

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

LINDA C. SUTTON,
(COMPLAINANT)

VS.

DOCKET NO. H-2256

FRANK A. MCKEE, OWNER OF
MERION TRACE APARTMENTS
d/b/a GRANGE CONSTRUCTION COMPANY, INC.
(RESPONDENT)

PENNSYLVANIA HUMAN RELATIONS COMMISSION,
(COMPLAINANT)

VS.

DOCKET NO. H-2258

FRANK A. MCKEE, OWNER OF
MERION TRACE APARTMENTS
d/b/a GRANGE CONSTRUCTION COMPANY, INC.
(RESPONDENT)

MAUD BLUE AND
MARY BLUE, Husband and Wife,
(COMPLAINANTS)

VS.

DOCKET NO. H-2263

FRANK A. MCKEE, OWNER OF
MERION TRACE APARTMENTS
d/b/a GRANGE CONSTRUCTION COMPANY, INC.
(RESPONDENT)

ALVIN L. HILL,
(COMPLAINANT)

VS.

DOCKET NO. H-2264

FRANK A. MCKEE, OWNER OF
MERION TRACE APARTMENTS
d/b/a GRANGE CONSTRUCTION COMPANY, INC.
(RESPONDENT)

CONSENT ORDER & DECREE

WHEREAS, complaints were filed against Frank A. McKee, owner of Merion Trace Apartments d/b/a Grange Construction Company, Inc., located at 100 South Shadeland Avenue, Drexel Hill, Pennsylvania, 19026 (hereinafter called the Respondents) by the following complainants on or about the following dates:

a) H-2256 - Linda C. Sutton, Merion Trace Apartments, #B-413, 69th Street & Keystone Avenue, Upper Darby, Pennsylvania, on May 20, 1974, as amended May 30, 1974, and June 8, 1974.

- b) H-2258 - Pennsylvania Human Relations Commission, 100 North Cameron Street, Harrisburg, Pennsylvania 17101, on May 24, 1974, as amended June 17, 1974.
- c) H-2263 - Maud Blue and Mary Blue, husband and wife, 6212 Chestnut Street, Philadelphia, Pennsylvania 19139, on June 3, 1974, as amended June 21, 1974.
- d) H-2264 - Alvin L. Hill, 1438 North 58th Street, Philadelphia, Pennsylvania, on May 31, 1974;

alleging that on or about to wit May 17, 1974, May 20, 1974, May 31, 1974, and January 16, 1974 and continuing thereafter the Respondent violated Section 5(h)(1) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended (43 P.S. § 951 et seq.) in connection with commercial housing accommodations known as Merion Trace Apartments and located at 69th Street and Keystone Avenue, Upper Darby, Pennsylvania, and

WHEREAS, the Respondent denied the allegations of the Complainants and without any admission by the Respondent or findings or conclusions by the Commission of any violation by the Respondent of any of the aforementioned statutes or any regulations adopted pursuant thereto, and

WHEREAS, for the purposes of avoiding further litigation before the Commission, the Respondent does hereby agree to a waiver of his right to a public hearing under Section 9 of the Pennsylvania Human Relations Act, as amended, and to the entry of the following Consent Order and Decree which shall have the full force and effect of a Commission Order following a Public Hearing:

NOW THEREFORE, this 28th day of March, 1976, the Respondent and the Pennsylvania Human Relations Commission agree to the following:

ORDER AND DECREE

1. The Respondent and his agents and employees will fully comply with the Pennsylvania Human Relations Act, as amended and will not:
 - a. Directly or indirectly refuse to sell, rent, lease, or in any way discriminate because of race, color, religious creed, national origin, ancestry, sex, handicap or disability, or the presence of a guide dog due to the blindness of the user, in the terms, conditions, or privileges of the sale, rental, or lease of any and all commercial housing accommodations which the Respondent

own(s), operates or for which he act(s) as an agent, manager or broker, or in the furnishing of advantages, privileges, facilities or services in connection therewith.

