

CHAPTER 9-1100. FAIR PRACTICES ORDINANCE: PROTECTIONS AGAINST UNLAWFUL DISCRIMINATION ¹⁰²⁵

Notes

¹⁰²⁵ Amended, 1963 Ordinances, p. 411; Chapter amended throughout, and Chapter caption amended, Bill No. [110050](#) (approved March 23, 2011), effective June 21, 2011.

§ 9-1101. Legislative Findings.

(1) The Council finds that:

(a) The population of the City consists of people of every race, ethnicity, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, age, disability, marital status, and familial status. Many of these people are discriminated against in employment opportunities, public accommodations and obtaining adequate housing facilities. There are also members of the City population who are discriminated against based on their sources of income, as a result of their genetic information, reproductive health autonomy, because they are victims of domestic or sexual violence, or need reasonable accommodations in the workplace related to pregnancy, childbirth, or a related medical condition. ¹⁰²⁶

(b) Discrimination in employment has and will prevent the gainful employment of large segments of the citizens of the City and tends to create breaches of the peace and impose added burdens upon the public for relief and welfare.

(c) Discrimination in housing results in overcrowded, segregated areas, under substandard, unsafe, unsanitary conditions.

(d) Discrimination in places of public accommodation causes embarrassment and inconvenience to citizens and visitors of the City, creates breaches of the peace, and is otherwise detrimental to the welfare and economic growth of the City.

(e) In order to assure that all persons regardless of race, ethnicity, color, sex (including pregnancy, childbirth, or a related medical condition), reproductive health autonomy, sexual orientation, gender identity, religion, national origin, ancestry, age, disability, marital status, source of income, familial status, genetic information and domestic or sexual violence victim status 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. ¹⁰²⁷

Notes

¹⁰²⁶ Amended, 1982 Ordinances, p. 1476; amended, Bill No. [130687](#) (approved January 20, 2014); amended, Bill No. [220664](#) (approved January 16, 2023).

¹⁰²⁷ Amended, Bill No. [130687](#) (approved January 20, 2014); amended, Bill No. [220664](#) (approved January 16, 2023).

§ 9-1102. Definitions. ¹⁰²⁸

(1) For purposes of this Chapter the following terms shall have the following meanings:

(a) *Age*. For the purpose of employment, any duration of time since an individual's birth of greater than forty years.

(a.1) *Applicant*. ¹⁰²⁹ Any person considered for, or who requests to be considered for, employment by an employer.

(b) *Commercial Property*. Any building, structure, facility, or land, or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied for the purpose of operating a business, an office, a factory or any public accommodation; and any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern or public accommodation.

(c) *Commission*. The Philadelphia Commission on Human Relations.

(c.1) *Credit Information*. ¹⁰³⁰ Any written, oral, or other communication of information regarding a person's: debt; credit worthiness, standing, capacity, score or history; payment history; charged-off debts; bank account balances or other information; or bankruptcies, judgments, liens, or items under collection.

(d) *Disability*. With respect to an individual, a physical or mental impairment that substantially limits one or more of his or her major life activities, a record of such an impairment, or being regarded as having such an impairment.

(e) *Discrimination*. ¹⁰³¹ Any direct or indirect practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, differentiation or preference in the treatment of a person on the basis of actual or perceived race, ethnicity, color, sex (including pregnancy, childbirth, or a related medical condition), reproductive health autonomy, sexual orientation, gender identity, religion, national origin, ancestry, age, disability, marital status, source of income, familial status, genetic information or domestic or sexual violence victim status, or other act or practice made unlawful under this Chapter or under the nondiscrimination laws of the United States or the Commonwealth of Pennsylvania. Discrimination on the basis of race shall include discrimination based on characteristics commonly associated with race, including hairstyles.

(f) *Domestic or Sexual Violence Victim Status.* The status of being subjected to acts of domestic violence, sexual assault or stalking as defined by Section 9-3201 of this Code (relating to entitlement to leave due to domestic violence, sexual assault or stalking) or to any conduct enumerated in 18 Pa. C.S. §§ 3121 (relating to rape), 4302 (relating to incest), 6312 (relating to sexual abuse of children), 6318 (relating to unlawful contact with minor), 6320 (relating to sexual exploitation of children), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault) or 3126 (relating to indecent assault).

(g) *Reserved.* 1032

(h) *Employer.* 1033 Any person who does business in the City of Philadelphia through employees or who employs one or more employees exclusive of parents, spouse, Life Partner or children, including any public agency or authority; any agency, authority or other instrumentality of the Commonwealth; and the City, its departments, boards and commissions.

(i) *Employment Agency.* Any person regularly undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer or place employees.

(j) *Familial Status.* When used in this Chapter in all contexts other than housing, the state of being or becoming a provider of care or support to a family member. Family member shall include the individual's spouse, Life Partner, parents, grandparents, siblings, or in-laws; and children, grandchildren, nieces, or nephews (including through adoption or other dependent or custodial relationship). With respect to housing, one or more individuals who have not attained the age of 21 years being domiciled with: (.1) a parent or other person having legal custody of such individual or individuals; or (.2) the designee of such parent or other person having such custody, with the written permission of such parent or other person. 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.

(j.1) *Financial Institution.* 1034 Any bank, savings and loan association, credit union, trust company, insurance or surety company, bank holding company, financial holding company, investment advisor, broker-dealer, entity registered with the U.S. Securities and Exchange Commission, or any subsidiary or affiliate thereof.

(k) *Gender Identity.* 1035 An individual's internal sense of gender, or one's gender as perceived by others, that may or may not align with one's physical anatomy, chromosomal sex, or sex assigned at birth. Examples include, but are not limited to, man, woman, non-binary, genderfluid, and agender.

(l) *Genetic Information.* With respect to an individual, information about such individual's Genetic Tests, the Genetic Tests of family members of such individual, and the manifestation of a disease or disorder in family members of such individual.

(m) *Genetic Test.* An analysis of DNA, RNA, chromosomes, proteins, or metabolites that detects genotypes, mutations or chromosomal changes.

(m.1) *Hairstyles.* 1035.1 Hair texture and styles of hair of any length, such as protective or cultural hairstyles, natural hairstyles, and other forms of hair presentation.

(n) *Housing Accommodation.* Any building, structure 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, and any vacant land offered for sale or lease or held for the purpose of constructing or locating thereon any such building, structure or portion thereof.

(o) *Labor Organization.* 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.

(p) *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.

(q) *Life Partner.* 1036 A member of a Life Partnership that is verified pursuant to subsection 9-1123(1) (relating to verification of life partnerships).

(r) *Life Partnership.* 1037 A long-term committed relationship between two unmarried individuals of the same sex or gender identity who: (.1) are residents of the City of Philadelphia; or one of whom is employed in the City, owns real property in the City, owns and operates a business in the City, or is a recipient of or has a vested interest in employee benefits from the City of Philadelphia; (.2) are at least 18 years old and competent to contract; (.3) are not related to each other by blood in any way which would prohibit marriage in the Commonwealth of Pennsylvania; (.4) have no other Life Partner but the other person; (.5) have not been a member of a different Life Partnership for the past three months unless the prior Life Partnership ended as a result of the death of the other Life Partner; (.6) agree to share the common necessities of life and to be responsible for each other's common welfare; (.7) share at least one residence with the other Life Partner; and (.8) agree under penalty of law to notify the Commission of any change in the status of the Life Partnership.

(s) *Marital Status.* 1038 The status of being single, married, separated, divorced, widowed, a Life Partner, former Life Partner or surviving Life Partner.

