

PUBLIC INTEREST LAW CENTER

Mary M. McKenzie (Pa. Bar No. 47434)
Sara A. Bernstein (Pa. Bar No. 329881)
Madison J. Gray (Pa. Bar No. 330696)
2 Penn Center, 1500 JFK Blvd., Suite 802
Philadelphia, PA 19102
mmckenzie@pubintl.org
sbernstein@pubintl.org
(267) 546-1319

DECHERT LLP

Steven Bizar (Pa. Bar No. 316816)
Agnese Nadalini (Pa. Bar No. 330696)
David M. Costigan (Pa. Bar No. 330696)
Cira Centre
2929 Arch Street
Philadelphia, PA 19104
Steven.bizar@dechert.com
(215) 994-4000



HOUSING EQUALITY CENTER OF PENNSYLVANIA,
P.O. Box 558,
Fort Washington, PA 19034

JENNIFER COOPER,
219 E. Willow Grove Avenue, Apt. G3
Philadelphia, PA 19118

Plaintiffs,

v.

OCF REALTY LLC,
1936 Washington Avenue,
Philadelphia, PA 19146

WATERMILL LOFTS ACQUISITIONS LLC,
1936 Washington Avenue,
Care of 4 Leverington Avenue,
Philadelphia, PA 19146

PATRICK CAMPBELL and SHANLEY CAMPBELL,
1936 Washington Avenue,
Care of 3719-21 Calumet Street,
Philadelphia, PA 19146

JOSEPH TAN,
1936 Washington Avenue,
Care of 807 North Franklin Street,
Philadelphia, PA 19146

PHILADELPHIA COUNTY COURT OF COMMON PLEAS

CIVIL DIVISION

No: _____

1249 SOUTH 21ST STREET, LLC,
1936 Washington Avenue,
Care of 1249 South 21st Street,
Philadelphia, PA 19146

JASON BERNSTEIN and JANA
BERNSTEIN,
702 Federal Street,
Philadelphia, PA 19147

2115 63RD LLC,
1936 Washington Avenue,
Care of 2115 North 63rd Street,
Philadelphia, PA 19146

PFN ASSOCIATES, LLC-2,
1936 Washington Avenue,
Care of 2508 South Broad Street,
Philadelphia, PA 19146

Defendants.

COMPLAINT- CIVIL

Plaintiffs, the Housing Equality Center of Pennsylvania and Jennifer Cooper, by their undersigned counsel, bring this complaint challenging Defendants’ discrimination based on source of income in violation of the Philadelphia Fair Practices Ordinance, Phila. Code § 9-1100, et seq. (2024) (prior to the amendment by Bill No. 240060).

INTRODUCTION

1. The City of Philadelphia (“Philadelphia” or the “City”) has an affordable housing crisis. According to the most recent U.S. Census data, there are nearly 40,000 renter households in Philadelphia with incomes under \$10,000, and nearly all—that is, 97.2%—are cost-burdened, meaning that they spend 30 percent or more of their income on housing. About 90 percent of these renter households are classified as severely cost-burdened, meaning they spend 50 percent or more of their income on housing. The more than 47,000 Philadelphia renter households with

incomes between \$10,000 and \$19,999 face similar challenges: about 86 percent of those households are cost-burdened, and 68 percent are severely cost-burdened. *See* REINVESTMENT FUND, *Why Many Philadelphians Cannot Afford Affordable Housing* (April 2024), <https://www.reinvestment.com/insights/why-many-philadelphians-cannot-afford-affordable-housing-estimating-an-alternative-area-median-income-for-the-city-county-of-philadelphia/>.

2. The Housing Choice Voucher Program (the “Program”), often referred to as “Section 8,” is the federal government’s major program for providing tenant-based rental subsidies (“Housing Choice Vouchers”) to low-income families to enable them to afford decent, safe and sanitary housing in the private rental market. In Philadelphia, the Housing Choice Voucher Program serves approximately 23,000 families.¹

3. To qualify for the Program, participants must earn less than 50 percent of the area median income, but the vast majority of Housing Choice Voucher holders earn far less; in Philadelphia, about 2 out of 3 Housing Choice Voucher-holders earn under \$20,000 per year. *See* HUD OFFICE OF POLICY DEVELOPMENT AND RESEARCH DATABASE, DATASET: PICTURE OF SUBSIDIZED HOUSING, <https://www.huduser.gov/portal/datasets/assthsg.html> (last accessed Nov. 12, 2024). In practical terms, the typical Philadelphia Housing Choice Voucher holder would be foreclosed from the local rental market in almost all neighborhoods—and thus face a substantial risk of homelessness—without the assistance of a housing subsidy.

