



**National  
Fair Housing**  
TRAINING ACADEMY

# Fair Housing Forum

Investigating Complaints of Sexual  
Harassment in Housing Situations

July 9, 2020



# Poll 1

## Who is on the call today?

Are you associated with:

- HUD
- FHIP
- FHAP
- Community-based/advocacy
- Other

# Poll 2

## How long have you worked in fair housing?

- Less than 2 years
- 2-5 years
- 6-10 years
- 11-20 years
- More than 20 years
- N/A

# Poll 3

Did you attend the  
NFHTA Forum on June  
25th about sexual  
harassment in housing?

- Yes
- No



# AGENDA

Resources on the HUD Exchange

Emerging Topic: Investigations of  
Sexual Harassment in Housing Situations

Closing



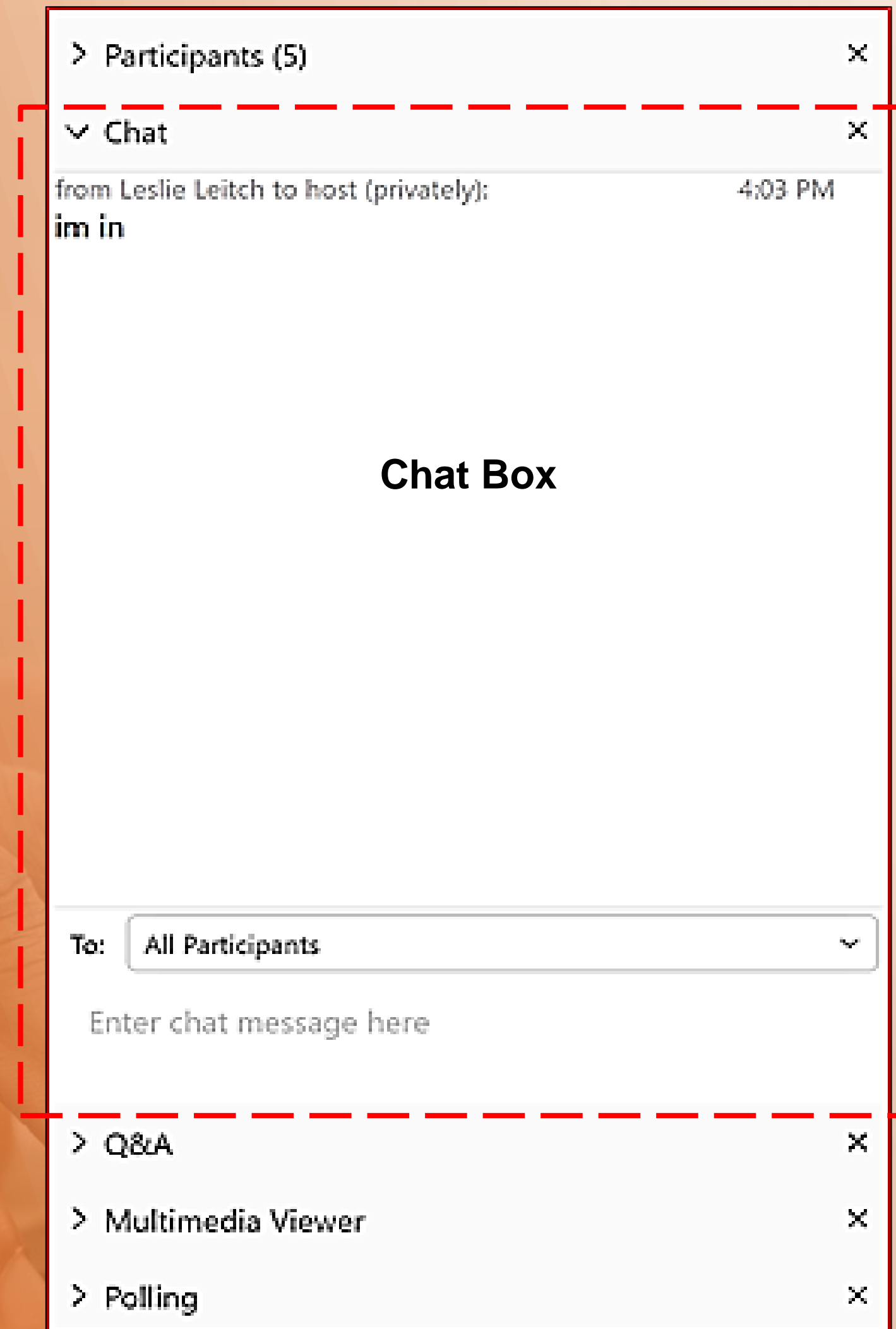
# Webinar Instructions

Close e-mail/other programs

For technical difficulties:

1. Sign out, then sign in again
2. Request help in Chat Box

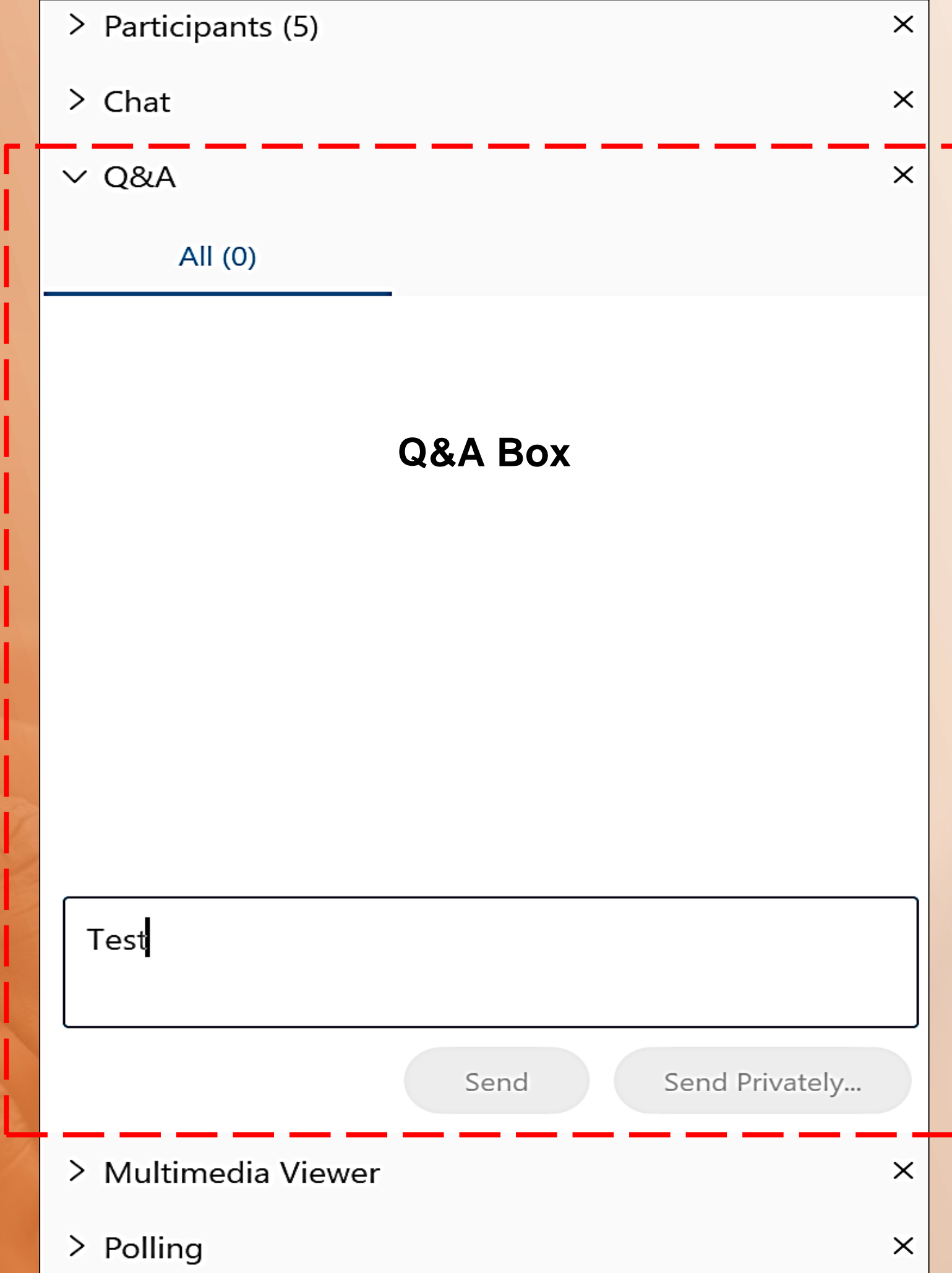
This session will be recorded





# Webinar Instructions

Submit questions to the presenters/panelists at any time using the Q&A box



The screenshot shows a sidebar menu on the right side of a webinar interface. The menu items are: > Participants (5), > Chat, > Q&A, > Multimedia Viewer, and > Polling. The Q&A item is expanded, showing a sub-menu with 'All (0)' and a 'Q&A Box' section. The 'Q&A Box' section contains a text input field with the text 'Test' and two buttons: 'Send' and 'Send Privately...'. The entire Q&A section is highlighted with a red dashed border.

> Participants (5) ×

> Chat ×

> Q&A ×

All (0)

Q&A Box

Test

Send Send Privately...

