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HOUSE DEMOCRATIC POLICY COMMITTEE
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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

HOUSE DEMOCRATIC POLICY COMMITTEE HEARING

Topic: House Bill 300

418 Main Capitol Building – Harrisburg, PA

September 19, 2011

AGENDA

- 2:00 p.m. Welcome and Opening Remarks
- 2:10 p.m. Panel One:
- Jeffrey Harbison, President, Springfield Township Board of Commissioners
 - Ted Martin, Executive Director, Equality PA
- 2:50 p.m. Panel Two:
- Jenna Mehnert, Executive Director, National Association of Social Workers
 - Evan Urbana, President, Independence Business Alliance
- 3:30 p.m. Closing Remarks

Jeffrey Harbison's Statement in Support of House Bill 300
House Democratic Policy Committee – 9/19/11

My name is Jeff Harbison and I am the President of the Springfield Township Board of Commissioners in Montgomery County. Springfield is a first line suburb of Philadelphia with 20,000 residents and is comprised of the communities of Orelan, Erdenheim, Flourtown and Wyndmoor. We are a first class township. Democrats have held a 4-3 majority since we took control six years ago.

In late 2010, Springfield took up the issue of LGBT protection after reading about Lower Merion's passage of a similar ordinance. We attempted to develop an ordinance patterned after the Lower Merion ordinance. Springfield is a community that prides itself on being simple and effective, not bureaucratic or showy. Indeed our claim to fame is the effectiveness of our snow removal. After several months of effort, we felt we couldn't simplify the Lower Merion model and still effectively deal with the issue. The most common line of resistance was that this issue should be dealt with by the Pennsylvania Human Relations Commission. As a small community, we were in no position to develop similar expertise.

Finally, in February, with the help of Equality PA and the Pennsylvania HRC, we pioneered a simpler approach where the Township assumes no investigative duties. It accomplishes our objectives through the following two mechanisms:

1. It adds LGBT to the protected classes and empowers an aggrieved citizen of Springfield to bring a cause of action in the Court of Common Pleas with the same protections and penalties as in the Human Relations Act albeit with a different procedure and forum. Thus, an aggrieved resident who was denied service based on perceived sexual orientation could receive a hearing and compensation.
2. It creates Springfield's Human Relations Commission whose sole purpose is to provide voluntary mediation for denial of employment or accommodation for any protected class plus LGBT. This feature allows an employer to diffuse a claim with an informal discussion with both parties and trained peers from our community. No lawyers, no penalties, no precedence, no cost.

The ordinance also provides an exemption for religious institutions. We were not eager to add this but believed that an exemption would allow for broader support in the community and less chance of a legal challenge.

Once the media picked up on our story, we began to attract attention both good and bad. The most common sentiment in the community was shock that Pennsylvania didn't already provide protections to the LGBT community. Interest grew from afar.

On the one hand we heard from Equality PA and Ted Martin, who proved to be a steady, experienced and helpful ally. On the other hand we drew intense scrutiny and frequent visits from Diane Gramley, President of the American Family Association of Pennsylvania and Jim Schneller of the Philadelphia Metro Task Force of Radnor.

Ms. Gramley regularly drove six hours each way to our meetings. She opened her first public comment with a complaint that Commissioner Heller's website erroneously stated that AFA of PA had been categorized as a hate group by the Southern Poverty Law Center. She denied the accusation thusly. "That is not true. We have not been designated a hate group. The National Chapter has but we haven't!"

Ms. Gramley railed against the sinners we were trying to protect. We were told that we were part of the Gay Agenda and that we were certain to extend protected classes to include bestiality and pedophilia. She even demanded through the Open Records Act to see all emails between us and Steve Glassman of the Pennsylvania HRC even though he had stepped down as Chairman by then. There were none. She couldn't believe that our efforts were wholly home-grown. We were just a community trying to do right by its citizens.

Mr. Schneller was an even more frequent attendee at our meetings. His diatribes about the arc of society and decay of morals were long and unfocussed.

A funny thing happened as Ms. Gramley and Mr. Schneller spoke more and more. As they pontificated, the liberal half of the community rolled their eyes and checked Phillies scores on their phones. But the conservative half of the community took great offense. With one exception we will get to below, local opposition had nothing to do with disapproval of alternative lifestyles. Their opposition came from a belief that local government shouldn't be doing the work of Harrisburg. We heard a continuing drumbeat from our right wing that the LGBT community deserved protection but that protection shouldn't have to come from local government. Our job is to manage the community, pick up the trash, control crime, and manage growth, not to be the legislator of working conditions or the arbiter of social issues, they said.

It is clear from our discourse that the resistance came not from deep intolerance of the LGBT lifestyle, but from frustration that Harrisburg is unwilling or unable to deal with the inevitable protections.

On February 23rd, the plot thickened. The Oreland Evangelical Presbyterian Church is located in the heart of Springfield and is known for keeping to itself. That day, the pastor mailed a letter to myself and the Board weighing in on the issue. The letter was signed by 120 congregants and criticized the implied endorsement of LGBT behavior. It concluded to do so "is not good law, not good governance, not good sexual ethics, and certainly not good parenting."

The letter caused quite an outcry. Even Ms. Gramley opined in one meeting that she did not approve of the personal nature of the attack. Once again, instead of creating the intended effect, the letter only moved the bill inevitably forward. The letter became the talk of the clergy in Springfield.

Last week, we finally voted on the Ordinance. Public comment included a statement in support by Rev. Richard Cox, a retired Methodist Minister. Rev. Cox stated that other clergy also supported the ordinance. He read a list and one by one people in clerical garb rose and stood with Rev. Cox in support justice for the LGBT community. Methodist, Episcopalian, Presbyterian, United Church of Christ, Reformed Episcopalian, Jewish, Catholic, Quaker, Church of the Brethren, Unitarian Universalist, and Buddhist. All segments of our clergy rallying in support of common sense decency. Together stood 14 men and women of faith silently showing support for the overlooked members of our community.

The Ordinance passed along party lines. The Republicans voting against it were very clear that they supported protection by the state but deferred for fear that we, as a municipality, were overreaching. While the vote was split, there was unanimity in the disappointment in the inaction from Harrisburg.

Public trust in legislators is at a low ebb. Polls have shown remarkable positive change in public perception of LGBT issues in the past few years. With the majority of Pennsylvanians moving towards support of gay marriage, the case for simple protections in employment and accommodations is an idea that should have been dealt with long ago. At least in the Philadelphia area, people accept diversity as a positive fact of life and view the failure of the legislature to keep up as reflecting poorly

on them.

The arguments against protecting LGBT's are easily refutable.

Opponents argue we shouldn't protect classification based on behavior. This argument has lost its premise. As more and more people interact with LGBT's, many of whom are relatives, the concept that people choose to be gay has left the mainstream. LGBT's are a group that has been discriminated against based on who they are not what they choose. That type of discrimination is precisely why we have a Human Relations Act. While discrimination has probably decreased as people accept diversity, the need for protection will be with us for a long time.

Opponents accuse us of legislating against religious values. This is not true. We are not legislating against religious values. We are legislating against intolerance of the values of others. Protection is all about intolerance. It is not about encouraging any particular value or behavior. If people wish to limit the type of people they love, that is their right. But let's not get in the business of telling our neighbors whom they should love. Picking one's soulmate is one of our most glorious and human events in our lives. Let's allow freedom to all on this choice.

We are not promoting a particular lifestyle, we are promoting the freedom to live the lifestyle of your own values.

I have been accused of being part of the "Gay Agenda," told that my real endgame is to foster, bestiality, sado-masochism and child molestation. But this is not the Gay Agenda. The Gay Agenda is safe streets, good schools, equal opportunity, efficient trash pickup and exemplary snow removal .

We heard from many religious leaders and devout people. Just as the world has thousands of religious institutions, we have heard conflicting opinions on the acceptability of alternative lifestyles and the proper way to treat people deemed different. We are not here to reconcile conflicting religious interpretations but to make policy. All I can say is that the God I believe in is not a bigot.

Springfield Township and nine others in the Delaware Valley are dealing with Zoning Validity Challenges by a developer who wants to install dozens of 600 square foot electronic digital billboards on our main streets. Townships are in precarious legal positions for allegedly not adequately allowing for billboards in our Townships. The Supreme Court has ruled that Billboards are a protected class and must be protected in every municipality. It is a cruel irony that Harrisburg has done a better job of protecting billboards than it has in protecting our brothers and sisters in the LGBT community.

In closing, LGBT rights is the Civil Rights issue of our generation. Just as history has looked unkindly on those who opposed the rights of women and people of color, the march of time will not smile on those who fail to protect our LGBT friends. We were elected to make the world better and fairer. In five, ten, fifteen years people will not be able to fathom how anybody was opposed to LGBT rights. Why are we not in front on this issue?

Springfield has met this challenge. I ask you today to do the same.

