

LAWS OF DELAWARE
VOLUME 84
CHAPTER 429
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 440

AN ACT TO AMEND THE DELAWARE CODE RELATING TO HOUSING STATUS DISCRIMINATION IN EMPLOYMENT AND PROFESSIONAL ACTIVITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 204, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 204. Training and apprenticeship programs.

(g) The recruitment, selection, and training of apprentice trainees during their apprenticeship shall be without discrimination because of race, color, religion, national origin, ~~or sex.~~ sex, or housing status. The State will take affirmative action to provide equal opportunity in apprenticeship programs and will operate the training program as required under the State plan for equal employment in apprenticeship and training. For purposes of this subsection:

(1) “Housing status” means an individual, family, or youth’s overnight residence regardless of permanence or habitability.

Section 2. Amend § 710, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 710. Definitions.

(12) “Housing status” means as defined in section 204 of Title 19.

Section 3. Amend § 711, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 711. Unlawful employment practices; employer practices.

(b) It shall be an unlawful employment practice for an employer to do any of the following:

(1) Fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment because of such

individual's race, marital status, genetic information, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, ~~or national origin;~~ origin, or housing status.

(2) Limit, segregate or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee because of such individual's race, marital status, genetic information, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, ~~or national origin;~~ origin, or housing status.

(c) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment or otherwise to discriminate against any individual because of race, marital status, genetic information, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, ~~or national origin;~~ origin, or housing status or to classify or refer for employment any individual on the basis of race, marital status, genetic information, color, religion, age, sex (including pregnancy), sexual orientation, gender identity, ~~or national origin;~~ origin, or housing status.

(d) It shall be an unlawful employment practice for a labor organization to:

(1) Exclude or expel from its membership or otherwise to discriminate against any individual because of race, marital status, genetic information, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, ~~or national origin;~~ origin, or housing status;

(2) Limit, segregate or classify its membership or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities or would limit such employment opportunities or otherwise adversely affect the individual's status as an employee or as an applicant for employment because of such individual's race, marital status, genetic information, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, ~~or national origin;~~ origin, or housing status; or

(e) It shall be an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of race, marital status, genetic information, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, ~~or national origin;~~ origin, or housing status in admission to or employment in any program established to provide apprenticeship or other training.

(g) It shall be an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discharge, refuse to hire or otherwise discriminate against any individual or applicant for employment or membership on the basis of such person's race, marital status, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, ~~or national origin~~, origin, or housing status because such person has opposed any practice prohibited by this subchapter or because such person has testified, assisted or participated in any manner in an investigation, proceeding, or hearing to enforce the provisions of this subchapter.

(n) Notwithstanding any other provision of this subchapter:

(1) It shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program on the basis of religion, genetic information, age, sex (including pregnancy), sexual orientation, gender identity, or national origin in those certain instances where religion, genetic information, age, sex (including pregnancy), sexual orientation, gender identity, ~~or national origin~~ origin, or housing status is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and

(o) Notwithstanding any other provision of this subchapter, it shall not be an unlawful employment practice for an employer to apply different standards of compensation or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, marital status, genetic information, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, ~~or national origin~~, origin, or housing status, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, marital status, genetic information, color, religion, age, sex (including pregnancy), sexual orientation, gender identity, ~~or national origin~~, origin, or housing status.

Section 4. Amend § 502, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 502. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them under this section, except where the context clearly indicates a different meaning:

(7) “Housing status” means as defined in section 204 of Title 19.

Section 5. Amend § 506, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 506. Powers and duties; immunity.

(c) No member of the Board shall in any manner whatsoever discriminate against any applicant or person holding or applying for a certificate to practice podiatric medicine by reason of sex, race, color, ~~creed or~~ creed, national ~~origin~~ origin, or housing status.

Section 6. Amend § 701, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 701. Chiropractic defined; limitation of chiropractic license.

(a) For purposes of this chapter:

(5) “Housing status” means as defined in section 204 of Title 19.

Section 7. Amend § 706, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 706. Powers and duties; immunity.

(d) No member of the Board shall in any manner whatsoever discriminate against any applicant or person holding or applying for a license to practice chiropractic by reason of sex, race, color, ~~creed or~~ creed, national ~~origin~~ origin, or housing status.

Section 8. Amend § 1702, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 1702. Definitions.

The following definitions apply to this chapter unless otherwise expressly stated or implied by the context:

(8) “Housing status” means as defined in section 204 of Title 19.

Section 9. Amend § 1713, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1713. Powers and duties of the Board.

(c) A member of the Board may not discriminate, by reason of gender, race, color, creed, religion, age, disability, ~~or~~ national origin, or housing status against a person holding or applying for a certificate to practice medicine, or for an authorizing document to practice another occupation or profession pursuant to this chapter.

Section 10. Amend § 3101, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3101. Definitions.

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them under this section, except where the context clearly indicates a different meaning:

(10) “Housing status” means as defined in section 204 of Title 19.

Section 11. Amend § 3102, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3102. Board of Funeral Services.

(k) No member of the Board shall in any manner whatsoever discriminate against any applicant or person holding or applying for a license to practice funeral services by reason of sex, race, color, age, creed, ~~or~~ national ~~origin~~, origin, or housing status.

Section 12. Amend § 5953, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 5953. Discrimination prohibited.

(a) For purposes of this section:

(1) “Housing status” means as defined in section 204 of Title 19.

(b) A person may not be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or be in any way favored or discriminated against with respect to employment in the classified service, because of political or religious opinions or affiliations, sexual orientation, gender identity, sex, ~~or~~ ~~race~~, race, or housing status.

Section 13. Amend § 6962, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 6962. Large public works contract procedures [For application of this section, see 82 Del. Laws, c. 36, § 3].

(d) Bid specifications and plans requirements. —

(7) Equality of employment opportunity and equal pay on public works. —

a. As a condition of the awarding of any contract for public works financed in whole or in part by state appropriation, such contracts shall include the following provisions:

During the performance of this contract, the contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, sexual orientation, gender identity ~~or national origin,~~ national origin, or housing status. The contractor will take positive steps to ensure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, sex, sexual orientation, gender identity ~~or national origin,~~ national origin, or housing status. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places available to employees and applicants for employment notices to be provided by the contracting agency setting forth this nondiscrimination clause.

2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, sexual orientation, gender identity ~~or national origin,~~ national origin, or housing status.

c. For the purposes of this section:

1. “Housing status” means as defined in section 204 of Title 19.

Approved September 26, 2024