4. The Philadelphia Housing Authority (“PHA”) subsidizes a portion of each participating family’s rent so that they can afford safe, decent housing in a neighborhood of their choice and escape the cycle of housing insecurity. The typical subsidized family pays about 30

¹ In Philadelphia, the vast majority of people who rely on the program are people of color; 92 percent of participating families are racial minorities. *See* HUD Office of Policy Development and Research Database, Dataset: Picture of Subsidized Housing, <https://www.huduser.gov/portal/datasets/assthsg.html> (last accessed Nov. 12, 2024).

percent of their monthly income towards rent, and PHA pays the remainder directly to the landlord.

5. As long as the housing satisfies PHA's requirements, such as passing PHA's Housing Quality Assessment inspection and meeting PHA's payment standards, Housing Choice Voucher holders are free to choose any available rental unit on the market.

6. Refusing to rent to a tenant solely because they use a housing voucher is illegal under the Philadelphia Fair Practices Ordinance (the "Ordinance"), which prohibits housing discrimination based on source of income, defined as "any lawful source of income, and shall include, but not limited to. . . **all forms of public assistance, including Temporary Assistance for Needy Families; and housing assistance programs**" such as Housing Choice Vouchers. Phila. Code § 9-1102(cc) (2024) (prior to the amendment by Bill No. 240060). (emphasis added). When enacting the Ordinance, the City Council found that landlord discrimination in housing "results in overcrowded, segregated areas, under substandard, unsafe, unsanitary conditions." *Id.* at § 9-1101(c)

7. Philadelphia is one of more than 160 jurisdictions across the nation that have enacted legislation banning housing discrimination on the basis of source of income. When paired with robust enforcement, source of income discrimination laws in other jurisdictions have been found to be effective in increasing voucher utilization rates and decreasing voucher denial rates in low-poverty neighborhoods, allowing voucher households to access a broad array of neighborhoods. POVERTY & RACE RESEARCH ACTION COUNCIL, APPENDIX B: STATE, LOCAL, AND FEDERAL LAWS BARRING SOURCE-OF-INCOME DISCRIMINATION (Sept. 2024), available at: <https://www.prrac.org/pdf/AppendixB.pdf>; *See also* ALISON BELL, ET AL., PROHIBITING DISCRIMINATION AGAINST RENTERS USING HOUSING VOUCHERS IMPROVES RESULTS, CTR.

BUDGET & POLICY PRIORITIES (Dec. 2018), available at:

<https://www.cbpp.org/sites/default/files/atoms/files/10-10-18hous.pdf>.

PARTIES

8. Plaintiff Housing Equality Center of Pennsylvania (“HEC”) is the nation’s oldest fair housing council. HEC is a nonprofit organization incorporated in Pennsylvania, with its principal place of business located at P.O. Box 558, Fort Washington, Pennsylvania 19034. HEC serves Philadelphia and the surrounding counties of Bucks, Chester, Delaware, Lehigh, Montgomery and Northampton. Its mission is to ensure individuals’ equal access to housing and to provide programs in furtherance of this cause, including but not limited to training and testing investigations, education, consulting and counseling.

9. Plaintiff Jennifer Cooper (“Ms. Cooper”) has a mailing address of 219 East Willow Grove Avenue, Apt. G3, Philadelphia, Pennsylvania 19118. Ms. Cooper is a Housing Choice Voucher holder.