Jeffrey T. Harbison
President
Springfield Township Board of Commissioners

**Testimony of Ted Martin
Executive Director, Equality Pennsylvania
House Democratic Policy Committee
Harrisburg, PA
September 19, 2011**

Good afternoon. I am Ted Martin, Executive Director of Equality Pennsylvania, the statewide lesbian, gay, bisexual and transgender advocacy organization. Thank you for holding this hearing and thank you for inviting me to testify.

Despite the brief history of this country, America has risen in just over 200 years to be the wealthiest, most powerful nation the world has ever seen. Pennsylvania, the keystone of this democracy and the birthplace of our nation, has a long and storied history of leading our national consciousness. It was Philadelphia's Benjamin Franklin who pioneered an era of innovation and scientific leadership with his myriad inventions and innovations. From the bifocal to the lightning rod, from the first public library to the first fire brigade, Franklin established Philadelphia and Pennsylvania as the home of innovation and leaders on the issues of tomorrow.

Pennsylvania may proudly lay claim to the first established bank: the Bank of North America, established in 1781. The first daily newspaper, published in Philadelphia in 1784. The first commercial oil well could be found in Titusville in 1859. The first licensed radio station was KDKA in Pittsburgh in 1920. John Bartram, in Philadelphia established the first botanic garden in 1728. Robert Fulton of Quarryville invented the steamship, which helped to settle the west and carry America's goods and resources to nearly all corners of the country. And of course, the Pennsylvania Rifle developed in Lancaster County helped to tame and harvest our commonwealth's wooded frontiers.

Pennsylvania is surely a large and proud state, with a diverse populace that has and will continue to overcome adversity, to innovate, and to create.

But in recent years we have fallen behind. Once a state that led the way on the very ideas proudly emblazoned on our state flag: virtue, liberty, and independence, we have failed to live up to those noble pursuits. We have allowed opponents of equality to distract us with irrational and unrealistic tales of Armageddon and apocalypse.

We have allowed our neighbors in New Jersey, New York, Delaware, Maryland, Connecticut, Massachusetts and more than a dozen others to eclipse us on some of the most basic freedoms we hold dear: the freedom to work without fear of being fired because of who we love, the freedom to live without fear of being evicted or denied housing simply because of who comes home to us, the freedom to engage in commerce with our neighbors without the fear of being denied a table in a restaurant, services at a barber, or goods at a store simply because of whose hand we choose to hold.

Yes, we are falling behind in the most basic of liberties: the freedom from discrimination in employment, housing, and public accommodations.

But not only that. New York, our neighbor to the north, and five other states now allow same-sex couples the fundamental right of marriage. We have finally ended the long and disgraceful practice of denying the most noble and selfless of our citizens from serving openly and freely in our armed forces. Our federal government has publicly recognized the folly and legal illegitimacy of defending the Defense of Marriage Act, while here, in Pennsylvania LGBT citizens lack protection from hate crimes, the most basic protections from discrimination in employment, housing, and public accommodations, and our commonwealth's youth lack protection from bullying and schoolyard harassment. We have fallen behind our neighbors, we have fallen behind our countrymen, and we have fallen behind the times.

But our fellow Pennsylvanians are not to blame. The citizens of Pennsylvania have shown overwhelming support for comprehensive anti-discrimination legislation and specifically HB 300, repeatedly. In a poll we commissioned by Susquehanna Polling and Research in February 2011, Pennsylvanians supported anti-discrimination legislation by more than a two to one margin, or 69% in favor to just 24% opposed. With my testimony I have included a polling map with a regional breakdown showing the strong statewide support for HB 300.

The poll results show not only the basic fairness of Pennsylvanians, but their consistency as well. In fact, this is the third poll in a row that EQPA has commissioned showing very strong support for this type of legislation. In 2003, the results were 67% in favor, in 2007 it was 70% in favor and in 2011 the number is 69%. Not only have people not wavered in their view that this type of discrimination is just plain wrong, they have stayed fiercely loyal to that point.

The poll also echoed strong support among many different types of people. For example, a majority of “self-described” conservatives (60%), liberals (80%) and moderates (75%) supported the bill, as did a majority of both males and females (at 69%); a majority of Republicans (61%), Democrats (74%) and Independents (74%); and a majority of 18-44 year olds (73%), voters 45-59 yrs. olds (66%) and 60+ yrs. (67%).

Further, support for such anti-discrimination legislation may be found in strong majorities in virtually every corner of our commonwealth including the Northwest/West Central (64%), Southwest (60%), South Central (67%), Northeast (74%), Southeast (69%) and Philadelphia (74%).

Unfortunately, even though strong and sustained public support has backed similar legislation, no floor action has ever been scheduled for non-discrimination legislation in either house of the legislature.

In 2009, non-discrimination legislation made it out of one committee in the House, only to die in another later that session. That bill, HB 300, had the largest number of co-sponsors ever in the House (73) for non-discrimination legislation when it died at the end of the last legislative session in 2010.

With no action on this issue being taken in Harrisburg, 22 municipalities stepped into the void and passed non-discrimination ordinances, 8 of which having been passed since 2009. The trend is clear: despite their differences, Pennsylvanians support equality for their fellow citizens and neighbors.

But let us be clear. Those that oppose such basic freedoms are not evil. They are active and engaged citizens exercising the most patriotic of civic duties: standing up and speaking out for what they believe. They are good and honorable Pennsylvanians who share the same goals as we do, a prosperous, safe, and secure commonwealth where the blessings of liberty and pursuit of happiness are available to all. Let's listen to what they proclaim and profess.

Opponents of equality for all Pennsylvanians claim that such protections are costly and cause businesses to struggle and lose money. But how do businesses struggle when their customer base increases? How do businesses struggle when their patrons feel welcome to engage in commerce with them? How do businesses struggle when all may utilize their services and purchase their goods? In short, how does equality hurt business? It is when businesses discriminate that they lose profitability and market share.

Opponents of equality claim that the passage of an LGBT-specific anti-discrimination law will encroach on their religious beliefs. But how does the elimination of one form of discrimination give rise to another? History and experience have shown that freedom and liberty are cumulative and communal virtues. When one group of people is finally allowed to live free of discrimination, that splash of liberty ripples throughout. When one's rights are protected, all peoples' rights are more greatly protected, not less.

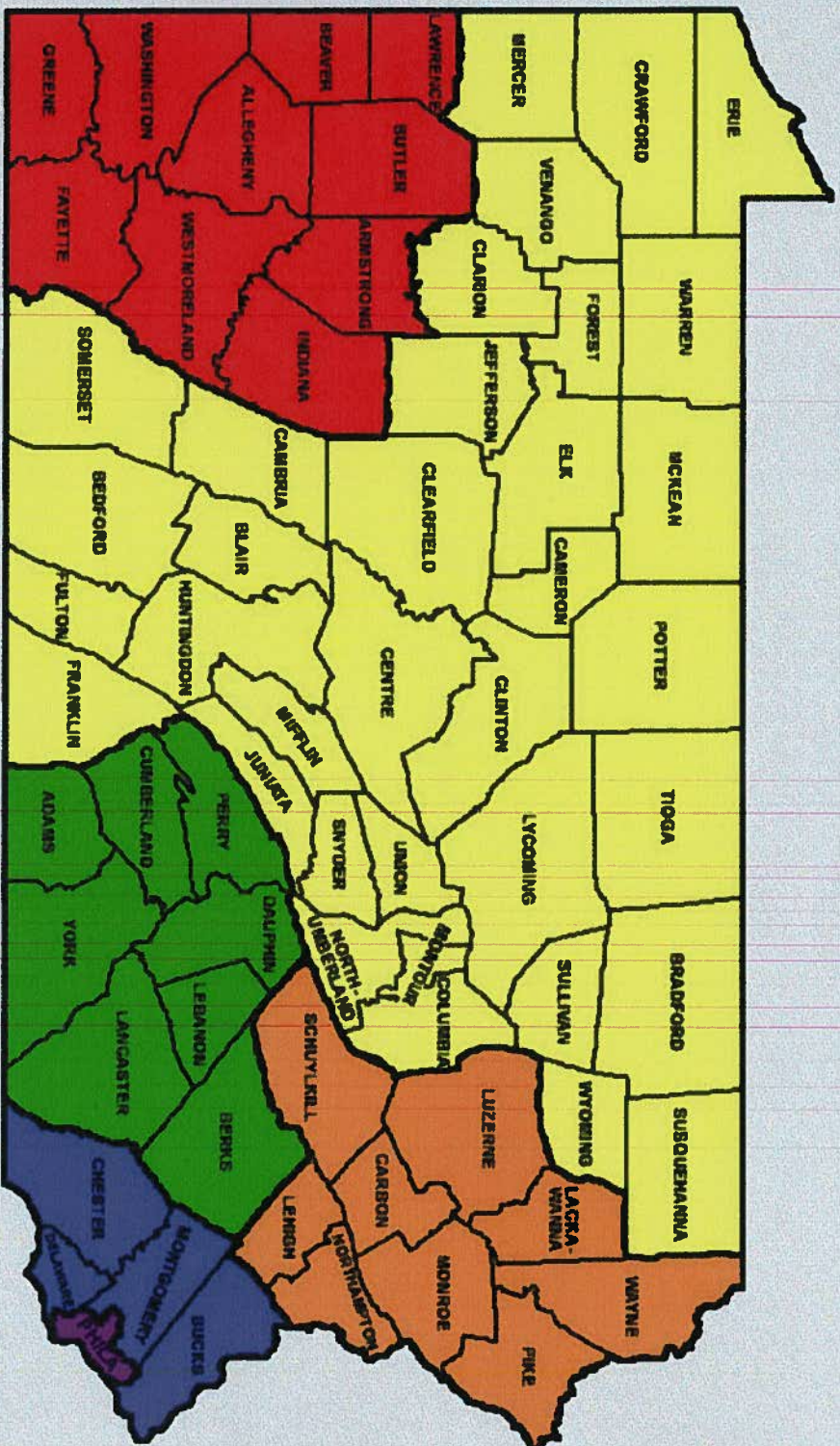
Opponents of equality claim that if LGBT Pennsylvanians are allowed to live free from discrimination then our society will devolve into moral bankruptcy and chaos. But with anti-discrimination laws now found in 21 states, where is such moral decay?