2. The Respondent and his agents and employees shall take the following affirmative actions which, in the judgment of the Commission, will effectuate the purposes of the Pennsylvania Human Relations Act, supra:

a. Offer full, equal and non-discriminatory assistance without regard to race, color, religious creed, nationality, ancestry, sex, handicap or disability, 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 seeking assistance in obtaining housing accommodations in units which the Respondent own(s), operates or for which he act(s) as an agent, manager or broker, or in the furnishing of advantages, privileges, facilities or services in connection therewith.

b. The Respondent will immediately issue written instructions citing 2(a) of this Order to all employees and direct them to abide by this Order.

c. The Respondent will furnish the Commission with a copy of said instructions within ten (10) days of the effective date of this Order and Decree.

d. The Respondent will take the following actions with regard to the named Complainants set forth below:

1' Offer to Complainants, Maud Blue and Mary Blue, subject to approval of their credit, the next available one bedroom apartment at Merion Trace Apartments;

2' Immediately allow Complainant, Alvin L. Hill, to submit an application for an apartment at Merion Trace Apartments, evaluate said application based upon the same standards used to evaluate applicants on or about January 16, 1974, and if said application is approved, offer Mr. Hill the next available apartment of the size for which he has applied upon the same terms, conditions and rental price offered to other applicants on or about January 16, 1974, or a reasonable time prior and subsequent thereto.

e. 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.

f. The Respondent shall, for a period of one (1) year from the effective date of the Order, send to the Commission on Friday

of each week, notice of the availability for sale, rental or lease of any and **all**

commercial housing accommodations or other real property which the Respondent own(s), operates, or for which he act(s) as an agent, manager, or broker or in any manner furnish(es) facilities or services in connection therewith. Such notification shall contain the date of availability and the terms of sale, rental, or lease including but not limited to cost and size of unit.

- g. The Respondent shall, for a period of one (1) year of the effective date of this Order, maintain a registry of the names, addresses, phone numbers, time and date of inquiry of all persons seeking to, applying for, inquiring about or requesting information concerning the availability of units at Merion Trace Apartments. The record shall be initialed by each person who inquires or requests information in person. Respondent shall also maintain a separate record of the race of each person applying.
- h. The Respondent shall, from the effective date of this Order, prepare and post in a conspicuous place, a unified listing of all available units at Merion Trace Apartments. A similar list shall be posted in the rental office of each housing facility 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.

- i. The Respondent shall, from the effective date of this Order, effectuate the following Tenant Referral System at Merion Trace Apartments:

- 1' Permit all applicants seeking accommodations to make application for accommodations with a projected or desired occupancy date within four (4) months of the date of the application
- 2' Process each application for any existing vacancy of the type of unit sought by the applicant.
- 3' Notify the applicant in writing of his acceptance or rejection within ten (10) working days of the date of the application.
- 4' Maintain a unified chronological waiting list of applicants and the type of unit and desired occupancy date and notify each applicant placed on said list that he or she will be offered the next vacancy in the type apartment sought.
- 5' Upon being given notice of vacancy, the landlord will check the Waiting List and process, in order of their appearance on the registry (see item 2g above), any persons on the list for

the vacancy. Respondents may contact the person next on the list for such a unit to ascertain whether he or she is still interested prior to processing his or her application.

6' Respondent may petition PHRC for review and termination of this Section of the Order (item i above) in the event that ten percent (10%) of the tenants at Merion Trace Apartments are minority persons. In the event Respondent exercises such right to petition, the Commission shall not require, demand of Respondent or impose other requirements on Respondent as a condition of termination of this single item of the Decree.

7' Respondent shall submit quarterly reports to the Commission listing:

- a. Name and race of all minority applicants;
- b. Name and race of all minority tenants;
- c. Report of all notices sent to rejected applicants.

8' Respondent shall investigate promptly all complaints by applicants or tenants of discourteous, rude or discriminatory behavior by Respondent, employees, or agents or other persons acting on behalf of the Respondent, whether compensated or not, and take necessary disciplinary action where warranted.

j. Three (3) months from the effective date of this Decree the Commission shall review with the Respondent the effect of the aforesaid Tenant Referral System to determine if significant progress has been made toward achievement of the goal set forth in sub-paragraph 6' above. If in the Commission's judgment progress has not been made, Respondent shall implement the following Affirmative Tenant Referral System including use of an Affirmative Action Waiting List:

- 1' The Respondent shall from the effective date of this Order effectuate the following Affirmative Tenant Referral System in that the Respondent shall:
 - a) Permit all minority persons (definition attached hereunto as Exhibit A) to make application whether a vacancy exists or not;

