

**COUNTY OF CHESTER, PENNSYLVANIA COMMISSIONERS
ORDINANCE NO. ORD-2025-03**

**AN ORDINANCE ESTABLISHING COUNTY-WIDE NON-DISCRIMINATION
REQUIREMENTS FOR EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS;
CREATING A HUMAN RELATIONS COMMISSION AND PROVIDING FOR
INVESTIGATION AND ENFORCEMENT OF CLAIMS OF DISCRIMINATION**

WHEREAS, the Chester County Board of Commissioners (the “Board of Commissioners” or “Board”) is committed to providing protection against discrimination for all individuals in Chester County (the “County”); and

WHEREAS, the Board of Commissioners is committed to promoting the rights and opportunities of all persons to participate in the social, cultural, recreational, and economic life in Chester County and to assure equal opportunity for all persons concerning employment, housing, and public accommodations; and

WHEREAS, this Ordinance shall be deemed an exercise of the police powers of the County of Chester for the protection of the public welfare, prosperity, health, and peace of the people of the County.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CHESTER, PENNSYLVANIA, THAT:

1. The foregoing Whereas clauses are incorporated herein as if set forth in their entirety.
2. Pursuant to Section 12.1 of the Pennsylvania Human Relations Act, 43 P.S. § 962.1 (“PHRA”), there is hereby established a Human Relations Commission in and for the County of Chester (hereinafter referred to as the “Chester County Human Relations Commission” or the “Commission”).
3. Any Ordinance or part of any Ordinance that conflicts with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.
4. The following provisions shall be known as The Chester County Human Relations Ordinance.

SECTION 101 – Purpose

- A. Be it known to all that the County of Chester does hereby declare its intent to promote the rights and opportunities of all persons to participate in the social, cultural, recreational, and economic life of the County and to assure equal opportunity for all persons concerning employment, housing, and use of public accommodations without regard to actual or perceived race, color, religion, national origin or citizenship status, ancestry, sex (including pregnancy, childbirth, and related medical conditions), gender identity, gender expression, sexual orientation, marital status, familial status, physical or mental disability, source of income, age, veteran status, or use of guide or support animals and/or mechanical aids, or domestic or sexual violence victim status.
- B. In furtherance of this purpose, the County of Chester also establishes herein a Human Relations Commission, along with rules governing its structure, duties, and procedures for the investigation, conciliation, and adjudication of complaints of discrimination. The Commission is intended to serve as a local mechanism for addressing and remedying unlawful discriminatory practices in a fair, impartial, and efficient manner.
- C. Nothing in this Ordinance shall be construed as supporting or advocating any particular doctrine, position, point of view, or religious view. To the contrary, it is the intention of this Ordinance that all persons are treated fairly and equally, and it is the express intent of this Ordinance to guarantee fair and equal treatment under law to all people in Chester County.
- D. Nothing in this Ordinance shall be construed to require any person to violate existing laws of local municipalities, the County, the Commonwealth, or the United States.
- E. The County recognizes that certain municipalities within Chester County have adopted their own local human relations ordinances and established their own commissions. This Ordinance is intended to support and supplement those local efforts by ensuring consistent, county-wide non-discrimination protections and offering a forum for resolution of complaints arising in areas not covered by existing municipal ordinances or commissions.

SECTION 201 – Definitions

The following words, terms, and phrases when used in this Ordinance shall have the meaning given to them in this Section. To the extent words and phrases appearing in this Ordinance are not otherwise expressly defined, the words and phrases shall have the meaning given to them in the PHRA, 43 P.S. §954.

