall notify the Pennsylvania Human Relations Commission of the filing of any complaint that may be deemed to be within the jurisdiction of that Commission, as required under the Pennsylvania Human Relations Act.

(4) The Commission shall also include a notice to both the complainant and the respondent(s) of their option to elect to proceed to voluntary mediation in order to resolve the matters giving rise to the complaint.

(5) The respondent(s) shall file a written verified answer to the complaint within thirty (30) days of service of the complaint. An answer shall be filed in the same manner as a complaint.

D. Procedure following Notification and Answer. Within thirty (30) days of receipt of an answer to a complaint, or, where no answer is filed, within sixty (60) days of service of the complaint upon the respondent(s), the Commission shall proceed in accordance with the following options:

(1) Mediation

(a) In the event that both parties have consented to mediation, the Commission shall refer the matter to a recognized alternative dispute resolution service, which same service may be provided through Montgomery County, the Montgomery County Bar Association, or any other professional mediation service provider, or may refer the matter to a licensed member of the Pennsylvania bar, who may be willing to perform service to the Commission as a volunteer mediator. Any costs or expenses which may be associated with the mediation shall be the responsibility of the parties. The parties shall jointly select the mediator; however, the Commission shall retain the authority to act as the mediator in the event the parties have agreed to mediation but cannot jointly agree on a mediator. Mediation sessions conducted by the Commission may proceed with a minimum of two eligible Commission Members. Mediation sessions shall remain private and not otherwise subject to public attendance.

(b) When mediation has resulted in an amicable resolution of the complaint and the complaint is resolved, the Commission shall notify the parties that the complaint has been dismissed and shall record the result of the mediation in the Notice of dismissal.

(2) In the event the complaint has not been resolved through mediation, the parties are entitled to avail themselves of federal court, the Court of Common Pleas in Montgomery County and/or the Pennsylvania Human Relations Commission if appropriate.

E. Disclosure of Documents and Information. All documents and information made part of §9-40 Complaint Procedures (including the complaint, verified answer, and any other document(s) or information submitted to Hatfield Township, the Commission and/or its Commissioners) are not subject to the terms of the Pennsylvania Right to Know Law ("RTKL"), 65 P.S.§§ 67.101 - 67.3104.

§9-41 Non-Limitation of Remedies.

Nothing contained in this Chapter shall be deemed to limit the right of an aggrieved person to recover under any other applicable law or legal theory.

§9-42 Multiple Filings.

This Chapter shall not apply to matters which are the subject of pending or prior filings made by an aggrieved person before any state or federal court or agency of competent jurisdiction.

§9-43 Penalties.

A. Any person who shall violate any provision of §9-37 of this Chapter may be subject by the Montgomery County Court of Common Pleas or any court of competent jurisdiction to the penalties enumerated in Section 9(f)(1&2), Sections 9.2, 9.3, and Sections 10 & 11 of the Pennsylvania Human Relations Act. The penalties contained in this Chapter shall mirror any future changes to the Pennsylvania Human Relations Act as adopted by the General Assembly and approved by the Governor.

B. This Chapter extends the protections of the Pennsylvania Human Relations Act to include actual or perceived sexual orientation, gender identity or gender expression.

C. All penalties included in the Pennsylvania Human Relations Act shall be extended to include all protected classes enumerated in the Hatfield Township Human Relations Ordinance.

SECTION II. REPEALER. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION III. REVISIONS. The Board of Commissioners of Hatfield Township does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

SECTION IV. SEVERABILITY. In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION V. EFFECTIVE DATE. This amendment shall become effective immediately.

SECTION VI. FAILURE TO ENFORCE NOT A WAIVER. The failure of Hatfield Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

ORDAINED and **ORDAINED** by the Board of Commissioners of Hatfield Township, Montgomery County, Pennsylvania, this ____ day of _____, 2026.

Attest:	**BOARD OF COMMISSIONERS OF HATFIELD TOWNSHIP**
_____	_____
Arron Bibro, Secretary	Jennifer LoStracco, President