

WHITPAIN TOWNSHIP

ORDINANCE #391

AN ORDINANCE TO AMEND THE WHITPAIN TOWNSHIP CODE OF ORDINANCES AT
CHAPTER 36 – “HUMAN RELATIONS COMMISSION”

CERTIFICATION

I, ROMAN M. PRONCAK, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND
SAY THAT I AM THE TOWNSHIP MANAGER IN WHITPAIN TOWNSHIP,
MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND
COMPLETE CORRECT COPY OF ORDINANCE #391



Roman M. Pronczak, P.E., Township Manager
December 21, 2021

ENACTED: 12/21/21

**TOWNSHIP OF WHITPAIN
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 391**

**AN ORDINANCE TO AMEND THE WHITPAIN TOWNSHIP CODE OF ORDINANCES
AT CHAPTER 36 – “HUMAN RELATIONS COMMISSION”**

WHEREAS, the Township of Whitpain is a duly organized Township of the second class, existing and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Township Board of Supervisors desires to amend the code of ordinances at Chapter 36 – “Human Relations Commission” to align further with the Pennsylvania Human Relations Act.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the Board of Supervisors of Whitpain Township, as follows:

1. The Code of Ordinances of Whitpain Township is amended at Chapter 36 – “Human Relations Commission,” with the bolded text (**example**) indicating new language and the struck-through text (~~example~~) indicating language to be removed, as follows:

Section § 36-2

- A. Whitpain Township finds that it is of high public importance to adopt appropriate legislation to ensure that all persons, regardless of actual or perceived race, color, religious creed, ancestry, sex, national origin, **age, familial status, marital status, genetic information, source of income, status as a returning citizen, veteran status, non-job related disability handicap**, use of guide or support animals because of blindness, deafness or **mental or physical disability handicap** of the user or the user is a handler or trainer of support or guide animals, or sexual orientation, gender identity or gender expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing and public accommodation.
- B. The Board of Supervisors of Whitpain Township hereby declares it to be the public policy of the Township to foster equality and equal opportunity for all citizens, regardless of actual or perceived race, color, religious creed, ancestry, sex, national origin, **age, familial status, marital status, genetic information, source of income, status as a returning citizen, veteran status, non-job related disability handicap** or use of guide or support animals because of

blindness, deafness or **mental or physical disability handicap** of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression in all matters effecting employment, housing and commercial property and public accommodation, and to safeguard the right of all persons to remain free of discrimination or discriminatory practices in any of the foregoing aspects of their lives.

Section § 36-3

COMMERCIAL PROPERTY OR HOUSING: ~~The opportunity for an individual to obtain any commercial property or housing accommodation for which he is qualified.~~ **(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; (2) 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 (3) any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, mobile home site, facility, business concern or public accommodation.**

DISCRIMINATION: Any **unlawful** discriminatory act(s) taken by any person, employer, entity, employment agency, or labor organization, with respect to or involving a transaction related to employment, public accommodations, employment, ~~public accommodations~~, publicly offered commercial property or housing accommodations on the basis of a person's actual or perceived race, color, religious creed, ancestry, sex, national origin, **familial status, marital status, genetic information, source of income, status as a returning citizen, veteran status, non-job related disability handicap** or use of guide or support animals because of blindness, deafness or **mental or physical disability handicap** of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression.

DISCRIMINATORY ACTS: All acts or actions defined in the Pennsylvania Human Relations Act as unlawful discriminatory practices as related to employment, public accommodations, publicly offered commercial property or housing accommodations on the basis of a person's actual or perceived race, color, religious creed, ancestry, sex, national origin, **familial status, marital status, genetic information, source of income, status as a returning citizen, veteran status, non-job related disability handicap** or use of guide or support animals because of blindness, deafness or **mental or physical disability handicap** of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender

expression.

~~EMPLOYMENT: The opportunity for an individual to obtain employment for which he is qualified.~~

Section § 36-4.

- A. **Unlawful** ~~Discrimination~~ in employment, housing and commercial property or any public accommodation is prohibited under this Ordinance.
- B. **For any person to retaliate** ~~Retaliation~~ against any individual because such person has opposed any practice forbidden by this Ordinance, or because such person has made a charge, testified, or assisted in any manner in any investigation or proceeding under this Ordinance is prohibited under this Ordinance.
- C. **For any person to aid, abet, incite, compel or coerce** ~~Aiding, abetting, inciting, compelling or coercing~~ the doing of any act declared by this Ordinance to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this Ordinance is prohibited under this Ordinance.

Section § 36-6.

...

- B. The Whitpain Township Human Relations Commission shall consist of four (4) members, who shall be appointed to terms of three (3) years by the Board of Supervisors. The terms of the members of the Commission shall be staggered, such that the terms of one third (1/3) of the members of the Commission shall expire each year. All members of the Commission shall be residents or business owners of the Township of Whitpain and shall serve without compensation.
- C. The Chairperson of the Commission will designate one member as needed to receive ~~the~~ a complaint and conduct an intake meeting with the **prospective** complainants. The member charged with this duty shall not participate in any mediations involving parties to the complaint for which they handled the intake nor shall this member vote on complaints brought in front of the Commission.

Section § 36-7

A. ...

- 3) A ~~concise~~ statement of the facts **that sets forth the particulars**, including pertinent dates, time, locations, people, and acts involved constituting the alleged discriminatory practice;
- B. Procedure.
- 1) Complaints may be filed in person at the office of the Township Manager, or by mailing such complaints to the Township offices, to the attention of the Township Manager or the member of the Commission designated to handle

intake. All such complaints must be received by the Township within one hundred eighty (180) days of the occurrence of the last act giving rise to the complaint or such complaint shall be dismissed as untimely. **Equitable tolling may apply when determining the timeliness of the complaint. If the complaint alleges discrimination on a basis proscribed under federal or state law, the Township shall also inform the complainant of his or her right to file a complaint with the Pennsylvania Human Relations Commission or the federal Equal Employment Opportunity Commission as well as the U.S. Department of Housing and Urban Development, where applicable.**

...

- 3) The Commission may promulgate forms for use by persons wishing to file a complaint, however, complaints which are prepared without the use of an approved form shall be deemed acceptable under this Ordinance so long as the facts each of the factors set forth under paragraph (a) of this Section can be clearly determined from the document submitted as a complaint.

C. Notifications and answer. ...

- 2) Send a notice to the complainant, informing them that the complaint has been accepted and processed by the Commission. ~~If the complaint alleges discrimination on a basis proscribed under federal or state law, the Notice shall also inform the complainant of his or her right to file a complaint with the Pennsylvania Human Relations Commission or the federal Equal Employment Opportunity Commission as well as the U.S. Department of Housing and Urban Development, where applicable.~~

D. Procedure following notification and answer.

...

- 3) ~~In the event the complaint has not been resolved through mediation the parties are entitled to proceed to the Court of Common Pleas in Montgomery County.~~

2. **SEVERABILITY.** In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining portions of this ordinance. If there are any inconsistencies between the provisions of this Ordinance and any other section of the Township Code of Ordinances in effect, the terms and provisions of this Ordinance shall

control.

3. **REPEALER.** All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.
4. **EFFECTIVE DATE.** This Ordinance shall be effective five (5) days after its enactment.

ORDAINED and ENACTED by the Whitpain Township Board of Supervisors as of this 21st day of September, 2021.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**



MICHELE MINNICK, Chair

[Seal]

Attested by:



Frederick R. Conner, Jr. Secretary