

Delaware Valley Fair Housing News

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

Spring 2008

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40th Anniversary of the Fair Housing Act

2008 will mark the 40th Anniversary of the passing of Federal Fair Housing Act, and fair housing groups across the nation will be celebrating this momentous occasion. The Fair Housing Council of Suburban Philadelphia (FHCSP) is especially proud to celebrate 40 years of fair housing law, being the oldest fair housing council in the nation, and will also be commemorating its 52nd year of promoting freedom of housing in the region. Founded twelve years prior to the existence of the Fair Housing Act, FHCSP has had the pleasure of seeing its goals for fair housing legislation come to fruition, and has worked ever since to enforce the ever-important civil rights law in the region.

In 1956, before the days of fair housing legislation, a handful of residents of eastern Delaware County banded together to provide non-financial encouragement and support to African Americans seeking to buy homes in the area, and to sellers who became victims of racial violence because of their commitment to open housing. These progressive individuals were willing to take personal action against racial discrimination in the communities in which they lived. People literally stood by their new neighbors to assure that they felt safe and welcome in the neighborhood. Their strong sense of justice and personal commitments created an enduring ethos and culture within the organization.

Margaret Collins, a Quaker and a native of Bryn Mawr, Pennsylvania, was a pioneer in fighting housing discrimination in the region and lobbying for fair housing legislation. Born to a family of privilege, she observed her segregated, all-white, upper class neighborhood and felt that it was unjust that minorities did not have the opportunity to reside in such a neighborhood. In 1956, she founded her own real estate firm named Friends Suburban Housing, Inc. that had the mission to sell homes without regard to color.

Ms. Collins was faced with immense challenges in her endeavor to promote freedom of housing in the region. She often showed houses in all-white neighborhoods to African American families at night to avoid harassment from the neighbors. However, neither she nor her clients could avoid verbal and physical threats, and calls from the neighbors saying that she was destroying the neighborhood. She attempted to join the Main Line Board of Realtors three times in order to access a comprehensive list of property listings in the area, but was rejected each time. She was convinced that the rejection was based on the color of her clients; therefore she sued the board for illegal restraint of trade, and won.

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Owners of Drexel Hill Apartment Building Settle Housing Discrimination Complaint

William Newmiller and the Fair Housing Council of Suburban Philadelphia (FHCSP) settled a complaint against Barbara Gehris and Howard Newsom, owners of a Drexel Hill apartment building, for violating the familial status provision of the federal Fair Housing Act and the Pennsylvania Human Relations Act.

In January, 2007, FHCSP received a call from Mr. Newmiller stating that he had been denied rental at an apartment due to the fact that he has children. Mr. Newmiller saw a "for rent" sign in front of a property in Drexel Hill and called to inquire about the unit. When he stated that he had his two children staying with him every other weekend, he was told that the owners could not rent to people with children because of the older tenant on the first floor. FHCSP commenced an investigation of the incident, and found that the owners indeed had a policy of not renting to families with children.

In September 27, 2007, FHCSP and Mr. Newmiller filed a formal complaint with the U.S. Department of Housing and Urban Development (HUD). On January 7, 2008, the parties agreed to a settlement where the owners, Ms. Gehris and Mr. Newsom, will pay a total of \$1,500.00 to Mr. Newmiller. In addition, the owners agreed to change their rental policies to allow families with children to live in their property, and agreed to attend a fair housing training session conducted by FHCSP to ensure compliance with the law in the future.

The Fair Housing Act prohibits discrimination in any aspect of the sale, rental, insuring, financing or advertising of dwellings on the basis of race, color, religion, national origin, sex, familial status and disability. Familial status has been protected under the Fair Housing Act since 1988. The term "familial status" refers to the presence of children under the age of 18 in a household. Therefore, it is illegal to discriminate against families in which one or more children under 18 live with a parent, a legal custodian/guardian or designee thereof with written permission, a pregnant woman, or anybody securing the legal custody of a child under 18.

FHCSP, founded in 1956, is the nation's oldest fair housing organization. FHCSP's mission is to educate and advocate for equal access to quality, affordable housing in the Philadelphia region. Anyone suspecting that they were denied housing for discriminatory reasons or housing providers who want information on how they can operate their business in a nondiscriminatory manner should contact FHCSP at 610-604-4411 or visit www.fhcsp.com.

