

**The Philadelphia  
Fair Practices Ordinance:  
Prohibitions Against Unlawful Discrimination  
Chapter 9-1100 of the Philadelphia Code**



**Enforced by the  
Philadelphia  
Commission on Human Relations**

**The Curtis Center  
601 Walnut Street, Suite 300 South  
Philadelphia, PA 19106  
Phone: 215-686-4670**

**Email: [pchr@phila.gov](mailto:pchr@phila.gov) [www.phila.gov/humanrelations](http://www.phila.gov/humanrelations)**

# Philadelphia Commission on Human Relations



## The Philadelphia Fair Practices Ordinance: Protections Against Unlawful Discrimination Chapter 9-1100 of the Philadelphia Code

### Protections Under The Fair Practices Ordinance

Basis	Employment	Public Accommodations (including delivery of City Services)	Housing and Real Property
Age	Yes (Individuals Over 40)	Not Covered	Yes (Individuals of Any Age)
Ancestry	Yes	Yes	Yes
Breastfeeding	Reasonable Accommodation Required	Yes	Not Covered
Color	Yes	Yes	Yes
Disability	Yes	Yes	Yes
Domestic/Sexual Violence	Yes	Yes	Yes
Ethnicity	Yes	Yes	Yes
Gender Identity	Yes	Yes	Yes
Genetic Information	Yes	Not Covered	Not Covered
Familial Status	Yes	Yes	Yes
Marital Status	Yes	Yes	Yes
National Origin	Yes	Yes	Yes
Pregnancy, Childbirth or Related Medical Condition	Reasonable Accommodation Required	Not Covered	Not Covered
Race	Yes	Yes	Yes
Religion	Yes	Yes	Yes
Retaliation	Yes	Yes	Yes
Sex	Yes	Yes	Yes
Sexual Orientation	Yes	Yes	Yes
Source of Income	Not Covered	Not Covered	Yes

# TABLE OF CONTENTS

<u>§ 9-1101. Legislative Findings</u> .....	1
<u>§ 9-1102. Definitions</u> .....	1
<u>§ 9-1103. Unlawful Employment Practices</u> .....	4
<u>§ 9-1104. Exemptions from Unlawful Employment Practices</u> .....	6
<u>§ 9-1105. Remedies for Unlawful Employment Practices</u> .....	6
<u>§ 9-1106. Unlawful Public Accommodations Practices</u> .....	7
<u>§ 9-1107. Remedies for Unlawful Public Accommodations Practices</u> .....	7
<u>§ 9-1108. Unlawful Housing and Real Property Practices</u> .....	8
<u>§ 9-1109. Exemptions from Unlawful Housing and Real Property Practices</u> .....	9
<u>§ 9-1110. Remedies for Unlawful Housing and Real Property Practices</u> .....	10
<u>§ 9-1111. Administration and Enforcement</u> .....	10
<u>§ 9-1112. Complaint</u> .....	11
<u>§ 9-1113. Answer</u> .....	11
<u>§ 9-1114. Mediation</u> .....	11
<u>§ 9-1115. Investigation</u> .....	11
<u>§ 9-1116. Conciliation</u> .....	12
<u>§ 9-1117. Notice and Conduct of Public Hearing</u> .....	12
<u>§ 9-1118. Decision and Order</u> .....	12
<u>§ 9-1119. Judicial Review</u> .....	13
<u>§ 9-1120. Enforcement of Commission Orders</u> .....	13
<u>§ 9-1121. Penalties</u> .....	13
<u>§ 9-1122. Private Right of Action</u> .....	13
<u>§ 9-1123. Verification of Life Partnerships</u> .....	14
<u>§ 9-1124. Termination of Life Partnerships</u> .....	14
<u>§ 9-1125. Duties of the Commission on Human Relations with Respect to Life Partnerships</u> .....	15
<u>§ 9-1126. Life Partnerships – Responsibilities of Others</u> .....	15
<u>§ 9-1127. Gender Neutrality in City Forms</u> .....	16
<u>§ 9-1128 Unlawful Employment Practices Based Upon Pregnancy, Childbirth and Related Medical Conditions</u> .....	16
<u>§ 9-1129. Severability</u> .....	17

# CHAPTER 9-1100. FAIR PRACTICES ORDINANCE: PROTECTIONS AGAINST UNLAWFUL DISCRIMINATION<sup>1</sup>

## § 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, 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.<sup>2</sup>

(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), 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.<sup>3</sup>

## § 9-1102. Definitions.<sup>4</sup>

(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.

