

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

GLORIA J. WOFFORD, Complainant

v.

**HOWARD H. CHRISTNER, individually and dba H. CHRISTNER COMPANY,
Respondent**

DOCKET NO H – 697

OPINION

FINDINGS OF FACT

CONCLUSIONS OF LAW

COMMISSION'S DECISION

FINAL ORDER

This case involves a complaint filed with the Pennsylvania Human Relations Commission (hereinafter referred to as "Commission") by Gloria J. Wofford, a Negro, charging that the respondent, Howard H. Christner, the manager and rental agent, in charge of the Carriage House Apartments in Pittsburgh, Pennsylvania, refused to rent her an apartment in said apartment house because of her race.

The complaint was filed on March 17, 1966 and an answer to the complaint was filed on January, 16, 1967, denying that the refusal to rent was because of the complainant's race.

After investigation of the facts of the case, the Commission found probable cause to credit the allegations of the complaint. Efforts to adjust the case amicably were then made on a staff and on a Commission level, but were unsuccessful. The Commission then voted to hold a public hearing and designated that such hearing should be conducted by Commissioner Paul A. Simmons, presiding, Commissioner James B. Cayce and Commissioner Florence S. Reizenstein.

Public hearings were held in this case in Pittsburgh, Allegheny County, Pennsylvania, on January 20, 1967 and on April 6, 1967. The case in support of the complaint was presented by Nathan Agran, General Counsel of the Commission. The respondent, Howard H. Christner, and his attorney, Lee Miller, Esq., were present on both days of hearings.

The Hearing Commissioners took the testimony of the complainant and the respondent and nine other witnesses called by the parties. Having observed all of the witnesses and considered carefully all of the evidence given during the hearings, the Hearing commissioners are of the opinion that the respondent did refuse and now refuses to rent an apartment to the complainant because of her race and not for the several reasons stated by him at the hearings.

After Hearing Commissioners therefore recommend that the Commission enter an order against the respondent requiring him to rent to the complainant an apartment in the Carriage house apartments.

The Hearing commissioners make the following

FINDINGS OF FACT

1. At all times herein mentioned, the complainant, Gloria J. Wofford, a Negro, lived in Pittsburgh, Allegheny County, Pennsylvania.
2. At all times herein mentioned, the respondent, Howard H. Christner, individually and doing business as H. Christner Company, was licensed real estate broker authorized to transact business in the Commonwealth of Pennsylvania, and was the sole manager and rental manager and rental agent of an apartment building in Pittsburgh, Pennsylvania known as Carriage house Apartments.
3. Carriage House apartments is located at 1515 Penn Avenue, Pittsburgh, Pennsylvania, was constructed in the spring of 1965, was first occupied on about May 1, 1965, and consists of 72 apartments, thirty of which are one-bedroom apartments renting for \$155 to \$165 per month.
4. Respondent has never rented any apartment in Carriage house Apartments to a Negro. One apartment, however, is occupied by a Japanese couple and another apartment was previously occupied by a white French doctor and his wife who was Filipino.
5. On March 2, 1966, the complainant applied for a one-bedroom apartment in the Carriage House Apartments, in response to newspaper advertisements. At that time, and for at least one month thereafter, there were three one-bedroom apartments of the type sought by complainant available for rent.
6. Complainant was shown an apartment of the type she desired to rent by Walter Borland, caretaker of the apartment house, on March 2, 1965. She agreed to rent the apartment at the asking rental and was advised by said caretaker to contact the respondent for such rental.
7. On March 3, 1966, complainant called the office of the respondent and was advised by respondent's secretary, Mrs. Mary David, that respondent was not in the office but that he would return complainant's calls.

