

TO THE RESIDENTS OF THE BOROUGH OF MIDDLETOWN

Notice is hereby given that the Borough Council of the Borough of Middletown will consider for adoption the following Ordinance at the Regular Business Meeting on September 3, 2019 at 7 P.M. in the Council Chambers of Middletown Borough Council located at Borough Hall, 60 West Emaus Street, Middletown, PA 17057.

**ORDINANCE NO. 2019-1365**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF MIDDLETOWN, DAUPHIN COUNTY, PENNSYLVANIA, PART I, CHAPTER 33, HUMAN RELATIONS COMMISSION BY REPEALING THE EXISTING HUMAN RELATIONS COMMISSION ORDINANCE AND ENACTING A NEW HUMAN RELATIONS COMMISSION ORDINANCE.**

**WHEREAS**, the Council for the Borough of Middletown (the “Borough”) has reviewed the current Human Relations Commission Ordinance and desires to amend the Ordinance to provide for a more active Commission that will help to protect against discrimination for all Borough residents regardless of class; and

**WHEREAS**, members of the Commission have communicated to Council that the Pennsylvania Human Relations Commission has been consulted with regard to the proposed amendments; and

**WHEREAS**, the Borough has considered the amendments to the Human Relations Commission Ordinance to be for the protection of Borough residents.

**NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED**, by the authority of the Borough Council of the Borough of Middletown, Dauphin County, Pennsylvania, that the Code of Ordinances of the Borough of Middletown, Part I, Chapter 33, Human Relations Commission, be amended as follows:

**SECTION 1.** The Code of Ordinances of the Borough of Middletown, Part I, Chapter 33, Human Relations Commission, shall be amended and replaced in its entirety and shall read as follows:

Article I Purpose

§ 33-1. Purpose and Declaration of Policy.

- A. In order to ensure that all persons enjoy the full benefits of citizenship and are afforded equal opportunities for employment, education, housing, commercial property, and the use of public accommodations, regardless of race, color, religious belief, ancestry, familial status, marital status, age, veteran status, sex, national origin, genetic information, seen and unseen disabilities, because of a person’s sexual orientation, gender identity or gender expression, or, to the fullest extent protected under the Pennsylvania Human Relations Act, as amended, 43

P.S. § 951 (the “PHRA”), or the federal Fair Housing Act, as amended, 42 U.S.C. § 3601 et seq. (the “FHA”), (a) the use of guide or support animals or (b) because the user is a handler or trainer of such support or guide animals, it is necessary that appropriate legislation be enacted.

- B. It is hereby declared to be the public policy of Middletown Borough to encourage the tolerance, respect and understanding of all individuals regardless of race, color, religious belief, ancestry, familial status, marital status, age, veteran status, sex, national origin, genetic information, seen and unseen disabilities, because of a person’s sexual orientation, gender identity or gender expression, or, to the fullest extent protected under the PHRA or FHA, (a) the use of guide or support animals or (b) because the user is a handler or trainer of such support or guide animals.
- C. Nothing in this Chapter shall be construed as supporting or advocating any particular doctrine, position, point of view, lifestyle or religious belief. It is the intention of this Chapter that all persons be treated fairly and equally, and it is the express intent of this Chapter to guarantee fair and equal treatment under the law to all people of the Borough.

## Article II Terminology

### § 33-2. Definitions.

The following words and phrases when used in this Chapter shall have the meanings given to them in this subsection. To the extent words and phrases appearing in this Chapter are not expressly defined herein, their meaning for purposes of this Chapter shall be the same as such words are defined in the Pennsylvania Human Relations Act, and such words, if not therein defined, shall be construed consistently with the Pennsylvania Human Relations Act.

#### BOROUGH

The Borough of Middletown, County of Dauphin, Commonwealth of Pennsylvania.

#### BOROUGH COUNCIL

The duly elected and/or appointed Borough Councilors of Middletown Borough.

#### DISCRIMINATION

Any discriminatory act(s) taken by any person, employer, entity, employment agency, or labor organization, with respect to or involving a transaction related to employment, public accommodations, commercial property or housing accommodations, on the basis of a person’s race, color, religious belief, ancestry, familial status, marital status, age, veteran status, sex, national origin, genetic information, seen and unseen disabilities, because of a person’s sexual orientation, gender identity or gender expression, or, to the fullest extent protected under the PHRA or FHA, (a) the use of guide or support animals or (b) because the user is a handler or trainer of such support or guide animals.