U.S. Reaches Settlement with Montgomery County Apartment Complexes Owners, Developers, Architects, And Engineers Over Alleged Violations Of Fair Housing Act And Americans With Disabilities Act

July 19, 2007 - PHILADELPHIA – United States Attorney Pat Meehan announced that the government reached a settlement with Gambone Bros. Development Company and several Philadelphia area apartment complexes, along with their architects and engineers, Joseph A. Zadlo, Chambers Associates, Mike Rosen Architects, and Urwiler & Walter, to resolve alleged violations of the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA). As part of the settlement, the defendants will, at their expense, modify all areas of the apartment complexes that are currently not in compliance. The Gambone defendants will pay a fine of \$25,000 and create a fund not to exceed \$307,000 for the purposes of reimbursing aggrieved persons who may have suffered as a result of their failure to design and construct the subject properties in compliance with the FHA and the ADA.

Specifically, the United States' complaint alleged that defendants have violated the Fair Housing Act by engaging in a pattern or practice of discrimination based on disability by failing to design and construct five different Pennsylvania apartment complexes with accessible and adaptable design features as required by law. The defendants also allegedly violated the ADA by failing to design and construct the rental office/model units and exterior public access areas at the complexes to be readily accessible to and usable by individuals with disabilities.

"It is our job to ensure that Americans are not discriminated against because of disability," said Meehan. "When developers, architects and engineers take money-saving shortcuts around the law, individuals with disabilities suffer. This settlement both corrects past violations and ensures future compliance."

The Fair Housing Act provides that, in non-elevator buildings with four or more units designed and constructed for first occupancy after March 13, 1991, all ground-floor units are "covered units" and must include certain basic features of accessible and adaptable design so they are usable by persons with disabilities.

The required features of accessible and adaptable design include: (a) public and common use areas that are readily accessible to and usable by persons with disabilities; (b) doors for passage into and within all premises that are sufficiently wide to allow passage by persons using wheelchairs; (c) an accessible route into and through the dwelling; (d) light switches, electrical outlets, thermostats, and environmental controls in accessible locations; (e) reinforcements in bathroom walls to allow later installation of grab bars; and (f) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

In addition to making the necessary corrections to the properties as required by this agreement, the defendants must ensure compliance with these statutes going forward. The defendants will also provide all of their employees

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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

The Fair Housing Act covers all housing related transactions, including rentals, sales, mortgage lending, homeowner's insurance, and 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 FHCS at:

610-604-4411 or
Toll Free: 866-540-FAIR (3247)

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

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

FHCSP serves the Greater Philadelphia area, including Bucks, Chester, Delaware, Montgomery and Philadelphia counties

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 opened

46,765

units of housing to the protected classes

Undocumented Immigration: Federal Law vs. Local Ordinance

There has been an ongoing debate about undocumented immigration in the United States. Some believe that federal lawmakers have failed to create legislation to address the issue of undocumented immigrants. This has subsequently heightened frustration at the local level, increasing the prevalence of policymakers to create local ordinances that pertain to undocumented immigrants. Of these ordinances, a good percentage of them deal with imposed rental restrictions upon undocumented immigrants.

In many cases, these local ordinances have been found unconstitutional, due to the fact that they conflict with federal immigration law. Some have also argued that the federal Fair Housing Act is also violated when an ordinance restricts the rental of units based on national origin. The Immigration Policy Center, a division of the American Immigration Law Foundation, has published a special report on this topic. "Among the findings of this report:

- "Over 40 percent of the households targeted by the ordinances include children and almost one-third include U.S.-citizen children. Roughly 4.9 million children in the United States live in households headed by undocumented immigrants. About 3.1 million of these children are U.S.-born citizens.
- "Ordinance initiatives are *not* correlated with the size of a locality's foreign-born or Latino population, but with a rapid *increase* in the foreign-born or Latino share of the population, especially since 2000. The increase, rather than the number itself, is shaping popular perceptions of an immigration "crisis".
- "In 2000, only 20.2 percent of localities with ordinance initiatives had Latino population shares over the national average of 12.5 percent. Only 16.3 percent had foreign-born population shares above the national average of 11.1 percent. More recent data for 28 larger cities and counties show that only 35.7 percent had either Latino or foreign-born population shares above the national average.
- "In most localities, a significant amount of the increase in the Latino population appears to consist of native-born citizens moving from one part of the country to another, as well as children born to Latinos already living in the locale. Between 1990 and 2000, the Latino population share of the average ordinance locality increased in size by 4.1 percent, while the foreign-born share grew by 2.8 percent. Similarly, among the 28 largest ordinance localities, the Latino share of the population rose by 3.5 percent between 2000 and 2005, while the foreign-born population increased by only 2.1 percent.
- "Ordinances are not correlated with high local unemployment rates. Around two-thirds of ordinance locales (68 percent) had unemployment rates at or below the national average in 2000, as did 64 percent of the 25 largest localities in 2005 for which unemployment data was available.
- "Implementation of the housing ordinances relies on the federal Systematic Alien Verification for Entitlements (SAVE) database. According to several reports by federal and state agencies, SAVE has problems with accuracy and timeliness and cannot currently be expanded to meet new demand."

