

## ARTICLE V: - DISCRIMINATION

### CHAPTER 651: - FINDINGS AND POLICY

#### § 651.01 - LEGISLATIVE FINDINGS.

- (a) The population of the City consists of people of every race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, handicap and disability, many of whom are discriminated against in employment opportunities, places of public accommodation, resort, recreation, and amusement and housing facilities. (Ord. 20-1992, eff. 5-28-92)
- (b) Discrimination because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, handicap and disability is contrary to laws and policies of the City of Pittsburgh. (Am. Ord. 4-1997, eff. 2-7-97)
- (c) Discrimination in employment prevents the gainful employment of large segments of residents of the city, tends to impair the City's productive capacity, reduces the public revenues, imposes substantial financial burdens upon the public for relief and welfare, and tends to create breaches of the peace and depressed living conditions which breed crime, vice, juvenile delinquency and disease, and is detrimental to the public safety, economic growth and general welfare of the city.
- (d) Discrimination in housing results in overcrowded, segregated areas with substandard, unsafe and unsanitary living conditions, which cause increased mortality, disease, crime, vice and juvenile delinquency, fires and risk of fire, intergroup tensions and other evils, all of which increase the cost of government and reduce the public revenues, and result in injury to the public safety, health and welfare of the city.
- (e) Discrimination in places of public accommodations, resort, recreation, amusement and places of business causes humiliation, embarrassment and inconvenience to residents and visitors of the city, tends to create breaches of the peace, intergroup tensions and conflicts and similar evils and is detrimental to the public safety, general welfare and economic growth of the city.

#### § 651.02 - DECLARATION OF POLICY.

- (a) It is hereby declared to be the policy of the City, in the exercise of its powers for the protection of the public safety and the general welfare, for the maintenance of peace and good government and for the promotion of the City's trade, commerce and manufacturers, to assure the right and opportunity of all persons to participate in the social, cultural, recreational and economic life of the City, and to assure equal opportunity for all persons to live in decent housing facilities, free from restrictions because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age, status as a victim of domestic violence, handicap or disability or use of support animals, because of the handicap or disability of the user; and
- (b) It shall be the public policy of the City to prohibit discrimination because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age, nonjob related handicap, or disability in employment; and
- (c) It shall be the public policy of the City to prohibit discrimination because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, in places of public accommodation, resort, recreation or amusement.
- (d) Nothing in this Chapter shall be construed as supporting or advocating any particular doctrine, position, point of view, life style or religious view. To the contrary, it is the intention of this Chapter that all persons are treated fairly and equally and it is the express intent of this Chapter to guarantee fair and equal treatment under law to all people of the city.

(Ord. 2-1990, eff. 4-3-90; Ord. 20-1992, eff. 5-28-92; Am. Ord. 3-1997, eff. 2-7-97; Ord. No. 16-2016, § 1, eff. 6-21-16)

#### § 651.03 - SCOPE AND JURISDICTION.

This Article applies to discriminatory practices, including but not limited to discrimination in employment, housing and public accommodations, which occur within the territorial limits of the city, and to employment contracted for, performed or to be performed within these limits, and to places of public accommodations, resort, recreation and amusement located within the City limits.

#### § 651.04 - DEFINITIONS.

As used in this Article, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

- (a) **COMMISSION.** The Commission on Human Relations as established by the Pittsburgh Home Rule Charter. (Ord. 29-1980, eff. 12-31-80)
- (b) **DISCRIMINATE OR DISCRIMINATION.** Any difference in treatment based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity or expression, familial status, age, handicap or disability, or use of support animals, as specified. (Ord. 20-1992, eff. 5-28-92; Am. Ord. 3-1997, eff. 2-7-97; Ord. No. 15-2014, § 1, eff. 8-6-14)
- (c) **EMPLOYER.** Any person who employs five (5) or more employees, exclusive of the parents, spouse or children of such person, including the City of Pittsburgh, its departments, boards, commissions and authorities, and any other governmental agency within its jurisdiction, but excluding any religious, fraternal, charitable or sectarian organization which is not supported in whole or part by any governmental appropriations.
- (d) **EMPLOYMENT.** Shall not include the employment of individuals in domestic service.
- (e) **EMPLOYMENT AGENCY.** Any person regularly undertaking with or without compensation to procure opportunities for employment or to procure, recruit, refer or place employees.
- (f) **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.
- (g) **LENDING INSTITUTION.** Any bank, insurance company, saving and loan association, or any other person whose business consists in whole or in part in lending money or guaranteeing loans. (Ord. 1-1997, eff. 2-7-97)
- (h) Reserved.
- (i) **OWNER.** Includes the owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent or any other person having the right of ownership or possession or the authority to sell, rent or lease any dwelling, or any person having an equitable or security interest in any dwelling, including the City of Pittsburgh and its departments, boards, commissions and authorities. (Am. Ord. 3-1997, eff. 2-7-97)
- (j) **REAL ESTATE BROKER.** Any natural 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 engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, or collects rent for the use of the real property of another, and includes real estate salespersons or agents or any other person employed by a real estate broker to perform or to assist in the performance of their business. (Am. Ord. 1-1997, eff. 2-7-97)
- (k) **PUBLIC ACCOMMODATION, RESORT, RECREATION OR AMUSEMENT.** Includes any place, business or activity which is open to, accepts or solicits the patronage of the general public or offers

goods, services or recreation to the general public. (Ord. 29-1980, eff. 12-31-80; Am. Ord. 4-1997, eff. 2-7-97)

- (l) Repealed (By Ord. 34-1993, eff. December 28, 1993).
- (m) Repealed (By Ord. 34-1993, eff. December 28, 1993).
- (n) **SEXUAL ORIENTATION.** Male or female homosexuality, heterosexuality and bisexuality or perceived homosexuality, heterosexuality and bisexuality.

(Ord. 2-1990, eff. 4-3-90)

- (o) **ACCESSIBLE.** When used with respect to the public and common use areas of a building containing covered multifamily dwellings, means:
  - (1) That the public or common use areas of the building can be approached, entered and used by individuals with physical handicaps. The phrase "readily accessible to and usable by" is synonymous with accessible. A public or common use area that complies with the appropriate requirements of ANSI A117.1-1986 or a comparable standard is **ACCESSIBLE** within the meaning of this subsection; or
  - (2) Being in compliance with the applicable standards set forth in the following:
    - A. The Fair Housing Act (Public Law 90-284, 42 U.S.C. Section 3601, *et seq.* );
    - B. The Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. Section 12101 *et seq.* ); and
    - C. The Act of September 1, 1965 (P.L. 459, No. 235), entitled, as amended, "An act requiring that certain buildings and facilities adhere to certain principles, standards and specifications to make the same accessible to and usable by persons with physical handicaps, and providing for enforcement;" and
    - D. Any other applicable Federal or State law or regulation, or any local ordinance or resolution, relating to accessibility or accommodations.
- (p) **AGE.** Includes any person forty (40) years of age or older and shall also include any other person so protected by further amendment to the Federal Age Discrimination in Employment Act.
- (q) **AGGRIEVED PERSON.** Any person who:
  - (1) Claims to have been injured by an unlawful practice under Chapter 659; or
  - (2) Believes that such person will be injured by an unlawful practice under Chapter 659.
- (r) **ANSI A117.1-1986.** The 1986 edition of the American National Standard Institute for buildings and facilities providing accessibility and usability for physically handicapped people.
- (s) **CHARITABLE ORGANIZATION.** An organization, institution, association or corporation which is dedicated to philanthropic pursuits and provides goods, services and financial aid to the public free of charge.
- (t) **COMMON USE AREAS.** Rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or the guest thereof. These areas include, but are not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas and passageways among and between buildings.
- (u) **CONCILIATION.** The attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent and the Commission.
- (v) **CONCILIATION AGREEMENT.** A written agreement setting forth the resolution of the issues in conciliation.

