



# PREVENTING and ADDRESSING SEXUAL and OTHER DISCRIMINATORY HARASSMENT in HOUSING

## Best Practices for Public Housing Agencies

**P**ublic Housing Agencies (PHAs) must comply with civil rights laws when carrying out their mission to provide safe, decent, and affordable housing to residents. Through clear policies, strong oversight, and regular outreach, PHAs can demonstrate that sexual and other types of discriminatory harassment are not tolerated, that complaints are encouraged and taken seriously, and that victims, employees, and witnesses who report harassment will be protected from retaliation. The following recommended best practices are meant to assist PHAs and their staff prevent and address discriminatory harassment in their housing programs.

### Step I: Initiate a Self-Assessment:

▶ Review and evaluate how your PHA handles complaints or other evidence of harassment.

*For example:*

- **Talk** with staff to determine if any existing anti-harassment policies are understood and followed and if staff feels appropriately prepared to address complaints or other evidence of harassment.
- **Survey** residents and voucher program participants to assess whether they have experienced or witnessed harassment, and, if so, whether they reported it and whether the PHA adequately responded.
- **Seek** input on existing policies and practices from residents, voucher program participants, and other stakeholders. For example, some agencies have strengthened their complaint process by seeking input from their local legal aid office.

### Step II: Develop and Publicize Anti-Harassment Policies:

▶ Create strong, clear anti-harassment policies as the foundation for providing harassment-free housing.

*For example:*

- **Ensure** that your employee code of conduct explicitly prohibits harassment against applicants, residents, and voucher program participants and provides for disciplinary actions for harassment or failure to respond appropriately to harassment complaints.
- **Require** ALL staff to attend training that explains the employee code of conduct and the PHA's anti-harassment policy; require EACH employee to provide a signed statement acknowledging that he or she has received and read the PHA's anti-harassment policy. Also, plan to train EACH new employee and schedule regular refresher trainings for ALL employees.
- **Create** and **post** policy statements (in all appropriate languages) that make clear that sexual and other discriminatory harassment, as well as retaliation for reporting it, are prohibited.
- **Ensure** that every applicant, resident, and voucher program participant package contains a copy of the PHA's anti-harassment policy, as well as information about how to report harassment to the PHA and how to file a Fair Housing Act or Equal Access Rule complaint. Explain this information during orientations, briefings, or trainings offered to applicants, new residents, and voucher program participants.
- **Inform** and frequently remind owners who participate in any voucher program administered by the PHA of their obligation to comply with the Fair Housing Act and to prevent and correct discriminatory harassment of their residents.



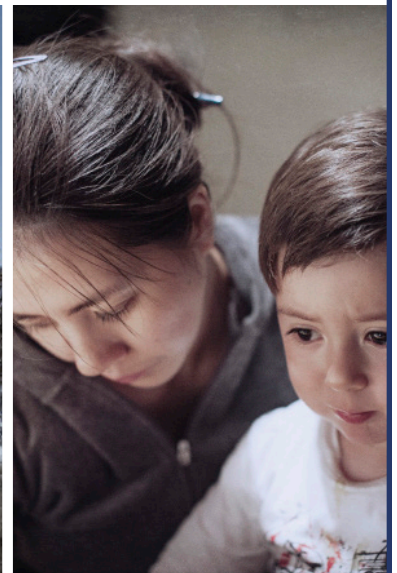
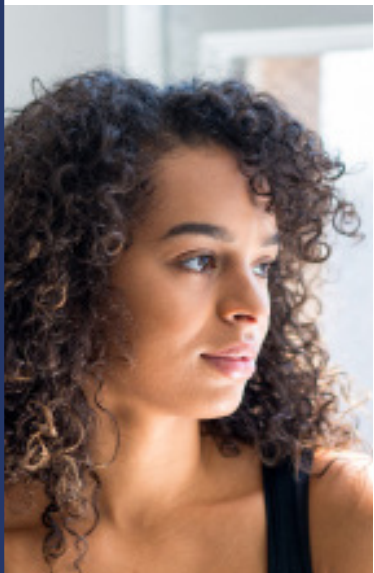
### Step III: Set Up a System to Receive, Investigate, and Respond to Complaints:

▶ Consistent, effective systems for receiving and addressing complaints or other evidence of harassment are critical to preventing and stopping harassment.

