City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 110050

Introduced February 3, 2011

Councilmembers Greenlee and Green

**Referred to the
Committee on Law and Government**

AN ORDINANCE

Amending Chapter 9-1100 of The Philadelphia Code, entitled "Fair Practices," by changing the title to "Fair Practices Ordinance: Protections Against Unlawful Discrimination," by replacing "handicap" with disability as a protected status, by adding domestic or sexual violence victim status, familial status, and genetic information to the prohibited bases for discrimination; by amending the definition of discrimination, employer, life partnership, public accommodation and other terms, and by adding or deleting other definitions; by narrowing certain exemptions with respect to employment preferences; by amending the prohibition against housing discrimination to include commercial property and real property; by reordering and clarifying the complaint, mediation and hearing procedures of the Commission; by amending and clarifying the remedies available to the Commission upon a finding of a violation; and by changing the order of sections and making other changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-1100 of The Philadelphia Code is hereby amended to read as follows:

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

§ 9-1101. Legislative Findings.

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(1) The Council finds that:

(a) The population of the City consists of people of every race, color, religion, national origin, [and] *sex,* sexual orientation, *gender identity, ancestry, age,*

disability, marital status, and familial status. [many of whom] *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, or because they are victims of domestic or sexual violence.*

(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[, the imposition of] *and impose* added burdens upon the public for relief and welfare.

(c) Discrimination in housing results in overcrowded, segregated areas, under substandard, unsafe, unsanitary [living]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, color,[or creed] *sex, 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.

§ 9-1102. Definitions.

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

(a) Age. For the purpose of employment, any [person who is 40 or more years of age]*duration of time since an individual's birth of greater than forty years.*

(b) [AIDS. Acquired Immunodeficiency Syndrome.] *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) [Commercial Housing. Housing accommodations held or offered for sale or rent:

(.1) by a real estate broker, salesman or agent or by any person pursuant to authorization of the owner;

(.2) by the owner himself; or

(.3) by legal representatives, but shall not include either the rental of a room or rooms in a personal residence or the rental of one living unit other than that of the owner in a personal residence, when such room, rooms or living unit is offered for rent by the owner or by his broker, salesman, agent or employee.

(d)] Commission. The *Philadelphia* Commission on Human Relations.

(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. Any [difference in treatment in hiring, referring for hire, promoting, training, in membership in employee or labor organizations because] *direct or indirect practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, differentiation or preference in the treatment of a person, or the aiding, abetting, inciting, coercing or compelling thereof, on the basis* of race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, [or handicap] *disability, marital status, source of income, familial status, genetic information or domestic or sexual violence victim status,* [in rendering service in places of public accommodation because of race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry or handicap; in the sale, lease, rental or financing of housing because of race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, handicap, marital status, age, presence of children or source of income] *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. 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 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.

[(f)]*(h)* Employer. Any person who employs one or more employees exclusive of parents, spouse or children, including the City, its departments, boards and commissions.[, but excluding any fraternal, sectarian, charitable or religious group.]

[(g) Employment. Shall not include the employment of individuals as domestic servants or in a personal or confidential capacity.]

[(h)]*(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.

[(h.1)]*(k)* Gender Identity. Self-perception, or perception by others, as male or female, and shall include [a person's] *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 [is] not *be* limited to, [persons] *individuals* 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.

[(i) Handicap.

(1) For the purpose of employment, any handicap or disability which does not substantially interfere with the ability to perform the essential functions of the employment which a handicapped person applies for, is engaged in or has been engaged in. Uninsurability or increased cost of insurance under a group or employee insurance plan does not render a handicap or disability job related. A handicapped person is anyone who has a physical or mental impairment which substantially limits one or more of his major life activities, or has a record of such an impairment, or is regarded as having such an impairment.

(2) As used in paragraph (i) of this Section, the phrase: (i) "physical or mental impairment" means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic, skin; and endocrine; and includes, but is not limited to, (B) such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of controlled substance) and alcoholism.]

