



Pennsylvania
Human Relations Commission

Fair Housing Fundamentals

P E N N S Y L V A N I A H U M A N
R E L A T I O N S C O M M I S S I O N

Pennsylvania's Civil Rights Agency



www.pa.gov/en/agencies/phrc

**Fair Housing in
Pennsylvania:**

It's Your Right!



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Training Goals

1. Provide an overview of the PA Human Relations Commission
2. Identify relevant fair housing laws & protected classes
3. Discuss discriminatory practices
4. Provide an overview of the complaint process
5. Answer your fair housing questions



Engagement Acknowledgement



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Disclaimer

Information, materials, and/or technical assistance are intended solely as informal guidance and are neither a determination of your legal rights or responsibilities under the PHRA and/or applicable Federal laws, nor binding on any agency with enforcement responsibility under those same laws.

The Pennsylvania Human Relations Commission (PHRC)



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About the PHRC

Two-Part Mission:

1. Enforce PA Non-Discrimination Laws

Pa Human Relations Act

Pa Fair Educational Opportunities Act

2. Promote Equal Opportunity for ALL in PA



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Non-Discrimination Laws in Pennsylvania

PA Human Relations Act

- Employment
- Housing
- Commercial Property
- Public Accommodations
- Primary & Secondary Education

PA Fair Educational Opportunities Act

- Post-Secondary Education



Fair Housing Laws



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Goals of Fair Housing

Goal #1: End Housing Discrimination

Goal #2: Promote Diverse, Inclusive Communities:
Affirmatively Furthering Fair Housing



What do fair housing laws cover?

- **Sale**, and **rental** of housing, and **housing-related transactions**
- **Types of housing:** apartments, single family homes, manufactured housing communities, condominiums, public housing, nursing homes, dormitories, and more.
- **Discrimination Theories:**
 - **Disparate Treatment:** treatment that directly discriminates against a member of a protected class
 - **Disparate Impact:** a policy that impacts a member of a protected class.



Fair Housing Law overview

- **Federal:**
 - Fair Housing Act of 1968 (FHA)
 - Section 504 of the Rehabilitation Act of 1973
 - Americans with Disabilities Act of 1990 (ADA)
- **State:**
 - Pennsylvania Human Relations Act (PHRA)
- **Local:**
 - Check your local ordinances!



Housing Jurisdiction

- **Covered Providers:**
 - FHA: housing providers with 4 or more properties, unless they publicly advertise vacancies or receive federal funding
 - PHRA: housing providers with 1 or more properties
- **Filing Timeline:**
 - FHA: Complaint must be filed within 365 days of the date of the last harm
 - PHRA: Complaint must be filed within 180 days of the date of the last harm