- (w) **COVERED MULTIFAMILY DWELLINGS.** Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and ground floor units in other buildings consisting of four (4) or more units.
- (x) **DISABILITY.** The term **DISABILITY** is synonymous with the term **HANDICAP**.
- (y) **DISCRIMINATORY HOUSING PRACTICE.** Any act that is unlawful under § 659.03.
- (z) **DWELLING.** Any building, structure or portion thereof which is occupied as or designed or is intended for occupancy as, a residence by an individual or one (1) or more families, or by a group of persons living together, 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. (Am. Ord. 1-1997, eff. 2-7-97)
- (aa) **DWELLING UNIT.** A single unit of residence for a family of one (1) or more persons.
- (bb) **FAIR HOUSING ACT.** Public Law 90-284, 42 U.S.C. Section 3601 *et seq.*, as amended.
- (cc) **FAMILIAL STATUS.** one (1) or more individuals who have not attained the age of eighteen (18) 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 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 eighteen (18) years.

- (dd) **HANDICAP.** The term handicap or disability, with respect to a person, means:
  - (1) A physical or mental impairment which substantially limits one (1) or more of such person's major life activities; or
  - (2) A record of having such an impairment; or
  - (3) 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. Section 802).
- (ee) **HOUSING FOR OLDER PERSONS.**
  - (1) Housing:
    - A. Provided under any state or federal program that the U.S. Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program; or
    - B. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
    - C. Intended and operated for at least one (1) person fifty-five (55) years of age or older per unit as determined by the Secretary of U.S. Housing and Urban Development.
  - (2) In determining whether housing qualifies as housing for older persons under this Article, the Commission shall follow the standards set forth in the Fair Housing Act and regulations pertaining to housing for older persons as promulgated by the U.S. Secretary of Housing and Urban Development.
  - (3) Housing shall not fall 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 subsection.
- (ff) **INDEPENDENT CONTRACTOR.** Includes any person who is subject to the provisions governing any of the professions and occupations regulated by State licensing laws enforced by the Bureau of Professional and Occupational Affairs in the Department of State, or is included in the Fair Housing Act.

(gg) **NONJOB RELATED HANDICAP OR DISABILITY.** 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.

(hh) **RESIDENTIAL REAL ESTATE-RELATED TRANSACTION.** Any of the following:

- (1) The making or purchasing of loans or providing other financial assistance and any terms and conditions of such a transaction:
  - A. For purchasing, constructing, improving, repairing or maintaining a dwelling; or
  - B. Secured by residential real estate.
- (2) The selling, brokering or appraising of residential real property.

(Ord. 20-1992, eff. 5-28-92; Am. Ord. 1-1997, eff. 2-7-97)

(ii) **SEX.** The gender of a person, as perceived, presumed or assumed by others, including those who are changing or have changed their gender identification. (Ord. 1-1997, eff. 2-7-97)

(jj) **SOURCE OF INCOME.** All lawful sources of income or rental assistance program, including, but not limited to, earned income, child support, alimony, insurance and pension proceeds, and all forms of public assistance including federal, state and local housing assistance programs. This includes the Section 8 Housing Choice Voucher Program.

(kk) **DOMESTIC VIOLENCE.** The occurrence of one (1) or more of the following acts between family or household members, sexual or intimate partners, or persons who share biological parenthood:

- (1) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault or incest, with or without a deadly weapon.
- (2) Placing another in reasonable fear of imminent serious bodily injury.
- (3) The infliction of false imprisonment pursuant to 18 Pa. C.S. § 2903 (relating to false imprisonment).
- (4) Physically or sexually abusing minor children, including sexual abuse as defined at 23 Pa. C.S. § 6303.
- (5) Stalking as defined in Section 651.04(II)

(ll) **STALKING.** Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or engaging in a course of conduct or repeatedly communicating to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

(mm) **VICTIM OF DOMESTIC VIOLENCE.** An individual who has been subjected to domestic violence.

(Ord. No. 59-2015, § 1, eff. 12-18-15; Ord. No. 16-2016, § 1, eff. 6-21-16)

## CHAPTER 652: - POLICE RECORDING DEVICES

### § 652.01 - LEGISLATIVE FINDINGS.

(a) Whereas, around the country over fifty (50) percent of police departments have installed video equipment including dashboard cameras and audio microphones in patrol cars; and the recordings from that equipment have helped resolve millions of criminal cases.

- (b) Police Car video equipment can facilitate the collection of evidence for criminal prosecution or complaint investigation and can be used by the Police as a training tool for officer safety and best practices.
- (c) Police car video equipment provide a measure of accountability for the conduct of both police officers and the public.
- (d) Police car video equipment helps build community trust by providing objective evidence of police encounters with residents, thus both protecting citizens and shielding officers from false accusations.

(Ord. No. 25-2010, § 1, eff. 8-19-10)

#### § 652.02 - POLICE VEHICLES.

- (a) All marked vehicles newly put into service by or for the Pittsburgh Bureau of Police shall be equipped with digital video and audio recording devices.
- (b) Each year, at least twenty (20) percent of all other marked vehicles in service by or for the Pittsburgh Bureau of Police shall be equipped with digital video and audio recording devices.
- (c) The Chief of the Bureau of Police may equip unmarked police vehicles as is practical.

(Ord. No. 25-2010, § 1, eff. 8-19-10)

#### § 652.03 - MEDIA STORAGE AND SECURITY.

- (a) No later than ninety (90) days from the effective date of this Chapter, the Chief of the Bureau of Police, Director of the Department of Computer Information Systems and the City Solicitor shall institute a policy regarding use, storage and access promulgate regulations, pursuant to state and federal law regarding access to said media They shall submit recommendations to the Mayor and City Council regarding any budgetary needs for their consideration.

(Ord. No. 25-2010, § 1, eff. 8-19-10)

### CHAPTER 653: - HUMAN RELATIONS COMMISSION

#### § 653.01 - CHAIR AND COMMITTEES.

The Human Relations Commission as created in Charter Section 216 shall elect one (1) of its members as Chair and may elect such other officers it deems necessary. The Chair may, with the approval of the Commission, appoint such committees as are necessary to carry out the powers and duties of the Commission and the Commission may authorize such committees to take any necessary action for the Commission.

(Ord. 22-1992, eff. 5-28-92)

#### § 653.02 - RULES AND REGULATIONS.

The Human Relations Commission shall adopt such rules and regulations for its own organization, operations and procedures as it deems necessary to administer, implement and enforce this Article.

#### § 653.03 - MEETINGS AND VOTING.

The Human Relations Commission shall hold at least ten (10) monthly meetings during each calendar year. Five (5) members of the Commission shall constitute a quorum for the transaction of business, and a majority vote of those present at any meeting is sufficient for any official action taken by the Commission. Notwithstanding the other provisions of this section, the Commission may establish, by the adoption of rules and regulations pursuant to § 653.02, procedures pursuant to which a public hearing may be authorized on a complaint charging unlawful discrimination without a quorum being present.

(Am. Ord. 7-1995, eff. 3-14-95)

#### § 653.04 - EXPENSES.

Members of the Human Relations Commission shall serve without compensation, but may be reimbursed for all expenses necessarily incurred in the performance of their duties in accordance with appropriations made by Council.

#### § 653.05 - POWERS AND DUTIES.

The Human Relations Commission shall have the power and duty to:

- (a) Initiate, receive, investigate and seek the satisfactory adjustment of complaints charging unlawful practices as set forth in this Article. In accordance with this subsection the Commission may issue subpoenas and order discovery in aid of investigations and hearings under this Title.
- (b) Initiate or receive and investigate other complaints of discrimination against any person because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age, handicap or disability or use of support animals because of the handicap or disability of the user, and seek the satisfactory adjustment of such complaints. Any complaint filed under this subsection which the Commission believes may constitute a violation of a law of the United States or the Commonwealth may be certified to its Solicitor for such actions as it deems proper.

