

# Fair Ways

August 1999

The Newsletter of The Fair Housing Council Of Suburban Philadelphia

## Eight Year Battle with Pennsylvania Newspaper Industry Finally Ends with \$160,000 Settlement

**Final Lawsuit over thousands of fair housing violations resolved after federal court upholds right of fair housing groups (standing) to sue to stop discriminatory advertising practices**

**O**n July 8, 1999, two federal district court judges ordered the Trenton based Journal Register Company ("JRC") to no longer publish housing advertisements that expressed a preference for those without children in any of the newspapers it owns and publishes in Philadelphia and surrounding counties. The court further ordered the newspaper chain to continually train all of its advertising personnel in the law, and to pay the Fair Housing Council of Suburban Philadelphia ("FHCSF") \$160,000. JRC, who had been under a three year court order since October 1996, will also now be under a new three year order which will last until July 2002.

In 1996, a FHCSF lawsuit over thousands of allegedly illegal ads published from 1989 to 1996 resulted in a three year federal court order and ordered JRC to pay \$150,000 to remedy its illegal conduct. Much of the money was used by the FHCSF to buy fair housing advertising to counteract the discriminatory messages of the many JRC newspapers.

However, JRC purchased the InterCounty News Group ("ING") in 1997, and despite the 1996 court order, ING's over half dozen newspapers continually published allegedly discriminatory housing ads even as late as May 1999. Thus, the federal court issued a new Order, which will last until July 2002, requiring a further payment of \$160,000 to the FHCSF, that local JRC papers, old and new, no longer publish any discriminatory ads, and that local JRC papers continually train their staff in fair housing law. The new order also resolves a dispute regarding the JRC owned Pottstown Mercury and Main Line Times

newspapers, both of whom allegedly published over a thousand discriminatory housing ads from 1988 to 1994. The JRC has denied all wrongdoing as to all of its papers.

This dispute resolves the last outstanding discriminatory advertising lawsuit by the FHCSF. Since 1991, the FHC has engaged in an extensive effort to end housing advertising that stated, "no children," "adults only," "one bedroom apartment, one person only," and other similar ads that expressed a preference for those without children. The FHCSF effort involved fair housing education for dozens of hours for the Realtor, real estate and newspaper industries, and of those who rent or buy housing, placement of dozens of fair housing newspaper advertisements for several years to counter the discriminatory messages of the ads, investigation of scores of Realtors, landlords and newspapers, logging of hundreds of hours of work by the board and staff, filing of almost one hundred fair housing administrative complaints with the Pennsylvania Human Relations Commission and U.S. Department of Housing and Urban Development, and filing of almost two dozen federal lawsuits.

The result of this effort has been complete eradication of housing advertising that denies families with children places to live throughout the Delaware Valley, the opening up of more than ten thousand apartments and homes to families with children in hundreds of communities, and a series of committed actions by the Realtor, real estate and newspaper industries to end all such illegal practices and advertising in the future. Further, to assure illegal discriminatory advertisements will not appear again, over a dozen Realtors, landlords and newspapers were placed under three year court orders,

*(Continued on page 6)*



FairWays is a publication of  
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of Suburban Philadelphia**  
*"The Nation's Oldest Fair  
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For questions or comments regarding this newsletter, please contact the newsletter committee by calling the FHCS office.

FHCS, Inc. is a private non-profit fair housing organization that advocates and works for freedom of residence in Bucks, Chester, Delaware and Montgomery Counties, Pennsylvania.

A copy of the official registration and financial information may be obtained from the Pennsylvania Department of State by calling toll free within Pennsylvania 1-800-732-0999. Registration does not imply endorsement.

# Message From the Executive Director

*By Jim Berry*

**W**hat a year 1999 has shaped up to be. I'd like to first apologize to the many members and readers for not being able to publish our newsletter more often. As you can see from the contents of this edition, it has not been for lack of exciting work and happenings here at the Council. Rather the opposite is the case. So much has been happening that it has been difficult to find the time to get the newsletter out. We hope the wait has been worthwhile. The best news is being able to finally lay to rest the Council's eight-year long battle with the Pennsylvania newspaper industry through the largest settlement ever paid for advertising in the state. The industry threw all they could at us, but the Council stood firm in its belief that stating "no children" allowed in housing

advertising was simply wrong. There was a time when every paper that you might pick up in the state had advertisements in it that restricted children. Now, you won't find a single one. What a victory. Unfortunately, \$160,000 will in no way cover the expenses and retaliation the Council encountered through its fight, but the battle was worth the results of ending the discriminatory practice.

