



We fight housing discrimination. We strengthen communities.

FHIP-PEI Enforcement Trends Report

March 19, 2019 - March 18, 2020

The mission of the Fair Housing Rights Center in Southeastern Pennsylvania (FHRC) is to ensure equal access to housing opportunities for all persons. FHRC achieve its mission by educating the public on fair housing laws, provides legal assistance to individuals who have experienced unlawful housing discrimination, monitors the community for compliance with applicable housing laws, and offers information and referrals on housing related issues.

In 2007, FHRC expanded its geographical reach to reflect the public that relied on the organization for services. It is also why the organization changed its name from the Fair Housing Council of Montgomery County to the Fair Housing Rights Center in Southeastern Pennsylvania serving Bucks, Chester, Delaware, Montgomery and Philadelphia counties. Future Trends Report will show that FHRC increased its boundaries to serve residents living in Berks, Cumberland, Lehigh, Lancaster, Dauphin, Northampton, Perry, and York counties. By expanding into new communities, FHRC will serve 13 counties in the Commonwealth of Pennsylvania.

This report captures enforcement activities from March 19, 2019 through March 18, 2020, a Fair Housing Initiative Program-Private Enforcement Initiative program year*. The following paragraphs cover inquiries, complaint intakes, and bona fide complaints that were submitted by FHRC to administrative law enforcement agencies.

***FHRC received 386 inquiries and 198 complaint intakes; the organization submitted 18 complaints to HUD, the Pennsylvania Human Relations Commission and the Department of Justice.**

Inquiries at FHRC

FHRC receives inquiries that may or may not be related to a fair housing issue. From March 19, 2019 through March 18, 2020, FHRC received 386 inquiries. Most complaints are related to landlord/tenants issues, which are out of the jurisdiction of the federal, state, and local fair housing laws. Those complaints are referred to community partners including the Tenant Union Representative Network (TURN) and Community Legal Service (CLS). For issues related to habitability, FHRC refers tenants to the Philadelphia Fair Housing Commission to force repairs. FHRC does not have capacity to assist clients with issues outside of its program capacity, but will refer clients to the appropriate organization.

The most frequent inquiries came from individuals that needed assistance with repairs, like substances that resembled mold. The building code and Philadelphia’s License and Inspection does not require total remediation of mold, so it often becomes a disputed issue between the tenant and the landlord. Reasonable Accommodation (RA) is a possible remedy for adults or children suffering from asthma, severe allergies, and respiratory conditions. To achieve an RA, a disabled person must obtain medical proof of a chronic or temporary medical condition that would improve with remediation of mold or other substances, as well as provide proof of testing that confirms toxicity of the substance.

Further, there is a clear need for more legal aid in counties outside of Philadelphia. When those agencies reach capacity, their clients came to FHRC for assistance; however, the organization could only provide a limited amount of assistance. We provided limited support around landlord tenant rights and forwarded Tenant Guides for tenants living in other parts of Pennsylvania.