> Multimedia Viewer ×

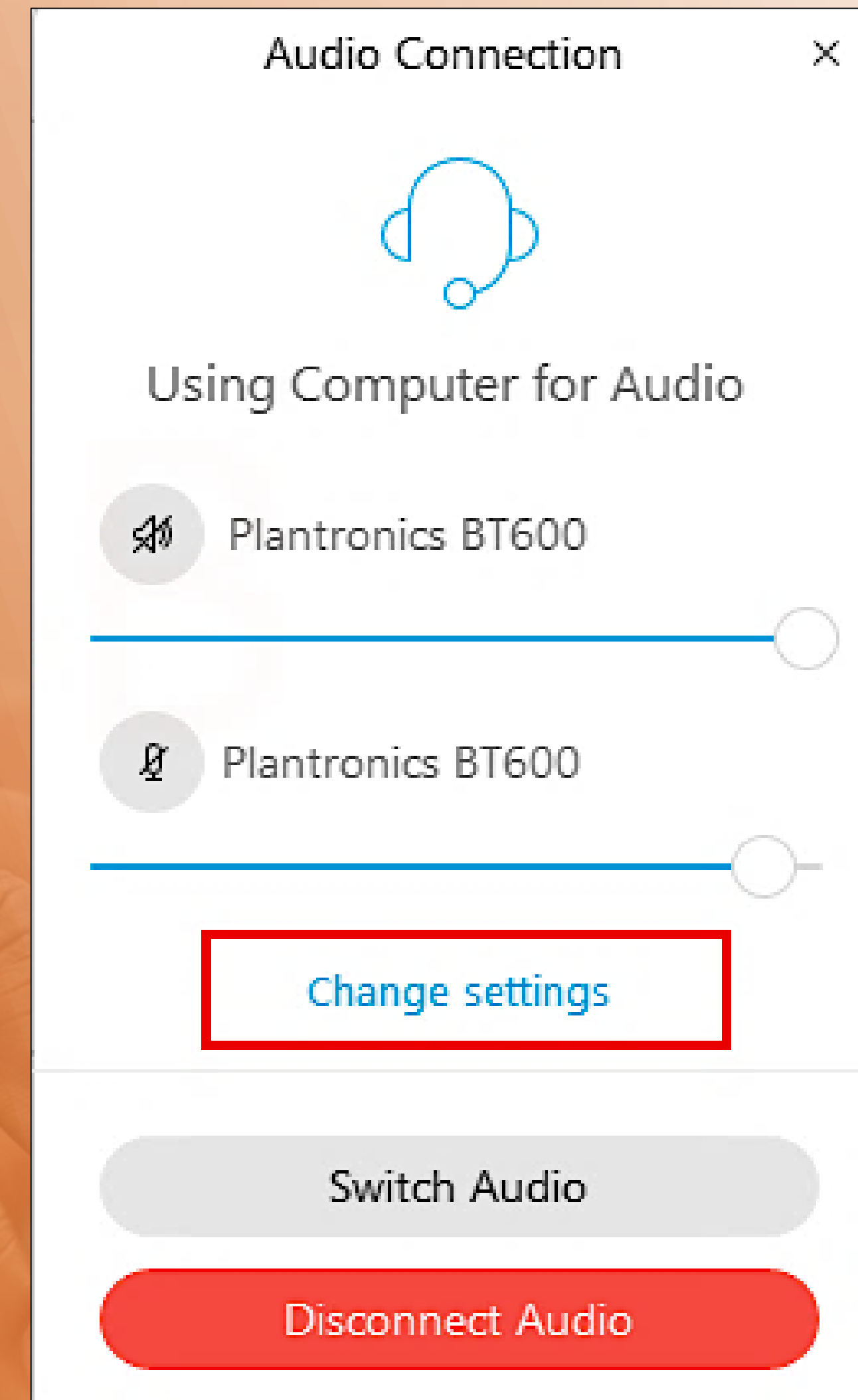
> Polling ×



# Webinar Instructions

Participants will be muted

Change your audio settings

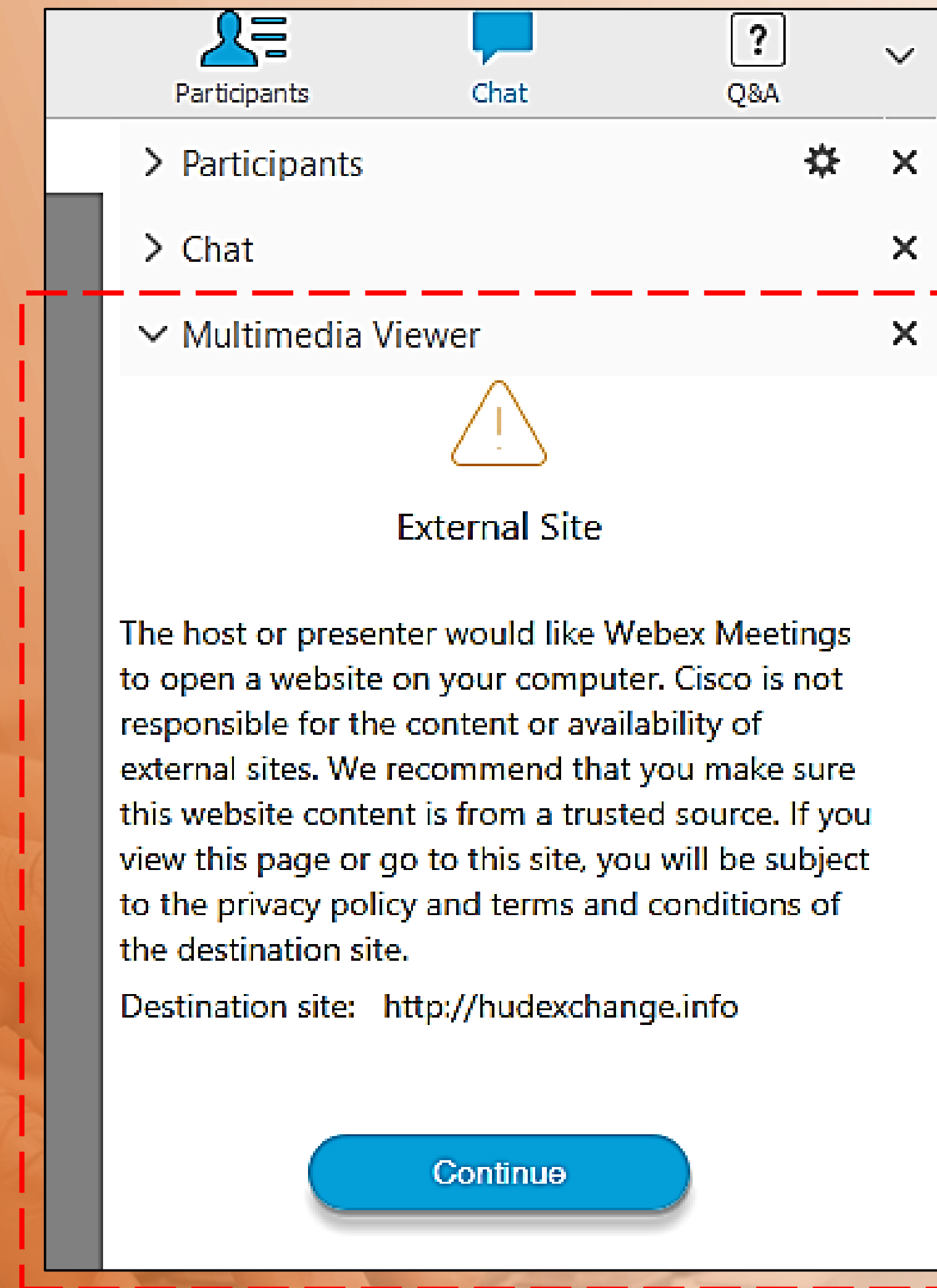




# ACCESSIBILITY: Closed Captions

Open the Multimedia Viewer box  
on the right

Font settings may be changed:  
“Sunset View” (yellow on blue)  
is recommended






# Resources




# HUD Exchange Overview

Hudexchange.info

Resources and assistance to support HUD's community partners

 **HUD EXCHANGE**

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[Programs](#) ▾ [Resources](#) ▾ [Trainings](#) [Program Support](#) ▾ [Grantees](#) ▾ [News](#) 

[HOMELESSNESS ASSISTANCE](#)

## New Resources: Infectious Disease Prevention & Response Information for Homeless Assistance Providers


[Learn More](#)

[HOUSING COUNSELING](#) | JUL 02

[HOME](#) | JUL 01

[New Housing Counseling Program Impact Data Displays Available on the HUD Exchange](#)

[HUD Publishes New 2020 Limits for HOME Maximum Per-Unit Subsidies](#)





# HUD Exchange Overview

Hudexchange.info  
Programs – “N” – NFHTA


Programs ▾Resources ▾

[Home](#) > [Programs](#)

## Programs & Related Topics

Find and explore the landing pages for HUD's programs, systems, and related topics to help you administer your programs.

