

SEX DISCRIMINATION - SEXUAL HARASSMENT

Protection under the Federal Fair Housing Act

The Federal Fair Housing Act prohibits discrimination in housing, both public and private, based on race, color, religion, sex, national origin, familial status, and disability. One form of sex discrimination is the sexual harassment of a tenant by a landlord or a landlord's employee.

What is sexual harassment?

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

In housing, sexual harassment may fall under one of the following categories:

Quid Pro Quo Sexual Harassment: when a housing provider or their employee, agent, or contractor conditions access to - or retention of - housing or housing-related services or transactions on a person's submission to sexual conduct.

Example: *When a tenant requests a maintenance repair for her home, the housing provider suggests that he will only do the repair if she performs a sexual favor for him.*

Hostile Environment Sexual Harassment: when a housing provider or his employee, agent, contractor, (or, in certain circumstances, another resident) 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.

Example: *A housing provider is informed by one of their tenants that another tenant is sexually harassing them. Instead of addressing the situation or taking action, the provider refuses to help, allowing the sexual harassment to continue.*

What is needed to make a legal claim of sexual harassment?

In order to make a claim, an individual must show that the sexual conduct by the housing provider or his employee was unwelcome. Even if an individual has submitted to the sexual conduct, a sexual harassment claim can still be filed.

Example: *A landlord tells one of his tenants that he will only continue renting to her if she goes on a date with him. Although the tenant does not want to go on a date, she agrees because she fears losing her home if she doesn't. Although she went on the date with him, the sexual advances were unwelcome, so a claim for sexual harassment does exist.*

What information should a tenant have to make a claim of sexual harassment?

If a tenant is experiencing sexual harassment, they should take specific actions right away. They should immediately tell someone else and write down the following:

- what happened,
- when and where it happened,
- the name and position of the harasser, and
- the names, addresses, and phone numbers of witnesses or other tenants who have also been harassed.

The tenant should also keep any documents related to the harassment, such as notes or gifts from the harasser, texts or emails, rent increase notices, warning notices, or eviction notices. Although having all the above information isn't necessary, having it as supportive evidence is helpful.

Can a claim be filed even without a lost housing opportunity?

Individuals can still file claims of sexual harassment even if they didn't experience the loss of a housing opportunity or some tangible economic outcome.

***Example:** A maintenance employee makes sexual comments or innuendos while working on repairs in front of a tenant. Although the tenant did not experience any threat to her housing, the sexual conduct was still unwelcome.*

How are claims of sexual harassment evaluated?

Claims are evaluated based on their individual merits and factual circumstances to determine whether there is reasonable cause to believe that discrimination occurred.

Complaints can be filed even if an individual has a criminal history background, was behind on rent, or has an eviction on their record.

Are there protections for tenants from retaliation for reporting harassment?

It is illegal for anyone to coerce, intimidate, threaten, or interfere with a tenant because the tenant has exercised or utilized any right granted in the Fair Housing Act.

A property owner cannot deny housing, increase rent, withhold maintenance, harass, sue, or evict a tenant because they filed a housing discrimination complaint or exercised their rights under the Fair Housing Act. Any attempt to do so should be immediately reported.

What should I do if I need help?

Please call us toll-free at **1-877-979-3247** to discuss the situation. You can also fill out a contact form on our website (www.fhcmichigan.org). FHC staff will follow up with you to obtain

additional information. We will keep the information you provide confidential. We will not report undocumented immigrants to the authorities.

The Fair Housing Center is a nonprofit organization that provides investigative services (testing), advice, advocacy, conciliation, attorney referrals, and community education for Clinton, Eaton, Hillsdale, Ingham, Jackson, Lenawee, Livingston, Monroe, Shiawassee, and Washtenaw counties. The FHC's mission is to end discrimination in housing and public accommodations and promote accessible, integrated communities.