

Delaware Valley Fair Housing News

Newsletter of the Fair Housing Council of Suburban Philadelphia
Serving Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Fall 2008

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Chestnut Hill Local Newspaper Settles Housing Discrimination Complaint

The Fair Housing Council of Suburban Philadelphia (FHCSF) settled an administrative complaint filed against the Chestnut Hill Local newspaper for violating the federal Fair Housing Act and the Pennsylvania Human Relations Act. The Chestnut Hill Local is a weekly newspaper that serves the Chestnut Hill section of Philadelphia as well as the surrounding area.

In March, 2007, FHCSF found an instance of discriminatory advertising in the Chestnut Hill Local and began to monitor the newspaper on a regular basis over the period of several months for discriminatory conduct. As a result of this investigation, FHCSF found that the Chestnut Hill Local was discriminating in advertising property rentals. FHCSF observed phrases such as "one person only", "only mature adults need apply" or "ideal for single professional" being printed in the newspaper's classifieds section, indicating a preference for prospective tenants based on their familial status.

In July, 2007, FHCSF filed a complaint with the U.S. Department of Housing and Urban Development (HUD) against the Chestnut Hill Local, which was then referred to the Pennsylvania Human Relations Commission (PHRC) for investigation. Upon conducting its investigation, PHRC found probable cause in the case to credit FHCSF's allegations of discrimination. FHCSF's Executive Director James Berry commented, "Access to housing for families with children continues to be a problem 20 years after Congress made it illegal to discriminate based on familial status. These discriminatory advertisements facilitate an immediate denial of a family's rights to access the housing of their choice."

FHCSF and the Chestnut Hill Local newspaper have reached a settlement, where the Chestnut Hill Local has agreed to reimburse FHCSF for the cost of its investigation. In addition, the Chestnut Hill Local has agreed to undergo a fair housing training for its staff members, publish a commentary on fair housing, publish an equal housing opportunity statement in its classified ad section, and publish a fair housing advertisement in each edition of the paper for the next ten years.

The Fair Housing Act prohibits discrimination in any aspect of the sale, rental,

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HUD and DOJ Issue Joint Statement Clarifying Reasonable Modifications Under the Fair Housing Act

Reasonable modifications, as defined by the Fair Housing Act, are changes to the physical structure of a dwelling that are necessary to afford a person with a disability full enjoyment of the premises. If a *reasonable* request is made for modifications to be completed, a housing provider would be obligated to grant the request. However, the costs associated with any modifications of the dwelling would be incurred by the tenant, not the housing provider. Since there is a lack of accessible housing in Southeastern Pennsylvania, a disabled home seeker's only option for obtaining an accessible dwelling may be to request a reasonable modification.

The Fair Housing Council of Suburban Philadelphia receives numerous phone calls from both home seekers and housing providers asking for clarification to the reasonable modifications clause of the Fair Housing Act. While most people understand the basics of the Fair Housing Act, many find the issue of reasonable modifications more complicated and sometimes a bit confusing. HUD and DOJ

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FHCSP Welcomes Two New Board Members

The Fair Housing Council of Suburban Philadelphia (FHCSP) is pleased to welcome the newest members of its Board of Directors, Michael Bannon and Stephanie Cehelski, elected by its membership at the 2008 Annual Meeting. FHCSP's board maintains an active role in providing insights, setting strategy, opening doors, promoting the agency and its mission, and raising funds. FHCSP is very pleased to have these individuals bring their wealth of knowledge and experience to the board, and join the current board members in furthering the cause of fair housing throughout the region.

Stephanie Cehelski is the Finance Director for the Women's Center of Montgomery County and an Accountant for the Housing Alliance of Pennsylvania. Stephanie brings many years of financial experience, handling agency budgets and projections and administering fiscal compliance of private and federal grants. Previously, she served as the Financial Reporting Supervisor for Shared Medical Systems and worked for Grant Thornton as a Certified Public Accounting Auditor.

Michael Bannon is the Director/Chief Sealer of the Bucks County Department of Consumer Protection/Weights and Measures. Michael maintains good working relationships with state, county, and federal agencies, and frequently interacts with the public and the media on departmental issues. He currently serves on several other boards, which include the Traffic Management Association, the United Way of Bucks County, Bucks County Elder Abuse Task Force, Area Agency on Aging, and the State Board of Pennsylvania Weights & Measures.

