

DAVIS

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

PATRICIA MADDEN,	:	
Complainant	:	
	:	
vs.	:	DOCKET NO. H-1930
	:	
WARREN SEIDERS,	:	
Respondent	:	

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

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HISTORY OF THE CASE

This case involves a complaint filed with the Pennsylvania Human Relations Commission (hereinafter the "Commission") as Docket Number H-1930 charging the Respondent, Warren Seiders, with increasing the Complainant's rent from fifty dollars (\$50) to one hundred dollars (\$100) per month because of the race of the Complainant's friend, Black, and further that the Respondent harrasses the Complainant because of the race of the Complainant's friend, Black.

The Complainant charges that this conduct was in violation of Section 5(h)(3) of the Pennsylvania Human Relations Act (Act of October 27, 1955, P.L. 744 as amended).

The Respondent filed an Answer to the Complaint denying any unlawful discriminatory actions. An investigation into the allegations contained in the complaint was made by representatives of the Commission and a determination was made that there was probable cause to credit the allegations therein. Thereupon, the Commission endeavored to eliminate the unlawful practices complained of by conciliation. These endeavors were

unsuccessful and on September 25, 1974, a Public Hearing was convened pursuant to Section 9 of the Act. The Hearing Panel consisted of Commissioner Everett E. Smith, Chairperson and Commissioners Doris M. Leader and Andrew Freeman. The Respondent had agreed to waive three Commissioners. Commissioner Andrew Freeman subsequently resigned and the transcript was reviewed by Commissioner Robert Johnson Smith.

The Hearing Panel, upon consideration of the transcripts, recommended by unanimous vote that the Commission find in favor of the Complainant. The full Commission adopted the recommendation of the Panel.

FINDINGS OF FACT

I. THE MERITS OF THE CHARGE OF UNLAWFUL DISCRIMINATION

1. The Complainant, Patricia Madden, is a Caucasian female whose friends include male member of the Black race.

2. The Respondent, Warren Seiders, is of the Caucasian race. Mr. Seiders was the Complainant's landlord for approximately two years. (T. 6)

3. The Respondent rented to the Complainant without imposition of "any terms or conditions". (T. 8)

4. The Respondent did not at the time of initial rental place conditions as to guest. (T. 8)

5. The Complainant at all times made timely payment of rent. (T. 9)

6. The Respondent subsequently asked the Complainant to vacate the property in October 1972, by letter from his Attorney stating that he sought the apartment for "personal purposes" after orally indicating various reasons including drunkenness and the presence of a Black visitor. (T. 10, 11, 12)

7. That the Respondent increased her rent one hundred percent (100%). (T. 14)

8. The Complainant had a Black male visitor as well as other male visitors. (T. 23)

9. That on the single occasion when the Complainant had been inebriated and required assistance, the Respondent had not complained. (T. 28)

10. That the Complainant was advised by the Respondent that if the Complainant did not have any Black guest then the Complainant could stay and the rent would not be raised. (T. 41, 42)

11. That another tenant, Miss Jane Perkins, informed Commission Representative Kenneth Connor that she knew that the Respondent was going to increase the Complainant's rent if the Complainant continued to see the Complainant's Black male friend. (T. 50)

12. The Respondent on November 30, 1972, in an interview with Commission Representative Kenneth Connor and Eileen Burke, indicated that he, the Respondent, was evicting the Complainant for seeing a Black male. (T. 51)

13. Further, the Respondent admitted to the aforesaid Commission Representative that he, the Respondent, never had Black tenants, had misrepresented to a prospective tenant, a Black male, that an apartment was being painted, and thus was unavailable when it was not. The Respondent indicated his actions were based on the fact that he just did not want to rent to Black people. (T. 51, 52)

14. The Respondent asserted that he sought the unit for immediate occupancy by a relative but the unit actually was unoccupied two months after the Complainant, Patricia Madden was required to vacate. (T. 55, 65, 66, 67)

15. The Respondent advised Commission Representative, Kenneth Connor, that the basis of the rent increase for the Complainant from \$50 to \$100 was because she was seeing a Black male friend. (T. 62)

16. The Respondent advised Commission Representatives, Kenneth Connor and Eileen Burke, that he had raised the Complainant's rent and would raise it again in order to stop the Complainant from seeing her Black male friend or to get her to move. (T. 73, 74, 76, 77)

17. The Respondent testified that the rent increase was directly attributable to the presence of the male visitor. (T. 97, 98)

18. The Respondent testified that his other tenants knew "what was required of them" which included not having "somebody coming in that wasn't appropriate." (T. 102)