Protected Classes

FHA

- Race
- Color
- National Origin
- Familial Status
- Religion
- Sex
- Disability

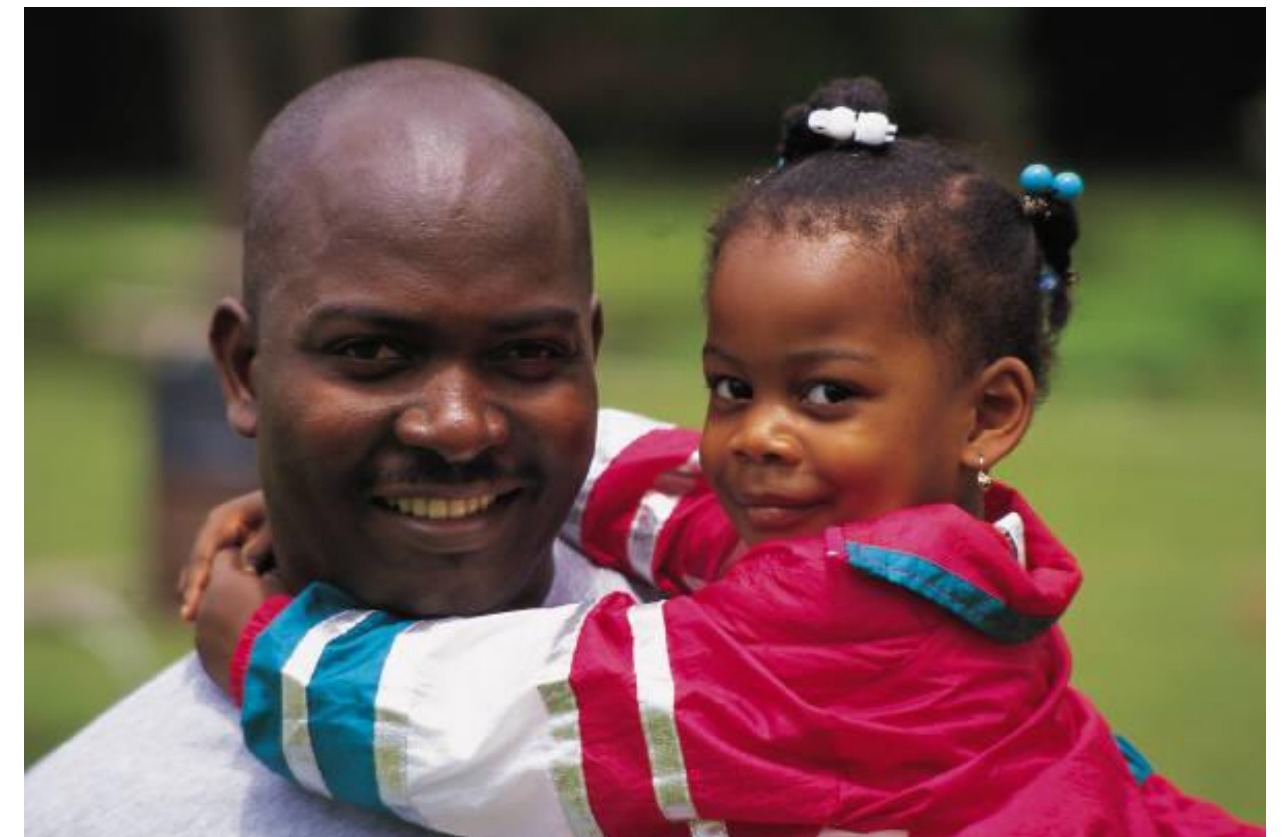
PHRA

- Race
- Color
- National Origin
- Familial Status
- Religious Creed
- Sex
- Disability
- Age (40+)
- Ancestry
- Use, handling, or training of Support Animals for Disability



Familial Status

- Families with children under the age of 18, living with parents or legal custodians
- Pregnant persons
- People securing custody of children under the age of 18
 - Foster children included
- Exemption: Housing covered by the Housing for Older Persons Act



Sex

Sex as a protected class under the PHRA

While LGBTQ+ is not considered to be a protected class under the PHRA, PHRC finalized regulations in 2023 that establish that the term “Sex” may refer to:

- Pregnancy Status
- Childbirth Status
- Breastfeeding Status
- Sex Assigned at Birth
- Gender Identity or Expression
- Affectional or Sexual Orientation
- Differences in Sex Development

These regulations are utilized by the Commission in:

- Accepting complaints,
- Conducting investigations, and
- Adjudicating cases



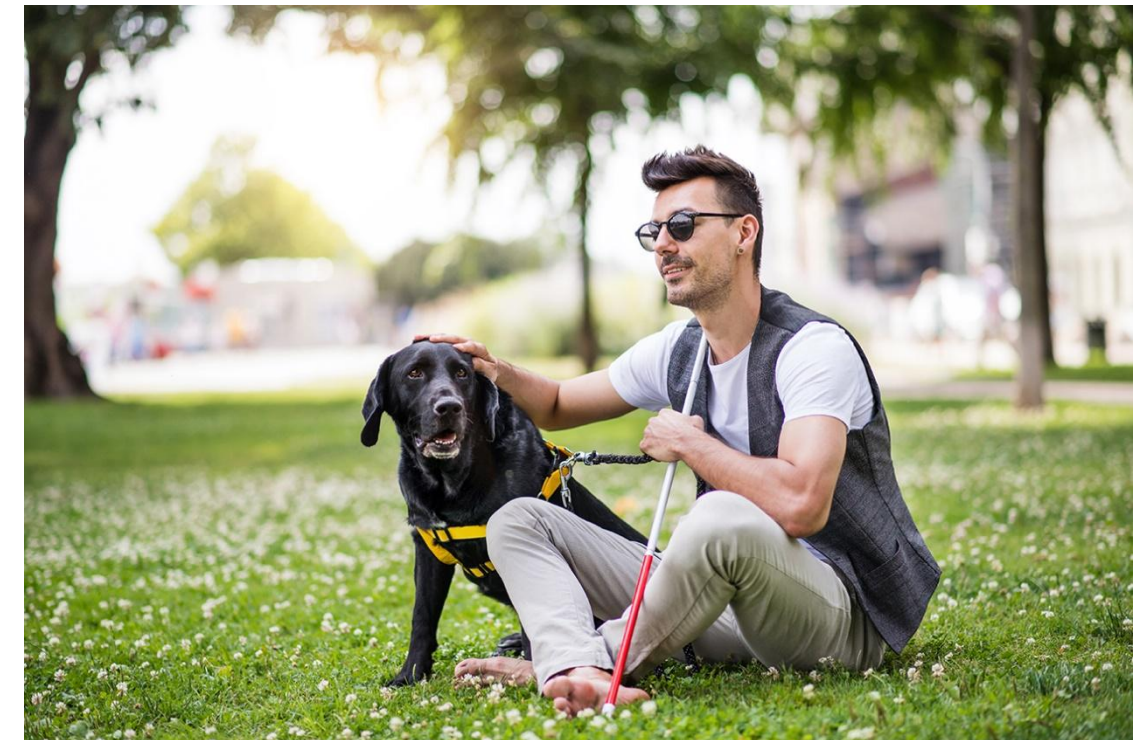
Learn more: [Policy and Law | Pennsylvania Human Relations Commission | Commonwealth of Pennsylvania \(pa.gov\)](https://www.pahrc.pa.gov/policy-and-law)



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Disability

- A physical or mental impairment that substantially limits one or more of a person's major life activities
- Examples: caring for oneself, walking, seeing, hearing, speaking, breathing, learning, and/or working
- Fair Housing Laws protect those:
 - Who have a disability
 - Who have a history of a disability
 - Who are regarded as having a disability
- Exemptions:
 - Individuals who are currently using illegal drugs are exempted from disability-related protection
 - This does NOT include those who are in active recovery
 - Individuals who pose a direct threat to the health and safety of others are also exempt from disability-related protection



Discriminatory Actions



Discriminatory Statements

Printing or circulating statements indicating a preference or limitation related to protected class.

Examples:

- Near Catholic School
- Perfect for Empty-Nesters
- Near Korean Grocery
- Great for Singles



Make Housing Unavailable

Refusing to sell, lease, finance or otherwise withhold housing or commercial property

Examples:

- A realtor not showing homes to a Latino couple because the seller knows the neighbors don't want "those kinds of people in their neighborhood."
- A bank refusing to lend money to a pregnant woman because she can't prove she will go back to work once the baby is born
- Falsely stating a property/unit is not available when it is because the landlord thinks the prospective tenant is too old to live independently.



Discriminatory Terms or Conditions

Discriminating in terms or conditions of sale, lease or financing of housing

Examples:

- Higher fees for teenagers
- Extra security deposit for service/support animals
- Increased monthly rental costs for certain races



Discriminatory Terms or Conditions

Discriminating in provision of facilities, services, or privileges connected with ownership, occupancy, or use of housing or commercial property

Examples:

- Not allowing children to use the pool
- Ignoring or taking longer to complete maintenance requests for a tenant with a mental health condition
- Unequal application of rules or lease provisions for women



Discriminatory Inquiries

Make inquiry or record related to protected class in connection with sale, lease, or financing of housing.

