
Sexual Harassment in Housing: A Toolkit for Taking Action



High Plains
Fair Housing Center



The mission of High Plains Fair Housing Center is to strengthen communities and to ensure equal access to fair housing in the region through training, education, enforcement, and advocacy.

The Fair Housing Act prohibits discrimination by housing providers, such as landlords and real estate companies, as well as other entities, such as municipalities, banks or other lending institutions, and homeowners insurance companies, whose discriminatory practices make housing unavailable to persons because of race, color, religion, sex, national origin, familial status, or disability. Additional state protections in North Dakota include age (over 40), marital status, and receipt of public assistance.

The vision of High Plains Fair Housing Center recognizes the importance of “home” as a component of the American dream. We envision a country free of housing discrimination where each individual, group, and community enjoys equal housing opportunity and access in a bias-free and open housing market. We envision a country where integrated neighborhoods are the norm, and where private and public sectors collaborate to guarantee civil rights, in an open and barrier-free community committed to healing the history of discrimination in America.

High Plains Fair Housing Center
406 Demers Avenue, Grand Forks ND 58201
P.O. Box 5222, Grand Forks ND 58206
Phone: 701-203-1077
Toll-Free: 1-866-380-2738
highplainsfairhousing@gmail.com



Using This Toolkit

High Plains Fair Housing Center is partnering with the U.S. Department of Housing and Urban Development to combat sexual harassment in housing across the state. We developed this toolkit with the goal of educating victims of sexual harassment in housing of their fair housing rights, advocating on their behalf, and partnering with organizations across North Dakota to end sexual harassment in housing.

This toolkit is designed to assist people who may experience housing discrimination due to sexual harassment and will help them assert their rights under the Fair Housing Act. It also contains information and resources for partnering organizations and agencies to join with us in assisting people who have experienced sexual harassment in their housing.

The toolkit includes:

- Information about illegal sexual harassment in housing.
- Steps to take if you or someone you know has experienced sexual harassment in housing.
- Partner information and resources to help High Plains Fair Housing Center combat sexual harassment in housing across North Dakota.



Fast Facts for Victims and Partners

- The Fair Housing Act prohibits harassment, retaliation, and other types of discrimination in housing because of race, color, religion, national origin, sex, disability, and familial status (households with children under age 18, including persons seeking custody or who are pregnant).
- ***Sexual harassment is considered a form of sex discrimination that is prohibited by the Fair Housing Act.***
- Sexual harassment can take the form of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- Sexual harassment can be created by a single incident, if severe, and can violate the Fair Housing Act even if there is no termination of assistance, increase in rent, withholding of repairs, or similar act.
- High Plains Fair Housing Center can help victims of sexual harassment in housing through advocacy, mediation, and in some cases, with legal assistance.
- You can help end sexual harassment in housing by helping us educate North Dakotans about their fair housing rights, reporting allegations of harassment to High Plains Fair Housing Center, or filing a complaint.



What is Sexual Harassment in Housing?

Sexual harassment in housing includes demands for sex or sexual acts in order to buy, rent, or continue renting a home. It also includes other unwelcome sexual conduct that makes it hard to keep living in or feel comfortable in your home. Sexual harassment can occur to any person, male or female, and can be committed by someone of the same sex or someone of the opposite sex.

WHAT ARE SOME EXAMPLES OF SEXUAL HARASSMENT IN HOUSING?

Requesting rent to be paid in sexual favors instead of money.

A housing provider, real estate agent, insurance or loan officer, or their employee making sexual comments or using sexual words in front of you and/or your family.

Conditioning home repairs or other housing benefits on performance of a sexual favor.

Offering preferential treatment on the basis you perform sexual acts or allow the housing provider to take nude photos of you.

A housing provider, real estate agent, insurance or loan officer, or their employee touching your body or asking for you to remove your clothing.

The owner of the home you rent making comments about your body, clothes, or the sexual acts he wants you to perform on him.

A housing provider or their employee refusing to help after being informed that another tenant is sexually harassing you.

Retaliation is Illegal

It is also illegal for a housing provider to retaliate against someone who files a complaint or participates in the investigation of a complaint regarding harassment or any other fair housing violation. Even if the complaint results in a determination that there has been no violation of fair housing laws, retaliation is still prohibited.