[(j) Health Care Providers. Any medical doctor, osteopath, dentist, podiatrist, optometrist, optician, chiropractor, psychologist, social worker, pharmacist, nurse, midwife, emergency medical technician, radiologist, x-ray technician, physician's assistant, or dental hygienist, licensed to practice under the laws of the Commonwealth of Pennsylvania.]

[(k) HIV. Human Immunodeficiency virus.]

[(l) HIV Disease. The spectrum of disease clinically associated with [HIV] *Human Immunodeficiency Virus* infection, encompassing both the symptomatic and asymptomatic forms of the infection.]

[(m)]*(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 [for commercial housing] *or held for the purpose of constructing or locating thereon any such building, structure or portion thereof.*

[(n)]*(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.

[(o)]*(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.

[(p)]*(q)* Life Partner. A member of a Life Partnership that is verified pursuant to [§ 9-1106(2)] *§ 9-1123(1) (relating to verification of life partnerships).*

(r) Life Partnership. A long-term committed relationship between two unmarried individuals of the same gender 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 twelve 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.

[(q) Owner. 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, including the City and its departments, boards and commissions.]

[(r)]*(s)* Marital Status. The status of being single, married, separated, divorced, widowed or a [life partner] *Life Partner*.

(t) 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.

[(s)]*(u)* Personal Residence. 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 [roomers] *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.

[(t) Presence of children. Presence in a household of persons under twenty-one years of age who are related by blood or marriage to, or in the custody of, the household head.]

[(u)]*(v)* Public Accommodation.[, Resort or Amusement.] Any [accommodation, resort or amusement which is open to, accepts or solicits the patronage of the general public, including but not limited to inns, taverns, roadhouses, hotels, motels whether conducted for the entertainment of transient guests or for the accommodation of those seeking health related services, recreation, or restaurants or eating houses, or any place where food is sold for consumption on the premises, buffets, saloon barrooms or any store, park or enclosure where spirituous or malt liquors are sold, ice cream parlors, confectioneries, soda fountains and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises, drug stores, dispensaries, clinics, hospitals, nursing homes, substance-abuse treatment or rehabilitation programs, ambulance services, health care providers' professional offices, bathhouses, swimming pools, barber shops, beauty parlors, retail stores and establishments, theaters, motion picture houses, airdomes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, gymnasiums, shooting galleries, billiard and pool parlors, public libraries, kindergartens, primary and secondary schools, high school, academies, colleges and universities, extension courses and all educational institutions, mortuaries and funeral parlors, non-sectarian cemeteries, garages and all public conveyances operated on land or water or in the air as well as the stations, terminals and airports, financial institutions and all City facilities and services but not any accommodations which are in their nature distinctly private. No entity covered by this definition shall invoke its private character for the purpose of excluding or discriminating against any member of a group protected under this Chapter] *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 City facilities and services.*

[(v) Roomer. A person occupying any room or group of not more than two rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.]

(w) 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) 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.

[(w)]*(y)* [Living] *Rooming* Unit. Any room or group of rooms [forming] *which together form* a single habitable unit [used] *occupied* or intended to be [used] *occupied by an individual or family* for living[,] *or* sleeping, *but not for* cooking [and eating] purposes [and to be occupied by no more than one family, one group or one individual].

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

[(y)]*(z)* Sexual Orientation. Male or female homosexuality, heterosexuality and bisexuality, by preference, practice or as perceived by others.

(AA) 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.

§ 9-1103. Unlawful Employment Practices.

[(A)]*(1)* It shall be an unlawful employment practice[:

(1) For any employer to refuse to hire, discharge, or discriminate against any person because of] *to deny or interfere with the employment opportunities of an individual based upon his or her actual or perceived* race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, [handicap, or] *disability*, marital status, *familial status, genetic information, or domestic or sexual violence victim status, including, but not limited to, the following:* [with respect to tenure, promotions, terms, conditions or privileges of employment or with respect to any matter directly or indirectly related to employment.]

