

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

Dorisel M. Serrano Rodriguez,	:	
Complainant	:	
v.	:	PHRC CASE NO. 202002589
	:	
Reading Housing Authority,	:	
Respondent	:	
	:	

STATEMENT OF THE CASE

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RECOMMENDATION OF HEARING COMMISSIONER

FINAL ORDER

STATEMENT OF THE CASE

RAQUEL O. YIENGST, HEARING COMMISSIONER. A public hearing was held in this matter in Berks County, Pennsylvania, on November 8, 2023. Complainant Dorisel Serrano Rodriguez (hereinafter “Rodriguez” or “Complainant”) filed a Complaint in PHRC Case No. 202002589 on June 7, 2021, against Reading Housing Authority (hereinafter “Respondent”). The Complaint alleged that Respondent discriminated against Rodriguez on the basis of her disability by denying her request for a handicapped-accessible (or “accessible”) parking space. Respondent filed a timely answer on June 30, 2021, denying the allegations set forth in the Complaint. Complainant was represented by Dana D. Prince, Esq. and Respondent was represented by Edwin L. Stock, Esq.

FINDINGS OF FACT¹

1. The Complainant herein is Dorisel Serrano Rodriguez (hereinafter “Rodriguez” or “Complainant”).
2. The Respondent herein is Reading Housing Authority (hereinafter “Respondent”)
3. Respondent is a public housing authority that operates under a contract with the United States Department of Housing and Urban Development to provide housing. Tr. 53.
4. On or about August 7, 2018, Complainant and her husband entered into a lease with Eisenhower Apartments, located at 835 Franklin Street, Reading, PA 19602. Tr. 29.
5. Eisenhower Apartments is one of Respondent’s high-rise properties that houses elderly and non-elderly disabled tenants. Tr. 56.
6. Eisenhower Apartments has 156 apartment units and 17 parking spaces, 3 of which are marked as handicapped (or “accessible”) spaces. Tr. 64; J.E. 5.
7. Respondent maintains a waiting list for parking whereby individuals who have been approved for an accessible space are identified with an “H” next to their names. Those with an “H” designation are also listed in a separate “Handicap” section of the list. J.E. 5; J.E.6; J.E. 7; C.E. 1.
8. Accessible spaces are assigned from the existing group of residents who currently have parking permits and who are eligible for the space. J.E. 5.
9. On August 7, 2018, Complainant, by and through her husband, requested an accessible parking space with Respondent. Tr. 29.

¹ Explanation of Abbreviations

Tr.= Hearing Transcript

J.E.= Joint Exhibit

C.E.= Complainant Exhibit

R.E.= Respondent Exhibit

10. When Complainant, by and through her husband Juan Torres Mendez, requested an accessible parking space, they were placed as next in line on both waiting lists. C.E. 1.
11. In January 2021, Complainant, by and through her husband, made a second request for an accessible space by completing a Request for Reasonable Accommodation Form. Tr. 29; R.E. 1.
12. In a letter dated February 18, 2021, Resident Services Director Jack Knockstead acknowledged the receipt of the Request for Reasonable Accommodation Form and accompanying request form from Complainant's doctor, Brian Fellechner, D.O. The letter denied the request, stating that the request was for Complainant to be positioned above other residents on the list, and that parking was not a fundamental service of the housing program. J.E. 4. Complainant appealed this determination.
13. In a second letter dated May 13, 2021, Mr. Knockstead acknowledged that Complainant, by and through her husband, had been placed on the parking waiting list upon leasing the property on August 7, 2018. The letter also stated that the initial reasonable accommodation request had already been approved, but assignment of an immediate parking space was unattainable. J.E.5.
14. The Complainant was issued an accessible parking space on May 22, 2023, approximately 4 years and 9 months from the date that Complainant's name was initially placed on the list. J.E.8.
15. While Complainant was on the waiting list between 2017 and 2023, at least six (6) individuals on the waiting list without handicapped designations had received an assigned parking space before Complainant. Tr. 89; C.E.1.

