

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 124 Session of 2023

INTRODUCED BY MUTH, COMITTA, HAYWOOD, HUGHES, KANE, DILLON,  
COSTA, CAPPELLETTI AND TARTAGLIONE, JANUARY 19, 2023

REFERRED TO URBAN AFFAIRS AND HOUSING, JANUARY 19, 2023

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222), entitled  
2 "An act prohibiting certain practices of discrimination  
3 because of race, color, religious creed, ancestry, age or  
4 national origin by employers, employment agencies, labor  
5 organizations and others as herein defined; creating the  
6 Pennsylvania Human Relations Commission in the Governor's  
7 Office; defining its functions, powers and duties; providing  
8 for procedure and enforcement; providing for formulation of  
9 an educational program to prevent prejudice; providing for  
10 judicial review and enforcement and imposing penalties,"  
11 further providing for definitions, for unlawful  
12 discriminatory practices and for prohibition of certain real  
13 estate practices.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Section 4 of the act of October 27, 1955  
17 (P.L.744, No.222), known as the Pennsylvania Human Relations  
18 Act, is amended by adding a subsection to read:

19 Section 4. Definitions.--As used in this act unless a  
20 different meaning clearly appears from the context:

21 \* \* \*

22 (bb) The term "source of income" means all lawful sources of  
23 income, including earned income, child support, alimony,

1 insurance and pension proceeds, and all forms of public  
2 assistance, including Federal, State and local housing  
3 assistance programs.

4 Section 2. Sections 5(h)(1), (2), (3), (4), (5), (6) and (8)  
5 and 5.3 of the act are amended to read:

6 Section 5. Unlawful Discriminatory Practices.--It shall be  
7 an unlawful discriminatory practice, unless based upon a bona  
8 fide occupational qualification, or in the case of a fraternal  
9 corporation or association, unless based upon membership in such  
10 association or corporation, or except where based upon  
11 applicable security regulations established by the United States  
12 or the Commonwealth of Pennsylvania:

13 \* \* \*

14 (h) For any person to:

15 (1) Refuse to sell, lease, finance or otherwise to deny or  
16 withhold any housing accommodation or commercial property from  
17 any person because of the race, color, familial status, age,  
18 religious creed, ancestry, sex, national origin [or], handicap  
19 or disability or source of income of any person, prospective  
20 owner, occupant or user of such housing accommodation or  
21 commercial property, or to refuse to lease any housing  
22 accommodation or commercial property to any person due to use of  
23 a guide animal because of the blindness or deafness of the user,  
24 use of a support animal because of a physical handicap of the  
25 user or because the user is a handler or trainer of support or  
26 guide animals or because of the handicap or disability of an  
27 individual with whom the person is known to have a relationship  
28 or association.

29 \* \* \*

30 (2) Refuse to lend money, whether or not secured by mortgage

1 or otherwise for the acquisition, construction, rehabilitation,  
2 repair or maintenance of any housing accommodation or commercial  
3 property or otherwise withhold financing of any housing  
4 accommodation or commercial property from any person because of  
5 the race, color, familial status, age, religious creed,  
6 ancestry, sex, national origin, handicap or disability or source  
7 of income of any person, the use of a guide or support animal  
8 because of the blindness, deafness or physical handicap of the  
9 user or because the user is a handler or trainer of support or  
10 guide animals or because of the handicap or disability of an  
11 individual with whom the person is known to have a relationship  
12 or association.

13 (3) Discriminate against any person in the terms or  
14 conditions of selling or leasing any housing accommodation or  
15 commercial property or in furnishing facilities, services or  
16 privileges in connection with the ownership, occupancy or use of  
17 any housing accommodation or commercial property because of the  
18 race, color, familial status, age, religious creed, ancestry,  
19 sex, national origin, handicap or disability or source of income  
20 of any person, the use of a guide or support animal because of  
21 the blindness, deafness or physical handicap of the user or  
22 because the user is a handler or trainer of support or guide  
23 animals or because of the handicap or disability of an  
24 individual with whom the person is known to have a relationship  
25 or association.

26 \* \* \*

27 (4) Discriminate against any person in the terms or  
28 conditions of any loan of money, whether or not secured by  
29 mortgage or otherwise for the acquisition, construction,  
30 rehabilitation, repair or maintenance of housing accommodation

1 or commercial property because of the race, color, familial  
2 status, age, religious creed, ancestry, sex, national origin  
3 [or], handicap or disability or source of income of any person,  
4 the use of a guide or support animal because of the blindness,  
5 deafness or physical handicap of the user or because the user is  
6 a handler or trainer of guide or support animals or because of  
7 the handicap or disability of an individual with whom the person  
8 is known to have a relationship or association.

