

2025-1974

title

Ordinance amending Title 6: Conduct, Article 1: Regulated Rights and Actions by adding a new Chapter 630 Providing for the De-Prioritization of Enforcement of Crimes Based on Identity Rather Than Conduct.

body

**WHEREAS**, every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination; and,

**WHEREAS**, in 2011 Pittsburgh City Council proclaimed Pittsburgh a Human Rights City as part of the Human Rights City Alliance; and,

**WHEREAS**, in 2020 Pittsburgh committed itself to being a welcoming city for members of the LGBTQIA+ Community through its creation of the LGBTQIA+ Commission; and,

**WHEREAS**, in 2023 Pittsburgh City Council declared the City of Pittsburgh a sanctuary city for Gender-Affirming Healthcare; and,

**WHEREAS**, on June 1 of this year, in a proclamation for Pittsburgh Pride Day, Pittsburgh City Council reaffirmed its commitment to building a city that is inclusive, equitable, and welcoming for all, and acknowledged that the work of achieving full equality and safety for all members of the LGBTQIA+ community must continue with urgency, compassion, and solidarity; and,

**WHEREAS**, these continuing commitments compel the City of Pittsburgh to safeguard the civil rights of its residents; and,

**WHEREAS**, those civil rights are increasingly under threat for the LGBTQIA+ community; and,

**WHEREAS**, multiple states have passed or are advancing laws restricting drag performance, banning the display of pride flags on government property, and banning or limiting access to gender-affirming care; and,

**WHEREAS**, in 2025, presidential executive orders have sought to ban gender-affirming care for persons 18 years of age and younger, prevent school staff from using students' preferred pronouns and limit classroom discussion on racism and equity, and prevent transgender athletes from participating in collegiate sports; and,

**WHEREAS**, local medical providers such as UPMC have already denied transgender Pittsburgh residents' gender-affirming care allegedly in response to new federal directives; and,

**WHEREAS**, these threats must be met by the City of Pittsburgh with unwavering solidarity for the LGBTQIA+ community and with action to ensure Pittsburghers are not criminalized or discriminated against for being queer;

**The Council of the City of Pittsburgh hereby enacts as follows:**

The Pittsburgh Code, Title 6: Conduct, Article 1: Regulated Rights and Actions, is hereby supplemented to add a new Chapter 630 De-Prioritization of Enforcement of Crimes Based on Identity Rather Than Conduct, as follows:

## **Chapter 630 - Enforcement Limitations Regarding Crimes Based on Identity Rather Than Conduct**

### **630.01 Definitions**

**“Protected class”** means any categorization, classification, or other grouping of one or more person(s) legally protected from discrimination under the terms of Section 651.02a of this code.

### **630.02 De-Prioritization of Enforcement of Crimes Based on Identity Rather Than Conduct**

If certain conduct that is otherwise legal but for the actor’s identification or association with a protected class ever becomes illegal nationwide or in the Commonwealth of Pennsylvania, the Council of the City of Pittsburgh instructs all city officials and law enforcement agencies to deprioritize enforcement of such crimes, penalties, and collateral consequences to the furthest extent possible.

Examples of conduct for which enforcement shall be deprioritized include but are not limited to:

- a. Expressing sexual orientation, gender identity, or gender expression through means including but not limited to a chosen name, a chosen gender identity, attire, or appearance.
- b. Engaging in speech or expression including but not limited to drag performance, the display of Pride flags, the dissemination of books or literature, and holding meetings or discussions.
- c. Using restroom facilities in correlation with an individual’s gender identity.
- d. Engaging in teaching, parenting, and caregiving.
- e. Engaging in consensual sexual activities between adults.
- f. Seeking and obtaining gender-affirming medical care.
- g. Seeking and obtaining legal documentation identifying an individual by their chosen name and/or gender identity.
- h. Participating in athletic activities or leagues in correlation with an individual’s gender identity.
- i. Seeking and obtaining housing and/or employment.

2025-1975

Title

Ordinance amending Title 6: Conduct, Article V: Discrimination, **Chapter 651: Findings and Policy, and** Chapter 659: Unlawful Practices to restrict discrimination in medical care on the basis of gender identity.

