
◆ Open House ◆

Newsletter of the Fair Housing Council of Montgomery County

FALL 2003

The Fair Housing Council of Montgomery County is committed to ensuring equal housing opportunities regardless of race, religion, gender, age, disability, familial status or national origin.

We carry out our mission through education & outreach, complaint reception & resolution, advocacy, monitoring of discriminatory housing practices & assistance in finding open & affordable housing.

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Sexual Orientation and Gender Identity and Expression as Protected Classes Senate Bill 706

Pennsylvania housing discrimination law does not explicitly address discrimination based on sexual orientation and gender identity. In reference to housing transactions, the Pennsylvania Human Relations Act (PHRA) protects people from discrimination based on “race, color, sex, religious creed, ancestry, national origin, disability, age, familial status, use of a guide or support animal because of the blindness, deafness or physical disability of the user or because the user is a handler or trainer of support or guide animals.”

Senate Bill 706 proposes to amend the Pennsylvania Human Relations Act to include sexual orientation and gender identity as protected classes. Senate Bill 706 defines **sexual orientation** as “actual or perceived heterosexuality, homosexuality or bisexuality.” Furthermore, **gender identity or expression** is defined as “actual or perceived gender identity, appearance, behavior, expression or physical characteristics whether or not associated with and individual’s assigned sex at birth.”

Senate Bill 706 was introduced on June 17, 2003 by State Senators Joe Conti (R-Bucks and Montgomery) and Allen Kukovich (D-Westmoreland). The proposed changes to the PHRA would prohibit discrimination on the basis of sexual orientation and gender identity in employment, housing and public accommodations. The bill is currently in the Senate Judiciary Committee for review. Advocates of the bill are hopeful that it will be voted upon favorably in the Fall 2003 and come to a vote on the floor of the Senate before they adjourn in November. Supporters of the bill will look to the Spring if the bill is not voted on by November.

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Senate Bill 706 cont.

From there, if it is approved, it will be sent to the House of Representatives for approval. Each body must approve the lawmaking actions of the other by a majority vote. The General Assembly (Senate and House of Representatives) can enact law only with the participation of the Governor. The Governor can accept or reject (veto) the proposed law, however the General Assembly can override the veto if it has enough votes. Nationally, over a dozen states have enacted laws to protect against sexual orientation discrimination. However, only a handful have similar protections in reference to gender identity and expression. Seven municipalities in Pennsylvania already prohibit discrimination based on actual or perceived sexual orientation and gender identity or expression: Allentown, Erie County, New Hope, Philadelphia, York, Pittsburgh, and Harrisburg. Such discrimination remains legal in all of Montgomery County and the rest of the state.

By: Konstantina Tatsis

Statewide Poll Shows Strong Support for SB706

In June 2003, a telephone survey of 750 Pennsylvania voters was conducted by Susquehanna Polling and Research. The survey was commissioned by the Statewide Pennsylvania Rights Coalition.

- ◆ 68% of Pennsylvania voters said they strongly or somewhat favor passage of legislation (SB 706) currently under consideration in Pennsylvania.
- ◆ Strong support for the proposed law exists across Pennsylvania regions with 63% of people in the conservative central part of the state in support and 82% in the five southeastern counties of the Commonwealth. The Southwestern region has the lowest level of support at a still solid 58%.
- ◆ 77% supported laws to protect against housing discrimination against gays, lesbians, bisexuals and transgender people.
- ◆ The vast majority Pennsylvanians (85%) believe that discrimination against gay, lesbian, bisexual and transgender people still exist in today's society. And a third (34%) believes that discrimination has actually increased "during the last ten years or so."
- ◆ Most Pennsylvanians incorrectly believe that federal laws already exist to ban discrimination against gay, lesbian, bisexual, transgender people with 52% of the people thinking there are such laws and 27% not being sure. Only 20% of the voters sampled know that Pennsylvania has no such state laws, while 38% incorrectly believe there are state laws and 42% are unsure.

