

Safe at Home: Fighting Sexual Harassment in Housing

**DE Division of
Human Relations**

Delaware State Human Relations Commission & Division of Human Relations

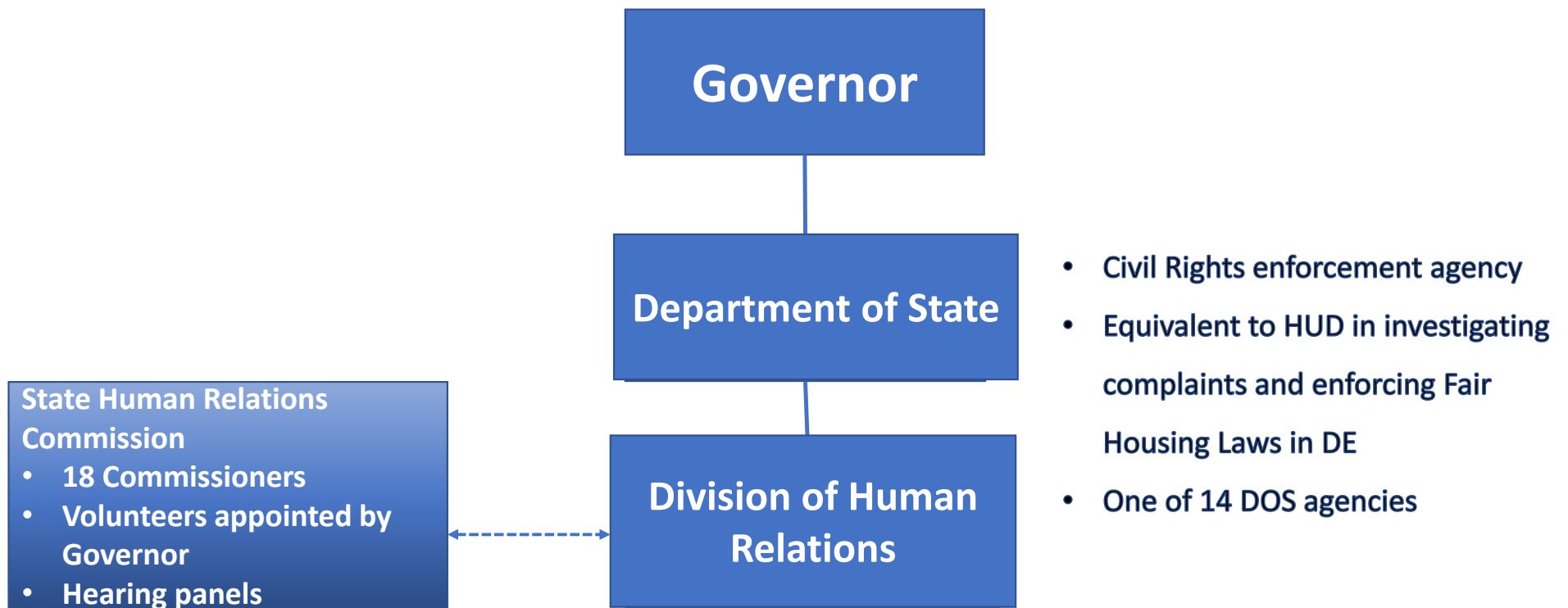
Our Mission

To promote and enforce laws against discrimination and foster amicable relationships among various groups within the diverse populations in Delaware.

“Promoting and Enforcing Laws Against Discrimination Since 1961”



State Human Relations Commission & Division of Human Relations



State Human Relations Commission & Division of Human Relations

Enforcement

**Fair Housing Act
Equal Accommodations Act**

Mediation

**Educational Issues
Police Conflict
Neighborhood Tensions
Hate Crimes**

“Promoting and Enforcing Laws Against Discrimination Since 1961”

April 11, 1968 – Fair Housing Act Enacted



<https://youtu.be/IDo9mb6-su4>

- Title VIII of the Civil Rights Act of 1968
- Prohibits discrimination based on **race**, **color**, **religion** and **national origin**.
- 1974 - Discrimination based on **sex** was added
- 1988 - Protected classes expanded to include **disability** and **familial status** (the presence of children under the age of 18).

Who is Protected Under Fair Housing Laws?

FEDERAL

- Race
- Color
- Religion
- National origin
- Sex
- Family status
- Disability



STATE

- Sexual orientation
- Gender identity
- Creed
- Age
- Marital status
- Source of income
(*except Section 8*)



What Actions Are Against the Law?

