
◆ Open House ◆

Newsletter of the Fair Housing Council of Montgomery County

WINTER 2002

The Fair Housing Council of Montgomery County is committed to ensuring equal housing opportunities regardless of race, religion, gender, age, disability, familial status or national origin.

We carry out our mission through education & outreach, complaint reception & resolution, advocacy, monitoring of discriminatory housing practices & assistance in finding open & affordable housing.

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SEXUAL HARASSMENT IN HOUSING

It's Against the Law

Every year thousands of women are subjected to illegal sexual harassment in housing situations—by landlords, property managers, real estate brokers, maintenance people, and their agents. “For example, landlords, who are in control of often-scarce rental housing, may force women to trade sexual favors for housing benefits and subject women to sexually derogatory comments and behavior. In addition, women can be driven from their homes by sexual harassment from neighbors.” Sherry Leiwant, *Sexual Harassment in Housing: A Primer*, Clearinghouse Review, December 1996, 815.

Although anyone can be subjected to sexual harassment, poor women are most frequently the victims. People with low incomes tend to live in rental housing units, have limited housing options, have limited means, and are disproportionately women. (See article on Sexual Harassment Statistics). Persons managing the affordable housing stock wield an enormous amount of control and power over our nation's poor women.

“Victims of sexual harassment at home lose their traditional place of refuge. ‘When the harassment occurs in a woman's home, it is a complete invasion in her life. Ideally, the home is the haven from the troubles of the day, when home is not a safe place, a woman may feel distressed and often immobile.’” 24 CFR Proposed Sec. 100 citing Regina Cahan, *Home Is No Haven: An Analysis of Sexual Harassment in Housing*, 1987 Wis. L. Rev. 1061, 1072. Fortunately, the fair housing laws offer a place to turn for those who have been victimized by sexual harassment.

FAIR HOUSING LAWS: Protection from Sexual Harassment

Both the federal Fair Housing Act and the Pennsylvania Human Relations Act protect women from sexual harassment in housing. Sexual harassment in housing is sex/gender discrimination under the law—targeting a specific protected class, women, based on their gender. The laws also protect women from coercion, threats, or intimidation when interfering with their housing rights. (Note: The laws against gender discrimination protect men, as well as women, from sexual harassment.)

The courts have recognized two forms of sexual harassment—“quid pro quo” and “hostile housing environment”.

“QUID PRO QUO”

(Continued on page 4)

CASE UPDATES

DISCLAIMER: The following cases have been filed in local forums and/or have been referred for litigation pending further investigation. In all settled cases reported in this newsletter, the defendant, unless otherwise noted, denies the allegations of discrimination made by the plaintiff and the parties have agreed to resolve the case prior to a trial or hearing.

NEW CASES

Dai and Fair Housing Council of Montgomery County v. Merion Court Apartments

Michelle Dai contacted the Council in June of 2001 with a complaint that she was being charged extra rent by Merion Court Apartments due to her children. The Council conducted an investigation and confirmed that management at Merion Court had set different terms and conditions for families with children. The Council also confirmed that Merion Court engaged in steering, a practice where families with children were referred to another complex. Ms. Dai and the Council filed familial status discrimination complaints with the U.S. Department of Housing and Urban Development (HUD) in January 2002.

FHCMC v. Barry Court Apartments, Westrum Partners LTD, et al

With the assistance of Attorney Arthur Haywood, the Council recently filed a fair housing complaint based on race discrimination with the U.S. Department of Housing and Urban Development (HUD). The basis of the complaint is that African Americans who contacted Barry Court were denied housing, told units were not available, or discouraged from applying for an apartment. Discrimination based on race is a violation of the Federal Fair Housing Act and the Pennsylvania Human Relations Act.

SETTLED CASES

Cheryl Humber and Fair Housing Council of Montgomery County vs. Walter K. Wade

FHC of MontCo. and Cheryl Humber recently settled a complaint alleging discriminatory housing practices based on gender. In the winter of 2000, the Council conducted an investigation of the rental practices of Mr. Walter Wade of Lansdale after receiving a complaint from Ms. Cheryl Humber. The Council confirmed that Mr. Wade was practicing discriminatory rental practices by refusing to rent to woman and falsely stating that a unit was unavailable to female renters when in fact the unit was available. As a result of the investigation, the Council and Ms. Humber jointly filed complaints with the Pennsylvania Human Relations Commissions (PHRC) alleging housing discrimination based on gender. Mr. Wade did not admit liability but paid a monetary settlement to both the FHCMC and Ms. Humber. Mr. Wade is no longer involved in property rentals. Lord and Haywood assisted in the resolution of this matter.

