



# Preventing and Addressing Sexual and Other Discriminatory Harassment in Housing

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Fair Housing Training  
For PHA Residents & Voucher  
Program Participants



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- **Explain** how sexual and other types of discriminatory harassment violate the *Fair Housing Act*.
- **Inform** you about your rights as a tenant to be safe and secure—without harassment—in your housing.
- **Use** hypothetical scenarios to learn how to recognize sexual harassment in housing.
- **Identify** steps that you can take to report sexual harassment when it does occur.

## ***The Fair Housing Act:***

- **Prohibits discrimination in housing** and housing-related services and transactions because of *race, color, religion, sex, national origin, familial status, or disability*.
- **Prohibits retaliation against someone** who has made a complaint about discrimination or otherwise exercised his or her fair housing rights or who has aided someone else in doing so.





**This training focuses on SEXUAL HARASSMENT**  
*(i.e., discrimination because of sex).*

But harassment because of:

- race
- color
- religion
- national origin
- familial status
- disability

also violates the ***Fair Housing Act.***

- Your **landlord** may not sexually harass you.
- Your landlord must also **ensure your housing is free from discrimination** by others. All landlords and property managers, as well as their agents and employees, are **responsible for preventing and addressing harassment** in your housing.
- Landlords and their managers should **establish and enforce anti-harassment policies**.
- Landlords, their managers and other employees **must take action to stop harassment when they become aware of it** whether it is by an employee or by one tenant against another.
- You have a **right to complain and have harassment stopped**.

### **Sexual harassment in housing can take many different forms:**

- It can take the form of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- It also can take the form of offensive remarks, insults, or other hostile behavior because of a person's sex.
- It can consist of oral, written, or other conduct and does not require physical contact between the harasser and victim.



### Illegal Conditions on Housing

A landlord or his/her employee or agent **determines** the arrangements of **housing or housing-related services** based on submission to **unwelcome demands** for sex, sexual favors, or other sexual conduct.

#### Examples:

- A landlord demands nude photos in return for approving a rental application.
- A maintenance man requests sexual favors in return for making repairs.
- A landlord offers to forgive past-due rent if the tenant agrees to have sex with him.
- A property manager evicts a tenant who rejected his sexual requests.



### Hostile Environment Harassment

A landlord, a landlord's employee or agent, or another tenant engages in **severe or pervasive unwelcome sexual conduct** that **interferes with** a person's ability to obtain, maintain, or use and enjoy housing or housing-related services.

#### Examples:

- A landlord persistently makes unwelcome and lewd comments about a resident's body.
- A property manager touches an applicant's intimate body parts without her consent.
- A maintenance man repeatedly sends unwelcome sexually explicit text messages and photos to a tenant.

- **Both** types violate the Fair Housing Act and harassers often commit both types **at the same time**.
- Your rights are the **same** regardless of what type of harassment might be occurring.
- Landlords and their employees or agents must take steps to **protect you** from **both** types of harassment.
- **Both men and women** may be victims of sexual and other kinds of harassment.



**We are going to use a hypothetical** to illustrate the different forms that harassment can take. After we go through the hypothetical, we will discuss:

- **What happened;**
- **Why the conduct is harassment;** and
- **What you can do to protect your right to live free from harassment in housing.**



**Jane** lives in the Terrace View Apartments, where she rents an apartment with a tenant-based voucher.

Jane submits a maintenance request to fix a leak under her kitchen sink.

Jane



**John, the maintenance man, responds to the request.**

When fixing the sink, John asks Jane if she has a boyfriend. Jane says that's none of his business. He responds by saying she is "really hot" and that "we should hang out."

Jane says she's not interested.



A few days later, Jane's sink starts leaking again. She calls in another maintenance request.

Jane gets a call back from John, who says he is "too busy" to repair the sink that day, but says he will find the time to stop by and fix it if she wants to "hang out" that evening.

Jane tells John she doesn't want to hang out with him. John replies, "That's too bad" and hangs up.