## DISCRIMINATORY ACTS

All acts or actions defined in the PHRA as unlawful discriminatory practices as related to employment, public accommodations, commercial property or housing accommodations, when those acts or actions are taken on the basis of a person's race, color, religious belief, ancestry, familial status, marital status, age, veteran status, sex, national origin, genetic information, seen and unseen disabilities, because of a person's sexual orientation, gender identity or gender expression, or, to the fullest extent protected under the PHRA or FHA, (a) the use of guide or support animals or (b) because the user is a handler or trainer of such support or guide animals. Acts or practices not outright defined by the Pennsylvania Human Relations Act as unlawful will still be prohibited by this Chapter when it is ruled by the Commission that the acts or practices have been based on a person's race, color, religious belief, ancestry, familial status, marital status, age, veteran status, sex, national origin, genetic information, seen and unseen disabilities, because of a person's sexual orientation, gender identity or gender expression, or, to the fullest extent protected under the PHRA or FHA, (a) the use of guide or support animals or (b) because the user is a handler or trainer of such support or guide animals. In addition, this Ordinance extends the protections of this Chapter to prohibit discriminatory acts based on actual or perceived sexual orientation, gender identity or gender expression, regardless of the PHRA at the time of such act or practice does not define it as unlawful.

## EMPLOYER

Any person who employs one or more employees, including the Borough, its departments, boards and commissions, and any other government agency within its jurisdiction. The term "employer" excludes persons acting in a supervisory capacity unless they are an owner of the entity employing the complainant.

## GENDER EXPRESSION

The manner in which a person's gender identity is communicated to or perceived by others, through appearance, behavior, or physical characteristics that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or sex at birth, and shall include, but is not limited to, persons who are undergoing or have completed sex change.

## GENDER IDENTITY

The gender(s), or lack thereof, a person self-identifies as, whether or not based on biological fact or sexual orientation.

## GENETIC INFORMATION

That information which is defined as genetic information in the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C.A. § 2000ff.

## HOUSING ACCOMMODATIONS

Includes:

Any building, structure, mobile home site or facility, or portion thereof, which is used or occupied or is intended, arranged or designed to be used or occupied as the home residence or sleeping place of one or more individuals, groups or families whether or not living independently of each other; and

Any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, mobile home site or facility.

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.

## LEGAL TRANSACTION

A good or service exchanged between two or more persons under protection of the law.

## PERSON

One or more individuals, partnerships, associations, organizations, corporations, limited liability entities, legal representatives, trustees in bankruptcy or receivers, including by not limited to any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, independent contractor, lending institution and the Commonwealth of Pennsylvania, and all political subdivisions, authorities, boards and commissions thereof.

## PUBLIC ACCOMMODATION

Any accommodation, resort or amusement which is open to, accepts or solicits the patronage of the general public or offers goods or services, including loans, to the general public or is listed in Section 4(1) of the Pennsylvania Human Relations Act, 43 P.S. § 954(1), but shall not include accommodations which are in their nature distinctly private.

## SEXUAL ORIENTATION

Actual or perceived heterosexuality, bisexuality or homosexuality of a person.

Article III Commission Establishment; Powers and Duties

§ 33-3. Establishment of Human Relations Commission.

Pursuant to Section 962.1 of the Pennsylvania Human Relations Act, there is hereby established a Human Relations Commission in and for the Borough of Middletown (hereinafter referred to as the “Middletown Borough Human Relations Commission”, “MHRC” or the “Commission”).

A. Commission Composition and Member Eligibility

1. The Commission shall consist of five Borough residents of legal voting age.

B. Commission Member Appointment

1. When the Commission consists of less than three people, the initial three positions will be selected by the Mayor, to be approved by Borough Council. Those three parties will then select successful candidates for the remaining two vacancies, who will also be approved by Borough Council.
2. When the Commission consists of three people or more, the serving Commission members will select nominees to be approved by Borough Council.

C. Commission Member Removal

1. After receiving a written referral for removal from the Mayor, a member of Borough Council or MHRC, the Borough Council may vote to remove a Commission member prior to the completion of their term, for either actions or statements that contradict what is laid out in this Ordinance's "Purpose and Declaration of Policy", or that obstruct this Commission or its members from executing what is laid out in this Ordinance's "Powers and Duties", after they have provided that member with an opportunity to respond to the referral to Borough Council.

