

COUNCIL OF THE CITY OF PHILADELPHIA
JOINT COMMITTEES ON PUBLIC SAFETY
AND HOUSING, NEIGHBORHOOD
DEVELOPMENT AND THE HOMELESS

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 30, 2013
12:45 p.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CO-CHAIR
COUNCILWOMAN JANNIE BLACKWELL, CO-CHAIR
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA
COUNCILMAN BRIAN J. O'NEILL

RESOLUTION 130735 - Resolution calling for
joint hearings by the Committee on Public
Safety and the Committee on Housing,
Neighborhood Development and the Homeless to
explore methods of detecting and mitigating
subtle forms of discrimination that create
barriers to minority renters and homebuyers in
Philadelphia.

- - -

1

2

COUNCILMAN JONES: Good

3

afternoon. We're about to get started.

4

This is a joint committee hearing on the

5

Committee on Housing and Public Safety.

6

Will the Clerk please read the

7

title of the resolution.

8

THE CLERK: Resolution No.

9

130735, calling for joint hearings by the

10

Committee on Public Safety and the

11

Committee on Housing, Neighborhood

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Development and the Homeless to explore

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methods of detecting and mitigating

14

subtle forms of discrimination that

15

create barriers to minority renters and

16

homebuyers in Philadelphia.

17

COUNCILMAN JONES: Thank you.

18

Every now and then, whether

19

you're going to the gym to exercise,

20

whether you are going back to school for

21

continuing education, it is important to

22

assess where you are, assess where you

23

need to be and work to get there.

24

When it comes to housing,

25

anything that is not constantly,

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2 vigilantly worked on has a tendency to
3 slide backwards, and one of the purposes
4 of this hearing is to look at
5 discrimination, overt and subtle, in the
6 City of Philadelphia based on a
7 HUD-released report in June 2013.

8 Historically, the concept of
9 redlining originated by the Homeowners
10 Loan Corporation, HOLC, created during
11 the Great Depression of the 1920s to help
12 homeowners avoid originally foreclosure.
13 They did a 239-city survey to basically
14 assess the threat levels, the danger
15 levels of neighborhoods. They codified
16 those threats from a scale of 1 being the
17 safest to 5 being the most dangerous or
18 hazardous. Coincidentally or not, many
19 of those dangerous Category 5
20 neighborhoods considered, also coded red,
21 happened to be in African
22 American-dominated communities. Based on
23 that, the mortgage companies did not
24 prohibit people from going there, but
25 what they did was say because of the risk

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2 assessment, mortgage rates will be higher
3 in the redlined neighborhoods.

4 Later on in 1934, the Federal
5 Housing Administration, FHA, created an
6 insurance program to back the mortgages
7 there. In so doing, similarly, some of
8 the rates based on risk assessment were
9 higher in the redlined communities. This
10 created a difficulty for poorer, often
11 African American, Latino, and now even
12 Asians to be able to afford to be in
13 places that were deemed dangerous or
14 redlined.

15 There's a concept called
16 cascading failures. In that electronic
17 concept, when one thing goes wrong, it
18 overburdens other things, which creates a
19 multiplier effect of failures. It is my
20 opinion that housing is one of those
21 things; that when the simple attempt to
22 live in a safe, healthy, vibrant,
23 economically so neighborhood, when you
24 cannot have equal access to that or when
25 decisions unbeknownst to you are made for

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2 you not to have access to it, it creates
3 a cascading failure for many people in
4 their lives.

5 Today, we're about to hear
6 subtle forms of discrimination that are
7 impacted by housing choices for
8 minorities. That study again was
9 released this year. It
10 disproportionately impacted African
11 Americans, Latinos, and Asians.

12 To give you some context as to
13 what these decisions and how impactful
14 they are, when you live in a particular
15 zip code, insurances are higher. When
16 you live in a particular zip code, your
17 choices for work and places of employment
18 are sometimes more difficult. When you
19 live in a particular neighborhood based
20 on a choice that was made sometimes for
21 you, your choices for education for your
22 children are limited.

23 This goes on and on, creating
24 other difficulties in life. Access to
25 hospitalization, access to food, the

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2 concepts of food deserts all come from a
3 single choice of where a person lives.

4 It is commonly known that
5 credit applications, credit offers,
6 credit cards are based on zip codes.
7 Other municipalities in places like New
8 York fight for particular zip codes, and
9 not only that, area codes by way of their
10 number, because it says so many subtle
11 things to creditors, to people who are
12 looking to bring resources or not bring
13 resources to an area.

14 So we're going to look at this
15 and look at how it impacts Philadelphia,
16 whether or not there's disproportionately
17 higher levels of discrimination here in
18 our municipality, and what things
19 practically we can do to offset that,
20 correct it, right size it in direction.

21 So with that, my Co-Chair, I'm
22 going to ask for opening remarks from
23 Councilwoman Blackwell, who has been
24 long -- I'm new to this effort. I am a
25 neophyte. This is -- I won't say how

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2 long, but very long that she's maintained
3 her advocacy for fair housing, affordable
4 housing, fighting discrimination and
5 homelessness in the City of Philadelphia.

6 Councilwoman Blackwell.

7 COUNCILWOMAN BLACKWELL: Thank
8 you, Mr. Chairman. And we are proud of
9 all of the work you and your staff have
10 done and to Co-Chair this committee,
11 albeit you all have done the research
12 involved, and we thank you and your staff
13 for that.

14 This is such an issue. All of
15 you know that when we look at
16 homelessness on the street, the majority
17 of the people are African American. And
18 we all know that God created all people
19 alike. A few are duller or have medical
20 problems and some are brighter, but we're
21 all alike, and if life were fair and
22 equal, then we would have equality when
23 it comes to issues of poverty, issues of
24 incarceration, issues of people being
25 able to live in this society.

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2 But having said that, it wasn't
3 fair when I was born, and unfortunately
4 it won't be fair when I die, but at least
5 we will do our part to advocate and fight
6 for more equality.

7 I was surprised that one of the
8 statements from the Commission on Human
9 Relations says that the following
10 groups -- and we see some are represented
11 here -- don't have information on their
12 sites with regard to discrimination, and
13 they are the Greater Philadelphia
14 Association of Realtors, Apartment
15 Association of Greater Philadelphia,
16 HAPCO or Homeowners Association of
17 Philadelphia, and Mortgage Bankers
18 Association.

19 So all of these groups with
20 whom we deal on a regular basis and with
21 whom we have the pleasure of working
22 really are expected to do their part in
23 this, because we all have a
24 responsibility to do what we can on
25 housing discrimination.

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2 As one who represents more
3 institutions and universities than
4 anybody, I get it all the time with
5 regard to all the universities about
6 inclusion, about job inclusion, because
7 if you don't have a job, of course, you
8 can't support your family adequately.

9 So, again, I want to thank
10 Majority Leader Jones for documenting
11 this, for having the foresight to realize
12 that every now and then we have to
13 rededicate ourselves to what the facts
14 are and what we can do to reduce
15 discrimination, to eliminate
16 discrimination and help all these people
17 that God created in our city and beyond
18 to live in a fair life.

19 And the last thing I'll say is,
20 Councilman Kenney certainly gifted us
21 with the book by Howard Zinn, and it's
22 absolutely scathing when one looks at it.
23 Some had already read it. I hadn't. I
24 only seen one chapter and this chapter
25 starts off with Native Americans, of

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2 which my mother's family, my
3 grandparents, were, and it just talks
4 about discrimination and the founding of
5 this country. So somewhere along the
6 line, things have to be better than they
7 are, and we are committed to making sure
8 that that happens.

9 Thank you again.

10 COUNCILMAN JONES: Thank you,
11 Councilwoman.

12 Joining this committee are
13 Councilwoman Sanchez and Councilman
14 Squilla. And I wanted to know if
15 Councilwoman Sanchez would like to say a
16 few words before we start.

17 COUNCILWOMAN SANCHEZ: No.

18 COUNCILMAN JONES: Again,
19 Hispanics and Asians are
20 disproportionately impacted by this
21 study, and we're glad to have her on the
22 committee.

23 We have a very brief video, if
24 we could dim the lights a little bit,
25 that was taken on by Channel 10

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2 chronicling this issue, and we wanted to
3 basically set the tone and then bring up
4 our first panel of witnesses.

5 Thank you.

6 (Video played.)

7 COUNCILMAN JONES: Thank you.

8 If we could have the lights elevated.

9 So that was a small clip, and
10 we're going to hear from a panel that
11 elaborates on the issue. But when you
12 start talking about discrimination based
13 on race, you could talk about gender
14 biases. You could talk about interracial
15 couples. When we start looking at what
16 factors people unfairly put people in a
17 box, we have to be a city that is open to
18 everyone based on what the law says, and
19 we can't bring our personal biases into
20 any way related to choices that have
21 consequences for people who are impacted
22 by them.

23 So with that, will the Clerk
24 please read the panel.

25 THE CLERK: Angela McIver, the

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2 Fair Housing Rights Center in
3 Southeastern Pennsylvania; Rue Landau,
4 the Philadelphia Commission on Human
5 Relations; Otis Haigler, the Philadelphia
6 Department of Licenses and Inspections.

7 COUNCILMAN JONES: Will you
8 please come to the witness table, please.

9 (Witnesses approached witness
10 table.)

11 COUNCILMAN JONES: And thank
12 you for coming. Have a seat. Good
13 afternoon, and for the record, state your
14 name and your title and begin your
15 testimony, please.

16 What we will do is by way of --
17 we'll allow everyone to speak, and then
18 the Committee will open up for questions,
19 if it's okay. Thank you. Bring the mike
20 to you.

21 MS. McIVER: Good afternoon.
22 My name is Angela McIver, Chief Executive
23 Officer of the Fair Housing Rights Center
24 in Southeastern Pennsylvania.

25 COUNCILMAN JONES: Welcome.

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2 MS. McIVER: Thank you. I
3 should start?

4 COUNCILMAN JONES: Yes.

5 MS. McIVER: Okay. Great.

6 Good afternoon, Councilmembers
7 and guests. Again, I am Angela McIver,
8 Chief Executive Officer of the Fair
9 Housing Rights Center in Southeastern
10 Pennsylvania, a 23-year-old non-profit
11 organization whose mission is to ensure
12 equal access to housing opportunities for
13 all persons. The Fair Housing Rights
14 Center is a qualified fair housing
15 enforcement organization. This means the
16 organization has earned authority by the
17 United States Department of Housing and
18 Urban Development to investigate and file
19 fair housing complaints against parties
20 that unlawfully discriminate in their
21 housing practices or policies against
22 protected classes on the basis of race,
23 religion, color, national origin, gender,
24 familial status, and disability. The
25 Fair Housing Act is Title VIII of the

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2 Civil Rights Act of 1968, as amended in
3 1988, Section 42 of the United States
4 Code, Paragraphs 3601 through 3619. This
5 Act declares that it is the policy of the
6 United States to provide, within
7 constitutional limitations, fair housing
8 throughout the United States. The
9 federal Fair Housing Act covers most
10 housing transactions, including rental,
11 sales, lending, insurance, appraisals,
12 advertisements and more. Therefore, the
13 Fair Housing Rights Center, in concert
14 with the federal Fair Housing Act,
15 provides in-depth education and outreach
16 activities on behalf of the public. This
17 includes free consumer fair housing
18 training and fee-for-service compliance
19 training for housing providers.

20 I am appreciative of an
21 opportunity to testify before the joint
22 hearings by the Committee on Public
23 Safety and the Committee on Housing,
24 Neighborhood Development and the Homeless
25 to explore methods of detecting and

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2 mitigating subtle forms of discrimination
3 that create barriers to blacks,
4 Hispanics, and Asian renters and
5 homebuyers in Philadelphia. The Fair
6 Housing Rights Center participated in the
7 Housing Discrimination Study of 2012 by
8 hiring two temporary employees who were
9 trained on testing protocols, recruited
10 by -- pardon me; recruited many diverse
11 testers and assigned 341 paired tests,
12 which contributed to the more than 8,000
13 paired tests referenced in the study.

14 The history of fair housing did
15 not begin with the passage of the federal
16 Fair Housing Act. Rather, it began with
17 the 1866 Civil Rights Act, which was
18 passed by Congress on April 9th, 1866
19 over the veto of President Andrew
20 Johnson. The Act declared that all
21 persons born in the United States were
22 now citizens, without regard to race,
23 color or previous condition. As
24 citizens, they could make and enforce
25 contracts, sue and be sued, give evidence

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2 in court, and inherit, purchase, lease,
3 sell, hold, and convey real and personal
4 property. As mentioned previously, the
5 Fair Housing Act is Title VIII of the
6 Civil Rights Act of 1968, as amended in
7 1988, which prohibits unlawful
8 discrimination in housing against
9 protected classes on the basis of race,
10 religion, color, national origin,
11 familial status, and disability.

12 The Act recognized that where a
13 family lives, where it is allowed to
14 live, is inextricably bound up with
15 better education, better jobs, economic
16 motivation, and good living conditions.
17 The Fair Housing Act and subsequent laws
18 reaffirming its principles outlawed
19 discrimination and set out steps that
20 needed to be taken proactively to
21 overcome the legacy of segregation.
22 Progress in dismantling the institutional
23 bases of segregation has been slow and
24 fitful.

25 According to the National Fair

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2 Housing Alliance, in 2012 there were more
3 than 28,000 complaints of housing
4 discrimination investigated. This number
5 still represents less than 1 percent of
6 the annual incidence of discrimination,
7 which is estimated to exceed four
8 million, as indicated by HUD. John
9 Simonson of the University of Wisconsin
10 reports that every year it is estimated
11 that nearly four million fair housing
12 violations still occur annually against
13 African Americans, Latinos, Native
14 Americans, and Asian Pacific Islanders
15 alone.