Jane's sink continues to leak.



Did John violate the *Fair Housing Act*?

**YES!**

John placed illegal conditions on Jane's housing by delaying repairs because Jane refused his sexual come-ons.



More than a week after Jane spoke to John on the phone, **John uses his master key to enter Jane's apartment late at night**, without knocking.

Jane is home and is startled by his entry. He tells Jane he's there to check on the sink, even though John never notified her that he was coming.





In the kitchen, John touches Jane on her buttocks, points to a photo of Jane on the fridge and says, “Wow, you look hot in that bikini. You should put that bikini on for me right now.”

Jane refuses and tells John he needs to leave. John responds, saying he was “just kidding” and asks, “Don’t you need me to fix your sink?”

Jane says yes, and reminds John that the sink had been leaking for over a week.



John makes the repair. Then, instead of leaving, he sits down on Jane's couch, motions for her to join him, and says, "Now we can just chill out, watch a movie, and have a little sleepover."

Jane tells John he needs to go and that she has to leave for work early in the morning. John slowly gets up from the couch. As he leaves, he says, "You sure you don't want to call in sick? I promise you a good time if you do."

Jane says "No, you need to go" and closes the door quickly.

Jane complains to her landlord about John's comments and that he entered her apartment without notice late at night.



### Did John violate the *Fair Housing Act*?

**YES!**

John created a **hostile environment** when he repeatedly commented on Jane's body, touched her, implied that they should have sex, and abused his authority by accessing her home with a master key without notice to her—all of which was unwelcome to Jane.

John's conduct was:

- **Unwelcome**
- **Severe or pervasive** (or both), and
- **Interfered with Jane's enjoyment of her home.**

The *Fair Housing Act* may be violated even when only some of this conduct occurs. A single act of harassment can violate the Act if it is severe. For instance, John's touching of Jane's buttocks, by itself, is enough to violate the law.



- Although she is still waiting for a response from her landlord, Jane contacts HUD to file a ***Fair Housing Act*** complaint against John.
- After HUD notifies the landlord of the complaint, the landlord confronts Jane and tells her he will evict her unless she withdraws her complaint.



### Did the landlord violate the *Fair Housing Act*?

**YES!**

Retaliation against a person because he or she complained about being sexually harassed is illegal under the *Fair Housing Act*.

The landlord's threat of eviction is **illegal** retaliation.

