

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN RELATIONS  
COMMISSION

vs.

CASE DOCKET NO. H-2458P

MODEL ENTERPRISES, INC.  
NATHAN LOSS, INDIVIDUALLY  
AND PRESIDENT  
d/b/a ROLLING HILLS ESTATE  
"LEFTY" MYERS, AGENT  
"TOM" WEAVER, AGENT

CONSENT ORDER AND DECREE

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WHEREAS, a Complaint was filed against Model Enterprises, Inc., a Pennsylvania Corporation, 418 Pearl Street, Lancaster, Pennsylvania; Nathan Loss, individually and President, 418 Pearl Street, Lancaster, Pennsylvania, d/b/a Rolling Hills Estate, R. D. #1, Columbia, Pennsylvania; "Tom" Weaver, Agent, R. D. #1, Columbia, Pennsylvania (hereinafter called the Respondents) on April 10, 1975, by the Pennsylvania Human Relations Commission, 100 North Cameron Street, Harrisburg, Pennsylvania (hereinafter called the Commission) alleging that on or about February 7, 1975, the Respondents violated Section 5 (h) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, (43 P.S. Sec. 951 et seq.) in connection with commercial housing accommodations located at Rolling Hill Estate, R. D. #1, Columbia, Pennsylvania; and

WHEREAS, Co-Respondents "Lefty" Myers and "Tom" Weaver are no longer employed in any capacity by Rolling Hill Estate, Model Enterprises, Inc. or Nathan Loss, Model Enterprises, Inc. and Nathan Loss herewith agree to assume sole responsibility for the alleged act of discrimination complained of in Docket No. H-2458P before the Commission and, for the purposes of this Order, shall

hereinafter be referred to as the "Respondents": and

WHEREAS, for the purposes of avoiding further litigation before the Commission, the Respondents do hereby agree to a waiver of their 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 27th day of June, 1976, the Respondents and the Pennsylvania Human Relations Commission agree to the following:

ORDER AND DECREE

1. The Respondents and their agents and employees will fully comply with the Pennsylvania Human Relations Act, as amended, and will henceforth cease and desist from directly or indirectly refusing to sell, rent, lease or in any way discriminate because of race, color, religious creed, national origin, ancestry, sex or the presence of a guide dog due to the blindness of the user, handicap or disability, in the terms, conditions or privileges of the sale, rental or lease of any and all commercial housing accommodations which the Respondents own, operate or for which they act as agents, manager or broker, or in the furnishing of advantages, privileges, facilities or services in connection therewith.

2. The Respondents and their agents and employees shall take the following affirmative actions which, in the judgment of the Commission, will effectuate the purposes of this chapter:

a. Offer full, equal and non-discriminatory assistance without regard to race, color, religious creed, nationality, ancestry, sex or because of the presence of a guide dog due to the blindness of the user, handicap and disability, to all responsible persons who come to the Respondents seeking assistance in obtaining housing accommodations.

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

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

d. 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 their normal place of business where both present and prospective customers and clients will normally see it and be able to read it.

e. The Respondents shall for a period of one (1) year from the effective date of the Order send to the Commission copies of notification within 48 hours after they receive notification of the availability for sale, rental or lease of any and all commercial housing accommodations which the Respondents own, operate or for which they act as an agent, manager or broker or in any manner furnish facilities or services in connection therewith. Such notification shall contain the exact location, the date of availability, and the terms of sale, rental or lease including but not limited to cost and size of unit.

f. The Respondents shall for a period of one (1) year from the effective date of this Order maintain a registry of the names, addresses and phone numbers of all individuals who in person are seeking, applying for, inquiring about or requesting information concerning the availability of units at any and all commercial housing accommodations or other real property which the Respondents own, operate or for which they act as an agent, manager or broker, or in any manner furnish facilities or services in connection therewith.

g. The Respondents shall from the effective date of the Order prepare and post in a conspicuous place, a unified listing of all available units for sale, rental, or lease of any and all commercial housing accommodations which the Respondents own, operate or for which they act as an agent, manager or broker or in any manner furnish facilities or services in connection therewith. All persons seeking information regarding units shall be referred to this unified list. Any information given by the Respondents, their agents or employees regarding units not on the list shall be construed as a violation of this Order and shall be cause for the Commission to seek a fine or imprisonment or both.

h. The Respondents shall from the effective date of this Order effectuate the following Affirmative Tenant Referral System, in that the Respondent(s) shall:

1. Permit all minority applicants (definition attached hereunto as Exhibit A) to make application whether a vacancy exists or not.
2. Notify the minority applicant that he/she/they is (are) to be processed under the terms of a Tenant Referral System agreement.
3. Process the minority application for any existing vacancy of the type of unit sought by the minority applicant.
4. Notify the minority applicant of his/her/their acceptance or rejection within 7 working days of the date of application.
5. Notify both the Commission and the minority applicant of the reason for rejection.
6. Notify minority applicants who have been accepted that they have been placed on an "Affirmative Action Waiting List."