- A. **National origin or citizenship status:** Individuals protected by Section 1324b of the Immigration and Nationality Act, 8 U.S.C. § 1324b.
- B. **Commission:** The Chester County Human Relations Commission.
- C. **Common Carrier:** A person holding themselves out to the general public to provide transportation for compensation.
- D. **County:** The County of Chester, Pennsylvania.
- E. **Disability:** As defined by the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*, but such term does not include the current, illegal use of or addiction to a controlled substance, as defined in section 102 of the Controlled Substances Act, 21 U.S.C. §802.
- F. **Discrimination:** Any exclusion, denial, intimidation, coercion, difference, or segregation in treatment because of an individual's membership in a protected class in the following areas:
 - 1. hiring, referring for hire, promoting, or training, which includes, but is not limited to, apprenticeship programs;
 - 2. membership in employee or labor organizations;
 - 3. the advertisement, sale, lease, rental, financing, or zoning of housing; or
 - 4. rendering service in places of public accommodation.
- G. **Employee:** An individual who works under the supervision or control of an employer. The term "employee" does not include an individual employed by said individual's parents, spouse, or child.
- H. **Employer:** Any person or organization who employs four or more employees, exclusive of parents, spouse, or children.
- I. **Gender Expression:** The external appearance of one's gender identity, usually expressed through behavior, clothing, body characteristics or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.
- J. **Gender Identity:** One's innermost concept of self as male, female, a blend of both, or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

- K. **Health Care Provider:** As defined by the Pennsylvania MCARE Act, 40 P.S. § 1303.101, *et seq.*
- L. **Lending Institution:** Any bank, insurance company, savings and loan association, credit union, or any other person or organization regularly engaged in the business of lending money or guaranteeing loans.
- M. **Marital Status:** The status of being single, married, separated, divorced, widowed, or a life partner.
- N. **Ordinance:** The Chester County Human Relations Ordinance.
- O. **Owner:** Includes lessee, sublessee, assignee, manager, agent, or any other person or organization having the right of ownership, possession, or the authority to sell, rent or lease any housing accommodation, including political subdivisions and the County and its authorities, boards, and commissions.
- P. **Pennsylvania Human Relations Act:** Public Law 744, No. 322, 43 P.S. § 951 *et seq.*, as amended (“PHRA”).
- Q. **Person or Organization:** Includes one or more individuals, a general or limited partnership, association, organization, for profit and not-for-profit corporation, sole proprietorship, limited liability company, legal representative, trustee in bankruptcy or receiver. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesperson, agent, employee, independent contractor, volunteer, lending institution, political subdivision, and the County and its authorities, boards, and commissions.
- R. **Political Subdivision:** Any city, borough, incorporated town, or township located within Chester County.
- S. **Public Accommodation:** As defined by the PHRA, 43 P.S. § 954(l). This term shall also include pre-schools and daycares.
- T. **Protected Class:** Actual or perceived race, color, religion, national origin or citizenship status, ancestry, sex (including pregnancy, childbirth, and related medical conditions), gender identity, gender expression, sexual orientation, marital status, familial status, physical or mental disability, source of income, age, veteran status, use of guide or support animals and/or mechanical aids, or domestic or sexual violence victim status.
- U. **Religion:** All aspects of religious observance, practice, and belief.

- V. **Religious Entity:** A church, association of churches or other religious order, body or institution which qualifies for exemption from taxation under section 501(c)(3) or 501(d) of the Internal Revenue Code of 1986, P.L. 99-514, 26 U.S.C. § 501.
- W. **Sex:** Male, female, or non-binary. Includes the gender of a person, gender identity, gender expression, affectional or sexual orientation, transgender identity, intersex, gender transition, sex assigned at birth, natal sex, as perceived, presumed or assumed by others. Sex as a class includes pregnancy, childbirth, breastfeeding, and related medical conditions.
- X. **Sexual Orientation:** Inherent or immutable enduring emotional, romantic, or sexual attraction to other people.
- Y. **Source of Income:** Any lawful source of income, including but not limited to, earned income, child support, alimony, insurance and pension proceeds, unemployment insurance, social security, and all forms of public assistance, including social security disability insurance and supplemental security income, Temporary Assistance for Needy Families (TANF) and any successor legislation, and housing assistance programs.

SECTION 301 – Unlawful Practices

It shall be unlawful for any person to engage in discrimination against any person on the basis of a protected class in the areas of employment, housing, or public accommodations.

301.1 Employment Discrimination Protections

The following actions are prohibited with regard to any employee or independent contractor who is a member of a protected class as defined herein:

- A. An employer shall not refuse, based on protected classes, to hire or employ or contract with, or to bar or discharge from employment, or to otherwise discriminate against employees or independent contractors with respect to compensation, hiring, volunteering, tenure, terms, conditions or privileges of employment or contract if the employee or independent contractor is the best able and most competent to perform the services required.
- B. An employment agency, employment service, labor organization, training school, or training center, or any other employee-referring source shall not confine or limit recruitment or hiring of individuals with intent to circumvent the spirit and purpose of this Ordinance.
- C. An employer shall not elicit any information or make or keep a record of, or use any form of application or application blank containing questions or

entries concerning the protected class of any applicant for employment. Nothing in this subsection shall preclude an employer from collecting demographic data after hiring so long as such information is voluntarily provided by the employee and its provision is not made a condition of employment.