(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.

---

<sup>1</sup> Amended, 1963 Ordinances, p. 411; Chapter amended throughout, and Chapter caption amended, Bill No. 110050 (approved March 23, 2011). Section 2 of Bill No. 110050 provides: "This Ordinance shall take effect ninety (90) days from the date it becomes law."

<sup>2</sup> Amended, 1982 Ordinances, p. 1476; amended, Bill No. 130687 (approved January 20, 2014).

<sup>3</sup> Amended, Bill No. 130687 (approved January 20, 2014).

<sup>4</sup> Amended, 1982 Ordinances, p. 1533; amended by adding definitions and renumbering, 1990 Ordinances, p. 822.

(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*.<sup>5</sup> 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), 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.

(f) *Domestic or Sexual Violence Victim Status*. The status of being subjected to acts of domestic violence, sexual assault or stalking as defined by § 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) *Domestic Worker*.<sup>6</sup> An individual employed in a home or residence for the purpose of caring for a child, serving as a companion for a sick, convalescing or elderly person, housekeeping, or for any other domestic service purpose. Domestic worker does not include any individual who is (.1) working on a casual basis, (.2) engaged in providing companionship services, as defined in Section 213(15)(a) of the Fair Labor Standards Act of 1938, and who is employed by an employer or agency other than the family or household using his or her services; or (.3) a Life Partner or relative through blood, marriage or adoption of the employer or the individual for whom the worker is delivering services under a program funded or administered by federal, state or local government.

(h) *Employer*.<sup>7</sup> 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.

(k) *Gender Identity*.<sup>8</sup> Self-perception, or perception by others, as male or female, and shall include an individual's appearance, behavior, or physical characteristics, that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or sex assigned at birth; and shall include, but not be limited to, individuals

---

<sup>5</sup> 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).

<sup>6</sup> Amended, Bill No. 130224 (approved May 8, 2013).

<sup>7</sup> Amended, Bill No. 130224 (approved May 8, 2013).

<sup>8</sup> Added, Bill No. 010719 (approved May 29, 2002).

who are undergoing or have completed sex reassignment.

(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.

(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.*<sup>9</sup> A member of a Life Partnership that is verified pursuant to § 9-1123(1) (relating to verification of life partnerships).

(r) *Life Partnership.*<sup>10</sup> 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.*<sup>11</sup> The status of being single, married, separated, divorced, widowed, a Life Partner, former Life Partner or surviving Life Partner.

(t) *Owner.*<sup>12</sup> 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 § 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.*<sup>13</sup> 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

---

<sup>9</sup> Added and subsequent subsections renumbered, Bill No. 970750 (approved May 19, 1998).

<sup>10</sup> Amended, Bill No. 130224 (approved May 8, 2013).

<sup>11</sup> 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).

<sup>12</sup> Enrolled Bill No. 110050 numbered this subsection as (s); renumbered by Code editor to alphabetize definitions.

<sup>13</sup> Amended, 1967 Ordinances, p. 1328; amended, 1980 Ordinances, p. 556.

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.

(w) *Public Accommodation*.<sup>14</sup> 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.

(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*.<sup>15</sup> 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*.<sup>16</sup> Male or female homosexuality, heterosexuality and bisexuality, by preference, practice or as perceived by others.

(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*.<sup>17</sup> 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.

### **§ 9-1103. Unlawful Employment Practices.**<sup>18</sup>

(1) It shall be an unlawful employment practice to deny or interfere with the employment opportunities of an individual based upon his or her race, ethnicity, color, sex (including pregnancy, childbirth, or a related medical condition), 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:<sup>19</sup>

(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.