16. Complainant filed a Complaint with the Pennsylvania Human Relations Commission (hereinafter “PHRC” or “Commission”) on or about June 7, 2021.
17. The Complaint was served on Respondent on or about June 10, 2021.
18. Respondent filed a verified Answer to the Complaint on or about June 30, 2021.
19. Commission staff investigated the Complaint.
20. On or about November 18, 2021, the Commission issued a finding of probable cause crediting Complainant’s allegations.
21. Conciliation in this case was attempted and failed on January 3, 2022.
22. A public hearing was held on November 3, 2023, in Reading, PA.

CONCLUSIONS OF LAW

1. The PHRC has jurisdiction over the parties and the subject matter of this case.
2. The parties have fully complied with the procedural prerequisites to a public hearing in this case.
3. Dorisel Rodriguez is a person within the meaning of the Pennsylvania Human Relations Act (hereafter PHRA).
4. Reading Housing Authority is a person within the meaning of the PHRA.
5. Pennsylvania courts generally interpret the PHRA "as identical to federal anti-discrimination laws except where there is something specifically different in its language requiring that it be treated differently.”
6. Section 5(h)(3.2) of the PHRA makes it an unlawful discriminatory practice “for any person to: [r]efuse to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a housing accommodation”.
7. The language of Section 5(h)(3.2) of the PHRA is identical to that in Section 804(f)(3)(B) of the Fair Housing Act (FHA) (42 U.S.C. 3604(f)(3)(B)).
8. To establish a prima facie case of discrimination by refusing to provide a reasonable accommodation, Rodriguez must show:
 - A. She is a person with a disability;
 - B. Respondent knew or reasonably should have known that Rodriguez is a person with a disability;
 - C. Rodriguez requested an accommodation in Respondent’s rules, policies, practices, or services;

- D. The requested accommodation may be necessary to afford Rodriguez an equal opportunity to use and enjoy the dwelling; and
 - E. Respondents refused to make the accommodation Rodriguez requested or failed to respond or delayed in responding to the request such that it amounted to a denial.
9. Rodriguez has established that Respondent denied or refused her reasonable accommodation request in violation of Section 5(h)(3.2) of the PHRA.
 10. To successfully defend a violation of PHRA Section 5(h)(3.2), Respondent must show that Rodriguez's accommodation request was unreasonable.
 11. Respondent has failed to show that Rodriguez's accommodation request was unreasonable.
 12. The PHRC may award actual damages, including damages caused by embarrassment and humiliation.
 13. Embarrassment and humiliation damages encompass claims of emotional distress.

OPINION

This case arises out of a Complaint filed by Dorisel Serrano Rodriguez (hereinafter “Rodriguez” or “Complainant” against Reading Housing Authority (hereinafter “Respondent”). Complainant’s PHRC Complaint was filed on or about June 7, 2021, at PHRC Case Number 202002589. Rodriguez’s Complaint alleged that Respondent discriminated against her because of her disability by denying her request for the reasonable accommodation of an accessible parking space.

PHRC staff investigated the Complaint and found probable cause to credit Rodriguez’s allegations of discrimination. The PHRC and the parties attempted to resolve the case through conference, conciliation, and persuasion. The hearing was held on November 3, 2023, in Berks County, PA. The parties agreed to have a single Commissioner preside over the hearing, which took place before Dr. Raquel O. Yiengst, Commissioner, with Tamara Shehadeh-Cope, Hearing Commissioner, serving in an advisory role. Rodriguez was represented by Attorney Dana D. Prince, Esq. and Respondent was represented by Edwin L. Stock, Esq. The parties submitted post-hearing briefs in January of 2024.

Section 5(h)(3.2) of the PHRA provides in relevant part,

It shall be an unlawful discriminatory practice... for a person to refuse to make reasonable accommodations in rules, policies, or practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a housing accommodation.

Pennsylvania courts generally interpret the PHRA “as identical to federal anti-discrimination laws except where there is something specifically different in its language requiring that it be treated differently.” *Fair Hous. Rights Ctr. v. Morgan Props. Mgmt. Co, LLC*, No. 16-4677, 2017 U.S. Dist. LEXIS 55249, at *8 n.2 (E.D. Pa. Apr. 11, 2017). In this case, the

language of the relevant provision of the PHRA outlined above is identical to Section 804(f)(3)(B) of the Fair Housing Act (FHA).