(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.

[(2)]*(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 [because of race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, handicap or marital status].

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[(3)]*(e)*For any employer, employment agency or labor organization prior to employment or admission to membership to[:

(a) make any inquiry concerning, or make any record of the race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, past handicap or marital status of any applicant for employment or membership.

(b) use any form of application for employment of personnel or membership blanks containing questions or entries regarding race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, past handicap or marital status.

(c)] cause to be printed, published, or circulated any notice or advertisement relating to employment or membership indicating any preference, limitation, *or* specification [or] *constituting* discrimination *under this Chapter* [based upon race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, handicap or marital status].

[(4)]*(b)* For any employment agency [because of a person's race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, handicap or marital status] to[:

(a)] fail or refuse to classify properly or refer for employment[.

(b)] *or* otherwise discriminate against any [person] *individual*.

[(c) Exemptions:

(.1) If an employer makes application to the Commission on Human Relations and the Commission finds that a job classification has characteristics which would provide a reasonable basis upon which only male or female

personnel should be employed, then no employer shall be considered to violate the provisions of this ordinance with regard to that job classification.]

[(5)]*(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, [or] limit his *or her* employment opportunities or otherwise adversely affect his *or her* status as an employee or as an applicant for employment or [would affect] adversely *affect* his *or her* wages, hours or conditions of employment[, because of race, religion, color, sex, sexual orientation, gender identity, national origin, ancestry, age, handicap or marital status].

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

[(7)]*(g)* For any [employer, employment agency or labor organization] *person* to *harass, threaten, harm, damage, or otherwise* penalize, *retaliate* or discriminate in any manner against any [individual] *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,* [opposed any practice forbidden by this Chapter] or [because he has] made a charge, testified or assisted in any manner in any investigation, proceeding or hearing hereunder.

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

(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.

§ 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)[(B) Exceptions.] It shall not be an unlawful employment practice for:

[(1)]*(a)* An employer to express a preference [for a certain kind of applicant where the position to be filled requires special qualifications, skills or experience] *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*.

[(2)]*(d)*An employer to express a preference *in the hiring or firing of an individual as* [for a certain kind of applicant where the position to be filled is that of] a domestic *worker* or [the position is of] *in* a personal or confidential [nature] *capacity*.

[(3)]*(b)*An employer, employment agency or labor organization to [inquire as to the existence and nature of any present handicap to determine whether such handicap substantially interferes with] *make inquiries into* the ability *of an employee or applicant* to perform [the] essential *job* functions [of the employment which is applied for, is being engaged in or has been engaged in].

[(4)]*(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.*

[(5)]*(e)* An employer, employment agency or labor organization to observe the terms of a bona fide seniority system [or any bona fide employee benefit plan such as 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 hire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual because of the age of such individual, and]

(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.

[(6) An employer to discharge or otherwise discipline an employee for good cause.]

[(C)]*(3)*[Employee benefits.] 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"), [including, but not

limited to, employee benefits that are not part of an "employee benefits plan" as defined by ERISA.] *or to a church plan as defined in ERISA.*

§ 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;

(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.

[§ 9-1104]. *§ 9-1108.* Unlawful Housing *and Real Property* Practices.

[(A)] *(1)* It shall be an unlawful housing *and real property* practice[:

(1) For the owner of any commercial housing, or any other real property except as provided in Section 9-1102(a)(3) hereof, to refuse to sell, rent, lease or in any way discriminate because of] *to deny or interfere with the housing accommodation, commercial property or other real property opportunities of an individual based on his or her actual or perceived* race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, [physical handicap] *disability*, marital

status, age, [presence of children] [or] source[s] 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 [in the terms, conditions, or privileges of] the sale, rental or lease of any [commercial] 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.

[(2)] *(b)* For any lending institution[,] to discriminate against any [person] *individual* [because of race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, physical handicap, marital status, age, presence of children or source of income] 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*.

[(3)]*(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 express*es*, directly or indirectly, any limitation, specification or *other* discrimination,[as to race, color, sex, sexual orientation, gender identity, religion, national origin, physical handicap, marital status, age, presence of children or sources of income] or any intent to make any such limitation, specification or *other* discrimination.

[(4)]*(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.

[(5)]*(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.*

[(6)]*(f)* For any person being the owner, lessee, manager, superintendent, agent or broker of any [commercial] 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 [housing] opportunities of any individual or group [because of race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, physical handicap, marital status, age, presence of children or source of income] *to obtain such property*.

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

[(8)]*(h)* For any person subject to this [Chapter] *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 [distributed] *made available* by the Commission, *which the Commission has designated for posting*.

[(9)]*(i)* For any person to give false or misleading information, written or oral, with regard to the sale or rental of any [commercial] housing *accommodation, commercial property or other real property* for the purpose of discriminating, [or the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, physical handicap, marital status, age, presence of children or source of income] *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*.

[(10)]*(j)* For any person to make any *discriminatory* distinctions in the location of a [house, lot, apartment] *housing accommodation, commercial property* or other [commercial housing] *real property,* or to make any *discriminatory* distinctions relating to the time of delivery [of a house] or the date of availability of [an apartment or other commercial housing on the basis of race, color, sex, sexual orientation, gender identity, creed, national origin, ancestry, marital status, age, presence of children or source of income] *such property*.

[(11)]*(k)* For any person to aid, abet, incur, induce, compel or coerce the doing of any unlawful housing *and real property* practice prohibited by this [Chapter]

Section or to obstruct or prevent any person from complying with the provisions of this [Chapter] *Section* or any order issued hereunder.

[(12)]*(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* [the] basis, [of race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, physical handicap, marital status, age, presence of children or source of income] 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.

[(13)]*(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 [estate] *property* does not desire to sell *or rent* such real [estate]*property*, or does not desire to be solicited, either by such broker or agent, or by any and all brokers or agents. [The word "solicit" shall mean any printed matter mailed or delivered to the owner or occupant of a residential property by any real estate broker or agent or representative of any such broker or agent or any oral communication made either in person or by telephone to the owner or occupant of a residential property by any real estate broker or agent which advertises the accomplishments and/or abilities of the real estate broker or agent to sell homes or rent apartments or requests or suggests that the owner list his house for sale or rent with the real estate broker or agent or which offers to purchase or rent the owner's house or apartment.]

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

[(B)]*(1)* [Exceptions.] Nothing *in § 9-1108* [herein contained] shall:

[(1)]*(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 [estate] *property*, or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

[(2)]*(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.

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

§ 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.

[§ 9-1105]*§ 9-1106*. Unlawful Public Accommodations [Practice] *Practices*.

[(A)]*(1)* It shall be an unlawful public accommodations practice[:

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

(a) Refuse, withhold from, or] *to* deny or *interfere with the public accommodations opportunities of an individual based on his or her actual or perceived* [to any person because of his] race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, [physical handicap] *disability*, [or] marital status, *familial status, or domestic or sexual violence victim status, including,* [either directly or indirectly, any of the accommodations, advantages, facilities or privileges of such place of public accommodation, resort or amusement.] *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.

[(b)] *(.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 [place] *public accommodation* shall be refused, withheld or denied to any person on *a discriminatory basis,* [account of race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, physical handicap or marital status,] or that the patronage of any *such* person [of any particular race, color, sex, religious creed, ancestry, national origin, physical handicap or marital status] is unwelcome, objectionable or not acceptable, desired or solicited.

[(c)]*(.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.

[(2) Private entities providing taxi service shall not discriminate against individuals with disabilities by actions including, but not limited to, refusing to provide service to individuals with disabilities who can use taxi vehicles, refusing to accommodate such individuals in the use of a guide or support animal due to blindness, deafness or refusing to assist with the stowing of mobility devices, and any other assistive instrument and charging higher fares or fees for carrying individuals with disabilities and their equipment than are charged to other persons.]