It is against the law to discriminate against someone because they belong to a protected class in **ANY** aspect of **ANY** housing related transaction: the **sale**, **lease** or **rental** of housing; **mortgage** lending, **insuring** or **financing**; property **appraisal**; or the provision of **services** or **facilities** (e.g, **pool**, **fitness center**, **community room**).

Types of Discrimination Prohibited by Law

- **Overt** – Blatant discriminatory treatment towards someone because of their membership in a protected class.
- **Differential Treatment** – Treating one person differently from another because of their membership in a protected class
- **Disparate Impact** – A practice or policy that is applied uniformly but which results in a discriminatory effect on a group of protected persons and the policy is not justified by a business necessity



Who Must Follow Fair Housing Laws?

- Property owners/landlords/
- Property managers
- Real estate brokers or agents
- Housing developers & contractors
- HUD
- Public housing providers
- Mortgage lenders & financial institutions
- Insurance companies
- Zoning boards & municipalities
- Advertising media
- Other residents & their guests

New Federal Fair Housing Protections Based on Sex

- Feb. 2021 - HUD Memo Implementing President Biden's Jan. 2021 Executive Order 13988
- **Extends Federal FHA protections** against discrimination based on sex **to include discrimination based on sexual orientation and gender identity**
- If discrimination occurs in conjunction with discrimination because of another protected characteristic (e.g., race, color, religion) ***all bases will be included with complaint***
- Federal level protections enhance State law protections

FHA Protects People with a Disability

- Buyers, owners and renters who have a disability
- Disabled persons residing with someone else
- Any person associated with a disabled buyer, owner or renter
- Any person who is perceived as disabled

***ONLY group that can be treated differently under FH laws:
necessary to ensure person's equal opportunity for full use and
enjoyment of dwelling***

Reasonable Modifications & Accommodations

Reasonable **Modifications** are...

- **Necessary physical changes** to the property (covering private living space and/or common areas)
- Necessary to afford the individual the full use and enjoyment of the property
- Must be reasonable
- Made at the expense of the individual (private) or provider (government funds)
- Landlord can request for interior to be restored to original condition when moving out

Reasonable **Accommodations** are...

- **Exemptions** from resident rules, policies, practices or services (covering private living space and/or common areas)
- Necessary to afford the person the full use and enjoyment of the property
- Not reasonable if it imposes an undue financial or administrative burden on the housing provider

Harassment Is Illegal

- Sexual
- Tenant against tenant
- Neighbor against neighbor
- Disability status

...or because you belong to any of the protected classes



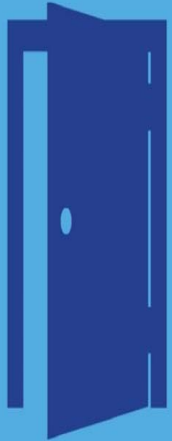
FHA Protects Against Sexual Harassment

- 2017 HUD and Dept. of Justice joint initiative
- Sexual harassment in housing is **sex discrimination under the Fair Housing Act and is illegal.**
- 20 DOJ lawsuits filed between 2017 and December 2020
- More than \$2.2 million recovered for victims



HUD Sexual Harassment in Housing is Against the Law (1:52)

<https://www.youtube.com/watch?v=-R3Q8ewWJas>



**You should never
have to choose
between housing
and sexual
harassment.**

What Is Sexual Harassment in Housing?

- Demands for sex or sexual acts in order to buy, rent or continue renting a home.
- Unwelcome sexual conduct that makes it hard to keep living in or feel comfortable in your home.

Can occur to anyone, by anyone: female, male, non-binary/non-gender conforming/ transgender, straight or gay.

Can be:

- Quid pro quo “*something for something*”
- Hostile environment

Quid pro quo ” *Something for something*”

When a housing provider or their employee conditions housing or housing-related services or transactions on sexual conduct.

For example:

- A landlord requests rent to be paid in sexual favors instead of money
- A landlord refuses to rent to someone unless they have sex with him
- A property manager evicts a tenant for refusing sexual advances
- A maintenance worker says he'll fix the stove if the resident sends him some nude pictures

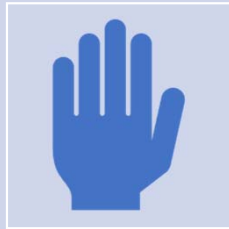
Hostile Environment

When a housing provider or their employee, 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.