- D. Prior to an offer of employment, an employer shall not inquire as to whether an individual has a disability or inquire as to the severity of such disability, except as otherwise provided by law. An employer may inquire about the applicant's ability to perform the essential functions of the position or positions sought.
- E. An employer shall not deny employment because of a prior, current, or future disability.
- F. A labor organization shall not deny full and equal membership rights to any individual or group of individuals, or to discriminate against such individuals with respect to hiring, tenure, terms, conditions or privileges of employment, participation in apprenticeship programs, or any other matter, directly or indirectly related to employment, on the basis of a protected class.
- G. An employer shall not exclude or otherwise deny an employee or applicant for employment equal jobs or benefits because of the disability of an individual with whom an employee or applicant is known to have a relationship or association.
- H. An employer or labor organization shall not discriminate in any manner against any individual because that individual has made a charge, testified, or assisted in any manner in any discrimination investigation, proceeding or hearing under this Ordinance or any other non-discrimination laws or regulations.
- I. An employer shall not, directly or indirectly, prohibit, coerce, or prevent any person from complying with the provisions of this Ordinance.
- J. An employment agency shall not refuse to refer for employment or otherwise discriminate against any individual on the basis of a protected class.
- K. An employer, employment agency, labor organization, or advertiser shall not print, publish, or cause to be printed or published any notice or advertisement relating to employment or membership, indicating any preference, limitation, specification, or discrimination on the basis of a protected class.

- L. An employer shall not ask on an employment application whether the applicant has ever been convicted of a crime. An employer may include in its job requirements that an applicant have a clean driving record or be able to pass a child abuse clearance check. Notwithstanding the foregoing, the provisions of this Section shall not apply to any position which, by law, includes a requirement that employees must be free from conviction of any crime or specific crimes, but in such circumstances an employer shall inquire only into the limited set of crimes which are disqualifying for employment by law.
- M. An employer shall not require a job applicant to disclose prior criminal convictions until after an initial interview. Notwithstanding the foregoing, the provisions of this Section shall not apply to any position which, by law, includes a requirement that employees must be free from conviction of any crime or specific crimes, but in such circumstances an employer shall inquire only into the limited set of crimes which are disqualifying for employment by law.
- N. Employers are prohibited from considering conviction records which do not relate to an applicant's suitability for employment. After a first interview, employers may use background checks and prior history to determine suitability for employment. Notwithstanding the foregoing, the provisions of this Section shall not apply to any position which, by law, includes a requirement that employees must be free from conviction of any crime or specific crimes, but in such circumstances an employer shall inquire only into the limited set of crimes which are disqualifying for employment by law. Pennsylvania State law requires employers to provide written notification if a denial of employment was based in whole or in part on the applicant's criminal history. Failure to provide such notice will also be a violation of this Ordinance.
- O. An employer shall not ask a job applicant what their salary is or was from any current or previous employment.
- P. Nothing in this Ordinance shall prohibit any institution or organization for persons with disabilities from limiting or giving preference in employment or membership to disabled persons.
- Q. Nothing in this Ordinance shall require an employer to hire, promote, or retain an employee who is not qualified or not able to perform the job for which they are applying or were hired to do.

301.2 Housing Discrimination Protections

A person or organization shall not:

- A. refuse to sell, lease, finance, or otherwise deny or withhold any housing

accommodation or commercial property, or refuse to furnish facilities, services, or privileges in connection with the ownership, occupancy, or use of any housing accommodation or commercial property from any tenant, owner, prospective owner, occupant or user of such housing accommodation or commercial property on the basis of a protected class.