10. Defendant OCF Realty LLC (“OCF”) is a Delaware limited liability company with a corporate address of 1936 Washington Avenue, Philadelphia, Pennsylvania 19146. OCF manages “over 3,000 unique properties throughout Philadelphia,” including all those at issue in this complaint. *See* OCF REALTY LLC, “Rentals in Philly”, <https://www.ocfrealty.com/rentals/> (last accessed Jan. 6, 2025). Pursuant to §9-3907 OCF is designated as the Managing Agent on the rental licenses for the rental properties located at 4 Leverington Avenue, Philadelphia, Pennsylvania 19127, 3719 Calumet Street, Philadelphia, Pennsylvania 19129, 807 North Franklin Street, Philadelphia, Pennsylvania 19123, 1249 South 21st Street, Philadelphia, Pennsylvania 19146, 2115 North 63rd Street, Philadelphia, Pennsylvania 19151, and 2508 South Broad Street, Philadelphia, Pennsylvania 19145.

11. Defendant Watermill Lofts Acquisition LLC is a Delaware limited liability company and the owner of record of the rental property located at 4 Leverington Avenue, Philadelphia, Pennsylvania 19127. The mailing address listed on the rental license for this property is the address of Defendant OCF, 1936 Washington Avenue, Care of 4 Leverington Avenue, Philadelphia, Pennsylvania 19146.

12. Defendants Patrick Campbell and Shanley Campbell, née Rassley, are the owners of record of the rental property located at 3719 Calumet Street, Philadelphia, Pennsylvania 19129. The mailing address listed on the rental license for this property is the address of Defendant OCF, 1936 Washington Avenue, Care of 3719-21 Calumet Street, Philadelphia, Pennsylvania 19146.

13. Defendant Joseph Tan is the owner of record of the rental property located at 807 North Franklin Street, Philadelphia, Pennsylvania 19123. The mailing address listed on the rental license for this property is the address of Defendant OCF, 1936 Washington Avenue, Care of 807 North Franklin Street, Philadelphia, Pennsylvania 19146.

14. Defendant 1249 South 21st Street, LLC is a Pennsylvania limited liability company and the owner of record of the rental property located at 1249 South 21st Street, Philadelphia, Pennsylvania 19146. The mailing address listed on the rental license for this property is the address of Defendant OCF, 1936 Washington Avenue, Care of 1249 South 21st Street, Philadelphia, Pennsylvania 19146.

15. Defendants Jason Bernstein and Jana Bernstein are the owners of record of the rental property located at 2314 Reed Street, Philadelphia, Pennsylvania 19146. The mailing address listed on the rental license for this property is 702 Federal Street, Philadelphia, Pennsylvania 19147.

16. Defendant 2115 63rd LLC is a Pennsylvania limited liability company and the owner of record of the rental property located at 2115 North 63rd Street, Philadelphia, Pennsylvania 19151. The mailing address listed on the rental license for this property is the address of Defendant OCF, 1936 Washington Avenue, Care of 2115 North 63rd Street Philadelphia, Pennsylvania 19146.

17. Defendant PFN Associates, LLC-2 is a Pennsylvania limited liability company and the owner of record of the property located at 2508 South Broad Street, Philadelphia, Pennsylvania 19145. The mailing address listed on the rental license for this property is the address of Defendant OCF, 1936 Washington Avenue, Care of 2508 South Broad Street, Philadelphia, Pennsylvania 19146.

JURISDICTION

18. The conduct alleged in this complaint took place within the City of Philadelphia.

19. Each Defendant is either “an individual, partnership, corporation, or association,” and fall within the definition of “person” set forth by the Ordinance, Phila. Code § 9-1102(u) (2024) (prior to the amendment by Bill No. 240060).

20. On August 25, 2023, Plaintiffs filed a complaint with the Philadelphia Commission on Human Relations (the “Commission”) against Defendants pursuant to Section 9-1112 of the Ordinance, alleging that Defendants refused to accept housing vouchers at their rental properties in violation of the Ordinance, which prohibits housing discrimination based on source of income. Phila. Code § 9-1100, et seq. (2024) (prior to the amendment by Bill No. 240060).

21. On September 6, 2023, Plaintiffs received a Notice of Investigation from the Commission notifying Plaintiffs that the matter had been docketed as Charge No. 2023-08-29-

15669 and that the Commission had commenced their investigation pursuant to Section 9-1115 of the Ordinance.