For more information on methodology please contact Jim Lee at Susquehanna Polling and Research at 717-233-8850. All other inquiries can be directed to the Statewide Pennsylvania Rights Coalition office at 717-920-9537.

Pennsylvania Human Relations Commission Addresses Sexual Orientation and Gender Identity Discrimination

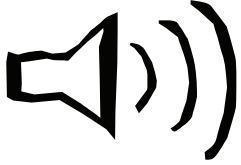
The Pennsylvania Human Relations Commission (PHRC) is mandated to enforce the Commonwealth's laws that prohibit discrimination because of race, color, religion, ancestry, age (40 and above), sex, national origin, non-job related disability, known association with a disabled individual, possession of a diploma based on passing a general education development test and familial status. The PHRC's jurisdiction covers employment, housing and commercial real estate, public accommodations, education, refusal or willingness to participate in abortion procedures and monitoring racial tension situations. The mission of the Pennsylvania Human Relations Commission is to administer and enforce the Pennsylvania Human Relations Act (PHRA) and the Pennsylvania Fair Educational Opportunities Act (PFEOA) of the Commonwealth of Pennsylvania for the identification and elimination of discrimination and the providing of equal opportunity for persons of protected classes.

On October 28, 2002, by a vote of 6 to 3, PHRC passed a statement of support for the inclusion of sexual orientation and gender identity in existing state civil rights legislation. The official statement asserts:

The Pennsylvania Human Relations Commission (PHRC) condemns discrimination and the use of hate threats and violence against anyone, whether or not they are members of a protected class under the Pennsylvania Human Relations Act, the Pennsylvania Fair Educational Opportunities Act or the Ethnic Intimidation Act. The existence of such egregious acts underscores the need for legal protection for persons on the basis of their sexual orientation or gender identity. Therefore, the PHRC reaffirms its ongoing support to amend the Pennsylvania Human Relations Act, the Pennsylvania Fair Educational Opportunities Act and the Ethnic Intimidation Act to include protection on the basis of sexual orientation and gender identity.

This public position has been conveyed to both houses of the legislature, and urges the passage of amendments to include sexual orientation and gender identity as protected classes in state civil rights legislation.

If you are interested in finding out more about this issue call the Statewide Pa. Rights Coalition (SPARC). SPARC is a network of individuals and organizations across the Commonwealth committed to securing and defending full civil rights for lesbian, gay, bisexual or transgender individuals. Visit SPARC at www.sparc-pa.org or email the Chair of SPARC Stephen Glassman at saglassman@adelphia.net.



UPCOMING EVENTS !!!!!

Want to learn more about your fair housing rights?
Join us at one of these community events!

NORTH PENN VISITING NURSE ASSOCIATION

When: Tuesday, October 7, 2003

Where: 51 Medical Campus Drive, Lansdale, Pa 19446-1305

Community workshop conducted by Beth Albert, Executive Director, and Elizabeth Stamm, Education and Outreach Project Coordinator. RSVP E. Stamm at 215-576-7711.

CHARTER ARMS APARTMENTS

When: Friday, October 17, 2003 1:00 p.m.

Where: 1 Potter Street. Warminster, PA 18974

Community workshop conducted by Elizabeth Stamm, Education and Outreach Coordinator and Chris Zinzser, Housing Counselor of FVDC . The Fair Housing Council of Montgomery County and Freedom Valley Disability Center are working together to educate the community about disability rights under the Fair Housing Act. RSVP E. Stamm at 215-576-7711.

FREE HOMEBUYERS WORKSHOPS

When: Wednesday, October 22, 2003

7:00 pm to 8:30 pm

Where: Montgomery County Community College, Bluebell, Pa

Looking to buy a home? Montgomery County Partners for Home Ownership is giving a free workshop which provides straightforward information about credit, realtors, mortgages, housing discrimination, and more! Sponsored by the Montgomery County Partners for Home Ownership for more info. and dates of future workshops call (610) 275-4357 or (610) 278-3540.

