



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-2000

OFFICE OF FAIR HOUSING  
AND EQUAL OPPORTUNITY

JUN 17 2013

CERTIFIED MAIL

Borough of Norristown, Pennsylvania  
Robert H. Glisson, Interim Municipal Administrator  
235 East Airy Street  
Norristown, PA 19401

RECEIVED

JUN 19 2013

*Adler*

Dear Mr. Glisson:

Subject: Housing Discrimination Complaint  
Assistant Secretary for Fair Housing & Equal Opportunity vs.  
Borough of Norristown, PA  
Title VIII Case No.: 03-13-0277-8  
Section 109 Case No.: 03-13-0277-9.

This letter notifies you that HUD's Office of Fair Housing and Equal Opportunity (FHEO) has issued a Secretary-initiated complaint alleging that the Borough of Norristown, PA has engaged in discriminatory housing practices on the basis of sex in violation of the Fair Housing Act, as amended (the Act). The Department of Housing and Urban Development (the Department) has enclosed for you a copy of the complaint, which describes the alleged discriminatory practices. The Department has made no determination as to whether the complaint against you has merit.

Under federal law, you may file an answer to this complaint or any amendment to the complaint, within ten (10) calendar days of your receipt of this notification letter. You must sign your answer and affirm that you have given a truthful response by including the statement "I declare under penalty of perjury that I have read this answer (including any attachments) and that it is true and correct." You may amend your statement at any time.

FHEO's Regional Office in Philadelphia, PA, will conduct an impartial investigation of the complaint and will afford all parties an opportunity to resolve the complaint through conciliation. The Fair Housing Act requires that the Department complete its investigation within 100 days of the filing of the complaint, or notify you of the reasons it cannot make a determination within that timeframe. Until the Department concludes the investigation, the Department requests that you refrain from destroying any documents or other evidence relevant to the investigation.

At the conclusion of the Department's investigation, should the matter not conciliate, the Department will notify you in writing as to its determination whether or not there is reasonable cause to believe a fair housing violation has occurred, as alleged. If the Department determines that there is reasonable cause to believe that an unlawful discriminatory housing practice has occurred, the Department will issue a charge. The notification of the charge and determination will advise you and the complainant of your rights to choose, within 20 days, whether you wish to have the case

heard by an Administrative Law Judge, or to have the matter referred for trial in the appropriate U.S. District Court. If the Department determines that there is no reasonable cause to believe that an unlawful discriminatory housing practice has occurred, the Department will dismiss the case.

Section 818 of the Act makes it unlawful for you, or anyone acting on your behalf, to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, any right granted or protected under the Act. The Act also makes it illegal for anyone to coerce, threaten, or interfere with any person for having aided or encouraged any other person in the exercise or enjoyment of, any right or protection granted to them under the Act.

Since the Borough of Norristown, PA is a recipient of Community Development Block Grant funds, the complaint has been accepted and will be investigated under Section 109 of the Housing and Community Development Act of 1974.

Section 109 states:

No person in the United States shall, on the ground of race, color, sex, religion, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded in whole or in part with funds made available under this chapter.

This complaint will be concurrently processed under both authorities and an investigation will now be conducted. If the investigation is not completed within 100 days, you will be notified in writing.

I have enclosed some explanatory material on the law for your information. If you have any questions regarding this case, please contact Barbara R. Delaney, Director, FHEO Philadelphia Program Center, at (215) 861-7637. You may send correspondence to Ms. Delaney at the following address:

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Barbara R. Delaney  
Director, FHEO Philadelphia Program Center  
U.S. Department of Housing and Urban Development  
Office of Fair Housing and Equal Opportunity  
The Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107

Please refer to the case number at the top of this letter when you contact her office and keep her advised of any change of your address or telephone number.

Sincerely,

A handwritten signature in cursive script that reads "Melody Taylor-Blancher".