- B. evict or attempt to evict an occupant of any housing accommodation before the end of the term of a lease because of pregnancy or the birth of a child.
- C. refuse to lend money, whether or not secured by mortgage or otherwise, otherwise withhold financing for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property from any person on the basis of a protected class.
- D. refuse to permit, at the expense of a tenant, owner, renter, or legal occupant with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modification may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, grant permission for a modification if the renter agrees to, at their expense, restore the premises to the condition that existed before the modification, with reasonable wear and tear excepted.
- E. refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a tenant, owner, renter, or legal occupant equal opportunity to use and enjoy a housing accommodation.
- F. print, publish, circulate, or cause to be made any statement or advertisement relating to the sale, lease or acquisition of any housing accommodation or commercial property or the loan of money, whether or not secured by mortgage, or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property, which indicates any preference, limitation, specification, or discrimination on the basis of a protected class.
- G. require as a condition of the sale or lease of any housing accommodation or commercial property or loan of any money for the purpose of housing, the disclosure of information related to an applicant's protected class.
- H. deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings or commercial property, or to discriminate against that person in the terms or condition of such access, membership, or participation, on the basis of a protected class.

- I. for any person or organization whose business includes engaging in real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, on the basis of a protected class.
- J. induce, solicit, or attempt to induce or solicit for commercial profit, any listing, sale, or transaction involving any housing accommodation or commercial property by representing that such housing accommodation or commercial property is within any neighborhood, community, or area adjacent to any other area in which there reside, or do not reside, persons of any particular protected class.
- K. discourage, or attempt to discourage, the purchase or lease of any housing accommodation or commercial property by representing that such housing accommodation or commercial property is within any neighborhood, community, or area adjacent to any other area in which there reside, or may in the future reside, in increased or decreased numbers, persons of any protected class.
- L. harass, threaten, intimidate, harm, damage or otherwise penalize any person, group, or business because they exercised or encouraged others to exercise their rights under this Ordinance, or because they have complied with the provisions of this Ordinance, or enjoyed the benefits of this Ordinance, or because they have made a charge, testified, or assisted in any manner in any investigation, proceeding or hearing hereunder.
- M. aid, abet, incite, induce, compel, or coerce the doing of an unlawful practice prohibited by this Ordinance or to obstruct or prevent any person from complying with the provisions of this section or any order issued hereunder.
- N. for any person who, with intent to mislead in any proceeding under this section to destroy or mutilate, falsify, alter, or refuse to supply records and documents produced pursuant to subpoena or other lawful order under this Ordinance.

301.2.1 Exemptions to 301.2

- A. Nothing in this section shall be construed to apply to housing for older persons to the extent such language refers to age or familial status.
- B. Nothing in this section limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.
- C. Nothing in this section shall prohibit a mission-driven private club not in fact open to the public, which, incidental to its primary mission, provides

lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its bona fide members or from giving preference to its members.

- D. Nothing in this section shall require a landlord to participate in any government housing or rental assistance programs, such as the federal Housing Choice Voucher Program (also known as Section 8).
- E. The rental or leasing of a room or rooms in a personal residence in which the owner currently resides, when the renter or lessee will be sharing some or all of the space with the owner, shall be exempt from this Ordinance.

301.3 Public Accommodation Discrimination Protections

A person or an organization shall not:

- A. refuse, withhold from, or deny to any person on the basis of a protected class, either directly or indirectly, any of the accommodations, advantages, facilities, services, or privileges of such place of public accommodation, resort, or amusement.
- B. publish, circulate, issue, display, post, or mail, either directly or indirectly, any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, and privileges of any such place shall be refused, withheld, or denied to any person on the basis of a protected class.
- C. prohibit a breastfeeding mother from, or segregate a breastfeeding mother within, any public accommodation where she would otherwise be authorized to be.
- D. when providing licensed common carrier service, discriminate against individuals with disabilities by actions including, but not limited to, refusing to provide service to individuals with disabilities who can use such vehicles, refusing to accommodate such individuals in the use of a service animal due to blindness or deafness, or refusing to assist with the stowing of mobility devices, or charging higher fares or fees for carrying individuals with disabilities and their service animals and/or equipment which are not charged to other persons.
- E. exclude or otherwise deny equal goods, services, facilities, privileges, advantages, accommodations, or other opportunities to a person because of the disability of an individual with whom a patron, client, or customer is known to have a relationship or association.