Unlike cases that typically employ the three-part burden-shifting framework enumerated in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), the Third Circuit Court of Appeals and Commonwealth Court have adopted a modified burden shifting framework for cases alleging FHA reasonable accommodation violations. Under this framework, the “plaintiff bears the initial burden of showing that the requested accommodation is necessary to afford handicapped persons an equal opportunity to use and enjoy the dwelling, at which point the burden shifts to the defendant to show that the requested accommodation is unreasonable.” *Lapid-Laurel v. Zoning Bd. Of Adjustment*, 284 F3d 442, 457 (3d Cir. 2002); *Carunchio v. Swarthmore Borough Council*, 237 A. 3d 1183.

We note that in support of her claim, Complainant cites the factors set forth by the 9th circuit in *United States v. Cal. Mobile Home Park Mgmt. Co.*, 107 F.3d 1374, 1380 (9th Cir. 1997). To establish a prima facie case of a refusal to provide a reasonable accommodation, Rodriguez must show by a preponderance of the evidence that (1) she is a person with a disability; (2) Respondent knew or reasonably should have known that she is a person with a disability; (3) Rodriguez requested an accommodation in the rules, policies, practices, or services of respondents; (4) the requested accommodation may be necessary to afford her an equal opportunity to use and enjoy the dwelling; and (5) Respondent refused her request to make such accommodation or failed to respond or delayed responding to the request such that it amounted to a denial.

Though we acknowledge that the *Lapid-Laurel* framework ultimately governs our reasonable accommodations analysis, we also find that the factors in *United States v. Cal. Mobile*

Home Park Mgmt. Co. provide additional and valuable context towards that analysis. We therefore proceed with applying the *Lapid-Laurel* burden-shifting framework, while incorporating relevant facts brought to light by the *Cal. Mobile Home Park Mgmt. Co* factors.

The PHRA defines the term “handicap or disability” with respect to a person, as: (1) a physical or mental impairment which substantially limits one or more of such person’s major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. 43 P.S § 954.

Complainant’s apartment building is called Eisenhower Apartments and has 156 apartment units. There are 17 parking spaces, 3 of which are marked as handicapped (or “accessible”) spaces. Tr. 64; J.E. 5. Respondent maintains a waiting list for parking whereby individuals who have been approved for an accessible space are identified with an “H” next to their names. Those with an “H” designation are also listed in a separate “Handicap” section of the list. J.E. 5; J.E.6; J.E. 7; C.E. 1. The names and order of the individuals with the “H” designation are the same on both lists. J.E.6. ²

It is largely undisputed that Rodriguez is a person with a disability, and that Respondent knew of her disability. At the public hearing, Rodriguez testified that she had six ruptured discs in her spine, fibromyalgia, a dislocated hip, carpal tunnel in both hands, a “messed up” right knee, and experienced swelling in her feet, water retention, and difficulty walking. Tr. 26. She shared that these impairments limited her ability to walk and her ability to lift objects without them falling. Tr.27-28. Rodriguez also provided a letter dated December 2, 2020, from Dr. Brian

² During the hearing, witnesses sometimes testified that there were two parking lists. However, upon review of the evidence, this tribunal finds that there was one “Eisenhower Parking Waiting List” that included a list of individuals currently assigned parking; the waiting list containing all names regardless of whether they requested an accessible space; and a “Handicap” list that extracted only the names with the “H” designation from the general waiting list. J.E.6.

Fellechner which stated in part that “[Rodriguez] suffers from a multitude of disabling conditions which make prolonged standing and ambulating difficult and painful.” J.E. 3. At the hearing, Rodriguez’s mobility difficulties were visually apparent, and a request from Rodriguez to testify from her seat and not the witness stand was granted with no objection made by Respondent. Tr. 23-24.

In her reasonable accommodations request made to Respondent in January 2021, Rodriguez listed her various ailments and included a verification from Dr. Brian Fellechner that confirmed her disabilities and ambulatory limitations. R.E.1. In a response letter dated May 13, 2021, Respondent’s Resident Services Manager, Jack Knockstead, confirmed that Rodriguez had been placed on the parking list on the date of her leasing and further confirmed that Rodriguez’s request for an accessible space had been noted. J.E. 5. It is further noted that in its verified Answer to Rodriguez’s PHRC Complaint, Respondent admitted to Complainant’s disabled status and that the disabilities substantially limited her ability to walk long distances. J.E.2.