(t) *Owner.* 1039 Shall include lessee, sublessee, assignee, manager, agent, or any other person having the right of ownership or possession or the authority to sell, rent, or lease any housing accommodation, commercial property or other real property, including any public agency or authority, any agency, authority or other instrumentality of the Commonwealth; and the City, its departments, boards and commissions.

(u) *Person.* As set forth in subsection 1-103(1)(g) of this Code, an individual, partnership, corporation, or association, including those acting in a fiduciary or representative capacity whether appointed by a court or otherwise.

(v) *Personal Residence*. **1040** A building or structure, occupied by the owner thereof as a bona fide residence for himself or herself and any member of his or her family forming his or her household, containing living quarters occupied or intended to be occupied by either no more than two individuals, two groups or two families living independently of each other, or no more than three inhabitants of a rooming house living independently of each other in addition to the owner thereof and any of his or her family forming his or her household.

(v.1) *Protective or Cultural Hairstyles*. **1040.1** Including, but not limited to, braids, cornrows, locs, Bantu knots, Afros, and twists, whether or not hair extensions are used to create any such style, and whether or not hair is adorned by hair ornaments, such as ribbon, headwraps, beads or barrettes.

(w) *Public Accommodation*. **1041** Any place, provider or public conveyance, whether licensed or not, which solicits or accepts the patronage or trade of the public or whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public; including all facilities of and services provided by any public agency or authority; any agency, authority or other instrumentality of the Commonwealth; and the City, its departments, boards and commissions.

(x) *Real Property*. Any land, building, dwelling, or leasehold, or interest in any of them; or any unit or interest in a condominium, real estate cooperative, or planned community.

(x.1) *Reproductive Health Autonomy*. **1041.1** The state of having used, using or intending to use a particular medicine or device, medical service or procedure, practice or similar interventions related to the human reproductive system, including, but not limited to, the use or intended use of fertility-related medical procedures or medicines; sexually transmitted disease prevention, testing, or treatment; or family planning services and counseling, such as those related to birth control medication or supplies, other contraception methods, sterilization procedures, pregnancy testing, or the intended or actual initiation or termination of a pregnancy.

(y) *Rooming House*. A building containing rooming units arranged or occupied for lodging, with or without meals, and not occupied as a one-family dwelling or a two-family dwelling.

(z) *Rooming Unit*. **1042** Any room or group of rooms which together form a single habitable unit occupied or intended to be occupied by an individual or family for living or sleeping, but not for cooking purposes.

(aa) *Sexual Orientation*. **1043** An individual's romantic, physical, sexual, or emotional attraction to others, or a lack of attraction to others, by preference, practice, or as perceived by others. Examples include, but are not limited to, heterosexual, bisexual, gay, lesbian, and pansexual.

(bb) *Solicit*. In connection with housing accommodation, commercial property or other real property, to mail or deliver any printed matter to the owner or occupant of such property by any real estate broker or agent or representative of any such broker or agent or to make any oral communication either in person or by telephone to the owner or occupant of such property by any real estate broker or agent which advertises the accomplishments or abilities of the real estate broker or agent to sell or rent property, which requests or suggests that the owner list his or her property for sale or rent with the real estate broker or agent, or which offers to purchase or rent the owner's property.

(cc) *Source of Income*. **1044** Shall include any lawful source of income, and shall include, but not be limited to, earned income, child support, alimony, insurance and pension proceeds; all forms of public assistance, including Temporary Assistance for Needy Families; and housing assistance programs.

Notes

1028 Amended, 1982 Ordinances, p. 1533; amended by adding definitions and renumbering, 1990 Ordinances, p. 822.

1029 Added, Bill No. [160072](#) (approved June 7, 2016), effective July 7, 2016.

1030 Added, Bill No. [160072](#) (approved June 7, 2016), effective July 7, 2016.

1031 Amended, 1972 Ordinances, p. 687; amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. [010719](#) (approved May 29, 2002); amended, Bill No. [130687](#) (approved January 20, 2014); amended, Bill No. [200252](#) (approved November 10, 2020); amended, Bill No. [220664](#) (approved January 16, 2023).

1032 Amended, Bill No. [130224](#) (approved May 8, 2013); deleted, Bill No. [190607](#) (approved November 12, 2019), effective May 1, 2020.

1033 Amended, Bill No. [130224](#) (approved May 8, 2013).

1034 Added, Bill No. [160072](#) (approved June 7, 2016), effective July 7, 2016.

1035 Added, Bill No. [010719](#) (approved May 29, 2002); amended, Bill No. [190651](#) (approved October 16, 2019).

1035.1 Added, Bill No. [200252](#) (approved November 10, 2020).

1036 Added and subsequent subsections renumbered, Bill No. 970750 (approved May 19, 1998).

- 1037 Amended, Bill No. [130224](#) (approved May 8, 2013).
- 1038 Added, 1980 Ordinances, p. 556; amended, Bill No. 970750 (approved May 19, 1998). Enrolled Bill No. [110050](#) numbered this subsection as (t); renumbered by Code editor to alphabetize definitions. Amended, Bill No. [130224](#) (approved May 8, 2013).
- 1039 Enrolled Bill No. [110050](#) numbered this as subsection (s); renumbered by Code editor to alphabetize definitions.
- 1040 Amended, 1967 Ordinances, p. 1328; amended, 1980 Ordinances, p. 556.
- 1040.1 Added, Bill No. [200252](#) (approved November 10, 2020). Enrolled bill numbered this as (w.1); renumbered by Code editor to maintain alphabetical order of defined terms.
- 1041 Amended, 1990 Ordinances, p. 822.
- 1041.1 Added, Bill No. [220664](#) (approved January 16, 2023).
- 1042 Added, 1967 Ordinances, p. 1328; amended, 1980 Ordinances, p. 556.
- 1043 Added, 1982 Ordinances, p. 1476; amended, Bill No. [190651](#) (approved October 16, 2019).
- 1044 Added, 1980 Ordinances, p. 556.

§ 9-1103. Unlawful Employment Practices. 1045

(1) It shall be an unlawful employment practice to deny or interfere with the employment opportunities of an individual based upon such individual's race, ethnicity, color, sex (including pregnancy, childbirth, or a related medical condition), reproductive health autonomy, sexual orientation, gender identity, religion, national origin, ancestry, age, disability, marital status, familial status, genetic information, or domestic or sexual violence victim status, including, but not limited to, the following: 1046

(a) For any employer to refuse to hire, discharge, or otherwise discriminate against any individual, with respect to tenure, promotions, terms, conditions or privileges of employment or with respect to any matter directly or indirectly related to employment.

(b) For any employment agency to fail or refuse to classify properly or refer for employment or otherwise discriminate against any individual.

(c) For any labor organization to discriminate against any individual or to limit, segregate or classify its membership in any way which would deprive such individual of employment opportunities, limit his or her employment opportunities or otherwise adversely affect his or her status as an employee or as an applicant for employment or adversely affect his or her wages, hours or conditions of employment.

(d) For any employer, employment agency or labor organization to establish, announce or follow a formal or informal policy of denying or limiting, through a quota system or otherwise, the employment or membership opportunities of any individual or group.

(e) For any employer, employment agency or labor organization prior to employment or admission to membership to cause to be printed, published, or circulated any notice or advertisement relating to employment or membership indicating any preference, limitation, or specification constituting discrimination under this Chapter.