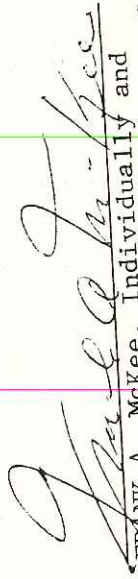
- b) Notify the minority applicant that he/she/they is (are) to be processed under the terms of a Tenant Referral System agreement;
- c) Process said application for any existing vacancy of the type of unit sought by the minority applicant;
- d) Notify the minority applicant of his/her/their acceptance or rejection within seven (7) working days of the date of application;
- e) Notify both the Commission and the minority applicant of the reason for rejection;
- f) Notify minority applicants who have been accepted that they have been placed on an "Affirmative Action Waiting List;"
- g) Notify the applicant that he/she/they will be offered the next vacancy in the type apartment sought, provided the Respondent does not have at least 10% minority tenants;
- h) Implement the "Affirmative Action Waiting List" as follows:
- (1) Upon being given notice of vacancy the landlord will check the Affirmative Action Waiting List and process any minority applicants there for the vacancy.
 - (2) If there are no minority applicants on the Affirmative Action Waiting List he/she/they shall notify the Commission of the available unit, size, rental cost, date of availability.
 - (3) Following notice to the Commission, the apartment shall be offered only to minority persons applying or who may be referred by the Commission for one half of the notice period or for two weeks whichever is longer.
 - (4) After one half of the notice period, or two weeks whichever is longer, if a minority tenant or acceptable minority applicant is not available, the landlord may rent the apartment to any person as long as all applicants are considered in a non-discriminatory fashion.
 - (5) Any minority group applicant rejected at any time must be furnished the reason for rejection in writing.

a copy of which will be furnished to the Commission.

- i) Agree that any lease executed in contravention of this Order shall be voidable and may be set aside at the discretion of the Commission.
 - j) Upon reaching a minimum of 1% of the minority group persons, as tenants, the Respondent may petition the Commission for review and termination of this provision of this Order solely as it relates to the Affirmative Tenant Referral System.
 - k) Submit quarterly reports listing:
 - a. Name and race of all minority applicants;
 - b. Name and race of all minority tenants;
 - c. Report of all notices sent to rejected applicants.
 - l) Not retaliate against minority tenants by reducing privileges, advantages, facilities, services, or by any other discriminatory action.
 - m) Investigate promptly all complaints by minority applicants or minority tenants of discourteous, rude, or discriminatory behavior by Respondent, employees, or agents or any other persons acting on behalf of the Respondent (whether compensated or not) and take necessary disciplinary action where warranted.
 - k) Respondent shall post conspicuously in the Merion Trace Apartments Rental Office a sign which states: "Information with regard to apartments which may be available at _____ may be obtained from _____."
 - 1) 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 own(s), operates or for which he act(s) as an agent, manager or broker or in any manner furnish(es) facilities or services in connection therewith the words "Equal Opportunity Housing." The Respondent may also use the Equal Opportunity Logotype.
3. It is understood by both parties to this Order that any infraction of this Order by an employee of the Respondent constitutes an infraction by the Respondent of record.

4. It is understood by both parties to this Order that any subsequent violation of Section 5 of the Pennsylvania Human Relations Act, as amended or other comparable statutes within the State of Pennsylvania shall entitle the Pennsylvania Human Relations Commission to demand enforcement of item 4 above.
5. If any clause, sentence, paragraph or part of this Consent Order and Decree 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 thereof 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.
6. It is further agreed and understood by both parties to this Order that its execution and content may be publicized at the discretion of the Commission.
7. The Commission and the Respondent enter into this agreement with the intent to be legally bound thereby and acknowledge that this agreement shall not be final and binding until executed by the Respondent (its duly authorized officer) and approved by the Commission and executed by the Chairperson of the Commission, and thereafter shall be binding upon and inure to the benefit of the parties hereto, their and each of their respective heirs, legal representatives, successors and assigns.

BY THE RESPONDENT:



FRANK A. McKee, Individually and
as Owner of MERION TRACE APARTMENTS
d/b/a GRANGE CONSTRUCTION COMPANY, INC.

March 28, 1976

Effective Date of this Order

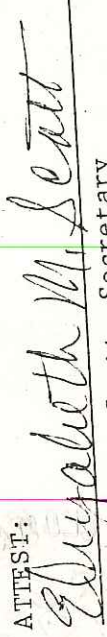
HELEN MCKEE, SECRETARY,
GRANGE CONSTRUCTION COMPANY, INC.
ATTEST

BY THE COMMISSION:


Homer C. Floyd, Executive Director
Pennsylvania Human Relations Commission


Joseph X. Yaffe, Chairperson
Pennsylvania Human Relations Commission

ATTEST:


Elizabeth M. Scott, Secretary
Pennsylvania Human Relations Commission

"DEFINITIONS"