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Immigration

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Recently, the U.S. District Court for the Middle District of Pennsylvania ruled on a case that addresses the City of Hazleton's authority to adopt local ordinances that seek to regulate the presence of illegal aliens. Since the year 2000, Hazleton's population has increased from 23,000 residents to approximately 30,000 residents, explained by an influx of immigrants, a large portion being Latino. Beginning in July of 2006, the City passed several ordinances which were aimed at combating perceived problems created by the presence of illegal immigrants. These ordinances prohibited the employment and harboring of illegal immigrants, required renters to obtain an occupancy permit (which was obtained by proving lawful citizenship or residency status), and implemented English as the official language of the City.

After trial, the Court ruled that the City of Hazleton's ordinances were unconstitutional. The Court found that these local ordinances were contrary to federal immigration law. The plaintiffs attempted to argue that the federal Fair Housing Act was violated; however the Court dismissed that charge.

Some Immigration Statistics from the Pew Hispanic Institute:

- "As of March 2005, the undocumented population has reached nearly 11 million including more than 6 million Mexicans, assuming the same rate of growth as in recent years.
- "Since the mid-1990s, the most rapid growth in the number of undocumented migrants has been in states that previously had relatively small foreign-born populations. As a result, Arizona and North Carolina are now among the states with largest numbers of undocumented migrants
- "Although most undocumented migrants are young adults, there is also a sizeable childhood population. About one-sixth of the population—some 1.7 million people—is under 18 years of age."

For more information on immigration, you can read the following reports in their entirety here:

- Special Report from the Immigration Policy Center (IPC) http://www.aifl.org/ipc/special_report/SpecialReport0907.pdf

U.S. Settlement with Montgomery County Apartment Complexes Owners

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and agents whose duties include supervisory responsibility for the design and/or construction of covered multifamily dwellings, in-person training on the design and construction requirements of the Fair Housing Act and pertinent provisions of the ADA. The training will be conducted by an independent, qualified third party, approved by the United States, and any expenses associated with this training will be paid by the defendants.

Persons with disabilities who believe they may have been harmed by inaccessibility at Abram's Run Apartments in King of Prussia, Henderson Square Apartments I and II in King of Prussia, Fox Ridge Apartments in Limerick, Fox Ridge Lakeside Apartments in Limerick, or Lakeview Apartments in Royerstown should call 1-800-896-7743, ext. 7, or see <http://www.usdoj.gov/crt/housing/notices.htm> to determine how they can file a claim for monetary damages.

This case was investigated by the Housing and Civil Enforcement Section of the Department of Justice and handled by Assistant US Attorney Margaret L. Hutchinson and DOJ Trial Attorney Kathleen Pennington.

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

Dr. Martin Luther King, Jr., 1958

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

President Lyndon B. Johnson



FHCSP's Mission:

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

FHCSP's Vision:

Someday, everyone in Southeast Pennsylvania will have equal opportunity to access the housing of their choice

40 Years of Fair Housing

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Although Ms. Collins was highly regarded as a pioneer in advocating fair housing within the region, she did not regard herself as such, stating that, "I wasn't any pioneer – the black person was the pioneer". Ms. Collins has since passed away, but her memory and her life's work lives on. Her civil rights work inspired what is today the oldest fair housing organization in the United States – the Fair Housing Council of Suburban Philadelphia.

While Ms. Collins was working to eradicate housing discrimination, another core group of advocates for fair housing founded the Committee for Democracy in Housing: Lansdowne and Vicinity. The founding members of the Committee included Kermit J. Hall of Yeadon, Mrs. Cary Isard of Drexel Hill, Mrs. Walter Jenkins of Lansdowne, Robert Pearlman of Lansdowne, and Mrs. Walter Felton of Lansdowne. These individuals were dedicated to advocating for freedom of housing in their community. They actively lobbied for fair housing legislation, writing to their legislators and speaking out to the community. In a letter to President Lyndon B. Johnson, the Director of the Committee wrote, "We are writing to express our appreciation for the leadership you are giving in combating the injustice of housing discrimination and urge you to take further steps by executive, as well as legislative, action ... [this] would be an immediate way of providing significant new housing opportunities for those trapped in racial ghettos." The Committee was active in getting their message out via the newspapers, writing letters to the editor or publishing public service announcements urging the community to support fair housing legislation. Furthermore, these individuals not only spoke out against discrimination, but urged neighbors to welcome African Americans into their communities and embrace integration.