But, this in no way is the only good news we have. Please read on through all our news and if you are not already a member of the Council, consider becoming one. Then you can also share in our often hard won victories. If you are a member of the Council, take special note of our invitation to join us in October as we discuss and plan the direction of the Council into the next millennium.

## Council Holds 42nd Annual Meeting

**O**n January 5, 1999 the Council held its 42nd Annual meeting. At the meeting, an award was given to Peter Hill honoring his many years of service to the Fair Housing Council as Board member and Treasurer. Peter has completed his term on the Board this year, and we would like to take this opportunity to thank him again for all his hard work.



During the meeting, Council staff Jim Berry, Jan Chadwick and Deborah Butler reported on the Council's many successes in 1998. The Council's Annual Report highlights our educational, enforcement and consulting activities for the year. For a copy of the Annual Report, please contact the FHCS office.

Elections were held for the 1999 Board of Directors. Dr. Jean E. Campbell Moore was elected Chairperson and former Chairperson Bill Henderson was elected Treasurer filling the vacancy left by departing Treasurer Peter Hill. Officer re-elections included Dr. William Grigsby as Vice-Chairperson, Carol Karash as Recording Secretary, and Kathleen Henderson as Corresponding Secretary. The following members were also elected to the 1999 FHCS Board of Directors: Joseph Aiken, Ann Cope, Ed Dougherty, Ann Gears, Lynne Green, Ora Gudnitz, Cary Isard, Trina Johnston, Marion Murphy, Robert Murphy, Elaine Saraceni, Jean Spriggs and Mary Washington. Thank you all for your hard work and commitment!

# Support for Fair Housing Continues to Grow Throughout the Region

## **Bucks County Office of Community Development**

The Bucks County Office of Community Development through its 1999 Community Development Block Grant program will provide \$7,500 to fund fair housing educational seminars throughout Bucks County. These seminars will cover the rights and remedies federal and state laws provide to members of the protected classes in the rental, sale, financing and insuring of housing. This is the first time the Council has received funding from the Bucks County Office of Community Development.

## **Chester County Office of Housing**

The Chester County Office of Housing and Community Development provided \$3,647 of 1999 Community Development Block Grant funds to support the coordination of the April 7th conference on the accessibility requirements of the Fair Housing Act (see related article "Accessible Design and Construction"). This is the first time the Council has received support for its programs from Chester County's Office of Housing and Community Development and it is our hope that they will support other fair housing initiatives in the future.

## **City of Chester Economic Development Authority**

The Chester Economic Development Authority through the Fiscal Year 1999-2000 Community Development Block Grant program will provide \$10,000 to fund a variety of fair housing activities throughout the City of Chester. The Council will utilize these funds to identify and eliminate discriminatory barriers to the achievement of Chester Partners in Homeownership's goal of stabilizing neighborhoods, providing increased homeownership opportunities to families and otherwise improving the quality of life for homeowners within Chester, specifically those which limit access to homeowners insurance. The Council is a member of Chester Partners in Homeownership and has been working with this group for the past year. This is the first time the Council has been funded by the City of Chester.

## **Delaware County Office of Housing and Community Development**

The Delaware County Office of Housing and Community Development through the Year 25 Community Development Block Grant program will provide \$35,000 to fund county wide activities designed to affirmatively further fair housing, specifically fair housing education. Funds will be used to support the Council's staff and operations to undertake activities including, but not limited to the following: Provision of fair housing seminars for consumers and providers, publication and distribution of a fair housing newsletter, construction and support for a fair housing web site, and provision of fair lending seminars. The Delaware County Office of Housing and Community Development has a long history of supporting of programs designed to eliminate housing discrimination. This is the fifth Community Development Block Grant the Council has received from Delaware County.

