

ORDINANCE NO 1094

**AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE  
COUNTY, PENNSYLVANIA TO ENSURE ANTI-DISCRIMINATION**

Section 1 – Intent and Policy.

- A. This ordinance is enacted to ensure that all persons regardless of race, color, religion, ancestry, age), national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal (public accommodations and housing, and real estate transactions), Assistance Animal (housing, and real estate transactions), pregnancy, marital or familial status or family responsibility enjoy the full benefits of citizenship and are afforded equal opportunities, unburdened by unjust discrimination, for housing, employment, and use of public accommodation. In order to achieve this purpose, legislation must be enacted with appropriate oversight and enforcement remedies for founded violations of the provisions contained herein.
- B. It is the policy of the Municipality to prohibit discrimination in employment, housing, public accommodations, and residential real estate-related transactions because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, or expression, source of income, disability or handicap, presence of a service animal (public accommodation), Assistance Animal(housing and real estate transactions), pregnancy, family responsibility, marital or familial status, and to provide for the resolution of housing, public accommodation and residential real estate-related transaction discrimination disputes at the local level in a timely, cost-efficient and effective manner. Finally, to obtain substantial equivalency with the state and federal governments' housing and anti-discrimination enforcement efforts.
- C. It is the policy of the Municipality to ensure that employment of all individuals is considered in accordance with their fullest capacities and to safeguard their right to obtain all employment without discrimination regardless of race, color, religion, ancestry, age, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal (public accommodation), assistance animal (housing and real estate transactions), pregnancy, marital or familial status, or family responsibility.
- D. It is the policy of the Municipality that the Regional Human Relations Commission shall have jurisdiction to hear complaints brought before it under the terms and provisions of this Ordinance and the ordinance establishing the Commission enacted by the participating Municipalities.

Section 2 – Definitions.

- A. AGE — Persons of those ages specified in Section 4 of the Pennsylvania Human Relations Act, Act of 1955, P.L. 744, No. 222, as amended by Act 51 of 1991.

B. **AGGRIEVED PERSON** — Any person who claims to have been injured by a discriminatory practice as defined in Part E.

C. **ASSISTANCE ANIMAL** — Animals that work, provide assistance or perform tasks for the benefit of a person with a disability, or animals that provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance Animals perform many disability-related functions, including but not limited to guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional assistance to persons with disabilities who have a disability-related need for such assistance.

D. **COMMISSION** — The Regional Human Relations Commission was established to enforce the provisions of this ordinance and adjudicate complaints filed pursuant to this ordinance.

E. **DISABILITY OR HANDICAP** — With respect to a person, means:

- a. A physical or mental impairment which substantially limits one or more of such person's major life activities;
- b. A record of having such an impairment; or
- c. Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. § 802).

F. **DISCRIMINATE AND DISCRIMINATION** — Includes any difference in treatment based on race, color, religion, age, ancestry, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal (public accommodations), Assistance Animal (housing and real estate transactions), pregnancy, marital or familial status or family responsibility.

Housing discrimination pertaining to people with a disability or handicap includes a refusal to permit, at the expense of the person with a disability or handicap, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premise; a refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

Nothing in this Ordinance requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

G. **DWELLING** — Any building, structure (or portion thereof) which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

H. EMPLOYER – Any person who employs four or more employees, including the Municipality; its departments; authorities, boards, and commissions; and any other government agency within its jurisdiction.

I. EMPLOYMENT AGENCY — Includes any person regularly undertaking, with or without compensation, to recruit, refer or place employees.

J. ELDERLY — A person who is at least 62 years of age or a family whose head or spouse is 62 years of age.

K. FAMILIAL STATUS —

a. One or more individuals (who have not attained the age of 18 years) being domiciled with a parent or another person having legal custody of such individual or individuals; or

b. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

Any protection 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.

L. FAMILY RESPONSIBILITY – Being a provider of care, or being perceived to be a provider of care, for a family member of any age, whether in the past, present, or future.

M. GENDER EXPRESSION External appearance of one's gender identity, usually expressed through behavior, clothing, haircut, or voice, chosen name, and/or pronouns, and which may or may not conform to socially defined behaviors and characteristics typically associated with being masculine or feminine.