Like those that time after time preach of the end of the world and Armageddon, only to be rebuked upon our arrival at the chosen hour, opponents of equality claim time and time again that the passage of LGBT-inclusive legislation will lead to the end of times. Where are the swarms of locusts in New York and New Jersey or the plague of frogs in Maryland or Massachusetts?

Some of the darkest chapters in the book of human history have come when one group of people have sought to segregate and marginalize smaller, weaker groups simply because they are different. Discrimination is one of the greatest evils our nation has faced and unfortunately, continues to face. Those that opposed the abolition of slavery are ridiculed today, those that sought to suppress the voices of millions of women as they fought for the right to vote are scorned today, those that resisted the full equality of Black-Americans just 50 years ago are demonized today. So too will those who oppose equality for LGBT Americans when they are looked upon with regret by future generations.

Pennsylvania is confronted today with many great challenges. But with challenge comes opportunity. We will be confronted with the choice of whether to march into the future behind a cause that is just, or sit idly on the side, watching our neighbors pass us by. As Pennsylvania's own Benjamin Franklin once said: "*All mankind is divided into three classes: those that are immovable, those that are movable, and those that move.*" We must join our neighbors in their march to meet whatever the future may hold. We must summon that spirit of progress, innovation, and industry that so honorably graces our state's history and embrace full equality for all Pennsylvanians. We must again be a state on the move.

Pennsylvanians Support Legislation Banning Discrimination Based on Sexual Orientation, Gender Identity or Expression



**Northwest/
West Central**
64% support
28% oppose

Southwest
60% support
29% oppose

South Central
67% support
24% oppose

Northeast
74% support
20% oppose

Southeast
69% support
26% oppose

Philadelphia
74% support
20% oppose



PA statewide poll conducted by Susquehanna Polling and Research
February 8-17, 2011 with 1,200 registered voters, Margin of Error = +/- 3.58%

House Democratic Policy Committee
September 19, 2011

Testimony of Jenna Mehnert, MSW, ACSW
Executive Director of NASW-PA

The National Association of Social Workers, Pennsylvania Chapter (NASW-PA), wishes to express our strong support for House Bill 300, introduced by Representative Dan Frankel. NASW-PA has testified in support of this legislation in past sessions, and will continue to support this initiative until it becomes law.

Today, here in the Commonwealth a landlord can evict a tenant upon discovering their sexual orientation. A bank can deny someone a mortgage, even if they have the most pristine credit history and a well-paying job. An employer can fire an individual simply because of their sexual preference, even if that employee brings an unparalleled skill-set to work every day. These discriminations are fully legal and harmful to Pennsylvanians. Certain municipalities have made legal accommodations to the LGBT population so that these types of discrimination cannot occur in some communities. However, the most effective and meaningful change to prevent discrimination must come from the State.

I lived in Maine when protection against discrimination for sexual orientation in employment and housing actions was passed as a statewide proposition. I can say first hand that there were no negative outcomes for society. No one was prevented from firing a bad employee or evicting a non-paying tenant. It was not a mandate to prevent employer/tenant choice, but rather a mandate to be respectful.

One of the most fundamental principles of the social work profession is the right to individual self-determination. NASW-PA is aware that individuals are openly discriminated against based on their sexual orientation here in the Commonwealth. Discrimination-based factors such as race, gender and religion have long been recognized as harmful to our society and recognized as illegal conduct. Not including sexual orientation as a category that should be protected demonstrates a lack of sensitivity that is shameful.

The Commonwealth's inability to create protection from discrimination based on sexual orientation and gender identity creates a culture that fosters hate and leads to hostile climates. Many schools employ school social workers and those professionals focus a substantial amount of time on addressing bullying. A great deal of bullying that happens in schools focuses on sexual orientation. By not protecting sexual orientation as a protected class, we are sending the very clear message that discrimination based on sexual orientation or gender identity is okay. If adults can bully people through housing/employment discrimination than we should not be surprised that gay, lesbian and transgendered people are targeted for violence or that children are bullied as "gay" even when they do not hold that identity.

- MORE -

Rather than allow hostile climates in our schools and communities, we must work together to foster inclusive environments in which all Pennsylvanians can benefit. If we look at the language within the Human Relations Act and subsequently in the bill language before you, it clearly articulates that “discrimination in terms of housing, employment, and public accommodation threaten the rights and privileges of the inhabitants of the Commonwealth, and undermines the foundations of a free and democratic state. The denial of equal employment, housing, and public accommodation opportunities because of such discrimination and the consequent failure to utilize the productive capacities of individuals to their fullest extent, deprives large segments of the population of the Commonwealth of the earnings necessary to maintain decent standards of living.” NASW-PA thinks this statement clearly articulates why HB 300 must finally receive passage.

Social workers know all too well what happens when an individual is denied their basic rights, whether equal rights or the simple protection of protecting someone’s a home. When these rights are denied, we promote a reliance on the public welfare system. When these rights are denied, we are preventing individuals from being fully productive citizens and we are promoting a culture of hate that leads directly to violence.

As professionals that are committed to sound social policy, NASW-PA strongly supports the necessary amendments to the Human Relations Act.

Thank you.



September 19, 2011

I thank the committee for accepting my written and verbal testimony today. My name is Evan Urbania and I am the President of the Independence Business Alliance, Greater Philadelphia's LGBT Chamber of Commerce. We believe that HB 300 and adding the proposed protections for LGBT Pennsylvanians is not just the right thing to do, it's good for business and good for Pennsylvania's economy.

The IBA is a membership-based organization dedicated to making the Philadelphia region an influential and diverse LGBT business community with an impact on economic development, equal rights and policy issues. Founded in 2006 we serve 11 counties in the Greater Philadelphia area and represent approximately 170 member businesses and their employees. We are part of a network of over 61 chambers across the country connected to over 1.4 million LGBT businesses and entrepreneurs.

While we represent our small business members, we are an organization that advocates for all LGBT professionals in our region. Data from a recent member survey estimates that revenues from our membership base of small businesses exceed \$330M annually and that nearly 50% of our members will be hiring new employees within the next 12 months. 96% of Pennsylvania Fortune 500 companies have workplace non-discrimination policies in place for their employees.

Pennsylvania is not perceived as "business friendly" by corporate. A recent survey by CEO magazine ranked Pennsylvania 39th out of 50 citing a number of factors such as corporate tax and unemployment rates, a decline from 27th in 2006. We can't add another factor to the growing list of business negatives in our state.

The average LGBT employee spends 10-25% of their time worrying about discrimination or being fired for their sexual orientation or gender identity. From a business perspective, that means a loss of productivity of 10-25% per LGBT employee in our state, which is directly affecting the bottom line of our companies and our state economy. Businesses cannot properly grow and our citizens cannot impact their communities with these types of losses.

As an entrepreneur and business owner myself, I look very carefully about where I start my business. New businesses help to grow the state economy, employ citizens and strengthen the statewide business community. I want my business to continue to grow and employ people, but it is extremely difficult to choose a state where my partner can be fired on the spot just for being gay. Our neighbors New York, New Jersey and Delaware all have statewide and corporate protections in place. PA cannot be competitive and attract business and talent without these simple measures in place.

With the current gridlock in Washington and an upcoming election year, it is imperative that we act now on a state level so that LGBT employees and their families can be protected. Not enough is being done on jobs and equality, and Pennsylvania cannot afford to lose any more talent, opportunities or jobs in our state.

Passing HB 300 and approving protections for LGBT Pennsylvanians is not just the right thing to do, it's good for business and good for Pennsylvania's economy.