22. On October 3, 2023, Defendant OCF filed an answer to the complaint.

23. On October 27, 2023, Plaintiffs filed a rebuttal to OCF's answer.

24. On November 3, 2023, Defendants Watermill Lofts Acquisitions LLC, Patrick Campbell, Joseph Tan, 1249 South 21st Street LLC, Jason Bernstein, Jana Bernstein, 2115 63rd LLC and PFN Associates LLC – 2 (together, "Owner Defendants") filed an answer to the complaint.

25. On November 29, 2023, Plaintiffs filed a rebuttal to Owner Defendants' answer.

26. The Ordinance sets forth that the Commission has a one-year exclusive jurisdiction period to investigate a complaint and that complainants are entitled to "bring an action in the Court of Common Pleas of Philadelphia County based on the right to freedom from discrimination" if the Commission does not complete its investigation within one year of the filing of a complaint. Phila. Code § 9-1122 (2024) (prior to the amendment by Bill No. 240060).

27. On December 11, 2024, the Commission sent Plaintiffs' counsel a notice (the "One-Year Notice") setting forth that Plaintiffs' complaint was "still active and was filed over one (1) year ago" and that Plaintiffs could "therefore take the case to the Court of Common Pleas of Philadelphia County without waiting for the Commission to complete its investigation" upon receipt of a Dismissal and Notice of Rights. See Ex. A.

28. On January 28, 2025, Plaintiffs received their Dismissal and Notice of Rights to file the instant action with the Philadelphia Court of Common Pleas. See Ex. B.

FACTS

HEC's Investigation into Defendant OCF's Policy and Practice of Refusing to Rent to Voucher Holders

29. In 2022, following an anonymous tip of discriminatory conduct, HEC commenced an investigation into Defendant OCF's policies and practices with respect to prospective tenants' source of income.

30. Between June 2022 and November 2022, HEC conducted tests of OCF listings in Philadelphia. Testers inquired about the availability of housing and whether vouchers would be accepted. HEC coordinated the tests and provided a common set of instructions to the testers.

31. HEC employed and trained each of the experienced testers involved in this investigation. In each test, the tester posed as a prospective renter of an available unit advertised on OCF's website. HEC provided testers with a profile that included their employment, income, whether they planned to use a voucher as a source of rental payment and how much the subsidy would pay per month.

32. The testing revealed a discriminatory policy and practice by OCF agents of refusing to rent to voucher-holders even though the tester could afford the advertised rent.

33. On June 10, 2022 at 9:57 AM, a HEC tester called Defendant OCF and left a voicemail message saying that they were interested in any available apartments units that accepted Housing Choice/Section 8 vouchers and asking to be emailed any available listings at paultom3970@gmail.com. On June 10, 2022 at 10:01 AM, a HEC tester followed up via electronic message and asked: "Do any of your rental properties accept Housing Choice Vouchers? If so, can you please send me a list of those properties?" On June 13, 2022 at 9:26 AM, the HEC tester received an email from "Rachel" at OCF stating: "Unfortunately none of the properties we're currently listing are approved to accept housing vouchers at this time."

34. On June 16, 2022, a HEC tester contacted Defendant OCF seeking information in a test of a rental opportunity located at 807 North Franklin Street, Unit #2, Philadelphia, Pennsylvania 19123. At 4:04 PM, the tester dialed 215-735-7368 and spoke with an OCF representative who introduced herself as Darby. After asking about the facilities, utilities, and application process, the tester stated: “I have a Housing Choice Voucher. Is this being accepted?” Darby replied: “Sorry, unfortunately the owners do not accept it at this time.”

35. On August 12, 2022, a HEC tester contacted Defendant OCF seeking information in a test of a rental property located at 1249 South 21st Street, Philadelphia, Pennsylvania 19146. At 10:58 AM, a tester dialed OCF at 215-735-7368 to inquire if the property was still available. A woman who answered the phone said yes and the tester asked questions about utilities, application fees, security deposit and parking. The tester then asked if they accept Housing Choice Vouchers and the woman with whom the tester spoke said that “the owners do not accept them.”

36. On August 15, 2022, a HEC tester contacted Defendant OCF seeking information in a test of a rental property located at 2314 Reed Street, Unit #1, Philadelphia, Pennsylvania 19146. At 3:50 PM, a tester called OCF at 215-735-7368 to learn if the property was still available. A woman who identified herself as “Bria” answered the phone and confirmed that the unit was still available. The tester asked about the monthly rent, application fee and the security deposit. The tester then asked Bria if OCF accepts Section 8 vouchers and she said “no at this time none of the rentals they manage accept Section 8.”

37. On November 16, 2022, a HEC tester contacted OCF at 215-735-7368 seeking information in a test of a rental property located at 2508 South Broad Street, Philadelphia, Pennsylvania 19145. At 12:52 PM, a woman confirmed that the unit was available to rent as of

January 3, 2023. The tester asked about utilities, application fee, how to receive an application, the security deposit, and parking. The tester then asked if Housing Choice Vouchers would be accepted, and the woman responded that “none of their owners are approved to accept these vouchers.”

38. Finally, on November 18, 2022, at 1:48 p.m., a HEC tester contacted OCF seeking information in a test of a rental property located at 2115 North 63rd Street, Philadelphia, Pennsylvania 19151. A man named “Bill” answered the phone and confirmed the apartment was still available. The tester asked Bill questions about the monthly rent, security deposit, additional fees, utilities and the application fee. Bill asked the tester whether the tester had pets, how the tester found the apartment and why the tester wanted to move. The tester then asked Bill if a Housing Choice Voucher would be accepted for the property and Bill indicated the voucher would be accepted only if there were no additional requirements such as inspections.

Jennifer Cooper’s Housing Search

39. Ms. Cooper is a forty-four-year-old low-income, disabled individual with a monthly Supplemental Security Income of approximately \$943.

40. In or around 2010, Ms. Cooper applied for a Housing Choice Voucher and entered a waitlist along with thousands of other Philadelphia families in need of affordable housing.

41. In or around April 2023, about thirteen years after her initial application, Ms. Cooper was finally awarded a Housing Choice Voucher. She began searching for a new home in a safe, affordable unit in a neighborhood of her choice.

42. In or around late June 2023 and early July 2023, Ms. Cooper identified a number of available and affordable rental units advertised by Defendant OCF.

43. Initially, on June 30, 2023, Ms. Cooper toured a unit located at 3719 Calumet Street, Philadelphia, Pennsylvania 19129.

44. Then, on July 3, 2023, Ms. Cooper obtained three appointments to view OCF listings. On July 7, 2023, Ms. Cooper first toured an apartment located at 4 Leverington Avenue, Philadelphia, Pennsylvania 19127. Then Ms. Cooper toured apartments located at 6604 Ridge Avenue, Philadelphia, Pennsylvania 19128.

45. Realizing that OCF offered a number of affordable listings that would suit Ms. Cooper's needs, some of which were in safe and desirable neighborhoods below the PHA payment standard, Ms. Cooper called the OCF office to inquire about the apartment listings. On July 7, 2023, around 2:45 pm, Ms. Cooper spoke with a person named "Rachel" who informed her that OCF does not accept vouchers for any of their properties.

46. As a result, despite her interest in the unit, Ms. Cooper did not move forward with her third appointment to view an apartment located at 2235 Washington Avenue, Philadelphia, Pennsylvania 19146.

47. OCF denied Ms. Cooper the opportunity to submit an application and to demonstrate that she could satisfy the obligations of the tenancy. OCF communicated to Ms. Cooper that she would not be treated the same as other prospective tenants. As a result of this phone call, Ms. Cooper felt humiliated and dejected. Moreover, Ms. Cooper's search for a safe, habitable home would have to continue.

48. After being unlawfully turned away from available OCF properties based on her source of income, Ms. Cooper continued to diligently search for a rental unit. She conducted daily searches for apartments on various apartment websites, submitted dozens of rental inquiries, toured several apartments, and submitted multiple rental applications.

49. Ms. Cooper was required to vacate her then-apartment by August 31, 2023.

50. By August 31, 2023, despite her best efforts, Ms. Cooper had not yet secured a suitable apartment where her voucher would be accepted.

51. On August 31, 2023, Ms. Cooper became homeless. She moved into her son's living room, where she slept for months, and rented a storage unit to store her belongings. Ms. Cooper felt deeply ashamed that she had no choice but to rely on her own child for housing.

52. On December 20, 2023, over five months after the OCF agent communicated OCF's policy of categorical refusal to accept housing vouchers, Ms. Cooper executed a lease with a landlord willing to accept her housing voucher.

53. On December 20, 2023, for the second time in less than six months, Ms. Cooper incurred moving expenses to move from her son's living room into her current home. If Ms. Cooper had secured housing before August 31, 2023, she would not have had to incur these additional moving expenses.

54. Between August 31, 2023, and December 20, 2023, Ms. Cooper experienced three and a half months of homelessness, forced to sleep in her son's living room and desperately searching for housing. But for Respondents' conduct, Ms. Cooper would not have been homeless during this period.

Defendants' Discrimination Frustrated HEC's Mission and Caused HEC to Divert Resources

55. HEC is an association "aggrieved" by an unlawful housing and real property practice with a "substantial, immediate and direct" interest in the outcome of this complaint based on a "concrete and demonstrable injury" to its activities and a "consequent drain" on its resources that constitutes far more than "simply a setback" to its "abstract social interests."

Allegheny Reproductive Health Ctr. v. Pa. Dep't of Human Servs., 309 A.3d 808, 832 (Pa. 2024) (holding that an organization can establish standing by demonstrating their “substantial, direct and immediate interest in the outcome of the litigation”); *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982) (holding that fair housing organizations have standing to bring housing discrimination claims when they can show a “concrete and demonstrable injury to the organization’s activities – with the consequent drain on the organization’s resources – constitut[ing] far more than simply a setback to the organization’s abstract social interests”).

56. Defendants’ discriminatory and unlawful practices have frustrated and continue to frustrate HEC’s core mission to advance fair and equal access to housing opportunities for all Pennsylvanians. In connection with its mission, HEC conducts education and provides consulting services so that both consumers and housing providers understand their rights and obligations under local, state and federal fair housing laws.

57. Defendants injured HEC by frustrating its mission. By refusing to accept Housing Choice Vouchers at their properties, Defendants violated fair housing laws and reduced opportunities for safe and affordable housing for low-income individuals, denying them access to fair and equal housing. In doing so, Defendants directly harmed HEC’s mission of furthering fair housing and racially integrated communities and ensuring compliance with housing laws like the Ordinance.

58. HEC has a substantial and direct interest in this litigation as a vehicle to redress the harm to HEC’s mission as well as Defendants’ violations of law. An order and judgment finding Defendants’ conduct unlawful and directing Defendants to comply with the Ordinance would redress the harm to HEC’s mission.

59. Moreover, Defendants injured HEC by causing HEC to divert resources. Prior to filing the complaint with the Commission, HEC diverted precious resources from its core activities to combat OCF's discriminatory behavior through a six-month investigation and subsequent targeted community education campaign. HEC has devoted staffing, time and other resources to investigate and counteract Defendants' discriminatory conduct.

60. To address and counteract Defendants' discriminatory conduct, prior to filing this action HEC engaged in community education to teach about the issues revealed in the course of HEC's six-month testing investigation, including but not limited to:

- a. In July 2023, HEC's Outreach Coordinator attended a meeting with the Tenant Union Representative Network and discussed source of income discrimination in housing as a persistent barrier to renters in Philadelphia. HEC offered services to any Plaintiffs experiencing source of income discrimination and its educational resources to their partner organizations. Also in July 2023, HEC disseminated educational resources about source of income discrimination at a community event for Non-Binary People's Day in Clark Park in West Philadelphia.
- b. In August 2023, HEC continued its efforts aimed at community education by drafting a new educational postcard about source of income discrimination in housing. On August 24, 2023, this postcard was mailed to 4401 households in six mail routes where tests of OCF properties revealed denials based on source of income discrimination.
- c. In addition to the housing discrimination information postcard, HEC invested money in Facebook advertisements to engage in a public education campaign about source of income discrimination. The advertisement ran through August 31,

2023, during which time approximately 2,100 unique viewers engaged with the anti-discrimination content.