N. GENDER IDENTITY OR EXPRESSION — Self-perception, or perception by others, as male or female, and shall include a person'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 limited to, persons who are undergoing or have completed gender- confirming surgery.

O. GENDER IDENTITY: Self-perception, or perception by others, as male, female, non-binary, or gender neutral, and shall include an individual's appearance, behavior, or physical characteristics, may refer to gender expression, sex assigned at birth, transgender identity, gender transition, that may be in accord with, or opposed to, physical anatomy, DNA, chromosomal sex, or sex assigned at birth, and shall include, but is not limited to, persons who are gender variant, persons who have completed or are in the process of gender transition, or who are undergoing or have completed sex affirmation hormonal treatments or gender affirming surgeries.

P. GENETIC INFORMATION - Any information relating to genes, gene products, and inherited characteristics that may derive from an individual or a family member. This term includes, but is not limited to:

- a. Information regarding carrier status and increased likelihood of future disease or increased sensitivity to any substance; or
- b. Information derived from laboratory tests that identify mutations in specific genes or chromosomes; physical medical examinations; family histories; inquiries; tests of gene products; direct analysis of genes or chromosomes.

Q. HOUSING FOR OLDER PERSONS —

- a. Provided under any Federal, State, or local program that the Municipality determines is specifically designed and operated to assist elderly persons as defined in the Federal, State, or local program;
- b. Is intended for and solely occupied by persons 62 years of age or older; or
- c. Is intended and operated for occupancy by at least one person 55 years of age or older per unit.

R. LABOR ORGANIZATION — Includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievance, terms or conditions of employment or of other mutual aid or protection in relation to employment.

S. LABOR ORGANIZATION — Includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievance, terms or conditions of employment or of other mutual aid or protection in relation to employment.

T. LIVE-IN AIDE — A person who resides with the elderly person or a person with a disability or handicap and who:

- a. Is determined to be essential to the care and well-being of the elderly person or person with a disability or handicap;
- b. Is not obligated for the support of the elderly person or person with a disability or handicap; and
- c. Would not be living in the unit except to provide the necessary supportive services.

- U. **MANAGER** – The Municipal Manager of the municipality where the complaint originated or his or her designee. If there's no Municipal Manager, the Municipal Secretary shall serve in this capacity.
- V. **MARITAL STATUS** — The state of being married, unmarried, divorced, separated or widowed.
- W. **MUNICIPALITY** – Any Township, Borough, City or Home Rule Municipality that is incorporated under Pennsylvania law and is a Party to the Regional Human Relations Commission as established by this Ordinance.
- X. **OWNER** — Includes any person, agent, operator, firm or corporation, having a legal or equitable interest in the property, or recorded in the official records of the State, County or Municipality as holding title to the property.
- Y. **PERSON** — Any person, fraternal, civic or other membership organization or association including those acting in a fiduciary or representative capacity, proprietorship, partnership, corporation, limited liability company, or other for-profit or nonprofit organizations, including the Municipality, its departments, boards, and commissions.
- Z. **PUBLIC ACCOMMODATION** — 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, recreation or rest, or restaurants or eating houses, or any place where food is sold for consumption on the premises, buffets, saloons, 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, drugstores, dispensaries, clinics, hospitals, bathhouses, swimming pools, barber shops, beauty parlors, retail stores and establishments, theaters, motion picture houses, air domes, 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 schools, academies, colleges and universities, extension courses and all educational institutions, nonsectarian 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 Municipal facilities and services, but not any accommodations which are in their nature distinctly private.
- AA. **REAL ESTATE BROKER** — Any person, partnership, corporation or other association which, for a fee or other valuable consideration, manages, sells, purchases, exchanges, or rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange or rental of the real property of another, or holds itself out as one engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another and includes those engaging in real estate sales or any other person employed by a real estate broker to perform or to assist in the performance of his or her business.
- BB. **RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS** — The making of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling, or the selling, brokering or appraising of residential real property.

CC. RESIDENTIAL SERVICE ANIMAL — Any animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. While dogs are the most common type of service animal, other animals can also be service animals.

DD. SEXUAL ORIENTATION: Inherent or immutable enduring emotional, romantic, or sexual attraction to other people. Includes being gay, lesbian, bisexual, pansexual, heterosexual, asexual, by preference, practice, or as perceived by others.

