

LAWS OF DELAWARE
VOLUME 85
CHAPTER 144
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 36

AN ACT TO AMEND TITLE 2, TITLE 6, TITLE 9, TITLE 10, TITLE 14, TITLE 19, TITLE 20, TITLE 24, TITLE 25, AND TITLE 29 OF THE DELAWARE CODE RELATING TO DISCRIMINATION.

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

Section 1. Amend § 1917, Title 2 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1917. No discrimination; accessibility.

(a) The TNC shall adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, ~~or gender identity~~ identity, or any other basis protected under Chapter 45 of Title 6 with respect to riders and potential riders and notify TNC drivers of such policy.

(b) TNC drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, ~~or gender identity~~ identity, or any other basis protected under Chapter 45 of Title 6.

Section 2. Amend § 4502, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4502. Definitions.

For purposes of this chapter:

(19)a. “Place of public accommodation” means ~~any~~ all of the following:

1. An establishment ~~which~~ that caters to or offers goods, services, facilities, privileges, advantages, or accommodations to, or solicits patronage from, the general public, including state agencies, local agencies government agencies, public libraries, and state-funded agencies performing public functions. ~~This definition includes hotels~~

2. Hotels and motels catering to the transient ~~public, but it~~ public.

3. Entities and services licensed or regulated under Title 5.

b. “Place of public accommodation” does not apply to any of the following: ~~the~~

1. The sale or rental of houses, housing units, apartments, rooming houses, or other ~~dwellings,~~
~~nor to tourist dwellings.~~

2. Tourist homes with less than 10 rental units catering to the transient public.

Section 3. Amend § 4601, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4601. Declaration of purpose and construction.

(a) *Purpose.* — This chapter is intended to eliminate, as to housing offered to the public for sale, rent or exchange, discrimination based upon race, color, national origin, religion, creed, sex, marital status, familial status, source of income, age, sexual orientation, gender identity, disability, or housing status and to provide an administrative procedure through which disputes concerning the same may effectively and expeditiously be resolved with fairness and due process for all parties concerned.

Section 4. Amend § 1183, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1183. Prohibitions and penalties.

(a) The following prohibitions apply:

(1) A person may not be appointed to, or removed from, or in any way favored or discriminated against with respect to, any county position, or appointive county administrative office, because of race, or color, or national origin, political or religious opinions or affiliations, sex, sexual orientation, ~~or gender identity~~, identity, or any other basis protected under Chapter 7 of Title 19.

Section 5. Amend § 8110, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8110. Civic organizations owning parkland.

(a) As used in this section:

(2) The term “parkland” ~~shall be defined as~~ means real property, including improvements erected thereon and fixtures attached thereto, used primarily for recreational purposes and dedicated as parkland, public open space, private open space or other public use on a recorded subdivision plan, or through valid and binding restrictive covenants, provided that:

c. The use of the property is open, without charge, to the public, or to members of the civic organization, or to the residents of the neighborhood, or to residents of the community or to residents of the subdivision in which the property is located, regardless of sex, race, creed, ~~color or~~ color, national ~~origin~~, origin, or any other basis protected under Chapter 45 of Title 6.

Section 6. Amend § 9605, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9605. Recordation of instruments.

(b)(1) A recorder may not knowingly record or receive for filing any contract, mortgage, lease, deed or conveyance, or any other indenture or agreement affecting real property that contains any promise, covenant, or restriction that limits, restrains, prohibits, or otherwise provides against the sale, gift, transfer, assignment, conveyance, ownership, lease, rental, use, or occupancy of real property to or by any person because of race, color, creed, religion, sex, sexual orientation, gender identity, disability, age, marital status, familial status, source of income, national origin, ancestry, ~~or housing status~~, status, or any other basis protected under Chapter 46 of Title 6. For purposes of this paragraph (b)(1):

Section 7. Amend § 4502, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4502. Prohibition of discrimination.

No person ~~shall~~ may be excluded from jury service in this State on account of race, color, religion, sex, national origin ~~or economic status~~, status, or any other basis protected under Chapter 45 of Title 6.

Section 8. Amend § 8516, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8516. Grounds for refusal to issue, renew or for revoking certificates or permits.

In addition to any other cause herein set forth, the Department may refuse to issue or to renew, or may revoke any certificate of approval or permit for any 1 or ~~combination~~ more of the following causes:

(11) Refusal to admit applicants solely on account of race, color, creed, ~~age or sex~~, age, sex, or any other basis protected under Chapter 45 of Title 6.

Section 9. Amend § 204, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 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, sex, ~~or housing status~~, status, or any other basis protected under Chapter 7 of this title. 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:

Section 10. Amend § 1204, Title 20 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1204. Eligibility for burial.