D. Commission Member Terms

1. When the Commission is vacant the initial appointee will serve for five years, the second appointee for four years, the third appointee for three years, and the fourth and fifth for two years.
2. When the Commission is not vacant each Commission member will serve a three year term.
3. A Commission member's term begins the date that their appointment is approved by Borough Council.
4. Upon completion of their term a Commission member may opt to renew their term, with the majority-approval of the remaining Commission members and Borough Council.
5. Commission members can serve no more than three consecutive terms, but are otherwise unrestricted in the number of total terms they may serve in their lifetime.

E. Commission Member Training

1. Members of the Commission shall, as soon after their appointment as practical, attend such training and education seminars or sessions as

deemed necessary to acquaint themselves with the functioning of the MHRC under this Ordinance, as well as the terms, conditions and provisions of the Pennsylvania Human Relations Act, and the operation of the Pennsylvania Human Relations Commission. Such training and education shall be as directed by the Chairperson and shall be performed in conjunction with the Pennsylvania Human Relations Commission.

F. Commission Member Compensation

1. The Commission under this Ordinance shall be supported by volunteers, unpaid staff, and volunteer efforts and shall be as close to “zero cost” to the Borough as reasonably feasible.
2. Members of the Commission may be paid expenses incurred in the performance of their duties, as approved by the Borough Council. Paid staff may be hired, as approved by the Borough Council, to assist in the performance of the duties of the Commission.

G. Commission Positions

1. Within the Commission’s first sixty calendar days of every calendar year, the Commission shall conduct a majority vote to elect its members to serve the following positions:

a. Chairperson

The Chairperson will be responsible for setting Commission meetings, coordinating with the Borough Manager regarding received complaints and answers, reporting to Borough Council, leading the Commission in determining its annual endeavors, and generally ensuring that the duties of the Commission are fulfilled. The Chairperson may delegate responsibility for Commission duties to specific Commissioners or to paid staff, if applicable.

b. Vice-Chairperson

The Vice-Chairperson will be responsible for supporting the Commission in the fulfilment of its duties as deemed necessary.

c. Secretary

The Secretary will be responsible for preparing Commission meeting agendas, recording Commission meeting notes, and supporting the Commission in the fulfilment of its duties as deemed necessary.

d. Treasurer

The Treasurer will be responsible for the financial management of the Commission, keeping a detailed log of its budget, costs, and expenses, ensuring that the Commission complies with Borough expense policy, and supporting the Commission in the fulfillment of its duties as deemed necessary.

e. Conciliator

The Conciliator shall be designated when needed to advance or resolve a claim of discrimination, by a majority vote of the Commission, for the sole intent of serving as a mediator to a specific complaint, or in the case that probable cause is determined to exist for the allegations of a specific complaint, to eliminate the discriminatory act that is complained of through persuasion, conference and conciliation.

2. In addition to the compulsory selection of roles within the Commission's first sixty days of the calendar year, the Commission may opt to alter or reappoint roles throughout the year with a majority vote of Commission members, though it may only opt to do so once, between January 1st and December 31st of the same year.

H. Commission Jurisdiction

1. The Commission shall have jurisdiction over complaints involving both the unlawful practices and discriminatory acts defined herein, committed within the Borough of Middletown.

I. Necessary Powers

1. The Commission shall have all of those powers necessary, with respect to discriminatory acts and unlawful practices as defined herein, to execute the duties set forth under this Ordinance.

J. Adaptability

1. The Commission shall be empowered to promulgate such additional procedures to those set forth herein as it determines to be necessary or desirable to implement the intent of this Chapter.

K. Operating Funds

1. The Commission shall operate within the scope of funds that may be allocated, on an annual basis, by Borough Council and shall not exceed the annual allocation in any year, except upon prior approval by Borough Council.

- A. Promote tolerance, respect and cooperation among all residents within the Borough of Middletown.
- B. Make studies into the status of human relations in the Borough of Middletown.
- C. Cooperate with and assist other organizations to improve quality of life for and relationships among the citizens of the Borough of Middletown.
- D. Encourage and conduct educational programs to improve human relations in the Borough of Middletown.
- E. Provide Borough Council with a monthly report on the Commission's activities, and on topics related to human relations in the Borough of Middletown.
- F. Make recommendations to the Borough Council concerning amendments, supplements, changes or modifications to Borough Code.
- G. Act as a referral group for complaints of alleged discrimination within the Borough of Middletown, to investigate and resolve when applicable, or to refer onto the appropriate agency for further action.

