

Sexual Harassment & Fair Housing

FAIR HOUSING HIGHLIGHT #13

Is sexual harassment prohibited by the Fair Housing Act?

Yes, sexual harassment is prohibited by the federal and state Fair Housing laws if the harassment imposes upon a person's ability to live peacefully in a neighborhood or dwelling of their choice. Sexual harassment in housing is considered to be sex/gender discrimination. The courts have recognized two forms of sexual harassment— "quid pro quo" and "hostile housing environment".

What is "quid pro quo" sexual harassment?

'Quid pro quo' sexual harassment (literally, "this for that") involves harassment in situations in which sex or sexual favors are demanded of an individual by those in control of their housing in return for housing or a housing benefit. An example of quid pro quo harassment would be if a landlord evicts a tenant or refuses to make repairs because the tenant refuses to engage in sexual relations with the landlord or housing provider.

What is considered a "hostile environment"?

A hostile housing environment claim involves unwelcome behavior of a sexual nature that creates an intimidating, hostile, or abusive housing environment or has the effect of unreasonably interfering with the tenant's housing. The conduct must be sufficiently severe or pervasive as to create an environment that a reasonable person would find intimidating, hostile, offensive, or otherwise significantly less desirable.

Some examples of a "hostile environment" may be any un-welcomed sexual advances, coming into a dwelling unannounced, commenting on clothing or appearance, requests for dates etc.

Whether or not conduct constitutes sexual harassment depends upon the totality of the circumstances in each situation, examined on a case by case basis. Critical factors to examine include, but are not limited to: context; nature; severity; scope; frequency; duration; location of incident(s); and identity, number, relative ages and relationships of the persons involved.

How many incidents must occur in order for a claim to be sufficient?

In a quid pro quo claim, one incident can be enough to establish sexual harassment. However, in a hostile environment claim it may be necessary to demonstrate a series of harassing incidents to prove sexual harassment. Whether conduct creates a hostile environment will be evaluated from the perspective of a reasonable person in the aggrieved person's position.

Who can be liable for sexual harassment complaint under the Fair Housing Act?

Under the Fair Housing Act it is unlawful for anyone to coerce, intimidate, threaten, or interfere with any person in the enjoyment of rights granted under the Act. Under this provision, liability extends to neighbors who engage in harassment, municipalities that take discriminatory actions in housing, as well as landlords, owners, building managers, maintenance, personnel, leasing agents etc.

**Questions? Call the Fair Housing Rights Center in Southeastern Pennsylvania at 215 576-7711
or visit us online at www.fairhousingrights.org.**