Body

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.**

§ 651.04 Definitions.

As used in this Article, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

(a) COMMISSION

The Commission on Human Relations as established by the Pittsburgh Home Rule Charter.

(b) DISCRIMINATE OR DISCRIMINATION

Any difference in treatment based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity or expression, familial status, age, status as a victim of domestic violence, handicap or disability, use of support animals, or status as a medical marijuana patient, as specified.

(c) EMPLOYER

Any person who employs five (5) or more employees, exclusive of the parents, spouse or children of such person, including the City of Pittsburgh, its departments, boards, commissions and authorities, and any other governmental agency within its jurisdiction, but excluding any religious, fraternal, charitable or sectarian organization which is not supported in whole or part by any governmental appropriations.

(d) EMPLOYMENT

Shall not include the employment of individuals in domestic service.

(e) EMPLOYMENT AGENCY

Any person regularly undertaking with or without compensation to procure opportunities for employment or to procure, recruit, refer or place employees.

(f) LABOR ORGANIZATION

Any organization which exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in relation to employment.

(g) LENDING INSTITUTION

Any bank, insurance company, saving and loan association, or any other person whose business consists in whole or in part in lending money or guaranteeing loans.

(h) (Reserved)

(i) OWNER

Includes the owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent or any other person having the right of ownership or possession or the authority to sell, rent or lease any dwelling, or any person having an equitable or security interest in any dwelling, including the City of Pittsburgh and its departments, boards, commissions and authorities.

(j) REAL ESTATE BROKER

Any natural person, partnership, corporation or other association which for a fee or other valuable consideration manages, sells, purchases, exchanges or rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange or rental of the real property of another, or holds itself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, or collects rent for the use of the real property of another, and includes real estate salespersons or agents or any other person employed by a real estate broker to perform or to assist in the performance of their business.

(k) PUBLIC ACCOMMODATION, RESORT, RECREATION OR AMUSEMENT

Includes any place, business or activity which is open to, accepts or solicits the patronage of the general public or offers goods, services or recreation to the general public.

(l) Repealed (By Ord. 34-1993, eff. December 28, 1993).

(m) Repealed (By Ord. 34-1993, eff. December 28, 1993).

(n) SEXUAL ORIENTATION

A person's identified or perceived engagement in, or desire for, sexual, physical, or romantic relationships with a person or persons of a particular sex, gender, gender identity, or gender expression.

(o) ACCESSIBLE

When used with respect to the public and common use areas of a building containing covered multifamily dwellings, means:

(1) That the public or common use areas of the building can be approached, entered and used by individuals with physical handicaps. The phrase "readily accessible to and usable by" is synonymous with accessible. A public or common use area that complies with the appropriate requirements of ANSI A117.1-1986 or a comparable standard is ACCESSIBLE within the meaning of this subsection; or

(2) Being in compliance with the applicable standards set forth in the following:

A. The Fair Housing Act (Public Law 90-284, 42 U.S.C. Section 3601, et seq.);

B. The Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. Section 12101 et seq.); and

C. The Act of September 1, 1965 (P.L. 459, No. 235), entitled, as amended, "An act requiring that certain buildings and facilities adhere to certain principles,

standards and specifications to make the same accessible to and usable by persons with physical handicaps, and providing for enforcement;" and

D. Any other applicable Federal or State law or regulation, or any local ordinance or resolution, relating to accessibility or accommodations.

(p) AGE

Includes any person forty (40) years of age or older and shall also include any other person so protected by further amendment to the Federal Age Discrimination in Employment Act.

(q) AGGRIEVED PERSON

Any person who:

- (1) Claims to have been injured by an unlawful practice under Chapter 659; or
- (2) Believes that such person will be injured by an unlawful practice under Chapter 659.

(r) ANSI A117.1-1986

The 1986 edition of the American National Standard Institute for buildings and facilities providing accessibility and usability for physically handicapped people.

(s) CHARITABLE ORGANIZATION

An organization, institution, association or corporation which is dedicated to philanthropic pursuits and provides goods, services and financial aid to the public free of charge.

(t) COMMON USE AREAS

Rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or the guest thereof. These areas include, but are not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas and passageways among and between buildings.