301.3.1 Exemption to 301.3

Nothing in this Section shall be applied or interpreted to require an individual to create speech or artistic expression which is contrary to their sincerely held religious beliefs.

SECTION 401 – Exemptions Generally

The provisions of this Ordinance shall not apply in the following limited circumstances:

- A. Where a bona fide not-for-profit mission-driven religious, educational, fraternal, or charitable organization or association (i) requires an employee's adherence to said organization's or association's mission as part of their job, wherein membership is a bona fide occupational qualification; (ii) or where the organization offers rooms or housing to members of the organization, or within the organization's mission. These exemptions do not include discrimination based on protected classes which are not specified as part of the organization's mission.
- B. This Ordinance shall not apply to (i) the rental of rooms in a landlord-occupied rooming house with a common entrance; (ii) nor with respect to discrimination based on sex, the advertising, rental or leasing of housing accommodations in a single-sex dormitory or rooms in one's personal residence in which common living areas are shared.
- C. Nothing contained in this Ordinance shall be interpreted to require an individual or religious entity to engage in conduct which constitutes a substantial burden on the free exercise of religion without compelling justification under the act of December 9, 2002 (P.L.1701, No.214), known as the "Religious Freedom Protection Act."

SECTION 501 – Conflict of Laws and Severability

- A. Where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of the County, or any regulation issued under the authority of such Ordinance, the provisions which establish the higher standard for the protection of health, safety, and welfare shall prevail. The Commission, acting with the advice of legal counsel, shall make the determination on all ordinance conflicts related to this Ordinance.
- B. If any provision of this Ordinance shall be determined by a Court of law to be unlawful, invalid, void, or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall remain in full force and effect.

SECTION 601 – Human Relations Commission

601.1 Composition and Administration

- A. The Chester County Human Relations Commission is established pursuant to 43 P.S. § 962.1 of the Pennsylvania Human Relations Act, by Ordinance No. ORD-2025-03, and may be referred to as the “Chester County Human Relations Commission” or the “Commission”.
- B. The Commission shall be composed of volunteers and shall consist of no fewer than seven (7) and no more than thirteen (13) members. The members shall serve terms of three (3) years each, with the initial terms for one third of the members being one (1) year, one third being two (2) years, and the remainder being three (3) years. At all times there shall be an odd number of members. Members shall be appointed by the Chester County Board of Commissioners. Members of the Commission shall be residents of Chester County, individuals working in Chester County, or business owners who operate within Chester County. Members of the Commission may not be elected officers in any political party.
- C. Members of the Commission shall serve without salary but may be paid expenses incurred in the performance of their duties, as approved by the Commission. Such expenses may not exceed amounts any budgeted or appropriated in the County’s annual budget without prior written approval from the County Solicitor.
- D. The Commission is hereby vested with the authority to administer and enforce the Chester County Human Relations Ordinance and shall be given sufficient administrative and legal support from the Chester County Solicitor’s Office and any other County office to carry out its powers and duties, including assistance with intake of complaints and investigation of filed complaints of discrimination.
- E. Any Commission member missing three (3) meetings in a row or missing more than three (3) meetings in a twelve (12) month period will be deemed as having resigned their position as Human Relations Commissioner, and the remainder of the resigned member’s term will be filled by appointment in accordance with this section.
- F. If the number of Human Relations Commissioners serving on the Commission drops below seven (7) because of resignation or lack of attendance, additional Human Relations Commission members shall be appointed by the Chester County Board of Commissioners within sixty (60) days. The Chester County Board of Commissioners may appoint additional Human Relations Commission members any time there is a vacancy,

provided the new appointment(s) results in an odd number of members.