Forms of retaliation include:

- **Eviction** – Landlords cannot evict tenants for complaining about sexual harassment or any fair housing violation.
- **Rent increases** – Landlords cannot increase rent because a tenant complains about a fair housing issue.
- **Refusing repairs** – Landlords cannot refuse to maintain or repair a unit because a tenant has made a fair housing complaint.
- **Restricting use of facilities or services** – Landlords cannot restrict people from using facilities or services associated with their housing unit, or assign a tenant to a less desirable unit because of a fair housing complaint.
- **Threats or intimidation** – Landlords are prohibited from threatening or intimidating someone in response to a fair housing complaint.



What Can Be Done About Sexual Harassment in Housing?

Sexual harassment in housing situations is illegal. The Fair Housing Act provides the legal basis for fighting sexual harassment in housing situations.

If you have experienced sexual harassment in your housing (including renting, buying, and accessing loans), you have the right to file a complaint or a lawsuit. High Plains Fair Housing is a non-profit organization that helps individuals advocate for their rights. You may also file complaints on your own through the ND Department of Labor and Human Rights or directly with HUD.

A victim can report by phone, email, or online:

Call High Plains Fair Housing at **(701) 203-1077** or toll free at **(866) 380-2738**

Email info@highplainsfhc.org

Report online at www.highplainsfhc.org. High Plains will contact you to assist you in filing your complaint.

Victims can give as much or as little information as they'd like.

IT DOES NOT MATTER IF:



- you have a criminal history
- you've been evicted
- you were behind on your rent
- you said "yes" to the perpetrator

What Happens When Someone Contacts High Plains Fair Housing?

When someone contacts High Plains Fair Housing, we will talk with them about their experiences. All contact is confidential and we will not contact a housing provider without a client's permission. After that, we may do the following:

- Depending on the client's wishes, mediate for the client with the housing provider or assist the client in filing a complaint.
- Investigate the harasser(s).
- Decide whether to file an organizational complaint or lawsuit.
- Inform the harasser(s) that threatening or evicting people because they reported harassment is against the law.
- If a case goes to trial:
 - Request a court order to protect their privacy during a lawsuit
 - Gather evidence
 - Attempt to negotiate and settle the lawsuit
 - Argue the case in trial



Advocacy Tips

Whether you are working with a client, filing a complaint on your own, or working with High Plains FHC, knowing how to be an effective advocate will help you reach a better resolution.

Below are some advocacy tips that can help you in addressing your issue:

Identify the problem—Clearly identify how you are being harassed or treated differently from others in your effort to maintain or secure housing.

Take notes and keep all documentation—In order to assist with the identification of the issue, make a written description of the events that took place and retain copies of any policies or documentation from the housing provider. If you have email correspondence with the housing provider, you should save these messages as well.

Understand your legal rights—The more you know about your rights and responsibilities as a tenant or home buyer, the more easily you can spot potential problems early, identify rules that apply and use those rules as tools to resolve those issues.

Be persistent—Keeping a log of your contacts with the housing provider is very helpful.

Know when it is time to get outside assistance—You are not alone. Contact us. We can help.

Partnering to End Sexual Harassment in Housing

High Plains Fair Housing Center is partnering with the U.S. Department of Housing and Urban Development (HUD) to combat sexual harassment in housing across the state. Thank you for helping us spread the word about High Plains Fair Housing Center's initiative across North Dakota. The goal of this initiative is to protect individuals from harassment by landlords, property managers, maintenance workers, security guards, loan officers, and other representatives of property owners.

As part of the initiative, we are working statewide with partners like you to spread the word and overcome barriers to report sexual harassment in housing to us or other enforcement agencies such as HUD, the DOJ, and North Dakota's Department of Labor and Human Rights. The following pages include materials that will help you reach out to people in your community to raise awareness about this issue and respond to questions and concerns. Together we can assist victims of sexual harassment in housing and end instances of housing discrimination across North Dakota.

Please use the materials in the following pages to help with our education and outreach efforts by sharing with other people and organizations that you think would benefit from the information. Want to do more for fair housing in North Dakota? Consider joining our statewide task force to eliminate housing discrimination in North Dakota.