## **The Philadelphia Foundation**

At its April 27, 1999 meeting, the Board of Managers of The Philadelphia Foundation awarded a general operating support grant of \$6,000 from the William J McCahan 3rd Fund to the Fair Housing Council of Suburban Philadelphia. Announcement of this grant was made by R. Andrew Swinney, President of the Foundation. This grant will enhance the Council's efforts to meet the increasing demand for fair housing services from individuals and organizations throughout the Delaware Valley.

## **Community Support Corporation**

On June 21st, the Council received a \$3,000 donation from the Community Support Corporation. Community Support Corporation is a small nonprofit that remodeled and resold homes in low income communities within Delaware County for the past 25 years. CSC's board members include many long time friends and members of the Council including: Margaret Collins, Joyce Kane, Dean Short, Errett and Esther Conway, Sam and Jane James, Andy Saul and Lillian Emory.

# Accessible Design and Construction

**O**n Wednesday, April 7, 1999, the Council co-sponsored a seminar on Accessible Design and the Fair Housing Act. The seminar was held at the Chadd's Ford Ramada Inn and was attended by over 100 attorneys, builders, developers, architects, Realtors, local and federal government employees, and fair housing and disability advocates. The seminar was a joint project between the Council and the Homebuilders Association of Chester & Delaware Counties (HBA), and funding was provided by the Council, the HBA, the Chester County Office of Housing and Community Development (OHCD), the Delaware County OHCD, the U.S. Dept. of Housing & Urban Development (HUD), and the National Association of Homebuilders (NAHB) Research Center.

Speakers at the Seminar included Rhonda Daniels and Jay Murdoch of the NAHB Research Center, Ira Goldstein of HUD, and Jim Varhola, a member of the PA Accessibility Advisory Board with the PA Department of Labor & Industry Affairs.

Two of the most important laws that were discussed were the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA). Under the FHA, the accessibility provisions apply to the following types of housing:

- New buildings designed for first occupancy after March 13, 1991
- All housing, including privately financed housing
- Buildings with four or more units
- All units in elevator buildings; ground floor units in non-elevator buildings
- Single-story townhouses/patio homes
- Timeshares; dormitories; homeless shelters
- Existing buildings with additions of four or more units

Buildings covered by the law must comply with the following requirements:

- The building entrance must be on an accessible route.
- All public and common use areas of the building must be accessible.
- All the doors must be designed sufficiently wide to allow passage by wheelchair users into and within the premises.
- There must be an accessible route into and through the dwelling unit.
- Light switches and other environmental

controls must be located in accessible locations.

- Reinforcements in bathroom walls are required to allow later installation of grab bars.
- Kitchens and bathrooms must be designed so that an individual in a wheelchair can maneuver about the space.

Generally, the ADA does not apply to residential housing. However, certain ADA issues arise with the accessibility of common use areas in residential developments if the facilities are open to persons other than owners, residents, and their guests. Examples include: sales and rental offices, sales areas in model homes, pools and clubs open to the general public, and reception rooms that can be rented to non-residents.

When determining what laws apply to your building, it is important to remember that many codes, federal, state and local, may cover your building. In order to avoid confusion regarding which accessibility standards apply to multi-family and other residential projects, architects, builders and developers should remember the following:

- Don't count on having just one code or law apply.
- If there is a conflict between codes and laws, the most stringent design and technical requirements generally apply.
- Local governments are not responsible for interpreting or enforcing the ADA, FHA or other federal accessibility requirements. Their building departments and inspectors only enforce state and local accessibility codes or laws.
- Architects and builders are still responsible for following all applicable federal and state laws.
- A building permit or certificate of occupancy from a local government does not shield a builder from enforcement action under federal laws.

Contact the Council office for more information about these guidelines or direction as to where to have your questions answered. The Council still has a limited supply of HUD's Design and Construction Manual available upon request.



## An invitation to Help Plan Our Future

The Fair Housing Council of Suburban Philadelphia has a long history of working for equal and open access to housing. The Board and Staff of the Council invite members of the Council to join us as we move into a comprehensive planning process. On Saturday October 30, 1999 from 9 AM to 3 PM the Council will have an all day planning session that we are calling an "Advance" as opposed to a retreat. We will be developing priorities, goals and objectives for the Council and strategies to advance us into the next century. We invite our members to participate in this process. The "Advance" will be held in the community room of the Swarthmore Borough Building (near the Library) in Swarthmore. For more information or to let us know that you would like to attend, please call the Council office at (610) 604-4411. Plan to be a part of your Council's future.

