

# TOWAMENCIN TOWNSHIP

ORDINANCE NO. 26-3

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AN ORDINANCE AMENDING THE TOWNSHIP CODE BY ADDING A NEW CHAPTER 20 [HUMAN RELATIONS COMMISSION] AND MAKING PROVISION FOR SHORT TITLE; DECLARATION OF POLICY; PURPOSE; DEFINITIONS; UNLAWFUL PRACTICES; EXCEPTIONS; ESTABLISHMENT OF THE TOWAMENCIN TOWNSHIP HUMAN RELATIONS COMMISSION; PROCEDURES FOR FILING A COMPLAINT; MULTIPLE FILINGS; NON-LIMITATION ON REMEDIES; AND PENALTIES

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ENACTED:

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The Board of Supervisors deems certain amendment to the Township’s Code warranted and that such amendment is in furtherance of the Township’s health, safety, and welfare.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by this Board:

**SECTION 1.**     AMENDMENT TO THE TOWNSHIP CODE BY ADDING A NEW CHAPTER 20 [HUMAN RELATIONS COMMISSION]

The Township Code shall be amended by adding Chapter 20 [Human Relations Commission] that shall read as follows:

**CHAPTER 20 – HUMAN RELATIONS COMMISSION**

§20-1.     **Short Title.**

This Chapter shall be known as the “Towamencin Township Human Relations Ordinance.”

§20-2.     **Declaration of Policy.**

- A.     Discrimination of any kind undermines the Township’s health, safety, and welfare.

- B. The Township is committed to advancing fairness and equal opportunity in employment, housing, and public accommodations and to proactively educating the public in order to prevent discrimination.
- C. The Township finds that it is of high public importance to adopt an appropriate ordinance ensuring that all persons, regardless of actual or perceived differences, enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing and public accommodation.
- D. Nothing in this Chapter shall be construed as supporting, endorsing, or advocating any particular doctrine, point of view, or religious belief. On the contrary, it is this Chapter's express purpose and intent that all persons in the Township be treated fairly and equally under law.
- E. This Chapter shall be deemed a proper exercise of the Township's authority bestowed upon it under the Second Class Township Code, as acknowledged by the Township's Home Rule Charter, for the protection of the Township's health, safety, and welfare.

§20-3. **Purpose.**

It is the purpose of this Ordinance to:

- A. promote equal opportunity for all persons;
- B. prohibit discrimination in employment, housing, and public accommodations;
- C. establish a Human Relations Commission to receive, investigate, and mediate complaints of discrimination;
- D. advance public education, outreach, and community engagement to reduce discrimination and foster inclusion; and
- E. provide procedures consistent with the Pennsylvania Human Relations Act while extending protections locally.

§20-4. **Definitions.**

- A. The following words when used in this Chapter, shall have the meanings given to them under this section:

**BOARD OF SUPERVISORS**

The duly elected legislative body of Towamencin Township.

**DISCRIMINATION**

Any discriminatory act prohibited by this Chapter or by the Pennsylvania Human Relations Act, as amended, including, but not limited to, an act based wholly or partially on a person's actual or perceived differences, including but not limited to:

- Race
- Color
- Religious creed or non-religion
- National origin or ancestry
- Sex
- Pregnancy, childbirth, or related medical conditions
- Sexual orientation
- Gender identity or gender expression
- Marital status or relationship structure (including domestic partnership)
- Familial status
- Veteran or military status
- Natural hair or protective hairstyles
- Disability (physical, mental, intellectual, developmental)
- Use of guide or support animals
- Age (except where permitted by law)
- Genetic information
- Domestic or sexual violence victim status

- Citizenship or immigration status
- Source of income

### **DISCRIMINATORY ACTS**

Acts of discrimination as defined in this Chapter or the Pennsylvania Human Relations Act as unlawful discriminatory practices.

### **EMPLOYEE**

Any individual employed by an employer, except those who reside in the personal residence of the employer as part of employment.

### **EMPLOYER**

Any person employing one or more employees within the Township, including the Township government and its departments, but excluding agencies under federal or state jurisdiction, to the extent permitted by applicable law.

### **EMPLOYMENT**

The opportunity for an individual to obtain employment for which the individual is qualified.

### **GENDER IDENTITY OR EXPRESSION**

A person's gender-related identity, appearance, behavior, or expression, regardless of the individual's sex assigned at birth, including transgender, nonbinary, gender-nonconforming, and intersex identities.

### **HOUSING OR COMMERCIAL PROPERTY**

Any building, real property, or portion thereof offered for sale, lease, rental, or occupancy.

### **ORDINANCE**

This Chapter, which shall be referred to as the "Towamencin Township Human Relations Ordinance."