Rodriguez’s request for a reasonable accommodation is also documented. Respondent contends that Rodriguez’s first request for reasonable accommodation was made upon the submission of her January 8, 2021 application for reasonable accommodation. Tr. 17; R.E.1. However, this contention is contrary to the evidence presented. Rodriguez testified at hearing that she and her husband moved into Eisenhower Apartments on August 7, 2018, at which time they requested accessible parking and were placed on the list for both accessible and non-accessible parking. Tr. 29, 35. She also testified that they requested accessible parking a second time in 2021. Tr. 29. This testimony is supported by the May 13, 2021 letter from Respondent’s Resident Services Manager Jack Knockstead. Knockstead confirmed that Rodriguez was placed on the parking list at her request by and through her husband on the date of her leasing, August

7, 2018. J.E. 5. Knockstead further confirmed in the letter that “handicapped-accessible spaces are assigned from the existing group of residents who currently have parking permits and who are eligible for the space.” and that “it is noted that you have requested a handicapped-accessible parking space”. *Id.* He adds, “In review of your request, it is the finding of our agency administration that your request has in fact already been approved based upon your placement on the parking list, and therefore no grievance hearing is necessary”. *Id.* At the public hearing, Respondent’s Executive Director, Stacey Keppen, confirmed that “Mrs. Rodriguez had requested a reasonable accommodation for handicapped parking and by way of being placed on the parking... she already had access to that requested item.” and “at the time of [the May 13, 2021] letter, Ms. Rodriguez had already won the handicapped parking – her household was already on the handicapped parking list.”. Tr. 70-71. Therefore, The Commission finds that based on the testimony and evidence provided, that the January 8, 2021 application was in fact Rodriguez’s second request for reasonable accommodation.

Rodriguez satisfies her burden in showing that her request accommodation is necessary to afford her an equal opportunity to use and enjoy her dwelling. Pennsylvania Commonwealth Court has held that an accommodation is necessary if there is a nexus between the requested accommodation and the individual’s disability. *Kennedy House, Inc. v. Phila Comm’n on Human Rels.*, 143 A.3d 476, 483 (Pa. Commw. Ct. 2016). The Third Circuit has held that under Section 3604 (f)(3)(B) that the term “necessary” requires that an accommodation be essential, not just preferable, and that it be gauged in light of the goal of achieving equal housing opportunity. *Vorchheimer v. Philadelphian Owners Ass’n*, 903 F. 3d 100, 107 (3d Cir. Pa. 2018). Complainant must show that, “but for the accommodation, they likely will be denied an equal opportunity to enjoy the housing of their choice.” *Kennedy House, Inc.*, 143 A.3d at 486, citing

Wisconsin Cmty. Servs., 465 F.3d at 749 and *Smith & Lee Assocs v. City of Taylor*, 102 F.3d 781, 795 (6th Cir. 1996).

In the instant case, a clear nexus is established between Rodriguez's reasonable accommodation request and her disability. Complainant testified at hearing about her disability and associated limitations on mobility due to ruptured spinal discs, fibromyalgia, carpal tunnel, a dislocated hip, water retention, and swelling of feet. Tr. 26. She testified that these ailments substantially limit her ability to walk, bend over, or even move at times. Tr. 26-28. Her testimony is corroborated by the letter provided by Dr. Brian Fellechner, who states that Rodriguez "should be afforded the closest parking space as possible. She suffers from a multitude of disabling conditions which make prolonged standing and ambulating difficult and painful." J.E. 3.