The Committee took a hands-on approach when it came to dealing with the community. In 1963, an African American family named the Bakers moved into a home in Delmar Village, in Folcroft, PA, an all-white community. Soon after their move, the Bakers were the victims of racially-motivated violence from the neighbors. Three days of rioting ensued, until finally the authorities got the situation under control. Members of the Committee subsequently volunteered their time to help clean up the Baker's property. In addition, certain members spoke out to the community about the event. Mrs. Cary Isard wrote, "In all probability, another episode of such magnitude will be avoided through more effective police action. But the underlying causes – the fears and prejudices which make any such action necessary in the first place, can only be removed by bold creative programs and courageous leadership."

In 1968, the Civil Rights Act was passed, Title VIII of which is known as the Fair Housing Act. With the legal backing to support its goals, the efforts of the Committee increased, along with the service area in which it operated. Therefore, the Committee changed its name to the "Lansdowne-Upper Darby Fair Housing Council" in 1976, then to the "Fair Housing Council of Delaware County" in 1984, and again to the "Fair Housing Council of Suburban Philadelphia" in 1992, as it now had the capacity to grow, develop, and do its work in the greater Philadelphia region.

In 2008, there is a continuing need for FHCSP's work. African-Americans continue to be the victims of housing discrimination, albeit often in more subtle forms than decades ago. Single mothers with children, immigrants, and people with disabilities often face discrimination in securing rental housing, insurance and lending. They are often unaware or unprepared to assert their legal rights. Systemic issues such

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Hill House Apartments

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When the agent contacted FHCSP in November, 2006, she indicated that she had e-mail evidence that Mr. Weinberg specifically did not want tenants using a wheelchair to reside at Hill House, regardless of whether they met all credit and income standards. FHCSP conducted an investigation, and determined that the rental policies at Hill House Apartments were discriminatory against people who use wheelchairs. James Berry, FHCSP's Executive Director, stated, "It's been nineteen years since people with disabilities have been protected under the Fair Housing Act, yet blatant acts of discrimination still occur across the region that affect people of all classes and income levels."

In July, 2007, FHCSP filed a complaint with the U.S. Department of Housing and Urban Development (HUD) against Hill House Apartments, which was then referred to the Pennsylvania Human Relations Commission (PHRC) for investigation. The parties agreed to the settlement in which Hill House Apartments paid \$30,000 to further fair housing education and advocacy. Mr. Weinberg admitted to no wrongdoing, and agreed to comply with the Fair Housing Act and the Pennsylvania Human Relations Act. In addition, Mr. Weinberg agreed to attend a fair housing training to ensure compliance in the future.

The Fair Housing Act prohibits discrimination in any aspect of the sale, rental, insuring, financing or advertising of dwellings on the basis of race, color, religion, national origin, sex, familial status and disability. Under the Fair Housing Act, a disability is defined as a physical or mental impairment that substantially limits one or more of a person's major life activities. In this case, a person requiring the use of a wheelchair would constitute a person with a disability, and would be lawfully protected. Disability has been a protected class under the Fair Housing Act since 1988.

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40th Anniversary of the Fair Housing Act

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as exclusionary zoning also have a discriminatory effect that is beyond the abilities or resources of individual consumers to redress. Hence, there is a compelling need for FHCSP to expand its capacity to help address the housing needs of people disenfranchised from their right to decent, accessible, affordable housing in Southeast Pennsylvania.

April, 2008 is fair housing month, and FHCSP will be celebrating 40 years of fair housing law along side numerous fair housing groups across the nation. Having a long-standing, rich history in the region, FHCSP is proud to have lent a hand in advocating for equal opportunity rights in housing, and remains a proud advocate and educator for the community. As Dr. Martin Luther King, Jr. stated, "injustice anywhere is a threat to justice everywhere." FHCSP believes that someday, everyone in Southeast Pennsylvania will have equal opportunity to access the housing of their choice.

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. That reduces the risks associated with global climate change.

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

Owner of Hill House Apartments in Philadelphia Pays \$30,000 to Settle Housing Discrimination Complaint

The Fair Housing Council of Suburban Philadelphia (FHCSP) settled a complaint against Hill House Apartments located in Philadelphia, for violating the disability provision of the federal Fair Housing Act and Pennsylvania Human Relations Act. Hill House is an eleven story high-rise apartment building, located in the Chestnut Hill section of Philadelphia.

A former leasing agent for Hill House Apartments contacted FHCSP and indicated that her former employer and the owner of Hill House Apartments, Paul Weinberg, was discriminating against potential applicants based on disability. She had worked at the Hill House Apartments for about a year as the Office Manager. During her time at Hill House, she witnessed repeated instances where an interested and qualified applicant had been denied tenancy from Hill House due to discriminatory policies. As an aspiring real estate professional, she was aware that housing discrimination is illegal, and was fed up with the discriminatory policies of her employer. Therefore, in November of 2006 she decided to terminate her employment with Hill House Apartments, and filed an employment discrimination complaint separate from FHCSP.

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