

ARTICLE 1737

Fair Housing Ordinance

- 1737.01 Definitions.
- 1737.02 Unlawful Discriminatory Practice.
- 1737.03 Notice Procedures.
- 1737.04 Investigation.
- 1737.05 Findings.
- 1737.06 Penalties.
- 1737.07 Formal complaints.

CROSS REFERENCES

Title VIII of the Civil Rights Act of 1968 as amended
Pennsylvania Human Relations Act of 1955 P.L. 744 as amended

1737.01 DEFINITIONS

As used in this article:

- (a) "Unlawful Discriminatory Housing Practice" means any act that is unlawful under Section 1737.02 of this article.
- (b) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence for one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (c) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees-in-bankruptcy, receivers and fiduciaries.
- (d) "Compliance Officer" means the City of Bethlehem official designated by the Mayor as the person for handling alleged violations under this Article.

1737.02 UNLAWFUL DISCRIMINATORY PRACTICE

It shall be unlawful for anyone to do any of the following because of actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids:

- (a) Refuse to sell, lease, finance or otherwise deny or withhold any dwelling from any person;
- (b) Discriminate against any person in the terms or conditions of selling or leasing any dwelling or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any dwelling;
- (c) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of any dwelling;
- (d) Print, publish, or circulate any statement or advertisement relating to the sale, lease or acquisition of any dwelling or the loan of money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any dwelling.

If someone has a physical or mental disability, has a record of such a disability, or is regarded as having such a disability, a landlord may not:

- (a) Refuse to let them make reasonable modifications to a dwelling or common use areas, at their expense, if necessary for the disabled person to use the housing;
- (b) Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use the housing.

(Ord. 2017-49. Passed 12/19/2017.)

1737.03 NOTICE PROCEDURES

- (a) Any individual claiming to be aggrieved by any unlawful discriminatory housing practice covered by this article shall, within one hundred-eighty (180) days after the alleged discriminatory housing practice occurs, file with the Compliance Officer, a notice, in which shall state:
 - (1) The alleged unlawful discriminatory housing practice complained of;
 - (2) The name and address of the person alleged to have committed the unlawful discriminatory housing practice complained of;
 - (3) When the unlawful discriminatory housing practice occurred;
 - (4) Where the unlawful discriminatory housing practice occurred;
- (b) Within five (5) days after the receipt of such notice, the Compliance Officer shall forward a copy of same, by certified mail, return receipt requested, to the person alleged to have violated Section 1737.02 of this Article and permit this person(s)

to submit a response within thirty (30) days of receipt of this notice.

1737.04 INVESTIGATION

- (a) The Compliance Officer shall investigate a complaint and determine if there is reasonable cause to believe this Article has been violated.
- (b) If it is determined after the investigation that there is no basis for the allegations of the complaint, the Compliance Officer will within ten (10) days from such determination forward a written notice stating such by certified mail, return receipt requested, to both the complainant and the person(s) alleged to have committed the discriminatory act.
- (c) If the Compliance Officer determines that reasonable cause exists for allegations of the complaint, the Compliance Officer shall work to eliminate the unlawful practice by persuasion, conference and conciliation.
- (d) If it is not possible to eliminate such unlawful practices by persuasion, a hearing shall be scheduled by the Compliance Officer and a written notice will be served to both the complainant and respondent.

At said hearing, the Director of Community and Economic Development shall preside as the Hearing Officer. Either party may elect as an alternate to such Hearing, to have the claims decided in a civil action brought under the jurisdiction of either Lehigh County or Northampton County Court of Common Pleas. The written notice of hearing will include this information.

- (e) Both parties will have a chance to support their claim and may attend the hearing with counsel, if they so choose.

1737.05 FINDINGS

After the hearing, the Hearing Officer shall prepare a written statement of findings. If he/she feels that no unlawful discriminatory practice has taken place, the claim will be dismissed. However, if the Hearing Officer feels an unlawful discriminatory practice has taken place, a citation shall be issued and brought before the appropriate District Justice.

1737.06 PENALTIES

Any person who violates this ordinance shall, upon conviction before a District Justice of the City of Bethlehem, Pennsylvania be subject to the following penalties:

- (a) First violation - A fine of \$200.00, or thirty days imprisonment, or both;
- (b) Second violation - A fine of \$500.00, or sixty days imprisonment, or both;
- (c) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both.

1737.07 FORMAL COMPLAINTS

Reporting a housing complaint with the Compliance Officer does not preclude the complainant from filing a formal complaint directly with either the Pennsylvania Human Relations Commission or the Department of Housing and Urban Development under Title VIII of the Civil Right of 1968.

(Ord. 3934. Passed 2/2/1999.)