Materials

The following pages contain advocacy documents as well as education and outreach materials to help educate victims and housing providers of illegal sexual harassment in housing. Please share, post and distribute materials to help us in our efforts.

- Sample email to help spread the word to other advocates to help end sexual harassment in housing.
- Request to join the Fair Housing Task Force in ND to join efforts with other advocacy agencies across the state to reach victims of housing discrimination based on all the protected classes.
- Sexual Harassment Poster
- Factsheets:
 - for Public Housing and Voucher Program Applicants and Tenants
 - for Property Owners and Managers
 - Best Practices for Public Housing Agents

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Share the Toolkit

Please share our initiative and materials with your community members and other advocacy organizations. Below is a sample email that can be personalized for your use to encourage advocates to spread the word and to encourage victims to come forward. You can send this sample as is (after adding your contact info where noted) or add a personal touch to better match the interests and concerns of your community.

Subject Line: Sexual Harassment + Housing = Time for Change

Dear [First Name],

High Plains Fair Housing Center has announced an initiative to combat sexual harassment in housing in an effort to protect individuals from harassment by landlords, property managers, maintenance workers, security guards, and other employees and representatives of rental property owners.

As part of the initiative, High Plains FHC expanded its efforts statewide to bring more awareness of the issue. But it needs our help, too. By spreading the word that sexual harassment in housing is illegal, we are helping to inform victims of available resources to help put an end to sexual harassment in housing.

If you or someone you know has been a victim of sexual harassment in housing, contact High Plains Fair Housing Center's complaint intake line at 701-203-1077 or toll-free at 1-866-380-2738. A complaint form can also be filled out and submitted at <https://www.highplainsfhc.org/complaint.html>. Learn more about fair housing rights and the initiative at www.highplainsfhc.org.

Sincerely,

[Your name and contact information]

Join the Fair Housing Task Force

The Fair Housing Task Force is a coalition of people and organizations who work to ensure a consistent and effective response to housing discrimination in North Dakota. These groups and individuals include governmental organizations, social service agencies, community-based groups, faith-based institutions, individuals, educators and other advocates. Your participation in the Fair Housing Task Force will help those who experience housing discrimination in North Dakota. Your support will help us advocate on their behalf to file a complaint, gather evidence of discrimination, and advance policy change through education and enforcement activities.

Fair Housing means that all persons have the right to obtain the housing of their choice within their financial means regardless of race, color, religion, national origin or ethnicity, disability, sex, or because they have children in their household. Please consider joining our task force to help those who may be experiencing housing discrimination.

Yes! Please contact me about the following:

- List my name as a member of the task force
- List my organization as a member of the task force
- Join a community wide training session
- Please contact me about volunteer activities
- Other _____

Name _____

Organization _____

Address _____

Email (for office use, not public) _____

Phone (for office use, not public) _____

Please fill out and return to:
High Plains Fair Housing Center
406 Demers Ave, Grand Forks, ND 58203
or email completed form to: info@highplainsfhc.org
Questions? Call 701-792-2878



"I DON'T
FEEL SAFE
IN MY HOME
ANYMORE."

"I'M
SCARED!"

"my
landlord's
comments
are ALWAYS
sexual."

"This
isn't
FAIR!"

"I FEEL
SO
VIOLATED."

"Who
can I
call?"

"I DON'T
KNOW
WHERE TO
GO."

"I
Need
Help!"

"If I don't
give in to
the advances,
I will get
evicted."

"Who will
believe
me?"

"SEX FOR
HOME
REPAIRS
IS WRONG."

"I felt
like I
didn't
have a
CHOICE."

CALL HUD

BECAUSE SEXUAL HARASSMENT IN HOUSING IS ILLEGAL.

1-800-669-9777 / 1-800-877-8339 TTY



Fair Housing
Awareness



www.highplainsfhc.org

(701) 203-1077

info@highplainsfhc.org



EQUAL HOUSING
OPPORTUNITY

HARASSMENT IN HOUSING BASED ON RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, OR FAMILY STATUS IS ILLEGAL. IF YOU BELIEVE YOU'VE EXPERIENCED DISCRIMINATORY HARASSMENT, CONTACT HUD TO REPORT IT.



