

PITTSBURGH COMMISSION ON HUMAN RELATIONS

A G E N D A

September 8, 2008

I. CALL TO ORDER

II. ADOPTION OF MINUTES

III. STAFF AND COMMITTEE REPORTS

A. Compliance Update

B. Director's Report

IV. COMMITTEE ASSIGNMENTS

V. ANNOUNCEMENTS & OPEN FLOOR

VI. ADJOURNMENT

Please be considerate of others; turn off cell phones.

PITTSBURGH COMMISSION ON HUMAN RELATIONS

Minutes of Meeting

September 8, 2008

Attendance: Adelaide Smith, *Chair*

Leah Williams-Duncan
Mary K. McDonald
Sister Eleanor Loftus

Dr. Lee Fogarty
Rev. Tim Smith
Lynette Drawn-Williamson

Winford Craig
Anne McCafferty

Called/Excused: Neil Parham
Curtis Smith

Elbert Gray, Jr.

Absent: Elizabeth Pittinger

Staff: Charles F. Morrison, *Director*
Kevin Trower, Solicitor

Connie Miskis Zatek

I. CALL TO ORDER

Chairperson, Adelaide Smith called the meeting to order at 4:00 p.m.

II. ADOPTION OF MINUTES

The Minutes of the July 7, 2008, Commission meeting were unanimously adopted as circulated.

The Chair verified that Commissioner Craig is still serving as an advisor to the Pittsburgh School District. He indicated that the next meeting is scheduled for September 9 at the Carnegie Science Center. Thereafter Commissioner Adelaide Smith inquired about the status of the housing brochure discussed at the July CHR meeting, "Its Your Move." Director Morrison responded that this brochure had been developed by a former Commission member, Dr. Frances Barnes. He recently spoke with Dr. Barnes, who is delighted that the Commission is planning to continue moving forward on introducing it into the high school curriculum. The Chair directed staff to provide Commissioner Craig with a copy of the brochure and asked him to call her once he has had an opportunity to review it. She indicated that she hoped this might be something the Commission could co-sponsor through Commissioner Craig's advisory group (once approved by the School Board).

The Chair next turned to discussion of providing a preliminary complaint form or contact sheet for internet users. Director Morrison reported that he and the Solicitor have discussed the legal implications of an on-line complaint form, and he has also checked with the State Commission, EEOC and HUD. The only agency with an actual complaint form is HUD, which is treated as an inquiry, until a formal form is signed and verified.

Director Morrison went on to explain that Commission complaints must be written in a specific form so that the facts as stated, if not challenged, can stand as a violation. The Commission staff are very accommodating as potential complainants can be contacted by e-mail, regular mail, and complaints can be signed and verified at their home, business, etc. Commissioner Craig stated that this Commission should not always be guided by the policies of other agencies but should be a leader itself.

Staff secretary, Connie Zatek, reported that the Commission is already receiving internet inquiries via the office e-mail account, and suggested posting a simply contact sheet at the Commission's website which asks for minimal information and specifically states that completing the contact sheet does not constitute a formal complaint.

Solicitor Trower explained one of the problems in having an on-line complaint – identification of a complainant. He stated that completing a complaint is the start of a legal process. The anonymity of internet users is a concern because a complaint must be notarized if it is self-drafted, or signed and verified if drafted by the Commission staff. By law, third parties are not permitted to file a complaint unless they have the authority to do so.

Following some discussion, Commissioners and Solicitor were in agreement that an inquiry sheet could be posted on-line, which very clearly and specifically indicates that it is not a formal complaint and does not toll time for legal purposes.

III. STAFF & COMMITTEE REPORTS

A. Director's Report

1. The Commission's contract with EEOC for FY 2007/8 was originally for 72 dual-filed cases. EEOC adjusted that amount downward to 50 cases. The Director indicated that there would be no problem in meeting the lowered contract amount. However, the reduction in cases would also mean a reduction in funding. The Director reported that he has discussed low intake levels with both the local EEOC office and the district office, and as a result, EEOC has agreed to send the Commission 25 additional cases for processing during the next fiscal year.
2. The Director reported that he is looking to hire an additional staff person in the near future. The last certified list expires on September 10, 2008, so the Department of Civil Service and Personnel will repost the position to develop a new list. The position of Commission Representative 1 is a non-competitive position. These persons are hired by the Director in consultation with the Personnel Committee. The Director stated that once additional staff is hired, the office may be able to do more education and outreach.