Rodriguez also provided testimony on the challenges with being disabled and not having an accessible parking space. She testified that her husband did most of the driving, but that she also had a driver's license and would sometimes be unable to drive due to her disability. Tr. 28. Without an accessible parking space, Rodriguez and her husband had to park outside of her building which was at a farther distance from her home. Tr. 29. Rodriguez testified that sometimes her husband would have to circle the block repeatedly if parking was unavailable, or park multiple blocks away from her home. Tr. 30. Rodriguez's husband would often drop her off at a designated 20 minute drop off spot at the apartments in order to remove any purchases out of the car before looking for parking. Tr. 47-48. During one of those times, Rodriguez and her husband returned from their car to find that it had been towed. Tr. 48. Rodriguez testified that when her husband was not able to readily find parking, she "usually would arrive at the apartment with a lot of pain." Tr. 48. Lack of accessible parking contributed to added hip and

back pain for Rodriguez, and she testified to experiencing anxiety and stress related to the parking situation. Tr. 32-33. Rodriguez was subject to the risk of added pain, injury, and stress directly stemming from the lack of an accessible parking space, and it is clear that provision of a parking space was necessary to provide Rodriguez the equal opportunity to use and enjoy her dwelling.

Among Respondent's claims are repeated assertions that parking is not a fundamental service that they provide. Tr. 11, 72, 73; H.E. 5; R.E. 3. Respondent also claims that Rodriguez did not suffer in terms of not having an accessible space because her spouse would often (not always) pick her up and drop her off at the back door of Eisenhower apartments. Tr. 18-19. Finally, Respondent claims that Rodriguez has received substantial benefits by living at Eisenhower apartments through access to an elevator and a social services department. Tr. 20. However, none of these claims change the fact that Respondent had a duty to make a reasonable accommodation upon request and the requisite showing of disability and necessity. Courts have looked to regulations promulgated by HUD for examples and guidance on interpreting Section 3604 (f)(3)(B). The Court in *Shapiro v. Cadman Towers, Inc.*, 51 F. 3D 328 (1995) cited 24 C.F.R. § 100.204(b), a regulation promulgated by HUD that provides an example of a "reasonable accommodation" under the FHAA. The example states that the duty to make "reasonable accommodations" obligates building management to reserve a parking space for a mobility-impaired tenant near that tenant's apartment. *Id.* Per the court in *Shapiro*, this regulation "makes it clear that the use and enjoyment of a parking space cannot be considered in isolation from the tenant's ability to use and enjoy her dwelling place, a right specifically protected by the FHAA." *Id.* For the reasons outlined above, Rodriguez has met her burden.

We add that although Rodriguez did eventually receive parking, Respondent's failure to accommodate Rodriguez upon her showing of necessity until almost 5 years after her initial request amounts to a denial and rendered Rodriguez unable to participate in her right to equal enjoyment of her property. Complainant, by and through her husband, requested an accessible parking space and was added to the waiting list on August 7, 2018. Tr. 29; J.E. 5. She received an accessible parking space on May 22, 2023, approximately 4 years and 9 months from the date that she made the initial reasonable accommodation request. J.E. 8. In the 4 years and 9 months that Complainant was on the waiting list for parking, 6 individuals who had not requested an accessible space received parking before Complainant. Tr. 89; C.E.1; J.E. 6. We agree with Complainant that such a delay in receiving a necessary and reasonable accommodation amounted to a denial, even more so considering the fact that a number of individuals without an "H" designation were afforded a closer parking space in that time.

As Complainant has met her burden in showing that her requested accommodation was necessary to afford her an equal opportunity to use and enjoy her dwelling, the burden now shifts to the Respondent to show that the reasonable accommodation is unreasonable. *Lapid-Laurel*, 284 F.3d at 457. This inquiry is highly fact-specific, requiring a case-by-case determination. *Id.* At 462. In order to establish that the accommodation requested was unreasonable, Respondent is required to prove that it could not have granted the accommodation without (1) imposing undue financial and administrative burdens; (2) imposing an "undue hardship" or (3) requiring a fundamental alteration in the nature of the program. *Id.* See also *Hovsons, Inc. v. Twp. of Brick*, 89 F.3d 1096, 1104 (3d Cir. 1996).

