



Borough of Lansdowne

Human Relations Commission

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Lansdowne Human Relations Code

§ 38-1. Definitions.

- A. The following words and phrases appearing with initial capital letters when used in this chapter shall have the meanings given to them in this subsection.

BOROUGH — The Borough of Lansdowne, County of Delaware, Commonwealth of Pennsylvania.

CHAPTER — This chapter, which shall also be known as the "Anti-Discrimination Ordinance."

COUNCIL — The Borough Council of the Borough of Lansdowne.

DISCRIMINATION — Discriminatory acts taken by any person, including but not limited to Employers, on the basis of race, color, gender, religion, national origin, sexual orientation, gender identity and expression, familial status, age, veteran status, mental or physical disability, pregnancy, use of guide or support animals and/or mechanical aids because of blindness, deafness or other disabilities, or any other bases prohibited by the Pennsylvania Human Relations Act. Editor's Note: See 43 P.S. § 951 et seq.

DISCRIMINATORY ACTS — Includes any difference in treatment in hiring, referring for hire, promoting, training, in membership, in employee or labor organizations or with respect to compensation, hire, tenure, terms, conditions or privileges of employment; in rendering service in places of public accommodation; in the sale, lease, rental or financing of housing and/or any other acts defined as "unlawful discriminatory practices" by the Pennsylvania Human Relations Act.

GENDER IDENTITY AND EXPRESSION — Self perception, or perception by others, as male or female, and shall include an individual's appearance, behavior or physical characteristics that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex or sex assigned at birth, and shall include, but is not limited to, persons who are undergoing or have completed sex reassignment.

EMPLOYER — Any person who employs one or more employees (exclusive of parents, spouse or children employed solely for domestic noncommercial purposes), including the Borough, its departments, boards and commissions, but excluding any fraternal, sectarian, charitable or educational group which is operated, supervised or controlled by or in connection with a religious organization or religious group or any individuals who as part of their employment reside in the home of their employer.

PERSON — Any natural person, fraternal, civic or other membership organization, corporation, general or limited partnership, proprietorship, limited liability company or similar business organization, including the Borough, its departments, boards and

commissions, and other for profit and nonprofit organizations.

PUBLIC ACCOMMODATIONS — Any accommodation, resort or amusement which is open to, accepts or solicits the patronage of the general public, including but not limited to inns, taverns, roadhouses, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health-related services, recreation or restaurants or eating houses, or any place where food is sold for consumption on the premises, buffets, saloon barrooms or any store, park or enclosure where spirituous or malt liquors are sold, ice cream parlors, confectionaries, soda fountains and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises, drugstores, dispensaries, clinics, hospitals, nursing homes, substance-abuse treatment or rehabilitation programs, ambulance services, health care providers' professional offices, bathhouses, swimming pools, barbershops, beauty parlors, retail stores and establishments, theaters, motion-picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, gymnasiums, shooting galleries, billiard and pool parlors, public libraries, kindergartens, primarily and secondary schools, high schools, academies, colleges and universities, extension courses and all educational institutions, mortuaries and funeral parlors, nonsectarian cemeteries, garages and all public conveyances operated on land or water or in the air as well as the stations, terminals and airports, financial institutions and all Borough facilities and services but not any accommodations which are in their nature distinctly private.

SEXUAL ORIENTATION — Actual or perceived homosexuality, heterosexuality and bisexuality.

- B. To the extent words and phrases appearing with initial capital letters are not expressly defined herein, such words and phrases shall have the definitions set forth in the Pennsylvania Human Relations Act.

§ 38-2. Establishment of Human Relations Commission.