(u) CONCILIATION

The attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent and the Commission.

(v) CONCILIATION AGREEMENT

A written agreement setting forth the resolution of the issues in conciliation.

(w) COVERED MULTIFAMILY DWELLINGS

Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and ground floor units in other buildings consisting of four (4) or more units.

(x) DISABILITY

The term DISABILITY is synonymous with the term HANDICAP.

(y) DISCRIMINATORY HOUSING PRACTICE

Any act that is unlawful under Section 659.03.

(z) DWELLING

Any building, structure or portion thereof which is occupied as or designed or is intended for occupancy as, a residence by an individual or one (1) or more families, or by a group of persons living together, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(aa) DWELLING UNIT

A single unit of residence for a family of one (1) or more persons.

(bb) FAIR HOUSING ACT

Public Law 90-284, 42 U.S.C. Section 3601 et seq., as amended.

(cc) FAMILIAL STATUS

one (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:

- (1) A parent or other person having legal custody of such individual or individuals; or
- (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

(dd) HANDICAP

The term handicap or disability, with respect to a person, means:

- (1) A physical or mental impairment which substantially limits one (1) or more of such person's major life activities; or
- (2) A record of having such an impairment; or
- (3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. Section 802).

(ee) HOUSING FOR OLDER PERSONS

(1) Housing:

- A. Provided under any state or federal program that the U.S. Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program; or
- B. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or

C. Intended and operated for at least one (1) person fifty-five (55) years of age or older per unit as determined by the Secretary of U.S. Housing and Urban Development.

(2) In determining whether housing qualifies as housing for older persons under this Article, the Commission shall follow the standards set forth in the Fair Housing Act and regulations pertaining to housing for older persons as promulgated by the U.S. Secretary of Housing and Urban Development.

(3) Housing shall not fail to meet the requirements for housing for older persons by reason of unoccupied units provided that such units are reserved for occupancy by persons who meet the age requirements of this subsection.

(ff) INDEPENDENT CONTRACTOR

Includes any person who is subject to the provisions governing any of the professions and occupations regulated by State licensing laws enforced by the Bureau of Professional and Occupational Affairs in the Department of State, or is included in the Fair Housing Act.

(gg) NONJOB-RELATED HANDICAP OR DISABILITY

Any handicap or disability which does not substantially interfere with the ability to perform the essential functions of the employment which a handicapped person applies for, is engaged in or has been engaged in.

(hh) RESIDENTIAL REAL ESTATE-RELATED TRANSACTION

Any of the following:

(1) The making or purchasing of loans or providing other financial assistance and any terms and conditions of such a transaction:

A. For purchasing, constructing, improving, repairing or maintaining a dwelling;  
or

B. Secured by residential real estate.

(2) The selling, brokering or appraising of residential real property.

(ii) SEX

A person's identified or perceived biological traits as they relate to that person's reproductive system, secondary sex characteristics, or genetic composition including physical anatomy, chromosomal sex, or sex assigned at birth.

(jj) SOURCE OF INCOME

All lawful sources of income or rental assistance program, including, but not limited to, earned income, child support, alimony, insurance and pension proceeds, and all forms of public assistance including federal, state and local housing assistance programs. This includes the Section 8 Housing Choice Voucher Program.

(kk) DOMESTIC VIOLENCE

The occurrence of one (1) or more of the following acts between family or household members, current or former dating partners, sexual or intimate partners, or persons who share biological parenthood:

- (1) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury, serious bodily injury, emotional distress, substantial emotional distress, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, or incest, with or without a deadly weapon.
- (2) Placing another in reasonable fear of imminent serious bodily injury including but not limited to making threats of harm or intimidation.
- (3) The infliction of false imprisonment pursuant to 18 Pa. C.S. § 2903 (relating to false imprisonment).
- (4) Physically or sexually abusing minor children, including sexual abuse as defined at 23 Pa. C.S. § 6303.
- (5) Stalking.

## (ll) STALKING

Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or engaging in a course of conduct or repeatedly communicating to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

## (mm) VICTIM OF DOMESTIC VIOLENCE

An individual who has been subjected to domestic violence. The term "survivor of domestic violence" may be used interchangeably with "victim of domestic violence."