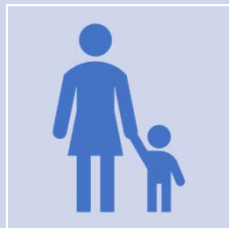
Example:

- A property manager always comments about a resident's body when she is at the complex gym and she stops going to the gym.
- A tenant tells their landlord they are being followed, cornered and propositioned by another resident but the landlord refuses to help, allowing the harassment to continue.

It's Still Harassment



Even if a person submits to the sexual conduct, it is possible that the conduct was unwelcome and harassment has occurred.



Example: A landlord tells a single mother with children he will only renew her lease if she goes out with him. She does not want to date him but agrees because she fears losing her home. Although she went on the date, the sexual advances were unwelcome, so a claim for sexual harassment does exist.

Fighting Back Against Sexual Harassment



[Uncovering rampant sexual harassment in housing systems Video - ABC News \(go.com\)](#)



What You Can Do

1. If you feel unsafe, call the police immediately
2. Write down what happened, where and when it happened, and who was involved – give copies of this information to someone you trust
3. Keep all documents related to the harassment, like notes or notices, emails, and text or social media messages
4. If harassment is by maintenance worker or another resident, tell your landlord or site manager – **housing providers have an obligation to take action against harassment**
5. **File a complaint with Division of Human Relations!**

Who May File a Complaint?

Any aggrieved person who

- Claims to have been injured by a discriminatory act; includes individuals indirectly affected (spouse, children, etc.)
- Believes someone will be injured by an act about to occur
- “Person” includes government entities (including SHRC), corporations, fair housing organizations, etc.

Must be filed within one (1) year of when the discrimination occurred or terminated.

How to File A Complaint

Call 877-54HUMAN

Online - www.statehumanrelations.delaware.gov

In person

New Castle Office

820 N. French Street
4th Floor
Wilmington, DE 19801
(302) 577-5050

Kent County Office

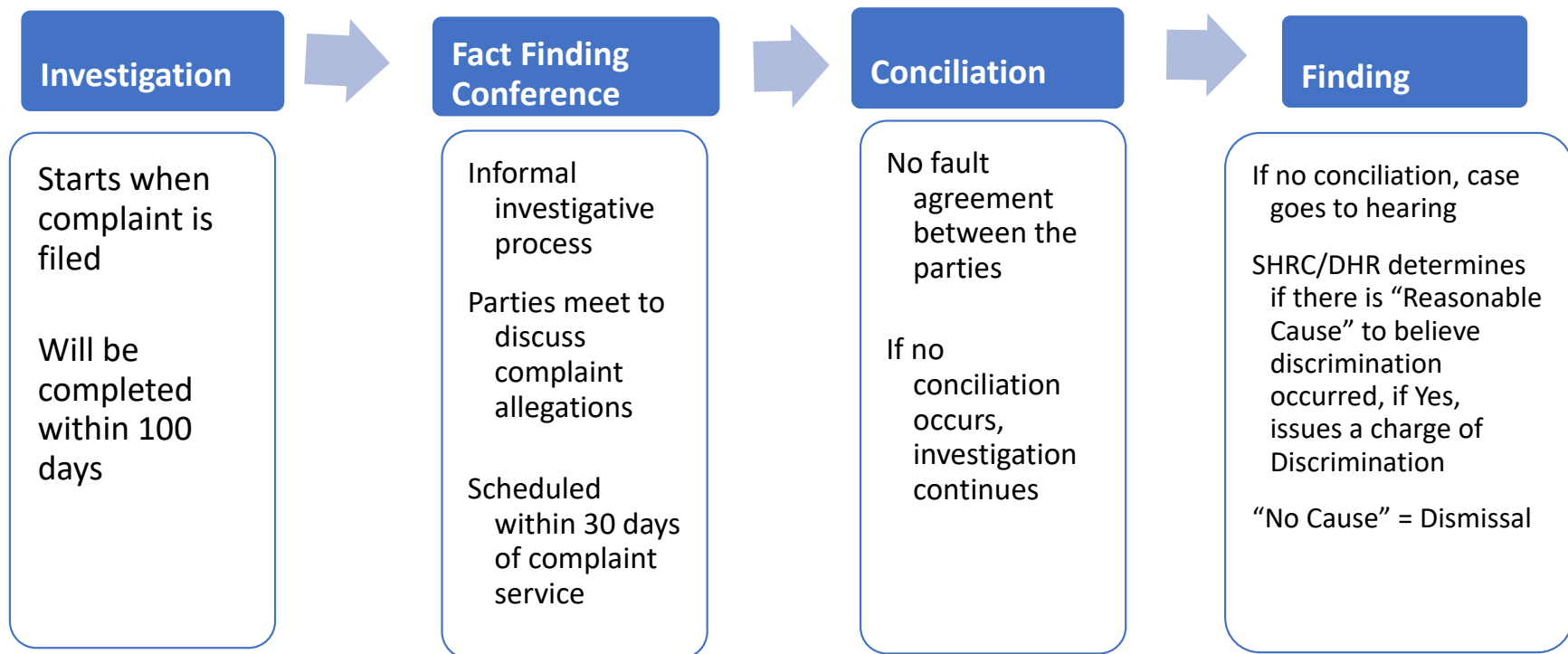
861 Silver Lake Boulevard
Suite 145
Dover, DE 19904
(302) 739-4567

