

PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN RELATIONS COMMISSION :
 COMPLAINANT :
 vs. : Docket No. E-4217
 MERCER COUNTY HOUSING AUTHORITY :
 RESPONDENT :

CONSENT ORDER AND DECREE

WHEREAS, a complaint has been filed against Mercer County Housing Authority, located at 335 Quimby Street, Sharon, Pennsylvania, hereinafter called the respondent, by the Pennsylvania Human Relations Commission, whose address is 100 North Cameron Street, Harrisburg, Pennsylvania, hereinafter called the complainant, alleging that the respondent is in violation of Section 5 (a) of the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, as amended by the Act of February 28, 1961, P.L. 47, and

WHEREAS, the Pennsylvania Human Relations Commission, after investigating the facts of the complaint, has found probable cause to believe that the respondent is in violation of the Human Relations Act, and

WHEREAS, the respondent states that he signs this agreement without duress of any kind and with the intent to be legally bound thereby, and

WHEREAS, for the purpose of avoiding litigation, the respondent does hereby agree to waive any Public Hearing to which he may be entitled to under the Pennsylvania Human Relations Act and Regulations promulgated thereunder and to the entry of the following Consent Order and Decree having the full force and effect of a Commission order following a Public Hearing.

NOW, THEREFORE, this fifth day of April 1972 the respondent and the Pennsylvania Human Relations Commission agree as follows:

A. General Principles

1. The respondent, his agent and employees will fully comply with all sections of the Pennsylvania Human Relations Act, and will henceforth establish a specific program of affirmative action set forth below to assure that the recruitment and hiring practices of the employer afford equal employment opportunities for minority group members.

2. All recruitment, hiring, promotion, practices and all other terms, conditions and privileges of employment shall be done in a manner that does not discriminate on the basis of race, color, sex, religion or national origin.

B. Recruiting

1. Affirmative action requires that specific efforts be made to broaden the sources of applicants to include such organizations as State Employment Service, Urban League, private employment agencies, community referral sources, schools, colleges or any agency capable of referring minority applicants with the requisite skills.
2. Copies of housing authority policy on equal employment are to be sent to all recruitment sources.
3. The policy and programs concerning equal employment shall be publicized and communicated in management and employe newsletter.
4. Special effort is to be made to emphasize to local community leaders and particularly leaders of minority groups the Housing Authority's sincere dedication to the principles of equal opportunity.
5. Job descriptions and required qualifications should be established for all jobs.
6. Within thirty (30) days of this agreement, respondent shall estimate the number of vacancies he expects during the coming three-month period in each job which will not be filled by promotion under a valid union or individual contract. Respondent will notify recruiting sources of each such job, expected number of vacancies, qualifications required and starting pay. A copy of the estimate will be sent to Pennsylvania Human Relations Commission, and a similar estimate made and forwarded in each succeeding three-month period for the next three (3) years.

C. Selection

1. Respondent stipulates that successful job applicants will be hired and assigned regardless of race, color, religious creed, nationality, age, and sex, in all capacities or job classifications.
2. Affirmative Action File
 - a. Applications of members of minority groups which are not accepted or rejected shall be placed in a separate file to be known as an affirmative action file. In this file will be applications of all minority group applicants who are qualified for any position with the employer and those whose qualifications haven't been established.
 - b. As job vacancies occur for which no minority group applicant is then presently available, the employer will first consult the Affirmative Action File to determine if qualified applicants are available from the minority group members listed in the file.

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- c. Before consulting their other sources for applicants, the employer will give every consideration to the hiring of applicants from this file.
 - d. If, after further review, at the time a vacancy is available the employer concludes the applicant is not qualified and cannot become qualified, he should remove his name from the file and notify him and the appropriate organization and agencies. If the applicant is still considered qualified, the employer shall note on the file the date of each review and the reason for rejection. If the employer thinks that certain steps taken by the applicant could qualify him for employment, he will inform the applicant and the referral source, in writing, with a copy in his file.
 - e. The maintenance and use of this file does not require exclusion from consideration of other applicants, nor does it imply a quota system for hiring of any racial or ethnic group.

D. Other provisions

1. The Commission may review the course of the relationships established under this agreement at reasonable times, and shall do so promptly at the request of the employer or any organization participating in the relationships defined herein. This review will have as its objective the determination of whether these procedures are achieving the results of improving employment opportunity for minorities, and if the procedures require modification or abandonment, the Commission will so advise the employer. To the extent that weaknesses in the supply side of labor market and the respondent's relatively low turnover rate may impede the operation of these procedures, the Commission will try to:
 - a. identify the weaknesses
 - b. communicate them to the institutions which influence them, and
 - c. use its good offices to seek improvement.
2. If, at the conclusion of the review periods the violations have not been corrected, the Commission may take appropriate action, including the institution of judicial proceedings to secure compliance with this agreement.