Respectfully, Evan Urbania, President, Independence Business Alliance

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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

HOUSE DEMOCRATIC POLICY COMMITTEE HEARING

Topic: House Bill 300

418 Main Capitol Building – Harrisburg, PA

September 19, 2011

STATEMENTS ENTERED INTO THE RECORD

- Anti-Defamation League – Eastern PA/Southern NJ/DE Region
- Pennsylvania Jewish Coalition
- Persad Center
- Philadelphia Bar Association
- Pennsylvania Coalition Against Domestic Violence
- Pennsylvania NOW, Inc.
- Liberty City Democratic Club
- The Pennsylvania Student Equality Coalition
- American Civil Liberties Union of Pennsylvania

SUBMITTED INTO RECORD



Eastern Pennsylvania/Southern New Jersey/Delaware Region

September 15, 2011

The Honorable P. Michael Sturla
414 Main Capitol Building
PO Box 202096
Harrisburg, PA 17120-2096

Dear Chairman Sturla:

Thank you for the opportunity to submit written testimony for the Pennsylvania House Democratic Policy Committee's hearing on House Bill 300. On behalf of the Anti-Defamation League (ADL), we write to express our strong support for House Bill 300, amending the Pennsylvania Human Relations Act.

The ADL was founded in 1913 with a mandate to fight the defamation of the Jewish people and secure justice and fair treatment for all. ADL has been combatting anti-Semitism and bigotry of all kinds ever since. Today ADL is one of the country's leading civil rights organizations.

ADL's mission of seeking justice and fair treatment for *all* people compels us to combat bias and discrimination in whatever form it takes and against whomever it may be directed, including individuals discriminated against simply because they do not meet societal expectations of what it means to be a man or woman. In our experience, discrimination against *any* individual or group of people not only hurts the individuals it targets, but negatively impacts the environments in which it arises and the community as a whole. Discrimination based on one's sexual orientation, gender identity or expression is just as pernicious as discrimination based on those categories explicitly prohibited by current law such as race, ancestry and religion, and should receive equal and unambiguous protection under the law.

It is imperative for Pennsylvania to send a clear message to employers, landlords, educators and the community that discrimination based on sexual orientation, gender identity or expression is impermissible. Extending explicit protection from such discrimination will deliver a powerful deterrent signal to those who may contemplate acting on their prejudices.

At least twenty-one states and the District of Columbia have laws protecting gay, lesbian and bisexual individuals from discrimination. Thirteen states and the District of Columbia also protect transgender people from discrimination. Twenty-two municipalities within Pennsylvania have passed non-discrimination ordinances. We urge you to join them by supporting House Bill 300 and making this simple change in the law that will send a clear message to employees, landlords, educators and the community that no one deserves to suffer discrimination because of their sexual orientation, gender identity or expression.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy K. Baron-Baer", is written over a horizontal dashed line.

Nancy K. Baron-Baer
Associate Regional Director
NKBB:dl



SUBMITTED INTO RECORD THE PENNSYLVANIA JEWISH COALITION



Pennsylvania Jewish Coalition Testimony in Support of HB 300

Hank Butler, Executive Director, Pennsylvania Jewish Coalition
September 16, 2011

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** of Blessed Memory

The Pennsylvania Jewish Coalition (PJC) represents Jewish Federations and Communities throughout Pennsylvania. The mission statement of the PJC is to "work individually and collectively with others, representing Pennsylvania's Jewish communities before state government and with other Pennsylvanians. Jewish values guide the PJC's focus on issues of importance to these communities, including public social policy and funding and regulations of the delivery of human services."

The PJC is submitting testimony in support of House Bill 300 (HB 300). HB 300 expands the Pennsylvania Human Relations Act to add "sexual orientation" and "gender identity or expression" to the list of prohibited factors. This would enable the Pennsylvania Human Relations Commission to assist individuals who are experiencing "unlawful discriminatory practices" relating to employment, housing and public accommodations due to their sexual orientation or gender identity.

The Jewish community has numerous denominations of our religious practice which precludes a consistent position on the acceptance of sexual orientation or gender identity. However, though we have different opinions on this acceptance, we are unified on our opposition to hate and discrimination.

It is wrong for a person to be hated or discriminated against on the basis of their persona. A person should never be denied employment, housing, or public accommodation because their persona is not acceptable to the people making employment, residential, or other decisions.

If it is wrong and illegal to discriminate against a person for their religion, or race, but not for their sexual orientation or gender identity, then will this discrimination be perceived as legal?

The Bottom Line: Hate is Hate!! - Discrimination is Discrimination!! We as a society should not be able to deny a person's right to work, reside and enjoy-life because of one's personal, pre-conceived opinions.

The PJC believes that House Bill 300 is step towards supporting acceptance in our society and sends the message that Pennsylvania will not tolerate hate and discrimination.

Thank you for the opportunity to convey our support for House Bill 300.

If you have any questions, please either call the PJC at 717.920-0734 or e-mail at hank@pajewishcoalition.org.

Suite 403 800 North Third Street Harrisburg, PA 17102 Tel: (717)920.0734 Fax: (717)232.7005

www.pajewishcoalition.org



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September 15, 2011

Representative Mike Sturla
Pennsylvania House of Representatives

Thank you for the opportunity to submit written testimony for the House State Government hearing on bill 300. This is a revision long awaited and in our opinion, long overdue. It is our expectation that the Pennsylvania House will vote to ensure protection from discrimination for the estimated 765,000 gay, lesbian, bisexual and trans-gender voters and tax payers living and working in the state of Pennsylvania. Anything less would be contrary to the foundational principles of our commonwealth and nation. With history as our predictor....legal inclusion and protection for all people makes significant impact on the behaviors of the community in treating all citizens with respect and dignity. Employers change cultural norms to provide a work environment that encourages the greatest productivity from all employees. When last surveyed, 87% of Americans favored equal rights for gays and lesbians in housing and employment.

PERSAD, is one of the oldest LGBT organizations in the country and serves more than 15,000 individuals, mental health and health care professionals, employers, schools and communities annually. PERSAD provides unique expertise to the region and works to educate professionals in best practices in serving Gay and Lesbian people who seek medical care and other human services. The board and supporters of PERSAD are diverse in background and sexual orientation. Recognizing that before religious and ethical debates cloud the primary issue, this bill can establish Pennsylvania as a state that values the richness of its residents regardless of race, age, gender, religion *or sexual orientation or gender identity or expression*. The individuals who will benefit from passage of this inclusive language are not faceless, nameless numbers....they are our friends, mothers, fathers, daughters, sons, neighbors and co-workers.

I urge you vote to end discrimination in Pennsylvania by passing House Bill 300.

Sincerely,

Betty J. Hill, MPM
Executive Director
Persad Center

SUBMITTED INTO RECORD



**PHILADELPHIA
BAR ASSOCIATION**

Rudolph Garcia, Esq.
CHANCELLOR

Buchanan Ingersoll & Rooney PC | Two Liberty Place
50 S. 16th Street, Suite 3200 | Philadelphia, PA 19102-2555
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September 14, 2011

Honorable Mike Sturla, Chairman
House Democratic Policy Committee
414 Main Capitol
Harrisburg, PA 17120

Re: House Bill 300

Dear Chairman Sturla:

I am writing on behalf of the members of the Philadelphia Bar Association to express our support for House Bill 300, which amends the Pennsylvania Human Relations act to prevent discrimination in employment, housing and public accommodation on the basis of sexual orientation and gender identity or expression.

The Philadelphia Bar Association has a long-standing history of supporting equality for lesbian, gay, bisexual and transgendered (LGBT) individuals. The Board of Governors approved resolutions in 1999 and 2002 supporting and encouraging the adoption of state, local and federal legislation protecting individuals from discrimination based on sexual orientation and gender identity. And in March 2009, the Board approved a resolution in support of the changes proposed by House Bill 300. We believe this measure will go a long way in ensuring that LGBT individuals receive equal protection under the law.

Existing law already protects Pennsylvanians from discrimination in employment, housing and public accommodation based on race, color, religion, ancestry, age, sex, national origin, disability, education and the use of a guide dog. House Bill 300 simply seeks to extend these basic and fundamental protections to additional Pennsylvanians. This measure is supported by the Human Relations Commission, which is responsible for enforcement of the Pennsylvania Human Relations Act, and it is an important step forward in employment equality.

Many major employers in Pennsylvania have voluntarily implemented policies prohibiting exactly the type of discrimination HB300 seeks to prevent. More than 100 employers in the Commonwealth have non-discrimination policies which include sexual orientation and/or gender identity. There are 27 Fortune 500 companies headquartered in Pennsylvania, all of which prohibit discrimination based on sexual orientation. It is evident that employers in the private sector recognize that the best work force is diverse and that the best strategy to retain the best workers is to gain a reputation for respecting

- MORE -

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that diversity. Pennsylvania should follow suit and recognize that lacking these protections in our Commonwealth puts us at a competitive disadvantage against our neighboring states that have such statewide non-discrimination policies.