(f) For any employer, employment agency or labor organization to violate any provision of Chapter 9-3200 of this Code, entitled "Entitlement To Leave Due To Domestic Violence, Sexual Assault, or Stalking". 1047

(g) For any person to harass, threaten, harm, damage, or otherwise penalize, retaliate or discriminate in any manner against any person because he, she or it has complied with the provisions of this Chapter, exercised his, her or its rights under this Chapter, enjoyed the benefits of this Chapter, or made a charge, testified or assisted in any manner in any investigation, proceeding or hearing hereunder. 1048

(h) For any person to aid, abet, incite, induce, compel or coerce the doing of any unlawful employment practice or to obstruct or prevent any person from complying with the provisions of this Section or any order issued hereunder or to attempt directly or indirectly to commit any act declared by this Section to be an unlawful employment practice. 1049

(i) For any person subject to this Section or Section 9-1131 (relating to Wage Equity) to fail to post and exhibit prominently, in any place of business where employment is carried on, any fair practices notice prepared and made available by the Commission, which the Commission has designated for posting. 1050

(j) For any employer to fail to permit employees to dress consistently in accordance with their gender identity. 1051

(k) For any employer to fail, upon the request of an individual to change that individual's name or gender on any forms or records under the control of that employer, to make such changes to the extent permitted by law. 1052

(l) For any employer to fail to provide reasonable accommodations to the needs of an employee for the employee's pregnancy, childbirth, reproductive health autonomy, or a related medical condition, as required by Section 9-1128. 1053

(m) For any employer to fail to reasonably accommodate an individual's need to express breast milk. 1054

(1) Reasonable accommodations include providing unpaid break time or allowing an employee to use paid break, mealtime, or both, to express milk and providing a private, sanitary space that is not a bathroom where an employee can express breast milk, so long as these requirements do not impose an undue hardship (as defined in subsection 9-1128(2)) on an employer.

Notes

- 1045 Amended, 1972 Ordinances, p. 687; amended, 1982 Ordinances, p. 1476; amended, 1982 Ordinances, p. 1533; amended, Bill No. 970750 (approved May 19, 1998); amended, Bill No. [010719](#) (approved May 29, 2002).
- 1046 Amended, Bill No. [130687](#) (approved January 20, 2014); amended, Bill No. [220664](#) (approved January 16, 2023).
- 1047 Added, Bill No. [080468-A](#) (approved November 5, 2008); amended, Bill No. [090660-A](#) (approved December 1, 2009). Section 3 of Bill No. [080468-A](#), as amended by Bill No. [090660-A](#), provides: "Effective Date. This Ordinance shall take effect sixty days after becoming law."
- 1048 Renumbered, Bill No. [080468-A](#) (approved November 5, 2008). See note 1047 for effective date provisions.
- 1049 Renumbered, Bill No. [080468-A](#) (approved November 5, 2008). See note 1047 for effective date provisions.
- 1050 Amended, Bill No. [160840](#) (approved January 23, 2017), effective May 23, 2017.
- 1051 Added, Bill No. [130224](#) (approved May 8, 2013).
- 1052 Added, Bill No. [130224](#) (approved May 8, 2013).
- 1053 Added, Bill No. [130687](#) (approved January 20, 2014); amended, Bill No. [220664](#) (approved January 16, 2023).
- 1054 Added, Bill No. [130922](#) (approved September 3, 2014).

§ 9-1104. Exemptions from Unlawful Employment Practices.

(1) Nothing in this Chapter 9-1100 related to unlawful employment practices shall apply to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by any such corporation, association, educational institution, or society of its religious activities. 1054.1

(2) It shall not be an unlawful employment practice for:

(a) An employer to express a preference on the basis of religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

(b) An employer, employment agency or labor organization to make inquiries into the ability of an employee or applicant to perform essential job functions.

(c) An employer, employment agency or labor organization to inquire into the age of any individual where age is a bona fide occupational qualification necessary to the normal operation of that particular business, enterprise, or organization.

(d) An employer to express a preference in the hiring or firing of an individual in a personal or confidential capacity, provided such work in a personal or confidential capacity is not work as a domestic worker, as defined in Chapter 9-4500 ("Protections for Domestic Workers"). 1055

(e) An employer, employment agency or labor organization to observe the terms of a bona fide seniority system, which is not a subterfuge to evade the purposes of this Chapter.

(f) The City to observe the terms of any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Chapter, except that no such employee benefit plan shall excuse the failure to provide to the Life Partner of any employee any benefit that is provided to the dependent of any employee.

(3) Nothing in this Chapter 9-1100 related to unlawful employment practices shall apply with respect to employee benefits offered by an employer whose employee benefits plan is governed by the Employee Retirement Income Security Act of 1974 ("ERISA"), or to a church plan as defined in ERISA. 1056

Notes

- 1054.1 Amended, Bill No. [220664](#) (approved January 16, 2023).
- 1055 Amended, Bill No. [190607](#) (approved November 12, 2019), effective May 1, 2020.

1056 Added, Bill No. 970750 (approved May 19, 1998); amended, Bill No. [220664](#) (approved January 16, 2023).

§ 9-1105. Remedies for Unlawful Employment Practices.

(1) In addition to the relief authorized by Section 9-1121 (relating to penalties), the Commission may issue an order directing a respondent who has engaged in an unlawful employment practice to take affirmative action to redress the harms suffered by the complainant. The Commission may order remedies, including, but not limited to:

- (a) An order requiring the respondent to cease and desist such unlawful practice;
- (b) Any injunctive or other equitable relief, including:
 - (.1) hiring, reinstating or upgrading, with or without back pay;
 - (.2) admitting or restoring membership in a labor organization;
 - (.3) admission to a guidance, apprentice-training or retraining program;
- (c) Payment of compensatory damages;
- (d) Payment of punitive damages, not to exceed two thousand dollars (\$2,000) per violation;
- (e) Payment of reasonable attorneys' fees;
- (f) Payment of hearing costs as reimbursement for expenses incurred by the Commission.

§ 9-1106. Unlawful Public Accommodations Practices. 1057

(1) It shall be an unlawful public accommodations practice to deny or interfere with the public accommodations opportunities of an individual or otherwise discriminate based on his or her race, ethnicity, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, disability, marital status, familial status, or domestic or sexual violence victim status, including, but not limited to, the following:

(a) For any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any public accommodation to:

- (.1) Refuse, withhold from, or deny to any person, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of such public accommodation on a discriminatory basis. 1058
- (.2) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, and privileges of any such public accommodation shall be refused, withheld or denied to any person on a discriminatory basis, or that the patronage of any such person is unwelcome, objectionable or not acceptable, desired or solicited. 1059
- (.3) Prohibit a breastfeeding mother from or segregate a breastfeeding mother within any public accommodation where she would otherwise be authorized to be, irrespective of whether or not the nipple of the mother's breast is covered during or incidental to breastfeeding. 1060
- (.4) Refuse, withhold from, or deny any person access to any separate-gender bathroom where the person's gender identity is consistent with the gender for which such bathroom is reserved. 1061

(b) For any person to harass, threaten, harm, damage or otherwise penalize, retaliate or discriminate in any manner against any person because he, she or it has complied with the provisions of this Section, exercised his, her or its rights under this Section, enjoyed the benefits of this Section, or made a charge, testified, or assisted in any manner in any investigation, proceeding or hearing hereunder.

(c) For any person subject to this Section to fail to post and exhibit prominently in any place of business where public accommodations are provided, any fair practices notice prepared and made available by the Commission, which the Commission has designated for posting.

(d) For any person to aid, abet, incite, induce, compel or coerce the doing of any unlawful public accommodations practice or to obstruct or prevent any person from complying with the provisions of this Section or any order issued hereunder or to attempt directly or indirectly to commit any act declared by this Section to be an unlawful public accommodations practice.

Notes

1057 Amended, 1969 Ordinances, p. 1231; amended, 1972 Ordinances, p. 687; amended, 1982 Ordinances, p. 1476; amended, Bill No. 970750 (approved May 19, 1998).