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recently issued a joint statement on reasonable modifications under the Fair Housing Act. Since the issue of reasonable modifications is complex, this joint statement was written to provide clarification of the law for home seekers requiring structural modifications made to a dwelling due to a disability, and housing providers wanting to know their responsibilities under the law. Some of the questions that this statement answers are as follows:

- What types of discrimination against persons with disabilities does the Act prohibit?
- What is a reasonable modification under the Fair Housing Act?
- Who is responsible for the expense of making a reasonable modification?
- Who qualifies as a person with a disability under the Act?
- Who is entitled to a reasonable modification under the Fair Housing Act?
- If a disability is not obvious, what kinds of information may a housing provider request from a person with a disability in support of a requested reasonable modification?
- What kinds of information, if necessary, may a housing provider request from a person with an obvious or known disability who is requesting a reasonable modification?
- Who must comply with the Fair Housing Act's reasonable modification requirements?
- What is the difference between a *reasonable accommodation* and a *reasonable modification* under the Fair Housing Act?
- Are reasonable modifications restricted to the interior of a dwelling?
- Is a request for a parking space because of a physical disability a *reasonable accommodation* or a *reasonable modification*?
- When and how should an individual request permission to make a modification?
- Does a person with a disability have to have the housing provider's approval before making a reasonable modification to the dwelling?
- What if the housing provider fails to act promptly on a reasonable modification request?
- What if the housing provider proposes that the tenant move to a different unit in lieu of making a proposed modification?
- What types of documents and assurances may a housing provider require regarding the modification before granting the reasonable modification?
- May a housing provider or homeowner's association condition approval of the requested modification on the requester obtaining special liability insurance?
- If a person with a disability has made reasonable modifications to the interior of the dwelling, must she restore *all* of them when she moves out?
- If a person with a disability has made a reasonable modification to the exterior of the dwelling, or a common area, must she restore it to its original condition when she moves out?
- May a housing provider increase or require a person with a disability to pay a security deposit if she requests a reasonable modification?
- If a person believes that she has been unlawfully denied a reasonable modification, what should that person do if she wants to challenge that denial under the Act?

The complete text of this statement may be obtained at:
http://www.fhcsp.com/pdf/reasonable_modifications_mar08.pdf

What Is Fair Housing?

The U.S. Department of Housing and Urban Development (HUD) estimates that each year 2.5 million people are victims of housing discrimination.

The Fair Housing Act prohibits discrimination in housing on the basis of:

- Race
- Color
- Religion
- National Origin
- Gender
- Disability
- Familial Status (presence of children under 18 in the household)

The Fair Housing Act covers all housing related transactions, including:

- Rentals
- Sales
- Mortgage lending
- Homeowner's insurance
- Advertising
- Zoning
- Appraisals

The Pennsylvania Human Relations Act additionally protects people from discrimination in housing on the basis of age (above 40).

If you or someone you know feels victimized by housing discrimination, contact FHCSP at:

Phone: 610-604-4411
 Toll Free: 866-540-FAIR (3247)
information@fhcsp.com

FHCSP can help investigate your complaint and assist you in determining what action should be taken.

Who is FHCSF?

FHCSF's Mission:

To educate and advocate for equal access to quality, affordable housing for everyone in Southeast Pennsylvania

FHCSF is the oldest fair housing council in the nation, established in 1956

FHCSF serves the Greater Philadelphia area, including Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

FHCSF is a Qualified Fair Housing Enforcement Organization (QFHO), as designated by HUD, and additionally provides education for both consumers as well as the housing industry

Since its inception, FHCSF has opened

46,765

units of housing to the protected classes

Class Action Lawsuits Pending Against Title Insurers in Pennsylvania

There are a series of class action lawsuits against title insurers for systematically overcharging Pennsylvania consumers for title insurance. These complaints generally allege that title insurers are required by law to provide discounted title insurance premiums when a consumer refinances his or her home. The complaints further allege that the title insurers have wrongfully charged the full, non-discounted rate in refinance transactions instead of the appropriate discounted rate. While one overcharge may be only a few hundred dollars or less, thousands and thousands of these overcharges results in a windfall of tens if not hundreds of millions of dollars to the title insurance companies.

There are currently four lawsuits pending in various courts across Pennsylvania against title insurers, all of which are expected to remain pending for some time. These cases are as follows:

- *De Cooman v. Lawyers Title Insurance Corporation*, Case No. GD-05-017476, currently pending in the Allegheny County Court of Common Pleas;
- *Patterson v. Fidelity National Title Insurance Company*, Case No. GD-03-021176, currently pending in the Allegheny County Court of Common Pleas;
- *Slapikas v. First American Title Insurance Company*, Case No. 2:06-cv-00084-JFC, currently pending in Federal District Court for the Western District of Pennsylvania; and
- *Cohen v. Chicago Title Insurance Company*, Case No. CIV.A.06-873, currently pending in Federal District Court for the Eastern District of Pennsylvania.