#### Article IV. Unlawful Practices; Exceptions

##### § 33-5. Unlawful Practices.

- A. Discrimination in housing, commercial property transactions, education, employment or public accommodations is prohibited under this Chapter.
- B. Imposing on a legal transaction a condition or restriction constituting an act of discrimination as defined in this Ordinance.
- C. Aiding, abetting, inciting, compelling or coercing the doing of any act declared by this Chapter to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this Chapter is prohibited under this Chapter.
- D. For any person, employer, employment agency or labor organization to discriminate in any manner against any individual because such individual has opposed any practice forbidden by this Chapter, or because such individual has made a charge, testified or assisted, in any manner, in any investigation, proceeding or hearing under this Chapter.
- E. For any person, employer, employment agency, labor organization or employee, to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or to obstruct or prevent any person from complying with the provisions of this Chapter or any order issued thereunder, or to attempt, directly or indirectly, to commit any act declared by this section to be an unlawful discriminatory practice.

##### § 33-6. Exceptions.



- A. The provisions of this Chapter shall not bar the following from giving preference to persons of the same religion or denomination or to members of the following from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes or fraternal principles for which it is established or maintained:
  - 1. Any religious or denominational institution; or
  - 2. Any charitable or educational organization which is operated, supervised or controlled by or in connection with any religious organization; or
  - 3. Any bona fide private or fraternal organization.
- B. The provisions of this Chapter shall not make it an unlawful employment practice for a religious corporation or association to refuse to hire or employ an individual on the basis of religion or sex where that is a qualification due to the group's beliefs and practices.

## Article V Commission Procedures; Expanded Procedures

### § 33-7. Procedures

These procedures detail the basic protocol the Commission shall follow in the execution of this Commission's duty to act as a referral group for complaints of alleged discrimination within the Borough of Middletown.

- A. Filing a Complaint
  - 1. Any person claiming to be aggrieved by a practice which is made unlawful under this Chapter may make, sign and file a verified complaint, alleging violations of this Chapter. Such complaint shall, at a minimum, contain the following information:
    - a. The name, telephone number, mailing address and email (if applicable) of the person filing the complaint (the complainant);
    - b. The name, telephone number, mailing address and email (if applicable) of the person(s) alleged to have committed the prohibited practice (the respondent(s));
    - c. A statement of the facts stated with particularity, including pertinent dates, times, locations, people, and acts involved constituting the alleged discriminatory practice;
    - d. If applicable, the address and a description of any property which is involved;
    - e. Such other information as may be required by the Commission.

2. Complaints may be filed in person at the Borough offices, or by mailing such complaints to the Borough offices, to the attention of the MHRC or the member of the Commission designated to handle complaint filings.
3. Complaints must be filed with the Borough within 180 calendar days of the occurrence of the last act giving rise to the complaint or the complaint may not be considered for investigation.
4. All complaints received shall be transmitted to the Chairperson of the Commission within 10 calendar days of receipt of the complaint. Upon receipt, the receiver shall conspicuously mark the face of the complaint with the date the document was first received in the Borough offices.
5. The Commission may promulgate forms for use by persons wishing to file a complaint; however, complaints which are prepared without the use of an approved form shall be deemed acceptable under this Chapter so long as the facts can be clearly determined from the document submitted as a complaint.

B. Notification and Answer

1. Within 30 calendar days of receipt of a complaint, the Commission shall:
  - a. Notify the Pennsylvania Human Relations Commission that the claim has been filed.
2. Send a notice to the complainant:
  - a. Informing them that the complaint has been accepted and processed by the Commission;
  - b. Instructing them to also file their complaint with the Pennsylvania Human Relations Commission when applicable; and
  - c. Instructing them to also file their complaint with the United States Equal Employment Opportunity Commission and/or the United States Department of Housing and Urban Development, when applicable.
3. Send a notice to the person(s) charged with a prohibited act or practice under this Chapter (the “respondent”):
  - a. Providing a copy of the complaint;
  - b. Providing a copy of this Chapter;
  - c. Requiring them to file a written verified answer to the complaint within 30 calendar days of their receipt of the complaint, in person

at the Borough offices, or by mailing such complaint answers to the Borough offices, to the attention of the MHRC or the member of the Commission designated to handle complaint answers.

4. Notify the Pennsylvania Human Relations Commission of the filing of the complaint if deemed to be within the jurisdiction of that Commission, as required under the Human Relations Act.
5. The respondent(s) written verified answer to the complaint shall be conveyed to the Chairperson of the Middletown Borough Human Relations Commission within 10 calendar days of its receipt by the Borough offices.
6. If the respondent(s) do not provide a written verified answer to the complaint, then the Commission shall act in accordance with the procedures laid out in this Ordinance, under Expanded Procedures.

