

# FACT SHEET: FAIR HOUSING ACT

## SEX DISCRIMINATION - SEXUAL HARASSMENT

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### Protection under the Federal Fair Housing Act

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

### SEXUAL HARASSMENT

#### 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, male or female, and can be committed by someone of the same or opposite 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 tenant's submission to sexual conduct.

*Example: When a tenant requests a maintenance repair to her home, the housing provider suggests that he will only make 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 tenant, 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 they are being sexually harassed by another tenant. Instead of addressing the situation or taking action, they refuse to help, allowing the sexual harassment to continue.*

#### What is needed in order to make a 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 submits to the sexual conduct, it is possible that the conduct was still unwelcome. A claim may still be filed in this case.



**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 female tenant does not want to go on the date, she agrees because she is fearful of 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 in order to make a claim of sexual harassment?**

If a tenant is experiencing sexual harassment, they should take certain 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 any witnesses or any other tenants who have also been harassed.

The tenant should also make sure to keep any documents related to the harassment, such as notes or gifts from the harasser, rent increase notices, warning notices, or eviction notices.

Although having all the above information isn't necessary, it is helpful to have as supportive evidence if a claim is filed.

### **Can a claim be filed even if there wasn't 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 in front of a tenant while working on repairs. 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 upon their individual merits and factual circumstances in order to determine whether there is reasonable cause to believe that the discrimination occurred.

### **Are there protections for tenants from retaliation for reporting harassment?**

It is illegal for anyone to coerce, intimidate, threaten, or interfere with a tenant on account of having 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 believe that I've been discriminated against?**

The Fair Housing Center of Southeast & Mid Michigan (FHC) is ready to help with any housing discrimination problems.

We are a private nonprofit organization providing investigative services (testing), advice, advocacy, conciliation, attorney referrals, and community education for Clinton, Eaton, Ingham, Jackson, Lenawee, Livingston, Monroe, and Washtenaw counties. The mission of the FHC is to end discrimination in housing and public accommodations and to promote accessible, integrated communities.

If you think you have experienced housing discrimination or have a question about fair housing, call us at [877-979-3247](tel:877-979-3247).

You can also fill out a contact form on our website ([www.fhcmichigan.org](http://www.fhcmichigan.org)) and FHC staff will follow up with you to obtain additional information concerning your allegation or complaint of discrimination.

Information provided about allegations or complaints of housing discrimination will be kept confidential.

### **Sources**

Equal Rights Center

["Sexual Harassment and Fair Housing Toolkit"](#)

National Housing Law Project

["Know Your Rights: Sexual Harassment and Housing"](#)

U.S. Department of Housing and Urban Development

["Questions and Answers on Sexual Harassment under the Fair Housing Act"](#)