Discrimination based on sexual orientation or gender identity denies equal opportunity to even the most qualified candidates. Because there is no statewide policy in this regard, employees are protected only in municipalities that prohibit these types of discrimination. While the Bar encourages such municipal measures, they still leave a significant portion of our Pennsylvania citizens unprotected. Clearly, there is a need for uniformity across the state.

Pennsylvania's neighboring states of Maryland, New Jersey and New York already have laws prohibiting discrimination on the basis of sexual orientation. And while, as previously mentioned, some of our municipalities and companies have taken steps on their own to protect individuals from this type of discrimination, House Bill 300 is a necessary step to ensure equal opportunity throughout our entire Commonwealth.

Thank you for the opportunity to provide written testimony on these issues.

Sincerely,



Rudolph Garcia

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www.pcadv.org

September 15, 2011

Honorable Michael Sturla, Chair
House Democratic Policy Committee
414 Main Capitol Building
Harrisburg, PA 17120-2096

RE: Support for House Bill 300

Dear Representative Sturla and Committee Members:

On behalf of the Pennsylvania Coalition Against Domestic Violence, our 60 member programs serving all 67 counties in the Commonwealth, and the thousands of victims they serve each year, we write to express our enthusiastic support for House Bill 300, a bill to add “sexual orientation” and “gender identity or expression” to the Pennsylvania Human Relations Act.

The PCADV prides itself on its mission “to eliminate personal and institutional violence against women through programs providing support and safety to battered women, direct services, public information and education, systems advocacy, and social change activities.” Consistent with our mission, we work to eradicate barriers to justice for all victims of domestic violence, including those in same-sex relationships.

Individuals in same-sex relationships are not immune from domestic violence. To the contrary, homosexual and transgender men and women are victimized at approximately the same rates as those experienced by individuals in heterosexual relationships, but they face additional barriers to finding safety and justice:

- An abusive partner may threaten to “out” his or her partner’s sexuality to family, friends, or co-workers as a tactic to get that person to stay in the relationship or to coerce the victim in order to get what he or she wants.
- Lesbians, gay men, and transgendered individuals whose families and friends are unsupportive of their sexuality or gender identity have fewer sources of support, thereby increasing isolation and making it more difficult to end abusive relationships. Abusive partners may use this situation to their advantage to keep a relationship going; they may continuously remind the victim how alone he or she will be if he or she tries to leave.
- Victims who are not “out” publicly may be reluctant or unwilling to seek help from the police, the courts, and other services because it would require them to reveal their sexuality and possibly face embarrassment, ridicule, or even harassment.
- Victims in same-sex relationships are often less likely than victims in opposite-sex relationships to call the police for help due, in part, to concern that the responding officers would consider the incident to be “mutual combat” and not take the time to determine the primary aggressor, which could result in both the victim and the assailant being arrested.

These barriers to safety and justice are directly compounded by the lack of legal protection for lesbian, gay, bisexual, and transgender (LGBT) persons. For example, an individual in an abusive

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General: 717-545-6400/800-932-4632 • (TTY): 800-553-2508 • Legal: 888-235-3425/717-671-4767
National Resource Center on Domestic Violence: 800-537-2238, ext.5

same-sex relationship may be fearful of talking to his or her employer about safety-planning or asking for job-protected leave to attend a criminal court proceeding. In light of the current economic crisis, these fears are especially troublesome because LGBT individuals may be among the first to face job losses and/or reduction of benefits.¹

The threat of employment discrimination based on sexual orientation or gender identity is very real, reinforcing the harsh reality that victims of domestic violence in same-sex partnerships are unable to seek relief to which they are legally entitled. An analysis of fifty workplace discrimination studies revealed that up to 68% of lesbian, gay, and bisexual individuals experienced employment discrimination, and up to 41% reported being verbally or physically abused at their place of employment.² Even more staggering, in a survey of nearly 6,500 transgendered individuals, 97% of respondents reported mistreatment or harassment at work.³

Additionally, the lack of legal protection against discrimination undermines the effectiveness of Pennsylvania's Protection From Abuse (PFA) Act. The PFA Act, which provides petitioners with preventative relief from violence in their home, includes protection of same-sex partners.⁴ Individuals in abusive same-sex relationships often do not come forward because they fear that seeking help from the courts will publicly reveal their sexual orientation. Because sexual orientation and gender identity are not included in the groups that are legally protected from discrimination, public revelation of an individual's sexual orientation could result in the loss of employment, suitable housing, or access to other public accommodations, such as public benefits, healthcare, or other necessary services. In this way, failure to include sexual orientation and gender identity among the classes of persons protected from discrimination in employment, housing, and public accommodation creates a clear obstacle to obtaining the relief provided by the PFA Act.

In sum, the primary goal of the PCADV and our member programs, as well as the spectrum of service providers, law enforcement professionals, and laws and policies such as the PFA Act, is to ensure safety and justice for victims of domestic violence. But we cannot achieve that goal if our laws and policies are not likewise designed to encourage victims to come forward and avail themselves of resources intended to help them break free of abuse. HB 300 would encourage all individuals to come forward and report abuse, without fear of severe negative consequences in other areas of their life for disclosing their sexual orientation or gender identity.

We applaud the Committee's attention to this crucial bill, and we urge all Committee members to do all in their power to expedite HB 300's enactment.

Sincerely,

Peg Dierkers
Executive Director

Nicole Lindemyer
Public Policy Manager

¹ Nat'l Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual, Transgender and Queer Domestic / Intimate Partner Violence in the United States*, at 7 (2010).

² Testimony Before the Committee on Health, Education, Labor, and Pensions, Nat'l Gay & Lesbian Task Force Action Fund (Nov. 5, 2009), available at http://www.thetaskforce.org/downloads/release_materials/enda_1109_testimony.pdf.

³ Nat'l Gay & Lesbian Task Force Action Fund, *A Report of the National Transgender Discrimination Survey: Executive Summary* (Feb. 2011), available at http://www.thetaskforce.org/downloads/reports/reports/ntds_summary.pdf.

⁴ 23 Pa. C.S. 6102 (defining family or household members as "current or former sexual or intimate partners"); D.H. v. B.O., 734 A.2d 409 (Pa. Super. Ct. 2009) (finding that the term "intimate partners" includes same-sex partners).



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4/6/2011

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Dear Members of the Pennsylvania Democratic Policy Committee:

We are writing on behalf of the approximately 14,000 dues paying members and contributors to the National Organization for Women in Pennsylvania. Pennsylvania NOW, Inc. is the statewide chapter that works to bring about full equal rights for all women. We strongly urge you to push for passage of HB 300, the bill that adds “sexual orientation” and “gender identity or expression” to the state Human Relations Act.

Since our founding in 1971 (and National NOW’s founding in 1996), our goal/mission has been to take action to bring about equality for all women. NOW works to eliminate discrimination and harassment in the workplace, schools, the justice system, and all other sectors of society. This includes justice and equality for all, including for lesbians, gays, bisexual, transgender, and queer people (LGBTQ). Adding sexual orientation and gender identity to the list of protected classes against discrimination in employment, housing, and public accommodations would help reduce discrimination in Pennsylvania against people who are not heterosexual in orientation or identity.

Discrimination against someone based on either sexual orientation or gender identity often includes a matter of perception in the eyes of the person doing the discrimination. Women often are the targets of this form of discrimination when they do not fit into the “normal” box of female behavior. For example, women who desire work in non-traditional employment, who exhibit “manly” traits, and/or have publicly identified themselves as LGBTQ are frequently denied employment, are fired, or otherwise sanctioned. In some instances, they can and have filed a complaint based on gender/sex discrimination. However, other women who do not exhibit such behavior or who are perceived to have these so-called “abnormal” or “deviant” traits do not face this form of discrimination. As a result, these cases are often thrown out as “unfounded” since other women in the same situation have not faced disparate treatment. Similar cases occur in housing and public accommodations where people are denied housing or public services solely based on their perceived sexual orientation or gender identity. We therefore believe that the state’s anti-discrimination law needs to be expanded to include both sexual orientation and gender identity.

Statewide, there is strong public support for passage of this bill. Equality PA, the statewide LGBTQ advocacy organization conducted a poll last February to determine current support for such types of legislation. According to their website (<http://www.equalitypa.org/>),

The poll, conducted February 8-17, 2011, surveyed the views of 1,200 registered voters.... The poll ... echoed strong support among many different types of people. For example, a majority of “self-described” conservatives (60%), liberals (80%) and moderates (75%) supported the bill, as did a majority of both males and females (at 69%); a majority of Republicans (61%), Democrats (74%) and Independents (74%); and a majority 18-44 year olds (73%), voters 45-59 yrs. olds (66%) and 60+ yrs. (67%).



