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Fair Ways

April 1997

The Newsletter of the
**Fair Housing Council of
Suburban Philadelphia**
Natalie L. Gorvine, Editor
Jan Chadwick, Reports &
Design

Working For Freedom of Residence Since 1956

Sweet & Sour Victory, Council "Stands" Ground

On December 4, 1996, a federal court jury found the *Main Line Times (MLT)* and its publisher, Acme Newspapers, Inc. guilty of publishing illegal housing advertising. To give you some history of this case, in 1991, the Council filed complaints against the *MLT* at the US Department of Housing and Urban Development (HUD) for discriminatory advertising. The *MLT* settled the case, giving the Council free advertising space, receiving training in the law and promising to comply with fair housing advertising laws.

In 1993, the Council again found discriminatory advertising in the *MLT's* classifieds, and again filed complaints at HUD and the Pennsylvania Human Relations Commission (PHRC). Again, the *MLT* apologized for its actions, offered some more free advertising, paid the Council \$1,000, and promised to

never do it again.

Later in 1993, when another advertising violation was found, the Council sent a letter to the newspaper, asking them to please stop doing this: we do not want to file any more complaints against you! The newspaper apologized again and said that they really would do better. So, in 1994, when the Council found an advertisement stating that "no children" were allowed in a 3 bedroom apartment in Havertown, we filed a lawsuit.

On December 2, the Council arrived in federal

What's the point, after all, of teaching people their rights, training the industry, testing for compliance? What's the point of all of it if you can still open up a newspaper and read an ad that says "no children"?

court armed with all this evidence as well as 2,500

advertisements that, in some way, stated a preference for families without children. In all, five out of the 2,500 ads and none of the evidence of past complaints filed was allowed to be presented to the jury. The *MLT* repeatedly attacked the Council's motivation for filing this lawsuit, claiming that we only wanted money to fund staff. Yet the Council again and again was told it could not present evidence that this was our last option available to

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"Children are Diseased" Jury Awards \$28,000

On March 14, 1997 a federal jury found Eliza Keulian liable for housing discrimination and awarded seven plaintiffs and the Fair Housing Council a total of \$28,000.

The Council had settled a federal lawsuit with Mrs. Keulian in 1991. At that time she was asking homeseekers on the telephone what color they were and then explaining that she would not rent to Blacks. In 1993, the Council began receiving complaints that Mrs. Keulian was telling homeseekers that children were diseased, had mumps, chicken pox and measles, and that she would not rent to them. The Council conducted an investigation and found evidence that she was indeed saying these things.

The Council then filed a complaint with the Pennsylvania Human Relations Commission (PHRC). When the PHRC notified Mrs. Keulian that a complaint had been filed against her, she then wrote a letter to the Commission apologizing for her behavior and promising never to do it again. However, Mrs. Keulian refused to attend any meetings at PHRC or discuss terms of settlement of the complaint. In June 1993, the Commission made a finding of probable cause on the case.

In 1994 the Council again began receiving complaints against Mrs. Keulian. When Andrew & Allicia Totdahl met Mrs. Keulian, she saw that Allicia

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Newcomer Dismisses Case

The Council's case against Montgomery Newspapers and publisher Arthur W. Howe was thrown out of federal court in January by Judge Clarence Newcomer. Judge Newcomer determined that the Fair Housing Council did not have standing to bring this lawsuit because it sustained no injury as a result of the newspaper's discriminatory advertising.

In 1994, the Council filed complaints against Montgomery Newspapers at the Pennsylvania Human Relations Commission (PHRC) and the US Dept. of Housing and Urban Development. After the Council filed the complaint, Mr. Howe began a systematic program to discredit the Council. Throughout 1994 and 1995, he contacted the state legislature and convinced them that complaints had been filed against his newspaper for using the phrases "walk-in closets", "rooms with a view," and "leafy mature neighborhood" in his real estate advertising. He convinced the local real estate agents, and he published articles in his newspapers stating these same claims.