(c) Burial in the Delaware Veterans Memorial Cemetery shall be without regard to race, creed, color, ~~sex or sex~~, national origin, ~~origin~~, or any other basis protected under Chapter 45 of Title 6.

Section 11. 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~~ A member of the Board ~~shall in any manner whatsoever~~ may not discriminate against any applicant or person holding or applying for a certificate to practice podiatric medicine by reason of sex, race, color, creed, national origin, ~~or housing status~~, status, or any other basis protected under Chapter 45 of Title 6.

Section 12. 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~~ A member of the Board ~~shall in any manner whatsoever~~ may not discriminate against any applicant or person holding or applying for a license to practice chiropractic by reason of sex, race, color, creed, national origin, ~~or housing status~~ status, or any other basis protected under Chapter 45 of Title 6.

Section 13. Amend § 1713, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1712. 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, national origin, ~~or housing status~~ status, or any other basis protected under Chapter 45 of Title 6, 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 14. 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~~ A member of the Board ~~shall in any manner whatsoever~~ may not discriminate against any applicant or person holding or applying for a license to practice funeral services by reason of sex, race, color, age, creed, national origin, ~~or housing status~~ status, or any other basis protected under Chapter 45 of Title 6.

Section 15. Amend § 5116, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5116. Fair housing provisions.

(a) No person, being an owner or agent of any real estate, house, apartment or other premises, ~~shall~~ may refuse or decline to rent, subrent, sublease, ~~assign~~ assign, or cancel any existing rental agreement to or of any tenant or any person by reason of race, creed, religion, marital status, color, sex, sexual orientation, gender identity, national origin, disability, age, source of income, occupation, housing ~~status or because the tenant or person has a child or children in the family~~ status, familial status, or any other basis protected under Chapter 46 of Title 6.

(b) No person ~~shall~~ may demand or receive a greater sum as rent for the use and occupancy of any premises because the person renting or desiring to rent the premises is of a particular race, creed, religion, marital status, color, sex, sexual orientation, gender identity, national origin, disability, age, source of income, occupation, housing ~~status or has a child or children in the family~~ status, familial status, or any other basis protected under Chapter 46 of Title 6.

(c) In the event of discrimination under this section, the tenant may recover damages sustained as a result of the landlord's action, ~~including, but not limited to,~~ including reasonable expenditures necessary to obtain adequate substitute housing.

(d)(1) Notwithstanding subsection (a) of this section relating to age discrimination, and consistent with the federal Fair Housing Act and ~~state fair housing acts, the Delaware Fair Housing Act, Chapter 46 of Title 6,~~ a landlord may make rental units available exclusively for rental by senior citizens.

(2) A senior citizen rental unit ~~shall under paragraph (d)(1) of this section must otherwise~~ be available for rent solely to senior citizens, without regard to race, creed, religion, marital status, color, sex, sexual orientation, gender identity, national origin, disability, source of income, occupation, ~~or housing status of the senior citizen and without regard to whether or not the senior citizen has a dependent child or children in the residence.~~ status, familial status, or any other basis protected under Chapter 46 of Title 6.

Section 16. Amend § 7102, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7102. Definitions.

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

(2) “Comparable housing” shall mean a dwelling place or manufactured home community site which ~~is:~~ is all of the following:

- a. Decent, safe, ~~sanitary~~ sanitary, and in compliance with all local and state housing codes;
- b. Open to all persons regardless of race, creed, national origin, ancestry, marital ~~status or sex;~~ status, sex, or any other basis protected under Chapter 46 of Title 6;

Section 17. Amend § 5953, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5953. Discrimination prohibited.

(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, race, ~~or housing status.~~ status, or any other basis protected under Chapter 7 of Title 19.

Section 18. Amend § 6962, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6962. Large public works contract procedures.

(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. A. The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, sexual orientation, gender identity, national origin, ~~or housing status.~~ status, or any other basis protected under Chapter 7 of Title 19.

B. 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, national origin, ~~or housing status.~~ Such action shall include, but not be

~~limited to, the following: employment, upgrading, demotion~~ status or any other basis protected under Chapter 7 of Title 19, in all of the following actions:

I. Employment.

II. Upgrading.

III. Demotion or transfer; recruitment transfer.

IV. Recruitment or recruitment advertising; layoff advertising.

V. Layoff or termination; rates termination.

VI. Rates of pay or other forms of compensation; and selection compensation.

VII. Selection for training, including apprenticeship.

C. 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 the~~ nondiscrimination clause: requirements under paragraphs (d)(7)a.1.A through (d)(7)a.1.B of this section.

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, national origin, ~~or housing status; status,~~ status, or any other basis protected under Chapter 7 of Title 19.

Approved August 20, 2025