

ORDINANCE

NO. 18-1342

**AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 128, Human Relations Commission; Discrimination, To Add Clarifying Language; to amend the definitions of Discriminatory Acts And House Accommodations And The Description Of Prohibited Acts In Order To Remove The Requirement That Property As To Which A Discriminatory Act Is Asserted Be Publicly Offered; To Amend The Definition Of Sexual Orientation To Include Asexuality.**

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

**Section 1.** The Code of the Township of Upper Dublin, Chapter 128, Human Relations Commission; Discrimination, Section 128-1. Purpose and Declaration of Policy, subsections A, C and D thereof, shall be amended to provide as follows:

**§ 128-1. Purpose and Declaration of Policy.**

A. In order to ensure that all persons, regardless of race, color, religious creed, ancestry, age, sex, national origin, physical or mental disability, use of guide or support animals because of the blindness, deafness or physical or mental disability of the user or because the user is a handler or trainer of support or guide animals, or because of a person's actual or perceived sexual orientation, gender identity or gender expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property, and the use of Public Accommodations, it is necessary that appropriate legislation be enacted.

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C. It is the intention of this chapter that all persons be treated fairly and equally, and it is the express intent of this chapter to guarantee fair and equal treatment under the law to all persons within the Township.

D. This chapter shall be deemed an exercise of the police power of Upper Dublin Township for the protection of the public welfare, prosperity, health and peace of the Township, and those within the Upper Dublin Township community.

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**Section 2.** The Code of the Township of Upper Dublin, Chapter 128, Human Relations Commission; Discrimination, Section 128-2. Definitions, sub-section J thereof, the definition of Sexual Orientation, shall be amended to provide as follows:

**§ 128-2. Definitions.**

The following words and phrases when used in this chapter shall have the meanings given to them in this subsection. To the extent words and phrases appearing in this chapter are not expressly defined herein, their meaning for purposes of this chapter shall be the same as such words are defined in the Pennsylvania Human Relations Act and such words, if not therein defined, shall be construed consistently with the Pennsylvania Human Relations Act.

- C. **DISCRIMINATORY ACTS** -- All acts or actions defined in the Pennsylvania Human Relations Act as unlawful discriminatory practices as related to employment, Public Accommodations, commercial property or Housing Accommodations, when those acts or actions are taken on the basis of a person's race, color, religious creed, ancestry, age, sex, national origin, handicap or disability, use of guide or support animals because of the blindness, deafness or physical or mental disability of the user, or because the user is a handler or trainer of support or guide animals or when those acts or actions are taken on the basis of a person's actual or perceived sexual orientation, gender identity or gender expression.

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- H. **HOUSING ACCOMMODATIONS** -- Includes (1) any building, structure, mobile home site or facility, or portion thereof, 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 or lease for the purpose of constructing or locating thereon any such building, structure, mobile home site or facility. This provision shall not apply to the rental or leasing of a room or rooms in an owner occupied, single family residential property or a carriage house or a garage on an owner-occupied, single family residential property, but this provision shall apply to multi unit apartment buildings whether or not owner occupied with two or more dwelling units.

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- J. **SEXUAL ORIENTATION** -- Actual or perceived homosexuality, heterosexuality bisexuality and/or asexuality..

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**Section 3.** The Code of the Township of Upper Dublin, Chapter 128, Human Relations Commission; Discrimination, Section 128-3. Unlawful Practices; sub-section A thereof, shall be amended to provide as follows:

**§ 128.3 - Unlawful Practices.**

- A. Discrimination in Housing Accommodations, commercial property transactions, employment or Public Accommodations is prohibited under this chapter.

**Section 4.** The Code of the Township of Upper Dublin, Chapter 128, Human Relations Commission; Discrimination,, Section 128-8, Violations and penalties, be amended to provide as follows:

**§128-8. Violations and penalties.**

Any person who shall violate any provision of §128-3 of this Chapter may be subjected by the Montgomery County Court of Common Pleas, or any court of competent jurisdiction, to the penalties enumerated in Sections 9(f)(1) and (2), 9.2, and 9.3, and Sections 10 and 11 of the Pennsylvania Human Relations Act (43 P.S. §951, *et.seq*). The penalties contained in this Chapter shall mirror any future changes to the Pennsylvania Human Relations Act as adopted by the General Assembly and approved by the Governor.

- A. This Chapter extends the protections of the Pennsylvania Human Relations Act to include discrimination based on actual or perceived sexual orientation, gender identity or gender expression.
- B. All penalties included in the Pennsylvania Human Relations Act shall be extended to include all protected classes enumerated in this Chapter.

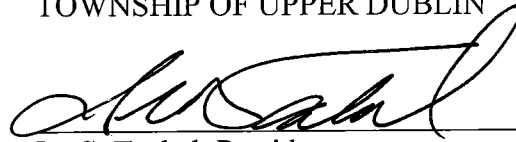
**Section 5.** Nothing in this Ordinance shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the Township's Code of Ordinances prior to the adoption of this amendment.

**Section 6.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

**Section 7.** This Ordinance shall take effect and be in force from and after its approval date as required by law.

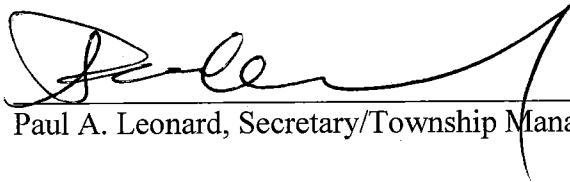
Approved by the Board this 10<sup>th</sup> day of July, 2018.

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF UPPER DUBLIN



Ira S. Tackel, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager