



# TOPIC: HISTORY OF TESTING IN PA

Raymond Cartwright, PHRC  
HCPD Director, Retired

**PENNSYLVANIA HUMAN  
RELATIONS COMMISSION**  
*Promoting Equal Opportunity*

---



# What is a Test?

**Test: “a critical examination, observation or evaluation”**

---

---

# The Philadelphia Story



- The history of testing in PA - rooted in a basic concept resulting from a successful court test of the Pennsylvania Human Relations Act (and Pennsylvania Human Relations Commission's (PHRC) application of it) to efforts to identify housing discrimination on a larger scale than could be identified by individual complaints.
  - Initial testing efforts and procedures were carried out by the Philadelphia Commission on Human Relations (PCHR) in 1966.
-



# The Philadelphia Story

- The PCHR initially tested to rebut the concept, “We (City of Philadelphia) have no reported cases of discrimination.” This was the 1965 City Council response to efforts to amend the City Civil Rights Act to include more protection for victims of housing discrimination.
  - For its 1966 effort to amend, the PCHR conducted citywide testing.
-



# The Philadelphia Story

- The testing not only showed the presence of housing discrimination, it demonstrated its **institutional nature**.
  - The testing demonstrated discrimination was found in **every facet** of the private and public housing market.
  - The testing also proved it was blatant.
  - Result: **The law was amended!!** Dialogue also began with the housing industry especially the Philadelphia Board of Realtors.
-

---

# The Pennsylvania Story



- Rooted in a basic concept resulting from a successful court test of the PHR Act and PHRC's application of it, to efforts to identify housing discrimination on a larger scale than could be identified by individual complaints.
  - Initial testing efforts and procedures were carried out by the PHRC in 1972.
-

---

# The Pennsylvania Story



- Prior to the onset of testing, various facets of the housing industry were invited to “sit down and reason together” regarding “office practices and procedures that created the appearance of discrimination.”
  - Resulting contact ... ZERO.
  - The PCHR initially tested to aid the housing industry in recognizing that what occurred in Philadelphia was occurring statewide!
-

---

# The Pennsylvania Story



- Testing was initiated and in March 1972, 150 PHRC initiated complaints were served based on statewide testing.
  - Again the testing not only showed the presence of housing discrimination, it demonstrated its institutional nature.
  - The testing demonstrated discrimination was found in every facet of the private and public housing market.
  - The testing also proved it was blatant!
-

---

# The Pennsylvania Story



- Result: **Dialogue** began with the Pennsylvania Association of Realtors (PAR) in April 1972, leading to the first establishment of a joint Equal Opportunity Committee (EOC).
  - EOC negotiated the first civil rights agreement between Realtors and a civil rights agency. PAR and PHRC signed their Memorandum of Understanding (MOU) in 1974 as did most of the local PAR boards.
-

---

# The Pennsylvania Story



- Subsequently the U.S. Department of Housing and Urban Development (HUD) became a signatory to the PAR-PHRC MOU.
  - A subsequent HUD testing study showed that of the 2 boards tested in PA, the board with its own MOU only had 7% of its members giving less favorable services on the basis of race and/or color as opposed to 70% for the board with no MOU.
-

---

# The Pennsylvania Story



- The study attributed that to the adoption of the MOU and its guidelines.
  - As a result of the MOU, boards adopted procedures, developed standard office procedures with PHRC assistance as well as advertising guidelines.
  - Boards with the MOU also required **Fair Housing and Equal Opportunity (FHEO)** training at orientation for new members.
-

---

# The Pennsylvania Story



- Subsequently PAR and PHRC successfully worked for “**continuing education**” requirements for license renewals that included FHEO.
  - One unforeseen consequence -- PAR testified on PHRC’s behalf against legislation to abolish PHRC. PAR also has supported amendments strengthening the PHR Act.
-



# What Testing Has Accomplished

- PHRC also got a boost in this effort by the **PA Supreme Court** issuing an unprecedented decision (see Bryant decision) upholding testing.
  - PHRC takes pride in the fact that its MOU became the model for HUD and the National Association of Realtors (NAR) Voluntary Area Marketing Agreement (VAMA), which led to the creation of the HUD Fair Housing Initiative Program (FHIP).
-



# What Testing Has Accomplished

- In turn, the Bryant decision was emulated by the U.S Supreme Court in its HOME vs. Havens decision, which not only approved of testing but gave testers and fair housing groups conducting the testing to have standing to file.
  - Today PHRC supports efforts to do testing in a new decade with you as our partners.
-