*For example:*

- **Establish** written policies and procedures that provide multiple ways for applicants, residents, voucher program participants, and staff to easily and safely submit a complaint, e.g., by phone, email, online, or in person.
- **Hire or designate** a complaint coordinator who is responsible for ensuring complaints are appropriately handled and processed quickly.
  - Ensure that every complaint of harassment is properly addressed, regardless of who receives it.
  - Train all PHA employees to gather basic information if they get a complaint or otherwise learn of harassment, including:
    - Victim name and contact information for follow up;
    - Summary of what happened (tell victim to save evidence, e.g., texts, photos, voicemail, letters, notes, journals, etc.).
    - Name of harasser(s), witness(es), and other possible victims, if known.
    - Property name and address; and
    - Date(s), time(s), and location(s) of harassment.
- **Use** a case management system to flag reports of harassment, identify staff or housing providers named in complaints, and document any corrective actions taken.

- **Establish** a process for consistently and appropriately responding to EACH complaint by:
  - Providing prompt written notice of receipt of the complaint to those alleged to have harassed or violated program rules (unless doing so would jeopardize the safety of the complaining individual) and to the alleged victim(s);
  - Taking measures to protect the alleged victim(s) from retaliation for making a complaint; and
  - Investigating the allegations thoroughly, informing the alleged victim and alleged harasser of the findings from the investigation, and providing an explanation of what action was (or was not) taken, and why.
    - In situations where the alleged harasser has denied the allegations, the PHA must look for other information that might help determine the truth. For example, past complaints against the same person might corroborate the allegations.
- **Ensure** your PHA's Administrative Plan allows existing voucher program participants to retain or receive a tenant-based voucher or project-based unit when the participant wishes to transfer because of sexual or other discriminatory harassment.
- **Maintain** records of all complaints, including in both the alleged victim's file and the alleged harasser's file.
- **Assess** periodically whether complaint procedures are effective.
- **Ensure** that your PHA has appropriate liability insurance and understands the requirements for making a claim on the insurance.



#### Step IV: Enforce Rules and Policies:

▶ Not all offensive or inappropriate conduct violates the Fair Housing Act. But when left unaddressed, such conduct often escalates to the point of becoming a legal violation. When a PHA finds that harassing conduct has occurred and/or is not being appropriately addressed, it should ensure that appropriate corrective action is taken promptly.

*For example:*

- If an **employee** engages in harassment, ignores or refuses to address a complaint, or otherwise fails to take appropriate action in response to a complaint, a PHA should enforce its employee code of conduct and take prompt disciplinary action against the employee. Disciplinary action should be proportionate to the conduct involved, up to and including termination of the employee.
- If an **owner** (who participates in the Housing Choice or Project-Based Voucher program) engages in or fails to correct harassment, a PHA should enforce HAP contract provisions and other rules and regulations that prohibit discriminatory conduct, which may include:
  - Abating, suspending or terminating the HAP contract, or prohibiting the owner's future participation in the PHA's housing programs,
  - Asking HUD to enforce a limited denial of participation (LDP), suspension, or debarment to exclude persons or entities from HUD programs,
  - Attempting to help the victim. Among other things, the PHA should allow the victim to move with a voucher or to move to other project-based voucher housing.
- If a **resident** engages in harassment, a PHA should enforce lease provisions and other rules that prohibit residents from engaging in conduct that threatens the health, safety, or peaceful enjoyment of others. Among other things, the PHA may issue to the harasser (without taking adverse action or retaliating against the harassed resident):
  - oral and written warnings and notices of lease and/or rule violations
  - notices of termination of assistance, and
  - notices to quit and eviction warnings, (and evict a harassing resident if such prior actions fail to stop the harassment).

#### Step V: Encourage Complaints:

▶ Because a PHA can't stop harassment it doesn't know about (and can mitigate its liability if it addresses problems promptly), a PHA should encourage complaints.

*For example:*

- **Make sure** applicants, residents, and voucher program participants know where to file complaints within their housing program, e.g., whether living in public housing or receiving tenant-based or project-based assistance.
- **Tell** residents and voucher program participants of their right to file a **Fair Housing Act complaint**, and explain where it 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 (but not instead of) filing a complaint with HUD or a State or local fair housing agency, 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**, PHAs should instruct residents and voucher program participants 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).
- PHAs can also direct residents and program participants to the following website for more information: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/housing\\_discrimination\\_and\\_persons\\_identifying\\_lgbtq](https://www.hud.gov/program_offices/fair_housing_equal_opp/housing_discrimination_and_persons_identifying_lgbtq)