## **PERSON**

Any natural person, fraternal, civic or other membership organization, corporation, general or limited partnership, proprietorship, limited-liability company, or similar business organization, including the Township, its departments, boards and commissions, and any other for-profit and nonprofit organization.

## **PUBLIC ACCOMMODATION**

Any facility or service offering goods, services, privileges, advantages, or accommodations to the general public, including Township-owned or operated facilities.

## **SEXUAL ORIENTATION**

A person's actual or perceived heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality.

## **TOWNSHIP**

Towamencin Township, Montgomery County, Pennsylvania.

- B. Any terms of this Chapter not expressly defined herein shall be construed in a manner consistent with the Pennsylvania Human Relations Act.

### **§20-5. Unlawful Practices.**

It shall be an unlawful discriminatory practice to:

- A. **Discrimination in Employment:** Refuse to hire, employ, contract, promote, or otherwise discriminate against an individual based on a protected characteristic.
- B. **Discrimination in Housing and Commercial Property:** Refuse to sell, lease, rent, finance, or otherwise provide housing or commercial property based on a protected characteristic.
- C. **In Public Accommodations:** Deny or interfere with access to goods, services, facilities, privileges, advantages, or accommodations based on a protected characteristic.

- D. **Retaliation:** Retaliate against any person because such person has opposed any practice forbidden by this Chapter; who files a complaint; participates in proceedings; or assists another person.
- E. **Aiding or Abetting:** Encourage, assist, or incite another to commit a discriminatory act.

§20-6. **Exceptions.**

Nothing in this Chapter shall bar:

- A. Any religious or denominational institution or organization or any charitable or educational organization, which is operated, supervised or controlled by or in connection with any religious organization or any bona fide private or fraternal organization from giving preference to persons of the same religion or denomination or to members of such private or fraternal organization 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. Nor shall it apply to rental of rooms in a landlord-occupied rooming house with a common entrance, nor with respect to discrimination based on sex, the advertising, the 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.
- B. Any action otherwise permitted by state or federal law.

§20-7. **Establishment of Human Relations Commission.**

- A. Establishment.

Pursuant to the authority set forth under § 962.1 of the Pennsylvania Human Relations Act, 43 P.S. § 962.1, there is hereby established a Human Relations Commission for the Township, which shall be known as the "Towamencin Township Human Relations Commission" ("Commission").

- B. Powers.

The Commission shall have all of those powers necessary to execute the duties set forth under this Chapter, provided that such powers do not

exceed those exercised by the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act.

C. Members.

The Commission shall consist of three (3) Members, appointed by the Board of Supervisors for staggered three-year terms. The Board of Supervisors may, by resolution, increase the number of Members to five (5) if community participation and administrative needs so warrant.

Members:

- (1) shall be residents or individuals who work or own a business in the Township;
- (2) Members should demonstrate a commitment to fairness, inclusion, and civil rights, whether through community involvement, volunteerism, professional experience, or lived experience; and
- (3) serve without compensation.

D. Associate Members.

The Board of Supervisors may appoint one or more Associate Members to support the work of the Commission.

Associate Members:

- (1) shall serve without compensation and at the pleasure of the Board of Supervisors;
- (2) may participate in meetings, outreach activities, complaint intake assistance, and educational efforts;
- (3) shall not vote, be counted toward quorum, or participate in final determinations or official actions of the Commission; and
- (4) may assist in mediation or intake activities, provided that Associate Members assisting in intake shall not serve as mediators in the same matter unless necessary due to Commission size or vacancies.

Associate Members are intended to expand community participation, support succession planning, and assist the Commission in carrying out outreach and educational responsibilities.

E. Officers.

The Commission shall appoint a Chairperson annually.

F. Township Support.

The Township Manager, or his/her appointed designee, shall serve as staff liaison and may provide clerical, logistical, and administrative support.

G. Outreach & Education.

The Commission may conduct outreach and public education activities, including partnering with local organizations, sharing educational materials, and hosting public discussions, as resources and volunteer capacity allow.

H. Annual Update.

The Commission may provide an annual update to the Board of Supervisors describing its activities, community outreach, educational efforts, and general operations, as volunteer capacity allows. Nothing in this section shall be construed to require formal reporting or documentation beyond what the Commission is reasonably able to prepare.

I. Training and Orientation.

Members of the Commission shall participate in orientation or training sessions sufficient to familiarize themselves with:

- (1) the provisions and intent of this Ordinance;
- (2) applicable provisions of the Pennsylvania Human Relations Act;
- (3) basic complaint intake and confidentiality practices; and
- (4) principles of voluntary mediation and dispute resolution.

The Commission may coordinate such training with the Pennsylvania Human Relations Commission, neighboring municipal commissions, or qualified community or legal organizations.