U.S. Department
of Housing and
Urban Development



High Plains Fair Housing Center
701.792.2878
www.highplainsfhc.org
michelle@highplainsfhc.org



PREVENTING HARASSMENT in Housing Fact Sheet for Public Housing and Voucher Program Applicants and Tenants

Sexual Harassment in housing is illegal, as is harassment based on race, color, religion, disability, national origin, or familial status. You have a right to live in housing that is safe, secure, and free from harassment. Housing providers—including public housing agencies (PHAs) and landlords that accept tenant-based or project-based vouchers—are responsible for protecting residents from discriminatory harassment of any type. This fact sheet explains what harassment is and steps you can take to report it. Reporting harassment helps keep housing safe for you and everyone else.

Understanding Harassment in Housing:

▶ The Fair Housing Act & Equal Access Rule Protect Public Housing and Voucher Program Applicants and Tenants.

The **Fair Housing Act** prohibits harassment, retaliation, and other types of discrimination in housing because of race, color, religion, sex, disability, national origin, or familial status (households with children under age 18, including persons seeking custody or who are pregnant).

Under HUD's **Equal Access Rule**, landlords that accept vouchers cannot deny housing based on an applicant's or resident's actual or perceived sexual orientation, gender identity or marital status.

Sexual Harassment is Illegal When:

▶ A landlord, employee, or agent demands sex or other unwelcome sexual conduct in exchange for housing or housing-related services.

Examples:

- **A landlord demands** nude photos in return for approving a rental application.
- **A maintenance person requests** sexual favors in return for making needed repairs.
- **A property manager evicts** a person because that person refuses to have sex.

— AND/OR —

▶ A landlord, employee, agent, or another tenant engages in unwelcome sexual conduct that is severe or pervasive and interferes with a person's right to access, maintain, or use and enjoy housing or housing-related services.

Examples:

- **A landlord persistently makes** unwelcome and lewd comments about a resident's body.
- **A property manager touches** an applicant's intimate body parts without his or her consent.
- **A maintenance person repeatedly sends** unwelcome sexually explicit text messages and photos to a tenant.



Other Types of Illegal Harassment Include:

Severe or pervasive offensive remarks or hostile behavior because of a person's race, color, religion, sex, disability, familial status, or national origin.

Examples of harassment by landlords, their staff or other tenants, include:

- **Repeatedly yelling** anti-Muslim slurs at a Muslim tenant.
- **Taunting** and threatening a person with a mental disability.
- **Subjecting** a person to pervasive racial slurs or defacing a person's home with racially insulting or threatening words or images.

Your Right to Live Free from Sexual Harassment:

Your landlord must make sure that your housing is free from discrimination. All landlords and property managers, as well as their agents and employees, are responsible for preventing and addressing harassment in your housing.

You have a right to complain and have the harassment stopped.

You can complain to your landlord or your PHA. You also have the right to complain directly to HUD, without first complaining to your landlord or PHA.

If you file a complaint with HUD, HUD will seek remedies for you (and possibly others), where appropriate. Remedies may include money damages for harm caused by the harassment, transfer to new housing, and an order requiring the landlord to stop the harassment and take steps to prevent future occurrences.



To Protect Your Right to Harassment-Free Housing, PHAs and Private Landlords Should:

- **Ensure** that their agents and employees do not harass you.
- **Take** all complaints seriously by investigating allegations and informing you about the findings and any actions taken to stop the harassment.
- **Protect** from retaliation anyone who reports harassment or makes a complaint.
- **Tell** residents and voucher program participants how to file a **Fair Housing Act** or **Equal Access Rule** complaint with HUD.

File a Fair Housing Act or Equal Access Rule complaint with HUD:

Fair Housing:

- High Plains Fair Housing Center
- www.highplainsfhc.org

- **By Phone:** (701)203-1077
Federal Relay Service/TTY: (800) 877-8339

Equal Access Rule:

- **Contact** us we can help.