C. Mediation

1. Within 15 calendar days of receiving the respondent(s) answer, the Commission shall send a notice to the complainant and respondent(s):
  - a. Inviting the complainant and the respondent(s) to voluntarily participate in the mediation of their dispute, conducted in accordance with procedures promulgated by the Commission;
  - b. Requiring them to file a written response to the invitation to mediate within 15 calendar days of receipt of the invitation to mediate, in person at the Borough offices, or by mail to the Borough offices, to the attention of the MHRC or the member of the Commission designated to handle responses to invitations to mediate.
2. Invitation to mediate responses shall be conveyed to the Chairperson of the Middletown Borough Human Relations Commission within 10 calendar days of its receipt.
3. Within 10 calendar days of receipt by the Commission of the complainant and respondent(s) responses to the invitation to mediate
  - a. If the complainant and respondent(s) have agreed to mediation:
    - (i) The Commission shall send a notice to the complainant and respondent(s):
      - (1) Allowing them 15 calendar days to jointly select an independent mediator or mediation service.

- (2) Notifying them that the complainant and respondent(s) shall agree to a Commissioner serving as Conciliator, or independent mediator, or mediation service to mediate the complaint, and that the complainant and respondent(s) shall be jointly responsible for any expenses associated with an independent mediator or mediation service.
      - (3) Requiring them to file a written verified notification of selected mediator or mediation service, in person at the Borough offices, or by mailing such notification of selected mediator or mediation service to the Borough offices, to the attention of the MHRC or the member of the Commission designated to handle notifications of selected mediator or mediation service.
      - (4) If the complainant and respondent(s) cannot jointly select an independent mediator or mediation service, then the Commission shall act in accordance with the procedures laid out in this Ordinance, under Expanded Procedures.
    - b. If the complainant declines to participate in mediation:
      - (i) Their complaint shall be dismissed;
      - (ii) The Commission shall:
        - (1) Send a notice to the complainant and respondent(s), notifying them of the complaint's dismissal.
        - (2) Notify the Pennsylvania Human Relations Commission that the complaint has been dismissed.
    - c. If the respondent(s) declines to participate in mediation, then the Commission shall act in accordance with the procedures laid out in this Ordinance, under Expanded Procedures.
  4. Within 10 calendar days of receipt by the Commission of the notification of selected mediator or mediation service, the Commission shall send a notice to the complainant and respondent(s):
    - a. Allowing them 30 calendar days to conduct mediation with their agreed upon mediator or mediation service;
    - b. Requiring them to file a written verified notification of mediation outcome (whether it successfully resolved the complaint) within 60 calendar days, in person at the Borough Offices, or by mailing

such notification of mediation outcome to the Borough offices, to the attention of the MHRC or the member of the Commission designated to handle notifications of mediation outcome.

5. Mediation proceedings shall be confidential. Neither the results thereof nor any record made in connection therewith shall be made public unless agreed to in writing by the complainant and respondent(s).
6. Dismissal of the complaint following mediation.
  - a. If the mediation has successfully resolved the complaint, the Commission shall:
    - (i) Notify the parties that it has dismissed the complaint.
    - (ii) Notify the Pennsylvania Human Relations Commission that the complaint has been dismissed.
  - b. If the mediation has not successfully resolved the complaint, then the Commission shall:
    - (i) Inform the parties involved that they are entitled to proceed to the Court of Common Pleas in Dauphin County.
    - (ii) Notify the Pennsylvania Human Relations Commission that mediation has not successfully resolved the complaint.

#### § 33-8. Expanded Procedures.

These expanded procedures detail the additional protocol the Commission shall follow, in the event that the protocol is not documented in the preceding procedures under § 33-7 of this Ordinance.

- A. If the respondent(s) does not provide a written verified answer to the complaint, the complainant and respondent(s) cannot jointly select an independent mediator or mediation service; the respondent(s) declines to participate in mediation, or the mediation has not successfully resolved the complaint, the Commission shall not dismiss the complaint but shall instead undertake the following procedures:
  1. The Chairperson or Acting Chairperson of the Middletown Borough Human Relations Commission shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the Commission.
- B. Finding of no cause
  1. If it shall be determined after the Commission's investigation that there is no basis for the allegations of the complaint, and if this determination is

agreed to by way of a majority vote of the Commission, within 10 calendar days of such a determination the Commission shall:

- a. Send a notice to the complainant and respondent(s), notifying them of such determination and dismissal of the complaint.
- b. Notify the Pennsylvania Human Relations Commission that the complaint has been dismissed.

