



SPONSOR: Rep. Phillips & Rep. Bush & Sen. Hoffner &  
Sen. Townsend  
Reps. Lambert, Minor-Brown, Romer, Bolden; Sen.  
Lockman

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

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:

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

3 § 204. Training and apprenticeship programs.

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

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

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

12 § 710. Definitions.

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

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

16 § 711. Unlawful employment practices; employer practices.

17 (b) It shall be an unlawful employment practice for an employ  
18 er to do any of the following:

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

21 status, genetic information, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, or  
22 national ~~origin~~, origin, or housing status.

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

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

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

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

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

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

46 (g) It shall be an unlawful employment practice for any employer, employment agency, labor organization or joint  
47 labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training  
48 programs, to discharge, refuse to hire or otherwise discriminate against any individual or applicant for employment or  
49 membership on the basis of such person's race, marital status, color, age, religion, sex (including pregnancy), sexual  
50 orientation, gender identity, or national ~~origin~~, origin, or housing status because such person has opposed any practice

51 prohibited by this subchapter or because such person has testified, assisted or participated in any manner in an  
52 investigation, proceeding, or hearing to enforce the provisions of this subchapter.

53 (n) Notwithstanding any other provision of this subchapter:

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

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

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

74 § 502. Definitions.

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

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

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

80 § 506. Powers and duties; immunity.

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

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

86 § 701. Chiropractic defined; limitation of chiropractic license.

87 (a) For purposes of this chapter:

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

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

91 § 706. Powers and duties; immunity.

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

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

97 § 1702. Definitions.

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

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

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

102 § 1713. Powers and duties of the Board.

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

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

108 § 3101. Definitions.

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

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

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

114                   § 3102. Board of Funeral Services.

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

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

120                   § 5953. Discrimination prohibited.

121                   (a) For purposes of this section:

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

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

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

128                   § 6962. Large public works contract procedures [For application of this section, see 82 Del. Laws, c. 36, § 3].

129                   (d) *Bid specifications and plans requirements.* —

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

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

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

134                   1. The contractor will not discriminate against any employee or applicant for employment because of  
135 race, creed, color, sex, sexual orientation, gender identity ~~or national origin.~~ national origin, or housing status. The  
136 contractor will take positive steps to ensure that applicants are employed and that employees are treated during  
137 employment without regard to their race, creed, color, sex, sexual orientation, gender identity ~~or national origin.~~  
138 national origin, or housing status. Such action shall include, but not be limited to, the following: employment,  
139 upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other  
140 forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in

141 conspicuous places available to employees and applicants for employment notices to be provided by the  
142 contracting agency setting forth this nondiscrimination clause.

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

146 c. For the purposes of this section:

147 1. "Housing status" means as defined in section 204 of Title 19.

#### SYNOPSIS

Delaware law prohibits discrimination on the basis of protected characteristics in employment and professional activities. This Act would add "housing status" as a protected characteristic.