Examples:

- Asking if someone has a disability on a mortgage application
- Asking if a caller inquiring about an apartment for their age, or if they have children



Steering

Attempting to induce listing, sale, or other transaction, or discourage purchase or lease by making direct or indirect references to the present or future protected class composition of the neighborhood

Examples:

- Encouraging families to live near other families in an apartment complex
- Only sharing property listings in majority black-neighborhoods to black homebuyers

Learn more: [Undercover investigation reveals evidence of unequal treatment by Long Island real estate agents - Newsday](#)



Predatory Lending & Redlining

Targeting people for unfair or deceptive loans based on protected factors such as race, sex, or age.

Example:

- Settlement of a \$20 million, 4-state settlement in Greater Philadelphia area for distributing racist language about minority-majority areas; avoiding servicing minority-majority neighborhoods, and targeting advertising to majority-white neighborhoods.



Unreasonable Use of Criminal History

HUD released guidance in 2016, 2022, and 2024 regarding how housing providers can avoid discriminatory practices in tenant background screenings.

- A person's criminal history cannot be the sole factor in denying housing.
- Arrest records cannot be used in the application process.

To prevent disparate impact, a housing provider is required to consider the person in their entirety. It is suggested that a housing provider use multiple factors when approving or denying an applicant. Those factors could include reference checks, credit score, income and employment. A case-by-case analysis should include:

- Recency
- Severity
- Mitigating Circumstances

Resource: Housing Equality Center: [Best Practices for Tenant Screening | Housing Equality Center](#)



Appraisal Bias

- The use of protected classes when determining the fair market value of a property
- This has been featured in recent news articles regarding “white washing” of a property to receive a fair appraisal.
- Issues that can arise in the appraisal report:
 - Overt statements
 - Subject Property Description
 - Comparable Sales Selection
 - Adjustments
 - Reconciliation

Resource: National Fair Housing Alliance 2024 presentation: [PowerPoint Presentation](#)



Sexual Harassment

Sexual Harassment is a form of sex discrimination. It is prohibited by the Fair Housing Act and by the Pennsylvania Human Relations Act as well as other federal laws. In September 2016, HUD released a final rule on this matter.

There are two main types of harassment:

- **Quid pro quo** - When a housing provider subjects a person to an unwelcomed request or demand for sexual favors and submitting is a condition of obtaining or maintaining their housing or housing related services.
- **Hostile Environment** - When a person is subjected to unwelcome conduct that is sufficiently severe or pervasive such that it interferes with or deprives the tenant of their right to use and enjoy their housing



Sexual Harassment

Common Sense tips to avoid harassment claims:

- Establish policies against harassment and ensure staff get regular training
- Make sure that staff and residents know how to report potential issues of harassment
- Keep housing transactions professional with residents and potential residents
 - Do not initiate hugs, kisses, or any form of touching
 - Do not make comments, especially regarding someone's physical appearance
 - Do not ask personal questions
 - Do not enter a resident's unit unless needed for maintenance or inspection purposes



Reasonable Accommodations & Modifications

In addition to the protections we covered so far, individuals with disabilities may also request reasonable accommodations and modifications that are needed to use and enjoy their housing.

What's the difference?

- A **Reasonable Modification** is a structural change made to the premises.
- A **Reasonable Accommodation** is a change, exception, or adjustment to a rule, policy, practice, or service.



Reasonable Modifications

It is discriminatory to refuse to allow a person with a disability permission to modify and pay for changes to enable them to use a facility.

- A housing provider may require the residents to restore interior to original condition at the end of tenancy, minus wear and tear.
- NOTE – if the housing provider receives federal funds they are required to pay for the modification, not the tenant

Examples:

- Not allowing a resident to install grab bars in a bathroom
- Not allowing a resident in a wheelchair to construct a ramp



Reasonable Accommodations

It is discriminatory to refuse to make reasonable accommodations in rules, policies, practices, or services necessary to afford equal opportunity for a person with a disability to use and enjoy a housing accommodation.