1058 Amended, Bill No. [010719](#) (approved May 29, 2002).

1059 Amended, Bill No. [010719](#) (approved May 29, 2002).

1060 Added, Bill No. 960849 (approved June 25, 1997).

§ 9-1107. Remedies for Unlawful Public Accommodations Practices.

(1) In addition to the relief authorized by Section 9-1121 (relating to penalties), the Commission may issue an order directing a respondent who has engaged in an unlawful public accommodations practice to take affirmative action to redress the harms suffered by the complainant. The Commission may order remedies, including, but not limited to:

- (a) An order requiring the respondent to cease and desist such unlawful practice;
- (b) Any injunctive or other equitable relief, including extending full, equal, unsegregated public accommodations, advantages and facilities;
- (c) Payment of compensatory damages;
- (d) Payment of punitive damages, not to exceed two thousand dollars (\$2,000) per violation;
- (e) Payment of reasonable attorneys' fees;
- (f) Payment of hearing costs as reimbursement for expenses incurred by the Commission.

§ 9-1108. Unlawful Housing and Real Property Practices. 1062

(1) It shall be an unlawful housing and real property practice to deny or interfere with the housing accommodation, commercial property or other real property opportunities of an individual or otherwise discriminate based on his or her race, ethnicity, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, disability, marital status, age, source of income, familial status, or domestic or sexual violence victim status, including, but not limited to, the following:

(a) For the owner or any other person having the right to sell, rent, lease, or approve the sale, rental or lease of any housing accommodation, commercial property or other real property to refuse to sell, rent, or lease or otherwise discriminate in the terms, conditions, or privileges of the sale, rental, or lease of any housing accommodation, commercial property or other real property or in the furnishing of facilities or services in connection therewith. 1063

(b) For any lending institution to discriminate against any individual in lending, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, commercial property or other real property. 1064

(c) For any person to make, print or circulate or cause to be made, printed or circulated any written or oral statement, advertisement, or publication, or to use any form of application for the purchase, rental or lease of housing accommodations, commercial property or other real property, or to make real estate appraisals, financial or credit reports or any record or inquiry in connection with the prospective purchase, rental or lease of housing accommodations, commercial property or real property which expresses, directly or indirectly, any limitation, specification or other discrimination, or any intent to make any such limitation, specification or other discrimination. 1065

(d) For any person with the intention of defeating the purposes of this Chapter to sell, lease or transfer any housing accommodation, commercial property or other real property which is the subject of a written verified complaint filed with the Commission.

(e) For any person, after a complaint regarding a housing accommodation, commercial property or other real property has been filed and prior to a 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, commercial property or real property.

(f) For any person being the owner, lessee, manager, superintendent, agent or broker of any housing accommodation, commercial property or other real property, or any other person whose duties, whether voluntary or for compensation, relate to the rental, sale or leasing of commercial housing, to establish, announce, or follow a discriminatory policy of denying or limiting, through a quota system or otherwise, the opportunities of any individual or group to obtain such property. 1066

(g) For any person to harass, threaten, harm, damage or otherwise penalize, retaliate or discriminate in any manner against any person because he, she or it has complied with the provisions of this Chapter, exercised his, her or its rights under this Chapter, enjoyed the benefits of this Chapter, or made a charge, testified or assisted in any manner in any investigation, proceeding or hearing hereunder.

(h) For any person subject to this Section to fail to post and exhibit prominently in any place of business where the sale or rental of housing accommodations, commercial property or other real property is carried on, any fair practices notice prepared and made available by the Commission, which the Commission has designated for posting.

(i) For any person to give false or misleading information, written or oral, with regard to the sale or rental of any housing accommodation, commercial property or other real property for the purpose of discriminating, including, but not limited to, representing that a property is not available for inspection, sale or rental when such property is, in fact, so available. 1067

(j) For any person to make any discriminatory distinctions in the location of a housing accommodation, commercial property or other real property, or to make any discriminatory distinctions relating to the time of delivery or the date of availability of such property. 1068

(k) For any person to aid, abet, incite, induce, compel or coerce the doing of any unlawful housing and real property practice or to obstruct or prevent any person from complying with the provisions of this Section or any order issued hereunder or to attempt directly or indirectly to commit any act declared by this Section to be an unlawful housing and real property practice. 1069

(l) For any person selling, renting or leasing housing accommodations, commercial property or other real property, as broker or

agent or as an employee or representative of a broker or agent, to refuse or limit service to any person on a discriminatory basis, or to accept or retain a listing of any housing accommodation, commercial property or other real property for sale, rent or lease with an understanding that discrimination may be practiced in connection with the sale, rental or lease thereof. **1070**

(2) It shall be an unlawful housing and real property practice for any individual or entity, including but not limited to, any real estate broker or agent, or the employee or representative of any such broker or agent, to solicit any real property for sale or rental, or the listing of any real property for sale or rental, at any time after such individual or entity shall have notice that any owner or other person having the right to sell, rent, lease, or approve the sale, rental or lease of such real property does not desire to sell or rent such real property, or does not desire to be solicited, either by such individual or entity, or by any and all individuals or entities.

(a) The Commission, or such other entity as determined by the Managing Director, is authorized to create and maintain a public list of real property owners who have expressed a desire to not be solicited to sell or rent their real property (Do Not Solicit List). Any real property owner who appears on the Do Not Solicit List may request in writing that the Commission remove their name from the Do Not Solicit List. The Commission will then remove the real property owner's name from the Do Not Solicit List within thirty (30) days of such a request.

(b) The inclusion on this Do Not Solicit List of any real property owner shall be deemed a desire not to sell or rent their real property and a desire not to be solicited under this subsection 9-1108(2).

(3) It shall be an unlawful housing practice for an owner of a property being offered for rental housing, or any other person having the right to rent, lease, or approve the rental or lease of the property, to begin accepting applications for rental housing before providing a uniform written rental screening criteria in a manner that makes such criteria readily available to all potential applicants, such as on a conspicuous place on a rental website or on the premises, if available. The uniform written rental screening criteria shall specify all objective and subjective criteria that will be used to review rental applications, which may include the specific financial, criminal, rental history, and any other criteria used in deciding whether to rent or lease to a prospective tenant. The failure to provide uniform written rental screening criteria as provided in this subsection may be considered evidence of an unlawful housing practice under subsection (1). **1070.1**

(4) Except as provided in subsections (4)(a) and (4)(b), below, it shall be an unlawful housing practice for the owner of the property being offered for rental housing, or any other person having the right to rent, lease or approve the rental or lease of the property, to reject an application for rental housing without providing the applicant a written or electronic document setting forth a plain statement of all reasons for the denial of the application, and which, to the extent permitted by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., includes a copy of any documents obtained from a third party for the purpose of establishing the applicant's eligibility or otherwise deciding whether to rent the unit to the applicant, within three business days of the rejection. The failure to comply with this subsection may be considered evidence of an unlawful housing practice under subsection (1). **1070.2**

(a) Rejection of Applications. An application for rental housing shall not be considered rejected for the purpose of this subsection (4) unless the applicant was denied after consideration of the applicant's specific eligibility and suitability for the housing or an applicable application fee was collected.

(b) Application to Publicly-Assisted Rental Housing. Any rental housing which is owned, operated, subsidized or financed by a program of the federal, state or local government, or which is otherwise governed by a deed restriction or indenture related to affordability of the rental housing, is exempt from the requirements of this subsection (4), provided that the rental of a particular rental housing unit shall not be excluded from the provisions of subsection (4) because of a tenant-based subsidy.

Notes

1062 Amended, 1967 Ordinances, pp. 1328, 1332; amended, 1969 Ordinances, p. 1231; amended, 1970 Ordinances, p. 150; amended, 1972 Ordinances, p. 687; subsection (1)(m) deleted and subsection (2) added, Bill No. [200544](#) (approved December 1, 2020), effective January 30, 2021.