D. Richard Cook, Executive Director
Mercer County Housing Authority

Homer C. Floyd, Executive Director
Pennsylvania Human Relations Commission

Approved at a meeting of the Pennsylvania Human Relations Commission held
this day of 1972.

E. E. Smith, Chairman

Attest:

Dr. Robert Johnson Smith, Secretary

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN RELATIONS COMMISSION, Complainant
vs. DOCKET NO. H-1550
CITY OF WILLIAMSPORT, WILLIAMSPORT PLANNING COMMISSION, WILLIAMSPORT HOUSING AUTHORITY, AND PENN STATE CONSTRUCTION, INC., Respondents

FINDINGS OF FACT, CONCLUSIONS OF LAW, COMMISSION'S DECISION AND FINAL ORDER

1. Complainant herein is the Pennsylvania Human Relations Commission, an administrative agency of the Commonwealth of Pennsylvania.
2. Respondents herein are the City of Williamsport, a city of the third class in the Commonwealth of Pennsylvania; Williamsport Planning Commission; Williamsport Housing Authority, created by resolution of the Williamsport City Council; and Penn State Construction, Inc.; a Pennsylvania corporation.
3. Respondents are responsible for the planning, approval, and/or construction of the following proposed public housing projects in Williamsport, Lycoming County, Pennsylvania:
 - a) Roundhouse Housing Project, to contain 125 units on 6.97 acres of land (A 75-unit high-rise building for the elderly is also planned and approved for the same site on an additional .5 acre).
 - b) Newberry Housing Project, to contain 100 units on 9 acres of land.
4. On April 15, 1969, the City of Williamsport established the Williamsport Housing Authority.

10. Following newspaper advertisements for proposals to be submitted by developers for construction of 100 units of public housing, the Williamsport Housing Authority selected Penn State Construction, Inc. from two developers who submitted proposals, as the developer of the Newberry Housing Project.

11. The Roundhouse Housing Project will have 408 bedrooms as follows:

Two bedrooms	- 24
Three bedrooms	- 60
Four bedrooms	- 25
Five bedrooms	- 16

12. The Newberry Housing Project will have 307 bedrooms as follows:

One bedroom	- 10
Two bedrooms	- 16
Three bedrooms	- 40
Four bedrooms	- 25
Five bedrooms	- 9

13. Based upon a uniform but approximate projection of two (2) persons per bedroom, the Roundhouse Housing Project will house approximately 816 persons.

14. Based upon a uniform but approximate projection of two (2) persons per bedroom, the Newberry Housing Project will house approximately 614 people.

15. Roundhouse Housing Project which is to be built on 6.97 acres of land, will have an approximate density of 117.1 persons per acre of land.

16. Newberry Housing Project, which will be built on 9 acres of land, will have an approximate density of 68.2 persons per acre of land.

17. Residents of the area in which the Newberry Housing Project will be located have access to a substantially greater amount of park and playground area than the residents of the Roundhouse Housing Project area.

18. Based upon the U. S. Census of 1970, the average size of Black families in Williamsport is 3.3 persons, while the average size of white families is 2.8 persons.

19. Roundhouse Project is to be built in U. S. Census Enumeration District #72, which has a 40% Black population.

20. Roundhouse Project is to be built in area containing four Census Enumeration Districts (#72, #75, #69 and #65) which contain 85% of the total Black population of Williamsport.

21. The Census Enumeration District in which the Newberry District is being constructed contains no non-white residents.

22. The Lycoming County Housing Authority controls and administers the following public housing projects:

<u>NAME</u>	<u>RACIAL COMPOSITION</u>
a) Michael Ross	95-99% white
b) Penn Vale	95-99% white
c) Peter Herdic	95-99% Black

23. The Lycoming Housing Authority was unable to secure white tenants to move to Peter Herdic and correct the racial imbalance existing there because of the alleged "reluctance" of white persons to move to that area of Williamsport because of the high concentration of Black residents residing there.

24. The Roundhouse Project will be located immediately adjacent to the Peter Herdic Housing Project.

25. Based upon analogous housing situations and experiences within the Commonwealth of Pennsylvania, a substantial probability exists that if the Roundhouse Project is constructed in the location now planned, it will acquire the racial characteristics of the Peter Herdic Housing Project and will house a predominantly Black tenant population.

26. The Newberry Housing Project is being built in an area of Williamsport containing no other public housing projects.

27. Respondents failed to adequately consult with the Black community of Williamsport in the planning of the Roundhouse and Newberry Housing Projects prior to their approval.