EE. SOURCE OF INCOME — Income received through any legal means including, but not limited to, wages, salaries, interest, dividends, child support, alimony, public assistance, pensions or others retirement benefits, social security or other documentation of ability to pay

### Section 3 – Exceptions and Exclusions

- A. Notwithstanding any other provision of this Ordinance, it shall not be an unlawful employment practice for a religious corporation or association, not supported in whole or in part by government appropriations, to refuse to hire or employ an individual on the basis of the religion of the religious organization.
- B. Nothing in this Ordinance shall be interpreted to prohibit a religious organization that is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code, or any organization affiliated with that religious organization from engaging in any conduct or activity that is required by, or that implements or expresses its religious beliefs or tenets of faith. Further, nothing in this Chapter shall be interpreted to require any such religious organization to engage in any conduct or activity that is prohibited by its religious beliefs or tenets of faith.
- C. Nothing in this Ordinance shall be interpreted as applying to any state or federal agencies.
- D. The provisions regarding familial and marital status and family responsibility in this ordinance shall not apply to housing provided by educational institutions which is restricted to occupancy by students of such institution who:
  - a. Reside with the student's spouse; or
  - b. Reside with children under the age of 18 years of age; or
  - c. Reside with the student's spouse and children under the age of 18 years of age; and

- d. The relationship of the student to the children must be a biological or adoptive parent or legal guardian.
- E. Age-Restricted Housing. The provisions of this Ordinance regarding familial status and age in this ordinance shall not apply to housing for older persons if it meets the conditions in this section. In determining whether housing qualifies as housing for older persons under this clause, the Municipality's requirements shall include, but not be limited to, the following:
  - a. At least 80% of the units are occupied by at least one person 55 years of age or older per unit;
  - b. There is a publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older;
  - c. The housing complies with regulations promulgated by the Pennsylvania Human Relations Commission for verification of occupancy. Regulations under this paragraph shall do all of the following:
    - i. Provide for verification by reliable surveys and affidavits. Surveys and affidavits under this subparagraph shall be admissible in administrative and judicial proceedings for the purpose of verification under this paragraph; and
    - ii. Include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of Paragraph C.
  - d. Housing shall not fail to meet the requirements for housing for older persons by reason of unoccupied units provided that such units are reserved for occupancy by persons who meet the age requirements of this clause.
- F. Local Limits on Maximum Occupancy of a Dwelling. Nothing in this ordinance shall limit the applicability of any local, state or federal, or any reasonable private land use restrictions, condominium articles, or by-laws regarding the maximum number of occupants permitted to occupy a dwelling.
- G. Controlled Substances. Nothing in this ordinance with respect to housing shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined in Section 102 of the Controlled Substances Act (21 USC 802).
- H. Owner-Occupied Dwellings. This ordinance shall not apply to owner-occupied dwellings containing four units or less, providing the landlord occupies one of the units as his/her primary residence.
- I. Subleasing a Dwelling Unit. This ordinance shall not apply to the subleasing of a dwelling unit where one or more of the tenants named on the lease in effect at the time of the subleasing will continue to reside in the unit.
- J. Nothing herein shall be construed to mean a landlord must rent to someone who does not have the ability to pay.

It shall be an unlawful housing practice, except as otherwise provided in this ordinance:

- A. For any owner, real estate broker or any other person to refuse to discuss or confer with a view to reaching an agreement for a sale, lease, sublease, rental, assignment or other transfer of the title, leasehold or other interest in any dwelling to any person, or to represent that any dwelling is not available for any inspection, sale, lease, sublease, rental, assignment or other transfer when, in fact, it is so available, or otherwise to deny or withhold any dwelling from any person because of race, color, religion, ancestry, age, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of service animal, pregnancy, marital or familial status or family responsibility or to discriminate against, segregate or assign quotas to any person or group of persons in connection with the sale, lease, sublease, rental, assignment or other transfer of title, leasehold or other interest in any dwelling or dwellings.
- B. For any person, including any owner or real estate broker, to include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any dwelling any clause, condition or restriction discriminating against or requiring any other person to discriminate against any person in the use or occupancy of such dwelling because of race, color, religion, ancestry, age, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal, pregnancy, marital or familial status or family responsibility.
- C. For any person, including any owner or real estate broker, to refuse to permit, at the expense of the person with a disability or handicap, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises. In the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the condition of the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. Where it is necessary in order to ensure, with reasonable certainty, that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such restoration agreement a provision requiring that the tenant pay into an interest-bearing escrow, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant.