(Ord. 22-1992, eff. 5-28-92; Am. Ord. 3-1997, eff. 2-7-97)

- (c) Hold public hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith require the productions of evidence relating to any matter under investigation or any question before the Commission, make findings of fact, issue orders and publish such findings of fact and orders and do all other things necessary and proper for the enforcement of this Article.

(Ord. 15-1979, eff. 5-29-79)

- (d) Certify upon the request of any person that a particular occupation or position is exempt from the provisions of this Article relating to unlawful employment practices if the Commission finds that the occupation or position reasonably requires the employment of persons of a particular race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, age, handicap or disability or use of support animals because of the handicap or disability of the user, and that such certification is not sought as a means of circumventing the spirit and purpose of this Article. The burden of proving the facts required for such a finding shall be in each instance upon the person requesting the certification of exemption from the provisions of this Article.

(Ord. 13-1980, eff. 8-8-80; Am. Ord. 2-1990, eff. 4-3-90; Am. Ord. 3-1997, eff. 2-7-97)

- (e) Study and investigate by means of public hearings or otherwise any conditions having an adverse effect on intergroup relations in the city, and study the problems of prejudice, intolerance, bigotry and

discrimination as it affects the public safety and general welfare of the city. (Ord. 15-1979, eff. 5-29-79)

- (f) Institute and conduct educational and other programs to promote the equal rights and opportunities of all persons, regardless of their race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age, handicap or disability or use of support animals because of the handicap or disability of the user, and promote understanding among persons and groups of different races, colors, religions, ancestries, national origins, places of birth, sexes, sexual orientations, familial status, ages, handicaps or disabilities or use of support animals. In the performance of its duties, the Commission may cooperate with interested residents, private agencies and agencies of the Federal, Commonwealth and local governments. (Ord. 22-1992, eff. 5-28-92; Am. Ord. 3-1997, eff. 2-7-97)
- (g) Issue publications and reports of investigations and research in the field of human relations, and cooperate with and accept grants from public and private agencies, including foundations, colleges and universities, engaged in similar research.
- (h) Request other departments, boards and commissions of the City government to assist in the performance of its duties, and such other departments, boards and commissions shall cooperate fully with the Commission.
- (i) Assist in the enforcement of fair practices in the City contracts.
- (j) Render written reports of its activities and recommendations to the Mayor and Council.

(Ord. 15-1979, eff. 5-29-79)

- (k) Recommend legislation to promote and insure equal rights and opportunities for all persons regardless of their race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age, handicap or disability or use of support animals because of the handicap or disability of the user. (Ord. 22-1992, eff. 5-28-92; Am. Ord. 3-1997, eff. 2-7-97)
- (l) Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this Article. (Ord. 15-1979, eff. 5-29-79)

#### CHAPTER 655: - EXECUTIVE DIRECTOR; ENFORCEMENT PROCEDURE

##### § 655.01 - APPOINTMENT AND DUTIES OF DIRECTOR.

- (a) The Human Relations Commission shall appoint an Executive Director and such other personnel as authorized by Council to assist the Commission in administering, implementing and enforcing the provisions of this Article. In proposing a budget for the operation of the Commission, the Mayor may take into consideration the recommendations of the Commission. (Ord. 29-1980, eff. 12-31-80)
- (b) The Executive Director shall serve as the staff executive officer for the Commission. The Executive Director shall promote the efficient transaction of its business, the orderly handling of complaints and other matters before it, and shall supervise the Commission staff. (Ord. 21-1992, eff. 5-28-92)
- (c) The Commission may authorize the Executive Director to initiate complaints of unlawful practices, as set forth in this Article.

##### § 655.02 - COMPLAINT FILING AND FORMAT.

- (a) A complaint charging that any person has engaged or is engaging in any unlawful practice as set forth in this Article, may be made by the Human Relations Commission, by an aggrieved person or by an organization which has as one (1) of its purposes the combating of discrimination or the promotion of equal opportunities. Any complaint may be amended by the complainant or the Commission at any time before final action is taken by the Commission, in accordance with such rules and regulations as the Commission prescribes.



- (b) The complaint shall be in writing, signed and verified, and include the name and address of the persons alleged to have committed the unlawful practice, the particulars thereof and such other information as may be required by the Commission.
- (c) A complaint shall be filed within one (1) year of the occurrence of the discriminatory act.

(Ord. 21-1992, eff. 5-28-92)

#### § 655.03 - INVESTIGATION BY DIRECTOR.

The Executive Director and staff shall make a prompt and full investigation of each complaint of an unlawful practice and report to the Human Relations Commission.

#### § 655.04 - COMPLAINT REVIEW, SERVICE, ANSWER AND CONCILIATION.

- (a) If the Human Relations Commission determines that there is no basis for the allegations to a complaint, the complaint shall be dismissed and the complainant notified in writing. Within ten (10) days from the receipt of such notice, the complainant or his/her attorney may file with the Commission a request for review. The Commission shall provide the complainant or his/her attorney an opportunity to appear before the Commission, a member thereof or a staff representative. After review the Commission may reverse its decision, or if the Commission or its representative determines that there is no basis for the allegation, the dismissal of the complaint shall be affirmed and no further review of such decision shall be taken.
- (b) A respondent shall have the right to file a written verified answer to the complaint within thirty (30) days of service of the complaint by the Commission, except for a complaint filed pursuant to § 659.03 in which case a respondent shall have the right to file, not later than ten (10) days after receipt of the complaint from the Commission, a written verified answer.
- (c) Upon the filing of a complaint alleging a violation of § 659.03, the Commission shall:
  - (1) Serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under § 655.06(d);
  - (2) Not later than ten (10) days after such filing or the identification of any additional respondent during the course of the investigation, serve upon the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this section, and § 655.06(d) together with a copy of the original complaint;
  - (3) Unless otherwise required by the Fair Housing Act, make an investigation of the alleged discriminatory housing practice and complete such investigation within one hundred (100) days after the filing of the complaint, unless it is impracticable to do so. If the Commission is unable to do so it shall notify the complainant and respondent, in writing of the reasons for not doing so;
  - (4) Make final administrative disposition of a complaint within one (1) year of the date of receipt of a complaint, unless it is impracticable to do so. If the Commission is unable to do so it shall notify the complainant and respondent, in writing of the reasons for not doing so.
- (d) If the Commission determines after investigation that probable cause exists for the allegations made in the complaint, it shall attempt to eliminate the unlawful practice by means of conferences, meetings or conciliation with all parties.
- (e) A conciliation agreement arising out of such conferences, meetings or conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval of the Commission.
- (f) 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 Article.

(Ord. 21-1992, eff. 5-28-92; Am. Ord. 2-1997, eff. 2-7-97)

§ 655.05 - INJUNCTION TO RESTRAIN PROPERTY DISPOSITION.

If, at any time after the filing of a complaint charging a violation of the Code, the Human Relations Commission determines that prompt judicial relief is necessary to carry out the provisions of Chapter 659.03 of the Code, the Commission may request its Solicitor to seek injunctive judicial relief to carry out the purposes of the Code, in accordance with provisions of Section 9.2 of the Pennsylvania Human Relations Act of 1955 P.L. 744, as amended by Act 187 of December 22, 1992.

(Am. Ord. 5-1997, eff. 2-7-97)

§ 655.06 - PUBLIC HEARING NOTICE, PROCEDURE AND ORDER.