28. Members of the Black community of Williamsport have expressed objections to the following aspects of the Roundhouse Project:

- a) Increased population density of the area;
- b) Inadequacy of recreational facilities;
- c) Possibility that substantially all residents of the project will be Black.

29. The Williamsport Housing Authority was not aware of the concerns of the Black community at the time the Roundhouse and Newberry Projects were approved.

30. Members of Williamsport's Black community were permitted access to the plans for the Roundhouse Project by Respondent Housing Authority for a period of only twenty-four (24) hours, and were denied access to the plans for the Newberry Project.

31. Mayor Carey of Williamsport advised members of City Council and William Miller, Executive Director of the Housing Authority, not to attend a public hearing requested by representatives of the Black community to discuss the proposed Roundhouse and Newberry Housing Projects.

32. At a meeting of the City Council of Williamsport which was open to the public, members of the Black community who attempted to raise objections to the Roundhouse Project were advised that the police would be called if they did not "shut up."

33. Respondent Williamsport Housing Authority has taken no official action to insure racial integration of both the Roundhouse and Newberry Housing Projects.

34. Paul L. Anderson, Vice-Chairman of the Williamsport Housing Authority, and its sole Black member, indicated that it is projected that nine (9) whites will apply for public housing for every Black that applies, despite the fact that the ratio of white to Black residents in Williamsport is 32 to 1.

35. According to Paul Anderson, the demand for public housing by Black residents of Williamsport will increase because of the general unavailability of private housing for Blacks in the Williamsport metropolitan area.

CONCLUSIONS OF LAW

1. At all times herein mentioned, Respondents participated in the planning, approval, and/or construction of the proposed 300 units of public housing in Williamsport, Lycoming County, Pennsylvania.

2. At all times herein mentioned, Complainant had and still has jurisdiction over the subject matter of these proceedings and over Respondents.

3. Respondents have proposed, planned, approved, and/or are presently or will in the future construct the Roundhouse Housing Project and the Newberry Housing Project in the City of Williamsport.

4. The Roundhouse Housing Project, if constructed, will have the following negative factors:

- a) Location in an area of Williamsport of high racial density, to wit, an area in which 85% of the Black citizens of Williamsport reside.
- b) Site location adjacent to a housing project of the Lycoming County Housing Authority whose residents are 95%-99% Black.
- c) A substantially greater number of large housing units suitable for occupancy by large families.
- d) A population density rate substantially higher than the Newberry Housing Project.
- e) Access to substantially less playground and park area than the Newberry Project.

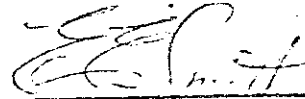
5. Said negative factors of the proposed Roundhouse Project are due, in part, to the failure of the Respondents to adequately consult with the Black community of Williamsport in the planning of said housing projects prior to their approval.

6. In light of the foregoing, there exists a substantial certainty that as a consequence of constructing the Roundhouse Housing Project in its proposed form and location, its residents will be predominantly Black and said residents will be subject to discrimination in the furnishing of facilities, services and/or privileges in connection with the occupancy or use of said Project, all of which constitutes a violation of Section 5(h)(3) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended.

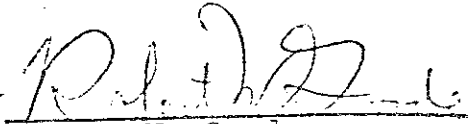
7. Because Respondent Williamsport Housing Authority has failed to take any measures to ensure that the racial composition of the Newberry Housing Project will reasonably reflect the racial composition of persons who are eligible and having applied to said Respondent for housing, there exists a substantial certainty that the Newberry Housing Project, when constructed, will not reasonably reflect said racial composition, all of which constitutes a violation of Section 5(h)(3) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended.

IT IS, therefore, recommended that the Commission enter an Order against Respondents requiring that they cease and desist from the construction of the Roundhouse Housing Project or any other housing project of this nature on the site location of the proposed Roundhouse Project. It is also recommended that the Respondent Williamsport Housing Authority be ordered to take whatever measures may be necessary to ensure that the racial composition of the tenants of the Newberry Housing Project reasonably reflects the racial composition of persons who are eligible and have applied to said Respondent for housing. It is

further recommended that the Motion to Dismiss Complaint filed
by Respondent Penn State Construction Company, Inc. be denied.