- **You can also contact your local HUD office, which can be found at:** https://www.hud.gov/program_offices/field_policy_mgt/localoffices.
- **For more information:** https://www.hud.gov/program_offices/fair_housing_equal_opp/housing_discrimination_and_persons_identifying_lgbtq



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michelle@highplainsfhc.org



PREVENTING and ADDRESSING HARASSMENT in Housing Fact Sheet for Property Owners and Managers

Sexual Harassment in Housing is Illegal, as is harassment based on race, color, religion, national origin, familial status, or disability. All property owners and managers are responsible for helping ensure their housing is free from discriminatory harassment of any type. By explaining what harassment is, who can be liable for it, and steps you can take to help prevent and address it, this fact sheet can help you ensure you meet your **Fair Housing Act** obligations.

Understanding Harassment in Housing:

▶ The Fair Housing Act & Equal Access Rule Protect Applicants and Tenants

The **Fair Housing Act** prohibits harassment, retaliation, and other types of discrimination in housing because of race, color, religion, sex, disability, familial status (households with children under age 18, including persons seeking custody or who are pregnant), or national origin.

Owners and property management employees and agents can all be liable for harassment, as can tenants who harass other tenants.

HUD's **Equal Access Rule** prohibits owners with Housing Assistance Payments (HAP) contracts from making housing unavailable because of an applicant's or resident's actual or perceived sexual orientation, gender identity or marital status.

Sexual Harassment is Illegal When:

▶ An owner or property management employee or agent makes *submission to unwelcome demands* for sex, sexual favors, or any other type of sexual conduct a *condition* of obtaining, maintaining, using or enjoying housing (or housing related services).

Examples:

- **Demanding** nude photos in return for approving a rental application.
- **Requesting** sexual favors in return for making needed repairs.
- **Evicting** a person because that person refuses to have sex.

— AND/OR —

▶ An owner or property management employee or agent subjects a resident or applicant to *unwelcome sexual conduct* that is sufficiently *severe or pervasive* that it interferes with that person's right to obtain, maintain, use, or enjoy housing (or housing-related services).

Examples:

- **Persistently** making unwelcome and lewd comments about a resident's body.
- **Touching** an applicant's intimate body parts without his or her consent.
- **Repeatedly** sending unwelcome sexually explicit text messages and photos to a tenant.



Other Types of Illegal Harassment Include:

Severe or pervasive offensive remarks or hostile behavior because of a person's race, color, religion, sex, disability, familial status, or national origin.

Examples:

- **Repeatedly yelling** anti-Muslim slurs at a Muslim tenant.
- **Taunting** and threatening a person with a mental disability.
- **Subjecting** a person to pervasive racial epithets or defacing a person's home with racially derogatory or threatening words or images.

Owners and Management Companies are Liable for Sexual and Other Harassment in their Housing IF:

The harassment is committed by ANY employee or agent (even if supervisors don't know about it).

Example:

- An owner is liable if the owner's property manager sexually harassed a tenant (the property manager would be liable too).

— AND/OR —

The owner or management company fails to take action(s) within its power to stop harassment of a tenant or applicant by an employee, agent, or another tenant, if they knew or should have known about it.

Example:

- A property management company learns that one tenant has been **repeatedly harassing** another tenant because of that tenant's disability, and no one at the management company acts to stop the harassment.



To Help Prevent and Address Harassment, Property Owners and Managers Should:

- **Establish** and **enforce** anti-harassment policies to help stop inappropriate or offensive conduct early, before it becomes a Fair Housing Act violation.
- **Provide** multiple ways for tenants to safely and easily make complaints or otherwise report problems.
- **Attend** fair housing training that includes information about preventing harassment and require any staff to do so as well.
- **Take** measures to ensure that people who report harassment are protected from retaliation.
- **Talk** to tenants to find out whether harassment is occurring and to teach them about their fair housing rights and how to report harassment.
- **Hire or designate** a complaint coordinator whose primary responsibility is to investigate reports or complaints thoroughly and take the necessary corrective actions quickly.

File a Fair Housing Act or Equal Access Rule complaint with HUD:

Fair Housing:

- High Plains Fair Housing Center
www.highplainsfhc.org; 701-792-2878

- **By Phone:** (800) 669-9777;
Federal Relay Service/TTY: (800) 877-8339

Equal Access Rule:

- **Owners and managers should instruct residents to contact their local HUD office, which can be found at:** https://www.hud.gov/program_offices/field_policy_mgt/localoffices.