1063 Amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. [010719](#) (approved May 29, 2002).

1064 Amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. [010719](#) (approved May 29, 2002).

1065 Amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. [010719](#) (approved May 29, 2002).

1066 Amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. [010719](#) (approved May 29, 2002).

1067 Amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. [010719](#) (approved May 29, 2002).

1068 Amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. [010719](#) (approved May 29, 2002).

1069 Amended, 1980 Ordinances, p. 556.

1070 Amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. [010719](#) (approved May 29, 2002).

1070.1 Added, Bill No. [210329-A](#) (approved July 15, 2021), effective October 13, 2021

1070.2 Added, Bill No. [210329-A](#) (approved July 15, 2021), effective October 13, 2021

§ 9-1109. Exemptions from Unlawful Housing and Real Property Practices.

(1) Nothing in Section 9-1108 shall:

(a) Bar any religious or denominational institution or organization, or any 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 any housing accommodation, commercial property or other real property, or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

(b) Apply to the rental or leasing of a room or rooms in a personal residence or the furnishing of facilities or services in connection therewith, except in the case of Limited Lodging, as defined in subsection 14-604(13). 1071

(c) Prohibit the owners of any federally regulated housing for senior citizens from operating in accordance with federal law. 1072

Notes

1071 Amended, Bill No. [150441-A](#) (approved June 18, 2015), effective July 1, 2015.

1072 Added, 1980 Ordinances, p. 556.

§ 9-1110. Remedies for Unlawful Housing and Real Property Practices.

(1) In addition to the relief authorized by Section 9-1121 (relating to penalties), the Commission may issue an order directing a respondent who has engaged in an unlawful housing or real property practice to take affirmative action to redress the harms suffered by the complainant. The Commission may order remedies including, but not limited to:

(a) An order requiring the respondent to cease and desist such unlawful practice;

(b) Any injunctive or other equitable relief, including:

(1) selling, renting or leasing specified housing accommodations, commercial property or other real property upon non-discriminatory terms and conditions;

(2) lending money for repair or maintenance of housing accommodations, commercial property or other real property upon non-discriminatory terms and conditions;

(3) lending money, whether secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations, commercial property or other real property upon terms and conditions generally available;

(c) Payment of compensatory damages;

(d) Payment of punitive damages, not to exceed two thousand dollars (\$2,000) per violation;

(e) Payment of reasonable attorneys' fees;

(f) Payment of hearing costs as reimbursement for expenses incurred by the Commission.

(2) If it appears that a housing accommodation, commercial property or other real property that is the subject of a complaint before the Commission may be sold, rented or transferred before the Commission has made a determination of the case, the Law Department, at the request of the Commission, is authorized to seek, in the name of the City, injunctive relief by an appropriate court restraining the sale, rental or transfer of the housing accommodation, commercial property or other real property except in compliance with the order of the court pending final determination of such complaint. It is the intent of this Chapter that a bond shall not be a prerequisite to the granting or extension of any injunction provided herein.

§ 9-1111. Administration and Enforcement. 1073

(1) The Commission is hereby vested with the authority to administer and enforce this Chapter and in connection therewith may promulgate and issue regulations.

Notes

§ 9-1112. Complaint. 1074

- (1) Any person claiming to be aggrieved by an unlawful employment, public accommodation or housing and real property practice may make, sign and file with the Commission a verified complaint in writing which shall state the name and address of the person or persons alleged to have committed the unlawful practice and the particulars thereof. The complaint shall also contain such other information as may be required by the Commission.
- (2) The Commission, upon its own initiative, may sign and file a complaint in the manner prescribed in subsection 9-1112(1) (relating to procedures for filing complaints).
- (3) No complaint shall be considered unless it is filed with the Commission within three hundred (300) days after the occurrence of the alleged unlawful practice.
- (4) The Commission shall not accept a complaint from any person who has filed a complaint with the Pennsylvania Human Relations Commission with respect to the same grievance.
- (5) Upon the filing of a complaint, the Commission shall serve notice upon the complainant acknowledging the filing and advising the complainant of the time limits and choice of forums provided under the law. The Commission shall also promptly serve notice of such complaint on the respondent or person charged with the commission of an unlawful employment, public accommodations or housing and real property practice, advising of his or her procedural rights and obligations under this Chapter, together with a copy of the complaint.
- (6) The complainant or the Commission shall have the power reasonably and fairly to amend his, her, or its complaint.

Notes

1074 Amended, 1967 Ordinances, p. 1332.

§ 9-1113. Answer.

- (1) The respondent shall answer the complaint in writing and shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge or information sufficient to form a belief, in which case the respondent shall so state, and such statement shall operate as a denial.
- (2) Any allegation in the complaint not specifically denied or explained shall be deemed admitted and shall be so found by the Commission unless good cause to the contrary is shown.
- (3) The respondent shall have the power reasonably and fairly to amend its answer.

§ 9-1114. Mediation.

- (1) If in the judgment of the Commission circumstances so warrant, it may at any time after the filing of a complaint endeavor to resolve the complaint by any method of dispute resolution prescribed by rule of the Commission including, but not limited to, mediation.

§ 9-1115. Investigation.

- (1) After the filing of any complaint, the Commission shall make a prompt investigation. In the conduct of such investigation the Commission may issue subpoenas to any person charged with an unlawful practice to furnish information, records or other documents in accordance with Section 8-409 of the Philadelphia Home Rule Charter.
- (2) When a complaint contains one or more allegations under Section 9-1108 (relating to unlawful housing and real property practices), the investigation concerning those allegations shall be commenced within thirty (30) days and completed within one hundred (100) days after the filing of the complaint, unless it is impracticable to do so, in which case the Commission will notify the parties in writing of the reasons for not doing so.
- (3) If the Commission, after investigation, determines that probable cause exists for the allegations of the complaint, the Commission may pursue conciliation under Section 9-1116 and/or public hearing under Section 9-1117.

§ 9-1116. Conciliation.

- (1) If the Commission, after investigation, determines that probable cause exists for the allegations of the complaint, the Commission may immediately endeavor to eliminate the unlawful practice by negotiation.
- (2) Any conciliation agreement arising out of conciliation efforts by the Commission shall be an agreement among the respondent, the complainant, and the Commission and shall require the approval of the Commission. Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Commission determines that disclosure is not required to further the purposes of this Chapter or the Fair Housing Act.

§ 9-1117. Notice and Conduct of Public Hearing.

- (1) After determining that probable cause exists for the allegations in the complaint, the Commission, in its discretion, may cause to

be issued and served a written notice of public hearing, requiring the parties to appear and state or respond to the charges of the complaint at a hearing before the Commission at a time and place to be specified in such notice. The Commission may designate one or more of its members to preside at such hearing.

(2) The case in support of the complaint shall be presented to the Commission by the complainant, the complainant's attorney or representative, or by the Commission's attorney. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearings shall be under oath and shall be transcribed.

(3) When a complaint contains one or more allegations under Section 9-1108 (relating to unlawful housing and real property practices) and notice of hearing is given as set forth in this Section, either party may elect to have the claims asserted in the complaint decided in a civil action in lieu of a public hearing before the Commission. A party making this election shall give written notice to the Commission and all other parties within twenty (20) days of receipt of notice of hearing under this Section. If an election for civil action is made by either party, the Commission shall, within thirty (30) days from the date of election, commence and maintain a civil action on behalf of the complainant in the Court of Common Pleas of Philadelphia County, Pennsylvania. Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action.

§ 9-1118. Decision and Order.