Melody Taylor-Blancher  
Regional Director

Enclosures

**HOUSING DISCRIMINATION COMPLAINT**

**CASE NUMBER:** 03-13-0277-8

**CASE NAME:** Assistant Secretary for Fair Housing & Equal Opportunity v. Borough of Norristown, PA

**1. Complainant**

Assistant Secretary for Fair Housing and Equal Opportunity  
U.S. Department of Housing and Urban Development  
451 Seventh Street, S.W., Suite 5100  
Washington, D.C. 20410

**2. Other Aggrieved Persons**

Undetermined

**3. The following is alleged to have occurred or is about to occur:**

Discriminatory terms, conditions and privileges

**4. The alleged violation occurred because of:**

Sex (female)

**5. Address and location of the property in question (or if no property is involved, the city and state where the discrimination occurred):**

Borough of Norristown, Montgomery County, PA

**6. Respondents**

Borough of Norristown  
East Airy Street, Norristown, PA 19401

In their official capacity:

Gary Simpson, Council President  
Robert H. Glisson, Interim Municipal Administrator for Norristown

**7. The following is a brief and concise statement of the facts regarding the alleged violation:**

The Assistant Secretary for Fair Housing and Equal Opportunity, on behalf of the Secretary of the U.S. Department of Housing and Urban

Development, files the Secretary-initiated complaint of housing discrimination as authorized by Section 810 (a)(1)(a)(i) of the Fair Housing Act, 42 U.S.C. § 3610.

The complaint alleges the Borough of Norristown, Montgomery County, Pennsylvania ("Norristown" or "the Borough") unlawfully discriminated against women by enacting and enforcing Ordinance 12-03. After this ordinance was repealed in November 2012, an equally discriminatory ordinance (Ordinance 12-15) was passed and is currently being enforced. Both ordinances have resulted in women who are victims of domestic violence being evicted from their rental homes as result of law enforcement being called to their home to intervene under the auspices of "disorderly behavior." Section 245-3 of the Norristown Municipal Code, as enacted by Ordinance 12-15, holds landlords responsible for their tenants and encourages landlords, at the risk of being fined, to evict tenant were the police have been called to the address for three times within a four months period for "disorderly behavior," including domestic violence

Ordinance 12-03 of the Norristown Municipal Code was in effect between February and November 2012 and allowed Norristown's Municipal Administrator to revoke or suspend the rental license for any property where the police have responded to three (3) instances of what the Chief of Police (in the Chief's sole discretion) considered "disorderly behavior" at the property within a four month period, including any "domestic disturbances that do not require that a mandatory arrest be made."

The Borough of Norristown enforced the Ordinance against landlords and tenants by revoking a tenant's landlord rental license and attempting to remove the tenant from their home, on grounds that the police were called upon too many times to protect an individual from an incident of domestic violence.

The current ordinance permits the Borough of Norristown to assess a series of escalating fines against a landlord of any property, at which, within a four month period, the police have responded to three instances of disorderly behavior, including instances of domestic violence. The fines increase to \$1,000.

The ACLU has filed a civil action in U.S. District Court for the Eastern District of Pennsylvania on behalf of a 33 year old African American, single mother. She is a resident of Norristown, in Montgomery County, PA. The women was a victim of domestic violence and when police were called to respond to an emergency situation at her property the Ordinance, known as the "Three Strikes Ordinance," penalized her for her being a victim who could not control or prevent the violence perpetrated against her.

According to two newspaper articles published in the Norristown Patch a resident of Norristown was threatened with eviction after requesting police protection from an abusive ex-boyfriend in 2012. She was targeted for eviction under the "Three Strikes Ordinance."

This ordinance has a disproportionate effect on women who suffer domestic violence. If proven, these allegations may violate the Fair Housing Act on the basis of sex (female).

8. The most recent date on which the alleged discrimination occurred:

December 4, 2012, and is continuing.

9. Types of Federal Funds identified:

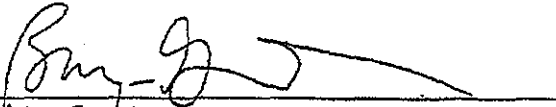
Community Development Block Grant.

10. The acts alleged in this complaint, if proven, may constitute a violation of the following:

Section 804b or f of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988.

Section 109 of the Housing and Community Development Act of 1974.

I declare under penalty of perjury that I have read this complaint (including any attachments) and that it is true and correct.

  
Assistant Secretary  
for Fair Housing and Equal Opportunity

6/5/2013  
(Date)