- (a) In any case of failure to eliminate an alleged unlawful housing practice charged under Chapter 659.03 of the Code, and where the facts so warrant, the Commission shall proceed to a public hearing. All parties may waive their right to same, with the approval of the Commission.
- (b) In any case of failure to eliminate the unlawful practice charged in the complaint under Chapter 659.01 (General Prohibitions), 659.02 (Employment) and 659.04 (Public Accommodations) by means of informal proceedings, or in advance thereof, if in the judgment of the Human Relations Commission the facts so warrant, the Commission may hold a public hearing to determine whether or not an unlawful practice has been committed, or without holding such a hearing, certify the case to its Solicitor for action in accordance with this Code. Where a public hearing is ordered, the Human Relations Commission shall designate one (1) or more members to conduct such a hearing. The Commission shall serve upon the person charged with engaging or having engaged in the unlawful practice, hereinafter referred to as respondent, a statement of the charges made in the complaint as amended and a notice of the time and place of the hearing. The hearing shall be held not less than ten (10) days after the service of the statement of charges.
- (c) The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person or to be represented by an attorney, or by any other person subject to the approval of the hearing panel, and to examine and cross examine witnesses. The complainant shall also have the right to be represented by an attorney, or by any other person subject to the approval of the hearing panel. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. Testimony taken at the hearing shall be under oath and may be transcribed.

(Ord. 29-1980, eff. 12-31-80)

- (d) If upon all the evidence presented the Commission finds that the respondent has not engaged in any unlawful discriminatory practice, as defined in this Article, it shall state its findings in writing and dismiss the complaint. If upon all evidence presented the Commission finds that the respondent has engaged or is engaging in an unlawful practice, it shall state its findings of fact in writing and shall issue and cause to be served upon such respondent an order in writing as the facts warrant to effectuate the purposes of this Article. Such order may require the respondent to cease and desist from such unlawful practice, to provide monetary relief in the form of all actual damages, to pay reasonable attorney fees, and to take such affirmative or equitable actions, including, but not limited to, the hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, the selling, renting or leasing dwellings upon equal terms and conditions and with such equal facilities, services and privileges, the tendering of money whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any dwellings, the granting, permitting, selling or admission to any of the accommodations, advantages, facilities, services or privileges, products or goods of any respondent place of public accommodation, resort, recreation or amusement, upon such equal terms and conditions to any person discriminated against or to all persons; the payment

of any other verifiable, reasonable out-of-pocket expenses caused by such unlawful discriminatory practice, as, in the judgment of the Commission, will effectuate the purposes of this Article and are warranted by the facts presented at the hearing, including a requirement for reports of the manner of compliance. Copies of the order shall be served upon all parties.

- (e) When notice of hearing is given as set forth in division (a) hereof and an election procedure is required by the Fair Housing Act, either party may elect to have the claims asserted in the complaint decided by the Commission or in a civil action brought in the Court of Common Pleas of Allegheny County.
  - (1) The written notice of the Commission shall be sent to all parties and shall inform them of their right to take civil action. A party electing to take civil action shall give written notice of the election to the Commission and all other parties within twenty (20) days of receipt of the notice of hearing.
  - (2) 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.
  - (3) If neither the complainant nor the respondent makes an election within twenty (20) days from the date of notification of the hearing, the case shall proceed to hearing as scheduled, and the Commission shall provide independent counsel for the complainant.
  - (4) If, after a trial, the Court finds that a respondent engaged in or is engaging in any unlawful discriminatory practice as defined in this Article, the Court may award attorney fees and costs to the complainant on whose behalf the action was commenced.
  - (5) If, after a hearing, the Commission finds that a respondent engaged in or is engaging in any unlawful discriminatory practice as defined in this Article, the Commission may award attorney fees and costs to the complainant on whose behalf the action was commenced.
  - (6) If, after a trial, the Court finds that a respondent has not engaged in or is not engaging in any unlawful discriminatory housing practice as defined in this Article, the Court may award attorney fees and costs to the prevailing respondent against the intervening complaints only if the respondent proves that the complaint upon which the civil action was based was brought in bad faith. The complainant will be liable for attorney fees and costs only when the complainant has intervened in the matter.
  - (7) If, after a hearing, the Commission finds that a respondent has not engaged in or is not engaging in any unlawful discriminatory housing practice as defined in this Article, the Commission may award attorney fees and costs to the prevailing respondent against the intervening complainants only if the respondent proves that the complaint upon which the hearing was based was brought in bad faith. The complainant will be liable for attorneys fees and costs only when the complainant has intervened in the matter.
- (f) The Commission may:
  - (1) Award damages caused by humiliation or embarrassment;
  - (2) Assess a civil penalty against the respondent:
    - A. In an amount of not more than ten thousand dollars (\$10,000.00) if the respondent has not been adjudged to have committed any prior discriminatory housing practice.
    - B. In an amount not exceeding twenty-five thousand dollars (\$25,000.00) if the respondent has been adjudged to have committed one (1) other discriminatory housing practice during the five-year period ending on the date of the filing of the charge; and
    - C. In an amount not exceeding fifty thousand dollars (\$50,000.00) if the respondent has been adjudged to have committed more than one (1) other discriminatory practice during the seven-year period ending on the date of this charge.

If however, the acts constituting the discriminatory practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory practice, then the civil penalties set forth in divisions (2)B. and (2)C. hereof may be imposed without regard to the period of time within which any subsequent discriminatory practice occurred. Copies of the order shall be served on all parties.

(Ord. 21-1992, eff. 5-28-92; Am. Ord. 6-1997, eff. 2-7-97)

#### § 655.07 - PRIVATE RIGHT OF ACTION.

- (a) If a complaint invokes the procedures set forth in this Article, that individual'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 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 notice, the complainant shall be able to bring an action in the courts of Common Pleas of the Commonwealth based upon the right to freedom from discrimination granted by this Article.
- (b) An action under this subsection shall be filed two (2) years after the date of notice from the Commission closing the complaint. Any complaint 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.

(Ord. 7-1997, eff. 2-7-97)

#### CHAPTER 657: - CITY CONTRACTS

##### § 657.01 - COMPLIANCE OBLIGATION AND CONTRACT CLAUSE.

All contracts of the City and its contracting agencies obligate the contractor to comply with this Article and with any Commonwealth or Federal laws or regulations relating to unlawful employment practices in connection with any work to be performed thereunder, and require the contractor to include the obligation of such compliance in all subcontracts.

##### § 657.02 - RULES AND REGULATIONS.

The Human Relations Commission shall promulgate rules and regulations for the processing of complaints of discrimination received under this Chapter, and so that contracting companies may specifically comply with this Article.

##### § 657.03 - SOUTH AFRICA PROHIBITIONS.

**Editor's note**— This section was repealed by Ordinance 34-1993, effective December 28, 1993.

#### CHAPTER 659: - UNLAWFUL PRACTICES

##### § 659.01 - GENERAL PROHIBITIONS.

No person whether or not within any named classifications set forth herein, shall aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful practice under this Article, or obstruct or prevent enforcement of compliance with the provisions of this Article or any rule, regulation or order of the Human Relations Commission, or attempt directly or indirectly to commit any act declared by this Article to be an unlawful practice.

