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Press Release

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FOR IMMEDIATE RELEASE
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SPEECH BEFORE ALLEGHENY COUNTY COUNCIL REGARDING PROPOSED HUMAN RIGHTS ORDINANCE

PITTSBURGH, PA, FEBRUARY 18, 2009: We want to applaud your work on creating an anti-discrimination ordinance for Allegheny County. We are especially pleased to see that you are expanding on the PA Human Relations to add marital status, familial status, sexual orientation, and gender identity to your set of protected classes. Should this ordinance be passed, it will become the fifteenth jurisdiction in the state to provide expanded local protections against discrimination in Pennsylvania.

After reviewing the proposed ordinance, Pennsylvania NOW is recommending five amendments and a review of the enforcement section of the proposed ordinance to strengthen its protections. My detailed testimony contains more detail as well as several attachments for your perusal and assistance in amending the ordinance.

First and second, we believe you should expand the definition of familial status to include family responsibilities across the lifespan and to include these protections in all four areas of the ordinance - employment, public accommodations, housing, and real-estate so that for example

1. A foster family would be able to participate in a local bowling tournament even though they are not related by blood or marriage; and
2. A woman could not be denied a job because the potential employer believes that she might have family childcare or eldercare responsibilities; and
3. A woman and her 19-year old child fleeing a domestic violence home would not be forced to either have her husband co-sign a lease and/or be denied housing because their family doesn't meet the traditional housing definition of a family with children under the age of 18 domiciled in the home.

Third, we believe you should remove the special privileges for married persons in the employment section of the ordinance. As currently proposed, this clause

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essentially denies protections for sexual orientation that you elsewhere state will be a protected class. It also negates all protections in employment for unmarried, separated, single, widowed and divorced individuals. Currently, Pennsylvania recognizes only marriages between one man and one woman. Pennsylvania does not recognize either: (1) same-sex marriages; or (2) civil unions, domestic partnerships, or alternative statuses—whether entered into by same-sex or opposite-sex couples. Those affected by this clause would therefore include employed senior citizens who live together but are not married because of economic considerations, couples who believe they have a "common law marriage" (which is no longer recognized in Pennsylvania), and gay or straight couples who have an intimate relationship.

Forth, we believe you should add source of income to the protections in the fair housing and real-estate sections of the ordinance. One of the questions often asked on a financial application for housing is one's sources and amounts of income. Sources of income can range from earned income to retirement income, to public assistance, to child support and alimony. People need housing regardless of where their funds come from. When they have the income, credit worthiness and other credentials to either rent or buy a home, housing should not be denied.

Fifth, we believe that you should add retaliation as a protected class in all four sections of the ordinance. Supporters of as well as the person being discriminated against are often fearful of filing a complaint related to employment or housing because they are fearful of retaliation by their employer, landlord, or mortgage lender, etc. Pennsylvania has this protection in the law. So should you.

And finally, we believe that you should have your solicitor review the enforcement section of the ordinance to make sure that this section is clear that the investigation and adjudication of complaints are done by different people. Unless the people who conduct the investigation are completely different from the people who sit on the Commission to hear the allegations and adjudicate the case, you may be denying the respondent due process. On January 23, 1991, the Pennsylvania Commonwealth Court vacated a similar anti-discrimination ordinance in Reading, PA because it allowed the same people to both investigate and adjudicate all complaints.

Thank you for your time and effort in crafting an ordinance of such importance to this community.

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Note: Pennsylvania NOW, Inc. was formed in 1972. Pennsylvania NOW is a grassroots, non-profit, volunteer organization with over 13,000 contributing members and about 20 chapters statewide. Over 1/8 of our members reside within the borders of Allegheny County. NOW members are women and men, young and old, all colors, classes and backgrounds, working together to bring about equal rights for all women.