7. Notify the applicant that he/she/they will be offered the next vacancy in the type unit sought, provided the Respondents do not have at least 2 units occupied by minority tenants.
8. Implement the "Affirmative Action Waiting List" as follows:
  - a. Upon being given notice of vacancy, the Respondents or their agents or employees will check the Affirmative Action Waiting List and process any minority applicants there for the vacancy.
  - b. 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.
  - c. Following notice to the Commission, the apartment shall be offered only to minority person applying or who may be referred by the Commission for one half of the notice period or for two weeks which ever is longer.
  - d. After one half of the notice period, or two weeks which ever is longer, if a minority tenant or acceptable minority applicant is not available, the Respondents may rent the apartment to any person as long as all applicants are considered in a non-discriminatory fashion.

- e. 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.
9. Agree that any lease executed in contravention of this Order shall be voidable and may be set aside at the discretion of the Commission.
10. Upon reaching a minimum of 2 units occupied by minority tenants, the Respondents may petition the Commission for review and termination of Section 2 (h) of this Order (the Affirmative Tenant Referral System) and the Commission, upon determining that the Respondents have complied with Order and reached a goal of 2 units occupied by minority tenants, shall grant the Respondents their petition for termination of Section 2 (h) of this Order (The Affirmative Tenant Referral System).
11. 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.
12. Not retaliate against minority tenants by reducing privileges, advantages, facilities, services or by any other discriminatory action.
13. Investigate promptly all complaints by minority applicants or minority tenants of discourteous, rude or discriminatory behavior by Respondents, employees or agents or any other person acting on behalf of the Respondent (whether compensated or not) and take necessary disciplinary action where warranted.

i. The Respondents shall from the effective date of this Order include in all advertising for commercial housing accommodations which the Respondents own, operate or for which they act as an agent, manager or broker or in any manner furnish facilities or services in connection therewith the words "Equal Opportunity Housing." The Respondents 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 Respondents constitutes an infraction by the Respondents of record.

4. It is understood by both parties to this Order that any wilful infraction of this Order may result in a fine or imprisonment or both as specified in Section 11, Penalties, of the Act.

5. 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.

6. 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.

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA HUMAN RELATIONS COMMISSION

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN  
RELATIONS COMMISSION

vs.

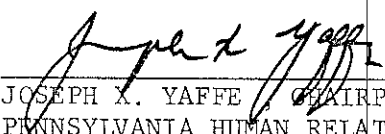
DOCKET NO. H-2458P

MODEL ENTERPRISES, INC.  
NATHAN LOSS, INDIVIDUALLY  
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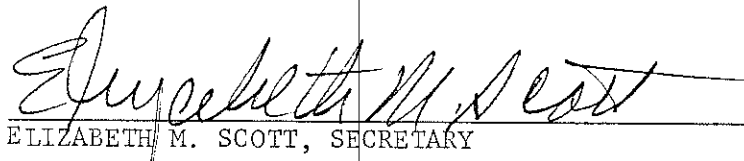
FINAL ORDER AND DECREE

AND NOW, this 27th day of June, 1976,  
upon consideration of the Consent Order and Decree submitted in the  
above captioned case it is hereby ORDERED AND DECREED that said Consent  
Order and Decree be entered into the official record of the Pennsylvania  
Human Relations Commission as a Final Order.

BY

  
\_\_\_\_\_  
JOSEPH X. YAFFE, CHAIRPERSON  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

ATTEST

  
\_\_\_\_\_  
ELIZABETH M. SCOTT, SECRETARY  
PENNSYLVANIA HUMAN RELATIONS COMMISSION



7. 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 in accordance in Section 9 of the Act.

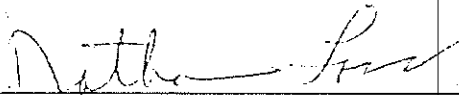
8. The Commission and the Respondents enter into this agreement with the intent to be legally bound thereby and acknowledge that this agreement shall not be final and binding until executed by the Respondents and approved by the Commission and executed by the Chairperson of the Commission, and thereafter 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 RESPONDENTS:

June 27, 1976

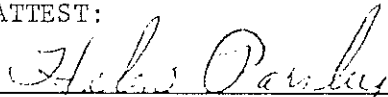
Effective Date of this Order

MODEL ENTERPRISES, INC.



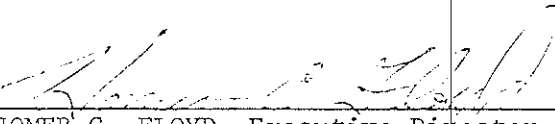
NATHAN LOSS, Individually and President  
Model Enterprises, Inc.

ATTEST:



HELEN PARSLEY, Secretary  
Model Enterprises, Inc.

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.