LIBERTY RESOURCES, CENTER FOR INDEPENDENT LIVING

When: Thursday October 9, 2003

10:30- 12:00 noon

Where: 1341 N. Delaware Avenue, Suite 105, Philadelphia, PA

Presented by TAP, Housing and Disability Technical Assistance Program and LRI, learn about fair housing rights and finding accessible units. To register call Mona Weinstein at 215-576-1558.

CASE UPDATES

Lees and FHCMC v. Kratz

Kenneth K. Kratz, on behalf of the Kenneth Kratz Company, has agreed to settle a fair housing discrimination case filed by an individual complainant and the Fair Housing Council of Montgomery County with the U.S. Dept. of Housing and Urban Development for \$23,400.00.

In the spring of 2002, the individual, a mother with two children, found herself in a housing crisis when her landlord foreclosed on the rental property in which they were living, forcing the family to find another home. In May 2002, the individual contacted Kenneth Kratz inquiring about an advertised apartment. She was denied the opportunity to apply for the apartment and was told by Kratz Co. employees that Kratz didn't like to place families with children on the top floors. As a result of being denied the opportunity to rent an apartment, the complainant and her family moved into a shelter.

The individual and the Council filed a housing discrimination complaint with HUD in April 2003 alleging Kratz denied families the opportunity to rent units, steered families to first floor units, and charged higher rents based upon the number of people in a household. The complaint was based upon evidence gathered by the Council and the complainant's experience in attempting to rent from Kenneth Kratz. "It's important that people realize that they can advocate for their families and that there are organizations such as the Fair Housing Council to educate people about their fair housing rights," explained Ms. Lees.

"Discrimination against families with children occurs all too frequently", states Elizabeth Albert, Executive Director of the Fair Housing Council of Montgomery County. "Hopefully publicity of this case will let other owners know that discrimination against families with children is illegal and that if they discriminate they will pay a price. Kenneth Kratz Co. is a large owner of rental units in the North Penn area, the changes in his rental policies as a result of this complaint will positively affect hundreds of families."

Terms of the settlement include implementation of non-discriminatory policies, fair housing training, informing current tenants of the non-discriminatory policy with an option to move to upper floors when units become available, and changing the policy of charging additional rent based upon the number of occupants.

Miller and FHCMC v. Remax Achievers, Inc.

In the fall of 2002 Kelly Miller contacted the Fair Housing Council of Montgomery County with a complaint regarding familial status discrimination. Ms. Miller and her family had applied for an available 3 bedroom house for rent from Remax Achievers agent Don Peters in October 2002. The Miller's were rejected and told by Mr. Peters that he had rented the house to a "landlord's dream...professional, no children, no pets.". The Council conducted testing which confirmed the discriminatory practices and statements. Based upon the facts, a suit was filed in U.S. District Court in Philadelphia on behalf of Kelly Miller and the Council.

In April 2003, the parties agreed to settle the complaint. Remedies included a financial settlement for the plaintiffs, attorney fees, fair housing training provided by the FHCMC for Mr. Peters, and implementation of non discrimination policies. Arthur Haywood represented Ms. Miller and the Council in this case.

OUTREACH TO IMMIGRANTS

As part of our outreach efforts we are highlighting Executive Order 13166 of August 11, 2000 entitled **Access to Services for Persons with Limited English Proficiency**.

“The United States is home to millions of national origin minority individuals who are “limited English Proficient” (LEP). That is, they cannot speak, read, write or understand the English language at a level that permits them to interact effectively with housing providers, medical institutions or social service agencies. Due to these language differences and their inability to effectively communicate in the United States, LEP individuals are too frequently excluded from federal programs, experience delays or receive care and services based upon inaccurate or incomplete information.