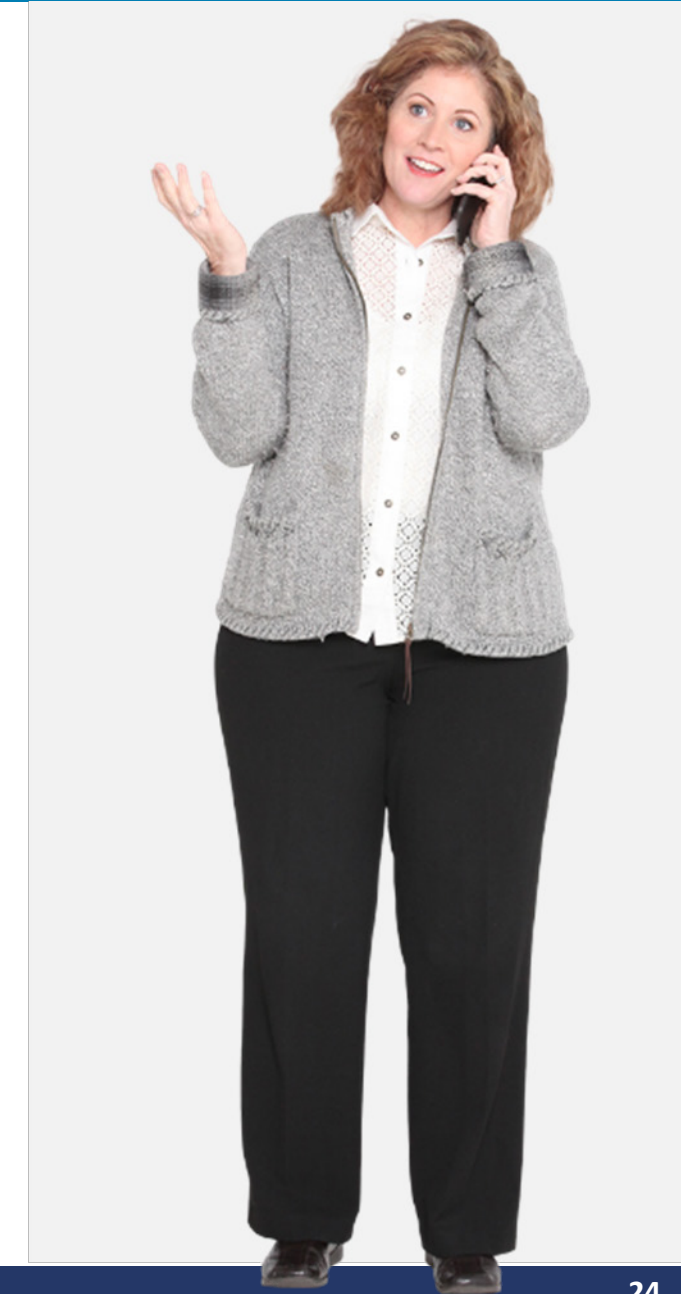
Note: While Jane (or any tenant) has the right to complain to her landlord, she doesn't have to go to her landlord first; she can complain directly to HUD.



- You have options for making a complaint to your PHA. Go up the chain if the harassment has not been addressed or if the harasser is in the chain:
  - Property Manager and/or Manager’s supervisor
  - PHA Executive Director or Deputy Director
  - Board of Commissioners
- You can also contact your local PIH Office of Field Operations.
- Your PHA’s Resident Advisory Board and/or Resident Council may also be able to help you complain to your PHA officials and avoid further harassment.
- At any time, a PHA resident may file a **Fair Housing Act** complaint with HUD or the local fair housing enforcement agency (FHAP), or an Equal Access Rule complaint with HUD or the PHA.

- HCV and PBV tenants in private housing have similar options for making a complaint; you are also part of the PHA program and can contact:
  - Private Property Manager
  - Property Owner
  - Public Housing/Housing Choice Voucher Program Manager
  - PHA Director of Asset Management
  - PHA Executive Director and Deputy Director
  - Board of Commissioners
- You can also contact your local PIH Office of Field Operations.
- At any time, a HCV holder or PBV tenant may file a **Fair Housing Act** complaint with HUD or the local FHAP, or an Equal Access Rule complaint with the local HUD office or the PHA.

- You don't have to wait until the harassment is severe or pervasive. Notify someone the first time you are subjected to unwelcome sexual comments/conduct.
- Follow your PHA's policy (if any) for making complaints.
- Ideally, put your complaint in writing (and keep a copy for yourself).





- If an illegal condition has been placed on your housing or if you have been subjected to severe or pervasive harassment, you should file a complaint with HUD.
- Complaints to HUD must be filed within one year of the last instance of harassment.
- Be prepared to:
  - Give your name and contact information for follow up.
  - Summarize what happened and include specifics about what was said or done (save your evidence of the harassment – e.g., texts, photos, voice mail, letters, notes, journals, etc.).
  - Name the harassers, if known.
  - Name witnesses to harassment.
  - Identify property name and address.
  - Note date and time of the harassment.
  - Identify where the harassment took place.

- Once a complaint is filed with HUD, HUD will investigate and, if warranted, **file a lawsuit** against the property owner and any employee or agent believed to have violated the ***Fair Housing Act***.
- Through such lawsuits, HUD can get:
  - **Money damages** for you for the harm caused by the harassment.
  - An order requiring the landlord and any employees/agents **to stop the harassment** and take steps to **prevent it from happening again** in the future.
  - **Penalties.**

## Another Hypothetical Scenario

Bill, who is Black, lives in an apartment building that receives project-based housing assistance.

