

The A B C's of Pennsylvania's Equal Housing Law

From the
PA Human Relations Commission

A B C's of the Equal Housing Law

Discrimination in housing or commercial property on the basis of race, color, sex, religion, national origin, ancestry, disability, guide dogs, support animals, age (40 and above), pregnancy, familial status (families with children under age 18), intimidation, use of a guide or support animal due to blindness, deafness or physical disability or because the user is a handler or trainer of such animals, or the handicap or disability of an individual with whom the person is known to have a relationship or association is a violation of Section 5(h) of the Pennsylvania Human Relations Act (PHRAAct).

It is unlawful to:

- ➔ Refuse to sell, lease, finance or otherwise withhold housing or commercial property;
- ➔ Discriminate in the terms or conditions of selling, leasing, financing, or in providing facilities, services or privileges in connection with the ownership, occupancy or use of any housing or commercial property;
- ➔ Print or otherwise circulate any statement indicating a preference or limitation, or make any inquiry or record in connection with the sale, lease or financing of any housing or commercial property;
- ➔ Engage in practices which attempt to induce the listing, sale or other transaction, or discourage the purchase or lease of housing or commercial property by making direct or indirect references to the present or future composition of the neighborhood in which such a facility is located with respect to any of the protected classes.
- ➔ Refuse to allow a person with a disability, permission to make and pay for changes (accommodations) to the existing premises so they are able to use the facility. In a rental situation, the renter must agree to restore the interior of the facility back to its original condition, minus reasonable wear and tear.
- ➔ Refuse to make reasonable accommodations in rules, policies, practices or services when these accommodations may be necessary to afford the person equal opportunity to use and enjoy a housing accommodation.



It is also unlawful for any person to retaliate against an individual because the individual has filed a complaint with the Commission, or has otherwise participated in any Commission proceeding, or for any person to aid or abet any unlawful discriminatory practice under the PHRAAct.

Complaints must be filed within 180 days of the alleged act of discrimination.

Physical Barriers

Under Section 5(h)(7) of the PHRAAct, it is also unlawful to construct, operate, offer for sale, lease or rent or otherwise make available housing or commercial property which is not accessible to persons with disabilities.

The term “accessible” means being in compliance with the applicable standards set forth in the following:

- (1) Fair Housing Act (Public Law 90-284, 42 U.S.C. §3601 *et seq.*);
- (2) Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. §12101 *et seq.*); and



(3) Act of September 1, 1965 (P.L.459, No. 235) entitled, as amended, “An act requiring that certain buildings and facilities adhere to certain principles, standards and specifications to make the same accessible to and usable by persons with physical handicaps, and providing for enforcement.”

Penalties/Damages

Actual damages, including those caused by humiliation and embarrassment, may be awarded in housing and commercial property cases. Civil penalties may also be assessed against a respondent in a housing or commercial property case, the amount of which is dependent on the respondent’s record of discrimination.

The Commission may award attorney fees and costs in a housing or commercial property case to prevailing complainants and to prevailing respondents who prove that the complaint was brought in bad faith.

The Commission may seek an injunction in any area of its jurisdiction, after a complaint that prompt judicial action is necessary to prevent immediate and irreparable harm.



Key Definitions

Complainant is the person(s) who is making the discrimination allegations.

Respondent is the person(s) named in the complaint as responsible for the alleged discrimination.

Housing accommodation includes (1) any building, structure, mobile home site or facility, which is used or occupied or is intended, arranged or designed to be used or occupied as the home residence or sleeping place of one or more individuals, groups or families whether or not living independently of each other; and (2) any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, mobile home site or facility. “Housing accommodation” does not include any personal residence offered for rent by the owner or lessee or by his or her broker, salesperson, agent or employee.

Commercial property means (1) any building, structure or facility, or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied for the purpose of operating a business, an office, a manufactory or any public accommodation; and (2) any vacant land offered for sale, lease or held for the purpose of constructing or locating any such building structure, facility, business concern or public accommodation.

Personal residence means a building or structure containing living quarters occupied or intended to be occupied by no more than two individuals, two groups or two families living independently of each other and used by the owner or lessee as a bona fide residence for him/herself and any members of the family forming a household.

Housing for older persons is: provided under any state or federal program that the Commission determines is specifically designed and operated to assist elderly persons as defined in the federal or state program; intended for, and solely occupied by persons 62 years of age or older; or, intended and operated or occupancy by at least one person 55 years of age or older per unit.

