

# Sexual Harassment and Fair Housing Toolkit



The Equal Rights Center

# The Equal Rights Center

The Equal Rights Center (ERC) is a national non-profit civil rights organization dedicated to promoting equal opportunity in housing, employment, public accommodations, and government services.

With a national membership including individuals in all 50 states and the District of Columbia, the ERC has worked for 30 years to identify, address and remedy both individual instances of discrimination, as well as large-scale, systemic discrimination nationwide.

Through education, research, testing, advocacy, collaboration and enforcement, coupled with a commitment to innovation, the ERC combines both time-tested and groundbreaking approaches to advancing civil rights.



## Equal Rights Center

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(866) 719-4372 (Toll Free)  
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(202) 234-3106 (Fax)  
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# Introduction

Sexual harassment – such as unwanted sexual advances, requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature – is against the law and considered a form of sex discrimination. The federal Fair Housing Act prohibits sex discrimination, including sexual harassment, that impacts the terms or conditions of housing, is used as a basis for housing decisions, or otherwise has the purpose or effect of unreasonably interfering with housing rights, or creates an intimidating, hostile, or offensive environment. Many states, counties, and cities have laws with additional protections against sex discrimination and sexual harassment above and beyond those provided by federal law.

This toolkit is designed to assist people who may experience housing discrimination due to sexual harassment, and will help them assert their rights under the Fair Housing Act.

This toolkit includes:

- **Information about your legal rights;**
- **Steps that you can take if you believe that these rights have been violated; and**
- **How and where to turn for help.**

# The Fair Housing Act

According to the U.S. Department of Housing and Urban Development (HUD), housing discrimination is a serious issue nationwide. HUD estimates that more than two million instances of discrimination in housing occur each year. Yet, less than one percent of these instances are reported. Reporting discrimination can help both the complainant, and others by stopping the housing provider from engaging in discriminatory conduct.

Under the Fair Housing Act, housing providers – including landlords, management companies, real estate agents, home sellers, lending institutions, and homeowners' insurance companies – are prohibited from discriminating based on:

- Race
- Color
- National Origin
- Religion
- Sex
- Familial Status, or
- Disability

**Sexual harassment is considered a form of sex discrimination that is prohibited by the Fair Housing Act.**

Many states, counties, and cities have laws with additional protections against harassment. For example, the District of Columbia Human Rights Act prohibits discrimination, including harassment, based on sexual orientation, gender identity, and gender expression.



## What is Sexual Harassment?

Sexual harassment includes any unwanted sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature. Sexual harassment can occur to any person, male or female, and can be committed by someone of the same sex or someone of the opposite sex.

Sexual harassment committed by a landlord, real estate agent, building manager, maintenance person, loan officer, insurance agent, or any other person involved in providing housing, or involved in a real estate-related transaction, is a violation of the Fair Housing Act. In some instances, property owners or managers may be held responsible for failing to help a tenant who they know is being harassed by another tenant or neighbor.

Examples of sexual harassment in housing include:

- Requesting rent to be paid in sexual favors instead of money.
- Conditioning home repairs or other housing benefits on performance of a sexual favor.
- A housing provider, real estate agent, insurance or loan officer, or their employee making sexual comments or using sexual words in front of you and/or your family.
- A housing provider, real estate agent, insurance or loan officer, or their employee touching your body or asking for you to remove your clothing.
- A housing provider or their employee refusing to help after being informed that another tenant is sexually harassing you.