(1) If, upon all the evidence at the hearing, the Commission shall find that respondent has been engaged in or is engaged in any unlawful practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent an order requiring the respondent to cease and desist from such unlawful practice or practices and to take such affirmative action which in the judgment of the Commission will effectuate the purposes of this Chapter, including but not limited to, an order directing the respondent to comply with any of the remedies set forth in Sections 9-1105 (relating to remedies for unlawful employment practices), 9-1107 (relating to remedies for unlawful public accommodations practices), or 9-1110 (relating to remedies for unlawful housing and real property practices), and any of the penalties set forth in Section 9-1121 (relating to penalties).

(2) An order by the Commission may require a respondent to file a report showing compliance and the procedures adopted to effect compliance.

(3) In addition to the remedies authorized in Sections 9-1105, 9-1107 and 9-1110 of this Chapter, and remedies for other violations of this Chapter, the Commission may, upon a finding that a respondent has engaged in severe or repeated violations without effective efforts to remediate the violations, order that the respondent cease its business operations in the City for a specified period of time. ¹⁰⁷⁵

Notes

¹⁰⁷⁵ Added, Bill No. [170334](#) (approved May 17, 2017).

§ 9-1119. Judicial Review.

(1) Any party aggrieved by any order of the Commission may appeal to any court of competent jurisdiction within (30) days after the mailing of notice of such order by the Commission to the aggrieved party or the party's attorney.

(2) If no appeal is taken within thirty (30) days, the order of the Commission shall be final and conclusive and shall not be subject to review by any court in any action, including any proceedings to obtain enforcement.

§ 9-1120. Enforcement of Commission Orders. ¹⁰⁷⁶

(1) In the event the respondent refuses or fails to comply with any order of the Commission or violates any of the provisions of this Chapter, the Commission shall certify the case and the entire record of its proceedings to the Law Department, which may certify the case and record to an appropriate court and seek enforcement or compliance with the order of the Commission. If an appeal has been taken by respondent, the Law Department may move to consolidate the appeal and enforcement proceedings.

(2) The Law Department is authorized in an appropriate action to seek imposition by the appropriate court of the penalties set forth in Section 9-1121.

Notes

¹⁰⁷⁶ Amended, 1967 Ordinances, p. 1332.

§ 9-1121. Penalties. ¹⁰⁷⁷

(1) Any person who shall willfully resist, prevent, impede or interfere with the Commission, its members, agents or agencies in the performance of duties pursuant to this Chapter, or shall violate any order of the Commission or any provision of this Chapter shall be subject to a fine in addition to such order or decree as may be issued by any court. Such fine shall be in an amount not more than two thousand dollars (\$2,000) for each violation.

(2) Any person who violates, on more than one occasion, any order of the Commission or any provision of this Chapter, or who, on more than one occasion, willfully resists, prevents, impedes or interferes with the Commission, its members, agents or agencies in the performance of duties pursuant to this Chapter, shall be guilty of a separate offense of repeat violation, and for each such repeat violation shall be subject to a fine of not more than two thousand dollars (\$2,000), or imprisonment for not more than ninety (90) days, or both. A

person shall be guilty of a repeat violation regardless of whether the second or subsequent violation occurs before or after a judicial finding of a first or previous violation. Each violation, after the first, shall constitute a separate repeat violation offense.

Notes

1077 Amended, 1967 Ordinances, p. 1332; amended, Bill No. 758 (approved July 24, 1995), 1995 Ordinances, p. 1081.

§ 9-1122. Private Right of Action. 1078

(1) If a complainant invokes the procedures set forth in this Chapter, that person's right of action in the courts of the Commonwealth shall not be foreclosed. If within one (1) year after the filing of a complaint with the Commission, the Commission dismisses the complaint or has not entered into a conciliation agreement to which the complainant is a party, the Commission must so notify the complainant. On receipt of such a notice the complainant may bring an action in the Court of Common Pleas of Philadelphia County based on the right to freedom from discrimination granted by this Chapter.

(2) An action under this Section shall be filed within two years after the date of notice from the Commission closing the case. Any action so filed shall be served on the Commission at the time the complaint is filed in court. The Commission shall notify the complainant of this requirement.

(3) The court may grant any relief it deems appropriate, including the right to recover for each violation:

- (a) Compensatory damages;
- (b) Punitive damages;
- (c) Reasonable attorneys' fees;
- (d) Court costs; and
- (e) Such other relief, including injunctive relief, as the court may deem appropriate.

(4) Nothing in this Chapter limits the right of an injured person to recover damages under any other applicable law or legal theory.

Notes

1078 Added, 1990 Ordinances, p. 822.

§ 9-1123. Verification of Life Partnerships.

(1) No Life Partnership shall be recognized as such under this Chapter unless the members of the Life Partnership have verified the Life Partnership by: (i) filing with the Commission a Verification Statement, in the form and manner required by the Commission, which states, on penalty of perjury, that the Life Partnership meets all the provisions of subsection 9-1102(1)(r) (relating to definition of Life Partnership); and (ii) filing with the Commission proof that the Life Partners have been interdependent for at least three (3) months prior to the date the Verification Statement is filed, such proof to include at least two of the following:

- (a) common ownership of real property or a common leasehold interest in property;
- (b) common ownership of a motor vehicle;
- (c) driver's licenses or other state-issued identification listing a common address;
- (d) proof of joint bank accounts or credit accounts;
- (e) proof of designation as a beneficiary for life insurance or retirement benefits, or beneficiary designation under a partner's will;
- (f) proof of appointment as attorney-in-fact or agent under a partner's durable power of attorney or health care power of attorney;
- (g) proof of common legal guardianship of an adopted, foster or dependent child. 1079

(2) The foregoing requirements of proof for interdependency and verification may be changed or modified by the Commission at any time, by regulation.

Notes

1079 Added, Bill No. [130224](#) (approved May 8, 2013).

§ 9-1124. Termination of Life Partnerships.

(1) Either Life Partner may terminate the Life Partnership by filing a sworn Termination Statement with the Commission, in the form and manner required by the Commission, stating that the Life Partnership is to be terminated. The termination shall become effective

sixty (60) days from the date the Termination Statement is filed, if it is signed by both Life Partners. If it is not signed by both Life Partners, the Termination Statement shall become effective sixty (60) days from the date proof is filed with the Commission that a copy of the Termination Statement was served, either personally or by certified or registered mail, on the other Life Partner.

(2) *Automatic Termination of Life Partnership.* A Life Partnership shall terminate automatically when any member dies or enters into a marriage with another person that is recognized in the Commonwealth of Pennsylvania. 1080

Notes

1080 Added, Bill No. [130224](#) (approved May 8, 2013).

§ 9-1125. Duties of the Commission on Human Relations with Respect to Life Partnerships. 1081

(1) The Commission shall advise all applicants that Life Partnership does not provide the protections afforded by marriage, and shall make such forms and information available to applicants as the Commission deems appropriate on issues that may include, but are not limited to, adoption, medical treatment, and end-of-life decisions, advance health care directives, living wills, durable health care powers of attorney, appointment of a health care agent, guardian designations, and wills; provided that the Commission shall not provide legal advice or services.

(2) The Commission shall review each Verification Statement and, no later than 30 days after receipt of such statement, notify the persons submitting the statement whether the Verification Statement has been accepted or rejected. If the Commission has accepted the Verification Statement, it shall provide the Life Partners with an official document confirming their status as verified Life Partners. If the Commission rejects the Verification Statement, it shall provide an explanation of the reason for that action, and an explanation of the steps required to cure any deficiencies in the Statement.

(3) The Commission may, by regulation, establish and collect from applicants submitting a Verification Statement a reasonable fee to defray the costs of administering the provisions of this Chapter with respect to Life Partnerships. The Commission may reduce or waive the fee upon a showing of financial hardship.