16 Millions more violations are
17 committed against people in all seven
18 protected classes. These numbers also do
19 not include discrimination on lending,
20 insurance, racial and sexual harassment,
21 planning, and zoning. Qualified fair
22 housing enforcement organizations are
23 equipped to investigate and resolve
24 housing discrimination based on all the
25 protected classes and address emerging

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2 local patterns that specifically affect
3 people living in the agency's service
4 area.

5 Beginning in late 1970s, the
6 Department of Housing and Urban
7 Development, commonly referred to as HUD,
8 has rigorously monitored trends in racial
9 and ethnic discrimination in both rental
10 and sales markets. Approximately once
11 every decade, through a series of
12 nationwide paired testing in 28
13 metropolitan areas, HUD measured the
14 incidence and forms of discrimination
15 experienced by black, Hispanic, and Asian
16 renters and homebuyers.

17 When well-qualified minority
18 homeseekers contact housing providers to
19 inquire about recently advertised units,
20 they are just as likely as equally
21 qualified white homeseekers to get an
22 appointment and learn about at least one
23 available housing unit. However, when
24 differences in treatment occur, white
25 homeseekers are more likely to be favored

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2 than minorities. More importantly,
3 minority homeseekers are told about and
4 shown fewer homes and apartments than
5 whites.

6 The study entails a number of
7 technical terms that will be coupled with
8 translations.

9 The Urban Institute is a
10 non-profit that gathers data, conducts
11 research, evaluates programs, offers
12 technical assistance overseas, educates
13 Americans on social and economic issues
14 to foster sound policy and effective
15 government. Its housing discrimination
16 findings were released by the United
17 States Department of Housing and Urban
18 Development on June 13th, 2013. The
19 Institute's report is entitled "Racial
20 and Ethnic Minorities Face More Subtle
21 Housing Discrimination." Herein I will
22 refer to it as Housing Discrimination
23 Study of 2012. It reported that the
24 blatant acts of housing discrimination
25 faced by minority homeseekers continue to

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2 decline in the United States, yet more
3 subtle forms of housing denial stubbornly
4 persists. As a result, blacks,
5 Hispanics, and Asians learn about fewer
6 housing options than equally qualified
7 whites.

8 Real estate agents and rental
9 housing providers recommend and show
10 fewer available homes and apartments to
11 minority families, thereby increasing
12 their costs and restricting their housing
13 options. The study concludes this is a
14 national, not regional, phenomenon.

15 Fewer minorities today may be
16 getting the doors slammed in their faces,
17 but we continue to see evidence of
18 housing discrimination that can limit a
19 family's housing, economic, and
20 educational opportunities, said HUD
21 Secretary Shaun Donovan. It's clear we
22 still have work to do to end housing
23 discrimination once and for all.

24 The forms of housing
25 discrimination documented by this study

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2 are very difficult for victims to detect,
3 said the Urban Institute's Margery
4 Turner. To detect housing discrimination
5 today, HUD and local fair housing
6 organizations need to conduct proactive
7 testing, especially in the sales market
8 where discrimination appears higher than
9 in the rental market.

10 This is the fourth series of
11 national studies sponsored by HUD roughly
12 each decade to measure housing
13 discrimination in rental and sales
14 markets since 1979. It finds that while
15 minorities today are rarely denied an
16 appointment to see an advertised unit,
17 less blatant forms of equal treatment
18 persist.

19 The study represents the glass
20 is half full. While discrimination may
21 not be as obvious as it was in the '60s,
22 the study reminds us that we still aren't
23 living up to the principles upon which
24 this nation was founded, said Bryan
25 Greene, HUD Assistant Secretary for Fair

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2 Housing and Equal Opportunity. HUD is
3 committed to ensuring that every American
4 has equal access to housing
5 opportunities.

6 The Urban Institute, which
7 conducted the study, employed a paired
8 testing methodology in which researchers
9 compared the treatment of white and
10 minority homeseekers in a nationally
11 representative sample of 28 metropolitan
12 areas. Of the more than 8,000 paired
13 tests, two trained individuals, one
14 white, the other black, Hispanic or
15 Asian, contacted a housing provider to
16 inquire about a unit randomly selected
17 from recently advertised homes and
18 apartments. The two testers in each pair
19 were matched by gender, age, and family
20 composition and assigned the same
21 financial characteristics. With each
22 tester representing as unambiguously and
23 equally well qualified to rent or buy the
24 advertised unit, testers independently
25 record the treatment they experienced,

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2 including information about the homes and
3 apartments recommended and shown.

4 For the sake of this
5 presentation, the term "whites" will be
6 interchangeable with the term
7 "counterparts."

8 Key findings of the report
9 include taking into account the ability
10 to make an appointment, the availability
11 of units and homes, and the agent's
12 willingness to show units, minority
13 renters and homebuyers are told about and
14 shown fewer homes and apartments.

15 Black renters who contact
16 agents about recently advertised housing
17 units learn about 11 percent fewer
18 available units and are shown roughly 4
19 percent fewer units. This translates
20 into black renters are told about 11
21 percent fewer units than their white
22 counterparts.

23 Next, black homeowners who
24 contact agents about recently advertised
25 homes for sale learn about 17 percent

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2 fewer available homes and are shown about
3 18 percent fewer units. In other words,
4 black homebuyers are told about 17
5 percent fewer available units than their
6 white counterparts.

7 Black and white Philadelphians
8 are equally and likely to be told at
9 least one unit is available, but in 40.6
10 percent of tests, one homeseeker is told
11 about more units than the other. In
12 those cases, white homeseekers are
13 favored by 18 percentage points over
14 black homeseekers and, on average, whites
15 are told about 3.5 more units per visit
16 than comparable blacks. Similarly, when
17 white and black partners are both told
18 about available units, they are likely to
19 be shown at least one unit, but whites
20 are shown 0.21 units more overall than
21 blacks on average. Additionally, in the
22 28.7 percent of cases -- this translates
23 into a little under a third -- that one
24 tester sees more units than the other,
25 whites are favored by 13.1 percentage

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2 points over blacks. There is no
3 statistical difference in the average
4 number of problems seen in the units
5 inspected by the testers. This
6 translates to the units were decent.

7 Average costs faced by black
8 and white homeseekers do differ
9 significantly for most types of payments,
10 though on average blacks are informed of
11 \$425 higher payments required at move-in
12 and \$115 higher security deposits than
13 comparable whites are. Moreover, the
14 average net cost quoted to black
15 renters -- pardon me; testers were \$480
16 higher on average than the net cost
17 quoted whites, and blacks are over 25
18 percentage points more likely to be
19 quoted higher average net costs than
20 their partner. Across all categories of
21 costs, including average rent, fees,
22 security deposit, and move-in costs,
23 whites are more likely than blacks to be
24 told that the quoted amount was
25 negotiable. In essence, the cost quoted

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2 to blacks was \$480 higher than the cost
3 quoted to whites. This translates to
4 differential treatment.

5 Comments made by agents
6 frequently differ by race, but with no
7 consistent pattern. Whites are more
8 likely than blacks to be told about a
9 background check is needed and hear
10 remarks about race and ethnicity, while
11 blacks are more likely than whites to
12 hear comments about their credit standing
13 and rent history.

14 Agents are more likely to
15 arrange for future contact with black
16 testers, but there is no significant
17 difference in the actual followup rate
18 with their partner.

19 Asian renters who contact
20 agents about recently advertised housing
21 units learn about 10 percent fewer
22 available units and are shown nearly 7
23 percent fewer units. In other words,
24 Asian homebuyers hear about 10 percent
25 fewer available homes than whites.

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2 Asian homebuyers who contact
3 agents about recently advertised homes
4 for sale learn about 15 percent fewer
5 available homes and are shown nearly 19
6 percent fewer units. In other words,
7 Asian homebuyers hear about 15 percent
8 fewer available homes and are shown
9 nearly 19 percent fewer units than
10 whites.

11 Hispanic renters who contact
12 agents about advertised housing units
13 learn about 12 percent fewer available
14 units and are shown roughly 7 percent
15 fewer units. In other words, Hispanic
16 renters who contact agents learn about 12
17 percent fewer units than whites and are
18 shown roughly 7 percent fewer units.

19 The difference in treatment for
20 Hispanic homebuyers is not statistically
21 significant. In other words, there is no
22 statistical difference in the treatment
23 of Hispanics and whites.

24 Among the measure of change
25 over the most recent decade, only

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2 discrimination for availability of
3 advertised units has declined.

4 Discrimination for availability of
5 advertised units has declined over the
6 last decade. Black renters today appear
7 less likely to be told that advertised
8 units are available than a decade ago.
9 Asian renters are more likely to be shown
10 fewer units than a decade ago, but they
11 are less likely to experience adverse
12 treatment when making future arrangements
13 with the agent. Changes in other
14 measures of rental discrimination are not
15 statistically significant. For changes
16 in sales discrimination over the most
17 recent decade, the authors find less
18 evidence of meaningful progress. The
19 only statistically significant change is
20 for Hispanics. They are less likely to
21 be denied financing help compared to
22 equally qualified white homebuyers than a
23 decade ago.

24 What's next? The Fair Housing
25 Act not only prohibits discrimination

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2 but, in conjunction with other statutes,
3 directs HUD's program participants to
4 take steps proactively to overcome fair
5 housing choice to foster inclusive
6 communities for all. At present, HUD
7 grantees, including Philadelphia, which
8 receives Community Development Block
9 Grant funding, Home Investment
10 Partnership funding, Emergency Solutions
11 Grant funding, and Housing Opportunities
12 for Persons with AIDS, are required to
13 engage in the practice of affirmatively
14 furthering fair housing, which involves
15 routinely conducting an analysis of
16 impediments to fair housing choice and a
17 certificate that the grantee will
18 affirmatively further fair housing. On
19 July 19th, 2013, HUD published the
20 Affirmatively Furthering Fair Housing
21 Proposed Plan, 24 CFR, parts 591, 92, et
22 al. The period for public commenting
23 closed in September of 2013. The
24 proposed rule, in concert with other HUD
25 policies, is structured to provide

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2 direction, guidance, and procedures for
3 program participants to promote fair
4 housing choice. The rule promotes these
5 objectives by, A, refining the current
6 requirement, the program participants
7 complete an analysis of impediments with
8 a more effective and standardized
9 assessment of fair housing through which
10 program participants would evaluate fair
11 housing challenges and goals using
12 regional and national benchmarks and data
13 tools to facilitate the measurements of
14 trend and changes over time.

15 B, improving fair housing
16 assessment, planning, and decision-making
17 by providing data that program
18 participants must consider in the
19 assessment of fair housing.

20 C, incorporating explicitly
21 fair housing planning into existing
22 planning processes, the consolidated
23 plan, and public housing authority annual
24 plan.

25 D, encouraging and facilitating

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2 regional approaches to addressing fair
3 housing issues, including effective
4 incentives for collaboration across
5 jurisdictions and public housing
6 authorities and incorporating fair
7 housing planning into significant
8 undertakings such as major public
9 infrastructure investments.

10 E, bringing people historically
11 excluded because of characteristics
12 protected by the Fair Housing Act into
13 full and fair participation in decisions
14 about the appropriate uses of HUD funds
15 and other investments through a
16 requirement to conduct community
17 participation as an integral part of
18 program participants' assessment of fair
19 housing.

20 And, F, which is last, but not
21 least, establishing an approach to
22 affirmatively furthering fair housing
23 that calls for coordinated efforts to
24 combat illegal housing discrimination so
25 that individuals and families can make

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2 decisions about where to live, free from
3 discrimination, with necessary
4 information regarding housing choices and
5 with adequate support to make their
6 choices viable.

7 Recommendations: First,
8 Philadelphia must use HUD funding to test
9 for unlawful discriminatory housing
10 practices and policies. The findings in
11 the Housing Discrimination Study of 2012
12 revealed significant need for more --
13 pardon me; to do more to uncover and stop
14 housing discrimination by housing
15 providers and real estate agents that
16 prohibit fair housing choice for all
17 persons.

18 The Housing Discrimination
19 Study of 2012 helps us glean into the
20 domestic issue of racial discrimination
21 in housing. It equips us to better
22 understand the extent of the problem and
23 the challenges we still face as a nation
24 in reducing discrimination and
25 residential racial segregation. Testing

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2 that is more inclusive because it
3 examines the practice of housing
4 providers and real estate agents who
5 advertise in different ways or not at
6 all, more probative because it drills
7 deeper into the housing providers'
8 practices, and more meaningful because it
9 compares the conduct of housing providers
10 and real estate agents against the
11 requirements of the fair housing laws.

12 Second, Philadelphia must
13 conduct more targeted education and
14 outreach activities among protected
15 classes. Education helps consumers
16 identify and react to unlawful housing
17 discrimination. When discrimination is
18 not detected, it is not reported.

19 Last, Philadelphia must create
20 a fair housing task force comprised of
21 elected officials, planning, diverse
22 housing agencies, housing advocates,
23 protected classes, Pennsylvania Housing
24 Finance Agency, realtors, real tests,
25 civic groups, and private citizens. The

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2 task force should examine current housing
3 conditions, Housing Discrimination Study
4 of 2012, local fair housing cases, the
5 consolidated plan, and the current
6 analysis of impediments to fair housing
7 choice to determine how to achieve
8 strong, sustainable, inclusive
9 communities and quality, affordable homes
10 for all.

11 Before concluding, I
12 acknowledge my fair housing partners,
13 including the Philadelphia Commission on
14 Human Relations, the Pennsylvania Human
15 Relations Commission, Fair Housing
16 Council of Suburban Philadelphia, the
17 United States Department of Housing and
18 Urban Development's Office of Fair
19 Housing/Equal Opportunity, and the United
20 States Department of Justice, Civil
21 Rights Division.

22 The Housing Discrimination
23 Study of 2012 reports that for much of
24 the 20th century, discrimination by
25 private real estate agents and rental

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2 property owners helped establish and
3 sustain stark patterns of housing and
4 neighborhood inequality. That social
5 condition makes minority poverty not only
6 likely but self-perpetuating and
7 permanent. Housing determines so much
8 about us. Therefore, housing is bound to
9 education, public services, economic
10 opportunities, healthcare, parks,
11 recreation, leisure, food markets, labor,
12 et cetera.