(b) For any person to harass, threaten, harm, damage or otherwise penalize 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.

§ 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 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.

[§ 9-1106]*§ 9-1111*. Administration and Enforcement.

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

[(2) Life Partnerships.

(a) Definition. For purposes of this Chapter, "Life Partnership" shall mean a long-term committed relationship between two unmarried individuals of the same gender who:

(i) are at least 18 years old and competent to contract;

(ii) are not related to the other Life Partner by blood in any way which would prohibit marriage in the Commonwealth of Pennsylvania;

(iii) are the sole Life Partner of the other person;

(iv) have not been a member of a different Life Partnership for the past twelve months (unless the prior Life Partnership ended as a result of the death of the other Life Partner);

(v) agree to share the common necessities of life and to be responsible for each other's common welfare;

(vi) share at least one residence with the other Life Partner; and

(vii) agree under penalty of law to notify the Commission of any change in the status of the Life Partnership.]

[(b)] *§ 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 § [9-1106(2)(a)] *9-1102(r) (relating to definition of Life Partnership)*; and (ii) filing with the Commission proof that the Life Partners have been interdependent for [a] *at* least [six (6)] *three (3)* months prior to the date the Verification Statement is filed, such proof to include at least [three] *two* of the following:

[(.1)]*(a)* common ownership of real property or a common leasehold interest in property;

[(.2)]*(b)* common ownership of a motor vehicle;

[(.3)]*(c)* driver's licenses *or other state-issued identification* listing a common address;

[(.4)]*(d)* proof of joint bank accounts or credit accounts;

[(.5)]*(e)* proof of designation as a beneficiary for life insurance or retirement benefits, or beneficiary designation under a partner's will;

[(.6)]*(f) proof of appointment as attorney-in-fact or agent under a partner's* [assignment of a] durable power of attorney or health care power of attorney.

[(c)] *§ 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.

[§ 9-1107. Procedure.]

§ 9-1112. Complaint.

(1) Any [individual] *person* claiming to be aggrieved by *an* unlawful [housing practice, an unlawful] employment, [practice or an unlawful] 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 [in like manner] sign and file a complaint *in the manner prescribed in § 9-1112(1)(relating to procedures for filing complaints).*

(4) The Commission[, however,] 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.

(6) The [Commission or the] complainant *or the Commission* shall have the power reasonably and fairly to amend [any] *his, her, or its* complaint[, and the respondent shall have like power to amend his answer].

(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.

(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.

§ 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.

[(2)]*§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 § 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 it shall be determined after such investigation that there is no basis for the allegations of the complaint, the Commission shall within ten (10) days from such determination, cause to be issued and served upon the complainant written notice of such determination. The notices shall also state that the complaint will be dismissed unless within ten (10) days after such service the complainant or his attorney file, with the Commission, a request for a review hearing. The Commission shall upon request for such a hearing provide the complainant and his attorney, if any, an opportunity to appear before the Commission, a member thereof, or a staff representative of the Commission, at the election of the Commission to present such additional information as may be available to support the allegations of the complaint. If after such a hearing the Commission or its representative determine that there is no basis for the allegation the complaint shall be dismissed and there shall be no appeal from such a decision.]

[(4) (a)] *(3)* If the Commission, after investigation, determines that probable cause exists for the [allegation] *allegations* of the complaint, the Commission may [immediately endeavor to eliminate the unlawful practice complained of by persuasion] *pursue conciliation under § 9-1116 and/or public hearing under § 9-1117.*

[(b) If a complaint alleges a violation of Section 9-1104, and it appears that a housing accommodation may be sold, rented or transferred before a determination of the case has been made, 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 except in compliance with the order of the court pending final determination of such complaint. In any case, where an injunction has been obtained, the Commission shall, within thirty (30) days thereafter, render a decision and order. Findings of fact may be issued by the Commission on a later date. Where the Commission has rendered a decision in which it finds that discrimination exists, the Court may, upon application by the Law Department, extend such injunction. It is the intent of this Chapter that a bond shall not be a requisite to the granting or extension of any injunction provided herein.]