##### § 659.02 - UNLAWFUL EMPLOYMENT PRACTICES.

It shall be an unlawful employment practice, except where based upon applicable national security regulations established by the United States, the Commonwealth or any political subdivisions thereof, or except where based upon a bona fide occupational exemption certified by the Commission in accordance with Section 653.05(d):

- (a) For any employer to refuse to hire any person or otherwise to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, national origin, place of birth, sex including pregnancy, childbirth, or a related medical condition, sexual orientation, age, nonjob-related handicap or disability.
- (b) For any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, the employment or membership opportunities of any person or group of persons because of race, color, religion, ancestry, national origin, place of birth, sex including pregnancy, childbirth, or a related medical condition, sexual orientation, age, nonjob-related handicap or disability.
- (c) For any employer, labor organization, employment agency or any joint labor management committee controlling apprentice training programs to deny to or withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training program, an on-the-job training program or any other occupational training program because of race, color, religion, ancestry, national origin, place of birth, sex including pregnancy, childbirth, or a related medical condition, sexual orientation, age, nonjob-related handicap or disability.
- (d) For any employer, employment agency or labor organization to require of any applicant for employment or membership any information concerning race, color, religion, ancestry, national origin, place of birth, sex including pregnancy, childbirth, or a related medical condition, sexual orientation, age, nonjob-related handicap or disability.
- (e) For any employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any discrimination because of race, color, religion, ancestry, national origin, place of birth, sex including pregnancy, childbirth, or a related medical condition, sexual orientation, age, nonjob-related handicap or disability.
- (f) For any employment agency to fail or refuse to classify properly or refer for employment or otherwise to discriminate against any person because of race, color, religion, ancestry, national origin, place of birth, sex including pregnancy, childbirth, or a related medical condition, sexual orientation, age, nonjob-related handicap or disability.
- (g) For any employer substantially to confine or limit recruitment or hiring of employees, with intent to circumvent the spirit and purpose of this Article, to any employment agency, employment service, labor organization, training school, training center or any other employee-referring source which serves persons who are predominantly of the same race, color, religion, ancestry, national origin, place of birth, sex including pregnancy, childbirth, or a related medical condition, sexual orientation, age, nonjob-related handicap or disability.
- (h) For any labor organization to discriminate against any person in any way which would deprive or limit his employment opportunities or otherwise adversely affect his status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, national origin, place of birth, sex including pregnancy, childbirth, or a related medical condition, sexual orientation, age, nonjob-related handicap or disability.

(Ord. 13-1980, eff. 8-8-80; Am. Ord. 2-1990, eff. 4-3-90; Ord. No. 21-2014, § 1, eff. 10-14-14)

- (i) For any employer, employment agency or labor organization to discriminate against any person because he has opposed any practice forbidden by this Article or because he has made a complaint or testifies or assisted in any manner in any investigation or proceeding under this Article.

- (j) For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful employment practice by this Article, or to obstruct or prevent any person from enforcing or complying with the provisions of this Article or any rule, regulation or order of the Human Relations Commission, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful employment practice.

(Ord. 15-1979, eff. 5-29-79)

- (k) (EDITOR'S NOTE: This subsection was repealed by Ordinance 23-1992, eff. May 28, 1992.)

§ 659.03 - UNLAWFUL HOUSING PRACTICES.

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

- (a) For any owner, real estate broker or any other person to refuse to sell, lease, sublease, rent, assign or otherwise transfer, or to refuse to negotiate for the 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 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, national origin, place of birth, sex, sexual orientation, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, or actual or perceived status as a victim of domestic violence, 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 the 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, national origin, place of birth, sex, sexual orientation, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, or actual or perceived status as a victim of domestic violence.
- (c) For any person, including any owner or real estate broker, to discriminate in the furnishing of any facilities or services for any dwelling because of race, color, religion, ancestry, national origin, place of birth, sexual orientation, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, or actual or perceived status as a victim of domestic violence.
- (d) For any person, including any owner or real estate broker, to publish, circulate, issue or display, or cause to be published, circulated, issued 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 accommodations which indicates any preference, limitation, specification or discrimination based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, or actual or perceived status as a victim of domestic violence.
- (e) For any person, including any bank, banking organization, mortgage company, insurance company or other financial or lending institution, or any agent or employee thereof, engaged in whole or in part in the business of providing or arranging for appraisals and/or for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any dwelling or dwellings:
  - (1) To discriminate against any person or group of persons because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, or

actual or perceived status as a victim of domestic violence of such person or group of persons or of the prospective occupants or tenants of such dwelling in the granting, withholding, extending, modifying or in the rates, terms, conditions or privileges of any such financial assistance in connection therewith; or

- (2) To use any form of application for such financial assistance or make any record of inquiry in connection with applications for such financial assistance which indicates, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, or actual or perceived status as a victim of domestic violence or any intent to make any such limitation, specification or discrimination.

(Ord. 23-1992, eff. 5-28-92)

- (f) For any real estate broker or real estate salesperson or agent, 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 any dwelling by representing that a change has occurred or will or may occur regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, ancestry, national origin, sex, sexual orientation, familial status, source of income or handicap status of the street, block, neighborhood or area in which such dwelling is located.
- (g) For any real estate broker, agent, sales representative or other person to solicit any property for sale or rental or the listing of any property for sale or rental at any time after such real estate broker, agent, sales representative or other person shall have written notice that any owner or occupant of such real estate does not desire to sell such real estate, or does not desire to be solicited either by such real estate broker, agent, sales representative or other person, or by any and all brokers, agents, sales representatives or other persons. The word "solicit" means any printed matter mailed or delivered to the owner or occupant of a residential property by any real estate broker, agent, sales representative or other person 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, agent, sales representative or other person which advertises the accomplishments and/or abilities of the real estate broker, agent, sales representative or other person to sell homes or rent apartments or which requests or suggests that the owner or occupant list his house for sale or rent with the real estate broker, agent, sales representative or other person or which offers to purchase or rent the owner's house or apartment.
  - (1) All written correspondence hereunder shall be by certified mail, return receipt requested. The owner or occupant shall provide the Commission a true and correct copy of the written notice to the real estate broker, agent, sales representative or other person at the time such notice is given. The notice may be by individual letter or by petition. The notice is effective upon receipt by the real estate broker, agent, sales representative or other person.
  - (2) The Commission on its own motion or on appeal by the broker, agent, sales representative or other person after notice and public hearing, may declare any notice null and void if it finds such notice discriminates against any such real estate broker, agent, sales representative or other person.
  - (3) All notices are void after one (1) year unless renewed within thirty (30) days of the expiration date.
  - (4) The provisions of this subsection (g) shall not be applicable to any person who has placed his/her home for sale.
- (h) For any real estate broker, agent, sales representative or other person to solicit the owner or occupant of a dwelling located within a nonsolicitation area. The Commission may designate an area as a nonsolicitation area for a period of up to one (1) year upon making written findings

based on substantial evidence introduced at a public hearing that practices made unlawful by subsection (f) hereof are causing or are likely to cause blockbusting or panic selling within the area.

- (1) The Commission may extend one (1) or more times the designation of a nonsolicitation area for a period of one (1) year upon making written findings based on substantial evidence introduced at a public hearing that practices made unlawful by subsection (f) hereof are continuing to occur. The public hearing on any extension shall be held not more than thirty (30) days before the day on which the designation or earlier extension is scheduled to expire. The Commission may by this same procedure, at any time, terminate the designation of a nonsolicitation area, or extension of any such designation made pursuant to this subsection (h).
- (2) The Commission shall promptly announce by legal notice each designation or extension made pursuant to this subsection (h), describing the area to which it applies by reference to named streets and/or landmarks. Any designation or extension shall take effect upon completion of the publication required for legal notice.
- (3) The Commission shall maintain and make available to all interested persons a listing of designated nonsolicitation areas.
- (4) The Commission may, in accordance with the provisions of this Article, attempt to reach a nonsolicitation agreement with real estate brokers, agents, sales representatives or other persons doing business within a specified geographical area.
- (5) The word "solicit" shall have the same meaning as set forth in subsection (g) hereof.