13 In conclusion, thanks to
14 Councilman Curtis Jones and Councilwoman
15 Jannie Blackwell for allowing me to
16 disclose the content of the study in June
17 of 2013 and for inviting me today to
18 publicly discuss the social problem of
19 housing discrimination.

20 COUNCILMAN JONES: Well, thank
21 you for the insight and thank you for
22 your dedication to the issue. It's
23 amazing, you read that report and you had
24 one gap in it and I listened for the
25 content. You did very well by presenting

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2 it.

3 MS. McIVER: Thank you.

4 COUNCILMAN JONES: If you want
5 to ask questions now, we can, but I
6 wanted to see if the other panelists
7 might want to give their comments and
8 then we can just go into this.

9 Again, state your name for the
10 record.

11 MS. LANDAU: Sure. I'm Rue
12 Landau, the Executive Director of the
13 Philadelphia Commission on Human
14 Relations. Good afternoon, Chairpersons
15 Jones and Blackwell and members of the
16 Committees on Safety and Housing,
17 Neighborhood Development and the
18 Homeless. Thank you for the opportunity
19 to testify at this hearing initiated by
20 Resolution No. 130735.

21 As you know, the Commission on
22 Human Relations is a City agency that
23 administers and enforces the Fair
24 Practices Ordinance, the City law that
25 protects people from unlawful

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2 discrimination in employment, public
3 accommodations, and housing and real
4 property. Joining me today is my Deputy
5 Director of our Compliance Division,
6 Reynelle Staley, and also the Acting
7 Chair of the Commission, Tom Earle.

8 We are here today because the
9 PCHR shares your concerns about housing
10 discrimination in Philadelphia. The 2012
11 study by HUD that precipitated these
12 hearings found that while there has been
13 some positive movement, housing
14 discrimination is still prevalent around
15 the country and particularly in
16 Philadelphia. The findings of the HUD
17 study are disturbing, but not surprising.
18 Over the years, housing discrimination,
19 like other forms of discrimination, has
20 become more subtle, making it harder to
21 detect, investigate, and prosecute. The
22 Commission has tried to adapt to these
23 current realities of discrimination. For
24 example, in 2011, we worked with City
25 Council to broaden and strengthen the

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2 Fair Practices Ordinance, and we are
3 grateful to Councilman Greenlee for his
4 sponsorship and all of you for your
5 unanimous support.

6 The language of our housing
7 protections in the Fair Practices
8 Ordinance is broad and strong. The law
9 states it shall be an unlawful housing
10 and real property practice to deny or
11 interfere with the housing accommodation,
12 commercial property or other real
13 property opportunities of an individual,
14 or otherwise discriminate based on his or
15 her race, ethnicity, color, sex, sexual
16 orientation, gender identity, religion,
17 national origin, ancestry, disability,
18 marital status, age, source of income,
19 familial status or domestic or sexual
20 violence victim status.

21 I'd like to pause for a second
22 to just remind you that our areas of
23 protection are far greater than that at
24 the Pennsylvania -- in the state or the
25 federal level.

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2 Our law then lists a long and
3 wide range of practices that are illegal.
4 For example, an owner, landlord or agent
5 cannot refuse to sell, rent or lease a
6 property for any discriminatory purpose.
7 It also states it is illegal to give
8 false or misleading information with
9 regard to a property, such as
10 representing that a property is not
11 available for inspection, sale or rental
12 when in fact it is. And it includes
13 prohibitions on lending institutions,
14 making it illegal for them to refuse to
15 lend money, guarantee loans or accept
16 mortgages for homes or home
17 rehabilitation for any discriminatory
18 purpose. In fact, all of the
19 discriminatory acts uncovered in the HUD
20 study are violations of Philadelphia law.

21 But combatting housing
22 discrimination in Philadelphia is not
23 solely a matter of law. The problem that
24 we as the PCHR face in translating our
25 longstanding knowledge of the problems of

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2 housing discrimination into legal
3 enforcement action is having actual cases
4 with hard evidence to investigate and to
5 bring to public hearing. And that, quite
6 frankly, is a problem of resources.

7 There are a lot of resources that we as
8 an agency could use, but the specific
9 resources that we need to expose and
10 address the subtle forms of
11 discrimination that minority renters and
12 homebuyers currently face in Philadelphia
13 are funds for paired testing studies and
14 other resources to handle systemic
15 discrimination cases.

16 For many years, the PCHR had
17 these resources through a successful
18 work-sharing agreement with significant
19 funding from HUD, but in 1992, HUD
20 officials announced that in order for the
21 PCHR and all other state and local
22 agencies to retain its contract, the City
23 would have to amend its law to make it
24 substantially equivalent to the federal
25 Fair Housing Act. At that time,

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2 Philadelphia could not or did not make
3 the necessary changes to the Fair
4 Practices Ordinance and, as a result, the
5 PCHR lost its contract with HUD. Over
6 the years, there have been a few efforts
7 to regain the contract, but none have
8 proved successful. More recent efforts
9 have been especially challenging because
10 in 2008 HUD decided only to certify what
11 they call underserved jurisdictions;
12 namely, those not already served by
13 another certified substantially
14 equivalent jurisdiction. Since
15 Philadelphia is within the jurisdiction
16 of the already certified Pennsylvania
17 Human Relations Commission, we do not
18 qualify.

19 When the PCHR had a contract
20 with HUD, the agency did some
21 groundbreaking housing discrimination
22 work that received national attention.
23 We fought mortgage lending companies that
24 used different criteria for minority
25 lenders, tackled redlining of minority

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2 neighborhoods, and helped change policies
3 at real estate agencies that gave
4 different housing listings to minority
5 and non-minority property seekers.

6 Since we lost our HUD contract
7 in 1993, we have not had such significant
8 housing discrimination victories. We
9 have helped individual renters or
10 homebuyers deal with harassment,
11 eviction, and other issues of
12 mistreatment once they have obtained
13 housing, but we have rarely handled cases
14 dealing with access to housing, which are
15 the types of cases that HUD studied with
16 the use of the paired testers. As the
17 study notes, because the forms of
18 discrimination that this study documents
19 are very difficult for victims to detect,
20 enforcement strategies should not rely
21 primarily on individual complaints of
22 suspected discrimination. HUD should
23 encourage the local fair housing
24 organizations it funds to conduct more
25 proactive testing, especially in the

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2 sales market, where discrimination
3 appears higher than in the rental market.

4 HUD's study is a warning signal
5 to all of us that we must find new ways
6 to combat this discrimination.

7 While we intend to continue to
8 pursue a work-sharing contract with HUD,
9 we have a few immediate suggestions that
10 would be helpful in terms of outreach and
11 education. We must continue to educate
12 people who are renting or purchasing a
13 home to be mindful of the signs of
14 discrimination. In addition, we need to
15 put landlords, owners, and lenders on
16 notice that discrimination is illegal.
17 Our suggestions are to ensure that
18 industry groups have information on
19 housing discrimination easily accessible
20 on their websites. Based on our
21 research, the following groups do not
22 have information easily accessible on
23 their sites: the Great Philadelphia
24 Association of Realtors, the Apartment
25 Association of Greater Philadelphia, the

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2 Homeowners Association of Philadelphia,
3 and the Mortgage Bankers Association.

4 We think we should include a
5 link called "Housing Discrimination is
6 Illegal" on the websites of L&I,
7 Commerce, and OPA, on the housing-related
8 sections of their sites. The link will
9 direct the users to the PCHR's housing
10 discrimination page.

11 We think you should ensure that
12 all housing providers, which they must do
13 under law, prominently display the PCHR's
14 housing discrimination poster, as
15 mandated by the Fair Practices Ordinance,
16 and that we should increase the PCHR's
17 and City's partnership with the Fair
18 Housing Rights Center of Southeastern
19 Pennsylvania to do more housing outreach
20 events.

21 Finally, while we work locally,
22 we must continue to work on the issue of
23 housing discrimination on a national
24 level as well. Angela McIver's national
25 statistics were staggering. So today I'm

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2 very proud to announce that the City of
3 Philadelphia is one of the first cities
4 in the country to sign on to a
5 municipalities amicus brief in the Mount
6 Holly versus Mount Holly Gardens Citizens
7 in Action case, which will be heard at
8 the U.S. Supreme Court this term. This
9 is an incredibly important case, because
10 a negative decision by the Supreme Court
11 may eradicate the disparate impact
12 standard for housing discrimination cases
13 under the federal Fair Housing Act.
14 We're very proud that Philadelphia is
15 taking a lead on this issue.

16 Thank you for your time, and
17 we're available for any questions.

18 COUNCILMAN JONES: Thank you so
19 much for your testimony.

20 Mr. Haigler, I know some of
21 your testimony is focused towards the
22 resolutions and recommendations. If you
23 could hold that part and just talk about
24 the issue in general. As we get more
25 insight, we may in fact alter our

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2 recommendations.

3 MR. HAIGLER: I agree. Again,
4 my name is Otis Haigler. I'm Director of
5 Neighborhood and Emergency Services for
6 the Department of Licenses and
7 Inspections.

8 I had not prepared any formal
9 testimony for today. I had found out
10 about this hearing somewhat at the last
11 minute, and I'm here at the invitation of
12 the Chairman, Chairman Jones, to just
13 comment on certain operational issues
14 related to our rental property license.

15 I concur with the testimony
16 that has been given by Ms. Landau and
17 defer to the testimony of Ms. McIver as
18 experts in this field.

19 The Department of Licenses and
20 Inspections, as you know, is a regulatory
21 agency that enforces provisions of The
22 Philadelphia Code related to property
23 maintenance inspections, construction
24 activity inspections, the issuance of
25 licenses as well as permits for certain

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2 types of construction activities and
3 zoning matters. In particular, the
4 resolution itself really did not touch on
5 any of our processes in the resolution
6 itself. Councilman Jones' office was
7 gracious to share with the Department
8 some recommendations that they are
9 proposing or have proposed for, I guess,
10 future legislation, and we were invited
11 to comment on certain of those
12 recommendations.

13 There are about six points, and
14 the Department really is only commenting
15 on three of those points, the first
16 three.

17 COUNCILMAN JONES: Just to give
18 some clarity for those who may not know
19 about the private discussion, it was more
20 related to some of the remedies as it
21 relates to rental licenses --

22 MR. HAIGLER: That's correct.

23 COUNCILMAN JONES: -- and those
24 renewals, and if there are filed
25 complaints, how that might impact that

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2 licensing procedure.

3 So with that, and thank you for
4 your testimonies. Where do we begin? I
5 think with the study itself and to say my
6 first knee-jerk reaction, other than the
7 impacts of it, is that if you found out
8 of a sampling of 500 -- what was the size
9 of your sampling?

10 MS. McIVER: How many tests?

11 COUNCILMAN JONES: Yes.

12 MS. McIVER: We conducted 341
13 paired tests, and to increase the scope
14 of that, it's really 682 parts. So every
15 test is comprised of two parts. There
16 was really 682 parts.

17 COUNCILMAN JONES: So when you
18 begin to see the statistical anomalies
19 delineated by race, delineated by
20 discrimination, it does not begin -- as I
21 think Councilwoman Blackwell said to me,
22 that this is not the total universe.
23 This is just a sampling.

24 MS. McIVER: Yes.

25 COUNCILMAN JONES: So what we

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2 were able to discern, catch or find out
3 doesn't equal what's going on every
4 single day potentially to people out
5 there in the marketplace.

6 MS. McIVER: No, sir. It
7 doesn't scratch the surface, because one
8 of the issues with the testing is that it
9 came from random samples that were sent
10 to the Fair Housing Rights Center. So we
11 had no say over which realtors were being
12 tested, when we know that people find,
13 realtors, find rental homes and homes
14 that are for sale in a variety of ways.
15 So the methodology was limited, and I
16 understand why. I mean, you know, you
17 have to control for how people identify
18 that there's a listing available, but
19 there are so many different ways that
20 that can happen, but they weren't
21 always -- pardon me; they were not used
22 in this test. Rather what was used were
23 what they called tips that were sent to
24 us. There were each day information sent
25 to the two employees that conducted the

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2 testing, and they couldn't stray from
3 that. They had to only use what was
4 given to them.

5 COUNCILMAN JONES: Now, some of
6 the things have jumped out at me other
7 than the chocolates to some and none to
8 others. I recall hearing that there was
9 a code put on some of the applications
10 that might be identifiable, meaning that
11 after the interview, somebody marked a
12 code that would send a signal to other
13 reviewers as this one goes in the trash,
14 this one is good. Can you elaborate on
15 that a little bit.

16 MS. McIVER: Unfortunately, we
17 know that there are internal practices
18 that occur in businesses that aren't
19 legal, and the hope is that no one
20 discovers that, but, yes, a code can be
21 used in order to identify the race, the
22 gender and other characteristics about
23 people, and if the code is one that's
24 unfavorable, it's going to have an
25 unfavorable outcome.

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2 COUNCILMAN JONES: Are there
3 any -- we're also joined by Councilman
4 O'Neill.

5 Councilman Squilla.

6 COUNCILMAN SQUILLA: What are
7 the examples of the type of codes that
8 are used? Do we know them?

9 COUNCILMAN JONES: Some
10 examples.

11 COUNCILMAN SQUILLA: Some
12 examples of what they would do to pick
13 out, to choose so people would know.

14 MS. McIVER: Well, I don't know
15 for sure, but I'm just going to talk
16 about how coding can be used. Race as an
17 example. If I want to identify race, all
18 I have to do is assign a number. I mean,
19 I'm thinking right now in my mind if I
20 want to go through a listing of races,
21 then I'll do it alphabetically and then
22 assign numbers to the group with A.
23 Maybe they'll get number one; B for -- A
24 for Asian, number one; B for black, two.
25 So, you know, I mean, there's all sorts

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2 of ways that one could create a code in
3 order to discriminate.