3. Director Morrison referenced the Quarterly Intake Report which was mailed to all Commissioners prior to this meeting, stating that intake levels are beginning to slowly increase again.

The Director asked if there were questions with regard to the information contained in the Director's Report mailed to Commissioners.

Commissioner McCafferty asked why Allegheny County is considering establishing its own human relations commission. Director Morrison responded that certain groups are protected under Pittsburgh's law who are not afforded protection by federal or state laws. He indicated that there is a movement driven by the Chairperson of the Pennsylvania Human Relations Commission and certain members of County Council to pass a law establishing an Allegheny County Human Relations Commission which would be similar in its protections to Pittsburgh's law. He stated that while there is some interest to establish such a commission there is no funding at this time. Director Morrison stated that he had suggested the possibility of passing such a law and providing an election for individuals to take the matter to court. He did not believe this is on the horizon.

Director Morrison stated that there was also consideration about merging the City HRC with the proposed County HRC under one umbrella, but there is not a lot of support for it just yet. "Harrisburg has an interest in seeing the City Commission continue on its own. They would rather see the County get a commission up and running and then possibly merge the two later.

Commissioner Williams-Duncan stated that she believed there was also a movement at the state level to introduce legislation to include sexual orientation to the state act. The Director acknowledged this, noting that there is not a lot of state-wide support for it. He stated if that were to occur, an Allegheny County human relations commission would not be necessary. He did not believe there is much chance for success at the state level any time soon.

4. Commissioner Adelaide Smith inquired about the apparent conflict between the Commission and the Fair Housing Partnership of Greater Pittsburgh (FHP). Director Morrison explained that the FHP is designated as a FHIP by HUD, a non-governmental, non-profit agency which advocates for fair housing. The Commission is a FHAP. In theory, the FHP is to provide support to victims of fair housing violations; to conduct testing to verify levels of compliance in the neighborhoods; to encourage the filing of complaints; and to support the CHR when the need occurs to conduct tests in cases that are appropriate for testing. He stressed that not all cases are appropriate for testing.

Director Morrison stated that the CHR had a case appropriate for testing and requested that the FHP conduct the test. Under HUD regulations, the Commission has only 100 days in which to complete an investigation. In the instant case, the FHP agreed that they would do the test, but then they refused to provide the Commission with the results. After several requests, the Commission subpoenaed the information and the FHP turned over the testing results. However, it is not supposed to work that way!

After filing the complaint, the Complainant obtained counsel -- who was a former board member of the FHP and who was aware of the testing. The FHP agreed to provide the testing information to the attorney, but not to the Commission. HUD representatives tried to resolve the situation and met with representatives of FHP and the Commission. HUD proposed a Memorandum of Understanding (MOU) that specifically outlined the responsibilities of each party, and FHP agreed to this. However, upon review, the Commission's Solicitor said that if the Commission were a party to the MOU, it would preclude FHP from filing or suing a party to a complaint, and the Commission would have a conflict in interest; and the case would have to be sent to the Pennsylvania Human Relations Commission for investigation.

The Director further explained that any agency, such as the FHP, can file a complaint because they have standing. If "harmed," that agency could claim a diversion of resources or frustration of mission and recoup their losses upon resolution of the complaint. This was communicated to HUD.

IV. COMMITTEE ASSIGNMENTS

Commission Chair, Adelaide Smith, stated that two Commissioners had requested Section changes. In response to their requests, effective immediately, Commissioner Fogarty will be moved to the Compliance Review Section, and Commissioner Parham will be moved to the Public Hearing Section.

