

April 8 2019
Background

These are responses to answerable questions from the November 2018 public meeting about the proposed Human Relations Ordinance. These responses were written by Luis Medina, Sue Mahon, and Jordi Comas as a service to the public. [The supporters of this ordinance have accumulated more information here.](#)

What is a Human Relations Ordinance (HRO)?

An ordinance is a law at the municipal level. A Human Relations Ordinance (HRO) is one that protects the civil rights for a category of people in areas of life such as housing, employment, and public accommodation.

What are the 'protected categories' covered in this ordinance?

The ordinance would honor the civil rights of anyone and prevent discrimination on the basis of 'race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, gender expression, genetic information, handicap or disability, use of guide or support animals because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals'. Certain civil rights are already protected at the commonwealth level, but 'sexual orientation, gender expression or identity, genetic information' are not, which is why more than 55 boroughs and towns have created their own ordinances to protect the civil rights of people based on sexual orientation, gender expression or identity or genetic information.

Is it expensive for a borough?

No. A borough can elect to fund training for a Human Rights Commission (HRC). There can be printing costs for complaint forms. There can be marketing costs to publicize benefits of a Human Rights Commission (HRC). The total costs per year can range from \$0 to at most a few thousand for training and public outreach materials. This would be in the range of 0.01-0.02% of the total Borough budget.

Does this interfere with freedom of religion?

No. The ordinance is only about discrimination in employment, housing and public accommodation. Religious organizations that do not take government funds are exempt from the ordinance in housing and employment. The HRO does not advocate a particular teaching, creed, or doctrine.

The Lewisburg HRO is subject to the PA Human Relations Act which has extensive exemptions for religions. More info about the [PA Human Relations Commission](#).

Will it be a burden on businesses?

For Lewisburg to clearly align itself with being as open and tolerant as possible is a boon to our businesses. Businesses are already subject to the jurisdiction of the PA Human Relations Act. A local HRC can in fact help mediate and avoid entanglements with the distant PHRC in Harrisburg. Moreover, the local HRO clearly empowers frivolous complaints to be dismissed. One of the commissioners will be a business representative. If a business discriminates, they might find it burdensome.

If a business discriminates against anyone in a protected category, then it may face some burdens. However, we reiterate that the point is to reduce discrimination.

Will the Borough be sued by dissatisfied parties?

That is always a possibility for any ordinance, be it signs, land development, trees, police, architectural review, and so on. To date, at least 55 Pennsylvania communities have instituted an HRO, and we do not know of any lawsuits against municipalities for simply having one.

The City of Allentown was sued over the very fact of having a local HRO (or NDO) and the Pennsylvania Commonwealth court clearly ruled that it is constitutional and legal. [Link to newspaper article.](#)

Does the HRO extend beyond geographical Borough limits, by employees of certain agencies outside the Borough, such as police?

No. The Human Relations Ordinance applies only in the Borough of Lewisburg. If discrimination practices happen in the Borough, then the ordinance would apply.

To that effect, how will this ordinance affect shared municipal services like Buffalo Valley Recreation Association (BVRA) and Buffalo Valley Regional Police Department (BVRPD)?

It would depend on the location of discrimination. For example, BVRA is housed in the Borough of Lewisburg. BVRA must comply with the guidelines in this ordinance. BVRPD is housed in East Buffalo Township, but if the discrimination act happens in the Borough, the ordinance can be applicable.

Officers of BVRPD already take an oath of office that includes non-discrimination on the protected categories of the HRO. Also, the BVRPD policies are built around the same ethos of non-discrimination. BVRA also has internal policies as do many large employers that are similar to the HRO.

Can an employer get in trouble for not employing or firing a LGBTQ+ applicant?

Employers hire based on experience and qualifications. If a prospective employee is not hired BECAUSE they are LGBTQ+ or fired for the same reason, then yes - that is considered discriminatory because sexual orientation and gender identity and expression are considered protected categories. The protection of employment civil rights would ALSO be for any of the other protected categories.

There is an exemption for religious organizations that do not receive government grants.

The ordinance mentions 'Housing Accommodation'. Does that include someone renting a room or apartment within their own home?

No. The ordinance does NOT apply to rental of housing in one's own primary residence. Specifically, the term "Housing Accommodation" 'shall not include any personal residence offered for accommodation by the owner or lessee thereof or by his or her broker, salesperson, agent or employee'.

What is the function of the Commission?

A Human Relations Commission consisting of five members will be appointed by the Borough Council to review complaints. The Commission will review the complaint and decide its validity based on whether the complaint is timely, whether the Commission has jurisdiction, and whether it is substantive and non-frivolous. It will then follow the guidelines as stipulated in the HRO. [See details here.](#) There are approximately 54 Pennsylvania municipalities that have passed Human Relations Ordinance/ Non- Discrimination Ordinance.

What if I have further questions?

You can email questions to Councilperson Jordi Comas at jcomas@lewsiburgborough.org.