For weeks, Bill's white neighbor uses racial slurs, tells Bill that Blacks shouldn't be allowed to live there, spits on him, and repeatedly tells Bill to "go back to Africa."

Bill complains to the property owner, who does nothing.

Neighbor



Bill



### In this scenario, one tenant is racially harassing another.

- Landlords and their employees/agents **must take actions within their power** to stop one tenant from harassing another because of race, sex, disability, or any another protected characteristic if they **knew or should have known about it**.
  - “Should have known” means the owner had info that would lead a reasonable person to conclude that harassment was occurring.
  - A landlord’s corrective action must not harm the harassed tenant.
- The neighbor who harassed Bill must stop harassing him.



- Harassment of a resident or applicant because he or she is a person with a disability also **violates the *Fair Housing Act*.**
- For example, **property owners and managers are liable** for failing to take appropriate corrective action in response to a complaint from an applicant with a disability that an employee harassed him because of his disability multiple times during the application process.



Property owners and their employees/agents may be held liable through **lawsuits brought by the Department of Justice in federal court, generally with a right to a jury trial.**

Such lawsuits often originate from HUD investigations, but also are brought by DOJ based on its own authority to investigate possible ***Fair Housing Act*** violations.



## ***United States v. Kansas City, Kansas Housing Authority (KCKHA)***

Federal District Court • Kansas • Filed 2016

- **KCKHA** – Public Housing Authority in Kansas City, KS
- **\$360,000** in damages for victims of sexual harassment
- **14 women** compensated



LOCAL

KCK housing authority, former employees to pay \$360,000 for sexual harassment

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September 29, 2017 03:06 PM

The Kansas City, Kan., Housing Authority and three former employees will pay more than \$300,000 to settle sexual harassment claims.

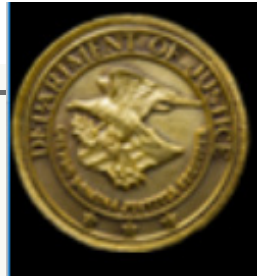
The Department of Justice on Friday announced the settlement of a suit that had been filed by the federal government in 2015.

**United States v. Encore Management Co.** *Filed in 2014, Southern District of West Virginia*

- District manager and maintenance worker harassed tenants.
- Property manager engaged in retaliation.
- Owner and property management company knew or should have known about the harassment.
- \$110,000 in monetary damages for 7 women and 4 minor children.

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FOR IMMEDIATE RELEASE



Wednesday, September 30, 2015

**Kanawha County, West Virginia, Property Manager and Owner to Pay \$120,000 to Settle Sexual Harassment Lawsuit Filed by Justice Department**



*United States v. Boston Housing Authority* Filed in 1999, District of Massachusetts

- Pervasive and violent harassment of public housing tenants, by tenants and visitors
  - Racist graffiti
  - Racial slurs
  - Racially motivated violence
  - Intimidation
- Alleged a systematic failure by the public housing authority to protect tenants
- \$1 million monetary damages to victims



Tom uses a Housing Choice Voucher to rent an apartment.

After Tom moves in, Tom's landlord learns that Tom is gay and issues him a notice of eviction.



- Tom's landlord can't do this.
- Under HUD's ***Equal Access Rule***, landlords who accept HCVs and have a HAP contract may not exclude someone because of his or her actual or perceived sexual orientation, gender identity, or marital status.
- The ***Equal Access Rule*** applies to all HUD programs, including PHAs and tenant-based and project-based voucher programs.