Eagan and Fair Housing Council of Montgomery County vs. Nicholas Odorisio, Jefferson Real Estate Co., Inc., et al

In October 2001, Attorney Arthur Haywood filed a disability discrimination lawsuit on behalf of Barbara Eagan and the Fair Housing Council of Montgomery County. Ms. Eagan alleges that management at Buttonwood Apt. in Norristown, PA refused to allow a request for a reasonable accommodation. Ms. Eagan repeatedly asked management to move to a ground floor unit to accommodate her disability, yet her requests were ignored. Additionally, Ms. Eagan alleges that management, upon learning of her disability, required five months rent to secure the apartment. The Council is a co-plaintiff. The complaint

FAIR HOUSING WORKSHOPS & TRAININGS

Outreach on Fair Housing Rights & Responsibilities

COMMUNITY WORKSHOPS HELD

Fair Housing Rights—special focus on disabilities & sexual harassment

STAFF TRAININGS

COMMUNITY HOUSING SERVICES

Lansdale, PA
11/13/01

MONTGOMERY COUNTY AGING & ADULT SERVICES

Norristown, PA
11/7/01



IF YOU FEEL YOU HAVE BEEN DISCRIMINATED AGAINST WHILE SEARCHING FOR A HOME,

**CALL US AT:
(215) 576-7711**

CONSUMER WORKSHOPS

WOMANSPACE
Ardmore, PA
10/17/01

LAUREL HOUSE

private location
10/10/01

LAUREL HOUSE

private location
8/22/01

INTERFAITH OF AMBLER

Ambler, PA
10/9/01

MONTGOMERY COUNTY HOUSING AUTHORITY

Section 8 to Homeownership Workshops
8/7/01
8/7/01
8/13/01

MONTGOMERY COUNTY HOUSING AUTHORITY

New Section 8 Voucher Holders
6/7/01

DISABILITIES WORKSHOPS

CREATIVE HEALTH SERVICES

Pottstown, PA
7/13/01

NORTHWESTERN HUMAN SERVICES

Lansdale, PA
6/22/01

PENN FOUNDATION

Sellersville, PA
6/26/01

FAIR HOUSING WORKSHOPS AND TRAININGS

The Fair Housing Council offers presentations, workshops, and trainings on fair housing and housing-related issues. We offer our assistance to: community groups, housing providers (realtors, landlords, property managers); businesses; or schools/children's programs.

Generally the topics covered are:

- overview of fair housing laws;
- housing providers' fair housing responsibilities;
- consumers' fair housing rights;
- the rights of disabled persons regarding reasonable accommodations and reasonable modifications;
- the rights of families with children;
- consultation on affordable housing;
- how to go about searching for a home to rent;
- general homebuying counseling; and
- diversity workshops.

Most of the programs offered are free of charge.

If you would like to arrange for such a program, please call our office at: (215) 576-7711.

SEXUAL HARASSMENT, *continued*

SEXUAL HARASSMENT

“Quid pro quo” sexual harassment (literally, “this for that”) involves harassment in situations in which sex or sexual favors are demanded of women by those in control of their housing in return for housing or a housing benefit. For example, quid pro quo harassment occurs if a landlord evicts a tenant or [negatively impacts upon her housing voucher] because she refuses to have sex with him.” Leiwant at 817. The Fair Housing Act prohibits “denying or limiting services or facilities in connection with the sale or rental of a dwelling, because a person failed or refused to provide sexual favors.” 24 C.F.R. Section 100.65(b)(5). (Note: Sexual harassment can also be found where a woman complied with the demands even though unwelcome.)

The elements needed to establish a “quid pro quo” claim are:

- the person is a member of a protected class (gender—woman);
- the person was subjected to an unwelcome demand or request for sexual favors;
- the unwelcome demand or request was based on sex (but for the gender, the harassment would not have occurred);
- the person was denied housing or housing

benefits because of the person’s response (i.e. refusal) to the demand for sexual favors; and

- where an employee or agent committed the harassment and superior/owner/employer is sued, superior knew or should have known of the harassment and failed to remedy the situation.