## Board and Staff Members Receive Awards and Honors

### Alumni Association Hall of Fame

Dr. Jean E. Campbell Moore, Chairperson of the Board of Directors of the Council, and faculty emerita at Temple University, has been named to the 1999 Hall of Fame of the Alumni Association of Hunter College in New York. This honor recognized her outstanding achievement and contributions to society. Following an extensive career in social work, government and a vice presidency in higher education, Dr. Moore is host and executive producer of University Forum, a twice weekly public affairs interview program, Mondays and Thursdays at 5:30 PM on the Temple University Public Radio network.

### Chisholm Award

Deborah A. Butler, Test Coordinator at the Council, recently received the Chisholm Award for her work in the field of law. The Chisholm award is sponsored by the Philadelphia Congress of the National Political Congress of Black Women as part of the Congress' annual "Black Splendor Weekend." The award honors African American women who are leaders and outstanding participants in various fields of endeavor. This years theme "Voices for Justice" was a tribute to African-American Women in Law in the Philadelphia area. Congratulations Deborah for receiving this honor and thanks for all the hard work in fighting for justice in housing.

### Women's Center Board of Directors

On June 15th, Jim Berry was elected to the Board of Directors of the Women's Center of Montgomery County. The Women's Center, a feminist community organization, is committed to the goals of helping women and working to effect social change for the betterment of women. The Women's Center seeks to meet these goals through supportive counseling programs, advocacy programs, and educational programs that teach women skills and increase awareness of their rights and opportunities. "I am honored to have been given the opportunity to serve on the Board of Directors of the Women's Center," said Berry. "The Center has a tremendous reputation in the community for providing essential services of the highest quality". Maria Macaluso is the Executive Director of the Women's Center. Maria previously was the Executive Director of the Fair Housing Congress of Southern California and Director of Tenant's Rights and Fair Housing at the Tenant Action Group in Philadelphia.



The Fair Housing Council has joined with many local non-profits, government agencies, lending and insurance agencies, Realtors and consumer groups to form a new group called Chester Partners in Homeownership. Council Assistant Director Jan Chadwick has been very active with this group and has become a part of the committee to address "Barriers to Homeownership." One of the projects this committee successfully organized was a mortgage fair for Chester residents which was held on Saturday June 12 at Community Hospital in Chester. Over 170 residents attended the fair to gather information about the homebuying process. Ms. Chadwick spoke at two well attended breakout sessions at the fair about fair housing, and discussed various real estate, mortgage and insurance practices that result in discrimination, including high interest rate mortgages and home repair scams that prey on low income and minority neighborhoods. During the coming year, the Council will be working closely with Chester Partners to discover how Chester residents can acquire better access to homeowners insurance.

## \$160,000 Settlement...

*(continued from page 1)*

required to pay a total of over \$500,000, required to no longer publish illegal advertisements, and required to continually train all of their staff in the law.

The FHCSF thanks all who worked towards the ending of this overt discriminatory practice which harmed thousands of families and promoted segregation of hundreds of communities. We would especially thank those in the Realtor, real estate and newspaper industries who worked with the FHCSF and agreed that fair housing advertising issues had been ignored too long by these industries and that it was time to insure that places to live were advertised in newspapers using non-discriminatory language.

*Fair Housing Council of Suburban Philadelphia v. The Mercury, et al., 96-CV-1382, Eastern District of Pennsylvania, U.S. District Court, Order dated July 8, 1999, J. Green, J. Broderick. Attorney for FHCSF: Clifford Boardman. Attorney for JRC: Gregory Harvey. Local JRC newspapers include: The Pottstown Mercury, The Main Line Times, The Daily Local News, The Delaware County Times, The Suburban, The Reporter, The Phoenix, and InterCounty News Group (which has included up to nine separate papers).*

## A Word from the Membership Committee

To FHCSF's many members who have sent in their 1999 dues: Thank You for your ongoing support.

To recent new members: Thank You for coming on board. We look forward to meeting you.

To past members who have forgotten to send in this year's dues: WE NEED YOU!. Its not too late!