(Ord. 15-1979, eff. 5-29-79)

- (i) For any person to deny access, membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate in the terms or conditions of such access, membership or participation, on account of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, source of income, handicap or disability or use of support animals because of the handicap or disability of the user.
- (j) Nothing in this Article shall bar any religious or sectarian institution or organization, or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious or sectarian organization, or any bona fide private or fraternal organization from limiting admission to or giving preference with respect to the sale, rental, or occupancy of any dwelling which the subject organization or entity owns or operates for other than commercial purposes to persons of the same religion or sect, or to members of such private or fraternal organization, or from making such selection as is calculated by such organization to promote the religious or sectarian principles or the aims, purposes or fraternal principles for which it is established or maintained, unless membership in such religion is restricted on account of race, color or national origin.
- (k) For purposes of this Section only, discrimination on the basis of handicap or disability also includes:
  - (1) A refusal to permit, at the expense of the handicapped person, 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, except that, 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 interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
  - (2) A refusal to make reasonable accommodations in rules, policies, practices or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or



- (3) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:
  - A. The public use and common use portions of the dwelling are readily accessible to and usable by handicapped persons;
  - B. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage to handicapped persons in wheelchairs; and
  - C. All premises within the dwelling contained the following features of adaptive design:
    - 1. An accessible route into and through the dwelling;
    - 2. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
    - 3. Reinforcements in bathroom walls to allow later installation of grab bars; and
    - 4. Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.
  - D. Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A117.1-1996" satisfies the requirements of Section 659.03(k)(3)C. above.
  - E. Discriminatory housing practices filed pursuant to subsection (k)(3) hereof but occurring prior to the effective date of subsection (k)(3) hereof shall be referred to the U.S. Department of Housing and Urban Development for processing and disposition.
  - F. Nothing in this subsection 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.
- (l) For any person to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise of enjoyment of, any right granted or protected under this Section or any rule or regulation of the Human Relations Commission.
- (m) Exceptions to unlawful housing practices.
  - (1) Nothing in this Section shall limit the authority of the landlord, owner, agent, or other person operating or managing the premises to evict a tenant who is the victim of domestic violence for any violation of the lease other than one premised on the act or acts of violence in question against such tenant, provided that, in determining whether to evict, the landlord, owner, agent, or other person operating or managing the premises does not apply a more demanding standard than that applied to other tenants who are not victims of domestic or sexual violence.
  - (2) Nothing in this Section shall limit the authority of any court to evict an abuser under the Pennsylvania Protection from Abuse Act, Act of December 19, 1990, P.L. 1240, No. 206, § 2 (23 Pa. C.S. § 6101 et seq.).
- (n) Discriminate against any person because he or she has opposed any practice forbidden by this Article or because he or she has made a complaint or testifies or assisted in any manner in any investigation or proceeding under this Article.

(Ord. 23-1992, eff. 5-28-92; Am. Ord. 8-1997, eff. 2-7-97; Ord. No. 59-2015, § 2, eff. 12-18-15; Ord. No. 16-2016, § 1, eff. 6-21-16; Ord. No. 22-2017, eff. 4-24-17)

#### § 659.04 - UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICES.

It shall be an unlawful public accommodation practice for the owner, lessee, proprietor, manager, superintendent, agent or employee of any business or place of public accommodation, resort, recreation or amusement to:

- (a) Refuse, withhold from or deny to any person because of his race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, handicap or disability or use of support animals because of the handicap or disability of the user, either directly or indirectly, any of the accommodations, advantages, facilities, services or privileges, products or goods in such place of public accommodation, resort or amusement.
- (b) Publish, circulate, issue, display, post or mail, either directly or indirectly, any printed, verbal, or written communication, notice or advertisement to the effect that indicates any preference, limitation, specification, or discrimination of any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, handicap or disability or use of support animals because of the handicap or disability of the user, or that the patronage of any person of any particular race, color, religion, ancestry, national origin, place of birth, sex, handicap or disability or use of guide dogs because of the blindness of the user, is unwelcome, objectionable, or not acceptable, desired or solicited.
- (c) Aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful public accommodations practice under this Article, whether such person is included by reference or not.
- (d) Discriminate against any person because he or she has opposed any practice forbidden by this Article or because he or she has made a complaint or testifies or assisted in any manner in any investigation or proceeding under this Article.

(Ord. 13-1980, eff. 8-8-80; Am. Ord. 2-1990, eff. 4-3-90; Am. Ord. 3-1997, eff. 2-7-97; Ord. No. 23-2017, eff. 4-24-17)

#### § 659.05 - RELIGIOUS SYMBOL DESECRATION.

Any person who burns or desecrates a cross or other religious symbol on any private premises or property primarily used for religious, educational, residential, memorial, charitable or cemetery purposes, or for assembly by persons of a particular race, color, creed or religion, or on any public property, or who places or displays in any such location a sign, mark, symbol, emblem or other physical impression, including but not limited to a Nazi swastika or any manner of exhibit in which a burning cross, real or simulated, is a whole or part thereof (as used herein, "desecrate" means to mar, deface or damage):

- (a) With the intent to deprive any person or class of persons of the equal protection of the laws or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of the United States, of this State or any subdivision hereof from giving or securing to all persons within the State the equal protection of the laws; or
- (b) With the intent, to injure, intimidate or interfere with any persons because of their exercise of any right secured by federal, State or local laws, or to intimidate such person or any other person or any class of persons from exercising any right secured by federal, State or local law; or
- (c) With the intent to intimidate, threaten, abuse or harass any other person; or
- (d) With the intent to cause another person to fear for his or her personal safety, or, where it is probable that reasonable persons will be put in fear for their personal safety by the defendant's actions, with

reckless disregard for such probability; shall be guilty of a summary offense punishable by a maximum fine of one thousand dollars (\$1,000.00) or sixty (60) days in jail or both.

- (e) Law enforcement agencies arresting persons pursuant to the provisions of this Chapter shall notify the Commission on Human Relations, City of Pittsburgh and shall provide to them upon official request the necessary and pertinent documents to initiate and conduct any investigations undertaken by the Commission relative to the specific case or incident.

(Ord. 2-1985, eff. 2-6-85; Am. Ord. 2-1997, eff. 2-7-97)

#### § 659.06 - ENFORCEMENT.

In the event the respondent refuses or fails to comply with any order of the Human Relations Commission or violates any of the provisions of this Article, the Commission shall certify the case and the entire record of its proceedings to its Solicitor, who shall invoke the aid of an appropriate court to secure enforcement or compliance with the order or to impose the penalties as set forth in this Code.

(Ord. 29-1980, eff. 12-31-80; Am. Ord. 2-1985, eff. 2-6-85)

#### § 659.07 - UNLAWFUL CIVIL RIGHTS PRACTICES.

- (a) It shall be an unlawful civil rights practice for any City employee, including City of Pittsburgh Police, while acting as an employee, to discriminate in the treatment of any person. In the case of the police, such unlawful discriminatory treatment includes, but is not limited to interviews, confrontations, investigations, interrogations, patdowns, searches, seizures, or arrests conducted because of the person's race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, age, handicap or disability or use of support animals.
- (b) There shall be no Commission actions taken under this section while a complaint is filed, investigated and otherwise processed by the bureau, division or office (now known as the Office of Municipal Investigation) in charge of internal affairs for a period of one hundred eighty (180) days or until the Office of Municipal Investigations processes are completed, whichever first occurs.
- (c) If a complaint has been filed with the bureau, division or office in charge of internal affairs, once it has been disposed of, the bureau, division or office in charge of internal affairs shall cooperate with the Commission and provide all information necessary for the Commission's proceedings.
- (d) If, after a hearing, the Commission finds that a respondent has not engaged in or is not engaging in any unlawful civil rights practices as defined in this section, the Commission shall award attorney fees and costs to the prevailing respondent if the respondent proves that the complaint upon which the hearing was based was brought in bad faith.

(Ord. 32-1996, eff. 11-1-96)

Ordinance amending and supplementing the Pittsburgh City Code, Title Six Conduct, Article V Discrimination, Chapter 659 Unlawful Practices, Section §659.02 Unlawful Employment Practices by adding language to prohibit employment discrimination based on pregnancy, childbirth, or related medical conditions and events.