Notes

1081 Added, Bill No. [130224](#) (approved May 8, 2013).

§ 9-1126. Life Partnerships – Responsibilities of Others. 1082

(1) *Health Care Providers.*

(a) Health care providers shall allow a patient's Life Partner, and the children of such Life Partner, visitation rights consistent with 42 C.F.R. § 482.13(h). The dependent, foster, or adopted child of the patient's Life Partner shall have the same visitation rights that a child of the patient would have.

(b) In the event that the patient is incapacitated, the Life Partner of the patient shall have the same authority to make health care decisions that a spouse of the patient would have.

(c) If a provider does not require spouses of patients to prove their spousal status, then the provider shall not require Life Partners to prove Life Partner status. If such proof is required, then the provider may accept as proof any evidence of the Life Partnership the provider deems acceptable, provided that the provider shall accept a copy of the official document issued by the Commission pursuant to subsection 9-1125(2) confirming Life Partner status.

(2) *Funeral Providers.* The Verification Statement designed by the Commission shall include an optional section in which a Life Partner may designate the other Life Partner as the person authorized to determine the final disposition of the first Life Partner's remains. Funeral providers shall treat such a designation as the authorization required by 20 Pa. C.S. § 305 ("Right to dispose of a decedent's remains"). In designing this section of the Verification Statement, the Commission shall ensure that the section complies with all requirements of state law as to form and verification.

(3) *Visitation Rights in City Prison Facilities.* The Prison system shall permit the minor child of an inmate to visit such inmate when accompanied by the inmates' Life Partner on the same basis and same conditions as if the minor child were accompanied by the inmate's spouse. Proof of Life Partnership in the form of a copy of the Verification Statement may be required.

(4) *Notification of Family Members.* Whenever a City official or employee is directed or authorized to notify "family members" or "next of kin", on behalf of an injured person, such official or employee shall attempt to determine whether the person has a Life Partner and, if so, the official or employee shall include that Life Partner among those notified. The Managing Director or such other official as the Mayor shall designate, shall take steps to ensure that City employees are aware of this responsibility.

Notes

1082 Added, Bill No. [130224](#) (approved May 8, 2013).

§ 9-1127. Gender Neutrality in City Forms. 1083

(1) Effective one year after the effective date of this Ordinance, all new forms issued by any City department, board, or commission shall not include requests for gender-specific identification. Such forms shall include, for example, the term "Parent/Legal Guardian" instead of "Mother" or "Father". Where it is necessary to request the gender of a person, an option shall be provided for that person to select the option "self-identify" for the person's gender in addition to the options of "male" and "female".

(2) *Exceptions.* Gender neutrality pursuant to subsection (1) shall not be required for a particular form if the Commission or City Solicitor certifies and advises the Department of Records in writing that any of the following circumstances exists:

- (a) gender-specific information will further the ability of the requesting agency to perform its responsibilities;
- (b) state or federal law requires the use of gender-specific information;
- (c) eligibility for funding depends upon the use of gender-specific information;
- (d) the Commission has determined that, for a reason not listed above, gender-specific data is required, in which case the Commission shall specify the reason for this exception.

Notes

1083 Added, Bill No. [130224](#) (approved May 8, 2013).

§ 9-1128. Unlawful Employment Practices Based Upon Reproductive Health Autonomy, Pregnancy, Childbirth and Related Medical Conditions. 1084

(1) It shall be an unlawful employment practice for an employer to fail to provide reasonable accommodations to an employee for needs related to reproductive health autonomy, pregnancy, childbirth, or a related medical condition, provided (i) the employee requests such accommodations and (ii) such accommodations will not cause an undue hardship to the employer. 1084.1

(a) For purposes of this Section 9-1128, "reasonable accommodation" shall mean an accommodation that can be made by an employer in the workplace that will allow the employee to perform the essential functions of the job. Reasonable accommodations include, but are not limited to, restroom breaks, periodic rest for those who stand for long periods of time, assistance with manual labor, leave for a period of disability arising from childbirth, reassignment to a vacant position, and job restructuring.

(2) *Undue Hardship.* The employer shall have the burden of proving undue hardship. For purposes of this Section 9-1128, factors to be considered in making a determination of undue hardship shall include, but not be limited to the following:

- (a) The nature and cost of the accommodations;
- (b) The overall financial resources of the employer's facility or facilities involved in the provision of the reasonable accommodations, including the number of persons employed at such facility, the effect on expenses and resources, or the impact otherwise of such accommodations upon the operation of the employer;
- (c) The overall financial resources of the employer, including the size of the employer with respect to the number of its employees and the number, type and location of its facilities; and
- (d) The type of operation or operations of the employer, including the composition, structure and functions of the workforce, the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer.

(3) *Affirmative Defense.* In any case where the need for reasonable accommodations under this Section is placed in issue, it shall be an affirmative defense that the person aggrieved by the alleged discriminatory practice could not, with reasonable accommodations, satisfy the requisites of the job.

(4) *Notice of Rights.* The employer shall provide written notice, in a form and manner to be determined by the Commission, of the right to be free from discrimination in relation to reproductive health status autonomy, pregnancy, childbirth, and related medical conditions and the right to reasonable accommodations related to reproductive health autonomy, pregnancy, childbirth, and related medical conditions under this Section, to all new and existing employees. Such notice may also be posted conspicuously at an employer's place of business in an area accessible to employees. 1084.2

(5) *Education.* The Commission is authorized to develop courses of instruction and conduct ongoing public education, as necessary, to inform employers, employees, employment agencies and job applicants about their rights and responsibilities under this Section.

(6) *Relationship to Other Laws.* Nothing in the ordinance adding this sentence to the Code, nor any provision of this Section, shall be construed to affect any other provision of law relating to sex discrimination or pregnancy, or in any way diminish the coverage of reproductive health autonomy, pregnancy, childbirth, or a medical condition related to pregnancy or childbirth under any other provision of law, including the scope of sex discrimination otherwise prohibited by this Chapter 9-1100. 1084.3

Notes

- 1084 Added, Bill No. [130687](#) (approved January 20, 2014); caption amended, Bill No. [220664](#) (approved January 16, 2023).
- 1084.1 Amended, Bill No. [220664](#) (approved January 16, 2023).
- 1084.2 Amended, Bill No. [220664](#) (approved January 16, 2023).
- 1084.3 Amended, Bill No. [220664](#) (approved January 16, 2023).

§ 9-1129. Severability. 1085

(1) 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.

Notes

- 1085 Added, 1967 Ordinances, p. 1332; renumbered, Bill No. [130224](#) (approved May 8, 2013); renumbered, Bill No. [130687](#) (approved January 20, 2014).

§ 9-1130. Unlawful Credit Screening Practices in Employment. 1086

(1) Except as provided in subsection (2), it shall be an unlawful discriminatory practice for an employer to procure, to seek a person's cooperation or consent to procure, or to use credit information regarding an employee or applicant in connection with hiring, discharge, tenure, promotion, discipline or consideration of any other term, condition or privilege of employment with respect to such employee or applicant.

(2) Subsection (1) shall not apply:

- (a) reserved; 1086.1
- (b) to the City of Philadelphia with respect to efforts to obtain information regarding taxes or other debts owed to the City;
- (c) if such information must be obtained pursuant to state or federal law;
- (d) if the job requires an employee to be bonded under City, state, or federal law;
- (e) if the job is supervisory or managerial in nature and involves setting the direction or policies of a business or a division, unit or similar part of a business;
- (f) if the job involves significant financial responsibility to the employer, including the authority to make payments, transfer money, collect debts, or enter into contracts, but not including handling transactions in a retail setting;
- (g) if the job requires access to financial information pertaining to customers, other employees, or the employer, other than information customarily provided in a retail transaction; or
- (h) if the job requires access to confidential or proprietary information that derives substantial value from secrecy.