4 COUNCILMAN SQUILLA: I mean,
5 that's something that we see being used
6 now?

7 MS. McIVER: Well, I don't know
8 about right now in terms of testing
9 that's being done by other fair housing
10 organizations. I have not seen that at
11 my organization.

12 COUNCILMAN SQUILLA: But it's
13 possible that it could be?

14 MS. McIVER: Absolutely.
15 Absolutely. You know, one of the issues
16 with housing discrimination that came out
17 in this study and that's talked about so
18 frequently amongst fair housing providers
19 is that the subtle nature of housing
20 discrimination today doesn't look like it
21 used to many years ago. People have
22 learned how to smile and how to -- very
23 calm in their delivery and telling you,
24 Oh, I'm very sorry, it's unfortunate that
25 you just missed an opportunity to close.

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2 Meanwhile, we've seen, through testing
3 that the organization has done outside of
4 the study because of the paired testing,
5 that the protected tester or the person
6 who is the minority was told one thing
7 and the person who was from the majority
8 group was told something else. And
9 because the person from the majority
10 group followed the person who was from
11 the minority group, they were given
12 information like, Well, you know, if you
13 take it now, you won't have to pay your
14 security deposit or you won't have to pay
15 last month's rent. We'll cut that deal
16 with you. Are you interested? Would you
17 take it off the market right now?

18 So by doing the testing, we're
19 able to collect that information.

20 COUNCILMAN SQUILLA: Okay.
21 Great. Thank you.

22 MS. McIVER: And if I can speak
23 to the issue of L&I before I forget.

24 COUNCILMAN JONES: Sure. That
25 happens.

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2 MS. McIVER: There is a tie-in
3 to fair housing and L&I. You talk to a
4 fair housing provider, we can tie
5 everything into fair housing. But the
6 fact is, oftentimes consumers will call
7 Fair Housing Rights Center and what will
8 sound like a housing code enforcement
9 issue becomes a fair housing complaint.
10 For example, they'll complain about the
11 fact that water is coming into the unit.
12 So that's a big problem, and that they've
13 also brought that to the attention of the
14 landlord, who hasn't done anything about
15 it. Or said, Yeah, I'll get to that, but
16 it hasn't happened yet. Meanwhile, they
17 or a family member has asthma, and
18 because of the mold that's growing and
19 increasing in the house, they become ill
20 and find themselves going to the hospital
21 frequently. And that's the nexus between
22 the code enforcement issue and the
23 housing discrimination issue, because now
24 we're talking about someone with a
25 disability.

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2 Now, I know this study has to
3 do with race, but I'm almost struggling
4 to contain myself to talk about some of
5 the other forms of housing discrimination
6 that goes on, because it's across all
7 protected classes, not just race, but
8 I'll try to stick to race for now.

9 COUNCILMAN JONES: Quick
10 question. Are there, without naming
11 them, without naming them, were there
12 patterns of discrimination that are
13 germane to certain companies, that they
14 more frequently had a problem? Were we
15 able to discern who the bad actors were?

16 MS. McIVER: Okay. So when the
17 Urban Institute designed the study, they
18 kind of anticipated people would want to
19 know that information. Even as a fair
20 housing provider that contracted with the
21 Urban Institute to house employees in my
22 organization, supervise them and all the
23 work that was involved in the study,
24 certain information was kept from me.

25 COUNCILMAN JONES: Redacted.

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2 MS. McIVER: Yes. Because I'm
3 a qualified fair housing enforcement
4 provider. I want to enforce, but this
5 was research. So we had to draw the
6 line. And in order to maintain the
7 integrity of the research, we couldn't
8 find out certain things. So it was
9 quickly asked, my two testing
10 coordinators would retrieve information
11 from the testers, it went right into
12 code, and was sent off to the Urban
13 Institute to prevent anyone from trying
14 to misuse the information. So did we see
15 patterns? Absolutely.

16 COUNCILMAN JONES: So I'm going
17 to ask the same question of you,
18 Commissioner. Do we have, without naming
19 them, are there repeat offenders, bad
20 actors that we have identified?

21 MS. LANDAU: We have not -- I
22 don't know that we have seen repeat
23 offenders here in Philadelphia. We
24 see -- because we have individual cases
25 that are filed with us, we can get cases

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2 that are mom and pop landlord/tenant
3 situations and sometimes big companies.

4 But I also want to echo what
5 Angela said. We're so happy that you are
6 bringing up this subject to talk about
7 it. The minimum, you're absolutely
8 right, we need to get a reality check and
9 baseline every few years so we can see
10 where we're moving from there. With our
11 cases too, they spend the gamut. The
12 cases run everywhere from race and
13 ethnicity to disability, sexual
14 orientation to religion, and they're all
15 important. And also very important in
16 the City of Philadelphia is marital
17 status and familial status, which is the
18 same as presence of children. They're
19 all significant, and it all happens.
20 And, you know, I think Phil Lord might be
21 able to touch on this a little bit later
22 too, and maybe Angela as well. For ten
23 years, I represented tenants before
24 coming to the City of Philadelphia, and I
25 think one of the issues that happens in

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2 the City -- this is my personal opinion
3 right now -- is that there is actually
4 such a large inventory of housing that
5 when people get turned away from housing,
6 they're not exactly sure why, but because
7 of the poverty, because of the need for
8 housing and how it's so essential to
9 every other bit of their lives, and
10 because there are other vacant apartments
11 in the City, they quickly move on to the
12 next place. And they will probably find
13 housing, but what we want to do is be
14 able to try to quickly get in there, at
15 least get people to pause, recognize
16 what's going on, report it to us, file a
17 complaint so we actually can do
18 something, because if that landlord or
19 that housing provider is discriminating
20 against that individual tenant, they're
21 going to do it to the next one and the
22 next one and the next one as well.

23 COUNCILMAN JONES: Thank you.

24 Do Committee members have
25 questions for this panel?

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2 Councilwoman Blackwell.

3 COUNCILWOMAN BLACKWELL: Thank
4 you.

5 We want to thank all three of
6 you for your excellent testimony. Such
7 as you have said, there's so many areas
8 of discrimination. Obviously all of --
9 we hear -- I don't know any African
10 American reaches a certain age who hasn't
11 undergone it. If they haven't, they
12 will. But we thank you for your
13 important testimony and your partnership
14 in doing what we can.

15 MS. McIVER: Thank you. May I
16 say something else about License and
17 Inspection? And that's that I truly
18 believe there's a need for Housing Rights
19 Center to train staff at License and
20 Inspection on fair housing. I mean, it's
21 not only the code enforcement issue and
22 the disability that I talked about
23 earlier that comes up frequently in the
24 organization, but it's also design and
25 construction. Under the federal Fair

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2 Housing Act, there are seven design and
3 construction requirements, and when those
4 design and construction requirements
5 haven't been met, it makes people with
6 disabilities struggle to not only enjoy
7 but to access the housing. I mean, no
8 one should be forced to only live in two
9 or so rooms when there are multiple rooms
10 in their home. And my organization is
11 qualified. We've been trained by
12 architects, and I travel around the
13 country, my staff travels as well
14 learning as much as we can on this topic,
15 because we file lawsuits against
16 multi-family housing providers that don't
17 properly design units accessible for
18 people with disabilities, and it's a
19 problem.

20 You know, I want to frame the
21 issue in this way: I kept saying that
22 the Fair Housing Act was part of Title
23 VIII of 1968. '68. That was 45 years
24 ago. And then the Fair Housing
25 Amendments Act was in 1988. That was 25

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2 years ago. So in 1988 when the
3 amendments portion of the Fair Housing
4 Act was promulgated, that meant that
5 architects, builders, constructors,
6 developers, property owners, anybody who
7 wanted to get involved in the business of
8 multi-family housing had to step up their
9 game and understand that there were seven
10 design and construction requirements.

11 There are ten safe harbors,
12 eight that most people talk about, and
13 when my staff goes out and we measure
14 multi-family housing units and find that
15 not one of those multiple safe harbors
16 has been met, that's so awful for people
17 with disabilities. And then for a
18 housing provider that produces
19 multi-family housing to not want to be
20 held accountable for that is
21 unacceptable.

22 COUNCILMAN JONES: Two quick
23 things.

24 Otis, you wanted to say
25 something?

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2 MR. HAIGLER: Good afternoon
3 again, Chairman Jones and Chairperson
4 Blackwell and Councilman Squilla. I just
5 wanted just to briefly respond to the
6 comment that was just made just for the
7 record.

8 The Department of Licenses and
9 Inspections, we enforce a statewide code.
10 The Pennsylvania Uniform Construction
11 Code is adopted statewide. L&I has
12 absolutely no control over designs and
13 construction requirements in that code.
14 That is a code that also adopts a
15 national code, the International Building
16 Code that's promulgated by the
17 International Code Council.

18 As far as accessibility
19 requirements, the Department enforces
20 Chapter 33 of the International Building
21 Code, which is also adopted under the
22 Pennsylvania Uniform Construction Code.
23 And as far as even approving plans for
24 those types of designs, that's solely
25 under the jurisdiction of the Department

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2 of Labor and Industry at the state level.
3 The Department of Licenses and
4 Inspections do not review plans for
5 accessibility requirements or conduct
6 hearings for those requirements. That's
7 all done at the state level.

8 So I just wanted to bring that
9 into the record.

10 MS. McIVER: May I please
11 respond to that? I just want you to
12 know, Mr. Haigler, this is not an attack
13 on License and Inspection. We want to
14 work with License and Inspection. We
15 mention -- I mentioned training, and it's
16 because of everything that you mentioned
17 that didn't include the federal Fair
18 Housing Act, which is common.

19 COUNCILMAN JONES: So one of
20 the recommendations, what do you think
21 about cross-training so that people
22 understand all of the requirements,
23 including anti-discrimination measures,
24 Mr. Haigler?

25 MR. HAIGLER: I certainly agree

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2 with that. We wholeheartedly will
3 participate or accept any training that
4 could be provided that will benefit our
5 employees as well as the citizens of
6 Philadelphia. That's who we all work
7 for. So whatever we can do that will
8 enlighten us to improve our ability to do
9 our jobs that will benefit the citizens
10 of Philadelphia, we wholeheartedly accept
11 that.

12 COUNCILMAN JONES: Councilwoman
13 Blackwell.

14 COUNCILWOMAN BLACKWELL: Thank
15 you.

16 I'm glad to hear that. Many
17 years ago, maybe 20 years ago now, we had
18 a young man, an African American
19 wheelchair-bound individual, who gave me
20 an award. He got a plaque and framed it
21 and gave it to me. When we met him, he
22 had a small efficiency, and when he
23 wheeled his wheelchair in, he was stuck.
24 He couldn't get out. He had to back out,
25 back in. It was so small. And, you

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2 know, God sent him to us, and thank God,
3 he ended up in a unit where he could move
4 his wheelchair around and get in or out.
5 He was a prisoner in his own home.

6 MS. McIVER: Yes. And that's
7 what happens.

8 COUNCILWOMAN BLACKWELL: Yes.
9 This is such an important issue, and
10 certainly we're glad -- I like so many of
11 the recommendations, creating a task
12 force and training and many of the other
13 recommendations mentioned so that we can
14 make life better for people.

15 COUNCILMAN JONES: In deference
16 for time, we're going to ask the next
17 panel to come up, but we'd like you to
18 stay just in case we have interaction.

19 Will the Clerk please read the
20 next group of panelists.

21 Thank you so much for your
22 testimony.

23 MS. McIVER: Thank you.

24 THE CLERK: Stephanie Chapman,
25 the Pennsylvania Human Relations

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2 Commission; James Berry, Fair Housing
3 Council of Suburban Philadelphia; Phil
4 Lord, the Tenant Union Representative
5 Network.

6 (Witnesses approached witness
7 table.)

8 COUNCILMAN JONES: Thank you so
9 very much for coming and your patience.
10 In whichever order befits you, state your
11 name for the record and please begin your
12 testimony.

13 What was the first one?

14 THE CLERK: Stephanie Chapman.

15 MS. CHAPMAN: Good afternoon.

16 COUNCILMAN JONES: Good
17 afternoon.

18 MS. CHAPMAN: My name is
19 Stephanie Chapman and I'm the Housing and
20 Commercial Property Director for the
21 Pennsylvania Human Relations Commission.
22 I oversee the state's program to
23 investigate housing discrimination
24 allegations that violate both the
25 Pennsylvania Human Relations Act and the

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2 federal Fair Housing Act. I also oversee
3 educational outreach to promote fair
4 housing in Pennsylvania.

5 I have been with the Commission
6 for 13 years in a variety of capacities,
7 and I can attest to the fact that
8 discrimination has become much more
9 subtle. We have very few cases that
10 involve direct evidence of discriminatory
11 practices. The days of landlords hanging
12 out signs saying "no blacks allowed" or
13 "whites only" are long gone.

14 Many of the subtle
15 discriminatory practices outlined in your
16 resolution and HUD's report are difficult
17 to uncover and even more difficult to
18 address by conventional investigations of
19 complaints filed by individuals.
20 However, we can address these issues in
21 other ways.

22 I want to talk about several
23 ways in which the Commission can work in
24 conjunction with partners such as housing
25 advocacy organizations, local government

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2 entities, and others who share our goal
3 of furthering fair housing and, in doing
4 so, making Pennsylvania a more attractive
5 place to live, work, and raise a family.

6 Before I talk about specific
7 ways that we can work together, I want to
8 reiterate the importance of continuing to
9 work to eradicate housing discrimination.

10 The Pennsylvania Human
11 Relations Act also prohibits
12 discrimination in employment and
13 education. What happens in housing
14 directly affects what happens in
15 education and employment.