E. E. Smith
Presiding Commissioner



Robert W. Goode
Hearing Commissioner



Andrew G. Freeman
Hearing Commissioner

COMMISSION'S DECISION

AND NOW, the 31st day of July, 1972, upon the recommendation of the Hearing Commissioners and upon all the evidence at the public hearing of this case and in consideration of the Findings of Fact and Conclusions of Law, the Pennsylvania Human Relations Commission, by unanimous decision, finds and determines that Respondents City of Williamsport, Williamsport Planning Commission, Williamsport Housing Authority and Penn State Construction, Inc., have engaged in unlawful discriminatory practices in violation of Section 5(h)(3) of the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, as amended, in that by its actions and procedures it has planned, approved, and is constructing or will construct in the future, public housing projects in the City of Williamsport, and that there exists a substantial certainty that:

(1) The Roundhouse Housing Project will house predominantly Black residents who will be subject to discrimination in the furnishing of inferior facilities; services and/or privileges in connection with the occupancy or use of said Project; and

(2) The racial composition of the Newberry Housing Project will not reasonably reflect the racial composition of persons who are eligible and have applied to Respondent Williamsport Housing Authority for housing accommodations.

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN RELATIONS
COMMISSION,

Complainant

vs.

CITY OF WILLIAMSPORT,
WILLIAMSPORT PLANNING COMMISS-
ION, WILLIAMSPORT HOUSING
AUTHORITY, AND PENN STATE
CONSTRUCTION, INC.,

Respondents

DOCKET NO. H-1550

FINAL ORDER

AND NOW, this 31st day of July, 1972, upon consider-
ation of the foregoing Findings of Fact, Conclusions of Law,
Commission's Decision and pursuant to Section 9 of the Pennsyl-
vania Human Relations Act, it is hereby

ORDERED :

1. That Respondents City of Williamsport, Williamsport
Planning Commission, Williamsport Housing Authority and Penn
State Construction, Inc., their and each of their respective
officers, agents, representatives and employes, jointly and
severally, cease and desist from the planning and construction of
the Roundhouse Housing Project in its present location.

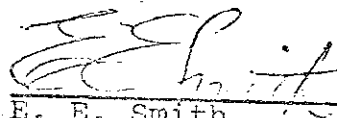
2. If any or all of the Respondents desire to plan and
construct public housing facilities on a site other than that
of the proposed Roundhouse Housing Project, the proposal of same
shall be submitted to the Pennsylvania Human Relations Commission
prior to an advertisement for developers' proposals. Said plan
shall include specific proposals for consultation with the black

community of Williamsport and other residents of the City with regard to the feasibility and acceptability of said plan.

3. That Respondent Williamsport Housing Authority take whatever measures may be necessary to ensure that the racial composition of the tenants of the Newberry Housing Project reasonably reflects the racial composition of persons who are eligible and have applied to said Respondent for housing.

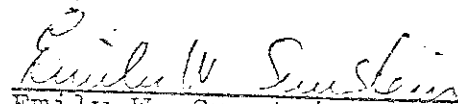
4. The Motion of Respondent Penn State Construction, Inc. to Dismiss the Complaint is denied.

PENNSYLVANIA HUMAN RELATIONS
COMMISSION

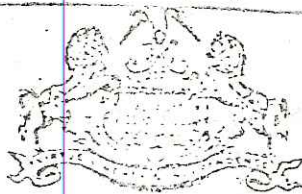


E. E. Smith
Chairman

ATTEST:



Emily W. Sunstein
Assistant Secretary



MAYOR
JOHN R. CODER
EXTENSION 21

DIRECTOR OF
FINANCE & PERSONNEL
S. JAMES BASSETT
EXTENSION 31

DIRECTOR OF
PUBLIC SAFETY
JOHN M. SAMOBY
EXTENSION 28

City of Williamsport
Williamsport
Pennsylvania

September 1, 1972

Mr. Homer C. Floyd
100 N. Cameron Street
Fourth Floor
Harrisburg, PA 17101

Dear Mr. Floyd:

Reference is made to your letter of August 31, 1972, directing my attention to the Human Relations Commission's decision and final order in the above captioned case. Specifically, that order requires affirmative action be taken by the respondents under direct violation of the Human Relations Commission.

Kindly be advised that attached you will find copies of correspondence I directed to both the Williamsport Housing Authority and the Penn State Construction Company, Inc. In this regard, I am eager to assure the City's compliance with the Commission's final order, and to the full extent of my power I have done so.

On this date, September 1, 1972, I contacted Mrs. Henderson of your office and explained to her that the City of Williamsport wishes to cooperate in every way possible and any noncompliance by other respondents to this action I am unable within my jurisdiction to control.

Very truly yours,

John R. Coder
Mayor

JRC/jf

cc: Mr. Scott Williams

Attachment

PETITIONER'S EXHIBIT "B"