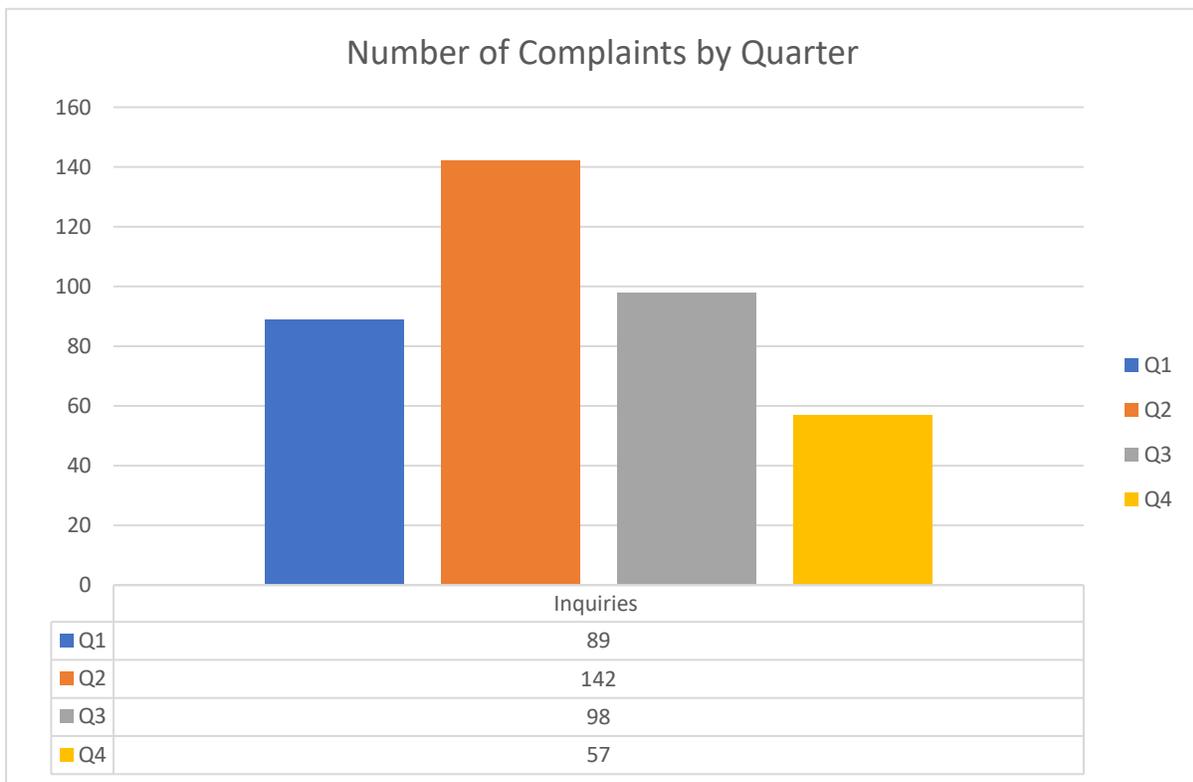


Chart 1. Number of Inquiries by Quarter

FHRC Complaint Intakes

FHRC receives inquiries that raise a fair housing issue and therefore require investigation. From March 19, 2019 through March 18, 2020, the Director of Enforcement (DE) analyzed 198 complaint intakes. The DE investigated and analyzed unlawful allegations of housing discrimination to determine merit and whether there was sufficient evidence.

When there was insufficient evidence, the DE asked the Director of Testing Services (DTS) to design an in-depth investigation to determine a housing providers practice and/or policy. If an investigation confirmed a complainant's allegation(s), FHRC's evidence was used to file a complaint for the complainant.

Due to a systemic investigation, the DTS was not able investigate the same number of cases as usual in the 4th quarter.

In general, FHRC addresses a high number of disability-related issues for the public. For more than a decade, disability has been the top complaint at FHRC. The March 19, 2019 through March 18, 2020 program year followed that pattern. For example, habitability may be helped with request for a Reasonable Accommodation (RA). More specifically, a person with arthritis may need an apartment heated to a certain temperature. Landlord tenant law already provides the specific temperature and an RA may provide even more leverage to force the landlord to provide a remedy for the tenant.

The second most reported complaint was based on race. Race-based complaints often did not lead to resolutions due to the lack of direct evidence. HUD's burden-shifting standard begins with the complainant. Therefore, in the absence of direct evidence, complainants may not be able to prove that discrimination occurred. Also, testing may or may not render proof that can be used to file a complaint. Proving intentional unlawful discrimination in housing is not always possible.

The third and fourth ranked complaints were complaints based on familial status and sex. Familial status complaints were based on people having children. Examples include being evicted due to having another child, being evicted due to needing a lead certification, a landlord charging per child, or a landlord having a no child policy. FHRC saw an increase in the amount of sex-based complaints due to reconnecting with organizations in which it had previous relationships, like Women Against Abuse and Lutheran Settlement House. Several types of complaint arose: women evicted due to domestic violence, landlords not allowing lease termination due to domestic violence event, and then a person being denied housing due to an eviction that arose from domestic violence event.