Shellhammer v. Lewallen, 770 F.2d 167 (6th Cir. 1985); see also 24 CFR Proposed Sec. 100.500(a)(1). One incident alone is enough to sustain a claim of quid pro quo sexual harassment. *Shellhammer at 167.*

“HOSTILE ENVIRONMENT” SEXUAL HARASSMENT

“A hostile housing

proposed sec. 100.500(a)(2).

The elements needed to establish a “hostile environment” claim are:

- the person is a member of a protected class (gender—woman);
- the person was subjected to unwelcome verbal or physical conduct;
- the conduct was severe and pervasive;
- the conduct was based on sex (but for the person’s gender, the harassment would not have taken place);
- the conduct made the environment burdensome and significantly less desirable than if the conduct had not occurred; and

- where an employee or agent committed the harassment and superior/owner/employer is sued, superior knew or should have known of the harassment and failed to remedy the situation. *Shellhammer*, at 167. 24 CFR Proposed Sec. 100.500(a)(2).

“When the harassment occurs in a woman’s home, it is a complete invasion in her life. Ideally, the home is the haven from the troubles of the day, when home is not a safe place, a woman may feel distressed and often immobile.”

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.” Leiwant at 819. 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. 24 CFR

Whether or not conduct constitutes sexual harassment will depend upon the totality of the circumstances in each situation, on a case by case basis. *Harris v. Forklift Systems, Inc.*, 510 U.S. 17, 22 (1993); 24 CFR Proposed Sec. 100.500(b). Critical factors to examine include, but are not limited to: context; nature; severity; scope; fre-

SEXUAL HARASSMENT, continued

(Continued from page 4)

quency; duration; location of incident(s); and identity, number, relative ages and relationships of the persons involved. *Id.*

Where in a quid pro quo claim, one incident can be enough to establish sexual harassment, in a hostile environment claim it is usually 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.

COERCION, INTIMIDATION, THREATS, OR INTERFERENCE

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, etc.

Sexual harassment in housing is alive and well and is a very real threat particularly to poor women. "Clients may be too embarrassed or too frightened to talk about such harassment, and for many poor women, the risk of losing housing is such a serious threat that they may be reluctant to do anything that might put their housing in jeopardy. Women may also be unaware that laws protect them against

such harassment. Advocates armed with knowledge of the law can help protect women in this area. No woman should have to suffer sexual harassment in her home, regardless of her economic vulnerability." Leiwant at 830.

**IF YOU BELIEVE YOU
HAVE BEEN SEXUALLY HAR-
ASSED OR OTHERWISE
DISCRIMINATED AGAINST,
PLEASE CALL US at:**

**Fair Housing Council of Mont-
gomery County
(215) 576-7711**

STATS & FACTS:

Gender Differences & Sexual Harassment

- r A 1987 study of the prevalence of sexual harassment in housing estimates that in a four-year period between 7,000 and 15,000 incidents of sexual harassment in housing may have occurred nationwide.
- r While women currently head about 27 percent of American households, they head more than 40 percent of the nation's inadequately sheltered households. This means that 10 million households headed by women live in housing below the minimum standard for decent housing established by the U.S. Department of Housing and Urban Development.
- r A single female parent is twice as likely as other householders to live in substandard housing. More than a third of all women are financially burdened by housing costs that exceed 25 percent of their income, the traditional measure of affordable housing.
- r Housing Authorities in public housing may be liable for sexual harassment of tenants by employees of the authority.

Sherry Leiwant, *Sexual Harassment in Housing: A Primer*, Clearinghouse Review, December 1996.

WOMEN'S ISSUES—Gender & Familial Status Discrimination

Women face considerably more obstacles and barriers when it comes to housing than men. Particularly, women are subjected much more frequently to gender discrimination and familial status discrimination (having children in the home). Here are some highlights.

SEXUAL HARASSMENT

Previously we had discussed the prevalence of sexual harassment in housing. The impact it has upon women can be devastating to women and their families. By targeting women through sexual harassment, women's fair housing rights are violated. It is gender discrimination. It is a crime.

REPORT IT.