The application of Paragraph C of this section may be illustrated by the following examples:

Example 1. A tenant with a disability or handicap asks his or her landlord for permission to install grab bars in the bathroom at his or her own expense. It is necessary to reinforce the walls with blocking between studs in order to affix the grab bars. It is unlawful for the landlord to refuse to permit the tenant at the tenant's own expense, from making the modifications necessary to add the grab bars. However, the landlord may condition permission for the modification on the tenant agreeing to restore the bathroom to the condition that existed before the modification, reasonable wear and tear excepted. It would be reasonable for the landlord to require the tenant to remove the grab bars at the end of the tenancy. The landlord may also reasonably require that the wall to which the grab bars are to be attached be repaired and restored to its original condition, reasonable wear and tear excepted. However, it would be unreasonable for the landlord to require the tenant to remove the blocking, since the reinforced walls will not interfere in any way with the landlord's or the next tenant's use and enjoyment of the premises and may be needed by



some future tenant.

Example 2. An applicant for rental housing has a child who uses a wheelchair. The bathroom door in the dwelling unit is too narrow to permit the wheelchair to pass. The applicant asks the landlord for permission to widen the doorway at the applicant's own expense. It is unlawful for the landlord to refuse to permit the applicant to make the modification. Further, the landlord may not, in usual circumstances, condition permission for the modification on the applicant paying for the doorway to be narrowed at the end of the lease because a wider doorway will not interfere with the landlord's or the next tenant's use and enjoyment of the premises.

- D. For any person, including any owner or real estate broker, to include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any dwelling any clause, condition or restriction discriminating against or requiring any other person to discriminate against any person in the use or occupancy of such dwelling because of race, color, religion, ancestry, age, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal, pregnancy, marital or familial status or family responsibility.
- E. For any person, including any owner or real estate broker, to refuse to permit, at the expense of the person with a disability or handicap, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises. In the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the condition of the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. Where it is necessary in order to ensure, with reasonable certainty, that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such restoration agreement a provision requiring that the tenant pay into an interest-bearing escrow, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant.

The application of Paragraph C of this section may be illustrated by the following examples:

Example 1. A tenant with a disability or handicap asks his or her landlord for permission to install grab bars in the bathroom at his or her own expense. It is necessary to reinforce the walls with blocking between studs in order to affix the grab bars. It is unlawful for the landlord to refuse to permit the tenant at the tenant's own expense, from making the modifications necessary to add the grab bars. However, the landlord may condition permission for the modification on the tenant agreeing to restore the bathroom to the condition that existed before the modification, reasonable wear and tear excepted. It would be reasonable for the landlord to require the tenant to remove the grab bars at the end of the tenancy. The landlord may also reasonably require that the wall to which the grab bars are to be attached be repaired and restored to its original condition, reasonable wear and tear excepted. However, it would be unreasonable for the landlord to require the tenant to remove the blocking, since the reinforced walls will not interfere in any way with the landlord's or the next tenant's use and enjoyment of the premises and may be needed by some future tenant.

Example 2. An applicant for rental housing has a child who uses a wheelchair. The

bathroom door in the dwelling unit is too narrow to permit the wheelchair to pass. The applicant asks the landlord for permission to widen the doorway at the applicant's own expense. It is unlawful for the landlord to refuse to permit the applicant to make the modification. Further, the landlord may not, in usual circumstances, condition permission for the modification on the applicant paying for the doorway to be narrowed at the end of the lease because a wider doorway will not interfere with the landlord's or the next tenant's use and enjoyment of the premises.

- F. For any person, including any owner or real estate broker, to refuse to make reasonable accommodations in rules, policies, practices or services (except for federally regulated lending institutions) when such accommodations may be necessary to afford a person with a disability or handicap the opportunity to use and enjoy a dwelling.

