

# Delaware Valley Fair Housing News

Newsletter of the Fair Housing Council of Suburban Philadelphia Fall 2011  
Serving Bucks, Chester, Delaware, Lehigh and Montgomery Counties and the City of Philadelphia

Funding for this newsletter  
was made possible by:

**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**

**The Patricia Kind Family  
Foundation**

**Citizens Bank Foundation**

**Ethel Sergeant Clark Smith  
Memorial Foundation**

## In This Issue

- Apartment Complex Settles Fair Housing Complaint
- Funding & Program Update
- City of Philadelphia Diversion Foreclosure Project Report
- Condo Charged with Discrimination Against Persons with Disabilities
- Results of FHCSF Service Dog Testing Audit
- Enforcement Update
- Become a Fair Housing Tester

## Delaware County Apartment Complex Pays \$15,000 to Settle Discrimination Complaints

The Fair Housing Council of Suburban Philadelphia (FHCSF), a single mother, and her minor child settled federal housing discrimination complaints filed against the owners and agent of Garden Court Apartments in Glenolden. Garden Court Apartments is a 19 unit apartment complex in Glenolden, PA owned and operated by Bridget Brady and John Brady of Broomall, PA.

In October 2010, Alyxandria Garcia ("Ms. Garcia"), a single mother with a three year old daughter, contacted Garden Court Apartments after reading an advertisement for an available apartment in the Delaware County Daily Times. Ms. Garcia talked to agent Shirley Montgomery ("Ms. Montgomery"), who provided detailed information about the available apartment. When Ms. Garcia said that she would be living in the apartment with her three year old daughter, Ms. Montgomery said that children were not permitted. Ms. Garcia ultimately signed a lease in a different apartment community, but it was a considerable distance from her work and family when compared to the available apartment at Garden Court Apartments.

Ms. Garcia contacted FHCSF who conducted an investigation, including the use of testers who replicate a housing search to document discrimination. Ms. Montgomery told FHCSF staff and testers that no children or teenagers were permitted at Garden Court Apartments and refused to consider a tester posing as a single mother with a young child.

On May 13, 2011, Ms. Garcia and FHCSF filed housing discrimination complaints with the U.S. Department of Housing and Urban Development. In an effort to resolve the complaints, Garden Court Apartments agreed to pay a \$15,000 settlement to Ms. Garcia and FHCSF. The owners and agent of Garden Court Apartments admitted no wrongdoing and have agreed to comply with fair housing laws. The owners and agent of Garden Court Apartments will also participate in fair housing training to ensure future compliance.

The Fair Housing Act prohibits discrimination based on race, color, religion, national origin, sex, disability or familial status. Familial status has been protected under the Fair Housing Act since 1988, and covers children under the

*(Continued on page 7)*

**FHCSP Board of Directors**

Lisa Gaffney  
*President*

Deborah Cooper  
*Vice President*

Jennifer Perry  
*Treasurer*

Frankie Baughn  
*Secretary*

Nelson Acevedo  
Michael Bannon  
Stephanie Cehelsky  
Kristi Dennis  
Elizabeth Moreira, Esq.

**FHCSP Staff**

James Berry  
*Executive Director*

Rachel Wentworth  
*Assistant Director*

Megan Bolin  
*Outreach &  
Communications  
Coordinator*

Emma Ward  
*Test Coordinator*

Lynne Ellison  
*Office Manager/  
Bookkeeper*

**Contact FHCSP**

Fair Housing Council of  
Suburban Philadelphia

455 Maryland Dr., Suite 190  
Fort Washington, PA 19034

Phone: 267-419-8918  
Toll Free: 866-540-FAIR (3247)  
Fax: 267-419-8932  
information@fhcsp.com

**www.fhcsp.com**  
**www.fairhousing.com**

## Funding & Program Update

The Fair Housing Council of Suburban Philadelphia would like to thank its funders for their generous support in 2011:

- **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**
- **Community Action Committee of Lehigh Valley**
- **The Patricia Kind Family Foundation**
- **Citizens Bank Foundation**
- **Ethel Sergeant Clark Smith Memorial Foundation**

It's been a dynamic year and FHCSP has plans to expand programming in 2012 to work more effectively towards a mission of eliminating housing discrimination in Eastern Pennsylvania. In 2011, FHCSP hired its part time Bookkeeper of over 12 years, Lynne Ellison, as a full time Bookkeeper/Office Manager and also hired a new Test Coordinator, Emma Ward, who worked previously as a VISTA volunteer for the Chester County Department of Community Development. The new office in Fort Washington has provided immediate opportunities to enhance programming, including a space where FHCSP can host trainings, events and meetings.