- G. The Commission may select up to three (3) additional non-voting, ex officio members to broaden the diversity that serves and advises the Commission. Such ex-officio members will not be counted toward the seven (7) member Commission minimum, will not be counted toward the odd number of members requirement, will not count toward establishing a quorum, and shall serve for no more than three (3) years.
- H. The Commission shall select one (1) of its members as the Chair of the Commission, one (1) as Vice Chair, and one (1) as Secretary.
- I. The Chair of the Human Relations Commission will be responsible for setting Commission meetings, coordinating with the Solicitor's Office regarding received complaints and answers, and generally ensuring that the duties of the Commission are fulfilled. The Chair may delegate responsibility for Commission duties to specific Commissioners. The Vice Chair will serve as Chair when the Chair is otherwise unavailable in emergency situations. The Commission Secretary shall coordinate minute-taking at meetings which may be done by staff or a Commissioner. Meetings may be recorded to assist with the preparation of the minutes.
- J. A voting quorum of the Commission will be no less than half of the currently serving Commission members and may be no less than four (4) Commissioners.
- K. Meetings of the Commission shall be duly advertised and conducted in accordance with the Pennsylvania Sunshine Act. 65 Pa.C.S.A. § 701, *et seq.*
- L. Unless otherwise specified, "Robert's Rules of Order" shall govern the proceedings at the meetings of the Commission.
- M. Should the County of Chester be designated as a respondent in a complaint of discrimination, the County Solicitor is authorized to engage conflict legal counsel for the Commission to take the place of the County Solicitor. Conflict legal counsel shall be required to agree to all the County's standard terms and conditions, including insurance requirements. Notice of the engagement shall be provided to the Board of Commissioners in writing.

601.2 Duties of the Human Relations Commission

The Commission shall:

- A. Establish procedures for how it will investigate complaints. As part of these procedures, the Commission may designate one or more of its members to conduct investigations on its behalf.

- B. Meet monthly in-person or virtually online.
- C. Promote mutual understanding and work to improve relationships among all parts of the Chester County community, inclusive but not limited to those representing the protected classes covered by the Human Relations Ordinance.
- D. Make studies into the status of human relations in the County.
- E. At its discretion, cooperate with and assist other organizations, public or private, to improve relationships among the citizens of the County.
- F. Provide educational information to community members and to organizations to promote a full understanding of the purpose and scope of the Human Relations Ordinance.
- G. Receive and consider complaints of discrimination and administer and enforce the Human Relations Ordinance.
- H. When appropriate, refer complainants to other social, civic, or government agencies for further action.
- I. From time to time, but not less than once a year, provide a written report to the Board of Commissioners, describing in detail the investigations, proceedings, hearings, and studies it has conducted and their outcome; the decisions it has rendered and the other work performed by it; and make recommendations for such further legislation concerning abuses and discrimination because of protected class.
- J. Maintain official copies of the minutes of Commission meetings, records of investigations and proceedings, recordings of hearings, studies conducted and their outcomes, the decisions rendered by the Commission, and records of any other work performed by the Commission.
- K. The Chester County Human Relations Commission shall work in coordination with the Solicitor's Office and any other County office or department designated by the Board of Commissioners.
- L. Where appropriate, Chester County Human Relations Commission may coordinate with and refer complaints to local municipal human relations commissions, and may likewise accept referrals from those commissions for matters falling within its jurisdiction.

SECTION 701 – Complaint Procedures

701.1 Enforcement

The Commission shall be responsible for receiving and investigating complaints filed pursuant to this Ordinance.

701.2 Filing a complaint

701.2.1 Contents of Complaint

Any person(s) claiming to be aggrieved by an unlawful practice within the scope of this Ordinance may make, sign, and file a complaint alleging violations of this Ordinance. The Commission may, upon its own initiative, also make, sign, and file a complaint. All complaints must be verified in accordance with Pennsylvania Rule of Civil Procedure 1024. The complaint shall include the following information:

- A. The name and address of the aggrieved person(s) (Complainant(s));
- B. The name and address of the person(s) alleged to have committed the prohibited practice (Respondent(s));
- C. A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory practice;
- D. If applicable, the address and a description of the place of employment, or dwelling unit, or public accommodation which is involved; and
- E. Such other information as may be required by the Commission.

701.2.2 Power to Amend or Withdraw

The Commission or the Complainant shall have the power to reasonably and fairly amend or withdraw any complaint, and the Respondent shall have the same power to amend their answer.

701.2.3 Method and location of filing

Complaints may be filed in person at the Chester County Solicitor's Office or online at the Commission's website. Complaints shall be marked with the date and time received.

701.2.4 Deadline to file

All complaints must be received by the Chester County Solicitor's Office or by the Human Relations Commission website within one hundred eighty (180) days of the most recent alleged act(s) of discrimination.