16 When a family cannot find
17 housing near good jobs and good schools
18 because of discrimination, it has lasting
19 effects on the family's ability to earn a
20 better income and get a good education.
21 Blacks in particular are still suffering
22 from the damaging, long-term effects of
23 housing discrimination that kept their
24 parents and their grandparents from
25 getting ahead and passing along the

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2 wealth to their children.

3 Regardless of the gains we have
4 made, these are still very real issues in
5 the minority community across
6 Pennsylvania, and these issues have a
7 direct impact on the economy.

8 Pennsylvania women still make
9 76 cents for every dollar made by men in
10 comparable jobs. Women of color fair
11 even worse. Many of these women are
12 heads of households. When they have to
13 work longer hours, travel farther to
14 work, they have less time to spend making
15 sure their children stay in school.

16 According to the U.S. Census
17 Bureau's most recent American Housing
18 Survey, more rental units in Western
19 Pennsylvania have unsafe drinking water
20 than swimming pools. The Pittsburgh area
21 was the only Pennsylvania region in the
22 study, but it demonstrates the
23 relationship between housing and economic
24 success.

25 Parents who have to deal with

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2 substandard living conditions do not have
3 adequate time to devote to getting ahead
4 financially.

5 It's a vicious cycle that
6 sometimes starts with a pattern or
7 practice that singles out the minority
8 communities for poor treatment.

9 In the 2012-2013 state fiscal
10 year, the Pennsylvania Human Relations
11 Commission docketed 3,033 discrimination
12 complaints statewide. Of that number,
13 only 261 were housing discrimination
14 complaints. Disability-related
15 complaints made up 42 percent of the
16 housing complaints, followed by those
17 based on race or color at 16.1 percent
18 and then retaliation at 11.9 percent.
19 Complaints based on familial status were
20 the fourth category at 7.7 percent.

21 This brings me to the first way
22 that the PHRC can address discriminatory
23 practices. Last December, the Department
24 of Justice issued a multi-state predatory
25 lending settlement ordering Wells Fargo

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2 to pay \$175 million to African American
3 and Hispanic homeowners. The settlement
4 included \$3.2 million to more than 1,000
5 Philadelphia homebuyers who had taken out
6 loans with Wells Fargo between 2004 and
7 2009.

8 The Commission investigation
9 began in 2010 and explored allegations
10 that Wells Fargo discriminated by
11 steering African American and Hispanic
12 borrowers into subprime mortgages, while
13 white, non-Hispanic borrowers with
14 similar credit histories were given prime
15 mortgages.

16 Of all these borrowers, they
17 all qualified for prime mortgages under
18 Wells Fargo underwriting criteria.

19 The complaint also alleged that
20 Wells Fargo discriminated based on race
21 and national origin in charging higher
22 broker fees and rates to African American
23 and Hispanic borrowers than to similarly
24 qualified white borrowers.

25 This was not a complaint filed

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2 by any of the homeowners. In fact, most
3 of them probably didn't know they were
4 being targeted for high fees and unfair
5 treatment. The Commission initiated a
6 complaint after mortgage lending data
7 revealed patterns of redlining or the
8 singling out minority communities for the
9 unfair practices.

10 HUD is currently funding
11 partnership grants which PHRC administers
12 in partnership with local fair housing
13 organizations. Some projects have been
14 conducting testing to uncover
15 discriminatory practices, translating
16 educational material into languages
17 commonly spoke by minorities in the
18 regions, analyzing data to examine
19 discriminatory practices, and other
20 projects to further fair housing.

21 These partnership grants are
22 another way that organizations can join
23 us in outreach and research to combat
24 subtle discrimination. I'd be happy to
25 talk with anyone further about how to

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2 apply for future grants or to help notify
3 of the opportunities.

4 The second way you can join us
5 in combatting subtle discriminatory
6 patterns and practices is by paying
7 attention to advertising practices, such
8 as wording that excludes or discourages
9 people based on their protected classes.

10 Report ads or statements to the
11 Commission that excludes based on race or
12 other protected factors, and we can reach
13 out to advertisers, and if they are
14 unresponsive, we have the authority to
15 launch a Commission-initiated
16 investigation. Pennsylvania law did not
17 require us to wait for an individual
18 complainant who was harmed to file a
19 complaint.

20 Advocacy organizations also
21 file complaints on behalf of individuals
22 or groups of individuals who have been
23 harmed by a pattern of behavior or
24 practices that has an adverse effect on
25 protected groups.

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2 PHRC has a two-pronged mission.

3 We enforce non-discrimination laws and we

4 work to educate the public on their equal

5 opportunity rights and responsibilities.

6 You can join us in our efforts to inform

7 the public about equal housing

8 opportunity. We have programs that

9 educate housing providers, lenders, and

10 realtors about discriminatory practices.

11 We educate homebuyers and renters about

12 their rights. But we have a toll-free

13 housing hotline for people to call for

14 questions or guidance. But we can't

15 reach everyone. You can join us in

16 raising awareness of what constitutes

17 discrimination and what to do when it

18 happens.

19 Please contact me if you would

20 like to partner with us to reach a

21 community group or a professional

22 organization or if you have an

23 opportunity to distribute any types of

24 literature or host an outreach event.

25 Housing discrimination hurts

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2 Pennsylvania families. It is a barrier
3 to our economic prosperity, and thank you
4 for taking a serious look at this issue
5 and at what we can do to improve the
6 housing climate in Philadelphia.

7 Thank you.

8 COUNCILMAN JONES: Thank you so
9 much for your testimony.

10 Mr. Lord.

11 MR. LORD: Hello. Thank you
12 for this opportunity. My name is Philip
13 Lord. I am the Executive Director of the
14 Tenant Union Representative Network, and
15 our testimony is going to be given by
16 Lily Park, who is our Program Director
17 for Fair Housing and Housing Placement.

18 COUNCILMAN JONES: You look so
19 uncomfortable. Pull that closer.

20 MR. LORD: I need a higher
21 chair too.

22 But I'll be available for
23 comments and questions. So I'll let
24 Ms. Park give our testimony.

25 MS. PARK: Good afternoon.

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2 COUNCILMAN JONES: Good
3 afternoon.

4 MS. PARK: On behalf of the
5 Tenant Union Representative Network, we
6 would like to thank the Committee on
7 Public Safety and the Committee on
8 Housing, Neighborhood Development and the
9 Homeless for this opportunity to testify
10 regarding housing discrimination in
11 Philadelphia. We share your desire to
12 develop methods of detecting and
13 mitigating subtle forms of discrimination
14 that create barriers to minority renters
15 and homebuyers in Philadelphia.

16 The focus of our testimony and
17 our work is on renters in particular.
18 This is significant since although HUD's
19 testing protocol was more effective in
20 finding discrimination among homebuyers,
21 the vast majority of discrimination
22 complaints in this country are filed by
23 renters. Based on the National Fair
24 Housing Alliance's annual 2013 Fair
25 Housing Trends Report, over 96 percent of

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2 housing discrimination complaints are
3 filed by tenants as opposed to
4 homeowners. Both homeowner and renter
5 complaints have been increasing annually.

6 TURN is a tenant advocacy and
7 service organization which serves the
8 City of Philadelphia. We provide tenant
9 rights workshops, individual counseling,
10 and rental assistance to Philadelphia
11 tenants. We see firsthand the human
12 suffering and destruction of homes and
13 families which discrimination, forced
14 evictions, and homelessness can cause.
15 As a result, we work to promote access to
16 safe, decent, and affordable housing as a
17 fundamental human right.

18 TURN has performed education
19 and outreach on many issues affecting
20 renters in Philadelphia over the years.
21 As a tenant advocacy group, TURN has
22 historically used its education and
23 organizing resources and legal expertise
24 to affirmatively further issues related
25 to fair housing. TURN has filed many

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2 housing discrimination complaints on
3 behalf of individual tenants, recovering
4 substantial damages in some cases. Some
5 of our housing discrimination cases have
6 grown directly out of TURN's work in
7 providing rental subsidies and assistance
8 to low-income tenants.

9 For example, we assisted a
10 young woman who had just leased an
11 apartment in South Philadelphia. Several
12 weeks later, she received an eviction
13 notice from her landlord without warning
14 or providing a reason. When she inquired
15 about the reason for such notice at the
16 rental office, she was told to stop
17 associating with colored people or she
18 would have to vacate by the end of the
19 month. We assisted her with filing a
20 housing discrimination complaint.

21 We also assisted a woman who
22 was trying to quickly move out of her
23 home due to serious code violations as
24 cited by the City Licenses and
25 Inspections, but was turned down for a

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2 rental house due to her race and also
3 because she had children. She was told
4 by the property owner that the house had
5 just been advertised and that it was no
6 longer available. We immediately
7 followed up with a test and confirmed
8 that the property was in fact available.

9 As a result of being denied safe and
10 decent housing, she and her children
11 endured unlivable housing conditions
12 several months longer, spent an
13 additional 180 hours searching for
14 another suitable rental property,
15 purchased 36 newspapers in addition to
16 researching apartments online before
17 settling for a rental house in a
18 neighborhood where she and her family did
19 not feel safe and secure, and paid an
20 additional 3,500 more in rent than the
21 house she was illegally denied.

22 TURN affirmatively furthers
23 fair housing by working with landlords
24 throughout the City of Philadelphia.
25 TURN's Housing Placement Unit helps place

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2 tenants in our Housing Assistance Program
3 with a large group of landlords
4 throughout the City.

5 In 2005, TURN was responsible
6 for relocating the 120 evacuees who came
7 to Philadelphia as a result of Hurricane
8 Katrina. Since then, TURN has relocated
9 thousands of other tenants as part of
10 various City programs, most recently
11 through those funded as part of the
12 federal Homelessness Prevention and Rapid
13 Rehousing Programs.

14 TURN's Housing Placement Unit
15 consists of housing placement specialists
16 and trained housing inspectors who find
17 and inspect affordable housing units and
18 assist low-income and disabled tenants
19 with relocating by taking them to visit
20 units and helping them interface with the
21 prospective landlord. As a result of the
22 skilled intervention of these staff, many
23 low-income and disabled persons are
24 placed by TURN in properties and areas of
25 the City they desire which would not have

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2 otherwise been available to them. TURN
3 works with hundreds of landlords each
4 year and has developed a reputation for
5 support of tenants and enables them to
6 overcome institutionalized racism and
7 background impediments that might have
8 kept them from obtaining decent housing.

9 The HUD report attempts to
10 distinguish the trend of showing fewer
11 properties from not showing any
12 properties at all. We believe that this
13 is a false distinction. Showing fewer
14 properties means that the prospective
15 tenant is effectively barred from renting
16 the properties which are not shown and is
17 illegally steered towards neighborhoods
18 that will perpetuate existing patterns of
19 segregation. Showing fewer properties is
20 just a more sophisticated form of locking
21 minorities out of certain neighborhoods.
22 At TURN, we see this insidious form of
23 discrimination among large landlords with
24 properties in several different
25 neighborhoods and of varying quality.

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2 Further study needs to be done to
3 document how some of them reserve certain
4 properties for certain populations in
5 ways that perpetuate segregation.

6 Discrimination at the approval
7 stage is not measured by the report.
8 Many prospective tenants are shown
9 properties, only to be told at the last
10 minute that their credit is inadequate or
11 they have an eviction history or criminal
12 history which prevents them from getting
13 the property they desire. The report
14 makes it clear that its testers did not
15 pose as typical renters but as extremely
16 well-qualified ones. We see cases where
17 tenants are required to pay larger or
18 even illegal security deposits in such
19 situations. We at TURN believe that
20 these situations are more common among
21 minorities and that they are an
22 additional cause of segregation.

23 The observation that more
24 whites say that they are willing to live
25 in integrated or minority neighborhoods

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2 needs to be further tested to determine
3 whether such lip service is sincere. It
4 could only reflect a decreased social
5 acceptance of overt discrimination that
6 has little actual impact on residential
7 choices.

8 Philadelphia is one of the most
9 segregated cities in the nation. It is
10 significant that while studies have
11 consistently shown that racial diversity
12 is improving across America, new studies
13 show that racial segregation may actually
14 be increasing at the same time. This is
15 because while the number of almost "white
16 only" census tracts is decreasing, the
17 number of census tracts with low
18 diversity and concentrated populations of
19 African Americans is increasing. In
20 addition, new concentrations of Latino
21 and Asian immigrants are developing.
22 Thus, according to recent research,
23 America may be becoming more diverse and
24 more segregated at the same time,
25 particularly in major cities like

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2 Philadelphia.

3 These studies and the HUD
4 report make it clear more testing and
5 research needs to be done. The HUD
6 report admits that a paired testing study
7 cannot fully explain current levels of
8 residential segregation and neighborhood
9 inequality suffered by racial and ethnic
10 minorities in many metropolitan areas.
11 Housing discrimination has become more
12 sophisticated and institutionalized such
13 that most discriminating landlords know
14 the minimum they have to do to escape
15 prosecution or even detection. At TURN,
16 we believe that the most effective way to
17 address housing discrimination is not
18 simply to monitor demographic and
19 cultural changes. What is needed is more
20 widespread education combined with much
21 stronger enforcement. Landlords who
22 discriminate need to find that such
23 practices are futile and expensive.
24 Renters need to learn that the emotional
25 pain and economic loss caused by

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2 discrimination can be stopped.

3 COUNCILMAN JONES: Thank you
4 for your testimony.

5 Please continue.

6 MR. BERRY: Good afternoon.
7 Before I begin, I just want to say what a
8 pleasure it is to be back in this room
9 again. From 1976 through 1992, I worked
10 for an agency here in Philadelphia, and I
11 was tasked with attending every meeting
12 of the Philadelphia City Council. That's
13 16 years. I can still see Cecil sitting
14 back in his chair smoking a cigar,
15 Thacher, Dr. Allen, of course my good
16 friend Lucien, who I became very good
17 friends with over that time period. So
18 it's very interesting to be back here.