This support for a more inclusive law is also shown by the increasing number of communities throughout the state that have added sexual orientation and gender identity to local municipal and countywide anti-discrimination ordinances. Almost 300 municipalities nationwide have protections against discrimination for LGBTQ people; this includes about 16 local communities throughout Pennsylvania. The most recent non-discrimination ordinance was passed this past Wednesday, September 14, 2011 in Springfield Township, which is located in Montgomery County. Allegheny County, Erie County, and Philadelphia County all include sexual orientation and gender identity in their countywide non-discrimination ordinances. Communities large and small across the entire state – from Philadelphia to Pittsburgh, Harrisburg, State College and some townships - have also passed similar ordinances. We understand that Blair County, are rural county here in central PA, is among other communities throughout the state considering such an ordinance.

One of these communities that has passed such an ordinance is State College. In 1993, they passed their ordinance for fair housing; it included sexual orientation among the protected classes. In 2007, State College passed an employment anti-discrimination ordinance that included sexual orientation, gender identity, marital status, familial status, and family responsibilities among their expanded list of protected classes. Then this past April, State College expanded their Fair Housing ordinance to among other issues, add gender identity as a protected class; this ordinance was also revised to cover all public accommodations within the borough.¹ Their employment anti-discrimination ordinance has a preamble that clearly expresses why such a change in state law is needed for equality and justice:

Section 901. Preamble. WHEREAS, equality of all individuals is a basic tenet upon which the United States of America was founded; and

WHEREAS, the population of the Borough of State College (the "Borough") is reflective of the general population of the United States of America, and consists of people possessing a number of different personal characteristics regarding their actual or perceived race, color, sex, religion, ancestry, national origin, sexual orientation, gender identity or expression [emphasis added], familial status, family responsibility, marital status, age, disability or handicap, use service animals and/or mechanical aids; and

WHEREAS, the Borough prides itself on the diversity of its citizenry, and the harmonious relations which have been fostered in the Borough by a widely practiced and recognized attitude

¹ The State College Fair Housing and Public Accommodations ordinance covers sexual orientation and gender identity or expression as well as source of income, pregnancy, birth of a child, marital status, and familial status in addition to the state protections provided under the PA Human Relations Act. Note that familial status is currently covered at the state level in housing but is not covered in either public accommodations or employment.

Pennsylvania NOW, Inc

• • •

*of tolerance among all people regardless of their actual or perceived race, color, sex, religion, ancestry, national origin, **sexual orientation, gender identity or expression** [emphasis added], familial status, family responsibility, marital status, age, disability or handicap, use of service animals and/or mechanical aids, source of income; and*

WHEREAS, the direct negative and secondary effects of discriminatory practices involving the personal characteristics described above in matters of employment are well known and have been extensively studied and demonstrated; and

WHEREAS, the practice or policy of discrimination against such individuals or groups is a matter of public concern that threatens the rights and privileges of the inhabitants, guests and visitors of the Borough and undermines the foundations of a free democratic society; and

WHEREAS, Borough Council for the Borough of State College (the "Council") desires to establish and adopt an official policy of non-discrimination in the Borough in all matters involving employment.

As stated in this preamble, discrimination against either individuals or groups threatens the rights and privileges of all who traverse the community and undermines democracy. Regardless of your orientation, how you present yourself, or who you live or partner with, employment, housing, and public accommodations should not be denied.

We are urging you to follow suit. Equality and justice for all demands a level playing field for all to participate in our society. Please use your positions, your voices, and your votes to pass HB 300 as soon as possible.

We look forward to your response and efforts to achieve this goal. Thank you.

Sincerely,



Joanne L. Tosti-Vasey, Ph.D.
President
Pennsylvania NOW, Inc.

SUBMITTED INTO RECORD

Written Testimony on behalf of

The Pennsylvania Student Equality Coalition

The Pennsylvania House of Representatives Democratic Policy Committee

Hearing on HB 300 - September 19, 2011

On behalf of the Pennsylvania Student Equality Coalition I would like to thank you for accepting this written testimony in support of HB 300. The Pennsylvania Student Equality Coalition was founded this spring as a statewide network of lesbian, gay, bisexual, transgender (LGBT) and ally Pennsylvania youth dedicated to establishing ourselves as a generation of impact on LGBT improving the lives of LGBT Pennsylvanians. We are based with LGBT student organizations at over 70 high schools, colleges, and universities in rural, suburban, and urban communities throughout the Commonwealth. As the first youth-led statewide LGBT organization in the nation, the Pennsylvania Student Equality Coalition represents thousands of young Pennsylvanians. We believe our Commonwealth should be a place that respects the diversity of human expression and identity which provides opportunity for all. We support the passage of HB 300 as absolutely essential to the safety, security, and prosperity of Pennsylvanians and our Commonwealth.

Harvey Milk once said "All men are created equal. No matter how hard you try, you can never erase those words." It is this principal that "all men are created equal" from our Constitution which empowered the founders of our nation to declare our freedoms. However, it is a reality which we have yet to realize in Pennsylvania. Until HB 300 passes, Pennsylvanians are targets for discrimination on the basis of sexual orientation and gender identity.

HB 300 speaks to the values we have as a Commonwealth. As Pennsylvania lacks non-discrimination protection on the basis of sexual orientation and gender identity, it continues to send a harmful message to our population, especially to us as a younger generation, that LGBT Pennsylvanians are not full people. With non-discrimination protection, a person can participate in his community without fear of risking his life, liberty, or pursuit of happiness. Without it, the culture of discrimination is felt everyday by LGBT Pennsylvanians.

This void in the law expresses that it is acceptable or expected to marginalize LGBT people. Youth are especially impacted by this because in coming of age we see a lowered value of our self worth on the basis of sexual orientation and gender identity engrained into our state laws.

The absence of non-discrimination protection on the basis of sexual orientation and gender identity impacts attitudes towards LGBT people in many different ways. In a study by the Gay, Lesbian and Straight Education Network (GLSEN) in 2007 they reported that 88% of LGBT

students in Pennsylvania were verbally harassed and over half (54%) of LGBT students in Pennsylvania were physically harassed on the basis of sexual orientation in school that year. Following these incidents in Pennsylvania, less than half (46%) of the students who experienced harassment of assault in their school reported it to a teacher or family member. HB 300 would be a critical step in effectively ending this culture of discrimination and send a message that being LGBT, or being perceived as LGBT, is *not* the basis for purposeful hate towards children in school, employees at work, families in their homes, or people in their communities.

The Pennsylvania Human Relation Act (PHRA) enumerates protections on “race, color, familial status, religious creed, ancestry, age, sex, national origin, handicap or disability, use of guide or support animals because of blindness, and deafness.” An employee in Pennsylvania can be fired on a dozen characteristics and have legal redress, but if it is because on the sole count of being gay: the message becomes give up or leave Pennsylvania. As young Pennsylvanians, we see HB 300 as the ability to contribute back as equals to the Commonwealth which we love.

We are a better Commonwealth because we protect people against discrimination. The PHRA has help prevent and remediated situations for countless people since its enactment and sexual orientation and gender identity are no different. This is an omission that must be addressed for the betterment of Pennsylvania.

HB 300 is personal. LGBT people are tax-paying citizens. We are your children, sons and daughters, brothers and sisters, neighbors and friends. HB 300 is for us all to feel safe in our homes, secure in our jobs, and free to be equal members of our communities. Discrimination will continue to persist if this is not passed.

On the local level, 23 municipalities in Pennsylvania have independently passed inclusive non-discrimination ordinances. This represents over 30% of the Pennsylvania population and the ordinances have proven to be critically important to those communities. Without a state law, local governments have been leading the way on this issue for nearly three decades. Non-discrimination on the basis of sexual orientation and gender identity is also integrated in the modern economic landscape. In 2011, 87% of Fortune 500 companies have non-discrimination polices implemented which include sexual orientation and approximately 50% include gender identity. Being socially responsible on this issue is reflected in Pennsylvania institutions from local governments to the business community.

We commend you for holding this hearing today on HB 300. However, working towards non-discrimination is a non-partisan issue. Many of the recent votes on local non-discrimination ordinances in Pennsylvania were unanimously adopted. We hope for the same courage and determination from all our elected officials in Harrisburg. This is an issue of what it means to be a Pennsylvanian - and everyone can embrace that.

Pennsylvania has historically been a beacon of equality, but without these basic legal protections, LGBT people are second class citizens in our Commonwealth. If we can send the message to a struggling teenager 'coming out' that you are valued by Pennsylvania - it can save his life. If we can attract and retain the best employees, we can keep the brightest graduates in the Commonwealth for economic gain instead of watching them go to the other states with these protections. It is up to you as Pennsylvania legislators and every single one of your colleagues to secure liberty and justice for all. For without that as our goal, the American dream is unfulfilled. On behalf of the Pennsylvania Student Equality Coalition, we thank you for your leadership on this issue.