8. Not having heard from the respondent, complainant again called him on the morning of March 4, 1966, and was again advised by respondent's secretary that he was not in the office and that he would call complainant.
9. Not having heard from the respondent, the complainant visited the offices of the respondent in the Frick Building, Pittsburgh, Pennsylvania, on March 4, 1966, at noon and there spoke with the respondent's secretary, Mrs. Mary David who stated that the respondent, Howard H. Christner, was not in the office. In fact, the respondent was then and there in the said office.
10. On the occasion of complainant's visit to respondent's office on March 4, 1966, she offered to execute a formal application and leave a deposit for the apartment she desired, but respondent's secretary stated that she was not permitted and had no authority to accept such offers.
11. On March 7, 1966, respondent's secretary called complainant and arranged an appointment for March 9, 1966, when complainant should come to respondent's office to meet with the respondent.
12. Complainant met with respondent in respondent's office on March 9, 1966 at which time respondent interviewed complainant, made written notes on scratch paper, stating that he had left the application forms in another briefcase, and he refused to accept a deposit offered by the complainant to reserve one of the three one-bedroom apartments which complainant desired to rent.
13. At the said interview on March 9, 1966, respondent was informed and knew that complainant was single, having never previously been married, was 34 years of age, worked as a supervisor for the Department of Welfare of the Commonwealth of Pennsylvania, intended to occupy a one-bedroom apartment by herself, and earned in excess of \$7,000.00 per year. At that time, the respondent advised complainant that he will check complainant's credit rating and would inform complainant of his decision by March 14, 1966.
14. Not having heard from the respondent by March 16, 1966, the complainant called and talked to him on said day and was advised that no decision had yet been made concerning the matter, but that the respondent would advise the complainant as soon as a decision was reached.
15. Thereafter, complainant heard nothing from the respondent, either by telephone or in writing, until May 10, 1966, at which time the respondent called her to complain about the fact that she had lodged a complaint against him with the Commission. At said time, the three one-bedroom apartments which had been available for rent when complainant applied, had already been rented by the respondent to three white tenants.
16. The respondent opened an account with Retailers Commercial Agency, Inc., a credit bureau in Pittsburgh, Pennsylvania, in March 1966, and ordered a credit check on Gloria J. Wofford, complainant, on March 16, 1966. Said credit check was supplied to the respondent on March 17, 1966 and constituted a favorable credit report. No credit reports of this type had previously been ordered and paid for by the respondent concerning any other applicant for an apartment in Carriage House Apartments.
17. The complainant, Gloria J. Wofford, is a highly intelligent person, neat in appearance, neat and conservative in dress, well spoken, of good family, of sufficient means and income to be able to afford the rental of an apartment in Carriage House Apartments, and would be a desirable and good tenant.

18. On March 2, 1966, when complainant visited the Carriage House Apartments and was shown an apartment by Walter Borland, caretaker, on March 4, 1966, when complainant visited the respondent's offices and spoke with respondent's secretary, Mrs. Mary David, and on March 9, 1966, when the complainant met with the respondent personally, complainant's physical appearance was good and clean, her hair was neat and her dress was proper.
19. The reasons given by respondent for alleged refusal to rent an apartment to complainant – vis., that she is a young unmarried single person, that she is of poor physical appearance and that she is of insufficient financial means – are not valid, were used and are now being used by the respondent as mere excuses for refusing to rent to the complainant because of the complainant's race, she being Negro.
20. The respondent has no reasonable explanation for refusing the bona fide offers of the complainant to rent an apartment in the Carriage House Apartments.

