

City of Philadelphia



(Bill No. 010719)

AN ORDINANCE

Amending Chapter 9-1100 of The Philadelphia Code, entitled “Fair Practices,” by prohibiting discrimination in employment, housing, and public accommodations on the basis of a person’s gender identity, as defined; 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:

CHAPTER 9-1100. FAIR PRACTICES

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§9-1102. Definitions.

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(e) **Discrimination.** Any difference in treatment in hiring, referring for hire, promoting, training, in membership in employee or labor organizations because of race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry, age or handicap; in rendering service in places of public accommodation because of race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry or handicap; in the sale, lease, rental or financing of housing because of race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry, handicap, marital status, age, presence of children or source of income.

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(h.1) Gender Identity. Self-perception, or perception by others, as male or female, and shall include a person’s appearance, behavior, or physical characteristics, that may be in accord with, or opposed to, one’s physical anatomy, chromosomal sex, or sex assigned at birth; and shall include, but is not limited to, persons who are undergoing or have completed sex reassignment.

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§9-1103. Unlawful Employment Practices.

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(A) It shall be an unlawful employment practice:

(1) For any employer to refuse to hire, discharge, or discriminate against any person because of race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry, age, handicap, or marital status with respect to tenure, promotions, terms, conditions or privileges of employment or with respect to any matter directly or indirectly related to employment.

(2) 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 individual or group because of race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry, age, handicap or marital status.

(3) For any employer, employment agency or labor organization prior to employment or admission to membership to:

(a) make any inquiry concerning, or make any record of the race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry, age, past handicap or marital status of any applicant for employment or membership.

(b) use any form of application for employment of personnel or membership blanks containing questions or entries regarding race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry, age, past handicap or marital status.

(c) cause to be printed, published, or circulated any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry, age, handicap or marital status.

(4) For any employment agency because of a person's race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry, age, handicap or marital status to:

(a) fail or refuse to classify properly or refer for employment;

(b) otherwise discriminate against any person.

(c) Exemptions:

(.1) If an employer makes application to the Commission on Human Relations and the Commission finds that a job classification has characteristics which would provide a reasonable basis upon which only male or female

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personnel should be employed, then no employer shall be considered to violate the provisions of this ordinance with regard to that job classification.

(5) For any labor organization to discriminate against any individual or to limit, segregate or classify its membership in any way which would deprive such individual of employment opportunities or limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment or would affect adversely his wages, hours or conditions of employment, because of race, religion, color, sex, sexual orientation, *gender identity*, national origin, ancestry, age, handicap or marital status.

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§9-1104. Unlawful Housing Practices.

(A) It shall be an unlawful housing practice:

(1) For the owner of any commercial housing, or any other real property except as provided in Section 9-1102(a)(3) hereof, to refuse to sell, rent, lease or in any way discriminate because of race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry, physical handicap, marital status, age, presence of children or sources of income in the terms, conditions, or privileges of the sale, rental or lease of any commercial housing accommodation or other real property or in the furnishing of facilities or services in connection therewith.

(2) For any lending institution, to discriminate against any person because of race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry, physical handicap, marital status, age, presence of children or source of income in lending, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation.

(3) For any person to make, print or circulate or cause to be made, printed or circulated any written or oral statement, advertisement, or publication, or to use any form of application for the purchase, rental or lease of housing accommodations or to make real estate appraisals, financial or credit reports or any record or inquiry in connection with the prospective purchase, rental or lease of housing accommodations which express, directly or indirectly, any limitation, specification or discrimination as to race, color, sex, sexual orientation, *gender identity*, religion, national origin, physical handicap, marital status, age, presence of children or sources of income or any intent to make any such limitation, specification or discrimination.

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(6) For any person being the owner, lessee, manager, superintendent, agent or broker of any commercial housing, or any other person whose duties, whether voluntary or for compensation, relate to the rental, sale or leasing of commercial housing, to establish, announce, follow a policy of denying or limiting, through a quota system or otherwise, the housing opportunities of any individual or group because of race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry, physical handicap, marital status, age, presence of children or source of income.

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(9) For any person to give false or misleading information written or oral, with regard to the sale or rental of any commercial housing for the purpose of discriminating or the basis of race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry, physical handicap, marital status, age, presence of children or source of income.

(10) For any person to make any distinctions in the location of a house, lot, apartment or other commercial housing or to make any distinctions relating to the time of delivery of a house or the date of availability of an apartment or other commercial housing on the basis of race, color, sex, sexual orientation, *gender identity*, creed, national origin, ancestry, marital status, age, presence of children or source of income.

* * *

(12) For any person selling, renting or leasing housing accommodations, as broker or agent or as an employee or representative of a broker or agent, to refuse or limit service to any person on the basis of race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry, physical handicap, marital status, age, presence of children or source of income or to accept or retain a listing of any housing accommodation for sale, rent or lease with an understanding that discrimination may be practiced in connection with the sale, rental or lease thereof.

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§9-1105. Unlawful Public Accommodations Practice.

(A) It shall be an unlawful public accommodations practice:

(1) For any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement to:

(a) Refuse, withhold from, or deny to any person because of his race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry,

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physical handicap or marital status, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of such place of public accommodation, resort or amusement.

(b) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, and privileges of any such place shall be refused, withheld or denied to any person on account of race, color, sex, sexual orientation, *gender identity*, religion, national origin, ancestry, physical handicap or marital status, or that the patronage of any person of any particular race, color, sex, religious creed, ancestry, national origin, physical handicap or marital status is unwelcome, objectionable or not acceptable, desired or solicited.

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Explanation:

Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 16, 2002. The Bill was Signed by the Mayor on May 29, 2002.



Marie B. Hauser
Chief Clerk of the City Council