Respectfully submitted,

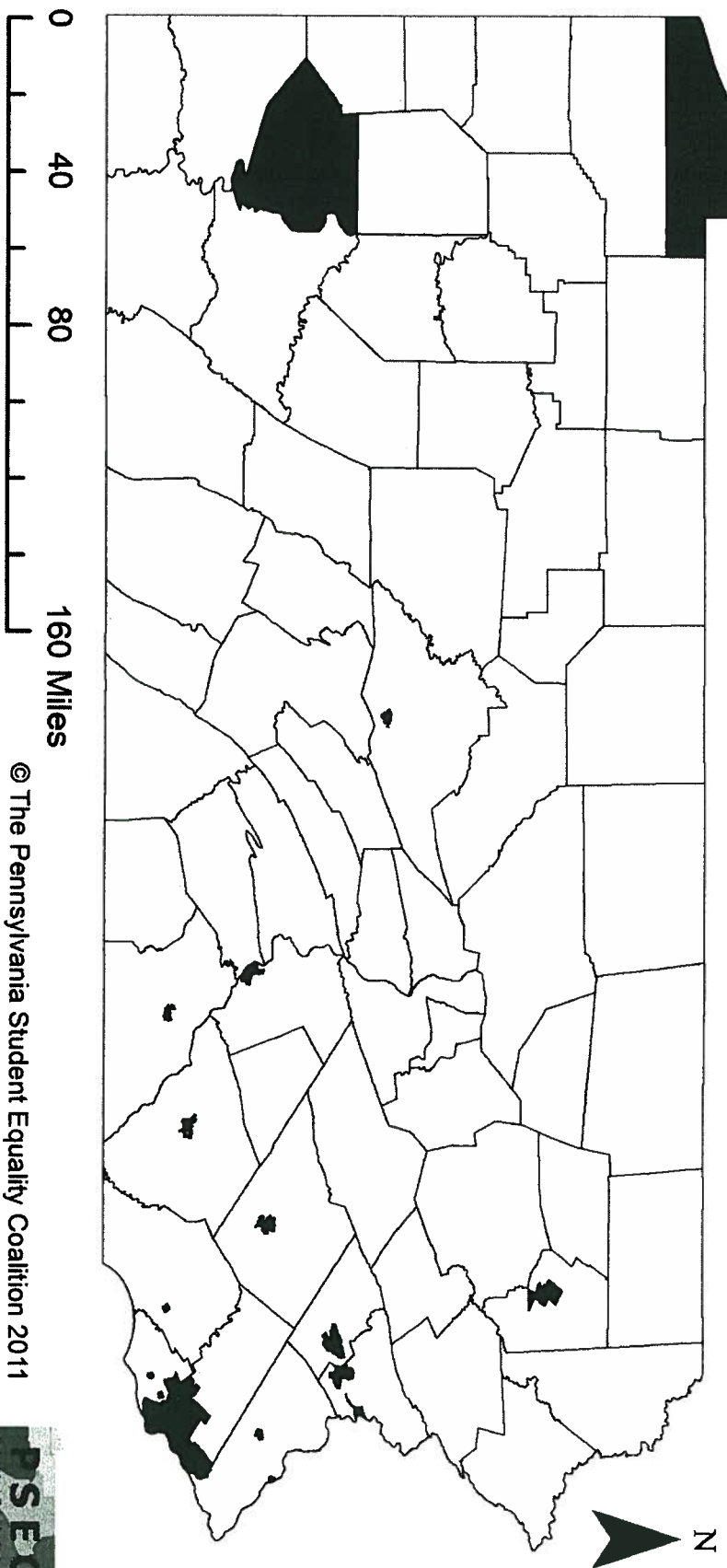
Jason Landau Goodman

Executive Director, The Pennsylvania Student Equality Coalition

Jason Landau Goodman – Executive Director
The Pennsylvania Student Equality Coalition
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[September 19, 2011] PA Municipalities with Non-Discrimination Ordinances
for Sexual Orientation and Gender Identity



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The Liberty City Democratic Club thanks the committee for accepting our written testimony on the importance of HB 300. Our organization was founded in 1994 by activists who wanted to build lesbian and gay power and involvement in the Democratic Party. The goals of our organization are: to register, educate and mobilize lesbian, gay, bisexual and transgender (LGBT) voters; to elect openly LGBT candidates to public office; to support LGBT-friendly candidates; to work to oust anti-gay office holders; to promote legislative issues of importance to the LGBT community; and to provide a forum for LGBT voters to meet candidates and officeholders. We have over 4000 members throughout Philadelphia, Delaware, Chester, Montgomery, and Bucks Counties. Our members, like any LGBT Pennsylvanians, are your family members, your friends, your neighbors, and your constituents.

Liberty City supports HB 300. Adding sexual orientation and gender identity or expression protection to the Pennsylvania Human Relations Act will make our Commonwealth a fairer place and a better place to live. This law is necessary, it is fair, and its time has come.

The law is necessary because LGBT Pennsylvanians face discrimination every day. Pennsylvania is a state built on a foundation of tolerance¹, not on hate; yet, without this legislation our citizens face eviction from their homes, termination from employment, and denial of basic services, simply because of who they are and who they love. No one would accept it if a Pennsylvanian could be turned away from a restroom because he was black. We would all be outraged if a Pennsylvanian was denied a job simply because she was a woman, and our society wouldn't permit a family to be denied housing because of their religious faith. Discrimination against LGBT Pennsylvanians is just as hurtful and just as outrageous as discrimination based on race, gender, or religious intolerance.

HB 300 is also necessary because local ordinances can't do enough to protect Pennsylvanians from mistreatment. The growing patch-work of local antidiscrimination ordinances that include protection against LGBT discrimination still leaves 73% of

¹ "More than three hundred years ago, William Penn established a colony based upon his vision of religious tolerance, participatory government, and brotherly love. Penn's unique vision helped shape Pennsylvania and American history, and it continues to affect our lives today."
<http://explorepahistory.com/stories.php>.

Pennsylvanians without recourse². Even those fortunate enough to live somewhere with a local ordinance aren't guaranteed protection. Lancaster City has a local ordinance that includes protection against discrimination based on sexual orientation³, yet with the closure of its Human Relations Commission last year, there is now no clear path for enforcement of the law⁴. Without a comprehensive law covering the Commonwealth, organizations who discriminate look for loopholes in existing local ordinances. In 2009 the Southeastern Pennsylvania Transit Authority (SEPTA) was sued by transgender Philadelphians for violating the Philadelphia Fair Practices Ordinance by requiring gender stickers on transportation passes. SEPTA's response wasn't that their conduct was nondiscriminatory. It wasn't that economic realities justified their policy either. Instead they argued that as a state agency they were exempt from the Philadelphia Fair Practices Ordinance, essentially saying that they were discriminating but that no one could stop them. Sadly, the courts agreed. In SEPTA v. City of Philadelphia, the Commonwealth Court gutted the Philadelphia Fair Practices Ordinance by exempting SEPTA and any state agencies from compliance, concluding the city did not have jurisdiction over them to enforce its ordinance⁵. When local ordinances fail to adequately protect Pennsylvanians from discriminatory treatment, the state must step in to offer broader protections from harm.

HB 300 is not only necessary, but it is also fair. This committee may hear objections from religious leaders during these proceedings, claiming that HB 300 is a step on the road to legalizing gay marriage or that their rights to religious freedom will be impinged by such

² "Based upon 2008 US Census Data, 73% of Pennsylvanians are not covered by a non-discrimination ordinance."
<http://www.equalitypa.org/discrim.html>

³ See §125-3 of the City of Lancaster City Code. "The opportunity for an individual to secure employment for which he is qualified, to obtain an equal education opportunity and to obtain all the accommodations, advantages, facilities and privileges of any place of public accommodation without discrimination and of housing accommodation and commercial property without discrimination and to obtain credit without discrimination because of race, color, religion, ancestry, national origin, age, sex, familial status, **sexual orientation**, marital status, possession of a GED, handicap or disability or the use of a support animal or because the user is a handler or trainer of support or guide animals is hereby recognized as and declared to be a civil right which shall be enforceable as set forth in this chapter." Emphasis added.
<http://ecode360.com/LA1674#LA1674>

⁴ See "Lancaster County Dumps Human Relations Commission" *Lancaster Intelligencer Journal*, November 17, 2010, http://lancasteronline.com/article/local/313824_Lancaster-County-dumps-Human-Relations-Commission.html#ixzzIXwQpGKPS.

⁵ SEPTA v. City of Philadelphia, 20 A.3d 558, (Pa.Cmwlt, 2011).

legislation. While Liberty City strongly supports marriage equality, we also know that a nondiscrimination ordinance is different from gay marriage. In many ways, it is more important. A nondiscrimination law would directly affect our basic means for daily survival. Not every Pennsylvanian may want to get married, but don't we want every Pennsylvanian to be able to work and to have a place to live? Shouldn't every Pennsylvanian be able to ride public transportation or use a public restroom without harm? Those who seek to blur the line between marriage equality and nondiscrimination look to play on fear and prejudice, which is exactly what good government shouldn't allow anyone to do.