---

<sup>14</sup> Amended, 1990 Ordinances, p. 822.

<sup>15</sup> Added, 1967 Ordinances, p. 1328; amended, 1980 Ordinances, p. 556.

<sup>16</sup> Added, 1982 Ordinances, p. 1476.

<sup>17</sup> Added, 1980 Ordinances, p. 556.

<sup>18</sup> 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).

<sup>19</sup> Amended, Bill No. 130687 (approved January 20, 2014).

(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".<sup>20</sup>

(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.<sup>21</sup>

(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.<sup>22</sup>

(i) For any person subject to this Section 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.

(j) For any employer to fail to permit employees to dress consistently in accordance with their gender identity.<sup>23</sup>

(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.<sup>24</sup>

(l) For any employer to fail to provide reasonable accommodations to the needs of an employee for her pregnancy, childbirth, or a related medical condition, as required by Section 9-1128.<sup>25</sup>

(m) For any employer to fail to reasonably accommodate an individual's need to express breast milk.<sup>26</sup>

(i) 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 § 9-1128(2)) on an employer.

---

<sup>20</sup> 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."

<sup>21</sup> Renumbered, Bill No. 080468-A (approved November 5, 2008). See note 860 for effective date provisions.

<sup>22</sup> Renumbered, Bill No. 080468-A (approved November 5, 2008). See note 860 for effective date provisions.

<sup>23</sup> Added, Bill No. 130224 (approved May 8, 2013).

<sup>24</sup> Added, Bill No. 130224 (approved May 8, 2013).

<sup>25</sup> Added, Bill No. 130687 (approved January 20, 2014).

<sup>26</sup> Added, Bill No. 130922 (approved September 3, 2014).

## **§ 9-1104. Exemptions from Unlawful Employment Practices.**

(1) Nothing in § 9-1103 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.

(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 as a domestic worker or in a personal or confidential capacity.

(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 Section 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.<sup>27</sup>

## **§ 9-1105. Remedies for Unlawful Employment Practices.**

(1) In addition to the relief authorized by § 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;

---

<sup>27</sup> Added, Bill No. 970750 (approved May 19, 1998).

- (d) Payment of punitive damages, not to exceed \$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.**<sup>28</sup>

(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.<sup>29</sup>

(.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.<sup>30</sup>

(.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.<sup>31</sup>

(.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.<sup>32</sup>

(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.

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

(1) In addition to the relief authorized by § 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

<sup>28</sup> Amended, 1969 Ordinances, p. 1231; amended, 1972 Ordinances, p. 687; amended, 1982 Ordinances, p. 1476; amended, Bill No. 970750 (approved May 19, 1998).

<sup>29</sup> Amended, Bill No. 010719 (approved May 29, 2002).

<sup>30</sup> Amended, Bill No. 010719 (approved May 29, 2002).

<sup>31</sup> Added, Bill No. 960849 (approved June 25, 1997).

<sup>32</sup> Added, Bill No. 130224 (approved May 8, 2013).

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 \$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.**<sup>33</sup>

(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.<sup>34</sup>

(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.<sup>35</sup>

(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.<sup>36</sup>

(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.

<sup>33</sup> Amended, 1967 Ordinances, pp. 1328, 1332; amended, 1969 Ordinances, p. 1231; amended, 1970 Ordinances, p. 150; amended, 1972 Ordinances, p. 687.

<sup>34</sup> Amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. 010719 (approved May 29, 2002).

<sup>35</sup> Amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. 010719 (approved May 29, 2002).

<sup>36</sup> Amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. 010719 (approved May 29, 2002).

(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.<sup>37</sup>

(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.<sup>38</sup>

(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.<sup>39</sup>

(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.<sup>40</sup>

(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.<sup>41</sup>

(m) For 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 broker, agent, employee or representative 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 broker or agent, or by any and all brokers or agents.