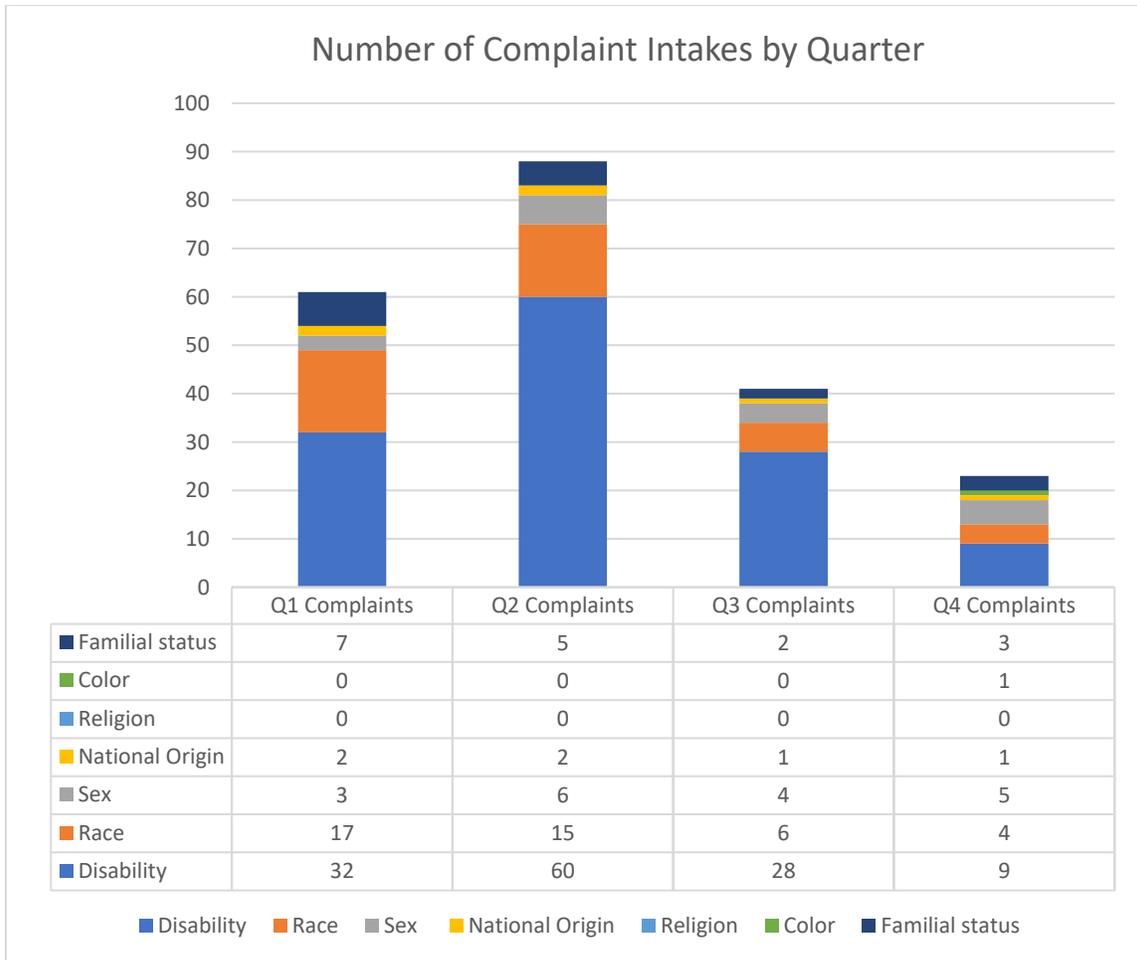


Chart 2. Number of Complaints by Quarter

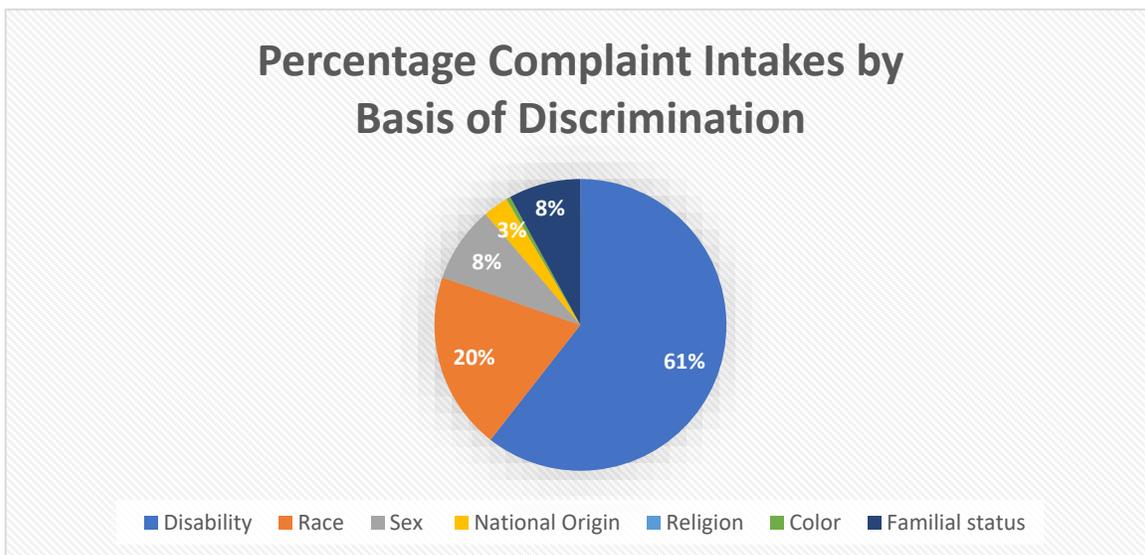


Chart 3. Percentage of Complaint Intakes by Basis of Discrimination

As previously mentioned, disability complaints were the most common complaint throughout the year. They made up 61% of the total complaints from March 19, 2019 through March 18, 2020, a program year. Race based complaints were 20% of the complaints. Sex and Familial Status were each 8% of the total complaints.

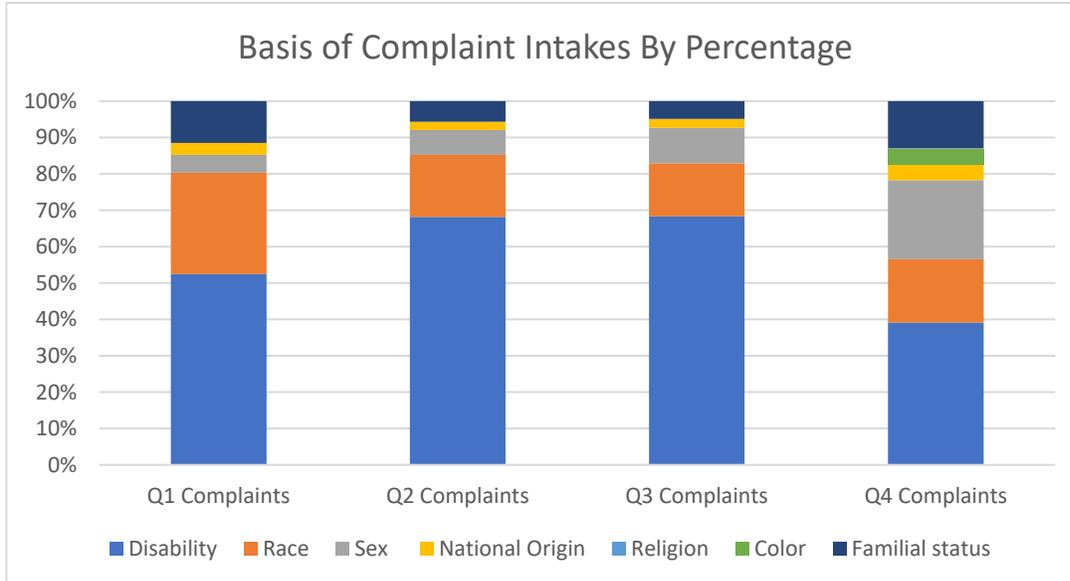


Chart 4. Basis of Complaint by Percentage of Total Complaints per Quarter.

FHRC’s complaints came primarily from residents of Philadelphia. In total, 55% of FHRC’s complaints came from Philadelphia County. About a quarter came from Montgomery County and the other three counties, Bucks, Chester, and Delaware.

These numbers are similar to previous program years when we received the second most complaints from Montgomery County. We received complaints from Racially and Ethnically Concentrated Areas of Poverty (R/ECAP), a HUD term that was used to describe geographical areas of high poverty. Areas of poverty may include places in which people with disabilities may reside. Within Montgomery County, we received complaints from residents living in and surrounding Norristown and Pottstown. In Chester County, we received complaints from areas around Coatesville. Inside Philadelphia, we received complaints from South Philadelphia, West Philadelphia, North Philadelphia, and Northeast Philadelphia.