1. "Minority Persons" include the following:

- a. "Black" persons are those persons who appear to the owner or his agent based on his common experience to be "Negro" or of African extraction.
 - b. "Spanish Surnamed" persons are those persons whose surnames are understood by the owner or his agent based on his common experience to be Spanish. This category includes but is not limited to persons who are Puerto Rican, Cuban or Mexican.
 - c. "Other" persons are those whose race is not covered in item "2" or "1a & 1b." This designation includes persons who appear to the owner or his agent based on his common experience to be American Indian, Asian or Oriental.
2. "Non-Minority Person": "White" persons are those persons who appear to the owner or his agent based on his common experience to be Caucasian.

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

MAUD BLUE AND MARY BLUE,
HUSBAND AND WIFE

VS.

FRANK A. MCKEE, OWNER OF
MERION TRACE APARTMENTS
d/b/a GRANGE CONSTRUCTION
COMPANY, INC.

DOCKET NO. H-2263

GENERAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, that we MAUD BLUE and MARY BLUE, for and in consideration of the Respondent's compliance with all of the terms and conditions set forth in the Conciliation Agreement herein of which this is a part thereof do hereby remise, release, and forever discharge Frank A. McKee, owner of Merion Trace Apartments d/b/a Grange Construction Company, Inc., its successors and assigns of and from all and in all manner of actions and causes of actions, suits, debts, claims and demands whatsoever in law or equity arising from the transaction which is the subject matter of the Complaint filed with the Pennsylvania Human Relations Commission captioned and docketed as above, including any arising from any violations of the Pennsylvania Human Relations Act, Tit., 43, Pa. Stat. Ann., SS 951 et. seq., which we have ever had, now have, or which we or our heirs, executors, administrators, successors or assigns, or any of them, hereafter can, shall or may have.

IN WITNESS WHEREOF, we have executed the foregoing this

21st day of January, 1976.

Maud Blue


Mary Blue

Complainants

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA SS:

On the 21st day of JANUARY, 1976, before
me, the subscriber, a Notary Public in and for the Commonwealth
of Pennsylvania, personally appeared the above named MAUD BLUE
and MARY BLUE, known to me to be the persons whose
names are subscribed to the foregoing Release to be a free act
and deed.

WITNESS my hand and notarial seal the day and year
aforesaid.


Notary Public

ROSE M.E. WHITE
Notary Public, Philadelphia, Pa.
My Commission Expires May 20, 1978

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

ALVIN L. HILL

:

VS.

: DOCKET NO. H-2264

FRANK A. MCKEE, OWNER
OF MERION TRACE APARTMENTS
d/b/a GRANGE CONSTRUCTION
COMPANY, INC.

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GENERAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, that I ALVIN L. HILL, for and in consideration of the Respondent's compliance with all of the terms and conditions set forth in the Conciliation Agreement herein of which this is a part thereof do hereby remise, release and forever discharge Frank A. McKee, owner of Merion Trace Apartments, d/b/a Grange Construction Company, Inc., its successors and assigns of and from all and in all manner of actions and causes of actions, suits, debts, claims and demands whatsoever in law or equity arising from the transaction which is the subject matter of the Complaint filed with the Pennsylvania Human Relations Commission captioned and docketed as above, including any arising from any violations of the Pennsylvania Human Relations Act, Tit., 43, Pa. Stat. Ann SS 951 et. seq., which I have ever had, now have, or which I or my heirs, executors, administrators, successors or assigns, or any of them, hereafter can, shall or may have.

IN WITNESS WHEREOF, I have executed the foregoing this

27th day of January 1976.

Alvin L. Hill

Complainant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF Philadelphia SS:

On the 22nd day of January, 1976, before me, the subscriber, a Notary Public in and for the Commonwealth of Pennsylvania, personally appeared the above named L. Hill, known to me to be the person whose name is subscribed to the foregoing Release to be a free act and deed.

WITNESS my hand and notarial seal the day and year aforesaid.

Ernest B. Fisher
Notary Public

Notary Public, Philadelphia, Pa., Philadelphia Co.
My Commission Expires October 23, 1978

to be given the same force and effect as if entered after a public hearing.

BY Joseph X. Yaffe
JOSEPH X. YAFFE, CHAIRPERSON
PENNSYLVANIA HUMAN RELATIONS COMMISSION

BY Elizabeth M. Scott
ELIZABETH M. SCOTT, SECRETARY
PENNSYLVANIA HUMAN RELATIONS COMMISSION