

Delaware Valley Fair Housing News

Newsletter of the Fair Housing Council of Suburban Philadelphia

Fall 2010

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Bucks County Landlords to Pay \$40,000 for Illegally Evicting Mom and Adopted Son

September 30, 2010 – The Fair Housing Council of Suburban Philadelphia (FHCSP) and Robin Link settled federal housing discrimination complaints against Bucks County landlords Charles and Patricia Trucksess for violating the familial status provision of the Fair Housing Act. In April, 2010, the U.S. Department of Housing and Urban Development (HUD) issued a charge of discrimination on behalf of Robin Link, her adopted minor son, and FHCSP against the Trucksesses for illegally terminating the lease of Ms. Link due to the adoption of her son. In addition, HUD alleged that the landlords made discriminatory statements indicating that they did not rent to families with children and that they discouraged other families from applying for available rental units by understating the number of bedrooms.

According to HUD's charge, when Robin Link viewed an apartment in Plumstead Township, PA owned by Charles and Patricia Trucksess in February, 2007 and mentioned that she intended to adopt a child, Ms. Trucksess told her that she had never before rented to a family with children. However, Ms. Trucksess did agree to add a clause in the lease allowing additional tenants, in case Ms. Link did decide to adopt a child. Ms. Link proceeded to move into the apartment and later adopted her son in December, 2008.

In April, 2009, Ms. Link was notified by Ms. Trucksess that they were terminating her lease and that she and her son needed to vacate the apartment by the end of June, 2009. Ms. Link had a lease term that was set to run through February, 2010, and she had not intended to move from the apartment for at least another two years, as she was saving money to purchase a house of her own. Ms. Link asked Ms. Trucksess if she could remain in the apartment until the end of her lease term, but was told that the eviction was non-negotiable.

Ms. Link contacted FHCSP to report the incident and to get information about her fair housing rights. In the meantime, the family was forced to move to a new town, depriving the 11-year old boy of his school, friends, and the aunts that he visited regularly. On November 16, 2009, Ms. Link and FHCSP filed a housing discrimination complaint with HUD.

FHCSP counseled Ms. Link through the lease termination and through the

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HUD Charges Bucks County Property Owners and Management Company with Discriminating Against Single Mom

August 5, 2010 – The U.S. Department of Housing and Urban Development (HUD) announced that it is charging several Bristol property owners and their management company with discriminating against families with children. This charge of discrimination is initiated by HUD on behalf of a single mother and her child, and the Fair Housing Council of Suburban Philadelphia (FHCSP). HUD alleges that Quality Realty Associates (QRA), Vincent Quattrocchi, Louis Quattrocchi and Cecelia Quattrocchi violated the Fair Housing Act because they do not permit children to live in their apartments.

In March 2009, a single mother contacted QRA to inquire about a “for rent” sign she had seen posted at a property in Bristol, PA. She spoke with Vincent Quattrocchi, and was given detailed information about the available apartment. When she was asked how many people would be living with her, she told Mr. Quattrocchi that the apartment would be occupied by her and her seven-year-old daughter. She was then informed by Mr. Quattrocchi that he would prefer to rent to someone without children.

After unsuccessfully trying to find housing, the single mother and her child moved into the American Red Cross shelter in Levittown. She was separated from her daughter soon after, as she sent her daughter to stay with relatives while she remained at the shelter while she searched for more permanent housing. In the process of searching for housing, she called QRA and spoke with Mr. Quattrocchi once again, and was again told that there was an available apartment, but children were not allowed.

The single mother, upon being denied for the second time, contacted FHCSP. FHCSP conducted an investigation, and confirmed that QRA did indeed have a policy of not renting to families with children. On March 3, 2010, the single mother and FHCSP filed housing discrimination complaints with HUD. According to HUD’s charge, Louis Quattrocchi advised HUD that in the thirty to forty years that he has managed properties, he has never rented to families with children.

The Fair Housing Act prohibits housing discrimination on the basis of familial status, or the presence of children under the age of 18 in the household. In addition, expectant mothers and any adult who is in the process of gaining legal custody of a child are covered under the familial status provision of the Fair Housing Act. Familial status has been protected under the Fair Housing Act since 1988.

“HUD stands with a working mother and child, when they are illegally denied housing,” said John Trasviña, HUD Assistant Secretary for Fair Housing and Equal Opportunity. “The Fair Housing Act protects families with children so they can live in housing of their choice.”