In February of 1996, after PHRC made a finding of probable cause of housing discrimination on the Council's complaint, the Council filed a federal lawsuit. The suit charges advertising discrimination, as well as slander, libel and retaliation. The Council

presented evidence that it had been damaged because it had to divert resources to fight this discrimination, that its mission had been frustrated because of the advertising, and that it had to divert even more resources to get the message out to legislators, real estate professionals and the general public that the Council did not find such phrases as "rooms with a view" discriminatory against the visually impaired.

Regardless of this evidence, Judge Newcomer dismissed the case, saying that the Fair Housing Council failed to demonstrate an "injury in fact" to the group or to any of its members. The Council will appeal.

Agreement Reached With Kennett Square Borough

The Fair Housing Council recently held a fair housing training session for Kennett Square Borough Council members, police officers and all other employees of Kennett Square. The training was part of a conciliation agreement settling a complaint filed by the tenants of Center Square Apartments and Comite De Apoyo A Los Trabajadores Agricolas, a group that assists farmworkers with employment and legal problems, against the Borough Council of Kennett Square, the Code Enforcement Officer, and the Chief of Police.

Kennett Square, also known as the "Mushroom Capital of the World," has had difficulty in recent years supporting affordable housing for its migrant farmworker population, most of them of Mexican descent. The problem boiled to a head when the Alliance for Better Housing,

a non-profit group concerned with the lack of affordable housing in the area, decided to purchase and rehabilitate two properties on Broad Street in Kennett Square to lease as low income housing. After a heated Borough Council meeting where area residents expressed their concern that this housing would be occupied by migrant farmworkers, the Council voted to change its zoning to prohibit the conversion of single family dwellings to multi-family dwellings and to change the definition of family to reduce the number of unrelated persons living together. The Council then attempted to contact the Alliance's funding sources to urge them to repeal the grants that had already been approved.

During this time, tenants of Center Square Apartments were experiencing abrupt late night inspections and head counts.

Borough housing inspectors, accompanied by local police officers, were checking for violations of housing codes and occupancy restrictions at night after many of the tenants had already gone to bed. Most didn't even understand what was happening because there was no Spanish speaking translator available.

Thanks to HUD and Ada Montare, a federal mediator with the Department of Justice, an agreement was reached. In addition to the fair housing training the respondents were required to attend, some other provisions of this agreement include:

- Kennett Square Township or Council will not engage in

any discriminatory practices which would interfere with the development and occupancy of housing within the Borough of Kennett Square which would be available to Hispanics, including persons of Mexican national origin.

- Kennett Square Township and Council will not engage in any practices which might result in unlawful sexual discrimination, which would interfere with the development and occupancy of housing within the Borough of Kennett Square available to

single males, or males living apart from their spouses.

- All rental housing inspections will be on an annual basis only. Advance notice of the time and date of the inspection will be given in writing. If the tenants are known to be Spanish-speaking, notice will be given in Spanish. A competent interpreter/translator will accompany the building inspector when inspecting homes where tenants are Spanish-speaking and no

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“Children are Diseased”

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was eight months pregnant and told her she was wasting her time: she does not rent to children because they are filthy. She then looked at Andrew and informed him that it didn't matter anyway, because she does not rent to “people of color.” Over the next several months, the Council received five other complaints of discrimination by Mrs. Keulian.

So, in 1996, the Council filed a lawsuit in federal court in hopes of ending this problem. If the jury award finally convinces Mrs. Keulian that housing discrimination is expensive, the Council will no longer receive complaints against her. The Council believes that a message has been sent to all landlords that discriminatory statements made over the telephone or in person can be very costly.

Sweet & Sour Victory

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end the discrimination. What's the point, after all, of teaching people their rights, training the industry, testing for compliance? What's the point of all of it if you can still open up a newspaper and read an ad that says, “no children”?

In a tremendous victory, even with almost all the Council's evidence being thrown out, the jury found the *Main Line Times* liable for publishing illegal ads. It also found that the Council had been harmed by these advertisements by the diversion of its resources and the frustration of its mission. The jury assessed damages for the three advertisements it found illegal at \$25,000.