Education and training services for local government and nonprofit staff will expand in 2012 to ensure increased awareness among federally funded agencies about their responsibilities to comply with fair housing laws. Throughout 2012, FHCSP will be partnering with Lutheran Children & Family Service on a new project to provide individuals and communities with limited English proficiency with greater access to HUD programs and information on fair housing rights. As a recipient of the Department of Housing and Urban Development multi-year Fair Housing Initiatives Program grant, FHCSP will provide enforcement and education services in Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton and Philadelphia Counties through 2014.

# Report Finds Philadelphia Foreclosure Diversion Program Is Working

An independent report has concluded that Philadelphia's three-year-old foreclosure-diversion program has significantly improved the chances for homeowners in default on their mortgages to remain in the properties. With grants from the Open Society Institute and the William Penn Foundation, Ira Goldstein, Ph.D., Director of Policy Solutions for The Reinvestment Fund (TRF) assessed the outcomes and impacts of the Philadelphia Residential Mortgage Foreclosure Diversion Program. As part of the evaluation, TRF reviewed Court Orders on nearly 16,000 cases handled by the diversion program from inception through March 2011 and conducted interviews with homeowners as well as experts.

The program was instituted three years ago by the Philadelphia Court of Common Pleas in an effort to stop Sheriff Sales and put in place a mandatory case management system in the Court. Philadelphia's primary goals for the Diversion Program were to keep homeowners facing foreclosure in their homes, preserve and protect neighborhoods from the ravages of foreclosed properties, intervene early in the processing of foreclosure cases, and increase the effectiveness and efficiency of case management support for homeowners.

On June 14, 2011, the Philadelphia Residential Mortgage Diversion Program commemorated its 3rd anniversary and Goldstein presented initial findings from TRF's evaluation of the program. The report suggests that the diversion program has had a positive impact on the likelihood that a homeowner in foreclosure would keep their home. "We found that roughly 85 percent of those with agreements remain in their homes 21 plus months after reaching agreements," said Goldstein. "I think that's a remarkable finding quite frankly. I didn't think it would be quite so strong."

Daniel Olmos, Senior Counsel of the "Access to Justice Initiative" at the U.S. Department of Justice commented that the program has been replicated across the country. "Well structured diversion and mediation programs like the one here in Philadelphia can and do work," said Olmos. "They can work for homeowners and their families. They can work for banks and servicers and they can work for courts and they can work for communities."

Read the full report:

[http://www.fhcsp.com/pdf/Foreclosure\\_Diversion\\_Initial\\_Report.pdf](http://www.fhcsp.com/pdf/Foreclosure_Diversion_Initial_Report.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: 267-419-8918  
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?

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

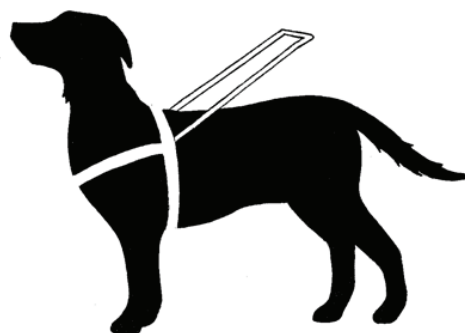
FHCSP's Mission:  
To educate and advocate for equal access to quality, affordable housing for everyone in Southeast Pennsylvania

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

# Philadelphia Condo Association Charged with Discriminating Against Persons with Disabilities

In September 2011, HUD charged a Philadelphia condominium association with violating the Fair Housing Act for refusing to make an exception to its "no pets" policy as a reasonable accommodation for condominium residents with disabilities who required assistance animals. HUD's charge alleges that The Philadelphian Owners' Association (POA), which manages the 776-unit Philadelphian condominium complex, required that residents provide burdensome and invasive medical documentation before requests for accommodation would be considered, severely limited access to the complex's facilities for residents accompanied by assistance animals, and failed to address several instances of harassment of residents requiring assistance animals.

HUD brings the charge on behalf of a resident who alleged that the POA denied her request for permission to have a medically prescribed assistance dog, threatened her with fines and other sanctions for her failure to comply with the restrictive policy, and did not address her concerns over harassment she had experienced from her neighbors because of her assistance dog.