"Families with children continue to be victims of housing discrimination in Bucks County," said James Berry, Executive Director of FHCSP. "Denying a single mother residence in the housing of their choice because she has a child is not only deplorable, it is illegal and a bad business practice."

The HUD charge will be heard by a United States Administrative Law Judge unless any party to the charge elects to have the case heard in federal district court. If an Administrative Law Judge finds after a hearing that discrimination has occurred, he may award damages to the family for its losses and order injunctive relief and other equitable relief to deter further discrimination. In addition, the judge may impose fines in order to vindicate the public interest, including a civil penalty of up to \$16,000, and award attorney fees. If the matter is decided in federal court, the judge may also award punitive damages to aggrieved persons. The HUD charge can be found here: <http://www.hud.gov/offices/fheo/enforcement/10-HUD-v.-Vicent-Quattrocchi.pdf>

Other Recent FHCSP Settlements

FHCSP vs. Better Homes and Land Sales

In April, 2010, FHCSP settled a housing discrimination complaint against Vicki Serravallo, Realtor® and owner of Better Homes and Land Sales for violating the familial status provision of the Fair Housing Act. This complaint stemmed from an advertisement that Ms. Serravallo placed on Craigslist in May, 2009 for a rental property in Quakertown, PA. The advertisement described a two-bedroom ranch house, and specifically stated that the owner requested a maximum of two people to occupy the property. FHCSP conducted an investigation and found that the property was actually a three-bedroom property, but was advertised as a two-bedroom to deter families with children from renting the property. Furthermore, FHCSP found that Ms. Serravallo was enforcing an overly restrictive occupancy policy as a means of screening out families with children. FHCSP subsequently filed a complaint with the U.S. Department of Housing and Urban Development (HUD) in February, 2010. Ms. Serravallo admitted no wrongdoing, agreed to pay \$8,500 to FHCSP to settle the complaint, and participated in a fair housing training to ensure compliance in the future.

FHCSP vs. Heineman

In June, 2010, FHCSP settled a housing discrimination complaint against Marlene Heineman, a landlord in Delaware County, and her tenant Angela Whalen for violating the familial status provision of the Fair Housing Act. FHCSP observed an advertisement on Craigslist in August, 2009, placed by Ms. Whalen on behalf of Ms. Heineman, for a two-bedroom apartment that listed a maximum occupancy of two persons. FHCSP testing found that Ms. Heineman was refusing to rent to families with children and enforcing an overly restrictive occupancy policy. Furthermore, FHCSP found that the apartment actually had three bedrooms, but was being advertised as a two-bedroom unit to deter families with children from applying. FHCSP filed a complaint with HUD in March, 2010. Ms. Whalen was removed from the complainant after producing documentation supporting her position that she was following Ms. Heineman's instructions. Ms. Heineman admitted no wrongdoing, agreed to pay \$16,250 to FHCSP to settle the complaint, and participated in a fair housing training to ensure compliance in the future.

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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
- Sex
- 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 FHCSP?

FHCSP's Mission:

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

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

FHCSP serves the Greater Philadelphia area, including Bucks, Chester, Delaware, Montgomery Counties and the City of Philadelphia

FHCSP 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, FHCSP has eliminated discrimination at

46,796

housing units, making them available to members of the protected classes

Loan Processors Charged in Mortgage Fraud Schemes

May 20, 2010 - In recent months, the U.S. Attorney's Office Eastern District of Pennsylvania has charged by indictment over twenty individuals in federal court with mortgage fraud and related crimes. These charges involve more than \$40 million in fraudulent loans, dozens of homeowners, and scores of properties. These indictments come in the wake of the recent formation of the Mortgage Fraud Task Force, initiated by the U.S. Attorney's Office Eastern District of Pennsylvania. This task force, consisting of members of federal, state and local government, is helping consumers work through their mortgage fraud issues by educating government and social service agencies about the issues of mortgage fraud, and how to take action when mortgage fraud occurs.

Two recent indictments are as follows:

United States v. Kirk H. Kirby, et al.

PHILADELPHIA - An indictment was unsealed against Kirk H. Kirby, Sholonda Y. Johnson, and Royal K. Williams, charging them with three counts, each, of wire fraud, in connection with a real estate investment scheme that caused more than \$7 million in losses to lenders, announced United States Attorney Zane David Memeger. Kirby owned and operated Invictus Financial Group, located in Havertown, PA. Johnson was a loan officer at various mortgage brokerage companies. Williams was an accountant and the principal of R. Williams and Co. Public Accountants. If convicted, each defendant faces an approximate sentence of 135 to 168 months under federal sentencing guidelines.