CONCLUSIONS OF LAW

1. At all times herein mentioned, the respondent, Howard H. Christner, individually and doing business as H. Christner Company, was a licensed real estate broker, was president of the corporation which owns Carriage House Apartments located at 1515 Penn Avenue, Pittsburgh, Pennsylvania, and was the sole and only person authorized to rent apartments in said apartment house.
2. Apartments located in Carriage House apartments, at all times herein mentioned, have been available for rent to the general public and said apartment building is therefore "commercial housing" within the meaning of that term as set forth in Section 4(j) of the Pennsylvania Human Relations Act.
3. At all times herein mentioned, the Commission had and still has jurisdiction over the respondent.
4. At all times herein mentioned, the Commission had and still has jurisdiction over the subject matter of this proceeding and over the complaint.
5. By refusing to rent an apartment in Carriage House Apartments to the complainant for alleged poor appearance, inadequate financial means and single status, when in fact the complainant was of good appearance, adequate means and when in fact apartments had been rented by respondent to white single tenants, the respondent had, directly or indirectly, refused, denied and withheld commercial housing from the complainant, Gloria J. Wofford, because of her race.
6. On March 9, 1966, on March 16, 1966 and at all times from said dates up to and including the present time, the respondent has committed unlawful discriminatory practices in violation of Section 5 (h)(1) of the Pennsylvania Human Relations Act in that he refused and still refuses to rent commercial housing to the complainant, Gloria J. Wofford, because of her race.

The Hearing Commissioners were very favorably impressed with the testimony given by the complainant and her witnesses. On the other hand, the respondent was evasive in his answers and was found by the Hearing Commissioners to be inconsistent in his testimony. His two employees, Walter Borland and Mary David, were obviously antagonistic and belligerent and are considered unworthy of belief by the hearing Commissioners, particularly in light of the clear evidence

given by the complainant concerning her dress and appearance when she was observed by such witnesses.

There appears to be no logical reason for the refusal to rent to Miss Wofford, the complainant, other than the fact that she is Negro and would, if accepted, by the very first negro to occupy an apartment in the Carriage house Apartments.

Miss Wofford's qualifications as a tenant appear to the hearing Commissioners to be extraordinarily good. She is a graduate from the university of Pittsburgh, holding both BA and MA degrees, an employe for more than nine years in the Department of Welfare of Pennsylvania supervising the case work of five white employes and presently earns \$8,500.00 per year. She comes from good family, her mother being a high school teacher and one aunt being a German teacher in Pittsburgh's public schools, and another aunt holding a Ph.D. degree being head of the English Department at West Virginia State College.

The reasons given by respondent as excuses for refusing to rent to the complainant do not appear to the Hearing Commissioners to be bona fide or valid.

First of all, the respondent claims that he will not rent to any young, previously unmarried and single girl. However, the evidence disclosed that he has rented to such tenants who are white. When confronted with such evidence, respondent claimed that he rented to such persons only when the apartment house was first opened. The evidence shows that the apartment house was opened on about May 1, 1965, that all leases were for at least one year each thus running to at least May 1, 1966, that the building has been 100% occupied, and that the refusal to rent to the complainant in this case was for an apartment exactly one year after the apartment house was opened. The conclusion is inescapable that the respondent had at all times prior to complainant's application rented to white single tenants and that respondent was offering this reason as a lame excuse for refusing to rent to the complainant. More important, the respondent admits that he knew on March 9, 1966, when he met with and interviewed the complainant, that she was single, unmarried and intended to occupy the apartment by herself. Then why did he not tell her then and there that she did not qualify as a tenant, if, in fact, it is true that he maintained a policy of refusing to rent to white or Negro young, single, unmarried girls? His statement that he did not do this because he might change his mind in the future is weak and not worthy of belief, especially since he ordered a credit check on the complainant thereafter. The Hearing Commissioners find it difficult to believe that any landlord would go to the expense and trouble of securing a credit check on an applicant, knowing that such applicant could not possibly qualify as a tenant by reason of her single status. Also, in this same connection, the Hearing Commissioners believe that a single girl with the obvious mature bearing and demeanor of the complainant who is 34 years of age, could scarcely be classed as "young", even if the respondent maintained a bona fide rule barring apartments to young, single unmarried girls.

