City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

Legislation Details (With Text)

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On agenda:				**Final action:**	6/6/2024

Title: 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.

Sponsors: Councilmember Gauthier, Councilmember Landau, Councilmember Brooks, Councilmember O'Rourke

Indexes: FAIR PRACTICES, UNLAWFUL DISCRIMINATION

Code sections:

Attachments: 1. Bill No. 24006000, 2. Bill No. 24006001, As Amended, 3. CertifiedCopy24006001

Date	Ver.	Action By	Action	Result	Tally
9/4/2024	1	MAYOR	SIGNED		
6/6/2024	1	CITY COUNCIL	READ AND PASSED	Pass	17:0
5/30/2024	1	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL		
5/30/2024	1	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
5/30/2024	1	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
5/29/2024	0	Committee on Housing, Neighborhood Development and The Homeless			
5/29/2024	0	Committee on Housing, Neighborhood Development and The Homeless			
5/29/2024	0	Committee on Housing, Neighborhood Development and The Homeless			
5/29/2024	0	Committee on Housing, Neighborhood Development and The Homeless			
2/1/2024	0	CITY COUNCIL	Introduced and Referred		

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.

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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

* * *

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

* * *

§ 9-1102. Definitions.

* * *

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

* * *

(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

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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 certain types of source of income, including but not limited to housing 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.

(n) For any person to fail to cooperate with a potential or current tenant in completing and submitting required information and documentation necessary to receive any source of income, including but not limited to Section 8 Housing Choice Voucher eligibility or eligibility in another housing assistance program.

* * *

§ 9-1115. Investigation.

* * *

(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 shall 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. Notice of Right to Sue shall be sent via postal mail or electronic mail.*

* * *

§ 9-1116. Conciliation.

* * *

(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.

* * *

§ 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 receipt, said notice to be sent via postal mail or electronic mail.*

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(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 after ninety (90) days.*

* * *

§ 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 or any court of competent jurisdiction based on the right to freedom from discrimination granted by this Chapter. *Consistent with § 9-1115(2), 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 or to provide a Notice of Right to Sue*, *said notice to be sent via postal mail or electronic mail.*

(2) An action under this Section shall be filed within two years after the date of notice from the Commission closing the case. Any action 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.

(3) Any person aggrieved by an owner's alleged violation of Section 9-1108 shall have a private right of action against such owner and may bring an action outside of the procedures set forth in this Chapter in the Court of Common Pleas of Philadelphia County or any court of competent jurisdiction to compel compliance with this section within two years after the occurrence of the alleged unlawful practice.

(4) The court may grant any relief it deems appropriate, including the right to recover for each violation:
(a) Compensatory damages;
(b) Punitive damages;
(c) Reasonable attorney's fees;
(d) Court costs; and
(e) Such other relief, including injunctive relief, as the court may deem appropriate.

(5) Nothing in this Chapter limits the right of an injured person to recover damages under any other applicable law or legal theory.

* * *

SECTION 2. Effective date. This Ordinance shall take effect three months following its enactment.

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