Further Committee assignments are as follows:

Community Relations Committee

Dr. Lee Fogarty, Chair
Leah Williams-Duncan
Lynette Drawn-Williamson
Curtis Smith

Housing Committee

Winford Craig, Chair
Sister Eleanor Loftus
Curtis Smith

Personnel Committee

Anne McCafferty, Chair
Elizabeth Pittinger
Mary K. McDonald

Finance Committee

Mary K. McDonald, Chair
Rev. Tim Smith
Neil Parham
Elbert Grey

Nominating Committee

Anne McCafferty, Chair
Winfred Craig
Curtis Smith

V. NEW BUSINESS

Commission Vacancies

The Chair inquired about the status of the two vacancies on the Commission. Director Morrison replied that he has not received news of appointments as yet. The Chair asked Commissioners to contact Director Morrison if they know of persons who may be interested in serving on the Commission. The Director agreed to speak with any interested persons, but also noted that all potential candidates are required to complete an on-line application. When doing so, they need to indicate their preference for serving on the Commission.

The Chair noted that she would like to see at least one of the new appointments be a representative of the disabled community; the Commission is also short on male representation as well. Director Morrison stated that he has articulated to the Mayor's office the need for the Commission to be diverse in all aspects.

October CHR Meeting

Commissioners were reminded that the October 6, 2008, Commission meeting will be held in East Liberty at the Kingsley Association. Light refreshments will be served. The full Commission meeting will begin at 6 p.m. The Compliance Review Section will meet at 5:30 p.m. The Director noted that focus of the Commission meeting will be different from the one held in Hazelwood in April. At that time, information was

provided to the community. This time, it is hoped that the Commission will be able to hear from community residents – within the framework of the Commission's jurisdiction. For example, the extent to which they believe discrimination is an obstacle to community development, invite discussion that can help shape public policy, etc. Invitations have been sent to Council representatives for that area, state representatives, community leaders and pastors.

Staff was directed to create a flyer which can be e-mailed to Commissioners for further circulation. Other possibilities for publicizing the event included: placing an ad in the New Pittsburgh Courier; listing in church bulletins, particularly for Mt. Ararat and St. Paul's; internet listing with Craig's List under Pittsburgh Community Meetings, and notifying the Pittsburgh Theological Seminary.

Due to limited time constraints, persons wishing to address the Commission will be asked to limit their comments. The need to keep speakers on point to issues within the Commission's jurisdiction was also noted.

With all business concluded, Commissioner McCafferty moved that the meeting be adjourned. The motion was seconded by Commissioner McDonald and carried unanimously. The meeting was adjourned at 5:15 p.m.

/cmz



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Lynette Drawn-Williamson, Secretary

Rev. Timothy L. Smith, Sr., Treasurer

Elizabeth C. Pittinger, Chair Emeritus

Jennifer R. Andrade, Esq.

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Elbert R. Gray, Jr., Esq.

Eleanor P. Loftus, RSM, Ph.D.

Anne McCafferty

Mary K. McDonald

Neil Parham

Melanie Predis

MEMORANDUM

To: All Commissioners

FROM: Connie Miskis Zatek
Secretary to Director

DATE: August 29, 2008

SUBJECT: **MEETING NOTICE**

The Commission is scheduled to meet next on **Monday, September 8, 2008, in the Commission offices.** (September 1 is Labor Day.)

2:30 p.m. Compliance Review Section
3:30 p.m. Full Commission meeting

The following items are enclosed for your review:

1. Minutes of the July 7, 2008, CHR Meeting
2. Director's Report for July/August 2008
3. Case Summary Package (*for Compliance Review Section Members Only*)
4. Second Quarter 2008 Intake Report
5. FYI: New York Times article – re: accessible homes

Committee assignments will be made at the September 8 meeting. If you have not yet returned the survey form, please call or FAX the information.

If you are unable to attend the September 8 meeting, please call 412-255-2600 to alert me to your absence. Thank you.

/CMZ
Enclosures

Pittsburgh Commission on Human Relations
Director's Report
August 29, 2008

July 02, 2008 Director Morrison met with representatives of HUD's Pittsburgh office and the Fair Housing Partnership of Greater Pittsburgh to discuss issues relating to FHP's failure to provide testing evidence related to a Commission investigation. HUD proposed a Memorandum of Understanding as a means to avoid future conflicts in the enforcement effort.

July 08, 2008 Director Morrison and Commissioner Leah Williams-Duncan attended the program, Coalition Against Violence, at Duquesne University. The program focused on the release of its report; Strategies for Change/Action with a goal of lessening the violence that plagues so many of Pittsburgh's neighborhoods.