### To Protect Your Right to Harassment-Free Housing, PHAs and Private Landlords Should:

- Have **written policies** that make clear that harassment by any employee, agent, or tenant will not be tolerated.
- Take all complaints seriously by **investigating allegations and informing you** about the findings and any corrective actions taken.
- **Provide information** to applicants and tenants about their Fair Housing and Equal Access rights and how to make a complaint.
- **Train their staff** on how to respond to complaints and help prevent housing harassment.
- **Not retaliate against you and protect you from retaliation** by their agents and employees, because you report harassment or make a complaint.

### A Fair Housing Act complaint can be filed:

- With HUD **online** at --  
[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint);
- With HUD **by phone**: 800.669.9777;  
Federal (Relay Service/TTY: 800.877.8339);
- With a **state or local fair housing agency** --  
[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/partners/FHAP/agencies](https://www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHAP/agencies);

In addition to filing a complaint, a person may wish to notify the **Department of Justice, Civil Rights Division**, which has authority for patterns or practices of discrimination: 1-844-380-6178; [fairhousing@usdoj.gov](mailto:fairhousing@usdoj.gov); <https://www.justice.gov/crt/sexual-harassment-housing-initiative-how-report>.

### For Equal Access Rule complaints:

Owners and property managers should instruct residents to:

- Contact their **local HUD office**, which can be found at: [https://www.hud.gov/program\\_offices/field\\_policy\\_mgt/localoffices](https://www.hud.gov/program_offices/field_policy_mgt/localoffices),
- Direct residents to the following **website** for more information: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/LGBT\\_Housing\\_Discrimination](https://www.hud.gov/program_offices/fair_housing_equal_opp/LGBT_Housing_Discrimination),
- And/or contact the PHA that issued the HCV or PBV.



## Questions?

Please email questions to:  
[HUDQuestions@hud.gov](mailto:HUDQuestions@hud.gov)

## Fair Housing Act and its Regulations, Equal Access Regulations

- Fair Housing Act, 42 U.S.C. §§ 3601 – 3619 (“the Act”), 24 C.F.R. parts 100, 103, 180
- Quid Pro Quo and Hostile Environment Harassment and Liability for Discriminatory Housing Practices Under the Fair Housing Act, 81 Fed. Reg. 63054 (Sept. 14, 2016), final rule (“Harassment Rule”)
  - Available at <https://www.gpo.gov/fdsys/pkg/FR-2016-09-14/pdf/2016-21868.pdf>
  - Codified at 24 C.F.R. § 100.600
- Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, 77 Fed. Reg. 5662 (Feb. 3, 2012), as amended by Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs, 81 Fed. Reg. 64763 (Sept. 21, 2016), and Equal Access to Housing in HUD’s Native American and Native Hawaiian Programs – Regardless of Sexual Orientation or Gender Identity, 81 Fed. Reg. 80989 (Nov. 17, 2016) (“Equal Access Rule”)
  - Available at: <https://www.gpo.gov/fdsys/pkg/FR-2012-02-03/pdf/2012-2343.pdf>; <https://www.gpo.gov/fdsys/pkg/FR-2016-09-21/pdf/2016-22589.pdf>; and <https://www.gpo.gov/fdsys/pkg/FR-2016-11-17/pdf/2016-27196.pdf>
  - Codified at 24 C.F.R. §§ 5.105(a)(2), 5.106

## PIH Regulations and Notice

- **PIH Regulations:**

- 24 C.F.R. § 966 - Public Housing Lease and Grievance Procedure
- 24 C.F.R. § 982 - Section 8 Tenant Based Assistance: HCV Program
- 24 C.F.R. § 983 – Project Based Voucher (PBV) Program

- **PIH Notice 2014-20 (HA):**

**Program Eligibility Regardless of Sexual Orientation, Gender Identity, or Marital Status as Required by HUD's Equal Access Rule**

- Available at <https://www.hud.gov/sites/documents/PIH2014-20.PDF>



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Please visit the HUD Exchange website to register for trainings on "Preventing and Addressing Sexual Harassment in Housing" and to view relevant materials.

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Share your feedback about this presentation:

Complete the brief post-training survey located in the Activities section of the class page in the HUD learning management system.

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