# Sexual Harassment under the FHA

The Fair Housing Act recognizes two types of sexual harassment:

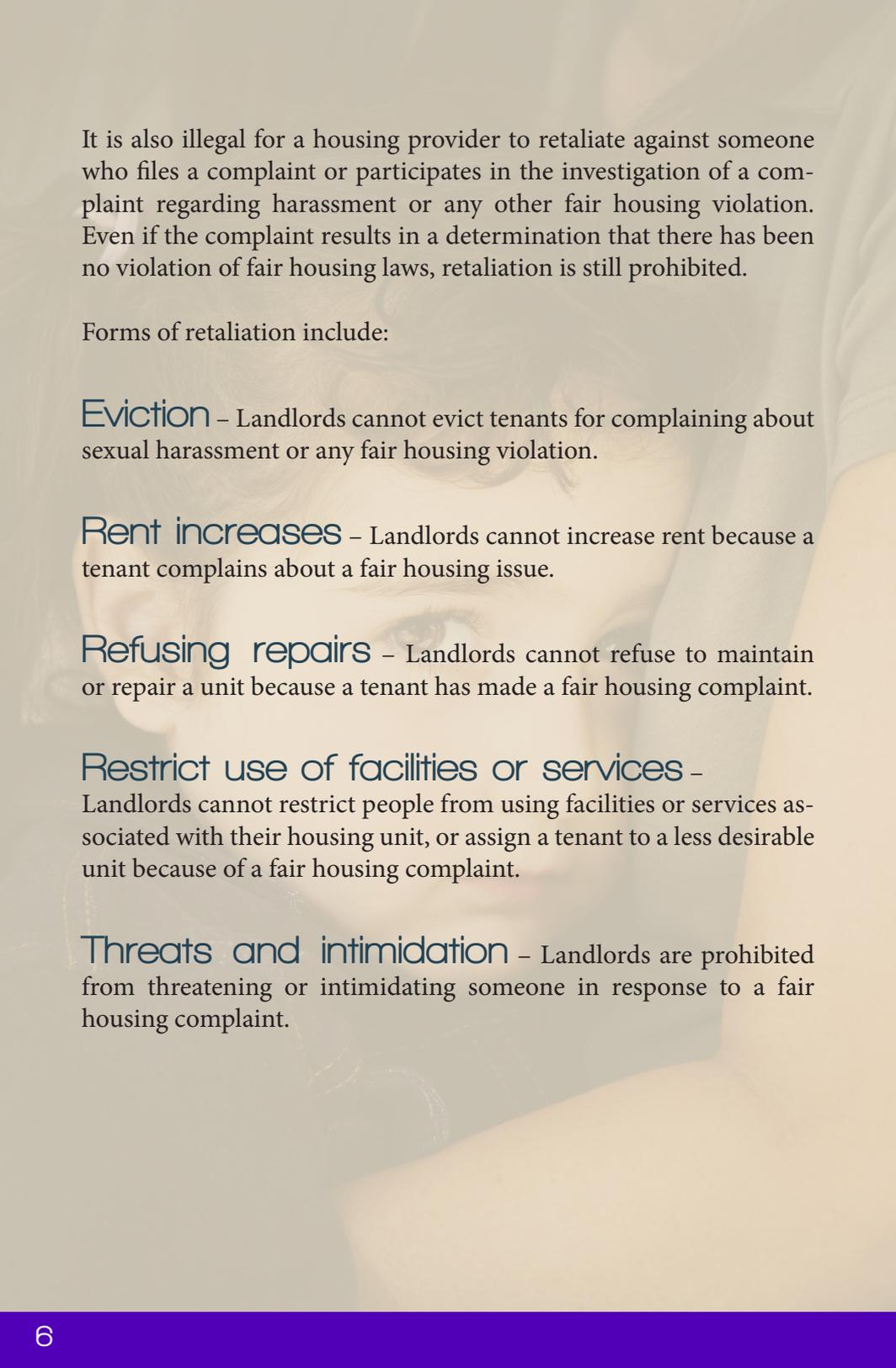
## 1) Quid pro quo sexual harassment

When a housing provider or their employee conditions housing or housing-related services or transactions on sexual conduct.

## 2) Hostile environment harassment

When a housing provider or their employee, or in certain circumstances another tenant, engages in sexual behavior of such severity or pervasiveness that it alters the terms or conditions of tenancy and results in an environment that is intimidating, hostile, offensive, or otherwise significantly less desirable.

