

PHRC and COVID-19 Housing and Commercial Property

The Pennsylvania Human Relations Commission Enforces Laws That Protect Certain Rights Pertaining To Where You Live, Work, Learn, And Obtain Services Offered To The Public

The PHRC enforces the Pennsylvania Human Relations Act (“PHRA”) which prohibits discrimination in employment, housing, commercial property and public accommodations. With respect to housing accommodations and commercial property, individuals are protected from discrimination because of:

- National Origin
- Ancestry
- Race
- Sex
- Familial Status
- Color
- Age
- Religion
- Disability
- Use of a Guide or Support Animal Because of the Blindness, Deafness or Physical Disability of the User
- Handler or Trainer of Support or Guide Animals
- Disability of an individual with whom the person is known to have a relationship or association.

Laws Enforced By The PHRC Do Not Conflict With Requirements Of The Center For Disease Control Or Other Federal, State, Or Local Authorities

The PHRA and implementing regulations continue to apply to entities subject to these laws, but they do not interfere with or prevent proprietors of housing accommodations and commercial property from following the guidelines and suggestions made by the CDC or state/local public health authorities about steps proprietors of public accommodations should take regarding COVID-19. Proprietors of housing accommodations and commercial property should remember



that guidance from public health authorities is likely to change as the COVID-19 pandemic evolves. Therefore, proprietors of housing accommodations and commercial property should continue to follow the most current information on maintaining safety and providing reasonable accommodations to persons with a disability.

What Is A Housing Accommodation?

The term housing accommodation 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. This includes 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.

What Are Some Examples Of Housing Accommodations?

Housing accommodations include, but are not limited to, the following examples:

- Single Family Homes
- Apartment Complexes
- Housing Authority Properties
- Mobile Home Parks
- Senior Living Facilities

Some exemptions may apply.

What Prohibitions Against Discrimination In Housing Accommodations Apply To COVID-19?

Your landlord cannot discriminate against you, evict you, or ask you to leave your apartment because of protected classes or fears and stigma around COVID-19.

What Are Some Acts That Could Be Unlawful Discrimination?

If based on a protected class:



- Refusal to sell, lease, or withhold housing
- Refusal to lend money
- Providing different terms or conditions of sale, lease, etc.
- Refusing to make certain disability-related accommodations

Examples Of Unlawful Activity:

Denying maintenance request from an Asian or Asian American tenant because of a belief that they are associated with the COVID-19 pandemic.

Refusing to rent to an Asian or Asian American tenant because of a belief that they are associated with the COVID-19 pandemic.

Failing to provide an accommodation, such as an alternative method of paying rent, for an individual hospitalized with COVID-19.

Can I Take Negative Action Against A Tenant If They Complain Of Discrimination?

No. It is unlawful to retaliate against an individual because the individual has filed a complaint with the Commission, or has otherwise participated in any Commission proceeding, or for any person to aid or abet any unlawful discriminatory practice under the PHRA, or to express opposition to any action believed to be discriminatory.

Example Of Unlawful Activity: Evicting a tenant who filed a complaint with the PHRC alleging unlawful discrimination

The Federal Government Also Provides Anti-Discrimination Protections Within The Housing Context

The Federal Government also provides certain protections to persons facing discrimination in relation to COVID-19 in Public Housing or Federally Funded Housing. For example, U.S. Department of Housing and Urban Development (HUD) Secretary Ben Carson, authorized the Federal Housing Administration (FHA) to implement an immediate foreclosure and eviction moratorium for single family homeowners with



FHA-insured mortgages for the next 60 days. These moratoriums are part of the continued effort to address impacts to the financial well-being of America's individuals, families, and businesses caused by Coronavirus (COVID-19).

https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_042

Learn more about your federal civil rights, and what actions you may take if you or a loved one are experiencing discrimination here.

https://www.hud.gov/press/press_releases_media_advisories

Attorney General Josh Shapiro's Guidance Regarding Eviction:

Attorney General Josh Shapiro released a statement explaining that landlords cannot evict tenants from their homes during this state of emergency. According to the statement, the Pennsylvania Supreme Court ordered all courts closed to eviction proceedings due to the coronavirus outbreak. The order is applicable to all state property owners, managers and landlords, as well as mortgage brokers and lenders, Shapiro said. If you believe that you have been wrongfully evicted from your home or wrongfully had your property foreclosed, you can [file a complaint here](https://www.attorneygeneral.gov/submit-a-complaint/): <https://www.attorneygeneral.gov/submit-a-complaint/>

How Can The PHRC Assist Me?

If you feel that you have been a victim of unlawful discrimination you can file a complaint with the Pennsylvania Human Relations Commission. A copy of the current complaint forms may be found at:

<https://www.phrc.pa.gov>

The form may be mailed to 333 Market St., 8th Floor, Harrisburg, PA 17101-2210 or emailed to the PHRC at : PHRC@PA.GOV. For individuals who need emergency assistance or guidance, please call [717-787-4410](tel:717-787-4410) between the hours of 9:00 AM-4:00 PM