July 21, 2008 Director Morrison attended the City of Pittsburgh/Allegheny County Task Force on Disabilities meeting. The meeting covered issues related to access during events such as the Three Rivers Arts Festival, discrimination against persons using the Housing Choice Voucher Program (Section 8) and the Task Force's budget for 2009.

July 30, 2008 Director Morrison conducted a fair housing education program for the property managers of Coldwell Banker Real Estate. The program covered data contained in HUD's 2007 annual report of the State of Fair Housing, reasonable modifications under the FHA and an open discussion of the challenges faced by agents in maintaining compliance with the law.

Aug. 12, 2008 Director Morrison met with Pennsylvania Human Relations Commission Chair, Steven Glassman, and Allegheny County Council Representative, Amanda Green, to discuss issues related to the establishment of an Allegheny County Human Relations Commission.

MEMORANDUM

TO: Charles F. Morrison, Director

FROM: Janice Burris
Clerk-Stenographer II

DATE: August 12, 2008

SUBJ: INTAKE REPORT-- Second Quarter, 2008

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CASES FILED, SECOND QUARTER 2008

	<u>APR</u>	<u>MAY</u>	<u>JUNE</u>	<u>TOTALS</u>
<u>COMMISSION INITIATED</u>	0	0	0	0
<u>EMPLOYMENT</u>	3	7	8	18
<u>HOUSING</u>	1	0	1	2
<u>PUBLIC ACCOMMODATIONS</u>	0	0	1	1
<u>COMMUNITY RELATIONS</u>	0	0	0	0
<u>CIVIL RIGHTS</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTALS	4	7	10	21

BASES OF DISCRIMINATION: SECOND QUARTER**I. EMPLOYMENT CASES**

<u>Basis</u>	<u>Number</u>	<u>Percentage</u>
Race	4	12.5
Race, Sex	5	12.5
Race, Sex & Sexual Orientation	1	37.5
Sex	1	12.5
Retaliation	1	12.5
Race & Retaliation	1	37.5
Race & Handicap/Disability	1	37.5
Age	1	37.5
Handicap/Disability	2	37.5
Sex, Handicap/Disability	<u>1</u>	<u>12.5</u>
TOTAL	18	100.0

II. HOUSING CASES

<u>Basis</u>	<u>Number</u>	<u>Percentage</u>
Race	1	50.0
Race & Sex	<u>1</u>	<u>50.0</u>
TOTAL	2	100.0

III. PUBLIC ACCOMMODATION CASES

<u>Basis</u>	<u>Number</u>	<u>Percentage</u>
Sexual Orientation	<u>1</u>	<u>100.0</u>
TOTAL	1	100.0

ISSUES OF COMPLAINTS**I. EMPLOYMENT CASES**

<u>Issue</u>	<u>Number</u>	<u>Percent</u>
Discharge	7	38.8
Constructive Discharge	1	5.6
Failure to Hire	3	16.6
Harassment	1	5.6
Wages	3	16.6
Expulsion	1	5.6
Failure to Accommodate	1	5.6
Retaliation	<u>1</u>	<u>5.6</u>
TOTAL	18	100.0

II. HOUSING CASES

<u>Issue</u>	<u>Number</u>	<u>Percent</u>
Failure to Rent	<u>2</u>	<u>100.0</u>
TOTAL	2	100.0

III. PUBLIC ACCOMMODATION CASES

<u>Issue</u>	<u>Number</u>	<u>Percent</u>
Denied to Complete Education	<u>1</u>	<u>100.0</u>
TOTAL	1	100.0

RESPONDENTS-TYPE OF BUSINESS: EMPLOYMENT CASES

<u>Business</u>	<u>Number</u>	<u>Percent</u>
City of Pittsburgh	2	11.2
Hospital	7	39.1
Hotel	1	5.5
Real Estate Agency	1	5.5
Security Services	1	5.5
Educational Services	2	11.2
Social Services	1	5.5
Laundry Services	1	5.5
Animal Service	1	5.5
Food Service	<u>1</u>	<u>5.5</u>
TOTAL	18	100.0

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James Estrin/The New York Times

"I can use the dishwasher only by being a contortionist," said Roberta Galler, 72, in Battery Park City.