The second excuse offered by the respondent for refusing an apartment to the complainant pertained to her alleged inability to afford an apartment at the Carriage House Apartments. The rental for such an apartment is between \$155.00 and \$165.00 per month. At the time the complainant applied for an apartment in March of 1966, she was earning in excess of \$7,000.00 and she has received two promotions since then, presently earning \$8,500.00 per year. It is self-

evident that she could well afford to rent the apartment in question. In this connection, it should be pointed out that the respondent stated to the Commission's Field Representative that complainant was not in the same economic status as his other tenants, but when asked at the hearing to produce records of the economic status of other tenants pursuant to subpoena, the respondent admitted he had no such records. It should also be pointed out in this connection, that the respondent ordered a credit check on the complainant and, as testified by the representative of the credit company, such credit report was very favorable. The mere fact that such a credit report was ordered is significant and must not be overlooked. There is, of course, nothing wrong in securing credit reports on applicants for rental of apartments if such reports are ordered regularly for both white and Negro applicants. But it appears in the instant case that such a credit report was not ordered previously for any white tenant and that in fact, the respondent did not even open an account with Retailers Commercial Agency, Inc., the credit company which supplied the report pertaining to complainant, until such report was ordered concerning the complainant.

The third excuse given by the respondent for refusing an apartment to the complainant was the complainant's alleged poor physical appearance. Again, the Hearing Commissioners recognized that a landlord has the right to prescribe qualifications for tenancy provided he applies such qualifications to all tenants with regard to race, religion or national origin. But in the instant case, there is no credible evidence that such a qualification has ever been applied in the case of any white applicant for an apartment in this particular apartment house. When the Commission's Field Representative met with the respondent and requested the names of any white applicants who had been turned down for alleged poor physical appearance, such names were never supplied. At the hearing, a list of nine such names were supplied by the respondent. These were checked out by the Commission's representative, who found that in the cases of the five persons with whom he was able to met, it was very evident that their personal physical appearances had nothing whatsoever to do with the fact that they never rented an apartment at Carriage House Apartments. Had there been even a scintilla of evidence that when the complainant applied for an apartment she was dressed in an offensive manner or that her appearance was like that of some of the teen-agers roaming the streets today, the Hearing Commissioners might have been less certain of their findings of fact on this subject. The evidence is quite to the contrary. The respondent and his employes testified that the complainant's hair was not neat but in rebuttal, the complainant explained that she was obliged to wear an expensive \$200 wig during March of 1966 when such witnesses observed her hair, that this was because of a scalp condition of her own hair, and the complainant produced the said wig during the hearing. Respondent and his employes also claimed that the physical condition of the complainant was poor and her dress untidy but the complainant and one witness who accompanied her on one occasion testified that complainant wore clean and neat clothes and an expensive coat which cost about \$95.00 and such coat, too, was produced and was observed by the Hearing Commissioners. Complainant's white friend, Mrs. Rhoda Kern, who had accompanied complainant on March 2, 1966, when the apartment was shown by Walter Borland, corroborated the fact that the complainant was neatly dressed on that occasion and testified further as follows:

“Q. During the time that you have known Miss Wofford, have you observed her dress and her appearance”

A. Yes.

- Q. What can you tell our Commission about her reputation for neatness, for example?
- A. She has always been neat. She has always been well attired. She has always been very clean. In fact, she is scrupulously clean. She is so clean that we joke about it at times.
- Q. What do you mean by that?
- A. For example, if we are at lunch she examines the silverware which I don't do. She is fastidious. She is meticulous. She is overly clean, in my opinion."

Another witness produced on this subject was Genia Sidransky, the complainant's supervisor, who testified that complainant is never unclean or unkempt in her appearance at work and that "she is always presentable and makes a nice office appearance." Furthermore, the Hearing Commissioners observed Miss Wofford during two days of hearings and will themselves vouch that she is conservatively and well dressed in good taste, neat in appearance and well groomed.

The Hearing Commissioners asked the respondent to state whether the complainant's appearance during the hearings was objectionable to him and whether, if the complainant had presented herself dressed and groomed as she appeared during the hearings, the respondent would still refuse to rent to her on the alleged ground that she made a poor appearance. The respondent's answers were very evasive on this subject although he was frank to admit that he would refuse to rent to her even at the present time.