- **Owners and managers can also direct residents to the following website for more information:** https://www.hud.gov/program_offices/fair_housing_equal_opp/housing_discrimination_and_persons_identifying_lgbtq
- **And/or contact the PHA that issued the housing assistance voucher.**



U.S. Department
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High Plains Fair Housing Center
701.792.2878
www.highplainsfhc.org
michelle@highplainsfhc.org



PREVENTING and ADDRESSING SEXUAL and OTHER DISCRIMINATORY HARASSMENT in HOUSING

Best Practices for Public Housing Agencies

Public Housing Agencies (PHAs) must comply with civil rights laws when carrying out their mission to provide safe, decent, and affordable housing to residents. Through clear policies, strong oversight, and regular outreach, PHAs can demonstrate that sexual and other types of discriminatory harassment are not tolerated, that complaints are encouraged and taken seriously, and that victims, employees, and witnesses who report harassment will be protected from retaliation. The following recommended best practices are meant to assist PHAs and their staff prevent and address discriminatory harassment in their housing programs.

Step I: Initiate a Self-Assessment:

Review and evaluate how your PHA handles complaints or other evidence of harassment.

For example:

- **Talk** with staff to determine if any existing anti-harassment policies are understood and followed and if staff feels appropriately prepared to address complaints or other evidence of harassment.
- **Survey** residents and voucher program participants to assess whether they have experienced or witnessed harassment, and, if so, whether they reported it and whether the PHA adequately responded.
- **Seek** input on existing policies and practices from residents, voucher program participants, and other stakeholders. For example, some agencies have strengthened their complaint process by seeking input from their local legal aid office.

Step II: Develop and Publicize Anti-Harassment Policies:

Create strong, clear anti-harassment policies as the foundation for providing harassment-free housing.

For example:

- **Ensure** that your employee code of conduct explicitly prohibits harassment against applicants, residents, and voucher program participants and provides for disciplinary actions for harassment or failure to respond appropriately to harassment complaints.
- **Require** ALL staff to attend training that explains the employee code of conduct and the PHA's anti-harassment policy; require EACH employee to provide a signed statement acknowledging that he or she has received and read the PHA's anti-harassment policy. Also, plan to train EACH new employee and schedule regular refresher trainings for ALL employees.
- **Create** and **post** policy statements (in all appropriate languages) that make clear that sexual and other discriminatory harassment, as well as retaliation for reporting it, are prohibited.
- **Ensure** that every applicant, resident, and voucher program participant package contains a copy of the PHA's anti-harassment policy, as well as information about how to report harassment to the PHA and how to file a Fair Housing Act or Equal Access Rule complaint. Explain this information during orientations, briefings, or trainings offered to applicants, new residents, and voucher program participants.
- **Inform** and frequently remind owners who participate in any voucher program administered by the PHA of their obligation to comply with the Fair Housing Act and to prevent and correct discriminatory harassment of their residents.



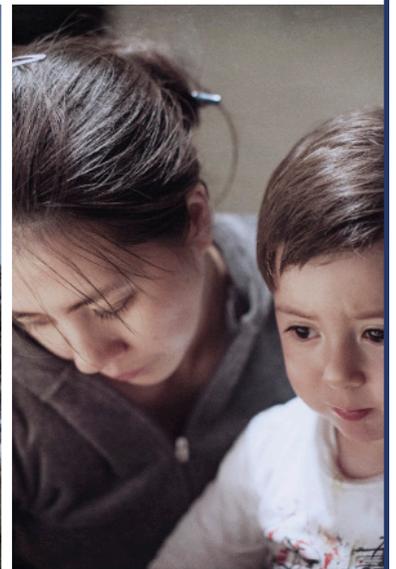
Step III: Set Up a System to Receive, Investigate, and Respond to Complaints:

Consistent, effective systems for receiving and addressing complaints or other evidence of harassment are critical to preventing and stopping harassment.