## (nn) PREGNANCY

The state of being pregnant, including the partner of a pregnant person, seeking to become pregnant, and related symptoms of pregnancy.

## (oo) CHILDBIRTH

Labor or childbirth, whether or not it results in a live birth.

## (pp) RELATED MEDICAL CONDITIONS AND EVENTS

Any medical condition and events that are related to or caused by pregnancy or childbirth, which can occur before, during, or after the gestation period, or after childbirth, whether or not it results in a live birth, including being the partner of a person affected by any such related medical condition or event.

## (qq) GENDER IDENTITY

A person's actual or perceived identity as it relates to the gender spectra.



(rr) GENDER EXPRESSION

A person's actual or perceived expression of gender identity through appearance, dress, behavior, mannerisms, or other traits.

(ss) CITIZENSHIP OR IMMIGRATION STATUS

Perceived or actual matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States, the time or manner of a person's entry into the United States, or any other immigration matter enforced by the United States Department of Homeland Security or a successor or other federal agency charged with the enforcement of civil immigration laws.

(tt) PREFERRED LANGUAGE

Perceived or actual spoken or written language or form of sign language most preferred by the individual as means of communication.

(uu) HAIRSTYLE

Hair texture and styles of hair of any length, such as protective or cultural hairstyles, and natural hairstyles.

(vv) PROTECTIVE AND CULTURAL HAIR TEXTURES AND HAIRSTYLES

Hairstyles and hair textures most commonly associated with race, including, but not limited to braids, cornrows, locs, Bantu knots, Afros, and twists, whether or not hair extensions or treatments are used to create or maintain any such style, and whether or not hair is adorned by hair ornaments, beads, or headwraps.

(ww) INCITING INCIDENT

An act of domestic violence or an action, event or circumstance related to an act of domestic violence that puts a tenant in reasonable fear of further harm from the responsible party.

(xx) FAMILY OR HOUSEHOLD MEMBERS

Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

(yy) RESPONSIBLE PARTY

An individual who commits, or is alleged to have committed, an act of domestic violence.

(zz) LANDLORD

Any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.

(aaa) MEDICAL MARIJUANA PATIENT

An individual who has a serious medical condition, disability or handicap such that qualifies them for medical marijuana use and who is certified under the Pennsylvania Medical Marijuana Act of 2016 to access marijuana for a certified medical use.

**(bbb) ELECTIVE MEDICAL CARE**

**Any non-emergency care which may be scheduled in advance by the attending practitioner, facility, or recipient, and which is provided by an individual who is licensed, certified or registered under the laws of the Commonwealth of Pennsylvania to provide, to an individual or a group, health services, including but not limited to, treatment of physical illness or injury, rehabilitation from illness or physical injury, palliative care, nursing home or other long term care, or the assessment or improvement of physical, mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease.**

§ 659.04 Unlawful Public Accommodations Practices.

It shall be an unlawful public accommodation practice for the owner, lessee, proprietor, manager, superintendent, agent or employee of any business or place of public accommodation, resort, recreation or amusement to:

- (a) Refuse, withhold from or deny to any person because of their race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, handicap or disability or use of support animals because of the handicap, disability of the user, actual or perceived citizenship or immigration status, or actual or perceived preferred language, or hairstyles and protective and cultural hair textures and hairstyles either directly or indirectly, any of the accommodations, advantages, facilities, services or privileges, products or goods in such place of public accommodation, resort or amusement.
- (b) Publish, circulate, issue, display, post or mail, either directly or indirectly, any printed, verbal, or written communication, notice or advertisement to the effect that indicates any preference, limitation, specification, or discrimination of any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, handicap or disability or use of support animals because of the handicap or disability of the user, or that the patronage of any person of any particular race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, handicap, disability or use of guide dogs because of the blindness of the user, or actual or perceived citizenship or immigration status, or actual or perceived preferred language or hairstyles and protective and cultural hair textures and hairstyles is unwelcome, objectionable, or not acceptable, desired or solicited.