In recognition of the difficulties faced by people with LEP, Executive Order 13166 was issued in August 2000. Under executive order, federal institutions were given a two fold decree. First, the order required that federal institutions provide guidance to any recipient of that received federal funding under the umbrella of that institution. Second, the federal institutions themselves were required to create their own internal guidance and policies to comply with the order and ultimately with the mandates of the Civil Rights Act of 1964.

Executive Order 13166 along with policy guidance from the Department of Justice makes it absolutely clear that a failure to ensure that individuals who are not proficient in English can effectively participate in and benefit from federal institutions and recipients of federal funding may constitute national origin discrimination.” - [Taken from the National Asian Pacific America Legal Consortium Fact Sheet on Executive Order 13166.](#)

Executive Order 13166 mandates that recipients of federal funding make their services accessible to persons with LEP; in the housing arena this includes shelters, transitional housing programs, and subsidized housing programs who receive federal funding. Furthermore, denying access to services to people with LEP also violates the national origin protections under the Fair Housing Act. For more information on Executive Order visit the National Asian Pacific American Legal Form website at www.napalc.org.





FAIR HOUSING SCHOOL PROGRAM

Since 1997 we have held our annual Fair Housing children's program on combating housing discrimination. T-shirts have been made of the winning posters every year. All the t-shirts are available for \$10 and come in various sizes. Call for details & orders. The 2003 edition is now available, children's sizes too!

TO PLACE YOUR ORDER,

Mail a \$10 check to:

Fair Housing Council of MontCo.
 105 E. Glenside Ave., Suite E, Glenside, PA 19038

Help us fight against discrimination... BECOME A MEMBER!!!

The Fair Housing Council of Montgomery County invites you to become a member. The Council is a private, non-profit organization dedicated to fighting housing discrimination in Montgomery County. As the only local agency whose sole mission is to ensure equal housing opportunities in Montgomery County, the Council has been working hard for you! By becoming a member, you can help guarantee that fair housing remains a part of your community.

With your support, the Council will continue providing educational programs to consumers and real estate professionals, advocacy for victims of housing discrimination and access to information on open and affordable housing in Montgomery County.

YES, I'D LIKE TO BE A MEMBER OF THE FAIR HOUSING COUNCIL!

Name or Organization _____

MEMBERSHIP RATES:

Address _____

- Individual (\$25)
- Nonprofit Org. (\$35)
- Corporate (\$50)

Phone _____ Fax _____

Choose One— T-shirt

SIZE: ___ Small ___ Large ___ X-Large

MAKE CHECK PAYABLE TO: FAIR HOUSING COUNCIL OF MONTGOMERY COUNTY
MAIL TO: 105 E. Glenside Ave., Suite E
Glenside, PA 19038
Questions? Call us at (215)576-7711

**Thank you for supporting the fight against
 housing discrimination!**



Fair Housing Council of
Montgomery County
105 E. Glenside Ave., Suite E
Glenside, PA 19038

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In This Issue...

Proposed changes to the Pennsylvania Human Relations Act

What's New at the Council ????

- ⇒ Goodbye to Liane Anderson! Liane Anderson recently left the Council to return to her law career and is working in divorce mediation. Liane has been with the Council since 1995 and in recent years was the part time education and outreach coordinator. We wish her the best!
- ⇒ Thanks to our summer intern Christine Cheu, Bryn Mawr '04. Christine started at the Council in June 2004 and assisted in producing our weekly homeseekers list over the summer as well as conducting research for the Inclusionary Zoning Workgroup, a group of people working on addressing exclusionary zoning practices in the state. We sincerely thank her for all her hard work!
- ⇒ Take a look at our new and expanded website. Thanks to Education and Outreach Coordinator Elizabeth Stamm, the FHCMC website has been totally revamped. Not only is the website expanded to include highlights, resources, apartment lists and fair housing facts, we also have a Spanish version linked to our website. Take a moment to visit the website at www.fairhousingmontco.org.

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