HUD's programs and related topics support HUD's priorities across a range of policy areas including Affordable Housing Development and Preservation, Community and Economic Development, Environment and Energy, Fair Housing, Homelessness, Homeownership, Rental Assistance, and Supportive Housing and Services.




☐ Programs☐ Systems☐ Cross Cutting Requirements

[Find Programs & Related Topics by HUD Office](#)

# A B C D E F G H I J K L M **N** O P Q R S T U V W X

N

[NFHTA: National Fair Housing Training Academy](#)  
[NI: Neighborhood Initiative Grants](#)  
[NCP: Neighborhood Stabilization Program](#)



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# HUD Exchange Overview

Hudexchange.info

Programs – “N” – NFHTA

Join Upcoming Forum

[Home](#) > [Programs](#) > [Fair Housing](#) > National Fair Housing Training Academy

## The National Fair Housing Training Academy

NFHTA provides knowledge, skill, and capacity building opportunities necessary to end housing discrimination in all its forms. The Academy features virtual and in-person courses and resources for FHIP and FHAP staff of all experience levels.

[Join Our Mailing List](#)

### Upcoming Events

Next Forum: July 9, 2020



### National Fair Housing Forums

This series of online discussions is designed to allow HUD and its partners to address substantive emerging fair housing concerns during this unprecedented time. The Forums convene HUD's FHIP and FHAP partners in a multi-directional conversation regarding processing complaints, conducting investigations, and managing agencies during a crisis and its aftermath. Forum discussions will necessarily change over time as new fair housing issues emerge.

[Join an Upcoming Forum](#)



# HUD Exchange Overview

Hudexchange.info

Programs – “N” – NFHTA

Join Upcoming Forum

Upcoming Forum



The screenshot displays the HUD Exchange website interface. At the top, there is a navigation bar with a search box and a link to 'what they are experiencing in issues.' Below this, the main content area is divided into two columns: 'Upcoming Forums' and 'Past Forums'. The 'Upcoming Forums' column features a highlighted forum titled 'Investigating Complaints of Sexual Harassment in Housing Situations' scheduled for July 9, 2020, from 2:00 PM to 3:30 PM EDT. The description mentions a roundtable discussion with HUD, DOJ, and NFHA. The 'Past Forums' column shows a previous forum titled 'A Conversation on Sexual Harassment in Housing Situations' from June 25, 2020, with a recording available. At the bottom, there is a section for 'Forum Partners'.

what they are experiencing in issues.