Both types of harassment are illegal and violate the Fair Housing Act, even if the victim ultimately submitted to the unwanted sexual conduct. Sexual harassment still violates the Fair Housing Act even if the victim did not experience the loss of a housing opportunity or some tangible economic loss. The victim can be anyone affected by the harassment, not just the person harassed. For example, a child may be victimized because a parent has been harassed.



It is also illegal for a housing provider to retaliate against someone who files a complaint or participates in the investigation of a complaint regarding harassment or any other fair housing violation. Even if the complaint results in a determination that there has been no violation of fair housing laws, retaliation is still prohibited.

Forms of retaliation include:

**Eviction** – Landlords cannot evict tenants for complaining about sexual harassment or any fair housing violation.

**Rent increases** – Landlords cannot increase rent because a tenant complains about a fair housing issue.

**Refusing repairs** – Landlords cannot refuse to maintain or repair a unit because a tenant has made a fair housing complaint.

**Restrict use of facilities or services** – Landlords cannot restrict people from using facilities or services associated with their housing unit, or assign a tenant to a less desirable unit because of a fair housing complaint.

**Threats and intimidation** – Landlords are prohibited from threatening or intimidating someone in response to a fair housing complaint.

# Reporting Sexual Harassment

A victim of sexual harassment is not required to follow the particular sexual harassment reporting procedures of the property owner or manager in order to have his or her sexual harassment claim addressed.

If you have experienced sexual harassment, or otherwise believe you have been discriminated against in violation of the Fair Housing Act, you may file a complaint directly with the U.S. Department of Housing and Urban Development, contact the local office of human rights in her/his area, or contact the Equal Rights Center.

The Equal Rights Center can explain your rights under the law, and discuss possible options for you to address the problem. When making contact with us, or filing a complaint yourself, be sure to include the following information:

- Your name, address, phone number(s);
- Name(s) of the person(s) who committed or were involved in the harassment;
- Specific date(s) and time(s) harassment occurred;
- Location(s) where the harassment took place;
- A brief description of the events, in chronological order;
- Any actions you have already taken.

If you choose to file a complaint with HUD or a local government agency, an intake specialist will contact you to gather more information about the alleged discrimination and, if the claim is accepted, conduct a full investigation. In addition to conducting an investigation, HUD or the local agency will attempt to see if the parties can come to an agreed upon resolution. If no resolution can be reached, HUD or the local agency will make a determination based on its investigation as to whether there is reasonable cause to believe that housing discrimination has occurred or is about to occur. If “no reasonable cause” is found, you can request reconsideration from the Director of the Office of Enforcement. If there is a finding of reasonable cause to believe that discrimination has occurred or is about to occur, a charge will be issued against the respondent and the case will be heard by either an Administrative Law Judge or in federal civil court.

# Advocacy Tips

Whether you are working with the ERC, or filing a complaint on your own, knowing how to be an effective advocate will help you reach a better resolution. Below are some advocacy tips that can help you in addressing your issue:

**Identify the problem**—Clearly identify how you are being harassed or treated differently from others in your effort to secure housing.

**Take notes and keep all documentation**—In order to assist with the identification of the issue, you may want to make a written description of the events that took place and retain copies of any policies or documentation from the housing provider. If you have email correspondence with the housing provider, you should save these messages as well.

**Understand your legal rights**—The more you know about your rights and responsibilities as a tenant or home buyer, the more easily you can spot potential problems early, identify rules that apply and use those rules as tools to resolve those issues.

**Be persistent**—If you do not hear back from the person who you originally contacted about the housing, try following up with a phone call. If the housing provider continues to refuse to speak to you, then you may eventually have to involve a third party such as the ERC. Keeping a log of your contacts with the housing provider, including your attempts at contact where the housing provider did not respond, is very helpful.

**Know when it is time to get outside assistance**—If you cannot reach a resolution with a housing provider, call the ERC and we will listen and advise you on possible next steps.



## Where to go for Help

If you have been sexually assaulted, the National Sexual Assault Hotline can provide you with free and confidential crisis support.

The National Sexual Assault Hotline  
800-656-HOPE (4673)  
<https://ohl.rainn.org/online/>

Below are resources to assist with a fair housing complaint based on harassment.