C. Conciliation

1. If the Commission, after investigation, determines that probable cause exists for the allegations of the complaint, and if this determination is agreed to by way of a majority vote of the Commission, a Commission Conciliator shall immediately endeavor to eliminate the discriminatory act complained of by persuasion, conference and conciliation. A Commission Conciliator shall undertake conciliation following procedures promulgated by the Commission.
2. If it shall be determined after the Commission's attempt to conciliate, that the respondent(s) have, in the Commission's opinion, failed to comply with or participate in conciliation, and if this determination is agreed to by way of a majority vote of the Commission, then the Commission shall dismiss the complaint without prejudice. Within 10 calendar days of such dismissal, the Commission shall:
  - a. Send a notice to the complainant and respondent(s), notifying them of such determination and dismissal of the complaint.
  - b. Notify the Pennsylvania Human Relations Commission that the complaint has been dismissed.

D. Failure to accept reasonable resolution

1. If it shall be determined after the Commission's conciliation that the respondent(s) have, in the Commission's opinion, offered appropriate remedy which has been refused by the complainant, and if this determination is agreed to by way of a majority vote of the Commission, then the Commission shall dismiss the complaint with prejudice. Within 10 calendar days of such dismissal, the Commission shall:
  - a. Send a notice to the complainant and respondent(s), notifying them of such determination and dismissal of the complaint.
  - b. Notify the Pennsylvania Human Relations Commission that the complaint has been dismissed.

## Article VI APPLICABILITY, ADMINISTRATION AND ENFORCEMENT

### § 33-9. Effect on Other Filings.

This Ordinance shall not be applicable to matters that are the subject of pending or prior filings made by an aggrieved person before any state or federal court or agency of competent jurisdiction.

### § 33-10. Violations and Penalties.

- A. Any person who shall violate any provision of § 33-5 of this Ordinance may be subject to enforcement of the penalties provisions under Section 11 of the Pennsylvania Human Relations Act, as amended, which are incorporated herein by reference, in the Dauphin County Court of Common Pleas, or in any court of competent jurisdiction. The penalties contained in this Ordinance shall mirror any future changes to the Pennsylvania Human Relations Act as adopted by the General Assembly and approved by the Governor.
- B. The penalties included in the Pennsylvania Human Relations Act shall be extended to include all protected classes enumerated in this Ordinance.

### § 33-11. Attorneys' Fees.

Complainants and Respondents shall be liable for their individual attorneys' fees incurred in the execution of any procedure identified by this Ordinance.

### § 33-12. Private Right of Action.

Having exhausted the administrative remedies set forth herein, any person(s) aggrieved by a violation of this Ordinance shall have a right of action in the Dauphin County Court of Common Pleas or any other court of competent jurisdiction. Nothing in this Chapter shall limit the right of an aggrieved person to pursue any other rights or causes of action at law or in equity to which such person may be entitled.

## **SECTION 2. SEVERABILITY.**

If any clause, sentence, paragraph or part of this Chapter, or the application thereof, to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Chapter nor the application of such clause, sentence, paragraph or part to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and to the persons or circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Chapter would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

**SECTION 3. REPEALER.** The pre-existing Borough of Middletown Human Relations Commission Ordinance, as amended, is hereby expressly repealed; provided further that, nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any causes of action arising prior to the enactment of this Ordinance. All ordinances or parts of ordinances and all resolutions or parts of resolutions that are inconsistent herewith by virtue of references or incorporation of provisions in the preexisting Human Relations Commission Ordinance, as amended, shall, as nearly as possible, be construed to reference this Ordinance.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall become effective in accordance with applicable law.

**BE IT DULY ORDAINED AND ENACTED** into law this \_\_\_\_ day of \_\_\_\_\_ 2019, by the Borough of Middletown, Dauphin County, Pennsylvania, in lawful session duly assembled.

If you would like to obtain a copy of the proposed Ordinance prior to the Regular Business Meeting, please contact the Borough Secretary at 717-902-0706 or at [gmler1@middletownborough.com](mailto:gmler1@middletownborough.com).

BOROUGH OF MIDDLETOWN  
Grace Miller, Borough Secretary  
60 West Emaus Street  
Middletown, PA 17057