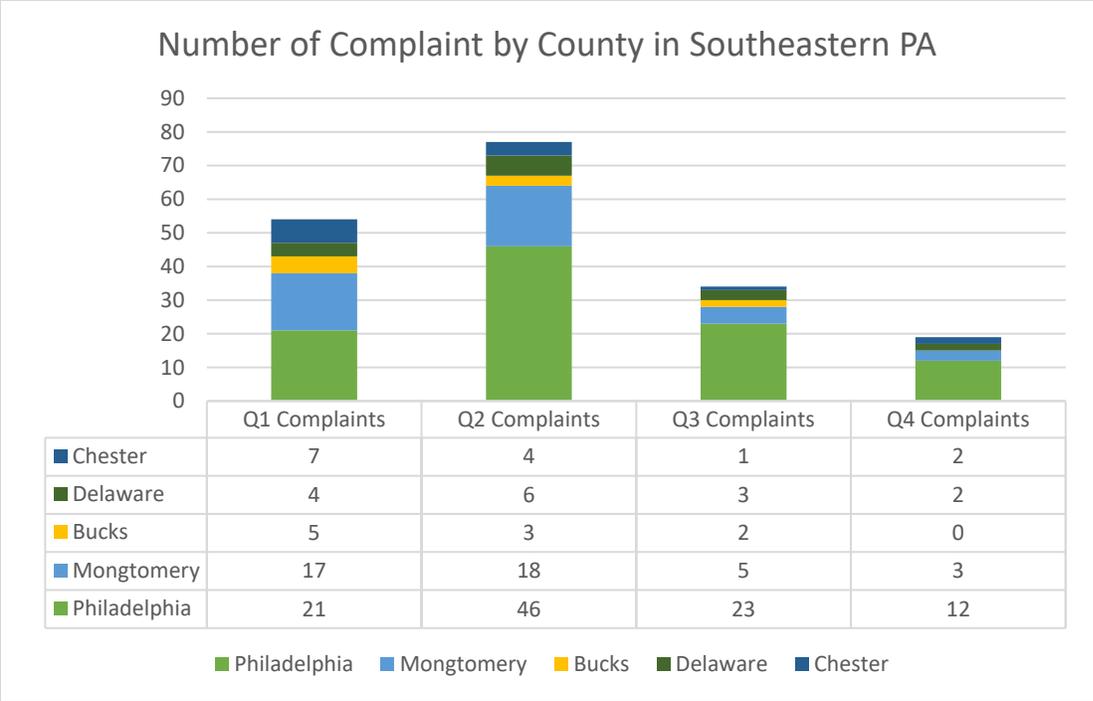


Chart 5. Number of Complaints by County in Southeastern PA

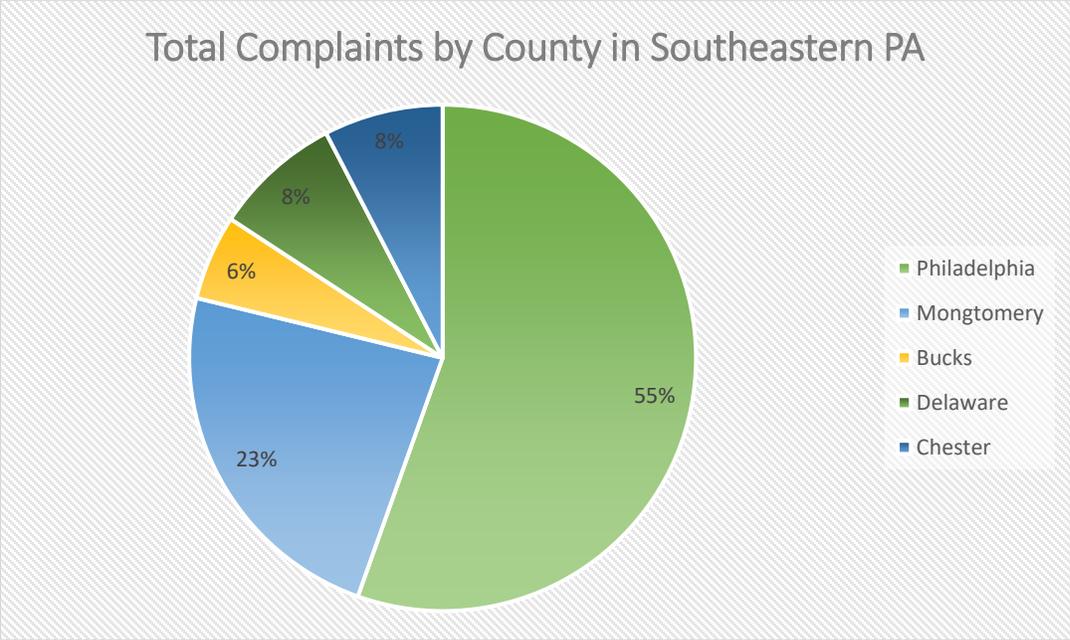


Chart 6. Total Complaints by County in Southeastern PA

FHRC Complaints Submitted to HUD and PHRC

After completing a thorough investigation, FHRC submits bona fide complaints to HUD, to the Pennsylvania Human Relations Commission (PHRC), or to the court in the jurisdiction.