Examples:

- Not allowing a person with a disability income to pay their rent on a different date than other tenants
- Not designating reserved parking for an individual with a disability who needs it to access their housing
- Not allowing a person with a disability to have a service animal when there is a no pet policy
- Not adjusting zoning policies needed to allow for a group home for individuals with disabilities.

Resource: HUD Assistance Animal request guidance: [HUDAsstAnimal-01-28-2020.pdf](#)



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Best Practices for Reasonable Accommodation Requests

A Housing provider should:

- Have an established policy for handling requests
- Document everything in writing
- Limit information requested to what is needed to process the request
- Allow sufficient time for documentation to be submitted
- Respond in a timely manner (within 10 days)
- Engage in interactive dialogue to meet the needs of the tenant



The Complaint Process



Contact Us

**To file a complaint, contact the regional office nearest you or
by
calling (717) 787-4410 | (717) 787-7279 TTY users only**

Harrisburg

555 Walnut Street, Suite 808
Harrisburg, PA 17101
717-787-9780
717-787-7279 (TTY)

Philadelphia

110 N. 8th St. Suite 501
Philadelphia, PA 19107
215-560-2496
215-560-3599 (TTY)

Pittsburgh

301 5th Ave. Suite 390
Piatt Place, Pittsburgh, PA 15222
412-565-5395
412-565-5711 (TTY)



phrc@pa.gov



www.pa.gov/en/agencies/phrc

Follow Us:



Intake

- If a person believes they have experienced housing discrimination, their first step is to connect with PHRC's intake team.
- They will be asked to fill out a housing questionnaire to provide contact information, what they experienced, and who they are filing a complaint against.
- The intake team will assess their information to see if this is a situation that PHRC can investigate under state law.
- If the complaint is jurisdictional and timely, the intake team will help them finalize their complaint, then the person who was filed against will be notified.



Investigation

- They will be asked to provide information to a neutral investigator, who is responsible for investigating if there was a violation of the PHRA
- This investigator may ask for documents, interview witnesses, to hold a fact-finding hearing, or seek other ways of obtaining evidence.
- Mediation services may be an option, depending on the case and if both parties agree to mediation.
- The investigator will also explore if it is possible to settle the case before a finding.



Finding

- If the case proceeds to a finding, there are two possible outcomes:
 - Probable Cause
 - No Probable Cause
- If probable cause is found, the case may be conciliated, advance to public hearing, or be filed in court. At this point, the goal is to seek a remedy for the discrimination that occurred.
- The amount of time it takes to investigate a case varies, based on the evidence, the speediness of responses, and other factors.



Potential Housing Case Remedies

- Reasonable accommodation or modification is made
- Changes to lease and/or other policies
- Posting of Fair Housing Notices
- Training for Respondents
- Reimbursement of fees and out-of-pocket expenses
- Money for humiliation & embarrassment
- Civil Penalties



Recent Housing Awards

\$1.5 million – Housing provider failed to provide accessible units and ignored requests for reasonable accommodations for tenants with disabilities

\$100,000 – Maintenance worker sexually harassed a female tenant

\$90,000 – Housing provider revoked lease and failed to address neighbor harassment based on race

\$77,000 – Housing provider made discriminatory statements and refused to rent to a household based on familial status



PHRC Fair Housing Resources

- PA Fair Housing Line: 855-866-5718
- Free housing [training programs](#)
- Monthly housing webinars: [Fair Housing Empower Hour](#)
- [Brochures and fact sheets](#)
- [PHRC Speaks: Fair Housing Forward](#)
- [The State of Fair Housing in the Commonwealth of PA](#)



Contact Us

Central Office

555 Walnut Street, Suite 808

Harrisburg, PA 17101

717-787-4410

Brittany Mellinger, Fair Housing Training and Outreach Coordinator
bmellinger@pa.gov

Fair Housing Line: 855-866-5718