WHEREAS, pregnant employees and employees seeking to become pregnant are and have historically been subject to workplace discrimination, including, but not limited to decreased hours, termination of employment, and loss of health insurance coverage, which can affect the health of their pregnancy; and,

WHEREAS, during the gestation period, pregnant individuals may experience symptoms and related medical conditions, such as nausea, morning sickness, dehydration, increased appetite, swelling of extremities, increased body temperature, and other related symptoms; and,

WHEREAS, prior to conception and the gestation period, individuals seeking to become pregnant and their partners can elect to undergo In Vitro Fertilization or other similar procedures and experience infertility or other conditions; and,

WHEREAS, conditions related to pregnancy can also occur after gestation and after childbirth to individuals and their partners. These can include, but are not limited to post-partum depression, miscarriage, lactation, recovery from childbirth, or termination of pregnancy; and,

WHEREAS, before, during, and after the gestation period and after childbirth, individuals and their partners may be required to attend or undergo appointments, procedures, tests, and other related events; and,

WHEREAS, partners, which are persons of any gender with whom a pregnant person or a person with a related medical condition has relationship of mutual emotion and/or physical support, may need to emotionally and physically support their pregnant partner, their partner who is seeking to become pregnant, or their partner who is recovering from childbirth.

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Pittsburgh Code, Title Six Conduct, Article V Discrimination, Chapter 651 Findings and Policy Chapter 659 Unlawful Practices, Section 659.02 Unlawful Employment Practices is hereby amended as follows:

**§ 651.01 - LEGISLATIVE FINDINGS.**

- (a) The population of the City consists of people of every race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, handicap and disability, many of whom are discriminated against in employment opportunities, places of public accommodation, resort, recreation, and amusement and housing facilities.

- (b) Discrimination because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, handicap and disability is contrary to laws and policies of the City of Pittsburgh.
- (c) Discrimination in employment prevents the gainful employment of large segments of residents of the city, tends to impair the City's productive capacity, reduces the public revenues, imposes substantial financial burdens upon the public for relief and welfare, and tends to create breaches of the peace and depressed living conditions which breed crime, vice, juvenile delinquency and disease, and is detrimental to the public safety, economic growth and general welfare of the city.
- (d) Discrimination in housing results in overcrowded, segregated areas with substandard, unsafe and unsanitary living conditions, which cause increased mortality, disease, crime, vice and juvenile delinquency, fires and risk of fire, intergroup tensions and other evils, all of which increase the cost of government and reduce the public revenues, and result in injury to the public safety, health and welfare of the city.
- (e) Discrimination in places of public accommodations, resort, recreation, amusement and places of business causes humiliation, embarrassment and inconvenience to residents and visitors of the city, tends to create breaches of the peace, intergroup tensions and conflicts and similar evils and is detrimental to the public safety, general welfare and economic growth of the city.

#### § 651.02 - DECLARATION OF POLICY.

- (a) It is hereby declared to be the policy of the city, in the exercise of its powers for the protection of the public safety and the general welfare, for the maintenance of peace and good government and for the promotion of the City's trade, commerce and manufacturers, to assure the right and opportunity of all persons to participate in the social, cultural, recreational and economic life of the city, and to assure equal opportunity for all persons to live in decent housing facilities, free from restrictions because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age, status as a victim of domestic violence, handicap or disability or use of support animals, because of the handicap or disability of the user; and
- (b) It shall be the public policy of the City to prohibit discrimination because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age, nonjob related handicap, or disability in employment; and
- (c) It shall be the public policy of the City to prohibit discrimination because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, in places of public accommodation, resort, recreation or amusement.
- (d) Nothing in this Chapter shall be construed as supporting or advocating any particular doctrine, position, point of view, life style or religious view. To the contrary, it is the intention of this Chapter that all persons are treated fairly and equally and it is the express intent of this Chapter to guarantee fair and equal treatment under law to all people of the city.

#### § 651.03 - SCOPE AND JURISDICTION.

This Article applies to discriminatory practices, including but not limited to discrimination in employment, housing and public accommodations, which occur within the territorial limits of the city, and to employment contracted for, performed or to be performed within these limits, and to places of public accommodations, resort, recreation and amusement located within the City limits.

#### § 651.04 - DEFINITIONS.

As used in this Article, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

- (a) COMMISSION. The Commission on Human Relations as established by the Pittsburgh Home Rule Charter.
- (b) DISCRIMINATE OR DISCRIMINATION. Any difference in treatment based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity or expression, familial status, age, handicap or disability, or use of support animals, as specified.
- (c) EMPLOYER. Any person who employs five (5) or more employees, exclusive of the parents, spouse or children of such person, including the City of Pittsburgh, its departments, boards, commissions and authorities, and any other governmental agency within its jurisdiction, but excluding any religious, fraternal, charitable or sectarian organization which is not supported in whole or part by any governmental appropriations.
- (d) EMPLOYMENT. Shall not include the employment of individuals in domestic service.
- (e) EMPLOYMENT AGENCY. Any person regularly undertaking with or without compensation to procure opportunities for employment or to procure, recruit, refer or place employees.
- (f) 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.
- (g) LENDING INSTITUTION. Any bank, insurance company, saving and loan association, or any other person whose business consists in whole or in part in lending money or guaranteeing loans.
- (h) Reserved.
- (i) OWNER. Includes the owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent or any other person having the right of ownership or possession or the authority to sell, rent or lease any dwelling, or any person having an equitable or security interest in any dwelling, including the City of Pittsburgh and its departments, boards, commissions and authorities.
- (j) REAL ESTATE BROKER. Any natural 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 engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, or collects rent for the use of the real property of another, and includes real estate salespersons or agents or any other person employed by a real estate broker to perform or to assist in the performance of their business.

- (k) PUBLIC ACCOMMODATION, RESORT, RECREATION OR AMUSEMENT. Includes any place, business or activity which is open to, accepts or solicits the patronage of the general public or offers goods, services or recreation to the general public.
- (l) Repealed
- (m) Repealed
- (n) SEXUAL ORIENTATION. Male or female homosexuality, heterosexuality and bisexuality or perceived homosexuality, heterosexuality and bisexuality.
- (o) ACCESSIBLE. When used with respect to the public and common use areas of a building containing covered multifamily dwellings, means:
  - (1) That the public or common use areas of the building can be approached, entered and used by individuals with physical handicaps. The phrase "readily accessible to and usable by" is synonymous with accessible. A public or common use area that complies with the appropriate requirements of ANSI A117.1-1986 or a comparable standard is ACCESSIBLE within the meaning of this subsection; or
  - (2) Being in compliance with the applicable standards set forth in the following:
    - A. The Fair Housing Act (Public Law 90-284, 42 U.S.C. Section 3601, et seq.);
    - B. The Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. Section 12101 et seq.); and
    - C. The Act of September 1, 1965 (P.L. 459, No. 235), entitled, as amended, "An act requiring that certain buildings and facilities adhere to certain principles, standards and specifications to make the same accessible to and usable by persons with physical handicaps, and providing for enforcement;" and
    - D. Any other applicable Federal or State law or regulation, or any local ordinance or resolution, relating to accessibility or accommodations.
- (p) AGE. Includes any person forty (40) years of age or older and shall also include any other person so protected by further amendment to the Federal Age Discrimination in Employment Act.
- (q) AGGRIEVED PERSON. Any person who:
  - (1) Claims to have been injured by an unlawful practice under Chapter 659; or
  - (2) Believes that such person will be injured by an unlawful practice under Chapter 659.
- (r) ANSI A117.1-1986. The 1986 edition of the American National Standard Institute for buildings and facilities providing accessibility and usability for physically handicapped people.
- (s) CHARITABLE ORGANIZATION. An organization, institution, association or corporation which is dedicated to philanthropic pursuits and provides goods, services and financial aid to the public free of charge.
- (t) COMMON USE AREAS. Rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or the guest thereof. These areas include,

but are not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas and passageways among and between buildings.