The application of Paragraph D of this section may be illustrated by the following examples:

Example 1: An applicant with a vision impairment for rental housing wants to live in a dwelling unit with a seeing-eye dog. The building has a policy that prohibits tenants from keeping pets. It is a violation for the owner or manager of the apartment complex to refuse to permit the applicant to live in the apartment with a seeing eye dog because, without the seeing eye dog, the person with a vision impairment will not have an equal opportunity to use and enjoy a dwelling.

Example 2: An applicant for an apartment dwelling that does not typically reserve spaces for tenants has a disability that precludes him or her from walking more than a short distance. It is a violation for the owner or manager of the apartment dwelling to refuse to reserve a space for him or her within a short walking distance to the dwelling. Because the applicant may not be able to live in the dwelling without this accommodation, it is necessary to provide the accommodation to provide the applicant equal opportunity to use and enjoy the dwelling. This is considered a reasonable accommodation because it is feasible and practical considering the circumstances.

- G. For any person, including any owner or real estate broker, to discriminate in the providing of any facilities or services (except for federally funded lending institutions) for any dwelling because of race, color, religion, ancestry, age, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal, pregnancy, marital or familial status or family responsibility.
- H. For any person, including any owner or real estate broker, to publish, circulate, issue or display, or cause to be published, circulated, or displayed, any communication, notice, advertisement, or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer or listing of a dwelling or dwellings which indicates any orientation, limitation, specification or discrimination based on race, color, religion, ancestry, age, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence a service animal, pregnancy, marital or familial status or family responsibility.

- I. For any person, including any owner or real estate broker or associate, or any other person for business or economic purposes, to induce directly or indirectly, or to attempt to induce directly or indirectly, the sale or rental or the listing for sale or rental of a dwelling by representing that a change has occurred or will or may occur with respect to the race, color, religion, ancestry, age, national origin, , sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal, pregnancy, marital or familial status or family responsibility composition of the street, block, neighborhood or area in which said dwelling is located.
- J. For any person, including any real estate broker or associate, to deny a person access to membership or participation in a multiple listing service, real estate brokers' organization or other service because of race, color, religion, ancestry, age, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal, pregnancy, marital or familial status or family responsibility.
- K. For any person, including any real estate broker or associate, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful housing practice under this ordinance, to obstruct or prevent enforcement or compliance with the provisions of this ordinance or any rule or regulation, or to attempt directly or indirectly to commit any act declared by this ordinance to be an unlawful housing practice.
- L. For any person or entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction or in the terms or conditions of such a transaction because of race, color, religion, ancestry, age, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence a service animal, pregnancy, marital or familial status or family responsibility.
- M. The notice provided to the respondent as referenced in Section 211(B.) will advise the respondent that retaliation against any person because he or she made a complaint or testified, assisted or participated in an investigation or mediation under this ordinance is a discriminatory practice that is prohibited by this ordinance.

#### Section 5 – Unlawful Public Accommodations Practices.

It shall be an unlawful public accommodations practice, except as otherwise provided in this ordinance for any person being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any public accommodation to:

- A. Refuse, withhold from, or deny to any person because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal, pregnancy, marital or familial status or family responsibility either directly or indirectly, any of the accommodations, advantages, facilities or privileges of such public accommodation.
- B. 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 shall be refused,

withheld from or denied to any person on account race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal, pregnancy, marital or familial status or family responsibility, or that the patronage or custom thereof of any person, belonging to or purporting to be of any particular race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal, pregnancy, marital or familial status or family responsibility, is unwelcome, objectionable or not acceptable, desired or solicited.

- C. Exclude or otherwise deny equal goods, services, facilities, privileges, advantages, accommodations, or other opportunities to a person because of the disability or handicap of an individual with whom the person is known to have a relationship or association.
- D. Construct such place of public accommodation which is not accessible.
- E. Refuse to remove any barrier to accessibility to such existing place of public accommodation, where barrier removal is readily achievable, meaning easily accomplishable and able to be carried out without much difficulty or expense. Where barrier removal is not readily achievable, it shall be unlawful to refuse to take any readily achievable alternative steps to make such public accommodation accessible.
- N. The notice provided to the respondent as referenced in Section 211(B.) will advise the respondent that retaliation against any person because he or she made a complaint or testified, assisted, or participated in an investigation or mediation under this ordinance is a discriminatory practice that is prohibited by this ordinance.