DOMESTIC VIOLENCE

Having a history of domestic violence has been the cause of women being denied housing or being offered different terms or conditions for housing. Women are being victimized again when they are specifically targeted for this reason. Such targeting is gender discrimination. It is a violation of the fair housing laws to deny someone housing because they have been a victim of abuse or because they are being helped (i.e. financially) by an agency who deals with abuse victims. Again, women are the targets and that is blatant sex

discrimination. REPORT IT.

SINGLE MOTHER

Women, more often than men, find themselves as single parents. They are denied housing because they are single mothers, gender discrimination, and because they have children living with them, familial status discrimination. They are told to live only on bottom floors or in certain buildings, familial status discrimination. They may be falsely told that there are too many people for a certain apartment, where 2 people per bedroom is the rule, or that they cannot room together with a child, particularly a boy—familial status & gender discrimination. It's housing discrimination. REPORT IT!

STAFF NOTES—New Additions

GAYLE O'KEEFE

Gayle comes to our staff as our new part-time bookkeeper. Gayle is a well-polished accountant who has been a CPA for 12 years. The Council is extremely fortunate to have such an experienced professional working with us. Welcome Gayle!

TRICIA SENFT

Tricia generously has been volunteering her services and experience since September, working on special projects and our mailing list. She brings to the Council her years of experience working with the media and has a BS in Radio-TV-Film. Thanks Tricia for all your hard work!

LILY PARK

Lily has changed positions to part-time test coordinator. She is currently on maternity leave awaiting the arrival of "our new fair housing baby"! Any minute now! We wish you well, Lily!

KATE JACOBY

We gladly welcome Kate back as a temporary test coordinator. Kate worked with us through the summer as a full-time test coordinator on a special project and then left to teach in France for a semester. Kate is a recent graduate of Georgetown University with a BA in Sociology and a BA in French. Welcome back, Kate!

MAGGIE WEBER

Maggie has been brought aboard on a temporary basis as a marketing consultant for our upcoming workshop, The Future of Development in Our Community. She comes to us with a strong marketing background and a BA in Mass Communications. We are so glad to have Maggie's help! Phew!



FAIR HOUSING SCHOOL PROGRAM

Since 1997 we have held our annual Fair Housing children's program on combating housing discrimination. T-shirts have been made of the winning posters every year. All the t-shirts are available for \$10 and come in various sizes. Call for details & orders.

The newest design was created by Rebecca Normile, 6th Grade, Elkins Park School—the 2001 winner!!!

TO PLACE YOUR ORDER,

Mail a \$10 check to:

Fair Housing Council of MontCo.

105 E. Glenside Ave., Suite E, Glenside, PA

Help us fight against discrimination... BECOME A MEMBER!!!

The Fair Housing Council of Montgomery County invites you to become a member. The Council is a private, non-profit organization dedicated to fighting housing discrimination in Montgomery County. As the only local agency whose sole mission is to ensure equal housing opportunities in Montgomery County, the Council has been working hard for you! By becoming a member, you can help guarantee that fair housing remains a part of your community.

With your support, the Council will continue providing educational programs to consumers and real estate professionals, advocacy for victims of housing discrimination and access to information on open and affordable housing in Montgomery County.

YES, I'D LIKE TO BE A MEMBER OF THE FAIR HOUSING COUNCIL!

Name or Organization _____

Address _____

Phone _____ Fax _____

Choose One— T-shirt

SIZE: ___ Small ___ Large ___ X-Large

MEMBERSHIP RATES:

r Individual (\$25)

r Nonprofit Org. (\$35)

r Corporate (\$50)

MAKE CHECK PAYABLE TO: FAIR HOUSING COUNCIL OF MONTGOMERY COUNTY
MAIL TO: 105 E. Glenside Ave., Suite E
Glenside, PA 19038

Questions? Call us at (215)576-7711

**Thank you for supporting the fight against
housing discrimination!**



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Montgomery County
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email: fairhous@libertynet.org
www.fairhousing.com/fhmc

In This Issue...

SEXUAL HARASSMENT IN HOUSING: It's Against the Law



Friday, April 26, 2002

9 AM to 1 PM

**THE FUTURE OF DEVELOPMENT
IN OUR COMMUNITY**

A Workshop for Montgomery County Local Government

Plan to attend this workshop of practical
training for local governments on:

- PA's New Model Building Code
- Development in Your Community
- Complying with Fair Housing

Location:

Greater Plymouth
Community Center
2910 Jolly Road
Plymouth Meeting, PA

For information call: (215) 576-7711 or email:

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