### Contact the ERC

Anyone can call the ERC, or use the ERC online complaint form located on our website to submit a complaint or ask a question about harassment or another form of discrimination. Depending on the circumstances, the ERC uses a variety of tools to resolve complaints, including: investigating the extent of possible discriminatory behavior, communicating directly with housing providers to attempt to reach an agreeable outcome for the complainant; assisting in the filing of complaints with administrative agencies; and, when appropriate, assist in finding legal representation.

You may fill out the complaint form on the ERC’s website at [www.equalrightscenter.org/complaint](http://www.equalrightscenter.org/complaint). If mailing or faxing the complaint form, please allow approximately two weeks for an ERC staff member to contact you.

You may also contact the ERC for assistance at:

**The Equal Rights Center**  
**11 Dupont Circle N.W., Suite 450**  
**Washington, DC 20036**  
**(202) 234- 3062 (Voice)**  
**(866) 719 – 4372 (Toll Free)**  
**Relay 711**  
**(202) 234 – 3106 (Fax)**  
**[www.equalrightscenter.org](http://www.equalrightscenter.org)**  
**[complaints@equalrightscenter.org](mailto:complaints@equalrightscenter.org)**

## Contact a Government Agency

If you wish to file a complaint with a government agency on your own, then you should contact the local agency for your region, or the nearest office of the U.S. Department of Housing and Urban Development.

U.S. Department of Housing and Urban Development

Complaints may be directed to the U.S. Department of Housing and Urban Development (“HUD”). To initiate a complaint you can complete a form online at [www.hud.gov/complaints/housediscrim.cfm](http://www.hud.gov/complaints/housediscrim.cfm). Or, send a letter to the nearest HUD Office including:

- Your name and address
- The name and address of the person your complaint is against (the respondent)
- The address or other identification to the housing involved
- A short description to the alleged violation (the event that caused

- you to believe your rights were violated)
- The date(s) to the alleged violation; and
  - Other information that you believe necessary to support your complaint. Please send copies of relevant documents. **Keep original documents, do not send them.**

HUD is organized into 10 regions. If you live in Washington, D.C., Virginia, or Maryland, you can send the letter to the address below.

**Philadelphia Regional Office of Fair Housing and Equal Opportunity**  
**U.S. Department of Housing and Urban Development**  
**The Wanamaker Building**  
**100 Penn Square East, 12th Floor**  
**Philadelphia, PA 19107-3380**  
**(215) 861-7646**  
**1-888-799-2085**  
**TTY (215) 656-3450**

Otherwise go to this link: [www.hud.gov/complaints/housediscrim.cfm](http://www.hud.gov/complaints/housediscrim.cfm) to identify the contact information for your region.