Protections already exist for religious institutions that would prevent HB 300 from infringing on their religious freedoms. Pennsylvania's Religious Freedom Protection Act,⁶ adopted in 2002, protects the free exercise of religion for individuals and, as interpreted by the courts, for institutions as well. All state and local laws or ordinances are subject to its provisions⁷. This law ensures that passage of HB 300 won't mean that religious institutions have to hire LGBT clergy. It may mean that religious institutions can't fire a gardener, simply due to sexual orientation, but, put plainly, they shouldn't be able to. We would like to live in a Pennsylvania where they can't. HB 300 and existing religious protections in place mean that all Pennsylvanians would be treated fairly and religious organizations would be protected to practice what they preach.

This law is needed. This law is fair, and HB 300 is a law whose time has come. Of our neighboring states- Delaware, New Jersey, New York, and Maryland all include sexual orientation in their nondiscrimination laws⁸. The only neighboring states that do not are Ohio and West Virginia⁹. The 2010 census counted 12,702,379 Pennsylvanians¹⁰. If 10% of the

⁶ 71 P.S. §2402-2406

⁷ 71 P.S. §2406

⁸ http://www.hrc.org/laws_and_elections/state.asp

⁹ Id.

¹⁰ <http://quickfacts.census.gov/qfd/states/42000.html>

population identify as LGBT,¹¹ that means that more than 1.2 million Pennsylvanians¹² are subject to losing their jobs, losing their homes, and losing basic public services simply because of who they are and who they love.

We could tell the General Assembly that you should pass this legislation because acceptance of LGBT relationships is increasing, and that would be true¹³. We could tell you that you should pass this legislation because LGBT Pennsylvanians are passionate about issues that matter to us and we vote. That would be true too, but that isn't why you should pass HB 300. HB 300 is needed. It is fair. It's time is overdue. All true too, but you should pass HB 300 because no Pennsylvanian should be subject to discriminatory treatment because of who they are. Pass this legislation because it is the right thing to do, by all of us.

Respectfully submitted by Liberty City Democrats Board:

Lee Carson, Co-Chair

Stephanie Haynes, Secretary

Eric Cheung, Treasurer

Dwayne Bensing, Member

Sherrie Cohen, Member

Sara Jacobson, Member

Micah Mahjoubian, Member

Howard Moseley, Member

Su Ming Yeh, Member

¹¹ Estimates regarding the percentage of the population who identify as LGBT vary. See Morales, Lymari "U.S. Adults estimate that 25% of Americans are Gay or Lesbian" *Gallup* 2011 <http://www.gallup.com/poll/147824/Adults-Estimate-Americans-Gay-Lesbian.aspx>. Estimates in this article by demographers and from polling Americans range from roughly 3.5% to 25%.

¹² Using the more conservative estimate of 3.5% for purposes of this calculation, that would mean that 444, 583 Pennsylvanians are subject to such discrimination. Isn't one too many?

¹³ Gallup estimates that 64% of Americans indicate approval for lesbian and gay relationships. See Jones, Jeffrey M. "Support for Legal Gay Relationships Hits New High" *Gallup*, 2011. <http://www.gallup.com/poll/147785/Support-Legal-Gay-Relations-Hits-New-High.aspx>.

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September 19, 2011

The Honorable P. Michael Sturla
414 Main Capitol Building
PO Box 202096
Harrisburg, PA 17120-2096

Dear Chairman Sturla,

Thank you for the opportunity to submit written testimony for the House Democratic Policy Committee on House Bill 300. I submit these comments on behalf of the American Civil Liberties Union of Pennsylvania and its members. Founded in 1920, the ACLU is one of the nation's oldest civil rights organizations. Half a million Americans are members of the ACLU, including 19,000 in Pennsylvania.

House Bill 300 would amend the Pennsylvania Human Relations Act (PHRA), the commonwealth's non-discrimination law, to include "sexual orientation" and "gender identity or expression" as protected classes. The bill would outlaw discrimination against lesbian, gay, bisexual, and transgender (LGBT) people in employment, housing, and public accommodation. The ACLU of Pennsylvania supports House Bill 300 and respectfully urges the members of the committee to support the bill.

Pennsylvanians can be proud of our long journey towards promoting equality, and House Bill 300 is a critical next step in continuing that journey. Our state passed its first law barring certain kinds of employment discrimination in 1955 with the Pennsylvania Fair Employment Act.¹ Through the last half-century, Pennsylvania's legislators have steadily amended the anti-discrimination law to protect equality for ever greater numbers of Pennsylvanians. For example, in 1969, the legislature added protection against discrimination on the basis of sex. In 1974, the law banned discrimination on the basis of "handicap" or disability. Through the decades, the law has changed to better meet its goal of promoting equality for all. It is time to

¹ Retrieved September 16, 2011, from http://www.portal.state.pa.us/portal/server.pt/community/legal_resources/18980/legal_timeline/707253

**Testimony submitted to the House Democratic Policy Committee
Re: House Bill 300
Submitted by Andy Hoover, Legislative Director, ACLU of PA
September 19, 2011**

take the next step- amending the PHRA to bar discrimination on the basis of sexual orientation and gender identity or expression.

Pennsylvania's residents already strongly support House Bill 300. In February of this year, Susquehanna Polling and Research asked Pennsylvanians if they would support a law banning discrimination on the basis of sexual orientation and gender identity. Approximately 70% of Pennsylvanians said yes. When the polling data is analyzed by region, significant majorities approve of amending the PHRA to protect LGBT people from discrimination in every region of the state.² And according to their research, the high level of support for the law has remained constant for the last eight years.

Many local governments in Pennsylvania have already decided that we need to end discrimination on the basis of sexual orientation and gender identity. Twenty two municipalities have passed comprehensive ordinances barring discrimination, covering approximately 30 percent of the population of the commonwealth. On September 14, Springfield Township in Montgomery County became the latest local government to ban discrimination on the basis of sexual orientation and gender identity³. Other local governments with comprehensive non-discrimination ordinances include Philadelphia, Allegheny County,⁴ Doylestown,⁵ Scranton⁶, Harrisburg, Lancaster, and York, among others.⁷ Their message is clear. Discriminating against LGBT individuals has no place in our communities.

House Bill 300 follows the commitment to equality that many of our largest businesses have already made. Pennsylvania's largest businesses have already adopted their own policies barring discrimination. All 27 Fortune 500 companies based in Pennsylvania have non-discrimination policies that include sexual orientation.⁸ Leading companies adopt non-discrimination policies to attract and retain the best employees. If House Bill 300 is enacted, it will help Pennsylvania attract the best employers.

² Equality Pennsylvania. "Equality Pennsylvania releases 2011 polling data showing statewide support (AGAIN) for LGBT-inclusive non-discrimination legislation." April 27, 2011.

³ <http://www.hellerspringfield.com/issues/anti-discrimination.htm>;
http://www.montgomerynews.com/articles/2011/09/16/springfield_sun/news/doc4e7375b891b40979273481.txt. Text of the ordinance is available at

<http://www.springfieldmontco.org/usr/HR%20Commission20110810.pdf>

⁴ <http://www.county.allegheny.pa.us/council/index.aspx>

⁵ Chapter 1, Section 358 of the Doylestown Ordinances (defining "Discrimination")

⁶ <http://ecode360.com/11605786>

⁷ Retrieved September 16, 2011, from <http://afaofpa.org/archives/municipalities-and-sexual-orientation-laws/>.

⁸ Retrieved September 16, 2011, from

<http://www.endlegaldiscrimination.org/toolkit/businessperspective.htm>.

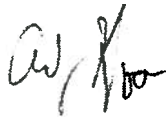
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Passing House Bill 300 would ensure that Pennsylvania does not fall behind other states in its protection for the rights of its residents. Our neighboring states of New Jersey, New York, Delaware, and Maryland already offer protection against discrimination on the basis of sexual orientation.⁹ Pennsylvania is an aging state that must find ways to keep and attract workers. Our K-12 enrollment has been flat for 20 years, and our growth rate is well below the national average. Failing to pass House Bill 300 would isolate Pennsylvania from its neighbors, and isolation could keep out new businesses and new residents.

HB 300 presents the commonwealth with an opportunity for progress. Adding sexual orientation and gender identity and expression to the PHRA is the next step in a process that has been ongoing for over fifty years. Pennsylvania's residents want to take that step. Pennsylvania's local governments want to take that step. Pennsylvania's businesses want to take that step. Pennsylvania's neighbors have taken that step. Now it is time for the legislature to join the rest of us and pass House Bill 300.

Thank you for the opportunity to present the views of the ACLU of Pennsylvania. You and the committee members are always welcome to contact me on this or any civil liberties issue.

Sincerely,



Andy Hoover
Legislative Director, American Civil Liberties Union of Pennsylvania

⁹ A state-by-state list of non-discrimination laws, and the lack thereof, is available at http://www.hrc.org/issues/workplace/workplace_laws.asp.