Respondent's Executive Director Keppen testified that all the individuals on the waitlist are "older adults and persons with disabilities. And as [to] the older adults, it's extremely likely

that all of those older adults are also persons with disabilities. So, in total, they are persons with disabilities” who would be “displaced” if an individual who had requested an accessible space received a space before someone else on the list. Tr. 74-75. We find Respondent’s justification for the existing policy inaccurate in its assessment of, and purported impact on, the population it serves. Such sweeping generalizations about its tenants are not accurate, particularly because Keppen later testified that the individuals without an “H” designation made no reasonable accommodations request for an accessible parking space, nor did they provide proof of disability to the Respondent. Tr. 79. Yet at least 6 of those individuals received an assigned parking space before an individual who followed the procedure to request a reasonable accommodation. Such policy and practice are inconsistent with the intent of the reasonable accommodation provision of the Fair Housing Act, which is to afford those with disabilities equal housing opportunity as those who are not disabled. Respondent has provided no additional evidence or testimony to explain how changing the policy to assign parking in a timely manner to residents requesting a reasonable accommodation would be unduly burdensome, cause undue hardship, or require a fundamental alteration in the nature of the existing policy. We find that Respondent has not met its burden on this point.

Respondent also argues that parking is not a fundamental service that they provide. This argument has already been addressed above. Respondent has provided no further evidence or testimony to explain how changing the policy to assign parking in a timely manner to residents requesting a reasonable accommodation would be unduly burdensome, cause undue hardship, or require a fundamental alteration in the nature of the existing policy. We also find here that Respondent has failed to meet its burden.

We note that Respondent has even indicated a willingness to consider modifying the parking policy if enough support was found for the change. In his letter to Complainant dated May 13, 2021, Respondent's Resident Services Manager Jack Knockstead, notes,

In times past, RHA has considered opening the limited parking in these settings to a first-come/first-served basis, without any assignment in parking. This would mean that all spaces, including those marked as handicapped-accessible, would be available to any resident who possesses a handicapped placard from Pennsylvania Department of Transportation (PennDOT)... When we presented this model to the citywide resident association, the membership was vehemently opposed. If you wish to see this parking model reconsidered, I encourage you to present your desire to the Eisenhower Resident Council. If adequate support is found, we will consider making this change to our internal parking procedures." J.E. 5.

For the aforementioned reasons, we find that Respondent has not met its burden in showing that the requested accommodation was unreasonable. Rodriguez is entitled to damages on her claim.

We now turn to the issue of damages. Section 9(f)(1) of the PHRA provides in pertinent part:

If, upon all the evidence at the hearing, the Commission shall find that a respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this Act, the Commission shall state its finding of fact, and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such affirmative action, including, but not limited to reimbursement of certifiable travel expenses in matters involving the complaint,... and any other verifiable, reasonable out-of-pocket expenses caused by such unlawful discriminatory practice, provided that, in those cases alleging a violation of Section 5(h)... the Commission may award actual damages, including damages caused by humiliation and embarrassment, as, in the judgment of the Commission, will effectuate the purposes of this act, and including a requirement for report of the manner of compliance.

The purpose of the remedy is not only to restore the injured party to her pre-injury status and make her whole but also to discourage future discrimination. *Williamsburg County School District v. Pa. Human Relations Comm'n*, 512 A.2d 1339 (Pa. Comwlth 1986). In its post-

hearing brief, the PHRC requests damages for humiliation and embarrassment in an amount ranging between \$5,000-\$35,000.

In determining whether the evidence of emotional distress is sufficient to support an award, we must look at both the direct evidence of emotional distress and the circumstances of the act that allegedly caused the distress. *McGlawn v. Pa. Human Rels. Comm'n*, 891 A.2d 757, 777. Courts have held that the size of an intangible damage award is largely intuitive and is a matter over which the jury or the trial judge sitting without a jury has a great deal of discretion. *Laudon v. Loos*, 694 F. Supp. 253, 255 (E.D. Mich. 1988). In *Cole v. Todd Toms, et. al.* PHRC # 202102052, the Commission summarized some of the most important factors it uses in determining an amount for emotional distress damages. (1) Whether Complainant suffered physical harm or threat of physical harm in addition to harm to their mental health; (2) The nature of the evidence offered to describe the harm (e.g. testimony by the Complainant, testimony by others, expert testimony); (3) Whether Complainant sought or otherwise received treatment for the injury; (4) Whether the discrimination was a single act or was ongoing; and (5) Whether the Complainant was particularly susceptible to being injured by discrimination due to their personal history.

