

Legislation Text

File #: 210329-A, Version: 2

Amending Chapter 9-1100 of The Philadelphia Code, entitled “Fair Practices Ordinance: Protections Against Unlawful Discrimination,” to require the use and disclosure of uniform screening criteria for rental housing and certain related disclosures to prospective rental housing applicants, and to provide that the failure to provide such disclosures may be evidence of other unlawful housing and real property practices, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-1100 of The Philadelphia Code, entitled “Fair Practices Ordinance: Protections against Unlawful Discrimination” is amended as follows:

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

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§ 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:

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(3) It shall be an unlawful housing practice for an owner of a property being offered for rental housing, or any other person having the right to rent, lease, or approve the rental or lease of the property, to begin accepting applications for rental housing before providing a uniform written rental screening criteria in a manner that makes such criteria readily available to all potential applicants, such as on a conspicuous place on a rental website or on the premises, if available. The uniform written rental screening criteria shall specify all objective and subjective criteria that will be used to review rental applications, which may include the specific financial, criminal, rental history, and any other criteria used in deciding whether to rent or lease to a prospective tenant. The failure to provide uniform written rental screening criteria as provided in this subsection may be considered evidence of an unlawful housing practice under subsection (1).

(4) Except as provided in subsections (4)(a) and (b), below, it shall be an unlawful housing practice for the owner of the property being offered for rental housing, or any other person having the right to rent, lease or approve the rental or lease of the property, to reject an application for rental housing without providing the applicant a written or electronic document setting forth a plain statement of all reasons for the denial of the

application, and which, to the extent permitted by the Fair Credit Reporting Act, 15 U.S.C. Section 1681, et. seq., includes a copy of any documents obtained from a third party for the purpose of establishing the applicant's eligibility or otherwise deciding whether to rent the unit to the applicant, within three business days of the rejection. The failure to comply with this subsection may be considered evidence of an unlawful housing practice under subsection (1).

(a) Rejection of Applications. An application for rental housing shall not be considered rejected for the purpose of this subsection (4) unless the applicant was denied after consideration of the applicant's specific eligibility and suitability for the housing or an applicable application fee was collected.

(b) Application to Publicly-Assisted Rental Housing. Any rental housing which is owned, operated, subsidized or financed by a program of the federal, state or local government, or which is otherwise governed by a deed restriction or indenture related to affordability of the rental housing, is exempt from the requirements of this subsection (4), provided that the rental of a particular rental housing unit shall not be excluded from the provisions of subsection (4) because of a tenant-based subsidy.

SECTION 2. This Ordinance shall be effective ninety (90) days after it becomes law.