By GLENN COLLINS
Published: August 24, 2008

Even a kitchen cabinet can be an insurmountable challenge, when it is too high to reach. Or a sink — or a toilet — that is too low. And, as Roberta Galler knows, there are closets that cannot be entered. "You might get your wheelchair in, but you'll never get it out," she said during a tour of her apartment on a recent afternoon.

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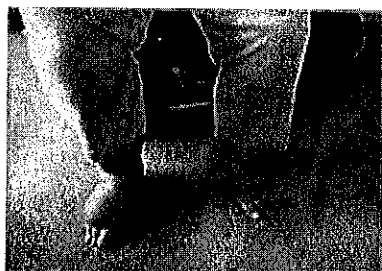
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James Estrin/The New York Times

Ms. Galler lives not in a prewar apartment building or a decrepit walk-up, but in a 27-story building in Battery Park City that was built in 1999 under a city law intended to provide accessible housing to disabled tenants. Her status — and that of thousands of others — took the spotlight last week with the news that developers and landlords in New York City — potentially facing lawsuits from the federal government — may have to spend tens of millions of dollars to renovate more than 100,000 apartments built since 1991 to comply with federal housing laws barring discrimination against tenants who use wheelchairs.

The United States attorney's office in Manhattan has sent letters to some of the city's most prominent landlords and architects, saying they risk prosecution under the Fair Housing Act because, the prosecutors said, their buildings are not accessible to people with disabilities.

New York officials and developers say the city law — Local Law 58, which went into effect in 1988 — essentially meets 1991 federal requirements under the Fair Housing Act. The Real Estate Board of New York, the industry's lobbying group, has denied wrongdoing and said that builders have complied with the law.

But some advocates for the disabled have said that the federal government never recognized Local Law 58 as being in compliance with its standards. And the United States attorney's office criticized faults in new buildings, like narrow doors, inaccessible kitchens and bathrooms, and unreinforced walls that make it impossible for disabled tenants to install grab bars for bathtubs.

"A legislative judgment has been made at the federal and local level that full access for people with disabilities is a fundamental civil right," said Craig Gurian, the executive director of the Anti-Discrimination Center, a nonprofit organization that challenges housing discrimination. "But for far too long, enforcement has lagged. For anyone who can even imagine being a prisoner in one's own apartment, that is just an intolerable situation."

Advocates say that with the aging of the national population, accessibility requirements may affect vast numbers of tenants. "The disabled form a rare minority group — one open to future members," said Marilyn Saviola, the director of advocacy for the nonprofit Independence Care System in Manhattan, who uses a wheelchair. "Anyone can become



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INSIDE :

disabled or have a disabled family member. It's a problem that can come home to all."

In a city where affordable housing is not plentiful, accessible housing at any price often seems nonexistent. Many disabled people say that even in new buildings, they can be constrained by doorways, trapped in corridors too narrow to maneuver wheelchairs in, or stymied by unreachable latches, light switches and thermostats. "Unless you are disabled or know someone in your family who is, you can't imagine how big a deal a two-inch step can be," said Kleo King, the senior vice president for accessibility services for the United Spinal Association, a nonprofit advocacy group.

To spend an afternoon with Ms. Galler, 72, as she navigates her supposedly accessible apartment in Battery Park City is to understand the difficulties those who use wheelchairs can confront in newer housing. "Most people might never imagine these difficulties," said Ms. Galler, who contracted polio at the age of 10 but was able to walk until a few years ago.

She cannot open or close windows by herself because the locks are too high. She cannot get her wheelchair into the bedroom closet — and has not returned to her bathroom in the wheelchair since being trapped there for two hours. Now she takes several laborious steps with braces to enter the room. Her bathtub is unreachable. "I can use the dishwasher only by being a contortionist," she said.

The garbage disposal room down the hall is a wheelchair barricade. And, she added, "my kitchen cabinets? Very beautiful. But I can't reach them."

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A version of this article appeared in print on August 25, 2008, on page B3 of the New York edition.

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