



# Understanding the Requirements for Tests

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

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# COMPLAINT OF DISCRIMINATION



1. Generated by PHRC or HUD
2. Bonafide Complainant alleging denial of housing because of membership in protected class



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# PROTECTED CLASSES

<b>PROTECTED CLASSES UNDER PA HUMAN RELATIONS ACT:</b>	<b>RACE</b>	<b>COLOR</b>
<b>RELIGION</b>	<b>NATIONAL ORIGIN</b>	<b>ANCESTRY</b>
AGE 40+ (not public accommodations)	<b>SEX</b>	<b>NON-JOB RELATED DISABILITY</b>
<b>RELATED TO ONE WITH NON-JOB RELATED DISABILITY</b>	<b>USE OF A GUIDE OR SUPPORT ANIMAL</b>	<b>POSSESSING A G.E.D. INSTEAD OF H.S. DIPLOMA</b>
<b>REFUSAL OR WILLINGNESS – ABORTION</b>	<b>FAMILIAL STATUS (HOUSING)</b>	<b>RETALIATION</b>



# What Makes a Good Tester?

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# Who is a Good Tester?

1. People make good testers.
2. People who are objective make good testers.
3. People who are observant make good testers.
4. People who are “listeners” not “talkers” make good testers. Two ears to listen - one mouth to talk!



# Who is a Good Tester?

5. People who don't have an "ax to grind" make good testers.
6. People who are "crusaders" do not make good testers.
7. Testers must also be capable of following directions.
8. Information sharing is taboo at all levels including "pillow talk".



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# Recruiting & Training

1. A “good tester” is a good information gatherer.
2. “Information gatherers” are “listeners”.
3. We have two ears but only 1 mouth which suggests listening twice as much as talking.
4. Three “O’s”
  - Objective
  - Observant
  - Organized



# Recruiting & Training

5. Community member in good standing;
6. Available for a long period to test and to testify;
7. Team Player;
8. Trainable;
9. Training will be local with PHRC assistance.



# Test standards:

- a. “wrap around/sandwich test”
- b. Control Tester, Test Subject Tester;  
Re-contact by first tester or another  
control tester.
- c. Near identical information by testers.
- d. Objectivity in reporting



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# “Prima facie” proof:

- a. Test Subject Tester must be a member of a protected class.
- b. Test Subject Tester must have created appearance of a bona fide “qualified applicant”.
- c. Test Subject Tester must ask for information and been given “different and adverse information”.
- d. Control Tester established unit availability initially and reconfirmed it after test subject tester received “different information.”



## A few things to remember:

- Were you shown a unit?
- Were you offered a guest card, application, etc.?
- Were there any Illegal inquiries?

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# HOUSING & COMMERCIAL PROPERTY



Refusal to sell, lease,  
finance or otherwise to  
deny or withhold  
housing or commercial  
Property.





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# HOUSING & COMMERCIAL PROPERTY

Refusal to allow  
modification or make  
reasonable  
accommodations for  
persons with a disability





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# HOUSING & COMMERCIAL PROPERTY

- Rental situations
- Eviction due to pregnancy or child
- Real estate practices
- Predatory lending & other lending practices





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# HOUSING & COMMERCIAL PROPERTY

- Print or circulate statements indicating preference or limitation
- Make an inquiry, etc., concerning race, familial status, age, religion, national origin, etc.





# Conducting Tests and Overcoming Issues

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# Conducting Tests and Overcoming Issues

1. “Tests” are not “tests” for testers.
2. Contacts by testers are SOLELY TO ELICIT INFORMATION!!

*Note this includes the appearance of “inaccessibility”*



**PHRC has resources on line at**  
**[www.accessdoctors.state.pa.us](http://www.accessdoctors.state.pa.us)**  
**for providers and advocates**

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# Conducting Tests and Overcoming Issues



3. “Tester” must be only an objective information gatherer.
4. Tests in which the “tester” has a subjective interest in the outcome suggests a “conflict of interest”.
5. Teams may travel together but not discuss outcome of their contacts with each other.
6. Debriefing should not occur in the presence of the second tester.

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# Conducting Tests and Overcoming Issues



7. Expressing judgmental opinions should not occur at any time during the testing at any phase.
8. REHEARSE, REHEARSE and then REHEARSE AGAIN.
9. The one exception to change is where the Control Tester deviates from the profile on the initial contact. Testing supervisors should usually scrub that test with few exceptions.

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# Conducting Tests and Overcoming Issues



10. A real applicant can and usually does carry ads, notepads and even electronic devices for making notes.
11. If phone #s are exchanged it should be agency #s not personal or cell phone #s of testers.
12. Being “nervous” or “flustered” is not out of character for an applicant, so it is not for a tester.

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# Conducting Tests and Overcoming Issues



13. Asking a second time for information and taking notes are normal.
14. The key to a good contact is observation. Seeing and remembering are key.
15. Take into account context. A test at a small unit in a rural area where a visit once a week would be normal, a ten minute gap may not be advisable. By contrast a large development it would be normal.

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# Conducting Tests and Overcoming Issues



16. If for any reason you are asked if you are a tester you should act puzzled and ask, “what do you mean?”
17. Control tester must not create any appearance they are taking the unit. Hence they need an exit line suggesting they have “2 more places to see” or that they need to “run it by whomever”.
18. The test subject tester also needs an exit line if they are offered the unit.