

Intermountain Fair Housing Council
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**SAMPLE POLICY:
TENANT ON TENANT HARASSMENT**

This sample tenant on tenant harassment policy is designed to assist you and your staff in addressing harassment or intimidation of a tenant, staff person or guest because of that person's race, national origin or other protected class. This packet includes sample guidelines for your staff and sample guidelines to give to your tenants.

The Intermountain Fair Housing Council would like to partner with you in affirmatively furthering your fair housing efforts by providing sample policies for your use. You may duplicate these policies or use them as a guideline in drafting your own.

Please feel free to contact your local fair housing agency for technical assistance. If you have comments about this sample policy, please contact the **Intermountain Fair Housing Council** 208-383-0695, 800-717-0695, Fax 208-383-0715.

This information does not constitute legal advice. The fair housing laws are subject to change. If you have questions about this topic or other fair housing issues, feel free to contact one of the listed agencies.

GUIDELINES FOR STAFF BACKGROUND

Under Fair Housing laws, "Discriminatory Harassment or Intimidation" includes abusive, foul or threatening language or behavior directed at a tenant, staff person or guest because of their protected class. Protected classes include a person's race, color, national origin, religion, sex, disability, familial status, (insert additional protected classes depending on the location of your property). It is recommended that the harassment policy below be included in your written rules for tenants.

HARASSMENT POLICY

It is the policy of [insert name of company here] that harassment or intimidation of a tenant, staff person or guest because of that person's race, color, national origin, religion, sex, disability, familial status, (insert additional protected classes depending on the location of your property) will not be tolerated and could be grounds for termination of tenancy.

Discriminatory harassment and intimidation are violations of the fair housing laws and are specifically prohibited. Harassment and intimidation include abusive, foul or threatening language or behavior. All staff shall model appropriate non-discriminatory behavior and strive to cultivate and maintain a living environment that is free from discriminatory harassment or intimidation. All staff shall be trained in

detecting and addressing discriminatory harassment or intimidation.

Staff who witness or learn of possible discriminatory harassment or intimidation or receive a complaint from a tenant must take it seriously and respond promptly according to the procedures outlined in this policy.

Note: In situations where a tenant who complains of harassment does not speak English, an arrangement should be made with an interpreter so the tenant's concerns are clearly understood.

RESOURCES/QUESTIONS

If you have any questions regarding your rights and responsibilities under the fair housing laws, contact a fair housing agency in your area listed on the attached sheet.

PROCEDURES

In cases of emergency, such as immediate threat of bodily harm, call 911.

When a tenant complains of discriminatory harassment, tell the tenant that you take the complaint seriously and will be looking into the matter.

Conduct a prompt investigation to determine whether a violation of this policy has occurred based on all facts and circumstances, the nature of the allegation, and the context in which the alleged incidents occurred.

- When discussing the allegations with the alleged harasser, tell them that harassment is not tolerated and that you will be investigating the allegation.
- Document all information gathered.

If you are unable to verify a violation of the policy following the investigation:

- Document the complaint and results of the investigation in both the complaining party's and alleged harasser's files.
- Remind each individual alleged to have engaged in discriminatory harassment about management's serious commitment to a housing environment free of harassment and that retaliation against the complaining party will not be tolerated.
- Promptly inform the complaining party of the results of the investigation and the actions taken.

For ongoing tenant conflict that cannot be verified as motivated by discrimination,

- staff may wish to refer tenants to the local Dispute Resolution Center or other local mediation services, or hire an outside consultant/mediator.

If the investigation supports a violation of this policy:

- Document the complaint and results of the investigation in both the complaining party's and alleged harasser's files.
- Proceed with progressive disciplinary action up to and including eviction if necessary for ongoing or serious violations. For example, if the allegation involves an isolated incident of a single

derogatory statement, it may be appropriate to issue a 10-day notice to comply with a stern written warning that additional incidents could result in termination of tenancy. On the other hand, if the allegation involves a single incident of highly offensive language along with threats, a notice to terminate tenancy may be appropriate.

- Promptly inform the complaining party of the results of the investigation and the actions taken.
- Remind all parties that retaliation against the complaining party or others involved in the investigation will not be tolerated.

Retaliation: Staff shall monitor for retaliation against any person involved in the filing or investigation of a complaint of discriminatory harassment or intimidation. Staff shall deal with retaliation by the alleged harasser in the same manner as we deal with allegations of discriminatory harassment under this policy. Retaliation by staff against any tenant complaining of harassment will not be tolerated.

GUIDELINES FOR TENANTS BACKGROUND

Under Fair Housing laws, "Discriminatory Harassment or Intimidation" includes abusive, foul or threatening language or behavior directed at a tenant, staff person or guest because of their protected class. Protected classes include a person's race, color, national origin, religion, sex, disability, familial status, (insert additional protected classes depending on the location of your property).

HARASSMENT POLICY

It is the policy of [insert name of company here] that harassment or intimidation of a tenant, staff person or guest because of that person's race, color, national origin, religion, sex, disability, familial status, (insert additional protected classes depending on the location of your property) will not be tolerated and could be grounds for termination of tenancy.

Tenants who experience or witness such conduct are strongly encouraged to report it to [insert name, phone number and address of designated staff person].

Retaliation: We will not tolerate retaliation by staff or tenants against

- (1) any tenant who complains of discriminatory harassment or intimidation or
- (2) any witness who supports a claim of discriminatory harassment or intimidation.

PROCEDURES

If you experience or witness what may be discriminatory harassment or intimidation, you are strongly encouraged to address or report any incident according to the following procedures:

- In cases of emergency, such as immediate threat of bodily harm, call 911.
- If you are the victim of a hate crime such as vandalized property or a threat of harm to yourself or your property, contact your local police department's hate crime unit.
- If you feel safe doing so, ask the person doing the harassing to stop the behavior.
- Report the problem to [insert name, phone number and address of designated staff person].

- Staff will take your complaint seriously and get back to you after looking into the matter.
- If you believe staff is failing to take appropriate action regarding your complaints of discriminatory harassment or intimidation contact [property management company contact, address and phone number] or a fair housing agency in your area listed on the attached sheet.
- If you believe that the tenant you complained about or any other tenant or guest is treating you badly because you complained about discriminatory harassment or intimidation, report that behavior to staff immediately.
- If you believe staff is treating you unfairly after reporting discriminatory harassment or intimidation, contact [property management company contact, address and phone number] or a fair housing agency in your area listed on the attached sheet.
- If you have any questions regarding your rights and responsibilities under the fair housing laws contact a fair housing agency in your area listed on the attached sheet.



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