- A. Pursuant to Chapter 17 of the Pennsylvania Human Relations Act (43 P.S. § 962.1), there is hereby established a Human Relations Commission in and for the Borough of Lansdowne (hereinafter referred to as the "Borough Human Relations Commission").
- B. The Borough Human Relations Commission shall consist of five members. The initial members shall have a term of one year for one member, two years for two members and three years for two members, respectively. Thereafter the term of each of the members of the Borough Human Relations Commission shall be for three years or until his successor is appointed and qualified, such terms being fixed so that no more than one shall be reappointed or replaced during any future calendar year. No member of the Borough Human Relations Commission shall hold any office in any political party. Members of the Borough Human Relations Commission shall serve without salary but may be paid expenses incurred in the performance of their duties.
- C. A Chairperson shall be appointed by the Lansdowne Borough Council. The Chairperson will be responsible for setting Commission meetings and coordinating with the Lansdowne Borough Manager regarding received complaints. The Chairperson will also prepare reports on Commission activity for the Borough Council and report at regular Council meetings at the Council's request.
- D. The Council hereby grants to the Borough Human Relations Commission all of the powers and duties now exercised by the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act, 43 P.S. § 951 et seq. Specifically, without limitation, the Borough Human Relations Commission shall have the ability to receive, investigate and pass upon complaints, and where a violation of this chapter is found to have occurred, to issue cease and desist orders and impose such other remedies as may be available under the Pennsylvania Human Relations Act.

§ 38-3. Unlawful practices.

- A. **Discrimination** on the basis of race, color, gender, religion, national origin, sexual orientation, gender identity and expression, familial status, age, veteran status, mental or physical disability, pregnancy, use of guide or support animals and/or mechanical aids because of blindness, deafness or other disabilities is prohibited under this chapter.
- B. Discriminatory acts in response to the making of a charge, testifying or assisting in any manner any investigation, proceeding or hearing under this chapter are prohibited.

§ 38-4. Procedures.

- A. Filing a complaint. Any individual claiming to be aggrieved by an unlawful practice may make, sign and file a verified complaint in writing which shall state the name and address of the person or persons alleged to have committed the unlawful practice and the particulars thereof. Complaints must be filed with the Borough Manager's office. The Borough Manager's office shall convey all original complaints to the Chairperson of the Commission within 10 days.
- B. Time period for filing complaint. Any complaint filed pursuant to this section must be so filed within 180 days after the alleged act of **discrimination**.
- C. Withdrawing complaint. Any complaint may be withdrawn at any time by the party filing the complaint.
- D. Preliminary investigation:
 - (1) The Commission shall send a copy of the complaint to the named respondent within 30 days from the date of docketing the complaint. A respondent shall file a written, verified answer to the complaint within 30 days of service of the complaint. The Commission, upon request of the respondent, may grant an extension of not more than 30 additional days.
 - (2) The Commission shall investigate the charges of **discrimination**. The Commission may issue subpoenas to any person charged with an unlawful practice to furnish information, records or other documents, as necessary, to assist in its investigation.
- E. Finding of no cause and notice. If it shall be determined after the Commission's investigation that there is no basis for the allegations of the complaint, the Commission shall cause to be issued and served upon the complainant written notice of such determination.
- F. Conciliation. If the Commission, after investigation, determines that probable cause exists for the allegations of the complaint, the Commission shall immediately endeavor to eliminate the unlawful practice complained of by persuasion, conference and conciliation.
- G. Public hearing. If the Commission, in its discretion, finds it is not possible to eliminate the unlawful practices by persuasion, the Commission shall cause to be issued and served a written notice, together with a copy of the complaint, which informs the respondent that they must answer the charges of such complaint at a hearing before the Commission at a time and place to be specified in such notice. The Commission may designate one or more of its members to preside at such a hearing or it may at its election conduct such hearing en banc. At the public hearing, the case in support of the complaint shall be presented to the Commission by the complainant or the complainant's attorney. Both the complainant and the respondent may appear at the hearing with or without counsel and provide testimony. In addition, both the complainant and the respondent may introduce the testimony of additional witnesses and may submit documentary evidence. The Commission and the parties shall not be bound by the strict rules of evidence at the hearing.
- H. Findings. If, upon all the evidence at the hearing, the Commission shall find that a respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this chapter, the Commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such action as the Commission deems appropriate. The Commission shall have the authority to order any remedies available to the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act.
- I. Complaint dismissal. If, upon all the evidence, the Commission shall find that a respondent has not engaged in any unlawful discriminatory practice, the Commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent.

§ 38-5. Nonlimitation of other remedies.

Nothing in this chapter shall limit the right of an injured Person to recover damages under any other applicable law or legal theory.