19 COUNCILMAN JONES: That
20 explained that whimsical look up.

21 My name is Jim Berry, and I
22 have been the Executive Director of the
23 Fair Housing Council of Suburban
24 Philadelphia since 1992. Thank you for
25 the opportunity to provide input on

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2 methods to uncover and address housing
3 discrimination in Philadelphia.

4 Founded in 1956, the Fair
5 Housing Council of Suburban Philadelphia
6 is the nation's oldest fair housing
7 agency and works to eliminate housing
8 discrimination and assure equal access to
9 quality, affordable housing for everyone
10 in Eastern Pennsylvania.

11 Our service area includes the
12 City of Philadelphia as well as Bucks,
13 Chester, Delaware, Montgomery, Lehigh,
14 and Northampton Counties.

15 The Fair Housing Council is a
16 qualified -- is a HUD-designated
17 qualified fair housing enforcement
18 organization.

19 The Fair Housing Council
20 investigates complaints of housing
21 discrimination and conducts testing in
22 rental, sales, homeowners insurance, and
23 mortgage lending practices. To
24 complement its enforcement
25 investigations, FHCSF also provides

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2 education programming designed to inform
3 both consumers and housing providers
4 about their rights and responsibilities
5 under fair housing laws.

6 Over the past 20 years, the
7 Fair Housing Council has successfully
8 resolved 235 administrative complaints
9 and 43 federal lawsuits, resulting in
10 eradication of discrimination at over
11 47,000 units of housing in the region,
12 opening these units to the members of the
13 protected classes, and obtaining nearly
14 \$1.7 million in damages for victims of
15 housing discrimination.

16 In cases where victims'
17 allegations are supported by FHCSF
18 testing evidence, 93 percent successfully
19 resolve their complaints and receive an
20 average damage award of \$18,964.

21 Testing is a controlled process
22 designed to identify differences in
23 treatment accorded to testers who are
24 similar in every significant respect
25 except the variable being tested; for

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2 example, race, households with children,
3 disability. Testing measures the
4 differences in the quality, content, and
5 quantity of information and services
6 provided.

7 Testing evidence often serves
8 as a critical piece of evidence in
9 allegations of housing discrimination and
10 has been unanimously affirmed by the
11 Supreme Court as a legal and necessary
12 means for investigating housing
13 discrimination.

14 In 2009, the Fair Housing
15 Council of Suburban Philadelphia released
16 a report entitled "Testing Audit:
17 Housing Discrimination Trends in the
18 Philadelphia Region," which I submitted a
19 copy to the committees for their review,
20 and you can get into that in more detail.

21 The audit consisted of 237
22 tests completed between January '06 and
23 December '08 in Bucks, Chester, Delaware,
24 Montgomery Counties, and the City of
25 Philadelphia. Ninety-nine of the tests

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2 were conducted in the City. Tests were
3 designed to uncover differences in
4 treatment on the basis of race,
5 disability, and familial status. FHCSF
6 also evaluated the data from its Voice
7 Profiling Project to interpret the extent
8 and nature of housing discrimination
9 experienced by African American
10 homeseekers when they inquire about
11 housing over the phone. For many of the
12 testers, housing opportunities were
13 immediately limited simply because they
14 sounded African American.

15 The report found that 54
16 percent of the testers sounding African
17 American were treated less favorably than
18 testers sounding white; 33 percent of the
19 new construction communities violated the
20 design and construction requirements of
21 the Fair Housing Act; 29 percent of the
22 tests showed preferential treatment
23 favoring white testers over African
24 American testers; 27 percent of the tests
25 showed that individuals with disabilities

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2 were denied reasonable accommodation or
3 modification requests, to which they're
4 entitled under the Fair Housing Act; 19
5 percent of the tests showed preferential
6 treatment favoring households without
7 children over households with children.

8 There is much more data
9 regarding the extent of housing
10 discrimination in the region, including
11 the Urban Institute's study and a 2011
12 report by the University of Michigan's
13 Population Studies Center that ranked
14 Greater Philadelphia as the ninth highest
15 segregated urban area in the United
16 States.

17 However, the issue today --

18 COUNCILMAN JONES: Could you
19 repeat that.

20 MR. BERRY: -- is how to detect
21 and mitigate subtle --

22 COUNCILMAN JONES: Excuse me.

23 MR. BERRY: -- forms of
24 discrimination in Philadelphia.
25 Therefore, the Fair Housing Council would

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2 recommend the City fund a sustained
3 testing and enforcement program to
4 uncover, adjudicate, and eliminate
5 discriminatory housing practices, and the
6 Fair Housing Council would be available
7 to discuss in detail on how to design and
8 implement an enforcement program.

9 Thank you.

10 COUNCILMAN JONES: Okay. And
11 welcome back.

12 MR. BERRY: Thank you.

13 COUNCILMAN JONES: But what I
14 wanted to ask, you said we are ranked
15 ninth?

16 MR. BERRY: Yes.

17 COUNCILMAN JONES: And that's
18 disturbing. Out of 50 states?

19 MR. BERRY: I don't know the
20 number, but it might have been somewhere
21 around the largest hundred metropolitan
22 areas. I don't have that right in front
23 of me, though.

24 MS. McIVER: It was ten cities.
25 We were ninth.

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2 COUNCILMAN JONES: Okay. All
3 right. First question, how often do you
4 versus the federal, private sector, how
5 often do you come together and talk about
6 patterns that you might see? Is there a
7 gathering, a forum by which you say we're
8 discovering this and how does that
9 compare to what you're doing to help us
10 formulate a strategy?

11 Councilman Squilla mentioned,
12 well, we're finding these things out, but
13 our knowledge base of what you deal with
14 every day is limited. So giving us the
15 information and also codifying what some
16 of the problems are, but also to help us
17 build a plausible solution to this. Do
18 you guys talk?

19 MR. LORD: I don't think any of
20 us want to answer that question.

21 COUNCILMAN JONES: Sometimes
22 silence is an answer.

23 MR. LORD: Right. I can't say
24 that -- we used to talk more. There was
25 a time when HUD funded a consortium of

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2 fair housing groups, and we worked
3 together in order to do the work, and
4 that resulted in frequent conversations.
5 Jim Berry can testify to that as well.
6 But since then, some of it is more
7 distinct and TURN is not getting funding
8 directly from HUD at all, it's been less
9 than that, and that needs to happen. So
10 that's a good point.

11 MR. BERRY: We used to -- the
12 HUD Fair Housing Initiative's program, we
13 provided funding to do investigations, to
14 do testing, to do -- to file complaints,
15 to file lawsuits. For a while we would
16 partner with the Fair Housing Council of
17 Montgomery County, Tenant Action Group,
18 which is the predecessor I believe to
19 TURN, and Liberty Resources, where Tom
20 Earle used to work, and a host of --

21 MR. LORD: PILCOP.

22 MR. BERRY: And the Public
23 Interest Law Center of Philadelphia, yes.
24 So it used to happen more frequently.
25 With the resources being limited, we --

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2 and it doesn't matter to HUD how big of a
3 geographic area you serve. The grant is
4 one size, whether you're serving a large
5 area. We get our individual grants.

6 HUD does bring us together to
7 talk, both the -- for example, the state
8 commission, the fair housing groups,
9 advocates to talk about the issues,
10 discuss them, but that's more or less the
11 extent of it.

12 COUNCILMAN JONES: So the
13 answer is no?

14 MS. CHAPMAN: Not enough.

15 COUNCILMAN JONES: Okay.
16 Please feel free.

17 MS. McIVER: Thanks. Hi. I'd
18 just like to add to --

19 COUNCILMAN JONES: Name again
20 for the record.

21 MS. McIVER: I'm sorry. Angela
22 McIver, Chief Executive Officer of the
23 Fair Housing Rights Center in
24 Southeastern Pennsylvania that was
25 formerly known as the Fair Housing

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2 Council of Montgomery County. And the
3 Fair Housing Rights Center does try its
4 best to engage with as many people as
5 possible. For example, on an annual
6 basis in the different counties, we have
7 what's called an interagency
8 cross-training on housing, and there are
9 people in the room today who participated
10 in those interagency housing
11 cross-trainings. Why? Because we have
12 to share our missions. We have to talk
13 about common problems or separate
14 problems and how best to resolve them.
15 And it's amazing what happens during an
16 informal cross-training. Things that
17 seem to be such a big deal when you're
18 all by yourself can be easily addressed
19 when the person who is the right contact
20 person for a given organization is
21 present and can immediately answer and
22 then build upon those relationships.

23 In addition to that, the
24 organization has taken settlement funds
25 and has had remote broadcasts, live

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2 broadcasts on the radio. Funny, we had
3 one just last year, and a woman was
4 listening to WURD, which the broadcast
5 was being aired, and stopped in the union
6 hall where the event was being hosted
7 because she heard it live, and that
8 involved Fair Housing Rights Center,
9 Philadelphia Commission on Human
10 Relations, Pennsylvania Human Relations
11 Commission, United States Department of
12 Housing and Urban Development, and the
13 United States Department of Justice,
14 Civil Rights Division.

15 As a fair housing provider, I
16 just believe -- I know more than other
17 people do in the community about the
18 issue. It is my responsibility to talk
19 about it wherever I travel. I mean, I
20 kind of stopped you in the hallway to
21 talk about the study and to find ways to
22 always tie in the issue of housing
23 discrimination, as was mentioned earlier
24 with your opening remarks, as well as
25 your opening remarks, Councilwoman

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2 Blackwell. It is interrelated with
3 everything. You can't escape the fact
4 that housing is at the center of all of
5 our lives.

6 COUNCILMAN JONES: Well, my
7 context of the question is, I learn as
8 much from my colleagues as I do from just
9 my own separate research. I get an issue
10 from a different lens and from a
11 different experience level, from
12 different cultural levels, and we kind of
13 feed off of each other. If I find a good
14 idea from Councilwoman Sanchez, there is
15 no shame to my game. I incorporate it in
16 my cadre of things, and that goes for all
17 my colleagues.

18 Similarly, as an industry or as
19 a guild of people trying to do something
20 about this issue, it seems to me that it
21 would be very important because one
22 set -- for the Human Relations
23 Commission, you are complaint driven.
24 Well, I just heard from you that said you
25 don't -- you can dive in and do

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2 preemptive strikes and evaluations.

3 So where you can kind of do
4 that kind of coordination, it helps send
5 the signal to the general population that
6 we care about this issue.

7 Second thing is on us as
8 legislators and us as budget-makers,
9 meaning you can say you care about a
10 thing, but follow the money. And what
11 you find is what you truly care about you
12 appropriate for. And so I may tell you
13 go out there and do good and I want you
14 to knock on doors and I want you to
15 really implement this policy, but if I
16 give you one inspector citywide, that
17 speaks volumes.

18 So, respectively, whether at
19 the state, federal or local level, if we
20 care about this and why we should care
21 about it is that our city is experiencing
22 great changes. It's exhibited sometimes
23 during our demographic shifts where
24 certain communities are building up. You
25 can't find enough space, whether it's

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2 homeownership or rental, and they're
3 exploding. There are other areas where
4 we are experiencing almost now here
5 migrating poverty, steered poverty into
6 certain areas.

7 So, again, your mission is
8 vital to our public policymaking, and
9 your insights and -- Phil, you used to
10 write a paper once a week. I remember
11 that. And so it is important to keep us
12 on top of the issue, less we forget and
13 think that we solved it, slap ourselves
14 on the back of our backs and say, yeah,
15 we won, when we really didn't.

16 MS. LANDAU: Councilman, Rue
17 Landau from the Philadelphia Commission
18 on Human Relation again. I just wanted
19 to chime in with two points.

20 One, according to our Fair
21 Practices Ordinance as well and the Home
22 Rule Charter, we can initiate complaints
23 as well. We end up being complaint
24 driven based on lack of resources that
25 the complaints come to us.

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2 But the second thing I wanted
3 to offer is that I work with many of
4 these groups on many instances, and most
5 recently we worked long and hard on what
6 to do to implement the new lead law. Of
7 particular concern to most of us was the
8 furor of familial status discrimination,
9 because you only had to make your
10 property lead safe or lead free if you
11 were going to rent to families with
12 children under six. So we thought they'd
13 be turning away families. I noticed at
14 that time that once again the landlord
15 and the tenant advocates came together,
16 bumped heads a lot, tried to work on
17 projects, worked a lot with Councilman
18 Henon's office, and at that point, I
19 started to think that -- I also run the
20 Fair Housing Commission, a separate
21 entity to the Commission on Human
22 Relations. We deal with landlord/tenant
23 cases when there's code violations on a
24 property. So in that vein, I've been
25 thinking about pulling together monthly

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2 or quarterly a housing task force to just
3 talk about these kinds of issues. But
4 this conversation is kind of broadening
5 it for me. I do run -- again, it's hard
6 with two different commissions, but for
7 the Human Relations Commission, each
8 month we have an interagency civil rights
9 task force every month where I bring
10 together the state police, the feds, the
11 FBI, local immigrant groups. We talk
12 about everything from language access to
13 biased crimes. It's usually driven by
14 what's going on over the month. And I
15 don't know if you would put this on me
16 anyway, but I'd be happy to volunteer to
17 be the one to coordinate --

18 COUNCILMAN SQUILLA: You're in
19 charge.

20 COUNCILMAN JONES: Deputized.

21 MS. LANDAU: I am the winner.
22 Right. But we'd be happy to. I mean,
23 the issues, it might not be housing
24 discrimination every month, but it could
25 also be L&I and the issues and bringing

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2 L&I to the table too.

3 There is no time in
4 Philadelphia where we have landlord
5 advocates, tenant advocates, L&I,
6 agencies such as the Fair Housing
7 Commission, Human Relations Commission,
8 and these other providers and advocates
9 at the table talking about issues,
10 whether it's language access issues or
11 accessibility issues or whatever. We'd
12 be happy to hold these monthly task force
13 meetings, including any of you would like
14 to come and see what comes out of it,
15 because these are really, really
16 important issues that have to stay on the
17 front burner.