The Commission finds that factors 1, 2, and 4 weigh in favor of awarding Rodriguez emotional distress damages. Regarding physical harm and nature of the evidence provided, Rodriguez suffered from a number of physical ailments that made ambulating difficult and placed her at increased risk of injury whenever she had to walk far distances. Rodriguez testified to the challenges that she and her husband experienced in trying to find parking close to her apartment. Tr. 29, 30, 47-48. She also testified to the back and hip pain that was exacerbated by not having accessible parking, as well as the increased anxiety, depression, and stress that she

experienced. Tr. 32-33. Regarding whether the discrimination was a single act or ongoing, Rodriguez testified to spending almost 5 years on the Eisenhower Parking Waiting List after being placed on the list in 2018. Tr. 28. Between 2018 and 2023, 6 individuals who had not requested a reasonable accommodation received a parking space before Rodriguez had. Tr. 89; C.E. 1; J.E.6. In that time, Rodriguez testified that Respondent did not check in with her to ensure that she wasn't experiencing difficulty in accessing her housing, nor did Respondent connect her with any local resources who could assist with her parking needs. Tr. 33-34. We find that the delay in assigning parking to Rodriguez, coupled with the provision of assigned parking to multiple individuals who had not expressed a need for reasonable accommodation before her, to have been acts of ongoing discrimination by Respondent.³

For these reasons, the Commission finds that \$20,000 is an appropriate amount in emotional distress damages. The Commission also finds it appropriate to require the Respondents to attend Fair Housing training within sixty (60) days of the date of this Order. An order follows.

³ In its post-hearing brief, Respondent argues that Rodriguez's Complaint was not filed in a timely manner because it was filed on June 7, 2021, 186 days after December 2, 2020, which was end date of discrimination listed on the Complaint. We reject this argument. Based on the testimony and evidence that has been provided by both parties, we find that the end date of discrimination cited by the Respondent is not accurate. As is noted above, we find that the discrimination experienced by Rodriguez was ongoing through both the date listed on the Complaint and the date the Complaint was filed. We therefore reject Respondent's claim on this issue.

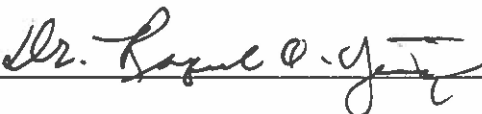
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Complainant	:	
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	:	
Reading Housing Authority,	:	
Respondent	:	
	:	

RECOMMENDATION OF THE HEARING COMMISSIONER

Upon consideration of the entire record in the above-captioned matter, the Hearing Commissioner finds that Rodriguez has proven that Respondent discriminated against her by denying her request for reasonable accommodation in violation of Section 5(h)(3.2) of the PHRA. It is, therefore, the Hearing Commissioner's recommendation that the attached Findings of Fact, Conclusions of Law, and Opinion be approved and adopted. If so, approved and adopted, the Hearing Commissioner further recommends issuance of the attached Final Order.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

BY: 

Raquel O. Yiengst

Hearing Commissioner

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Respondent	:	
	:	

FINAL ORDER


AND NOW, this 17th day of June, 2024, after a review of the entire record in this matter, the Pennsylvania Human Relations Commission, pursuant to Section 9 of the Pennsylvania Human Relations Act, hereby approved the foregoing Findings of Fact, Conclusions of Law, and Opinion of the Hearing Commissioner. Further, the Commission adopts said Findings of Fact, Conclusions of Law, and Opinion into the permanent record of this proceeding, to be served on the parties to the Complaint and hereby

ORDERS

1. That Reading Housing Authority (Respondent) cease and desist from denying a reasonable accommodation to tenants who have followed Respondent’s reasonable accommodations process to request accessible parking.
2. That within sixty (60) days of the effective date of this Order, Respondent take Fair Housing Training.
3. That Reading Housing Authority shall pay Rodriguez the lump sum of \$20,000, which amount represents compensatory damages of embarrassment and humiliation Rodriguez suffered.

4. That, within thirty (60) days of the effective date of this Order, Reading Housing Authority shall report to the PHRC on the manner of its compliance with the terms of this Order by letter addressed to Dana Prince, Assistant Chief Counsel, Pennsylvania Human Relations Commission, 110 N. 8th Street, Suite 501, Philadelphia, PA 19107.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

BY: 

M. Joel Bolstein
Chairperson

Attest:



O/B/O Commissioner Mayur Patel