According to HUD's charge, the POA implemented increasingly restrictive and onerous policies over a twenty-year period. In a new 2011 policy, the POA issued detailed "Instructions for Physicians for Documenting Disability Under the Federal Fair Housing Act," which required exhaustive documentation to support a doctor's opinion about the necessity of an assistance animal, and stated, "it may be necessary for you to testify under oath in federal court about your opinion." The 2011 policy banned persons using assistance animals from accessing the main lobby, shuttle bus, social rooms, fitness rooms, mail room, and laundry room, and required them to use the service elevator. HUD's charge alleges that, as a result of the restrictive policies of The Philadelphian, residents with disabilities have been discouraged from requesting needed assistance animals.

The Fair Housing Act requires property managers, including condominium associations, to make reasonable accommodations to no-pet rules for persons with disabilities who require assistance animals. "Assistance animals are not pets. They play a vital role in helping people with disabilities conduct everyday activities and fully enjoy their homes," said John Trasviña, HUD Assistant Secretary for Fair Housing and Equal Opportunity. "Condominium associations have a responsibility under the Fair Housing Act to grant reasonable accommodations when they are needed."

## FHCSP Service Dog Testing Uncovers Regional Noncompliance

Between July 2009 and August 2011, FHCSP conducted random testing of large apartment complexes, real estate professionals and management companies in the Philadelphia region to understand how housing providers treat consumers who use service dogs to assist with their disabilities. Service animals for persons with disabilities are not pets and housing providers cannot deny housing, charge fees, or place restrictions because someone has a service animal. In all of the tests, an FHCSP tester informed the provider that their spouse used a service dog to assist with either an emotional or neurological disability.

Of the 15 random tests completed between July 2009 and August 2011, eleven housing providers were noncompliant. Only two of the providers tested would permit a service dog without any additional fees or restrictions. Two providers tested refused to allow the service dogs altogether. One community referenced a “no dog” rule commenting that they only waive the policy for individuals with visual impairments and another community said the service dog exceeded the pet weight restriction.

Five of the providers required additional pet rent between \$25 and \$70 a month and four providers requested additional refundable deposits between \$250 and \$500. Two of the communities tested required a \$250 nonrefundable pet fee for the service dog and at one community a tester was told that they would be restricted to first floor units in the community, due to the presence of the dog.

As a result, FHCSP has conducted increased education for both the industry and consumers on this issue, including partnering with K-9 Partners for Life, a nonprofit organization that operates a training and adoption center for service dogs in Chester County.

### **Service Animals are NOT pets! A landlord, property manager, condominium board, or any other housing provider cannot:**

- Deny a person with a disability the right to have a service animal when requested as a reasonable accommodation
- Deny occupancy, or evict a person with a disability because he/she requests a service animal
- Charge extra fees (such as a monthly pet rent or a pet fee) for a service animal
- Stall or delay on responding to a request for a service animal
- In most cases, inquire about the nature or severity of a person's disability

A landlord, property manager, condominium board or any other housing provider may request additional information or documentation to verify the need for a service animal if the requester has a disability that is not obvious, or the disability-related need for the service animal is not apparent.

### Who is FHCSP?

FHCSP is a Qualified Fair Housing 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

# 46,875

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

## 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!



## Enforcement Update

In August 2011, HUD charged the owner and manager of **Breckenridge Plaza Apartments** in Phoenixville, PA, with violating the Fair Housing Act by discriminating against families with children. Breckenridge Plaza, Inc., and Morris Zelikovsky were charged with making discriminatory statements, indicating a preference against families with children, offering different rental terms and conditions to families with children, and discouraging families with children from applying for housing. FHCSP filed a complaint with HUD after FHCSP testers determined that manager Zelikovsky treated same-size households differently by imposing different rental charges when one member of a family was a child. Zelikovsky told a FHCSP tester posing as a mother with a son that she would have to pay \$775 for a two-bedroom apartment that had been advertised as renting for \$740. Later that same day, Zelikovsky told a different tester posing as a married woman with no children that a two-bedroom apartment rented for \$745 a month. During a different test conducted by FHCSP, Zelikovsky told a tester posing as a married woman with no children that a two-bedroom apartment was \$740 a month. Later that day, a tester posing as a mother with a child contacted Zelikovsky about a two-bedroom apartment. When the tester asked Zelikovsky if having a child was going to be a problem, he said, "It's just going to be higher at \$775 a month."