Only a small percentage of the complaints lead to an investigation that produces enough evidence to lead to a complaint. 18 out of the 196 complaint intakes led to a complaint that was submitted to HUD or PHRC, about 9% of the complaints.

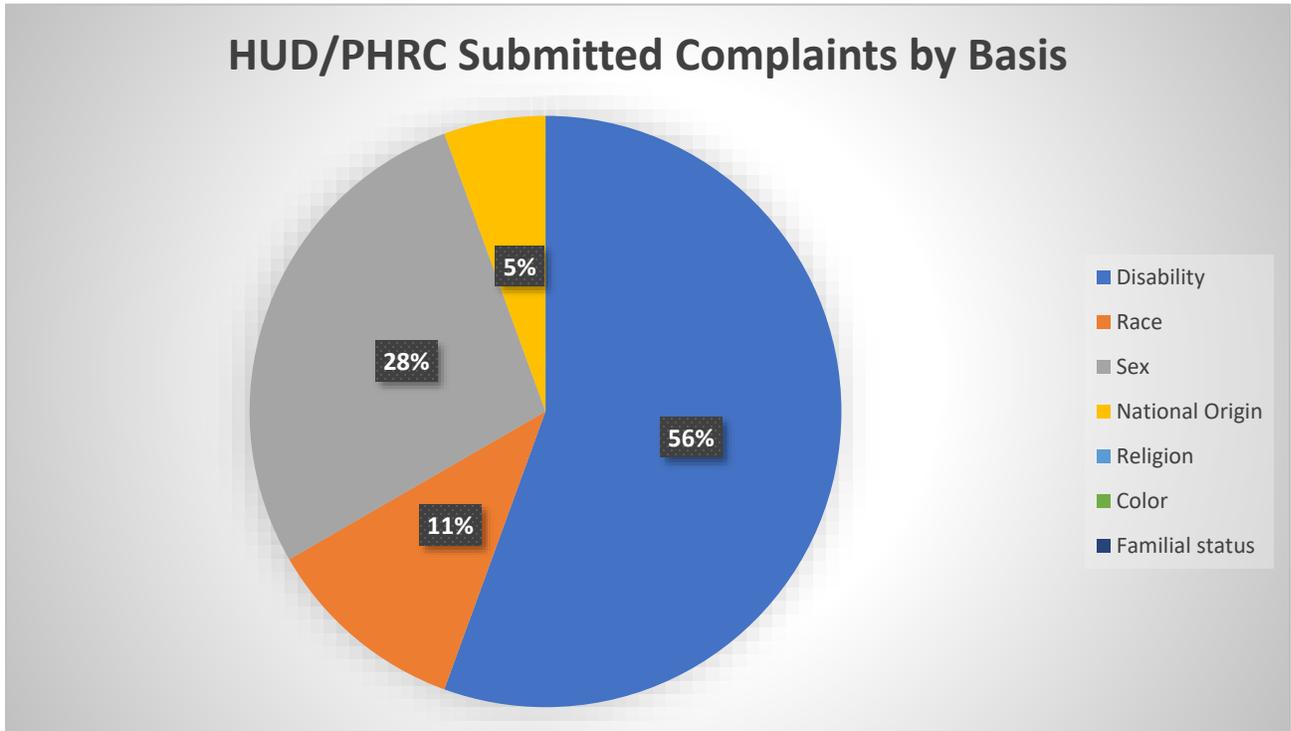


Chart 7. HUD/PHRC Submitted Complaints by Basis

This fiscal year, two complaints led to settlements for the clients. One complaint was based on disability and the other was based on sex. Each complaint was fully investigated with attempts to settle before being submitted to HUD. The respondent in each case did not respond to FHRC correspondence to clarify the law.