United States v. Frank D'Attilo, et al.

Frank J. Dattilo, Michael Giello, and Jason Megow, were charged by indictment with two counts, each, of mail fraud, stemming from a scheme to defraud mortgage lenders in an effort to obtain money and property, announced United States Attorney Zane David Memeger. Dattilo was the owner and operator of the mortgage brokerage firm Provident Financial Group, which was located in Bensalem, PA. Dattilo employed Giello as a mortgage broker and loan officer, and Megow as a loan processor. If convicted, each defendant faces a maximum possible statutory sentence of 40 years in prison, a fine of up to \$500,000, restitution, and three years supervised release.

The full press release from the U.S. Attorney's Office Eastern District of Pennsylvania can be found here:

http://www.justice.gov/usao/pae/News/Pr/2010/may/kirby%20datillo_release.pdf

The Mortgage Fraud Task Force welcomes any additional public information about investigating and prosecuting mortgage fraud cases. If you have information to contribute, please contact Richard J. Zack (215-861-8463) or Michael S. Blume (215-861-8376) at the United States Attorney's Office for the Eastern District of Pennsylvania.

Why FHCSP Converted to a Non-Membership Organization

The Fair Housing Council of Suburban Philadelphia (FHCSP) recently held a membership meeting on June 4, 2010 to address the question of whether the highest governing body of FHCSP should be an assembly of members or a self-perpetuating governing board. By a unanimous vote, the membership amended the By-Laws to provide that FHCSP would become a non-membership organization. For the members who were not present at the meeting, FHCSP would like to state its reasons here for making this decision.

The Board's primary reasoning was based on the principal purpose of FHCSP. A nonprofit organization can either serve the benefit of its members (a "membership organization"), or, on the other hand, it can serve a broader public purpose (a "public benefit organization"). Members pay dues and get tangible benefits in return. For example, a union is a membership organization that lobbies for labor rights on behalf of its members. In such a case, it makes complete sense for the members to be the ones to have the final say in the direction and goals of the organization, as it is their dues that are the primary source of funding of the organization.

A public benefit organization, on the other hand, serves broader social and public issues. The advancement of education, art, and science, fighting poverty and homelessness, and fighting discrimination – the main goal of FHCSP – are all examples of public benefit purposes. A public benefit organization frequently derives a significant source of its support from private or government grants.

Here, grants are the primary source of income of FHCSP, and, in contrast, the dues of the members are a fraction of the total income of FHCSP. In 2009, membership dues made up less than 1% of FHCSP's total income. However, notwithstanding the extremely limited financial contributions of the members, under the previous By-Laws, members had ultimate control over FHCSP, and had the right to vote to dissolve it completely.

Members might worry that because FHCSP has become a non-membership organization, it will have no accountability. We assure you that this not the case. As FHCSP has grown, it seeks significant funds from state and local governments and private grant endowments. To obtain the grants, the level of scrutiny rises higher and higher as FHCSP competes with other worthy charities fighting for the same limited pool of grants. Virtually every single time FHCSP submits a grant request, it will include audited financial statements and detailed budgets.

In sum, the Board has given careful thought to the issue of whether FHCSP should remain a membership organization. The Board firmly believes that a board-run Council can help us refocus our efforts and become more streamlined and efficient overall. The goals of FHCSP to combat housing discrimination are paramount, and having a self-perpetuating Board will allow FHCSP to be structured in such a way to allow it to maximize its goals.

42 Years of Fair Housing

2010 marks the 42nd 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 FHCSP

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

FHCSP's agency code:

#5182



Please Donate!

Bucks County Landlords to Pay \$40,000 for Illegally Evicting Mom and Adopted Son

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complaint process, advising her of her rights under the fair housing laws, and investigated her complaint of discrimination. "The impact of discrimination can have devastating long-term effects on the lives of victims, and can cause significant emotional damage to families, especially those with young children," said James Berry, Executive Director of FHCSP. "Ms. Link and her son certainly felt the emotional impact of being victims of housing discrimination." Ms. Link said of her experience, "By illegally denying me and my newly adopted son housing, Charles and Patricia Trucksess set into motion a chain of damaging events that will forever change lives and relationships. Their cruel actions caused my son to believe it was his fault that his new mom and he lost their home." She goes on to say, "It is my responsibility as a good mother to protect and teach my son that no one has the right to deny him housing or treat him abusively any longer. I want to thank the staff at FHCSP and the investigators and legal team at HUD for their support and aid in bringing justice for my beautiful little boy and me."

