



## PREVENTING and ADDRESSING HARASSMENT in Housing Fact Sheet for Property Owners and Managers

**S**exual Harassment in Housing is Illegal, as is harassment based on race, color, religion, national origin, familial status, or disability. All property owners and managers are responsible for helping ensure their housing is free 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 you meet your **Fair Housing Act** obligations.

### Understanding Harassment in Housing:

#### ▶ The Fair Housing Act & Equal Access Rule Protect Applicants and Tenants

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.

Owners and property management employees and agents can all be liable for harassment, as can tenants who harass other tenants.

HUD's **Equal Access Rule** prohibits owners 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:

▶ An owner or property management 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 —

▶ An owner or property management 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.

### Owners and Management Companies are Liable for Sexual and Other Harassment in their Housing IF:

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

*Example:*

- An owner is liable if the owner's property manager sexually harassed a tenant (the property manager would be liable too).

— AND/OR —

The owner or management company fails to take action(s) within its power to stop harassment of a tenant or applicant by an employee, agent, or another tenant, if they knew or should have known about it.

*Example:*

- A property management company learns that one tenant has been **repeatedly harassing** another tenant because of that tenant's disability, and no one at the management company acts to stop the harassment.



### To Help Prevent and Address Harassment, Property Owners and Managers Should:

- **Establish and enforce** anti-harassment policies to help stop inappropriate or offensive conduct early, before it becomes a Fair Housing Act violation.
- **Provide** multiple ways for tenants to safely and easily make complaints or otherwise report problems.
- **Attend** fair housing training that includes information about preventing harassment and require any staff to do so as well.
- **Take** measures to ensure that people who report harassment are protected from retaliation.
- **Talk** to tenants 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 complaint coordinator whose primary responsibility is to investigate reports or complaints thoroughly and take the necessary corrective actions quickly.

### 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](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:

- **Owners and 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).
- **Owners and managers 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](https://www.hud.gov/program_offices/fair_housing_equal_opp/housing_discrimination_and_persons_identifying_lgbtq)
- **And/or contact the PHA that issued the housing assistance voucher.**