9 (5) Print, publish or circulate any statement or  
10 advertisement: (i) relating to the sale, lease or acquisition of  
11 any housing accommodation or commercial property or the loan of  
12 money, whether or not secured by mortgage, or otherwise for the  
13 acquisition, construction, rehabilitation, repair or maintenance  
14 of any housing accommodation or commercial property which  
15 indicates any preference, limitation, specification, or  
16 discrimination based upon race, color, familial status, age,  
17 religious creed, ancestry, sex, national origin, handicap or  
18 disability, source of income or because of the handicap or  
19 disability of an individual with whom the person is known to  
20 have a relationship or association, or (ii) relating to the  
21 sale, lease or acquisition of any housing accommodation or  
22 commercial property which indicates any preference, limitation,  
23 specification or discrimination based upon use of a guide or  
24 support animal because of the blindness, deafness or physical  
25 handicap of the user or because the user is a handler or trainer  
26 of support or guide animals.

27 (6) Make any inquiry, elicit any information, make or keep  
28 any record or use any form of application, containing questions  
29 or entries concerning race, color, familial status, age,  
30 religious creed, ancestry, sex, national origin, handicap or

1 disability, source of income or because of the handicap or  
2 disability of an individual with whom the person is known to  
3 have a relationship or association in connection with the sale  
4 or lease of any housing accommodation or commercial property or  
5 loan of any money, whether or not secured by mortgage or  
6 otherwise for the acquisition, construction, rehabilitation,  
7 repair or maintenance of any housing accommodation or commercial  
8 property, or to make any inquiry, elicit any information, make  
9 or keep any record or use any form of application, containing  
10 questions or entries concerning the use of a guide or support  
11 animal because of the blindness, deafness or physical handicap  
12 of the user or because the user is a handler or trainer of  
13 support or guide animals, in connection with the lease of any  
14 housing accommodation or commercial property.

15 \* \* \*

16 (8) Discriminate in real estate-related transactions, as  
17 described by and subject to the following:

18 (i) It shall be unlawful for any person or other entity  
19 whose business includes engaging in real estate-related  
20 transactions to discriminate against any person in making  
21 available such a transaction or in the terms or conditions of  
22 such a transaction because of race, color, religious creed,  
23 ancestry, national origin, sex, age, handicap or disability,  
24 source of income, use of a guide or support animal because of a  
25 physical handicap or because the user is a handler or trainer of  
26 guide or support animals or familial status.

27 (ii) Nothing in this act prohibits a person engaged in the  
28 business of furnishing appraisals of real property to take into  
29 consideration factors other than race, color, religious creed,  
30 ancestry, national origin, sex, age, handicap or disability,

1 source of income, use of a guide or support animal because of a  
2 physical handicap or because the user is a handler or trainer of  
3 guide or support animals or familial status.

4 \* \* \*

5 Section 5.3. Prohibition of Certain Real Estate Practices.--

6 It shall be an unlawful discriminatory practice for any person  
7 to:

8 (a) Induce, solicit or attempt to induce or solicit for  
9 commercial profit any listing, sale or transaction involving any  
10 housing accommodation or commercial property by representing  
11 that such housing accommodation or commercial property is within  
12 any neighborhood, community or area adjacent to any other area  
13 in which there reside, or do not reside, persons of a particular  
14 race, color, familial status, age, religious creed, ancestry,  
15 sex, national origin, handicap or disability, source of income,  
16 or who are guide or support animal dependent.

17 (b) Discourage, or attempt to discourage, for commercial  
18 profit, the purchase or lease of any housing accommodation or  
19 commercial property by representing that such housing  
20 accommodation or commercial property is within any neighborhood,  
21 community or area adjacent to any other area in which there  
22 reside, or may in the future reside in increased or decreased  
23 numbers, persons of a particular race, color, familial status,  
24 age, religious creed, ancestry, sex, national origin, handicap  
25 or disability, source of income, or who are guide or support  
26 animal dependent.

27 (c) Misrepresent, create or distort a circumstance,  
28 condition or incident for the purpose of fostering the  
29 impression or belief, on the part of any owner, occupant or  
30 prospective owner or occupant of any housing accommodation or

1 commercial property, that such housing accommodation or  
2 commercial property is within any neighborhood, community or  
3 area adjacent to any other area which would be adversely  
4 impacted by the residence, or future increased or decreased  
5 residence, of persons of a particular race, color, familial  
6 status, age, religious creed, ancestry, sex, national origin,  
7 handicap or disability, source of income, or who are guide or  
8 support animal dependent within such neighborhood, community or  
9 area.

10 (d) In any way misrepresent or otherwise misadvertise within  
11 a neighborhood or community, whether or not in writing, that any  
12 housing accommodation or commercial property within such  
13 neighborhood or community is available for inspection, sale,  
14 lease, sublease or other transfer, in any context where such  
15 misrepresentation or misadvertising would have the effect of  
16 fostering an impression or belief that there has been or will be  
17 an increase in real estate activity within such neighborhood or  
18 community due to the residence, or anticipated increased or  
19 decreased residence, of persons of a particular race, color,  
20 familial status, age, religious creed, ancestry, sex, national  
21 origin, handicap or disability, source of income, or the use of  
22 a guide or support animal because of the blindness, deafness or  
23 physical handicap of the user.

24 Section 3. This act shall take effect in 60 days.