61. Each of these activities diverted scarce organizational resources in the form of time and financial expenditures, including: the time, cost and staff hours associated with attending community outreach events; the time, cost and staff hours associated with drafting and distributing the postcard about source of income discrimination; the time, cost and staff hours associated with drafting, disseminating, and preparing the Facebook advertisement; and the time, cost and staff hours associated with the testing investigation in response to an anonymous complaint about Defendants' discriminatory conduct.

62. This diversion of resources can be redressed by this litigation. An order and judgment directing OCF to compensate HEC for the diversion of its resources would redress this injury. HEC has a direct and substantial interest in the outcome of this litigation as an opportunity to redress this harm.

**COUNT ONE: HOUSING DISCRIMINATION ON THE BASIS OF
SOURCE OF INCOME**

63. The Ordinance prohibits housing discrimination—including refusals to rent, interference with housing opportunities, and discriminatory policies and statements—based on “source of income,” which “shall include any lawful source of income, and shall include, but not be limited to . . . housing assistance programs.” Phila. Code §§ 9-1102(cc) & 9-1108 (2024) (prior to the amendment by Bill No. 240060).

64. Defendants refused to rent, lease, and otherwise discriminated in the terms, conditions, or privileges of housing accommodations on the basis of source of income. Phila. Code § 9-1108(1)(a) (2024) (prior to the amendment by Bill No. 240060).

65. Defendants interfered with Ms. Cooper's opportunity to rent at the Property and HEC's mission by diverting resources to combat discrimination in housing by making oral statements which express, directly or indirectly, limitation, specification or discrimination, or intent to make limitation, specification or discrimination, in spite of the Ordinance's clear prohibition on source of income discrimination. Phila. Code § 9-1108(1)(c) (2024) (prior to the amendment by Bill No. 240060).

66. Defendants established, announced, or followed a discriminatory policy of denying or limiting the opportunities of voucher-holders to rent property that Defendants manage, own or otherwise control. Phila. Code § 9-1108(1)(f) (2024) (prior to the amendment by Bill No. 240060).

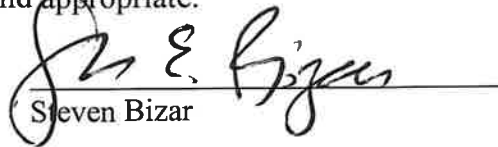
67. Defendants, as broker or agent or as an employee or representative of a broker or agent, who sell, rent or lease housing accommodations, refused or limited service to Ms. Cooper and HEC on a discriminatory basis, or accepted or retained a listing of any housing accommodation for sale, rent or lease with an understanding that discrimination may be practiced in connection with the sale, rental or lease thereof on the basis of source of income. Phila. Code § 9-1108(1)(l) (2024) (prior to the amendment by Bill No. 240060).

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter judgment in their favor and against Defendants, including:

- a. A declaratory judgment that Defendants' actions stated herein have constituted an unlawful housing practice under the Philadelphia Fair Practices Ordinance;
- b. An injunction restraining Defendants from applying any policy or engaging in any practice that unlawfully discriminates against prospective tenants on the basis of source of income and requiring Defendants to correct and prevent the unlawful conduct described herein at all properties that they own and/or manage;

- c. An award of compensatory—or, if not, then nominal—money damages, as well as punitive damages, attorneys’ fees and costs, in an amount to be determined at trial; and
- d. An award of such other and further legal and equitable relief as this Honorable Court deems just and appropriate.

Dated: February 4, 2025



Steven Bizar

PUBLIC INTEREST LAW CENTER
Mary M. McKenzie (Pa. Bar No. 47434)
Sara A. Bernstein (Pa. Bar No. 329881)
Madison J. Gray (Pa. Bar No. 330696)
2 Penn Center, 1500 JFK Blvd., Suite 802
Philadelphia, PA 19102
mmckenzie@pubintl.org
sbernstein@pubintl.org
(267) 546-1319

DECHERT LLP
Steven Bizar (Pa. Bar No. 68316)
Agnese Nadalini (Pa. Bar No. 329243)
David M. Costigan (Pa. Bar No. 329496)
Cira Centre
2929 Arch Street
Philadelphia, PA 19104
Steven.bizar@dechert.com
(215) 994-4000

Attorneys for Complainants