To all other readers of this newsletter: Won't you join us too? Annual membership dues are \$10 for individuals or families and \$20 for organizations. Checks may be sent to FHCSF, PO Box 161, Drexel Hill PA 19026 or to our Swarthmore Office.

**Your Support Can Really Make A Difference!**

# Settlements

## **FHCSP v. Icedale/Rockville Mobile Home Park, et. al.**

In 1993 the Council received a complaint about Icedale/Rockville Mobile Home Park. A consumer organization informed the Council that it believed that this community was segregating families with children from only adult households in the park. Upon investigation, the Council discovered advertising in the Daily Local News stating that the park had Adult/Family Sections and that it appeared to be a normal practice for the park to segregate. The Council filed a complaint with the Pennsylvania Human Relations Commission

(PHRC) alleging discrimination based on familial status. In 1994, the PHRC made a finding of Probable Cause of housing discrimination in the case. In 1996, the Council was still awaiting a public hearing before the Commission on the case and decided to file a federal lawsuit. After 6 years, this case has finally been settled to the approval of all parties. Although the owners of Icedale/Rockville admitted to no violation of anti-discrimination laws, it agreed to pay the Council \$5,000 for the damages it incurred from investigating and litigating this case.



## **FHCSP v. Elizabeth O'Donnell**

Theresa & John were searching for a new home for themselves and their two little girls ages 5 and 3. The problem was that every time they called about an apartment, they were informed that no children were allowed. At her wits end, Theresa stumbled across the Council's advertisement in a local newspaper stating that it was illegal to discriminate against families with children. One of the apartments the Council was able to investigate would have been perfect for Theresa and her family. It was a 2 bedroom apartment that rented for \$525, it was available immediately, and was in a perfect location for them. Unfortunately, when Theresa called, the agent informed her that the owner did not allow kids and promptly hung up on her. Testers for the Council experienced similar treatment. Both the Council and Theresa filed a complaints at the US Department of Housing & Urban Development (HUD) against the owner, Elizabeth O'Donnell. A settlement agreement was reached where Ms. O'Donnell agreed to change her business practices, receive training in fair housing law, and pay damages to the Tuckers in the amount of \$3,800 and to the Council in the amount of \$1,400.

## **FHCSP v. Jean A. Saulnier**

Bruce was a single father with two children and was searching for a new home. He found what seemed like a perfect place advertised in a local paper. It was a 2 bedroom guest house on a private estate and the rent was perfect. Unfortunately when he called, the owner, Jean Saulnier, informed him that "I don't want people with children" and rudely hung up the phone on him. Bruce had seen the Council's advertisement in the same paper that stated that it was illegal to discriminate against families with children and called the Council. Bruce did not want to pursue Ms. Saulnier himself, but hoped the Council could do something about the discrimination so that others did not have it happen to them. Testers for the Council experienced similar treatment to what had happened to Bruce and filed a complaint at HUD alleging housing discrimination. A settlement agreement was reached where Ms. Saulnier agreed to change her business practices, receive training in fair housing law, and pay damages to the Council for the costs of its investigation in the amount of \$1,345.



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## **Delaware County Fair Housing News**

In March of this year the Fair Housing Council proudly unveiled its newest publication "Delaware County Fair Housing News." This publication, a project funded by the Delaware County Office of Housing & Community Development, was distributed to over 1,300 industry professionals throughout Delaware County. "We are referring to this first issue as Fair Housing 101," said Council Executive Director James Berry. "The purpose of this first issue was to give local elected officials, townships, small landlords and other industry professionals who are not necessarily familiar with the law yet are still subject to the provisions of the law, a basic introduction to the Fair Housing Act. We also wanted to let these individuals know that the Council is an available resource to help answer their questions regarding the law and their obligations under the law." Topics covered in this first edition included basic explanations of the Fair Housing Act, occupancy restrictions, issues for persons with disabilities, familial status issues and highlights of recent housing cases. The response to the publication has been excellent, and many who received photo-copy versions from their friends and co-workers have called and requested to be placed on the mailing list for future editions. The Council plans to publish a second edition of this newsletter before Thanksgiving. A limited number of copies of this newsletter are still available. If you would like to receive a copy or be placed on the mailing list to receive future editions call the Council office at (610) 604-4411.