



**BILL NO. 240060**

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**Introduced February 1, 2024**

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**Councilmembers Gauthier, Landau, Brooks and O'Rourke**

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**Referred to the  
Committee on Housing, Neighborhood Development and The Homeless**

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**AN ORDINANCE**

Amending Chapter 9-1100 of The Philadelphia Code, entitled “Fair Practices Ordinance: Protections Against Unlawful Discrimination,” to clarify and enhance protections against housing discrimination for housing assistance program participants, to modify certain procedures for investigation of housing discrimination complaints and conciliation, appeal and election of civil action of all complaints filed with the Commission, and to make related technical changes, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

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

**TITLE 9: REGULATION OF BUSINESSES, TRADES AND PROFESSIONS**

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

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§ 9-1102. Definitions.

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

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# City of Philadelphia

BILL NO. 240060 continued

(cc) Source of Income. Shall include any lawful source of income, and shall include, but not be limited to, earned income, child support, alimony, insurance and pension proceeds; all forms of public assistance, including Temporary Assistance for Needy Families; and housing assistance [programs.] *programs, including but not limited to the Housing Choice Voucher (sometimes referred to as "Section 8") Program and other comparable rental voucher programs.*

\* \* \*

## § 9-1108. Unlawful Housing and Real Property Practices.

(1) It shall be an unlawful housing and real property practice to deny or interfere with the housing accommodation, commercial property or other real property opportunities of an individual or otherwise discriminate based on [his or her] race, ethnicity, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, disability, marital status, age, source of income, familial status, or domestic or sexual violence victim status, including, but not limited to, the following:

\* \* \*

(g) For any person to harass, threaten, harm, damage or otherwise penalize, retaliate or discriminate in any manner against any person because [he, she or it has complied] *of such person's compliance* with the provisions of this Chapter, [exercised his, her or its] *exercise of rights* under this Chapter, [enjoyed] *enjoyment of* the benefits of this Chapter, or [made] *making* a charge, [testified] *testimony in* or [assisted] *assistance* in any manner in any investigation, proceeding or hearing hereunder.

\* \* \*

(i) For any person to give false or misleading information, written or oral, with regard to the sale or rental of any housing accommodation, commercial property or other real property for the purpose of discriminating, including, but not limited to, representing that a property is not available for inspection, sale or rental when such property is, in fact, so available, *or representing that a property does not accept or is not eligible for use of rental assistance vouchers, such as "Section 8" Housing Choice Vouchers.*

\* \* \*

(m) *For any person to refuse or restrict availability, services, examinations, repairs or improvements of housing accommodations because a potential or current tenant has a source of income that includes housing assistance, such as rental assistance vouchers.*

# City of Philadelphia

BILL NO. 240060 continued

(n) *For any person to fail to cooperate with a potential or current tenant in completing and submitting required information and documentation necessary for Section 8 voucher eligibility or eligibility in another rental assistance program.*

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§ 9-1115. Investigation.

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(2) When a complaint contains one or more allegations under Section 9-1108 (relating to unlawful housing and real property practices), the investigation concerning those allegations shall be commenced within thirty (30) days and completed within one hundred (100) days after the filing of the complaint, unless it is impracticable to do so, in which case the Commission will notify the parties in writing of the reasons for not doing so. *A complainant may request and receive a Notice of Right to Sue if the Commission has not completed the investigation within one hundred (100) days after the filing of the complaint or determines during the one hundred day period that it will be unable to do so.*

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§ 9-1116. Conciliation.

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(2) Any conciliation agreement arising out of conciliation efforts by the Commission shall be an agreement among the respondent, the complainant, and the Commission and shall require the approval of the Commission. Each conciliation agreement shall be made public *on the Commission's webpage within 30 days of execution of the agreement*, unless the complainant and respondent otherwise agree and the Commission determines that disclosure is not required to further the purposes of this Chapter or the Fair Housing Act.

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§ 9-1119. Judicial Review.

(1) Any party aggrieved by any order of the Commission may appeal to any court of competent jurisdiction within (30) days after the mailing of notice of such order by the Commission to the aggrieved party or the party's attorney. *Except in the case of housing practices violations where an aggrieved party may appeal within ninety (90) days of notice mailing.*

(2) If no appeal is taken within thirty (30) days, the order of the Commission shall be final and conclusive and shall not be subject to review by any court in any action, including any proceedings to obtain enforcement. *Except in the case of housing practices violations where the right to appeal expires within ninety (90) days.*

# City of Philadelphia

BILL NO. 240060 continued

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## § 9-1122. Private Right of Action.

(1) If a complainant invokes the procedures set forth in this Chapter, that person's right of action in the courts of the Commonwealth shall not be foreclosed. If within one (1) year after the filing of a complaint with the Commission, the Commission dismisses the complaint or has not entered into a conciliation agreement to which the complainant is a party, the Commission must so notify the complainant. On receipt of such a notice the complainant may bring an action in the Court of Common Pleas of Philadelphia County based on the right to freedom from discrimination granted by this Chapter. *The Commission has one hundred (100) days from the filing of a complaint in a housing practices violation matter to provide notice to the complainant regarding the resolution of the complaint.*

# City of Philadelphia

*BILL NO. 240060 continued*