### Upcoming Forums

#### Investigating Complaints of Sexual Harassment in Housing Situations

July 9, 2020 | 2:00 PM - 3:30 PM EDT

Join HUD, the U.S. Department of Justice (DOJ), and the National Fair Housing Alliance (NFHA) in a roundtable discussion on investigation of complaints of sexual harassment in housing situations, strategies to investigate and prevent sexual harassment in housing, and sexual harassment cases on which HUD, DOJ and NFHA have collaborated. This forum complements the preceding forum entitled "A Conversation on Sexual Harassment."

### Past Forums

#### A Conversation on Sexual Harassment in Housing Situations

June 25, 2020 | 2:00 PM - 3:30 PM EDT

**Forum recording available**

HUD's 2020 National Fair Housing Roundtable discussion between HUD, DOJ, and NFHA on sexual harassment in housing situations, HUD and DOJ's priorities for addressing sexual harassment in housing, and how HUD and DOJ are working to address these issues.

### Forum Partners



# HUD Exchange Overview

# Hudexchange.info

# Programs – “N” – NFHTA

# Join Upcoming Forum

# Upcoming Forum

# Materials

# Resources and References

## Description

Timely, comprehensive, and thorough investigation of sexual harassment complaints in housing is a priority for the Department of Justice (DOJ), and the National Fair Housing Alliance (NFHA) as they participate in the forum. Sexual harassment in housing situations, strategies to investigate and prevent sexual harassment in housing, and the role of the DOJ and NFHA in addressing sexual harassment in housing were discussed. The forum was moderated by DOJ and NFHA staff. This forum complements the preceding forum entitled "A Conversation on Sexual Harassment in Housing."

## Overview

1. Welcome from FHEO Leadership
2. Open Forum with FHIP and FHAP Staff
3. The Importance of Timely, Comprehensive, and Thorough Investigations
4. Emerging Topic Roundtable Discussion
  - Applicable sections of the Fair Housing Act and regulations
  - Important case law
  - Emotional support and care of complainants of sexual harassment
  - Investigative strategies
  - How to identify additional complainants and witnesses
  - Aggrieved persons and assessment of injury
  - Working with law enforcement
  - Prompt judicial relief
5. Closing Remarks

## Materials

- ▶ Prerequisites
- ▶ Resources and References

## Speaker Bios



# National Fair Housing TRAINING ACADEMY



# Investigating Complaints of Sexual Harassment in Housing Situations Resources

- Elements of Proof
- HUD 2016 Rule on Harassment
- HUD.gov Sexual Harassment Resources Webpage
- HUD Exchange Sexual Harassment Training and Resources
- U.S. Department of Justice Sexual Harassment Webpage
- National Fair Housing Alliance Sexual Harassment Education and Outreach Materials
- Safe at Home Podcast About Sexual Harassment in Housing Situations
- HUD's Title VIII Investigation Handbook Which Includes a Section on Sexual Harassment



# Purpose

Sexual  
Assault



**National  
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# Open Forum



# Poll 4

Have you ever been part of an investigation of sexual harassment in a housing situation?

- Yes
- No
- N/A



# Poll 5

What is/would be your role related to investigations of sexual harassment in housing cases?

- Intake
- Investigator
- Conciliator
- Litigator
- Agency Director
- Other

# Melody Taylor

## HUD FHEO





**EMERGING TOPIC:**

# Investigations of Sexual Harassment in Housing Situations



# Video



# Presenters

**MODERATOR:** Lynn Grosso, HUD

**PANELISTS:**

Betty Bottiger, HUD FHEO

Robert Doles, HUD FHEO

Kathleen Pennington, HUD OGC

Lisa Rice, NFHA

Megan Whyte de Vasquez, DOJ



**The Fair Housing Act prohibits sexual harassment in housing situations.**



# Fair Housing Act

Sexual Harassment is a form of sex discrimination

804(a)

804(b)

804(c)

818



**HUD's Harassment Rule  
24 C.F.R. § 100.600**

Covers all protected classes, not just sex.

Defines Quid Pro Quo and Hostile Environment Harassment.