#### Section 6 – Unlawful Residential Real Estate Transactions.

- A. It shall be unlawful for any person or entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available loans or other financial assistance for a dwelling, or which is or is to be secured by a dwelling, because of race, color, religion, ancestry, age, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal, pregnancy, marital or familial status or family responsibility.
- B. It shall be unlawful for any person or entity engaged in the making of loans or in the provision of other financial assistance relating to the purchase, construction, improvement, repair or maintenance of dwellings or which are secured by residential real estate to impose different terms or conditions for the availability of such loans or other financial assistance because of race, color, religion, ancestry, age, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal, pregnancy, marital or familial status or family responsibility.
- C. The notice provided to the respondent as referenced in Section 211(B.) will advise the respondent that retaliation against any person because he or she made a complaint or testified, assisted, or participated in an investigation or mediation under this ordinance is a discriminatory practice that is prohibited by this ordinance.

### Section 7 – Unlawful Employment Practices.

- A. It shall be unlawful for any Employer to discriminate against any employee or prospective employee in employment practices because of race, color, religion, ancestry, age, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal, pregnancy, marital or familial status or family responsibility.
- B. Retaliation against any person, either directly or by aiding, inciting, compelling, coercing or participating, because such person has opposed any practice forbidden by this Ordinance, or because such person has made a charge, testified or assisted in any manner in any investigation, proceeding or hearing authorized by this Ordinance is prohibited.
- C. Aiding, abetting, inciting, compelling, or coercing the doing of any act declared by this Ordinance to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this Ordinance is prohibited under this Ordinance.

### Section 8 – Obstruction of Fair Practices.

It shall be unlawful for any person, whether or not within the named classifications set forth in this Ordinance, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful practice under this ordinance, or to obstruct or prevent enforcement of compliance with the provisions of this ordinance or any rule, regulation or order of the Municipality to be an unlawful practice.

### Section 9 – Statute of Limitations

A complaint must be filed with the Manager's Office within 180 days of the alleged act of discrimination. Applicants may also wish to file a complaint with the PHRC and/or EEOC, as applicable, to preserve any filing deadlines with those agencies but if such filings are made by the complainant, the Commission will have no further jurisdiction over the complaint.

### Section 11 – Penalties

If upon all of the evidence at the Hearing the Commission shall find that a Respondent has engaged in or is engaging in any unlawful discriminatory practice, as defined in the applicable Ordinance, the Commission shall state its Findings of Fact and shall issue and cause to be served on such Respondent an Order requiring such Respondent to cease and desist from such unlawful discriminatory practice and to take such affirmative action to remediate the discriminatory practice. Such Order may also assess a civil penalty against the Respondent in a Complaint for Discrimination in an amount of not less than \$500.00 nor more than \$3,000 per each discriminatory incident. In the event the Respondent fails to comply with the commissioned Order or violates a provision of the applicable Anti-Discrimination Ordinance, the Respondent shall, upon conviction by a court of competent jurisdiction, be guilty of a misdemeanor and sentenced to pay a fine of not less than \$500.00 nor more than \$3,000.00 plus the cost of prosecution.

Section 12 – Multiple Filings

Nothing contained herein shall prohibit any aggrieved person from pursuing any civil, state or federal remedy available to an aggrieved person. If during proceedings under the within Ordinance an aggrieved person elects to file a complaint with any civil, state or federal court or agency, the procedures under this local Ordinance shall terminate applicable state and federal legislation shall occur contemporaneously and the process for investigation and adjudication by all relevant jurisdictions shall not be held in abeyance while another jurisdiction carries out its procedures. The Regional Human Relations Commission shall not file on behalf of the complainant with another agency or court of competent jurisdiction.

This Ordinance shall become effective within ninety (90) days from the date of enactment.  
NOW, THEREFORE, be it enacted and ordained this 6th day of February 2024.

Ferguson Township



ATTEST:

*Centrice Martin*  
Centrice Martin, Secretary

Board of Supervisors

*Lisa Strickland*  
By: Lisa Strickland, Chair