



Housing Justice For All

## Sexual Harassment

Sexual harassment is prohibited discrimination under the Fair Housing Act. The HUD Guidance on Harassment defines “quid pro quo” and “hostile environment harassment,” as prohibited under the Fair Housing Act and specifies how HUD will evaluate such complaints.

**Quid Pro Quo:** Occurs when a person is subjected to an unwelcome request or demand because of their protected characteristic, and going along with the request or demand is either explicitly or implicitly made a condition related to the person’s housing. The proposed rule states claims of quid pro quo harassment are most typically associated with sex, but may be established on the basis of protected characteristics other than sex.

**Hostile environment** harassment would be defined to occur when, because of a protected characteristic, a person is subjected to unwelcome conduct so severe or pervasive that it interferes with or deprives the victim of her or his right to use and enjoy the housing. Whether a hostile environment has been created requires an assessment of the “totality of the circumstances,” which would include, but is not limited to, the nature of the conduct; the context in which the conduct took place; the severity, scope, frequency, duration, and location of the incident(s); and the relationship of the persons involved. Assessing the context would involve considering factors such as whether the harassment was in or around the home; whether the harassment was accomplished by use of special privilege by the perpetrator, such as gaining entry to a home through the landlord-tenant relationship; whether a threat was involved; and whether the conduct was likely to or did cause anxiety, fear, or hardship.

The full HUD guidance can be found at: <https://www.gpo.gov/fdsys/pkg/FR-2016-09-14/pdf/2016-21868.pdf>

### **Sexual Harassment may include:**

- Unwanted sexual favors or offers of no rent in exchange for sex (Quid pro quo)
- Actual or attempted rape or sexual assault
- Unwanted deliberate touching, leaning over, cornering, or pinching, or unwanted sexual looks or gestures, unwanted letters, telephone calls, or materials of a sexual nature
- Pressuring individual for dates, unwanted sexual teasing, jokes, remarks, or questions
- Referring to an adult as a girl, hunk, doll, babe, or honey
- Whistling at someone, cat calls, sexual comments
- Making sexual comments about a person's clothing, anatomy, or looks
- Kissing sounds, howling, and smacking lips
- Telling lies or spreading rumors about a person's personal sex life or orientation

- Refusing to repair locks or make the home safe or refusal to make repairs unless sexual favors are given
- Refusing to supply heat or hot water unless sexual favors are given
- Entering the home without prior knowledge or permission from the tenant (especially at night or when they are not home)
- Damaging personal property unless sexual favors are given
- Threatening eviction or immigration
- Collecting rent late at night
- Coming into the home when you are alone or showering <sup>1</sup>

**What you should do if you feel you have been sexually harassed:**

- Tell the person harassing you to stop. Be clear and emphatic. Let the harasser know that your next step will be to file a complaint;
- Tell others about the behavior, including reporting the behavior to a supervisor or property management and/or the owner of the property;
- Document the harassment. Photograph offensive material; record a description of the offensive behavior in a journal with dates and details, if possible, record conversation with harasser;
- If the harassment reaches the level of a criminal act, i.e. sexual assault, file a police report; and
- File your complaint with the Intermountain Fair Housing Council or other Fair Housing Organization (see below).

**Resources:**

Intermountain Fair Housing Council, in Idaho  
208-383-0695; [www.ifhcidaho.org](http://www.ifhcidaho.org)

HUD FHEO  
800-877-0246;  
[www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)

Idaho Human Rights Commission  
208-334-2873 or 800-249-7025;  
[www.humanrights.idaho.gov](http://www.humanrights.idaho.gov)

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<sup>1</sup> [www.un.org/womenwatch/osagi/pdf/whatish.pdf](http://www.un.org/womenwatch/osagi/pdf/whatish.pdf)



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