- (c) Aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful public accommodations practice under this Article, whether such person is included by reference or not.
- (d) Discriminate against any person because that individual has opposed any practice forbidden by this Article or because that individual has made a complaint or testified or assisted in any manner in any investigation or proceeding under this Article.
- (e) Refuse, withhold from, or deny to any person elective medical care which would normally be provided to a person, but for that person's real or perceived gender identity or gender expression.

2025-1976

title

Ordinance supplementing the Pittsburgh Code, Title 6: Conduct, Article 1: Regulated Rights and Actions by adding a new section 629 providing for the assessment of a civil fine for engaging in sex work in the City of Pittsburgh.

body

**WHEREAS**, between 2016 and 2022, only 3% of the City’s arrests for prostitution concerned incidents of violence, sex trafficking, or the victimization of minors, suggesting that the majority of arrests are related to consensual exchanges between adults; and,

**WHEREAS**, during the same years, 67% of people arrested for prostitution were providers (sex workers) rather than third parties or clients; and,

**WHEREAS**, in Pittsburgh, clients (“Johns”) routinely find their cases resolved with a summary offense at the preliminary hearing level, while providers routinely face penalties that include criminal conviction, incarceration, fines, parole, and probation; and,

**WHEREAS**, said penalties result in permanent criminal records for providers which hinder future opportunities for employment, housing, custody, and other necessities; and,

**WHEREAS**, a disproportionate amount of people arrested for prostitution are non-white and non-men, suggesting that those who are already most vulnerable to race and gender-based violence are most likely to be the ones most affected by criminal penalties for sex work and their related impacts; and,

**WHEREAS**, criminal penalties do not end or reduce sex work, but instead push providers into an illicit market where they are unprotected from exploitation and abuse; and,

**WHEREAS**, reducing penalties for sex work allows for improved health outcomes, as sex workers are more empowered to report crimes or seek social and medical services without fear of their own persecution; and,

**WHEREAS**, the City of Pittsburgh Police have limited resources which should be focused on violent crime, not arresting people for victimless crimes; and

**WHEREAS**, the additional expenditures of jail, prosecution, and probation after the arrest place a significant burden on taxpayers and the criminal justice system; and,

**WHEREAS**, reducing penalties from a misdemeanor to a summary offense relieves sex workers from life-disrupting penalties and reduces public resources spent on arrests, incarceration, and court proceedings, thus allowing our public resources to be focused on victims and survivors of coercive or violent situations.

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Pittsburgh Code, Title 6: Conduct, Article 1: Regulated Rights and Actions, is hereby supplemented to add a new Section 629 Prostitution, as follows:

## **Section 629 - Prostitution**

### **629.01 Definitions**

- a. “Prostitution” - an activity where a person engages in sexual activity as a business
- b. “Sexual Activity” - includes sexual intercourse and deviate sexual intercourse, as those terms are defined in 18 Pa.C.S. §3101 (relating to definitions), and any touching on the sexual or other intimate parts of an individual for the purpose of gratifying sexual desire of either person.

### **629.02 Engaging in Prostitution**

- a. So long as Prostitution remains illegal pursuant to 18 Pa.C.S. §5902 no person may engage in prostitution within the jurisdiction limits of the City of Pittsburgh. If Prostitution is no longer illegal pursuant to 18 PaC.S. §5902, then this Section no longer applies.
- b. Engaging in prostitution shall be a summary violation of this Section.
- c. Persons found in violation of this Section shall be issued a Notice of Violation by the police or other authorized law enforcement officer. Alternatively, the officer can obtain the violator’s name and address and later send a Notice of Violation by first-class mail.
- d. Penalties - a penalty for a violation of this Section shall not exceed \$100.00. The Court, in its discretion, may authorize Community Service, not to exceed 20 hours, in lieu of a fine. Penalties shall not be levied in addition to, nor exceed any penalties for prostitution assessed by any Pa state statutes.
- e. Enforcement.
  - i. A Notice of Violation issued under this Section shall be enforced in accordance with the procedures established by the City of Pittsburgh Police Department for the enforcement of summary violations.
  - ii. This Section shall not be construed to supersede any existing Pennsylvania or Federal law. Law enforcement retains the authority to enforce any and all applicable state law.