In the event of a settlement or judgment, the class members will be eligible for a refund depending on the terms and conditions of that settlement or judgment.

For more information about eligibility for title insurance premium discounts in Pennsylvania, please visit www.fhcsp.com.

HELP FIGHT HOUSING DISCRIMINATION! BECOME A FAIR HOUSING TESTER

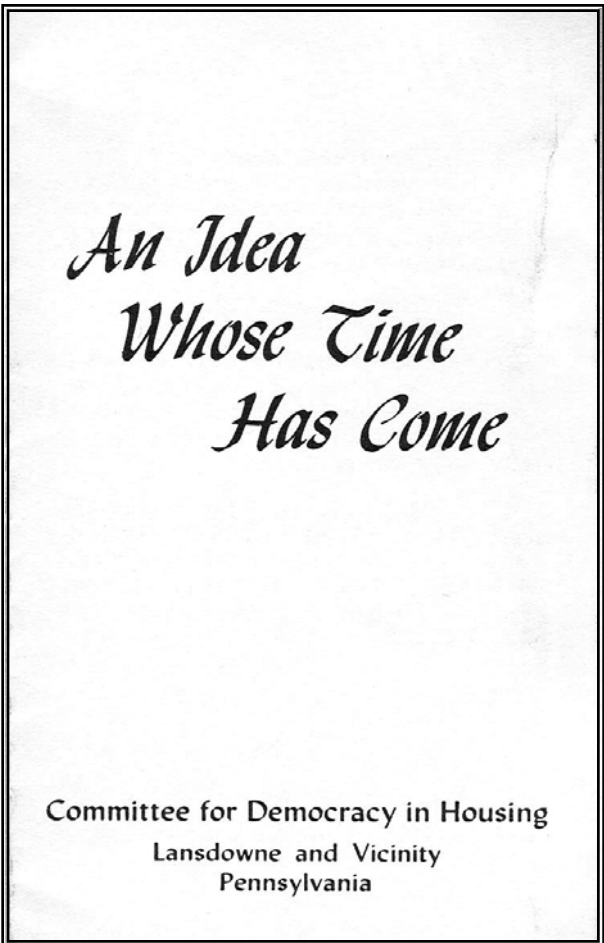
The Fair Housing Council of Suburban Philadelphia is in need of Fair Housing Testers to assist in uncovering housing discrimination in the Philadelphia region. FHCSF is a private, non-profit organization that educates consumers and housing providers about fair housing laws and investigates complaints of housing discrimination in Bucks, Chester, Delaware, Montgomery and Philadelphia counties.

Trained testers pose as home seekers and visit housing providers to collect information to assist with regional monitoring and investigations. Testers are paid a small stipend (\$50-80) for their efforts and are reimbursed for mileage, tolls and postage. Testers document their experiences objectively—attention to details and excellent writing skills are required. FHCSF relies on fax and/or e-mail to notify testers, set up scenarios and submit tests. Qualified applicants will have access to a reliable form of transportation. Accepted applicants must attend a 3-4 hour training and a paid practice test. For more information, please contact FHCSF's Test Coordinator, Megan Bolin at bolin@fhcsp.com or 610-604-4411 x2.

An Idea Whose Time Has Come - A Tribute

The Fair Housing Council of Suburban Philadelphia (FHCSP) joined many other fair housing groups across the nation this past April to celebrate the 40th anniversary of the passing of the Federal Fair Housing Act. This momentous occasion was not only a time for celebration, but a time for reflection as well. Being the oldest fair housing council in the nation, FHCSP has worked hard over the decades to promote equal access to quality and affordable housing for everyone, and has seen the fruit of its hard work in the region. While FHCSP can be proud of its vast accomplishments, it will always remember its origins and the dedicated individuals who sought to put an end to housing discrimination in the region.