19. Respondent testified that the only visitor he questioned was the Complainant's Black male friend. (T. 102, 103)

20. Respondent testified that he considered the marital status of the tenants and their friends ("other than the Complainant") as "none of his business". (T. 103)

21. The Respondent testified that the Complainant's Black male friend was the only visitor investigated. (T. 112)

22. The Respondent testified that the Complainant, Patricia Madden, was the only tenant whose rent was increased and the sole reason was that "this guy comes in and out too much." (T. 114)

23. The Respondent testified that the tenants and neighbors were "bouncing on me about having a 'whatcha call him' coming in" (the reference being to the Complainant's Black male friend). (T. 115)

24. The Respondent testified that if the Complainant's Black male friend had been White and acted in the same manner, that the Respondent would have taken no action. (T. 116)

25. The Black male friend testified that as a result of the complaint, he felt it necessary to stop seeing the Complainant and that they ended their relationship. (T. 86)

## CONCLUSIONS OF LAW

### I. THE MERITS

1. The Commission had and still has jurisdiction over the Complainants and Respondents and subject matter of the complaint under the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended.

2. The Respondent's conduct in raising the rent of Complainant and harrassing her because of the race of her companion, Black, was in violation of Section 5(h)(3) of the Pennsylvania Human Relations Act.

3. The Respondent's subsequent conduct in questioning the Complainant's Black male guest, while not similarly questioning White guests of other tenants which action led the Complainant's Black male friend to terminate their relationship, constitutes a violation of Section 5(h)(3) of the Act.

4. The Respondent's subsequent conduct in harrassing the Complainant including terminating her lease because of the race of her male friend, Black, was in violation of Section 5(h)(3) of the Act.

5. The Respondent Warren Seiders, individually, is solely liable to the Complainant for the unlawful discriminatory conduct.

6. - The Commission has authority under Section 9 of the Act to order the Respondent to cease such unlawful discriminatory acts and to take such affirmative actions as will effectuate the purpose of the Act.

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GOVERNOR'S OFFICE  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

PATRICIA MADDEN, :  
Complainant :  
vs. : DOCKET NO. H-1930  
WARREN SEIDERS, :  
Respondent :

COMMISSION'S DECISION

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 1975,  
upon consideration of the History of the Case, Findings of Fact,  
Conclusions of Law and Transcript of Testimony, and Recommenda-  
tions of the Hearing Commissioners, the Pennsylvania Human  
Relations Commission finds and determines that Respondent Warren  
Seiders has committed unlawful discriminatory practices in  
violation of Section 5(h)(3) of the Pennsylvania Human Relations  
Act, supra, in that the Respondent, on the basis of the race,  
Black, of the Complainant's male friend did increase the Com-  
plainant's rent and said Respondent did for the aforesaid reason  
further harrass the Complainant and her Black male friend.

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PATRICIA MADDEN, :  
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WARREN SEIDERS, :  
Respondent :

FINAL ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 1975,  
upon consideration of the foregoing Findings of Fact and  
Conclusions of Law, and pursuant to Section 9 of the Pennsylvania  
Human Relations Act, supra, the Pennsylvania Human Relations  
Commission

ORDERS:

1. The Respondent shall cease and desist from all unlawful discriminatory practices including but not limited to refusal to lease commercial housing because of the race and/or color of any prospective tenant or of their companions, friend or visitors.
2. The Respondent shall offer full, equal and non-discriminatory assistance without regard to race, color, religious creed, nationality, ancestry, handicap, disability, sex or because of the presence of a guide dog due to the blindness of the user, to all responsible persons who come to the Respondent(s) seeking assistance in obtaining housing accommodations.
3. The Respondent shall post the Fair Housing Practices Notice citing the provisions of the Pennsylvania Human Relations



Act relating to housing in a conspicuous and well-lighted place in his normal place of business where both present and prospective customers and clients will normally see it and be able to read it.

4. The Respondent shall from the effective date of this Order include in all advertising for commercial housing accommodations or other real property which the Respondent owns, operates, or for which he acts as an agent, manager, or broker or in any manner furnishes facilities or services in connection therewith the words "Equal Opportunity Housing." The Respondent may also use the Equal Opportunity Logotype.

5. If any clause, sentence, paragraph or part of this Order or the application thereof to any person or circumstance, shall for any reason be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Order nor the application of such clause, sentence, paragraph or part to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part hereof and to the person or circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the Commission's intent that this Order would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

ATTEST:-

PENNSYLVANIA HUMAN RELATIONS  
COMMISSION

By: \_\_\_\_\_

\_\_\_\_\_  
Dr. Robert Johnson Smith,  
Secretary

\_\_\_\_\_  
Joseph X. Yaffe,  
Chairperson