

Pa. Supreme Court: Pittsburgh didn't have authority to pass housing voucher anti-discrimination ordinance



PAULA REED WARD | Thursday, October 21, 2021 10:08 p.m.



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The state Supreme Court on Thursday agreed with a lower court that the city of Pittsburgh didn't have the authority in 2015 to pass an ordinance barring landlords from discriminating against tenants who used federally subsidized housing vouchers.

City Council passed the ordinance to protect those with "Section 8" housing vouchers from discrimination. They said landlords would often reject a tenant presenting a housing voucher as a pretext for illegal discrimination based on race, family status or national origin.

The Apartment Association of Metropolitan Pittsburgh, which includes more than 200 residential property owners, filed suit against the city in Allegheny County Common Pleas Court in January 2016 alleging the ordinance required its members to accept housing vouchers and therefore be liable for related obligations, like lease agreements and apartment inspections.

In the lawsuit, they alleged that the ordinance violated the city's Home Rule Charter, as well as the state Constitution.

Common Pleas Judge Joseph James ruled in favor of the apartment association, and the city appealed to Commonwealth Court, which affirmed his ruling in 2019.

However, the state Supreme Court remanded the case for reconsideration after it issued a decision upholding the city's paid sick leave act, recognizing that the case could be influential on the issue.

In March 2020, the Commonwealth Court again affirmed the lower court decision.

On Thursday, the state Supreme Court did the same.

In its 31-page opinion written by Justice David Wecht, the court found that the business exclusion in the city's Home Rule Charter precludes the ordinance.

"(T)he (Pennsylvania Human Relations Act) simply does not provide clear statutory authority to go as far as the city did with the ordinance," Wecht wrote.

Dan Gilman, chief of staff to Mayor Bill Peduto, said the opinion will be carefully reviewed with council and the law department.

"It is imperative that we expand affordable housing access in Pittsburgh, including more opportunities to use housing vouchers," he said.

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