18 COUNCILMAN JONES: Councilman
19 Squilla.

20 COUNCILMAN SQUILLA: I want to
21 thank you for that, because that was a
22 question I was going to ask. I
23 appreciate you volunteering, because most
24 people do want to put suggestions out
25 there but will never volunteer to do it.

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2 So I give you a lot of credit for that.

3 That's key, though. I think especially

4 with the diminishing resources that we

5 have, if we get all the parties in the

6 room, it's a lot easier to get things

7 answered too, because a lot of times when

8 you're not all in the room together, you

9 say one thing, you may give a different

10 answer when somebody is not there than

11 when you have all different people in the

12 room.

13 So if we could do that and

14 including L&I and maybe even the Health

15 Department or other people that they

16 involve in this aspect, you really get

17 down and dirty on how we could really fix

18 it or what we can do to implement better

19 scenarios or better regulations that we

20 could set forth to make sure this happens

21 less and less until it doesn't happen at

22 all. So I want to thank you for that,

23 and I appreciate your help and support.

24 MS. LANDAU: Sure.

25 COUNCILMAN SQUILLA: And

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2 anything we can do to help you in the
3 future, I'd be more than willing and
4 happy to help.

5 MS. LANDAU: Absolutely.

6 COUNCILMAN JONES: Thank you,
7 Councilman.

8 Councilwoman Sanchez.

9 COUNCILWOMAN SANCHEZ: Thank
10 you.

11 Let me also strongly
12 encourage -- I also want to thank Rue for
13 volunteering. Let me also suggest that
14 we bring some of the other private-sector
15 stakeholders to the table, both GPAR, the
16 Apartment Association, and HAPCO, because
17 I think too many times we talk among
18 ourselves as though we're preaching to
19 the choir, and then when we're sitting
20 here legislating, we're trying to, as we
21 did with the lead and we've done, as Phil
22 knows, with all the other issues -- I
23 think both of those, HAPCO, GPAR, and the
24 Apartment Association, are trying to be
25 more proactive. And so let's bring them

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2 to those discussions and let them hear
3 firsthand, because they're the good guys
4 in the game, but they need to know what
5 others are doing that impacts how we view
6 their sectors.

7 So let me strongly encourage
8 you to bring them forth from the very
9 beginning in that discussion.

10 MR. LORD: Thank you for that.
11 And we enjoy working with HAPCO, and
12 Darrell Zaslow is going to testify later.
13 We have a good time when he's here.

14 I just want to make --

15 COUNCILMAN JONES: So do we.

16 MR. LORD: I just want to make
17 one point. We talked about blatant
18 discrimination and subtle discrimination.
19 I'm glad for your introduction,
20 Chairperson Jones, that there's also
21 institutionalized racism. That's neither
22 blatant nor subtle, but it's built into
23 the economic system. If we don't address
24 that, we're going to continue to have
25 segregation in the City at alarming

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2 rates. So we have to figure out how
3 these credit checks and backgrounds of
4 various sorts actually impact the way
5 people are treated. You don't have to
6 say race anymore because all these other
7 factors built up a barrier to accessible
8 housing. So I want to let you know about
9 that.

10 COUNCILMAN JONES: Thank you.

11 If you want, you can stay after
12 the hearing just to look around.

13 Are there any other questions
14 for this panel?

15 (No response.)

16 COUNCILMAN JONES: Seeing none,
17 thank you again for your valuable
18 testimony.

19 Will the Clerk please read, I
20 believe, the final panel.

21 THE CLERK: Yes. Stephanie
22 Pastula, Philadelphia Housing Authority;
23 Darrell Zaslow, Homeowners Association of
24 Philadelphia.

25 (Witnesses approached witness

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2 table.)

3 COUNCILMAN JONES: Welcome back
4 to City Council, and you're always -- I
5 take advantage of some of your knowledge
6 base, and I've told you that both on the
7 mike and off the mike.

8 So state your name and begin
9 your testimony.

10 MS. PASTULA: Good afternoon.
11 My name is Stephanie Pastula.

12 COUNCILMAN JONES: Come a
13 little closer.

14 MS. PASTULA: Sorry. My name
15 is Stephanie Pastula and I work in the
16 office of the President and CEO of the
17 Philadelphia Housing Authority.

18 PHA had reviewed the summary
19 study released in June 2013 by the U.S.
20 Department of Housing and Urban
21 Development of the Urban Institute,
22 entitled "Housing Discrimination Against
23 Racial and Ethnic Minorities 2012," and
24 shares the concern of City Council
25 regarding any form of discrimination that

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2 may create barriers to racial and ethnic
3 minority renters and homebuyers in
4 Philadelphia.

5 In response to the study, PHA
6 had begun conducting some research into
7 practices and policies around the country
8 that combat discrimination based on
9 source of income, such as receipt of
10 Section 8 or the Housing Choice Voucher
11 program. It is the intent of our
12 submission to share that information with
13 the committees and the whole City Council
14 in the hopes of initiating a dialogue
15 about ways to incorporate similar
16 policies in the City of Philadelphia.

17 Submitted for the record for
18 the committees' review are an article
19 entitled "Courts Consider Landlord
20 Defenses to Source of Income Laws,"
21 originally published in the National
22 Housing Law Project and Housing Law
23 Bulletin in November/December 2008, and a
24 copy of Bill A2095, currently active in
25 the New York State Assembly, whose intent

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2 is to prevent housing discrimination
3 based upon the source of income of
4 individuals and make discrimination by
5 landlords based on a tenant's source of
6 income illegal under the New York State
7 Human Rights Law.

8 In consideration of time, I
9 will just briefly summarize the fair
10 housing and human rights laws in other
11 parts of the country that PHA believes
12 are good models for Philadelphia.

13 The New York City
14 Administrative Code provides that
15 landlords receiving local property tax
16 abatements for affordable housing may not
17 discriminate against Section 8 voucher
18 holders. A recent update in 2008 to the
19 law made it such that all landlords of
20 buildings with more than six units may
21 not discriminate based on lawful source
22 of income, including Section 8
23 assistance. The bill that I previously
24 mentioned is now pending in the State
25 Assembly, and that would revise the

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2 applicability based on number of units.

3 In Washington, DC, the DC Human
4 Rights Act prohibits landlords from
5 refusing to rent to someone on the basis
6 of source of income, including federal
7 payments.

8 California Fair Employment and
9 Housing Act, again, makes it unlawful for
10 owners of housing accommodations to
11 discriminate against any person because
12 of source of lawful verifiable income.

13 Some additional localities with
14 fair housing and human rights laws,
15 including provisions prohibiting
16 discrimination based on source of income,
17 include Montgomery County, Maryland; the
18 State of New Jersey; and the State of
19 Connecticut.

20 Unfortunately, my legal counsel
21 is unable to be here today to answer
22 questions, but I would be happy to take
23 any questions back and then that way, we
24 can respond fully to Council.

25 COUNCILMAN JONES: One quick

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2 question, and then we'll go on, because
3 we're almost through this. Section 8
4 certificates, how are they viewed by way
5 of this process of discrimination and
6 their acceptance? Is there laws germane
7 to that in particular?

8 MS. PASTULA: In the instances
9 that I mentioned -- so in New York;
10 Connecticut; New Jersey; Washington, DC;
11 Montgomery County, Maryland -- they are
12 all -- any sort of federal assistance
13 such as Section 8 is considered a lawful
14 source of income. I think -- actually I
15 have in the New York bill, I can read you
16 the way that it describes source of
17 income, and it's very much similar to the
18 other localities.

19 Source of income shall include
20 wages from lawful employment; child
21 support; alimony; foster care subsidies;
22 income derived from Social Security or
23 any form of federal, state or local
24 public assistance; housing and rental
25 subsidies and assistance, including

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2 Section 8 vouchers, savings, investment
3 in trust accounts, and any other form of
4 lawful income.

5 COUNCILMAN JONES: I don't know
6 if there exists a study that deals with
7 just that universe and sampling, but I
8 think it would be interesting to conduct
9 a study just among that universe of
10 participants in the housing industry.

11 But thank you.

12 Do you have any questions?

13 COUNCILWOMAN SANCHEZ: I just
14 wanted to note -- and I know that the
15 Philadelphia Housing Authority has come a
16 long way from the past, but it is
17 definitely an area where we have to be
18 vigilant. I've been working with the new
19 administration. Latinos in particular
20 represent 20 percent of those eligible
21 for PHA housing and only represent 5
22 percent of their clients.

23 So I think it's really
24 important for us to note that internally
25 we got some work to do, and in this case,

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2 it's not about the limited pie. It's
3 about how do we grow the pie, because
4 we're all talking about federal laws, and
5 then we have our federal agencies that
6 are not in compliance to what we're
7 saying and is being preached. And I know
8 the new administration is working on
9 language access issues and other things
10 that should be in place, should have been
11 in place.

12 So I just want to acknowledge
13 that we have a lot of work to do
14 internally, and I do appreciate that this
15 Administration has taken those issues to
16 task.

17 COUNCILMAN JONES: Very serious
18 issues, Councilwoman Sanchez. Thank you.

19 MS. PASTULA: Thank you.

20 MR. ZASLOW: Good afternoon,
21 Mr. Chairman, Councilwoman. Darrell
22 Zaslow, legal counsel to HAPCO, the
23 Homeowners Association of Philadelphia.

24 It is usually a privilege to
25 address this Council. All of the great

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2 business of government flows through this
3 Chamber. Yet it is no privilege today to
4 be testifying, but rather a great sadness
5 that prompts this entire proceeding, the
6 finding that people use superficial
7 qualities to judge other people. It was
8 good news to see in this study that it
9 confirms how powerful legislation of the
10 past decades at every level of government
11 has all but eradicated blatant
12 discrimination in housing. Yet the
13 findings of the study, as we all now
14 know, indicate that the subtle
15 discrimination remains. And this is the
16 most difficult to deal with, because it's
17 not in the books and records of the
18 people that are discriminating, but
19 rather in the hearts and the minds of men
20 and women, and that is the hardest place
21 to reach.

22 From a personal perspective,
23 this blatant and subtle discrimination is
24 well understood. Frankly, I am the
25 smallest minority in the room. I

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2 understand and have experienced blatant
3 and subtle anti-Semitism against my
4 people, my religion, Orthodoxy. No one
5 is immune from the judgmental nature of
6 small-minded people. Yet I am privileged
7 in my professional life to work in the
8 law and government. And the very
9 minorities that this study indicates that
10 are the subject of the subtle
11 discrimination, these people are my
12 superiors, judges to whom I must answer,
13 fellow attorneys of every kind, and
14 indeed this esteemed City Council, the
15 leadership of our city, and the powerful
16 heads of important branches of our
17 government.

18 I testify before you today as
19 the representative of HAPCO, an
20 organization comprised of thousands of
21 Philadelphia property owners. I suppose
22 it puts me in another minority this
23 afternoon, because all these
24 distinguished speakers, none of them
25 represent the private housing industry,

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2 which is the source of the problem that
3 we're talking about, and I am here myself
4 with the entire City having this issue to
5 deal with.

6 But yet in HAPCO, we pride
7 ourselves, 40 percent of our members --
8 and we never did such a study because
9 it's been irrelevant to us for all the
10 50 -- actually it's now 60. This is our
11 60th year of our organization's
12 existence. We never looked to see who is
13 who and what is what. It, frankly, is an
14 uncomfortable thing to do. Yet we did it
15 because we needed to focus on this issue.
16 And 40 percent of our members, the
17 members our Executive Board, our Board of
18 Directors, all of our general
19 composition, is almost half minority, and
20 HAPCO remains committed to maintaining
21 this strong minority presence, because
22 it's the most natural thing in the world
23 to us.

24 I attempted to prepare for this
25 hearing by seeking input from the

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2 members, and, you know what, it's been a
3 difficult process. Despite being
4 comprised of so many minorities, our
5 members found it to be somewhat
6 contradictory to be told that
7 discrimination exists. Every member of
8 my Board who wrote in about it in
9 response to my request, I need
10 information for the Council committee,
11 they want answers, and they all wrote
12 back that we work every day to provide
13 good and decent housing without hint of
14 discrimination, subtle or otherwise. And
15 I sought out my minority members. I
16 sought them out. Yet the question
17 remains does the subtle discrimination
18 exist. We must be honest that it does.
19 I know that it does because I hear subtle
20 comments that amaze me when I hear them
21 from random people walking the streets of
22 Philadelphia or that I have to interface
23 with in my law practice or otherwise.
24 Not my organization but the minds of
25 people in our city. But not among our

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2 members, because they're responsible. If
3 there's discrimination, we're
4 discriminating against ourselves, because
5 that's who we are.

6 Thankfully, the society seems
7 to have a focus on a small percentage.
8 No percentage is acceptable, but the
9 percentages, again, it's intolerable, but
10 luckily the numbers are smaller than they
11 were when I started law school and we
12 were discussing issues of fairness in
13 housing and none of these laws that
14 you're hearing about today even existed.

15 But the subtle discrimination
16 cannot be permitted in housing, and HAPCO
17 stands ready to aid in this effort, to
18 offer education, to publicize the results
19 of this study, to make sure that every
20 reader of our publications is well aware
21 of this allegation that discrimination
22 yet exists, to make sure that we know
23 that it's illegal, it's immoral, and
24 undermines the fabric of our entire
25 society. To some, the admonition to love

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2 thy neighbor means to love them as long
3 as they don't live next door to you. We
4 must be educated, and we must educate the
5 young.

6 We suggest that there's
7 powerful tools at present existing at
8 every level of government to deal
9 forcefully with such misbehavior when
10 discovered. You've heard today about the
11 need to discover the subtle
12 discrimination, and we support that as
13 well, although obviously it's much harder
14 than the blatancy we saw in prior
15 decades.

16 The activities of the various
17 commissions and the enforcement agencies
18 charged with eradicating discrimination
19 in housing should be encouraged in their
20 activities. If it takes money to do it,
21 it should be spent so that the
22 percentages of even the subtle
23 discrimination are reduced to
24 non-existence. The laws should be
25 utilized as the continuing solution to

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2 the problem.