When determining if housing qualifies as housing for older persons, the Commission’s requirements shall include, but are not limited to, the following: existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not

practicable, that such housing is necessary to provide important housing opportunities for older persons; at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

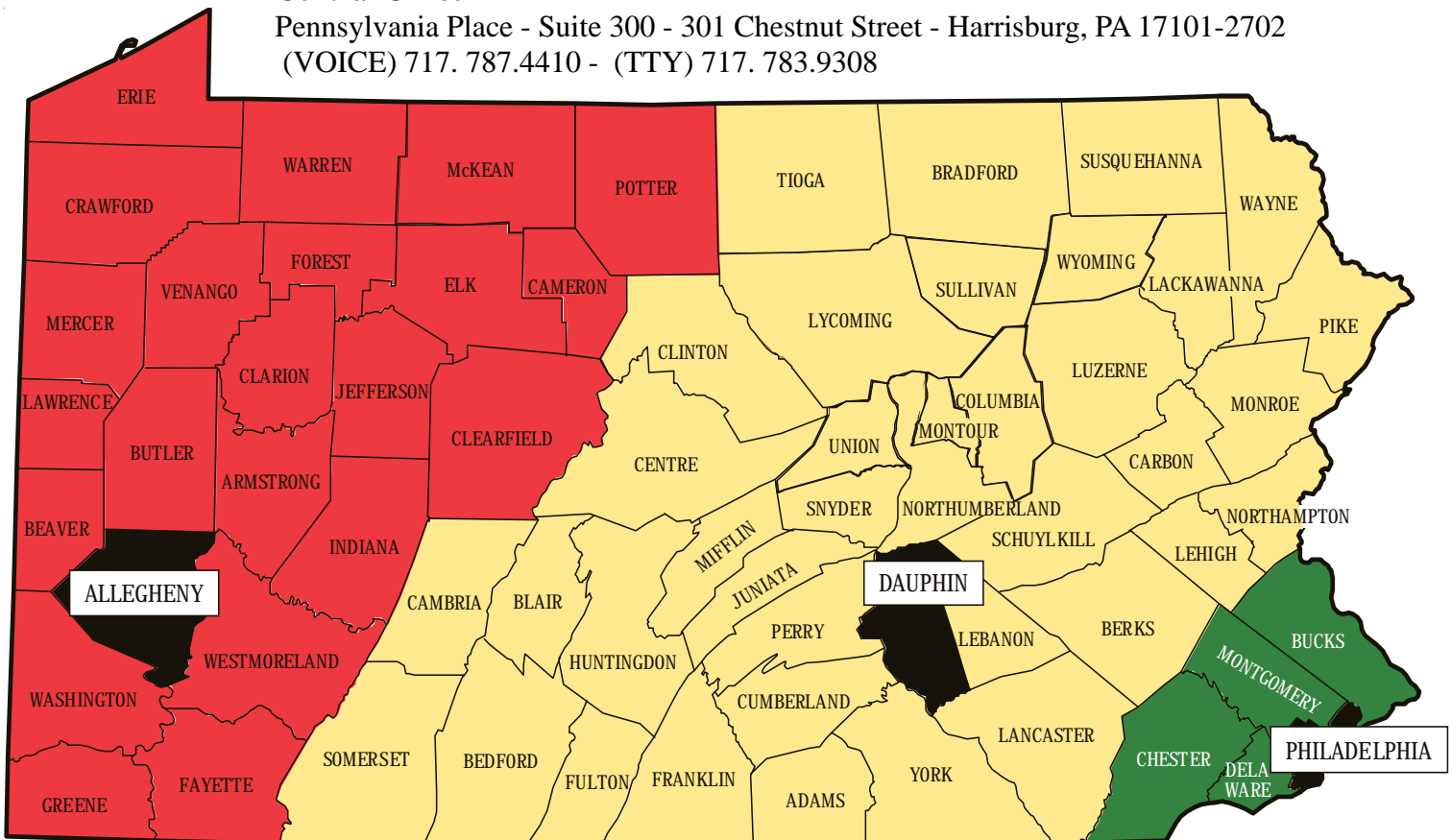
Real estate-related transaction means any of the following: (1) making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a housing accommodation or commercial property; (2) purchasing, constructing, improving, repairing or maintaining a housing accommodation or commercial property; and (3) selling, brokering or appraising of real property. Housing and commercial property may not be withheld because of unlawful discrimination based on ... race, color, sex, religion, age, national origin, ancestry, disability, guide dogs and support animals or their trainers, pregnancy, familial status, intimidation or known relationship with a person with a disability.

PA Human Relations Commission

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