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

(1) Nothing in § 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

<sup>37</sup> Amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. 010719 (approved May 29, 2002).

<sup>38</sup> Amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. 010719 (approved May 29, 2002).

<sup>39</sup> Amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. 010719 (approved May 29, 2002).

<sup>40</sup> Amended, 1980 Ordinances, p. 556.

<sup>41</sup> Amended, 1980 Ordinances, p. 556; amended, 1982 Ordinances, p. 1476; amended, Bill No. 010719 (approved May 29, 2002).

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.

(c) Prohibit the owners of any federally regulated housing for senior citizens from operating in accordance with federal law.<sup>42</sup>

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

(1) In addition to the relief authorized by § 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 \$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.**<sup>43</sup>

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

---

<sup>42</sup> Added, 1980 Ordinances, p. 556.

<sup>43</sup> Amended by adding subsection (2), Bill No. 970750 (approved May 19, 1998).

## **§ 9-1112. Complaint.**<sup>44</sup>

(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 § 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.

## **§ 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 § 8-409 of the Philadelphia Home Rule Charter.

(2) When a complaint contains one or more allegations under § 9-1108 (relating to unlawful housing and real property practices), the investigation concerning those allegations shall be commenced within thirty (30)

---

<sup>44</sup> Amended, 1967 Ordinances, p. 1332.

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 § 9-1116 and/or public hearing under § 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 § 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 § 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.

## **§ 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.<sup>45</sup>**

(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 § 9-1121.

## **§ 9-1121. Penalties.<sup>46</sup>**

(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 (2,000) dollars 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 (2,000) dollars, 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.

## **§ 9-1122. Private Right of Action.<sup>47</sup>**

(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:

---

<sup>45</sup> Amended, 1967 Ordinances, p. 1332.

<sup>46</sup> Amended, 1967 Ordinances, p. 1332; amended, Bill No. 758 (approved July 24, 1995), 1995 Ordinances, p. 1081.

<sup>47</sup> Added, 1990 Ordinances, p. 822.

- (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.

### **§ 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 § 9-1102(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.<sup>48</sup>

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

### **§ 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

---

<sup>48</sup> Added, Bill No. 130224 (approved May 8, 2013).

Pennsylvania.<sup>49</sup>

## **§ 9-1125. Duties of the Commission on Human Relations with Respect to Life Partnerships.**<sup>50</sup>

(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.

## **§ 9-1126. Life Partnerships – Responsibilities of Others.**<sup>51</sup>

### *(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 § 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.

---

<sup>49</sup> Added, Bill No. 130224 (approved May 8, 2013).

<sup>50</sup> Added, Bill No. 130224 (approved May 8, 2013).

<sup>51</sup> Added, Bill No. 130224 (approved May 8, 2013).

(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.

### **§ 9-1127. Gender Neutrality in City Forms.**<sup>52</sup>

(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.

### **§ 9-1128. Unlawful Employment Practices Based Upon Pregnancy, Childbirth and Related Medical Conditions.**<sup>53</sup>

(1) It shall be an unlawful discriminatory employment practice for an employer to fail to provide reasonable accommodations to an employee for needs related to 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.

(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

---

<sup>52</sup> Added, Bill No. 130224 (approved May 8, 2013).

<sup>53</sup> Added, Bill No. 130687 (approved January 20, 2014).

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 pregnancy, childbirth and related medical conditions and the right to reasonable accommodations related to pregnancy, childbirth and related medical conditions under this Section, to all new and existing employees within 90 days of the effective date of this Section. Such notice may also be posted conspicuously at an employer's place of business in an area accessible to employees.

(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.* This Section shall not be construed to affect any other provision of law relating to sex discrimination or pregnancy, or in any way diminish the coverage of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth under any other provision of law.

## **§ 9-1129. Severability.**<sup>54</sup>

(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.

---

<sup>54</sup> Added, 1967 Ordinances, p. 1332; renumbered, Bill No. 130224 (approved May 8, 2013); renumbered, Bill No. 130687 (approved January 20, 2014).