- (u) CONCILIATION. The attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent and the Commission.
  - (v) CONCILIATION AGREEMENT. A written agreement setting forth the resolution of the issues in conciliation.
  - (w) COVERED MULTIFAMILY DWELLINGS. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and ground floor units in other buildings consisting of four (4) or more units.
  - (x) DISABILITY. The term DISABILITY is synonymous with the term HANDICAP.
  - (y) DISCRIMINATORY HOUSING PRACTICE. Any act that is unlawful under § 659.03.
  - (z) DWELLING. Any building, structure or portion thereof which is occupied as or designed or is intended for occupancy as, a residence by an individual or one (1) or more families, or by a group of persons living together, 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.
  - (aa) DWELLING UNIT. A single unit of residence for a family of one (1) or more persons.
  - (bb) FAIR HOUSING ACT. Public Law 90-284, 42 U.S.C. Section 3601 et seq., as amended.
  - (cc) FAMILIAL STATUS. One (1) or more individuals who have not attained the age of eighteen (18) 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 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 eighteen (18) years.
- (dd) HANDICAP. The term handicap or disability, with respect to a person, means:
    - (1) A physical or mental impairment which substantially limits one (1) or more of such person's major life activities; or
    - (2) A record of having such an impairment; or
    - (3) 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. Section 802).
  - (ee) HOUSING FOR OLDER PERSONS.
    - (1) Housing:
      - A. Provided under any state or federal program that the U.S. Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program; or



- B. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
  - C. Intended and operated for at least one (1) person fifty-five (55) years of age or older per unit as determined by the Secretary of U.S. Housing and Urban Development.
- (2) In determining whether housing qualifies as housing for older persons under this Article, the Commission shall follow the standards set forth in the Fair Housing Act and regulations pertaining to housing for older persons as promulgated by the U.S. Secretary of Housing and Urban Development.
  - (3) 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 subsection.
- (ff) INDEPENDENT CONTRACTOR. Includes any person who is subject to the provisions governing any of the professions and occupations regulated by State licensing laws enforced by the Bureau of Professional and Occupational Affairs in the Department of State, or is included in the Fair Housing Act.
  - (gg) NONJOB RELATED HANDICAP OR DISABILITY. 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.
  - (hh) RESIDENTIAL REAL ESTATE-RELATED TRANSACTION. Any of the following:
    - (1) The making or purchasing of loans or providing other financial assistance and any terms and conditions of such a transaction:
      - A. For purchasing, constructing, improving, repairing or maintaining a dwelling; or
      - B. Secured by residential real estate.
    - (2) The selling, brokering or appraising of residential real property.
  - (ii) SEX. The gender of a person, as perceived, presumed or assumed by others, including those who are changing or have changed their gender identification.
  - (jj) DOMESTIC VIOLENCE. The occurrence of one or more of the following acts between family or household members, sexual, or intimate partners, or persons who share biological parenthood:
    - (1.) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault or incest, with or without a deadly weapon.
    - (2.) Placing another in reasonable fear of imminent serious bodily injury.
    - (3.) The infliction of false imprisonment pursuant to 18 Pa. C.S. § 2903 (relating to false imprisonment).
    - (4.) Physically or sexually abusing minor children, including sexual abuse as defined at 23 Pa. C.S. § 6303.
    - (5.) Stalking as defined in Section 651.04(II)
  - (ll) STALKING. Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances which

demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or engaging in a course of conduct or repeatedly communicating to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

(mm) VICTIM OF DOMESTIC VIOLENCE. An individual who has been subjected to Domestic Violence.

**(nn) PREGNANCY. The state of being pregnant, including the partner of a pregnant person, seeking to become pregnant, and related symptoms of pregnancy.**

**(oo) CHILDBIRTH. Labor or childbirth, whether or not it results in a live birth.**

**(pp) RELATED MEDICAL CONDITIONS AND EVENTS. Any medical condition and events that are related to or caused by pregnancy or childbirth, which can occur before, during, or after the gestation period, or after childbirth, whether or not it results in a live birth, including being the partner of a person affected by any such related medical condition or event.**

## CHAPTER 659: - UNLAWFUL PRACTICES

### § 659.01 - GENERAL PROHIBITIONS.

No person whether or not within any named classifications set forth herein, shall aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful practice under this Article, or obstruct or prevent enforcement of compliance with the provisions of this Article or any rule, regulation or order of the Human Relations Commission, or attempt directly or indirectly to commit any act declared by this Article to be an unlawful practice.

### § 659.02 - UNLAWFUL EMPLOYMENT PRACTICES.

It shall be an unlawful employment practice, except where based upon applicable national security regulations established by the United States, the Commonwealth or any political subdivisions thereof, or except where based upon a bona fide occupational exemption certified by the Commission in accordance with Section 653.05(d):

(a) For any employer to refuse to hire any person or otherwise to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, national origin, place of birth, **pregnancy, childbirth, or related medical conditions and events**, ~~sex including pregnancy, childbirth, or a related medical condition~~, sexual orientation, age, nonjob-related handicap or disability.

(b)

For any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, the employment or

membership opportunities of any person or group of persons because of race, color, religion, ancestry, national origin, place of birth, **pregnancy, childbirth, or related medical conditions and events**, sex ~~including pregnancy, childbirth, or a related medical condition~~, sexual orientation, age, nonjob-related handicap or disability.

(c)

For any employer, labor organization, employment agency or any joint labor management committee controlling apprentice training programs to deny to or withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training program, an on-the-job training program or any other occupational training program because of race, color, religion, ancestry, national origin, place of birth, **pregnancy, childbirth, or related medical conditions and events**, sex ~~including pregnancy, childbirth, or a related medical condition~~, sexual orientation, age, nonjob-related handicap or disability.

(d)

For any employer, employment agency or labor organization to require of any applicant for employment or membership any information concerning race, color, religion, ancestry, national origin, place of birth, **pregnancy, childbirth, or related medical conditions and events**, sex ~~including pregnancy, childbirth, or a related medical condition~~, sexual orientation, age, nonjob-related handicap or disability.

(e)

For any employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any discrimination because of race, color, religion, ancestry, national origin, place of birth, **pregnancy, childbirth, or related medical conditions and events**, sex ~~including pregnancy, childbirth, or a related medical condition~~, sexual orientation, age, nonjob-related handicap or disability.

(f)

For any employment agency to fail or refuse to classify properly or refer for employment or otherwise to discriminate against any person because of race, color, religion, ancestry, national origin, place of birth, **pregnancy, childbirth, or related medical conditions and events**, sex ~~including pregnancy, childbirth, or a related medical condition~~, sexual orientation, age, nonjob-related handicap or disability.

(g)

For any employer substantially to confine or limit recruitment or hiring of employees, with intent to circumvent the spirit and purpose of this Article, to any employment agency, employment service, labor organization, training school, training center or any other employee-referring source which serves persons who are predominantly of the same race, color, religion, ancestry, national origin, place of birth, **pregnancy, childbirth, or related medical conditions and**

**events**, sex ~~including pregnancy, childbirth, or a related medical condition~~, sexual orientation, age, nonjob-related handicap or disability.

(h)

For any labor organization to discriminate against any person in any way which would deprive or limit his employment opportunities or otherwise adversely affect his status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, national origin, place of birth, **pregnancy, childbirth, or related medical conditions and events**, sex ~~including pregnancy, childbirth, or a related medical condition~~, sexual orientation, age, nonjob-related handicap or disability.

(Ord. 13-1980, eff. 8-8-80; Am. Ord. 2-1990, eff. 4-3-90; Ord. No. 21-2014, § 1, eff. 10-14-14)

(i)

For any employer, employment agency or labor organization to discriminate against any person because he has opposed any practice forbidden by this Article or because he has made a complaint or testifies or assisted in any manner in any investigation or proceeding under this Article.

(j)

For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful employment practice by this Article, or to obstruct or prevent any person from enforcing or complying with the provisions of this Article or any rule, regulation or order of the Human Relations Commission, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful employment practice.