

FACT SHEET: FAIR HOUSING & SEXUAL HARASSMENT

What is fair housing?

Fair housing is the right to choose housing free from unlawful discrimination. The federal Fair Housing Act (FHAct) and Michigan laws protect people from discrimination in housing based on race, color, religion, sex, national origin, familial status, disability, marital status, and age. Discrimination is illegal in housing transactions such as rentals, sales, lending, and insurance.

What is illegal sexual harassment in housing?

Sexual harassment in housing is a form of sex discrimination and is illegal under the FHAct. Sexual harassment includes unwelcomed sexual advances, a request for sexual favors or any other type of sexual conduct as a condition of obtaining, maintaining, using or enjoying housing or housing-related services.

There are two types of sexual harassment in housing 1) *quid pro quo sexual harassment* and 2) *hostile environment sexual harassment*.

Quid Pro Quo occurs when a housing provider or housing provider's employee requires a person to submit to an unwelcome request to engage in sexual conduct as a condition of obtaining, maintaining, or using housing or housing related services. "Quid pro quo" can be understood as "this for that" or "a favor for a favor." Examples include:

- A landlord demands nude photos in return for approving a rental application.
- A property manager evicts a person because they refuse to have sex.
- A maintenance staff member requests sexual favors in return for making needed repairs.

Hostile Environment occurs when a housing provider or their employee subjects a person to severe or pervasive unwelcome sexual conduct as part of the sale, rental, availability, or terms, conditions, or privileges of housing or housing related services and results in an environment that is intimidating, hostile, offensive, or otherwise significantly less desirable. Examples include:

- A landlord subjects a tenant to severe or pervasive unwelcome touching, kissing, or groping without consent.
- A property manager makes persistent unwelcome and lewd comments about a tenant's body.
- A maintenance staff member sends a tenant severe or pervasive unwelcome, sexually suggestive texts and enters the tenants apartment without invitation or permission.

Is it a violation of the FHAct when an individual sexually harasses someone of the same sex?

Yes, the FHAct protects both men and women from sex discrimination, which includes sexual harassment.

Am I protected from retaliation if I report that I am experiencing or have experienced sexual harassment?

Yes, the FHAct protects against retaliation for reporting sexual harassment. If you report sexual harassment, you are protected against any acts of retaliation, which can include increasing rent, eviction, withholding maintenance, harassing, or suing as a result of reporting. If this occurs, please report it immediately to the Fair Housing Center of West Michigan.

Under the federal FHAct, it is illegal to coerce, intimidate, threaten, or interfere with your right to report sexual harassment, as well as any person who has aided or encouraged you to exercise your rights. In other words, a property owner or property manager and/or their employees are prohibited from punishing an individual for reporting sexual harassment, or helping another individual exercise his or her fair housing rights.

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The Fair Housing Center of West Michigan (FHCWM) is a private, non-profit fair housing organization; our mission is to prevent and eliminate housing discrimination, ensure equal housing opportunity, and to promote inclusive communities through education, advocacy, and enforcement.

Who is held responsible when I report sexual harassment?

A property owner or manager may be directly or indirectly held responsible for sexual harassment; they are not only responsible for their own actions, but those of their employees, which can include leasing agents, maintenance staff, or anyone who has control of or access to your housing.

Under the FHAct, a property owner or manager who directs their employees, agents or contractors to engage in sexual harassment, or who knows or should have known about sexual harassment but fails to take action to stop it, is directly responsible for any resulting harm. In addition, a property owner or manager may be indirectly responsible for the acts of their employees regardless of whether they knew of the wrongful conduct, or failed to prevent it from occurring. If owners and managers had knowledge of tenant-on-tenant harassment and did not take remedial action, they would also be responsible.

How long do I have to make a complaint of sexual harassment?

It is never too late! Please call the Fair Housing Center of West Michigan and we will talk with you about your situation and talk through your options to file a complaint. Some options to make a complaint may include, but are not limited to:

- The Department of Justice – No time frame if sexual harassment has happened to multiple people
- U.S. Department of Housing & Urban Development (HUD) – Complaint must be filed within 1 year of the last act of discrimination
- Private attorney and court – Complaint must be filed within 2 years of the last act of discrimination

What should I do if I feel I am experiencing sexual harassment in my housing?

Remember. Think through your experience, from the time you feel you first started experiencing the harassment to now. **Record.** Write down names, addresses, and phone numbers of individuals, lenders or agents, properties, companies and witnesses involved, as well as any person who may have had a different experience with the same individual or company. Note dates, times, and comments from conversations or other incidents. Keep copies of any communication, such as letters, emails, and any other documents or information. **Report.** Call the Fair Housing Center of West Michigan at 616-451-2980 or 1-866-389-FAIR.

**You have the right to be safe in your home. You are not alone.
You can report discrimination anonymously.
We can help!**

Where can I find more information?

If you have additional questions about your fair housing rights or fair housing law, please contact the Fair Housing Center office at 616-451-2980 or visit our website at www.fhcwm.org.

Further information is available from the U.S. Department of Housing & Urban Development (HUD) and U.S. Department of Justice (DOJ):

HUD Preventing Harassment in Housing: Fact Sheet for Public Housing and Voucher Program Applicants and Tenants
<https://files.hudexchange.info/resources/documents/Preventing-Harassment-in-Housing-Fact-Sheet-Program-Applicants-Tenants.pdf>

HUD Sexual Harassment in Housing

https://www.hud.gov/program_offices/fair_housing_equal_opp/sexual_harassment

DOJ Sexual Harassment in Housing Initiative

<https://www.justice.gov/crt/sexual-harassment-housing-initiative>

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/ Please note that this fact sheet is not intended to be used as legal advice. /