§ 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.

[(5)]*(1)* [If] *After determining that probable cause exists for the allegations in the complaint,* the Commission, in its discretion, [finds it is not feasible to eliminate such unlawful practices by persuasion, the Commission shall] *may* cause to be issued and served a written notice *of public hearing*, [together with a copy of such complaint as originally filed or as the same may have been amended by the Commission,] requiring the [party named in such complaint, hereinafter referred to as Respondent, to answer] *parties to appear and state or respond to* the charges of [such] *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 [meeting, or it may at its election conduct said] hearing [en banc].

[(6)] *(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* [its]attorney. [or by a member of its staff. The Respondent shall file a written verified Answer to the Complaint and may appear at such hearing in person or with counsel.] The Commission shall not be bound[ed] 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.

[(7)] *§ 9-1118. Decision and Order*.

(1) If, upon all the evidence at the hearing, the Commission shall find that [R]*r*espondent 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 [R]*r*espondent an order requiring the [R]*r*espondent 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 [R]*r*espondent to *comply with* any of the *remedies set forth in* [following with respect to any person:

(a) hire, reinstate or upgrade with or without back pay;
(b) admit or restore membership in a labor organization;
(c) admit participation in a guidance, apprentice-training or retraining program;
(d) extend full, equal and unsegregated public accommodations, advantages and facilities;
(e) extend full, equal and unsegregated commercial housing and housing accommodations, advantages and facilities;
(f) sell, rent or lease specified commercial housing facilities upon equal terms and conditions;
(g) lend money for repair or maintenance of commercial housing and housing accommodations upon equal terms and conditions;
(h) lend money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of commercial housing and housing accommodations upon terms and conditions generally available.]

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).

[(8)]*(2)*An order by the Commission may require a [R]*r*espondent to file a report showing compliance and the procedures adopted to effect compliance.

[(9) If, upon all the evidence, the Commission shall find that the Respondent has not engaged in any unlawful practice, the Commission shall state its findings of fact and shall dismiss the complaint. Notice of such action shall be given to the Complainant and Respondent.]

[(10)]*§ 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 [his] *the party's* attorney [by the Commission].

[(11)]*(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.

[(12) 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.]

[§ 9-1108] *§ 9-1120*. Enforcement *of Commission Orders.*

(1) In the event the [R]*r*espondent 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 [R]*r*espondent, the Law Department may move to consolidate the appeal and enforcement proceedings.

(2) [In addition to the remedies provided in § 9-1108(1), the] *The* Law Department is authorized in an appropriate action to seek imposition by the appropriate court of the penalties set forth in [Section 9-1109] *§ 9-1121*.

[§ 9-1109] . *§ 9-1121*. Penalties.

(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 [Act] *Chapter*, or shall violate any order of the Commission or any provision of this Chapter shall be subject to a fine [of not more than three hundred (300) dollars] in addition to such order or decree [that] *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) Repeat Offenders. 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 [three hundred (300)] *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.

[§ 9-1110] *§ 9-1122*. Private Right of Action.

[(1) Notwithstanding the provisions of Section 9-1106 to 9-1109, any person aggrieved by a violation of this ordinance shall have a right of action in a court of competent jurisdiction and may recover for each violation:

(i) Back pay and other actual damages;
(ii) Exemplary damages of three hundred ($300) dollars for each violation;
(iii) Reasonable attorney's fees and court costs;
(iv) Such other relief, including injunctive relief, as the court may deem appropriate.]

(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.

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

[§ 9-1111] *§ 9-1125*. Severability.

(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.

SECTION 2. This Ordinance shall take effect ninety (90) days from the date it becomes law.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

BILL NO. 110050 continued