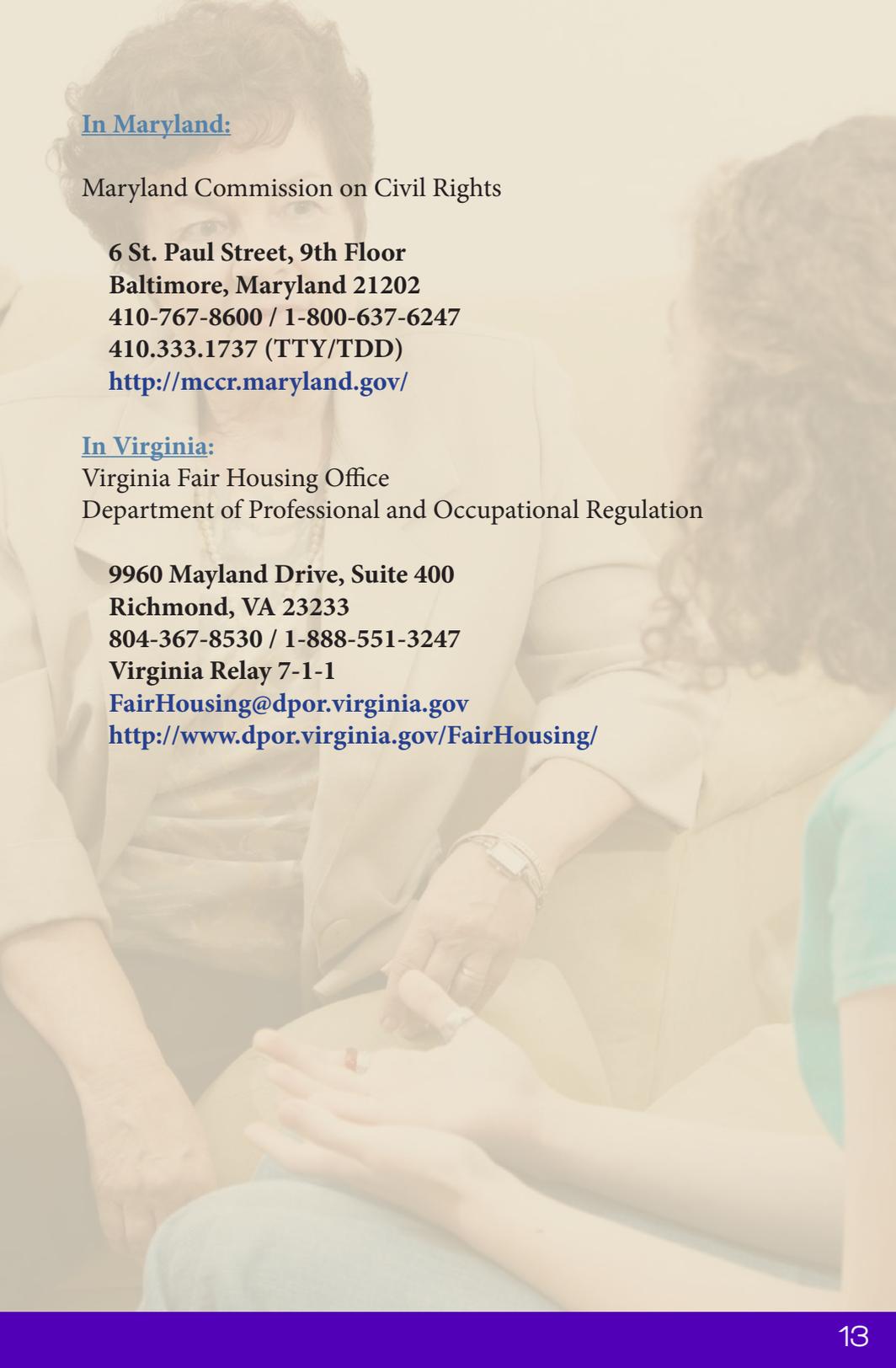
### **In Washington, D.C.:**

D.C. Office of Human Rights

The D.C. Office of Human Rights (“DCOHR”) requires that an intake questionnaire be completed and submitted to begin the filing process. This questionnaire can be found at:

[www.ohr.dc.gov/ohr/cwp/view,a,3,q,638025.asp](http://www.ohr.dc.gov/ohr/cwp/view,a,3,q,638025.asp).

**441 4th Street N.W., Suite 570 North**  
**Washington, D.C. 20001**  
**(202)727 – 4559 (Voice)**  
**(202)724-2050 (TTY)**  
**[www.ohr.dc.gov](http://www.ohr.dc.gov)**



**In Maryland:**

Maryland Commission on Civil Rights

**6 St. Paul Street, 9th Floor  
Baltimore, Maryland 21202  
410-767-8600 / 1-800-637-6247  
410.333.1737 (TTY/TDD)  
<http://mccr.maryland.gov/>**

**In Virginia:**

Virginia Fair Housing Office  
Department of Professional and Occupational Regulation

**9960 Mayland Drive, Suite 400  
Richmond, VA 23233  
804-367-8530 / 1-888-551-3247  
Virginia Relay 7-1-1  
[FairHousing@dpor.virginia.gov](mailto:FairHousing@dpor.virginia.gov)  
<http://www.dpor.virginia.gov/FairHousing/>**



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