Illustrates how harassment may violate multiple Fair Housing Act provisions.

Applies to anyone covered by the Act  
(direct & vicarious liability)



# QUID PRO QUO SEXUAL HARASSMENT

A landlord (or an employee/agent) conditions the provision of housing or housing-related services on submission to unwelcome demand(s) for sex, sexual favors, or any other type of sexual conduct or takes an adverse housing action against the applicant/resident because s/he refused to submit to the request. 24 C.F.R. § 100.600(a)(1).

The request can be explicit or implied.

A single quid pro quo violates the Act. 24 C.F.R. §100.600(c).

It is a violation of the Act even if a victim acquiesces/submits to an unwelcome sexual demand in order to secure/maintain housing.

# HOSTILE ENVIRONMENT SEXUAL HARASSMENT

Unwelcome conduct because of sex that is sufficiently severe **or** pervasive as to interfere with a person's ability to obtain, maintain, or use and enjoy housing or housing-related services. See 24 C.F.R. §100.600(a)(2)

A single incident, if severe, can create a hostile environment. 24 C.F.R. § 100.600(c).

Violates the Act even if there is no eviction, increase in rent, withholding of repairs, or similar act.



# Evaluating Hostile Environment Claims: Totality of the Circumstances 24 C.F.R. § 100.600(a)(2)(i)

Fact-specific assessment of a variety of factors, including, but not limited to:

- Nature of the conduct
- Context in which the conduct occurred
- Severity of the conduct
- Scope of the conduct
- Frequency of the conduct
- Duration of the conduct
- Location of the conduct
- Relationships of the persons involved

Reasonable person standard: Evidence is to be evaluated from perspective of a reasonable person in the aggrieved person's position.



# SAMPLE CASE

## *United States v. Encore Management*



# Investigation of Complaints of Sexual Harassment in Housing

# Four Key Tips

1. Identify parties and appropriate allegations
2. Prima Facie Elements
3. Evidence
4. Interviews and Credibility Analysis



# Investigative Pointers

## Create a **Detailed Timeline of Events**

- Helps with review of totality of circumstances, determining frequency, pervasiveness, etc.
- Did terms or conditions change after request or refusal?

When tracking information from data requests and interviews, it may be helpful to create a **Witness Spreadsheet**.



# SAMPLE CASE

## *United States v. Webb*



# Sexual Harassment Investigations: Private Fair Housing Groups

Victim care and support

Narrative statements

Obtaining evidence

Supportive services

Coordinating with law  
enforcement

Working with complainant to  
gather evidence

Testing

Temporary Restraining Order  
or Prompt Judicial Action

# Identifying Additional Witnesses



# Documentation of Injury and Types of Relief

# Actual Damages

Actual damages include:

- Out-of-pocket expenses

- Emotional Distress Damages

- Physical Injury

- Lost Housing Opportunity

- Inconvenience

Anyone injured by the harassment is entitled to damages.



# SAMPLE CASE

## *United States v. Webb*



# SAMPLE CASE

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



# Organizational Relief

Private groups may need to file separate claim/case.

Types of relief include:

- Education and Outreach
- Training
- Fair Housing Policy
- Monitoring and Compliance
- Support for Victims
- Revamping Policies & Practices
- Diversion of Resources
- Frustration of Mission