3 We do take the liberty of
4 drawing attention to one point, not a
5 point intended as remotely an excuse for
6 Philadelphia in any way, but just a point
7 for consideration, because that's the
8 purpose of the committee hearing.

9 It seems to us in reviewing the
10 study, which we only really had a very
11 short time to do, that a careful reading
12 shows that this is really related to the
13 Philadelphia metropolitan area, not so
14 much the City limits. And when the City
15 talks about Philadelphia being the
16 worst -- I'm not the expert on this. I
17 didn't write the report. I'm only
18 reading it on the run, as all of us had
19 to do to appear here today. But when
20 they say Philadelphia, it appears that a
21 large part they mean region-wide. The
22 Fair Housing Rights Center in Southeast
23 Pennsylvania performed the study, I
24 understand. I think that that's the
25 case. And it talks about Pennsylvania

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2 and New Jersey. And the Suburban
3 Philadelphia Fair Housing Council
4 testified today. By the very name, the
5 suburban issue.

6 Not remotely an excuse. I
7 heard them here, a hundred studies done
8 in Philadelphia with unacceptable
9 results, but yet it seems that if it's
10 region-wide, New Jersey, Philadelphia,
11 Bucks, Montgomery, Chester Counties,
12 Lehigh County, all these counties
13 surrounding that were mentioned within
14 these documents, that to some extent this
15 seems to us that it needs to be for the
16 legislatures of the states of New Jersey
17 and Pennsylvania to have hearings of this
18 kind and to implement recommendations and
19 not to burden this City Council by
20 solving the problems of Delaware County.

21 But in any case, the problem is
22 very real. And I've heard the
23 suggestions, and as you always want to do
24 is not just to talk about these issues
25 but to solve things, and I've heard

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2 solutions here today.

3 I was embarrassed to hear that
4 Councilwoman Blackwell begin the hearing
5 today and Ms. Landau, who I have the
6 privilege of dealing with on many issues
7 relative to housing, to point out that my
8 organization's own website has nothing in
9 it regarding this issue. We never
10 thought about it until a week ago when we
11 heard about this hearing. I can assure
12 you that when I leave here, it will be on
13 our website. And if I ask Ms. Landau to
14 send me the link, it will be there. And
15 I can't speak for the Bankers
16 Association. I don't know who they are.
17 But the Association of Realtors, GPAR,
18 the Apartment Association, I deal with
19 them on a regular basis, and I will take
20 it upon myself to make sure that they
21 understand that that needs to be on our
22 websites immediately, a good link.

23 I heard from my friend and
24 favorite adversary, Phil Lord. I read
25 his testimony. We've been at it for over

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2 30 years. And he says, first, widespread
3 education. It's critical. Education,
4 and here HAPCO could be helpful. We're
5 going to put this in our newsletter.
6 We're going to educate our members.
7 We'll put it on our website. We will
8 hold seminars. We will do everything
9 that needs to be done for the educational
10 aspect of this.

11 And then he says stronger
12 enforcement. Well, yes. Enforce these
13 laws, because it's not tolerable. And
14 Mr. Lord explains the practicality of it
15 in perfect fashion, because he says
16 landlords who discriminate need to find
17 out that such practices are futile.
18 Well, I'm not sure if they're futile,
19 because they seem to be getting away with
20 it, but the more important word,
21 "expensive," that if there's going to be
22 some discriminatory practice and you're
23 caught doing that, this will be an
24 expensive proposition for you in the way
25 of fines and penalties for what you've

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2 done. And a word to the wise,

3 Mr. Landlord, my people, my clients, it's

4 the wrong thing to discriminate, but I

5 can't make you a moral person if you are

6 immoral, but I can warn you as your

7 attorney that they come after you and

8 they will fine you and you will be sorry

9 that you did that, so don't do it. The

10 fear factor.

11 Mr. Berry listed some

12 recommendations, complete future audits,

13 and that has to be important. It has to

14 be that that is done. I always tell my

15 people don't discriminate because the

16 City is watching very carefully. They

17 send out people all the time to make sure

18 no discrimination is going on. I've told

19 them that for years. I never knew if it

20 was true or not, but I wanted them to

21 think that it was true so they wouldn't

22 do it.

23 There's a discussion about an

24 education campaign, and we are the

25 natural ones to participate or spearhead,

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2 participate in meetings on this issue and
3 provide access to compliance to housing
4 providers. Well, that's us. We're the
5 housing providers and, yes, we have to
6 have compliance education. I will tell
7 you that my members were not happy to
8 hear about mandatory courses and whatnot.
9 And when I say "my members," I'm relying
10 on my minority members, because I will
11 not make this decision. And I hate to
12 bring race into anything. It's so
13 uncomfortable to do so, but in our
14 organization, the minority members of my
15 organization are going to be driving our
16 response on this, because that's what
17 it's about, and we will ask them. They
18 couldn't be here today, but they'd like
19 to meet with you, Councilman Jones,
20 preferably before you introduce
21 legislation to try to attack the problem
22 so we can review it together.

23 The initial testimony from
24 Ms. McIver -- and I think she was the one
25 on the TV screen, if I'm not mistaken --

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2 really encapsulated it, and I guess the
3 news media picked it up. But I heard
4 mugs and chocolate, that the minorities
5 didn't get their mugs and didn't get
6 their chocolate. And, you know, you
7 might think that's a silly thing, but
8 that proves the entire case, because when
9 you go into a place and the banker gives
10 you -- here's my business card, take a
11 pen, take this, that means they want you
12 back. And if you're not being given the
13 perks, to me it's an indication that,
14 yeah, that person who is selling or
15 renting didn't really want you, because
16 if they wanted you and your business, you
17 would get that mug and that piece of
18 chocolate. So it's a little vignette,
19 but to me it told the story.

20 I love the Law Review article
21 that my fellow testifier here presented,
22 because I like the law, because then I
23 can show people where we really are.

24 We thank you for the
25 opportunity to testify. I'll conclude

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2 where I began, that it's a painful thing
3 to have to do, but it's great to be a
4 potential part of the solution, and we
5 stand ready to do so.

6 Thank you, Mr. Chairman.

7 COUNCILMAN JONES: Thank you so
8 much for your testimony. Let me just
9 quickly comment on a couple of things.

10 Number one, often your
11 organization winds up getting the
12 back-splash, backlash. Because you're
13 the good guys, you get the backlash for
14 the bad guys. I mean, that often
15 happens. And so thank you for keep
16 coming back and try to state your case as
17 best you can for an entire industry.

18 Secondly, whether it is a
19 minority or a majority being
20 discriminated against, it doesn't feel
21 any better if it comes from a minority or
22 majority. It's discrimination. And I
23 want not just your minority members, I
24 want all your members' input on this.

25 Sensitivities aside, until

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2 the -- I think there's a quote that says
3 until the unaffected are as impassioned
4 as the affected will justice come, and I
5 agree with that.

6 So what I hope to do is not
7 just have the minority members but have
8 the majority members be a part of that,
9 because your ideas have merit and weight,
10 and if nothing else, we communicate. If
11 nothing else, your website is going to
12 get an updated version of
13 anti-discrimination. So that is
14 progress.

15 So I look forward to the
16 dialogue. I look forward to you
17 volunteering so bravely to bring together
18 a roundtable discussion that has industry
19 members' input involved in it so that you
20 can come back to us and say, Councilman,
21 maybe mandatory training doesn't make
22 sense. Maybe. Maybe it does. Maybe
23 education credits or whatever we can do
24 to equally put that out there. Because
25 sometimes people don't know they're being

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2 discriminatory. I've been in community
3 rooms, and I won't name the community,
4 where someone said -- and they happened
5 to be in the minority -- was so offensive
6 to me as a minority that I just wanted to
7 scream, and they -- it went over their
8 head that they were being discriminatory.

9 So it comes in all different
10 shapes, some intentional, some
11 unintentional, some conscious and some
12 unconscious. But either way, it -- to
13 the person it's happening to, it doesn't
14 serve as a consolation that, Oh, you
15 discriminated against me, but you're a
16 minority. It doesn't bode well anyway.

17 So with that, Councilman
18 Squilla.

19 COUNCILMAN SQUILLA: Yeah.
20 Real quick too, and I appreciate your
21 testimony, and I also appreciate your
22 willingness to meet with Rue and the gang
23 and maybe anybody else that you may think
24 of. And I know Councilwoman Sanchez said
25 about GPAR and some other organizations.

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2 Because, like I said, if it's all spoken
3 to in front of everyone, everybody at the
4 same table, everybody could hear it
5 firsthand, and that's how we really get
6 something done. And maybe with the
7 information that you guys present to us,
8 we'll be able to produce something that
9 really makes sense for all. So thank
10 you.

11 I know, Rue, did you want to
12 say something?

13 MS. LANDAU: Yeah. I just
14 wanted to be really clear about
15 Philadelphia law, that we weren't
16 included in the 2008 study, and I'm not
17 sure why, but Philadelphia does protect
18 people on source of income. In fact, our
19 Fair Practices Ordinance specifically
20 lists it as a category, and we define
21 source of income in the Fair Practices
22 Ordinance that it shall include any
23 lawful source of income and shall
24 include, but not be limited to, earned
25 income; child support; alimony; insurance

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2 and pension proceeds; all forms of public
3 assistance, including TANF, Temporary
4 Assistance for Needy Families; and
5 housing assistance programs. And that
6 was added in 1980.

7 COUNCILMAN JONES: Okay.

8 Councilwoman Blackwell.

9 COUNCILWOMAN BLACKWELL: Yes.

10 Thank you very much for offering to
11 certainly include this on your website.
12 Let me say, unfortunately morality isn't
13 always the law of the land, and when
14 there's no law, there's no transgression.
15 So in spite of the fact that the suburban
16 counties were mentioned, in that study 99
17 percent of the tests were in the City
18 that Mr. Berry mentioned, and we who are
19 elected have a responsibility to make
20 sure we do all we can to protect
21 everybody, everybody within our purview,
22 all the people who elect us, and we have
23 a responsibility to be as moral as we can
24 to protect everybody in our city.

25 I again want to thank our

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2 Majority Leader for deciding that we
3 wanted to have these hearings and
4 certainly all of you who have done an
5 excellent job. Thank you for the
6 testimony, Ms. McIver, Rue Landau, PHA,
7 all of you, Mr. Berry, and Ms. Chapman,
8 all who have testified here today to
9 bring home that -- unfortunately as much
10 as we try to do, there's still a lot that
11 we can do and we must do, and that if we
12 work together, life becomes better for us
13 all.

14 COUNCILMAN JONES: Would you
15 like to have a final comment?

16 MS. McIVER: Yes. And I just
17 wanted to clarify one point, and that's
18 that out of the 341 paired tests that
19 were conducted in the Philadelphia
20 region, more than half of the tests were
21 in the City of Philadelphia. So it
22 really is a reflection of what happens in
23 the City of Philadelphia.

24 COUNCILMAN JONES: So are there
25 any other questions for this group?

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2 (No response.)

3 COUNCILMAN JONES: Thank you so
4 much for your testimony and input, and I
5 look forward to continuing input of
6 the -- number one, we're going to
7 increase the education simply by adding
8 websites, which is an easy way to
9 communicate, but also we're going to take
10 a look at this as a result of your
11 pulling together a roundtable discussion,
12 which we'd like to participate in, to
13 give us better ideas on how to impact
14 this.

15 Then, finally, we're going to
16 put our money where our mouth is where we
17 try to give more resources to people
18 tasked with these difficult -- we don't
19 want you to clean the bathroom with a
20 toothbrush. We want to give you the
21 proper equipment.

22 MR. ZASLOW: Mr. Chairman,
23 there are other things that can be done
24 so simply. Every City tax bill, every
25 water bill should have a sentence on the

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2 bottom if you know that it's a landlord
3 property, which you know it because you
4 can match it up to see if it's
5 owner-occupied or tenant-occupied. Every
6 tax bill should have a sentence on it, It
7 is illegal to discriminate.

8 COUNCILMAN JONES: My staff is
9 already writing down that as a resolution
10 during budget.

11 MR. ZASLOW: There's no
12 reason -- it's ink on a piece of paper --
13 of every bill that goes out, with other
14 things that -- I already tried to get the
15 tax bills to say that you have to have a
16 rental suitability certificate. All the
17 information that you want us to know, I'm
18 begging somebody to pass an ordinance
19 saying that it's going to be on the water
20 bill, it's going to be in the tax bills.
21 For some reason, it doesn't happen. The
22 Revenue Department says they can't to it.
23 I don't know why, but just off the cuff,
24 our website can be multiplied by a
25 hundred thousand by making sure that

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2 every single person who pays taxes sees
3 this on their tax bill, if they're
4 landlords.

5 COUNCILMAN JONES: Thank you.
6 The reason we have these hearings is to
7 hear this kind of input, and it's good
8 information and it's low-impact,
9 commonsense stuff that has wide-reaching
10 effect, and we appreciate it.

11 Councilwoman Blackwell.

12 COUNCILWOMAN BLACKWELL: And
13 also I would like us to take Ms. McIver's
14 suggestion to create a fair housing task
15 force composed of all the individuals who
16 testified today and others besides, so
17 that we may regularly and continuously be
18 involved in the issue.

19 COUNCILMAN JONES: Well, as the
20 Chair of the Housing Committee for City
21 Council, we are going to make sure
22 that -- don't volunteer in here. We will
23 take you up on it.

24 So I want to thank you all.

25 Are there any others to testify

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2 on this matter?

3 (No response.)

4 COUNCILMAN JONES: Seeing none,

5 this committee will stand at recess to

6 the call of the Chair.

7 Thank you.

8 (Joint Committees on Public

9 Safety and Housing, Neighborhood

10 Development and the Homeless concluded at

11 3:00 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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