701.2.5 Duties of County Solicitor Upon Receipt

The Chester County Solicitor's Office shall convey all original complaints it receives to the Chairperson of the Commission within ten (10) days of the Office's receipt of such complaints.

701.3 Preliminary Jurisdictional Review

- A. Within thirty (30) days of its receipt of a complaint, the Commission shall conduct a review to determine if the complaint is within the jurisdiction of the Commission, including a determination as to whether the complaint sets forth a prima facie case of discrimination.
- B. If the complaint is determined to be outside the jurisdiction of the Commission, no further review or investigation will take place. Within ten (10) days of the determination, the Commission shall send a written notice to the Complainant informing them that the Commission does not have jurisdiction to hear the complaint.
- C. If the complaint is determined to be within the jurisdiction of the Commission, within ten (10) days of the determination, the Commission shall send a written notice to the Complainant informing them that the complaint has been received and will be investigated. If the complaint alleges discrimination on a basis proscribed under federal or state law, the notice sent to the Complainant shall also inform them of the right to file with the Pennsylvania Human Relations Commission and/or with the federal Equal Employment Opportunity Commission, or any other relevant entity.
- D. If the complaint is found to be within the jurisdiction of the Commission, within ten (10) days of the determination, the Commission will send a copy of the complaint to the Respondent by USPS first-class mail and via electronic mail if such information is provided to the Commission.

701.4 Response to the Complaint

- A. The Respondent(s) shall file a written, signed, and verified answer to the complaint within sixty (60) days of the mailing date of the complaint. The answer to a complaint shall be filed in the same manner as an original complaint, in-person or online.
- B. The Chester County Solicitor's Office shall convey Respondent's answer to the Human Relations Commission within ten (10) days of the Chester County Solicitor's Office's receipt thereof. The Commission shall send a copy of the answer to the Complainant within ten (10) business days of their receipt of the complaint.

701.5 Investigation

- A. The Commission, or such persons as it may designate (hereinafter referred to as the “Investigator”), shall review the complaint and the answer and gather such additional information as deemed necessary to conciliate or otherwise resolve the dispute. Such information may include interviews, record and/or document review, and data collection.
- B. The Commission may, in the conduct of such investigation, issue subpoenas to any person charged with an unlawful practice, to furnish information, records or other documents, or to give sworn testimony, as necessary to assist in its investigation. The Commission may seek enforcement of its subpoena by Petition to the Court of Common Pleas of Chester County if needed.
- C. If the Investigator determines that no unlawful practice has occurred, they will present that finding to the Commission, and if the Commission agrees, the Commission shall notify the Complainant and Respondent, within ten (10) days of the determination, that the Commission has determined that the Ordinance has not been violated.
- D. If the Investigator determines there is probable cause that a violation of this Ordinance has occurred, the investigator will present their findings to the Commission. If the Commission agrees that there is probable cause that a violation of the Ordinance has occurred, the Commission shall make conciliation services reasonably available to the parties. The Commission shall send notice of the determination of probable cause to both the Complainant and the Respondent within ten (10) days of said determination.
 - i. The Commission may appoint a mediator to meet with the parties. The mediator shall be a non-adjudicatory member of the Commission, where possible. If the parties are able to agree on a conciliation and resolution, the parties will memorialize this agreement in writing to the resolution of the complaint. The resolution of the complaint shall be provided to the Commission for review and approval. When the Commission approves the resolution, the Commission shall mark the complaint as resolved and close the matter.
- E. In the event that conciliation fails or is rejected by the parties, the Commission shall schedule the matter for adjudication at a public hearing within thirty (30) days of such notification.

701.6 Public Hearing

- A. If the Commission determines it is not possible to resolve the complaint informally, the Commission shall schedule and hold a public hearing on the complaint. A minimum of ten (10) days' notice of the hearing shall be provided to both the Complainant and the Respondent. The Commission may designate one Commissioner to serve as a master to preside at such a hearing or it may, at its election, conduct such hearing with a quorum of the Commission.
- B. At the public hearing, if the complaint has been filed by the Commission, the case in support of the complaint shall be presented by the County Solicitor's Office. Otherwise, the Complainant or their attorney, if they are represented, shall present the case in support of the complaint. Both the Complainant and the Respondent may appear at the hearing with or without counsel and testify. In addition, both the Complainant and the Respondent may introduce the testimony of witnesses and may submit documentary evidence. The Commission and the parties shall not be bound by the strict rules of evidence at the hearing. The testimony shall be taken under oath and shall be recorded.
- C. Except as otherwise provided, any order of the Commission may be reviewed under the provisions of 2 Pa.C.S. § 751, *et seq.*

701.7 Findings of Commission

701.7.1 Finding of No Discrimination

If, upon consideration of all the evidence presented at the hearing, the Commission finds that the 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 parties an order dismissing the complaint as to the Respondent.