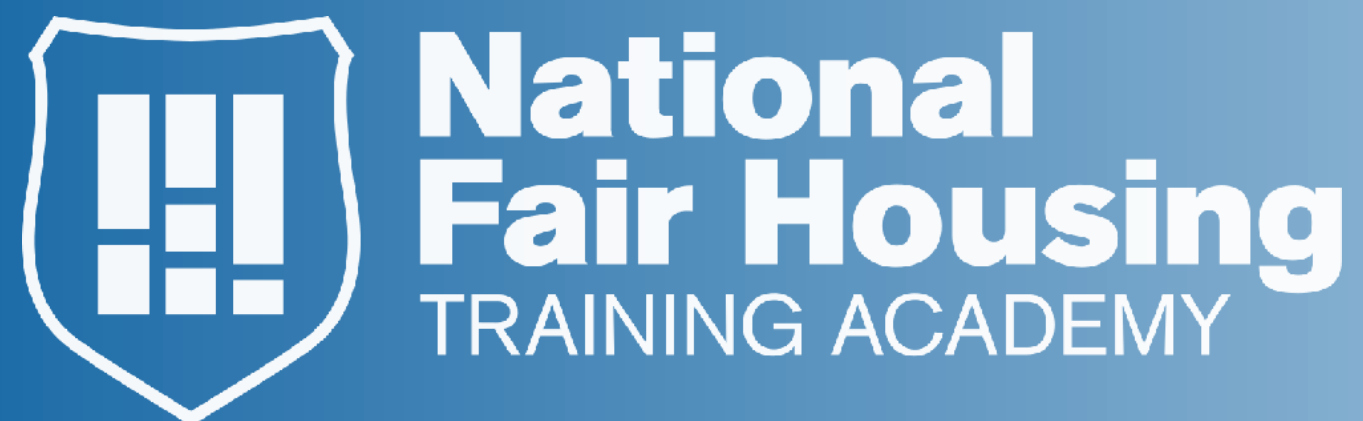
# Relief in Conciliation





# Questions?



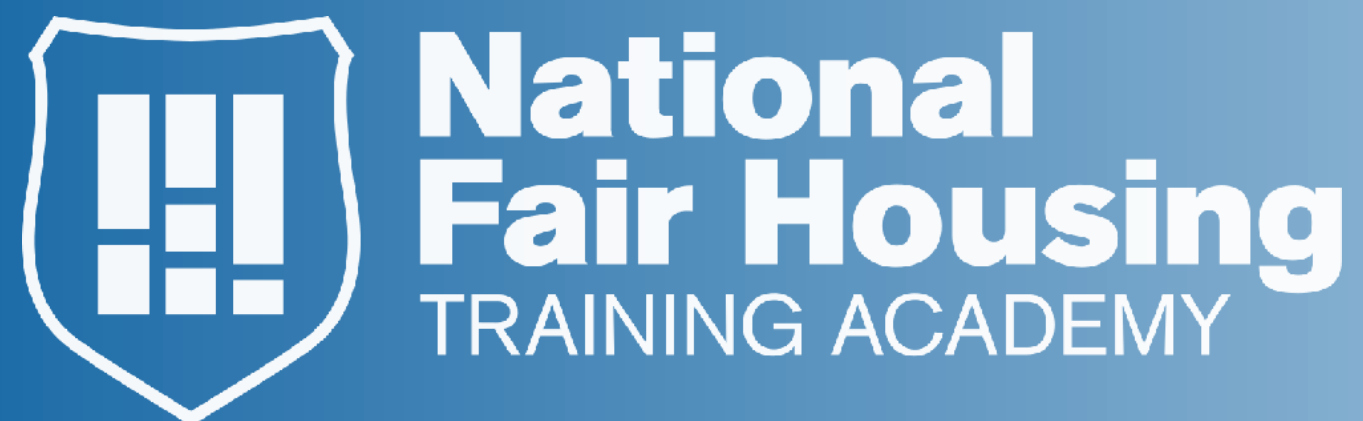


Slide presentation and recording  
of this event will be available on  
HUD Exchange

Evaluation and Feedback: Please  
complete the training survey





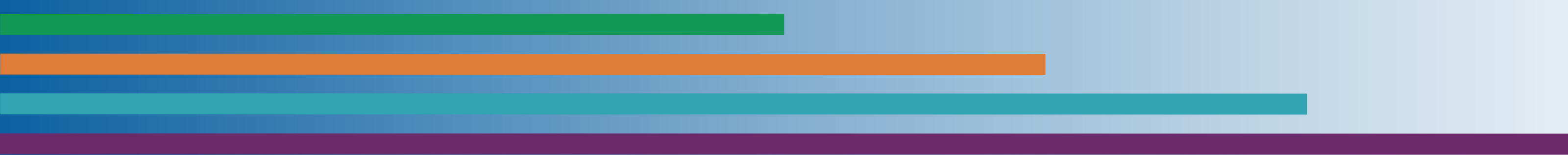


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HUD Office of Fair Housing  
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**NFHA** NATIONAL  
FAIR HOUSING  
ALLIANCE







**Thank you for  
participating.**

