



PREVENTING and ADDRESSING HARASSMENT in Housing

Fact Sheet for Public Housing Agency Executive Staff and Commissioners

Sexual Harassment in Housing is Illegal, as is harassment based on race, color, religion, national origin, familial status, or disability. Public Housing Agency (PHA) Executive Staff and Commissioners are responsible for protecting their tenants and voucher program participants from discriminatory harassment of any type. By explaining what harassment is, who can be liable for it, and steps you can take to help prevent and address it, this fact sheet can help you ensure your PHA meets its **Fair Housing Act** obligations.

Understanding Harassment in Housing:

▶ The Fair Housing Act & Equal Access Rule

Protect PHA Applicants, Residents, and Voucher Program Participants.

The **Fair Housing Act** prohibits harassment, retaliation, and other types of discrimination in housing because of race, color, religion, sex, disability, familial status (households with children under age 18, including persons seeking custody or who are pregnant), or national origin.

Perpetrators of harassment may include PHA employees or agents, as well as tenants who harass other tenants.

HUD's **Equal Access Rule** prohibits PHAs and landlords with Housing Assistance Payments (HAP) contracts from making housing unavailable because of an applicant's or resident's actual or perceived sexual orientation, gender identity or marital status.

Sexual Harassment is Illegal When:

▶ A PHA employee or agent makes *submission to unwelcome demands* for sex, sexual favors, or any other type of sexual conduct a *condition* of obtaining, maintaining, using or enjoying housing (or housing related services).

Examples:

- **Demanding** nude photos in return for approving a rental application.
- **Requesting** sexual favors in return for making needed repairs.
- **Evicting** a person because that person refuses to have sex.

— AND/OR —

▶ A PHA employee or agent subjects a resident or applicant to *unwelcome sexual conduct* that is sufficiently *severe or pervasive* that it interferes with that person's right to obtain, maintain, use, or enjoy housing (or housing-related services).

Examples:

- **Persistently** making unwelcome and lewd comments about a resident's body.
- **Touching** an applicant's intimate body parts without his or her consent.
- **Repeatedly** sending unwelcome sexually explicit text messages and photos to a tenant.



Other Types of Illegal Harassment Include:

Severe or pervasive offensive remarks or hostile behavior because of a person's race, color, religion, sex, disability, familial status, or national origin.

Examples:

- **Repeatedly yelling** anti-Muslim slurs at a Muslim tenant.
- **Taunting** and threatening a person with a mental disability.
- **Subjecting** a person to pervasive racial epithets or defacing a person's home with racially derogatory or threatening words or images.

PHAs are Liable for Sexual and Other Harassment in Their Housing Programs IF:

The harassment is committed by ANY employee or agent of the PHA (even if PHA supervisors don't know about it).

Examples:

- **A PHA is liable** if a staff person sexually harasses a PHA resident

— AND/OR —

The PHA fails to take action(s) within its power to stop harassment by PHA employees or agents, housing owners participating in PHA programs, or tenants, if they knew or should have known of the harassment. This is also true of Directors and Commissioners.

Examples:

- **A PHA and an Executive Director are liable** if the Director learns that one public housing resident has been repeatedly harassing another resident, and neither the Director nor anyone else at the PHA acts to stop the harassment.



To Help Prevent and Address Harassment, PHA Employees Should:

- **Establish and enforce** anti-harassment policies for employees, owners, and tenants that will help stop inappropriate or offensive conduct early, before it becomes a Fair Housing Act violation.
- **Require** all PHA staff (and owners participating in PHA programs) to attend fair housing training that teaches them how to spot and prevent harassment.
- **Provide** multiple ways for residents and voucher program participants to safely and easily make a complaint, e.g., in person, by phone, text, email, or online.
- **Take measures** to ensure that people who report harassment are protected from retaliation.
- **Talk** to residents and voucher program participants to find out whether harassment is occurring and to teach them about their fair housing rights and how to report harassment.
- **Hire or designate** a harassment complaint coordinator whose primary responsibility is to investigate reports or complaints thoroughly and take the necessary corrective actions quickly.
- **For more best practices**, see the additional "Best Practices" fact sheet, available at <https://www.hudexchange.info/resources/documents/PHA-Preventing-and-Addressing-Sexual-and-Other-Discriminatory-Harassment.pdf>

File a Fair Housing Act or Equal Access Rule complaint with HUD:

Fair Housing:

- **Online:** https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint;
- **By Phone:** (800) 669-9777; Federal Relay Service/TTY: (800) 877-8339

Equal Access Rule:

- **PHAs should instruct residents to contact their local HUD office, which can be found at:** https://www.hud.gov/program_offices/field_policy_mgt/localoffices.
- **PHAs can also direct residents to the following website for more information:** https://www.hud.gov/program_offices/fair_housing_equal_opp/housing_discrimination_and_persons_identifying_lgbtq