Founded in 1956, twelve years prior to the passing of the Federal Fair Housing Act, FHCSP (known then as the Committee for Democracy in Housing: Lansdowne and Vicinity) was made up of a small group of concerned individuals dedicated to advocating for freedom of housing in their community. These individuals published a pamphlet to distribute in their neighborhoods to educate their community about race relations and the importance of equal rights in housing. This pamphlet was titled "An Idea Whose Time Has Come", and it emphasized the need for facing the problems with discrimination in the community. It stated that, "...only in open democratic communities with equal opportunities for every responsible citizen can people achieve for themselves, their children, and their neighbors, the contentment and security, the liberty and stability, which are the hope of every man."



An Idea Whose Time Has Come

Committee for Democracy in Housing
Lansdowne and Vicinity
Pennsylvania

This pamphlet called on the members of the community not only to affirm their beliefs that discrimination is unjust, but to get involved to help solve the problem of discrimination in housing. The community was asked to become personally acquainted with families of other races by exchanging visits or sharing a meal, to help arrange meetings to discuss principles of democracy and human relationships, and to join organizations working for better human relations. "If you believe in something, say so. Let your neighbors, clergymen, club leaders and friends know of your concern."

52 years later, FHCSP is still working towards the same goals as its founding members. Now, the Fair Housing Act protects people not only on the basis of race or color, but religion, national origin, gender, disability and familial status. However, FHCSP would not be where it is today without the people responsible for promoting the idea of equal rights and opportunities in housing for all people.

40 Years of Fair Housing

2008 marks the 40th anniversary of the Federal Fair Housing Act.

On April 11, 1968, President Lyndon B. Johnson signed the Civil Rights Act of 1968. Title VIII of the Act is commonly known as the Fair Housing Act.

"We must open the doors of opportunity. But we must also equip our people to walk through those doors."

-President Lyndon B. Johnson

After a few failed attempts at trying to gain approval for the fair housing bill, President Johnson finally succeeded in urging Congress to pass fair housing legislation, only after the tragic assassination of Rev. Dr. Martin Luther King, Jr. on April 4, 1968.

"The law needs help... In the end, for laws to be obeyed, men must believe they are right."

-Rev. Dr. Martin Luther King, Jr., 1958

Donate to FHCS

The Fair Housing Council of Suburban Philadelphia is eligible to receive designated United Way funds through the Donor Options Program.

Please donate!

FHCS's agency code:

#5182



Philadelphia Unemployment Project Working with the City of Philadelphia to Prevent Mortgage Foreclosure

The Philadelphia Unemployment Project (PUP) has been focusing much of its efforts over recent months to prevent foreclosure in the City of Philadelphia. In conjunction with the Philadelphia Foreclosure Crisis Committee, ACORN, Community Legal Services and Philadelphia Legal Assistance, PUP has launched the Mortgage Foreclosure Diversion Pilot Program which aims to reduce the number of foreclosures in Philadelphia. This program seeks to get mortgage lenders and servicers to work with struggling homeowners to devise a viable alternative to foreclosure that will benefit all parties.

The Pilot Program is the first of its kind in the region, and has already helped a number of homeowners to prevent the foreclosure of their homes. Through this program, homeowners will have the opportunity to meet with a housing counselor to discuss a proposal for the mortgage company. If a resolution cannot be met, then the homeowner has the opportunity to attend a conciliation session with the lender before a judge. The intent is that both parties can work out an agreement for a renegotiation of the mortgage terms. If, however, the homeowner and lender have gone through this process and cannot come to an agreement, then the home may be sold at a sheriff's sale as a last resort.

Preventing foreclosure is in the interest of both the homeowner and the lender. With the large number of mortgages in default, especially those from the subprime market, lenders are losing money in the declining housing market. Opening up a dialogue between the two parties is a last-chance effort for a reasonable deal to be worked out, where the homeowner can get back on track with their mortgage payments to keep their home, and the lender can recoup the money that is owed to them.

PUP is a non-profit organization dedicated to fighting for the rights of the impoverished and unemployed. To find out more about the Mortgage Foreclosure Diversion Pilot Program, please contact PUP at 215-557-0822.

Chestnut Hill Local Settlement

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insuring, financing or advertising of dwellings on the basis of race, color, religion, national origin, sex, familial status and disability. Familial status is defined as the presence of children under the age of 18 in the household, and has been a protected class under the Fair Housing Act since 1988. The Fair Housing Act also prohibits discriminatory advertising, for which both the media and the housing provider can be held liable. Since housing advertising is considered "commercial speech", it is not protected under the first amendment.