J. Resources and Volunteer Service.

The Commission shall operate within resources allocated by the Township and shall rely primarily on volunteer service and available municipal support in carrying out its duties under this Chapter.

**§20-8.** Procedures for Filing a Complaint.

A. Filing.

Any aggrieved person may file a verified complaint within 180 days of the alleged act.

B. Intake.

- (1) Complaints may be received by any member of the Commission or by a Township staff liaison designated by the Township Manager.
- (2) The Commission may designate one or more members, or a Township staff liaison, to receive and process complaints.
- (3) To the extent practicable, any individual who performs the initial intake of a complaint shall not participate in the mediation or resolution of that complaint.
- (4) Nothing in this section shall be construed to require recusal if doing so would prevent the Commission from achieving a quorum or otherwise carrying out its duties.
- (5) The Commission may develop and make available a standard intake form to assist complainants in presenting relevant information. Complaints shall not be rejected solely for failure to use a prescribed form, provided sufficient information is supplied to permit review of the allegations.
- (6) To the extent practicable, intake materials should include:
  - Name and contact information of the complainant;
  - Identification of the respondent;
  - Description of the alleged discriminatory act;
  - Relevant dates and locations; and
  - Any supporting documentation available to the complainant.

- (7) Commission members or staff assisting in intake shall provide information regarding alternative filing options with state or federal agencies where applicable.

C. Notification.

Within thirty (30) days, the Commission shall, to the extent practicable:

- (1) notify the respondent and provide a copy of the complaint;
- (2) inform the complainant of PHRC and federal filing options;
- (3) offer voluntary mediation; and
- (4) require a written answer from respondent within thirty (30) days.

D. Resolution and Mediation.

Within sixty (60) days after the respondent's answer is due, the Commission shall, to the extent practicable, offer the parties the opportunity to participate in mediation to attempt informal resolution of the complaint, subject to the following:

- (1) Participation in mediation shall be voluntary, non-public, and confidential.
- (2) Statements made during mediation shall not constitute findings of fact or admissions and shall remain confidential to the extent permitted by law.
- (3) Conduct mediation through Commission members or refer the matter to a qualified neutral mediator or mediation service, as resources permit. Any costs or expenses which may be associated with the mediation shall be the responsibility of the parties.
- (4) Close the complaint upon confirmation that the matter has been voluntarily resolved by the parties.
- (5) If resolution is not achieved, issue notice to the complainant of the right to pursue remedies through the Pennsylvania Human Relations Commission or the Montgomery County Court of Common Pleas.

E. Confidentiality.

The Commission shall make reasonable efforts to protect the privacy of complainants and respondents during intake, mediation, and review processes, consistent with Pennsylvania law, including the Pennsylvania Right-to-Know Law and other applicable laws governing public records.

F. Quorum and Vacancies.

- (1) The Commission may act by a majority of its appointed members.
- (2) A vacancy on the Commission shall not impair the authority of the remaining members to carry out the duties of the Commission.

**§20-9. Multiple Filings.**

A complainant may not pursue the same matter simultaneously before Pennsylvania Human Relations Commission, Equal Employment Opportunity Commission, or any court. If a matter is filed elsewhere, the Commission may close its file.

**§20-10. Non-limitation on Remedies.**

Nothing in this Ordinance limits the right of an aggrieved person to pursue remedies under state or federal law.

**§20-11. Penalties**

- A. Penalties and enforcement shall be identical to those provided by the Pennsylvania Human Relations Act, including any future amendments.
- B. The Commission shall not impose monetary penalties or adjudicate damages but may facilitate voluntary resolution and refer complainants to appropriate state or judicial remedies where resolution cannot be achieved.
- C. Nothing in this Ordinance authorizes the Commission to exercise powers exceeding those permitted under applicable state law.

**SECTION 2.      SEVERABILITY**

This Ordinance's provisions are intended to be severable. If any section, sentence, clause, part, or provision of this ordinance is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction, such determination shall not affect or impair this Ordinance's remaining sections, sentences, clauses, parts, or provisions.

Furthermore, it is hereby declared to be this Board's express intent that this Ordinance still be adopted even if such an illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included.

**SECTION 3.      REPEALER**

All other ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby repealed.

**SECTION 4.      EFFECTIVE DATE**

This Ordinance shall take effect immediately from this Board's approval of it in accord with Pennsylvania law.

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**ORDAINED** and **ENACTED** by the Board at the Township's April 8, 2026 Meeting.

**TOWAMENCIN TOWNSHIP**  
**BOARD OF SUPERVISORS**

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JOYCE F. SNYDER, *Chairperson*

Attest:

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KOFI OSEI, *Secretary*