(3) An employer that intends to take an adverse employment action with respect to any person, based in whole or in part on credit information, shall, pursuant to 15 U.S.C. § 1681b(b)(3), provide such person, before taking any adverse action, with a written copy of the information relied, the right to obtain and dispute such information, and such other information as may be required by law. 1086.2

Notes

- 1086 Added, Bill No. [160072](#) (approved June 7, 2016), effective July 7, 2016.
- 1086.1 Amended, Bill No. [200413](#) (approved January 20, 2021).
- 1086.2 Amended, Bill No. [200614](#) (approved January 20, 2021).

§ 9-1131. Wage Equity. 1087

(1) *Findings.* The City Council of the City of Philadelphia finds that:

(a) In Pennsylvania, women are paid 79 cents for every dollar a man makes, according to a United States Census Bureau 2015 report. Women of color are paid even less. African American women are paid only sixty-eight cents (\$0.68) to the dollar paid to a man, Latinas are paid only fifty-six cents (\$0.56) to the dollar paid to men, and Asian women are paid eighty-one cents (\$0.81) to the dollar paid to men.

(b) The gender wage gap has narrowed by less than one-half a penny per year in the United States since 1963, when the Congress passed the Equal Pay Act, the first law aimed at prohibiting gender-based pay discrimination, according to the National Committee on Pay Equity.

(c) In August of 2016, Massachusetts became the first state to enact a law prohibiting employers from seeking or requiring a prospective employee's wage history.

(d) Since women are paid on average lower wages than men, basing wages upon a worker's wage at a previous job only serves to perpetuate gender wage inequalities and leave families with less money to spend on food, housing, and other essential goods and services.

(e) Salary offers should be based upon the job responsibilities of the position sought and not based upon the prior wages earned by the applicant.

(2) *Prohibition on Inquiries into Wage History.*

(a) It is an unlawful employment practice for an employer, employment agency, or employee or agent thereof:

(1) To inquire about a prospective employee's wage history, require disclosure of wage history, or condition employment or consideration for an interview or employment on disclosure of wage history, or retaliate against a prospective employee for failing to comply with any wage history inquiry or for otherwise opposing any act made unlawful by this Chapter.

(2) To rely on the wage history of a prospective employee from any current or former employer of the individual in determining the wages for such individual at any stage in the employment process, including the negotiation or drafting of any employment contract, unless such applicant knowingly and willingly disclosed his or her wage history to the employer, employment agency, employee or agent thereof.

(b) This subsection (2) shall not apply to any actions taken by an employer, employment agency, or employee or agent thereof, pursuant to any federal, state or local law that specifically authorizes the disclosure or verification of wage history for employment purposes.

(c) For purposes of this Section 9-1131, "to inquire" shall mean to ask a job applicant in writing or otherwise, and "wages" shall mean all earnings of an employee, regardless of whether determined on time, task, piece, commission or other method of calculation and including fringe benefits, wage supplements, or other compensation whether payable by the employer from employer funds or from amounts withheld from the employee's pay by the employer.

Notes

1087 Added, Bill No. [160840](#) (approved January 23, 2017), effective May 23, 2017.

§ 9-1132. Cashless Retail Prohibition. 1088

{{ Section 9-1132 - Recent Amendment }}

(1) A person selling or offering for sale consumer goods or services at retail is prohibited from refusing to accept cash as a form of payment to purchase goods or services. A person selling or offering for sale goods or services at retail shall not:

- (a) Refuse to accept cash as a form of payment;
- (b) Post signs on the premises that cash payment is not accepted;
- (c) Charge a higher price to customers who pay cash than they would pay using any other form of payment.

(2) For purposes of this Section 9-1132, "at retail" shall include any retail transaction conducted in person and shall exclude:

- (a) any telephone, mail, or internet transactions;
- (b) parking lots and parking garages;
- (c) transactions at wholesale clubs that sell consumer goods and services through a membership model;
- (d) transactions at retail stores selling consumer goods exclusively through a membership model that requires payment by means of an affiliated mobile device application;
- (e) transactions for the rental of consumers goods, services, or accommodations for which posting of collateral or security is typically required;
- (f) consumer goods or services provided exclusively to employees and others authorized to be on the employer's premises.

(3) Violations of this Section shall be subject to penalties set forth in subsection 9-1121(1).

(4) The Commission is authorized to promulgate and issue such regulations as are necessary or appropriate to implement the provisions of this Section.

Notes

1088 Added, Bill No. [180943](#) (approved February 27, 2019), effective July 1, 2019.

Section 9-1132 - Recent Amendment This section has been amended by Bill No. [230152](#) (approved June 7, 2023).

§ 9-1133. Uniform Policy of Non-Discrimination as to Transgender and Gender Non-Conforming Youth. 1089

(1) *Definitions.* For purposes of this Section 9-1133, the following definitions shall apply:

Gender Nonconforming. A term describing individuals whose gender expression or gender identity falls outside the traditional male-female definitions.

Institutions Serving Youth. Entities or organizations that provide educational, recreational, residential, or similar services to youth, in a setting in which the institution is responsible for the care of a youth population and for adopting and enforcing general rules of conduct.

Transgender. Individuals whose self-determined gender identity is different from the sex classification assigned to them at birth.

Youth. A collective term applied to individuals who are less than 18 years of age.

(2) *Policy Requirements.*

(a) Sections three (3) through five (5) of the School District of Philadelphia Policy No. 252, entitled "Transgender and Gender Non-Conforming Students", shall apply as a uniform policy of non-discrimination to institutions serving youth within the City with the following modifications:

(1) The terms "gender nonconforming" and "transgender" shall be defined as set forth in subsection 9-1133(1).

(2) The terms "school", "School District", and "District" shall be replaced by the term "institution serving youth".

(3) The term "student" shall be replaced by the term "youth".

Provided that the Commission may itself adopt by regulation a superseding uniform policy of non-discrimination which meets or exceeds the protections provided to transgender and gender non-conforming youth provided by the School District of Philadelphia Policy No. 252 and which shall serve as the controlling uniform policy of non-discrimination under this Section 9-1133.

(b) Each institution serving youth shall regularly provide appropriate training for its staff in the administration of the uniform policy of non-discrimination, and shall also make the uniform policy of non-discrimination known to its staff and to the youth population served by the institution in English and the primary languages of youth who commonly access the institution, by posting the written policy in a location accessible to all and on any organizational website, and by such other notification measures as the institution determines will reasonably provide notice of the policy; all of which in such manner and by such means that the Commission shall require by regulation.

(c) The uniform policy of non-discrimination established by this Section 9-1133, as modified by any subsequent Commission regulation, shall inform the Commission's enforcement of the Fair Practices Ordinance as applied to alleged discrimination against transgender and gender non-conforming youth.

(d) The Commission shall promulgate regulations implementing its administration of this Section 9-1133 which shall take into account the varied institutions serving youth in the City and which shall provide for a religious exemption from this Section 9-1133, as otherwise required by law.

Notes

1089 Added, Bill No. [190558](#) (approved October 16, 2019). Section 2 of Bill No. [190558](#) provides: "This Ordinance shall be effective upon the promulgation of implementing regulations by the Commission, but no earlier than June 1, 2020."

§ 9-1134. Interpretation. 1089.1

This Chapter shall be interpreted consistently with the United States and Pennsylvania Constitutions, and the Pennsylvania Religious Freedom Protection Act. Nothing set forth in this Chapter shall infringe on the constitutional rights of those regulated or violate Pennsylvania law.

Notes

1089.1 Added, Bill No. [220664](#) (approved January 16, 2023).