701.7.2 Finding of Discrimination

If, upon consideration of all the evidence presented at the hearing, the Commission finds that the Respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this Ordinance, the Commission shall state its findings of fact and shall issue and cause to be served on the parties an order requiring the Respondent to cease and desist from such unlawful discriminatory practice and to take such additional action as the Commission deems appropriate and allowed by this Ordinance and state and federal law.

701.7.3 Remedies Upon Finding of Discrimination

The Commission shall have the authority to order any remedies available under the Pennsylvania Human Relations Act, or the Commission may act directly to ensure there is a remedy to the discrimination by requiring the Respondent to change

practices, make restitution, and, in egregious instances, pay a fine of no more than \$500.00.

SECTION 801 – Unlawful Retaliation

Filing a complaint under this Ordinance is a protected activity. It is unlawful for any person to retaliate against an individual who files a complaint under this Ordinance, regardless of the merits of the complaint. Unlawful retaliation occurs when a person takes an adverse action against an individual either in response to the exercise of rights under this Ordinance or to deter or prevent such protected activity in the future. To establish retaliation the individual shall demonstrate the following:

- A. The individual or someone on behalf of the individual has been, is, or is believed to be engaged in a protected activity under this Ordinance;
- B. The individual experienced an adverse action caused by the person retaliating; and
- C. There is a causal connection between the protected activity and the adverse action.

SECTION 901 – Penalty for Interference

Any person who shall willfully resist, prevent, impede, or interfere with the Commission, its members, agents, or agencies in the performance of duties pursuant to this Ordinance, or who shall willfully violate an order of the Commission, shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), in the discretion of the Court, but procedure for the review of an order shall not be deemed to be such willful conduct.

SECTION 1001 – Appeal and Non-limitation of Remedies

- A. Any final order or decision of the Commission may be appealed to the Court of Common Pleas of Chester County in accordance with the Local Agency Law, 2 Pa.C.S. § 751 *et seq.*
- B. Equitable principles such as waiver, estoppel and equitable tolling shall apply to the time limitations for the filing of any complaint or other pleading under this Ordinance.
- C. Nothing in this Ordinance shall limit the right of an aggrieved person to recover under any other applicable law or legal theory.

SECTION 1101 – Duties of County and County Departments

The County Chief Executive Officer is directed to:

- A. Ensure that office space for meetings of the Commission, financial support

up to five-hundred dollars (\$500.00) per year, and other resources needed for operation and investigations are provided to the Commission. A webpage for the Commission, including a mechanism for online filing complaints of discrimination, shall be provided on the County's website.

- B. The Chester County Board of Commissioners, through appropriate staff, shall advertise for and appoint a full complement of members to the Human Relations Commission within ninety (90) days of the date of enactment of this Ordinance.
- C. Appropriate County staff are hereby authorized and empowered to take all such further action, including any necessary transfers of funds, and execute additional documents as they may deem appropriate to carry out the purposes of this Ordinance.
- D. The County Chief Executive Officer shall distribute copies of this Ordinance to the proper Elected Officials and other personnel of Chester County whose further action is required to achieve the purpose of this Ordinance.
- E. The County Chief Executive Officer shall file copies of this Ordinance with the Clerk or Secretary of each local municipality within the County within thirty (30) days of the date of enactment.

SECTION 1201 - Effective Date

This Ordinance shall take effect on December 23, 2025 or ninety (90) days after enactment.

ENACTED AND ORDAINED this 24th day of September, 2025, by the Board of Chester County Commissioners.

COMMISSIONERS:

Josh Maxwell, Chair

Marian D. Moskowitz, Commissioner

Eric M. Roe, Commissioner

ATTEST:

David A. Byerman, Chief Clerk