In the instant case as in all other cases of this type, the respondent has not admitted that the complainant's race was the motivating factor which caused him to refuse to rent an apartment to her. But it cannot be expected that persons intent on violating the housing provisions of the Pennsylvania Human Relations Act will announce their purpose. This Commission has learned from a long list of cases that the true purpose and intent of a respondent must be deduced from inferences after reviewing all pertinent facts. Having considered carefully all such facts as testified to at the hearings, it is difficult for the Hearing Commissioners to accept the lame reasons advanced by the respondent for his refusal to rent to the complainant in March 1966 and for his continued refusal to rent to her at the present time. All of the facts in this case lead to the same conclusion – that the respondent refuses to rent to the complainant because he does not wish to rent to a Negro tenant. It is therefore recommended that the Commission enter a cease and desist order against the respondent in this case, requiring him to rent an apartment in Carriage House Apartments to the complainant, Gloria J. Wofford.

PAUL A. SIMMONS, Presiding Hearing Commission

JAMES B. CAYCE, Hearing Commissioner

FLORENCE S. REIZENSTEIN, Hearing Commissioner

COMMISSION'S DECISION

AND NOW, May 23, 1967, upon recommendation of the Hearing Commissioners, upon all of the evidence at the public hearings of this case and in consideration of the findings of fact and conclusions of law, the Pennsylvania Human Relations Commission, by an unanimous decision, finds and determines that the respondent, HOWARD H. CHRISTNER, individually and doing business as H. Christner Company, committed unlawful discriminatory practices in violation of Section 5(h) of the Pennsylvania Human Relations Act in that the respondent refused and continues to refuse to rent an apartment in Carriage House Apartments, Pittsburgh, Pennsylvania, to Gloria J. Wofford, complainant, because of the race of said complainant.

FINAL ORDER

AND NOW, may 23, 1967, upon consideration of the foregoing Findings of Fact, Conclusions of Law and Commission's Decision, and pursuant to Section 9 of the Pennsylvania Human Relations Act, it is hereby

ORDERED, by the Pennsylvania Human Relations Commission

1. That the respondent, HOWARD H. CHRISTNER, individually and doing business as H. Christner Company, his agents, representatives and employes, shall cease and desist from refusing to rent to the complainant, GLORIA J. WOFFORD, because of her race, or to Negroes generally because of their race, commercial housing now or hereafter owned, built, managed or controlled by the respondent anywhere within the Commonwealth of Pennsylvania.
2. That the respondent shall take the following affirmative actions which in the judgment of the Commission will effectuate the purposes of the Pennsylvania Human Relations Act:
 - a. Offer forthwith to rent to the complainant, Gloria J. Wofford, an apartment located in the Carriage house Apartments, Pittsburgh, Pennsylvania;
 - b. Issue to all agents, representatives and employes of the respondent written instructions, previously approved by the Commission, explaining the requirements and objectives of the Pennsylvania Human Relations Act and advising each such person of his individual responsibility for compliance with that Act and his obligation to make such compliance meaningful and effective. Copies of such instructions signed by the said persons individually and acknowledging receipt and understanding thereof shall be transmitted to the Commission by the respondent;
 - c. Post in every office maintained by the respondent copies of the Commission's Fair housing Posters conspicuously, in accessible and well-lighted places where they may be readily observed by those seeking housing accommodations; and
 - d. Notify the Pennsylvania Human Relations Commission at its office at 1401 Labor and Industry Building, Harrisburg, Pennsylvania 17120, in writing, within fifteen (15) days of the date of service of

this Final Order as to the steps the respondent has taken or intends to take to comply with the provisions hereof.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By _____
HARRY BOYER, Chairman

ATTEST:

EDWARD M. GREEN, Secretary