Sussex County Office

546 South Bedford Street
Georgetown, DE 19947
(302) 856-5331



The Complaint Investigation Process



Sexual Harassment Case Settlements

Jan. 2020 – Thong Cao sexually harassed female tenants, touched and groped their bodies, breasts and buttocks, made unwelcome comments about their bodies, and asked them for sex. Some victims reported that if they were behind on their rent, Cao would offer to reduce or excuse their late rent in exchange for sex and evicted tenants who refused. Settlement requires Cao to sell their rental properties and to pay \$155,000 to the tenants he harassed. <https://www.justice.gov/opa/pr/justice-department-settles-sexual-harassment-lawsuit-against-owners-and-manager-kansas-rental>

Aug. 2019 - Douglas Waterbury made unwelcome sexual comments to female applicants/ tenants, touched or groped them, demanded female applicants and tenants engage in sexual acts with him to rent or continue renting an apartment, offered to reduce rent or security deposits in exchange for sexual acts, refused to make repairs in units with female tenants who rejected his advances, and forced female applicants and tenants to have sex with him. Settlement requires him to hire someone else to manage the rental properties, and to pay \$400,000 to the women he harassed. Similar lawsuit requires him to pay \$400,000 to eight additional women he harassed and a fair housing organization. <https://www.justice.gov/opa/pr/justice-department-settles-sexual-harassment-lawsuit-against-new-york-property-owner>

Sept. 2017 - Kansas City Housing Authority employees were sexually harassing public housing residents & applicants. Victims said one KCHA employee gave housing to applicants who were appealing denials and dismissed fines and fees residents owed to the housing authority, if he could show them his genitals, show them pornography, or ask them sexual questions. More victims reported that another employee asked tenants for sex in exchange for getting into public housing or getting a housing transfer; a third employee evicted residents who rejected his sexual advances. Settlement requires KCHA and the employees to pay \$360,000 to 14 women they harassed. <https://www.justice.gov/opa/pr/justice-department-obtains-365000-settlement-sexual-harassment-lawsuit-against-kansas-city-0>

Sexual Harassment Case Settlements

- **April 2019** – Robert Hatfield was charged with violating the Fair Housing Act and the Equal Credit Opportunity Act by subjecting 17 actual and prospective female residents of homes he owned in Wilkes County, North Carolina, to sexual harassment over the course of more than 10 years.
- Under the settlement, filed with the U.S. District Court for the Western District of North Carolina, Hatfield agreed to pay a total of \$600,000, which includes \$550,000 in monetary damages to former and prospective residents, as well as a \$50,000 civil penalty.
- The settlement also permanently bars Hatfield from participating in the rental, sale, or financing of residential properties, and requires that he relinquish his ownership interest in all such properties.



- Questions?
- Thank you!

Learn more at

- <https://www.justice.gov/crt/sexual-harassment-housing-initiative>
- https://www.hud.gov/program_offices/fair_housing_equal_opp/sexual_harassment
- <https://files.hudexchange.info/resources/documents/Preventing-Harassment-in-Housing-Fact-Sheet-Program-Applicants-Tenants.pdf>
- [https://www.hud.gov/press/press releases media advisories/hud no 21 021](https://www.hud.gov/press/press_releases_media_advisories/hud_no_21_021)