

**Proposed Amendments to Bill No. 260056**

Matter to be added by amendment in **Bold**  
Matter to be deleted by amendment in ~~Strikethrough~~

AN ORDINANCE

Amending Title 21 of The Philadelphia Code by adding a new Chapter 21-3600 entitled “Non-Intervention with Respect to Immigration Enforcement” to place certain restrictions on the collection and use of information related to citizenship and immigration status, prohibit certain forms of discrimination in City services, and provide for remedies for violations, all under certain terms and conditions.

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

SECTION 1. Title 21 of The Philadelphia Code is hereby amended to read as follows:

TITLE 21. MISCELLANEOUS

\* \* \*

*CHAPTER 21-3600. Non-Intervention with Respect to Immigration Enforcement.*

*§ 21-3601. Definitions.*

*(X) Citizenship or immigration status. The status of a being a person who: (a) is a citizen or national of the United States, including a person who holds United States citizenship in addition to citizenship of another country; or (b) has migrated to and is neither a citizen nor national of the United States, including, but not limited to, persons with status as lawful permanent residents, refugees, asylees, unauthorized immigrants, and persons having temporary protected status.*

*(X) Contractor or subcontractor. Any person or entity that receives City funds ~~and~~ **or** is party to, or a subcontractor for, an agreement to provide services or goods to, or on behalf of, the City.*

*(X) City ~~agency~~ **Agency**. Any ~~City~~ **city** department, **agency**, division, commission, council, committee, board, **or officer of the City of Philadelphia**, or other body established by authority of ordinance, executive order, or Charter, ~~including the Philadelphia Police Department.~~*

*(X) City Designee. The highest-ranking manager or official designated by a City Agency to serve as the authorized representative for purposes of communicating with immigration enforcement agents regarding requests under this Section, and at least one alternate manager or official to serve in their absence.*

*§ 21-3602. Prohibition **on** Discrimination and ~~on~~ the Collection and Use of Certain Information.*

(1) No City agency, official, employee, contractor or subcontractor shall, in the course of duties carried out on behalf of the City, request information about a person's citizenship or immigration status, or about the citizenship or immigration status of a person's household members or associates, unless required to do so to comply with a court order or state or federal law, **or contractual obligations where inquiry of a person's immigration status is required for the determination of program, service or benefit eligibility or the provision of services.**

(2) No City agency, official, employee, contractor or subcontractor shall condition the provision of City benefits, services, or opportunities on a person's citizenship or immigration status or national origin, unless otherwise required to do so by court order or state or federal law.

(3) No City agency, official, employee, contractor or subcontractor shall threaten, coerce, or intimidate a person based on their actual or perceived citizenship or immigration status or that of any member of the person's household.

(4) No City agency, official, employee, contractor or subcontractor shall initiate an investigation or take law enforcement action based on a person's actual or perceived citizenship or immigration status, unless required to do so to comply with state or federal law or court order, including a judicial warrant.

(5) No City agency, official, ~~or employee, or person, or vendor~~ **contractor or subcontractor, who receives City funds,** shall subject a person to a higher level of scrutiny or different treatment because they present a municipal identification card or other form of identification that is not a United States Passport, state-issued driver's license, or other state identification, where presentation of a driver's license or state identification card is accepted as adequate evidence of identity. This section (5) shall not apply to the completion federal or state forms requiring a specific form of identification or license under defined circumstances.

#### § 21-3603. Enforcement.

(1) *Private right of action.* The City Solicitor or any individual aggrieved by a violation of this Chapter or any entity a member of which is aggrieved by a violation of this Chapter may bring a civil action in a court of competent jurisdiction against **a county, city, department or agency that employs a person violating this Chapter and no individual City employee or agent acting within the scope of their employment, and without authority as a City Designee shall be subject to liability under this subsection.** The limitations period for a civil action brought pursuant to this Section shall be three (3) years from the date the complainant knew or should have known of the alleged violation.

(2) **Remedies.** A court of competent jurisdiction may order the following remedies:

(a) **An order requiring the county, city, department or agency to cease and desist the unlawful practice;**

(b) **Payment of compensatory or punitive damages, provided that an aggrieved person shall make a reasonable effort to mitigate any damages;**

*(c) Payment of reasonable attorneys' fees;*

*(d) Payment of court costs;*

*(e) Payment of a fine not to exceed two thousand dollars for each violation (\$2,000); and*

*(f) Revocation of a contract with a City contractor or subcontractor, or the barment of future contracts for a period of time not to exceed five years; and*

*(g) Other equitable relief.*

§ 21-3604. Construction.

*(1) Nothing in this Chapter shall be construed to require or permit violations of federal law, including 8 U.S.C § 1644 and §1373(a).*

*(2) Severability. If any provision of this Chapter or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or applications of the Chapter that ~~which~~ can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared severable.*

\* \* \*

SECTION 2. This Ordinance shall be effective immediately.