In September 2011, HUD issued charges of discrimination on a complaint filed by FHCSP against **Blue Valley Times**, a weekly newspaper distributed in Lehigh and Northampton Counties, for discriminating on the basis of familial status in advertising rentals. On May 18th, 2011, FHCSP filed complaints against Blue Valley Times, its publisher, **Blue Valley Times Publishing, Inc.**, and owner **Michael Ortoski** for publishing discriminatory statements describing a preference for prospective tenants based on their familial status. In 2010, FHCSP received a call from a consumer who observed discriminatory advertisements as she searched for housing for herself, her husband and their young child. FHCSP monitored the current and archived classified sections of the Blue Valley Times and observed advertisements containing discriminatory phrases like "no children" and "mature individual or couple."

In March 2011, FHCSP filed complaints with HUD against property owners, **Young Kim** and **Kwang Kim**, and agent, **Margaret Kim**, for discrimination on the basis of familial status. In August 2010, FHCSP observed craigslist advertisements stating "no pets/ children" for available one and two bedroom apartments in Wayne. FHCSP conducted testing and found that the respondents discriminated against families with children, turning away households with children. On September 13<sup>th</sup>, 2011, HUD issued a charge of discrimination against the respondents.

In August 2011, FHCSP filed complaints with HUD against management company **Tree House Properties**, agent **Rosario Khatri** and owner **Farzeed Khatri**. In December 2010 and January 2011, FHCSP observed advertisements placed on craigslist containing the discriminatory phrases "for a Couple Without Children." FHCSP conducted an investigation using testing and found out that the respondents refused to rent an available two bedroom apartment in Philadelphia to families with children. In August 2011, the parties reached a settlement agreement in which Tree House Properties will pay FHCSP for its costs and receive fair housing training.

# Help Fight Housing Discrimination! Become a Fair Housing Tester

The Fair Housing Council of Suburban Philadelphia (FHCSF) is in need of Fair Housing Testers to assist in uncovering housing discrimination throughout Eastern Pennsylvania. FHCSF investigates complaints of housing discrimination in the City of Philadelphia and Bucks, Chester, Delaware, Lehigh, Northampton and Montgomery Counties. As a trained tester, you will be called on to help identify possible instances of discrimination in housing, which will contribute to the health and wholeness of the community, and you will be paid for your efforts.

FHCSF testers pose as home seekers and visit housing providers to collect information to assist with regional monitoring and investigations. In brief, people trained as testers make inquiries about housing. To test for race discrimination, for example, a black tester would be sent to a site, followed by a white tester, with a third tester following up if necessary. The testers' reports may reveal unequal or discriminatory treatment. 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, pass a criminal background check and complete a paid practice test. Testers are paid a small stipend (\$20 - \$80) for their efforts and are reimbursed for mileage, tolls and postage.

For more information about this opportunity, contact FHCSF Test Coordinator, Emma Ward, at [ward@fhcsp.com](mailto:ward@fhcsp.com) or (267) 419-8918 x3.

---

## Apartment Complex Pays \$15,000 to Settle Discrimination Complaints

---

*(Continued from page 1)*

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. Ms. Garcia stated that "this whole situation caused my daughter and myself a lot of stress and has made us feel unwanted and outcasted because of certain people who may not like children and that was not fair to us."

"Ms. Garcia and her daughter were turned away from an apartment that should have been available to them," said James Berry, Executive Director of FHCSF. "Given the current economic conditions, it's more important than ever that single mothers have equal access to affordable housing."

The Fair Housing Act protects people from discrimination in housing related transactions based on race, color, religion, national origin, sex, disability and familial status. 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 FHCSF at 267-419-8918 or visit [www.fhcsp.com](http://www.fhcsp.com).

**FHCSF 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](http://www.energystar.gov/home)) which provides energy-efficient home improvement ideas and energy saving tips and advice for your entire home.





**Fair Housing Council  
of Suburban Philadelphia  
455 Maryland Drive, Suite 190  
Fort Washington, PA 19034**

ADDRESS SERVICE REQUESTED

NONPROFIT  
ORG.  
U.S Postage  
PAID  
Swarthmore, PA  
Permit No. 14

The Nation's Oldest Fair Housing Council  
Founded in 1956

## **FHCSP Office Move Complete!**

In July 2011, FHCSP relocated to a new office in the Fort Washington business park in Montgomery County, PA.

Please check to make sure your records reflect the updated contact information:

**Fair Housing Council of Suburban Philadelphia  
455 Maryland Drive, Suite 190  
Fort Washington, PA 19034  
Phone: (267) 419-8918**