FHCS, founded in 1956, is the nation's oldest fair housing organization. FHCS's mission is to educate and advocate for equal access to quality, affordable housing for everyone in Southeast Pennsylvania. In addition to the City of Philadelphia, FHCS's service area encompasses Bucks, Chester, Delaware and Montgomery Counties. Anyone suspecting that they were denied housing for discriminatory reasons, or any housing providers who want information on how they can operate their business in a nondiscriminatory manner should contact FHCS at 610-604-4411 or visit www.fhcs.com.

Delaware County, The Philadelphia Foundation, Chester County, and TD Banknorth Fund FHCSP's Fair Housing Program

The Fair Housing Council of Suburban Philadelphia (FHCSP) is committed to the mission that one day, everyone will have equal access to quality, affordable housing in Southeast Pennsylvania. For the past 52 years, FHCSP has been working to eradicate housing discrimination throughout the region by providing investigation and enforcement services to the community. FHCSP also provides education and training to the community and the housing industry, and has recently focused on expanding and strengthening its education program.

In addition to funding from the U.S. Department of Housing and Urban Development and the Bucks County Department of Community and Business Development, FHCSP has received generous support this year from additional funders to help implement its education program and provide general operating support to the organization. These funders include the Delaware County Office of Housing and Community Development, The Philadelphia Foundation, the Chester County Department of Community Development, and the TD Banknorth Charitable Foundation. With this support, FHCSP will work towards its goal of reducing the instances of housing discrimination in the region through proactive education of consumers, municipal governments, public and private agencies who serve members of the protected classes, housing industry affiliates and housing providers.

This year, FHCSP received a general operating support grant from The Philadelphia Foundation under their new grant-making strategy to fund high performing organizations that are able to fulfill their missions through a blend of sound management, strong governance, and persistent dedication to achieving results. The Philadelphia Foundation evaluated FHCSP's leadership, management, adaptive ability, and operational capacity and determined that we are an organization with the capabilities, knowledge, and resources to have a long-term impact on the needs of the Philadelphia region.

FHCSP believes that its partnership with Delaware County, The Philadelphia Foundation, Chester County and TD Banknorth will affirmatively further fair housing and will benefit members of the protected classes as well as the communities where they live. Specifically, these activities will:

- Increase awareness of housing discrimination and FHCSP as a resource among consumers
- Attain greater compliance by housing industry professionals and affiliates on their responsibility to further fair housing
- Reduce zoning barriers to the development of housing for protected class members
- Reduce the gap in mortgage acceptance rates between whites and members of protected classes
- Increase access to housing opportunities for persons with disabilities
- Eliminate barriers to fairly priced and adequate homeowners insurance
- Reduce the level of predatory lending
- Reduce the instances of housing discrimination through increased public awareness, proactive consumer action and training.

For more information, contact FHCSP at (610) 604-4411 or information@fhcsp.com.

FHCSP
supports
Energy Star®



The average family spends \$1,900 a year on energy bills, much of which goes to heating and cooling. By reducing the amount of energy used in your home, you save money on energy bills, and reduce the amount of greenhouse gas emissions generated by burning fossil fuels to make that electricity.

For more information on improving your home's overall heating and cooling efficiency:

Go to the ENERGY STAR @ home interactive tool (www.energystar.gov/home) which provides energy-efficient home improvement ideas and energy saving tips and advice for your entire home.



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The Nation's Oldest Fair Housing Council
Founded in 1956

FHCSP Partners With the Tennessee Fair Housing Council to Sponsor the National Fair Housing Advocate Online

The National Fair Housing Advocate Online is the nation's leading resource of fair housing law. The Advocate is an internet-based searchable database of fair housing information, available to both fair housing advocates as well as the general public. The Advocate has been a project of the Tennessee Fair Housing Council since 1995, which pioneered the use of the internet in fair housing enforcement and education.

The Fair Housing Council of Suburban Philadelphia (FHCSP) has recently partnered with the Tennessee Fair Housing Council to sponsor the Advocate. FHCSP believes the Advocate is an important resource in the fair housing community, and believes the reference material collected is also beneficial for consumers, fair housing advocates, attorneys, Realtors® and other housing providers who wish to learn more about fair housing law. The Advocate provides a wealth of information on fair housing, including news archives, press releases, a case database, information about HUD settlements, job listings, links, and discussion boards.

FHCSP is proud to have partnered with the Tennessee Fair Housing Council to be a sponsor of the Advocate. With an average of approximately 10,000 page views per day, the Advocate is a comprehensive and accurate source for fair housing information and an invaluable resource to the community.

To access the National Fair Housing Advocate Online, visit www.fairhousing.com.