The most likely cases to go forward were cases with a reasonable accommodation letter and a clear statement that the respondent was aware of their responsibility under the law and refused to engage in the interactive process.

In sex discrimination cases, it has been helpful to provide clarification on the rights of domestic violence survivors and then to offer a remedy. If a person does not provide a rebuttal or reasonable alternative, then it is reasonable to go forward with a formal

complaint. With outreach to domestic violence agencies, the number of sex-based discrimination complaints has risen.

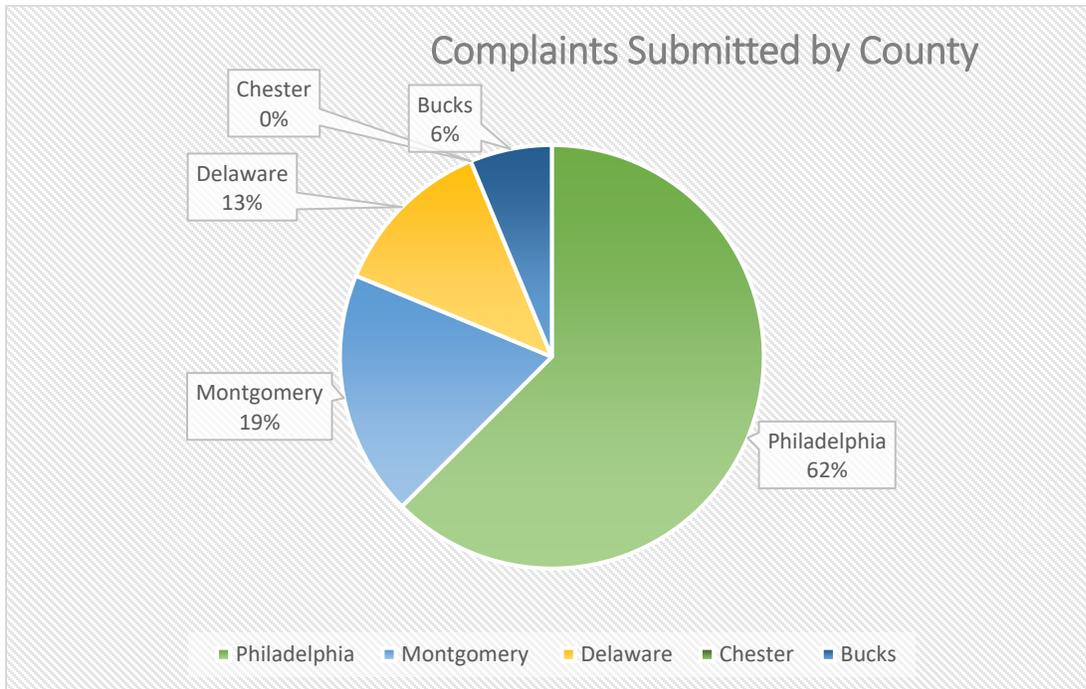


Chart 8. Complaint Submitted by County

The chart shows that most of the complaints came from Philadelphia and Montgomery counties. This is in line with the amount of total complaint intakes completed by the Director of Enforcement.

Conclusion

The two issues that have become prominent are disability discrimination and sex discrimination. Issues around air quality for people with asthma, COPD, cancer, chemical sensitivity disorder, and other chronic illnesses are issues that need to be taken seriously by housing providers when it comes to disability rights.

FHRC has found it helpful that HUD is focusing on gendered violence, whether domestic violence, sexual harassment, or the rights of sexual violence survivors. Those groups have come to us with stories. Not all of them have been actionable, but the public was supported by professionals that were available to listen to their stories.

To support a race-based claim of unlawful housing discrimination, a complainant must present with direct evidence, or an investigation may yield evidence. It difficult to prove racial discrimination where there is no outright ban, policy, or statements based on race. FHRC's Director of Testing Services has been and will continue to investigate race-based claims by using technology.

FHRC is committed to serving all protected classes. Results from this program year have already informed and influence the current program year. And based on former fair housing experience, the Fair Housing Movement is bracing for the aftermath of COVID-19.

For more information about the content of this report, please submit a written request to Angela McIver, Chief Executive Officer of the Fair Housing Rights Center in Southeastern Pennsylvania at amciver@fairhousingrights.org.

Please stay safe, and thank you for your interest in the Fair Housing Rights Center in Southeastern Pennsylvania.