Charles and Patricia Trucksess have agreed to pay Ms. Link and FHCSP \$40,000 to settle the HUD complaint. The Trucksesses have admitted no wrongdoing, and have agreed to comply with the Fair Housing Act. Additionally, the Trucksesses have agreed to participate in a comprehensive fair housing training, and have agreed to develop a written, non-discriminatory rental policy to be distributed to all current and prospective tenants. "Adoptive families deserve the same respect and enjoy the same rights as all families in our society," stated John Trasviña, HUD Assistant Secretary for Fair Housing & Equal Opportunity. "HUD works vigorously to enforce legal protection for families with children."

The Fair Housing Act prohibits housing discrimination on the basis of familial status, or the presence of children under the age of 18 in the household. In addition, expectant mothers and any adult who is in the process of gaining legal custody of a child are covered under the familial status provision of the Fair Housing Act. Familial status has been protected under the Fair Housing Act since 1988.

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. FHCSP 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 Counties, and the City of Philadelphia.

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.

FHCSP 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 FHCSP's Test Coordinator, Megan Bolin at bolin@fhcsp.com or 610-604-4411 x2.

Support of Fair Housing Initiatives in the Philadelphia Region Expands

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FHCSP believes that these partnerships will greatly benefit members of the protected classes and the communities where they live by providing essential fair housing services throughout the region. Specifically, these services 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
- Increase access to housing opportunities for persons with disabilities
- Eliminate barriers to fairly priced and adequate homeowners insurance
- Reduce the instances of housing discrimination through increased public awareness, proactive consumer action and training
- Uncover and act upon mortgage rescue scams

FHCSP thanks all of its funders for their invaluable and continued support.

Other Recent FHCSP Settlements

(Continued from page 3)

FHCSP vs. Don Jordan & Assist U Sell

In August, 2010, FHCSP settled a housing discrimination complaint against Chester County real estate Don Jordan, owner of Assist U Sell real estate office, on the basis of familial status. A man contacted FHCSP in June, 2009 with a complaint that he was discouraged from an available three-bedroom apartment for himself, his wife and two children, and ultimately not permitted to submit a rental application for the apartment. Through testing, FHCSP documented that Mr. Jordan had told prospective tenants that the apartment was not suitable for children. In addition, Mr. Jordan discouraged a family with young children from the available unit and offered appointments to the testers without minor children. FHCSP subsequently filed a HUD complaint in May, 2010. Mr. Jordan admitted no wrongdoing, and agreed to a cash settlement of \$4,750 to FHCSP and the family with children.

FHCSP vs. Leahan

In August, 2010, FHCSP settled a housing discrimination complaint against Delaware County landlords, Doris and Thomas Leahan, and agent, Tom Leahan, for discrimination on the basis of familial status. In April, 2010, FHCSP received a complaint from a single mother looking for housing for herself and her one year old daughter. The mother responded to an advertisement for an available one bedroom apartment and was told that the unit was available but that they wouldn't rent to families with children. FHCSP testing confirmed that the Leahans refused to rent to families with children. The complaint was filed with HUD in May, 2010 and deferred to the Pennsylvania Human Relations Commission in June, 2010. The Leahans admitted no wrongdoing, agreed to pay \$3,100 to FHCSP and the mother and her child, and participated in fair housing compliance training.

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

Support of Fair Housing Initiatives in the Philadelphia Region Expands

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. Since 1956, FHCSP has been working to eliminate housing discrimination throughout the region to assure that consumers in region gain access to the housing of their choice. Through its enforcement and education programs, FHCSP has had success in assisting consumers that have experienced housing discrimination, and educating consumers and housing providers about their rights and responsibilities under the Fair Housing Act.

Through financial assistance from government, foundations and corporations, FHCSP is able to provide its services and work to affirmatively further fair housing in the region. The following is a list of FHCSP's funders:

- The U.S. Department of Housing and Urban Development
- Delaware County Office of Housing and Community Development
- Bucks County Department of Community and Business Development
- The Philadelphia Foundation
- Chester County Department of Community Development
- Montgomery County Department of Housing and Community Development
- Citizens Bank Foundation
- Ethel Sergeant Clark Smith Memorial Fund
- TD Charitable Foundation

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