Then, on January 6, Judge Clarence Newcomer threw the Council's suit against Montgomery Newspapers (see related article: “Newcomer Dismisses Case”) out of court, stating that the Council has no standing as a “victim” to bring such a lawsuit.

On January 27, using the Newcomer decision as precedent, Judge Robert F. Kelly overturned the jury's decision in the *Main Line Times* case stating that he acted prematurely in allowing the case to go to a jury because the Council had no standing first place: the Council was not a victim. The Council is appealing both decisions and is

The Fair Housing Council of Suburban Philadelphia presents:

National Fair Housing Month
Annual Elaine Eisenman Memorial Program

Dr. John Baugh

Eugene M. Lang Visiting Professor for Issues of Social Change
Swarthmore College

**“Fair Housing and the Ebonics
Controversy”**

This discussion presents preliminary research on housing discrimination based on speech, and the speech of African Americans in particular. Based on a series of experiments, clear patterns of housing discrimination based on alternative dialects of standard English and nonstandard English were recorded during a two year period in the San Francisco Bay area. Although the recent Ebonics controversy has focused on education, this presentation explores that controversy within the context of discriminatory housing practices that take place via telephone calls. Although this is a serious topic, some humorous anecdotes will be described, along with a brief discussion of related concerns for educational policies.

Date: April 23, 1997
Time: 7pm
Place: Kirby Lecture Hall in Martin Building
Swarthmore College
Swarthmore, PA 19081

For more information, contact:
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(Please Post)

Council Unveils New Educational Programs

New FHCSF Website—

Visit the Council on the World Wide Web. Thanks to space on their server donated by the *National Fair Housing Advocate*, and Webmaster Joel Emerson, the Council is now online. Read a history of the Council; view the Council's insurance redlining study; read Judge Newcomer's and Judge Kelly's decisions online; as well as selected articles from previous newsletters. We have already received several comments from folks who have received helpful information from it. Visit us at <http://www.fairhousing.com/fhcsf>. You can also reach the Council by sending e-mail to: fhcsf@compuserve.com

New Compliance Consulting Program—

The Council has recently unveiled its Compliance Consulting Program to help the Real Estate and Mortgage Industry take a pro-active approach to fair housing. The Council will assist in helping you determine how successful your organization is at complying with fair housing laws. For a brochure and more information on this program, please contact the Council at (610)604-4411.

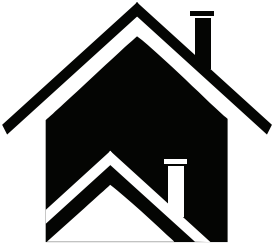
Kennett Square

Agreement

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inspections will take place after 7:00 p.m. No police officers will enter occupied dwellings during these inspections unless a court ordered warrant directing such an inspection has been issued.

- Other provisions include definitions of maximum permitted occupancy as well as distinctions and exclusions of "related" vs. "unrelated" persons in a household. The Borough is also required to include the housing needs of Hispanics, single males, and males



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Council Partners with the Pennsylvania Association of Realtors

In September, Executive Director James Berry and Council members met with the Pennsylvania Association of Realtors (PAR) to develop ways for better communications. The meeting improved understanding about what the Council does, and what does and does not constitute discrimination in real estate advertising. In April, another meeting is planned with the Delaware Valley Realtors Association to explain recent changes in fair housing. The Council is hopeful that the improved cooperation with the real estate industry will enable us to work together to end discrimination in the Delaware Valley.

The New FHCSF Board

At its 1997 Annual Meeting, the Council elected its Board of Directors and unanimously approved the following slate of officers:

President	Bill Henderson
Vice President	John Cronin
Recording Secretary	Sharon Kellaher
Corresponding Secretary	Kathleen Henderson
Treasurer	Peter Hill

Other Board member elected were:

Marjorie Breedis	David Brook, esq.
John Conner, esq.	Ann Cope
Ed Dougherty	Barbara Echols
John Furth	Jeanne Gilmore
Natalie Gorvine	Bill Grigsby
Rivera Guillermo	Elaine Saraceni

Special thanks to those long time members resigning from the Board this year: Cary Isard, Joyce Kane, and Naomi