For example:

- **Establish** written policies and procedures that provide multiple ways for applicants, residents, voucher program participants, and staff to easily and safely submit a complaint, e.g., by phone, email, online, or in person.
- **Hire or designate** a complaint coordinator who is responsible for ensuring complaints are appropriately handled and processed quickly.
 - Ensure that every complaint of harassment is properly addressed, regardless of who receives it.
 - Train all PHA employees to gather basic information if they get a complaint or otherwise learn of harassment, including:
 - Victim name and contact information for follow up;
 - Summary of what happened (tell victim to save evidence, e.g., texts, photos, voicemail, letters, notes, journals, etc.).
 - Name of harasser(s), witness(es), and other possible victims, if known.
 - Property name and address; and
 - Date(s), time(s), and location(s) of harassment.
- **Use** a case management system to flag reports of harassment, identify staff or housing providers named in complaints, and document any corrective actions taken.

- **Establish** a process for consistently and appropriately responding to EACH complaint by:
 - Providing prompt written notice of receipt of the complaint to those alleged to have harassed or violated program rules (unless doing so would jeopardize the safety of the complaining individual) and to the alleged victim(s);
 - Taking measures to protect the alleged victim(s) from retaliation for making a complaint; and
 - Investigating the allegations thoroughly, informing the alleged victim and alleged harasser of the findings from the investigation, and providing an explanation of what action was (or was not) taken, and why.
 - In situations where the alleged harasser has denied the allegations, the PHA must look for other information that might help determine the truth. For example, past complaints against the same person might corroborate the allegations.
- **Ensure** your PHA's Administrative Plan allows existing voucher program participants to retain or receive a tenant-based voucher or project-based unit when the participant wishes to transfer because of sexual or other discriminatory harassment.
- **Maintain** records of all complaints, including in both the alleged victim's file and the alleged harasser's file.
- **Assess** periodically whether complaint procedures are effective.
- **Ensure** that your PHA has appropriate liability insurance and understands the requirements for making a claim on the insurance.



Step IV: Enforce Rules and Policies:

▶ Not all offensive or inappropriate conduct violates the Fair Housing Act. But when left unaddressed, such conduct often escalates to the point of becoming a legal violation. When a PHA finds that harassing conduct has occurred and/or is not being appropriately addressed, it should ensure that appropriate corrective action is taken promptly.

For example:

- If an **employee** engages in harassment, ignores or refuses to address a complaint, or otherwise fails to take appropriate action in response to a complaint, a PHA should enforce its employee code of conduct and take prompt disciplinary action against the employee. Disciplinary action should be proportionate to the conduct involved, up to and including termination of the employee.
- If an **owner** (who participates in the Housing Choice or Project-Based Voucher program) engages in or fails to correct harassment, a PHA should enforce HAP contract provisions and other rules and regulations that prohibit discriminatory conduct, which may include:
 - Abating, suspending or terminating the HAP contract, or prohibiting the owner's future participation in the PHA's housing programs,
 - Asking HUD to enforce a limited denial of participation (LDP), suspension, or debarment to exclude persons or entities from HUD programs,
 - Attempting to help the victim. Among other things, the PHA should allow the victim to move with a voucher or to move to other project-based voucher housing.
- If a **resident** engages in harassment, a PHA should enforce lease provisions and other rules that prohibit residents from engaging in conduct that threatens the health, safety, or peaceful enjoyment of others. Among other things, the PHA may issue to the harasser (without taking adverse action or retaliating against the harassed resident):
 - oral and written warnings and notices of lease and/or rule violations
 - notices of termination of assistance, and
 - notices to quit and eviction warnings, (and evict a harassing resident if such prior actions fail to stop the harassment).

Step V: Encourage Complaints:

▶ Because a PHA can't stop harassment it doesn't know about (and can mitigate its liability if it addresses problems promptly), a PHA should encourage complaints.

For example:

- **Make sure** applicants, residents, and voucher program participants know where to file complaints within their housing program, e.g., whether living in public housing or receiving tenant-based or project-based assistance.
- **Tell** residents and voucher program participants of their right to file a **Fair Housing Act complaint**, and explain where it can be filed:
 - With **HUD online** at: https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint
 - With **HUD by phone**: (800) 669-9777; Federal (Relay Service/TTY: (800) 877-8339)
 - Contact us at High Plains Fair Housing Center
 - 701.792.2878; www.highplainsfhc.org
- In addition to (but not instead of) filing a complaint with HUD or a State or High Plains Fair Housing Center a person may wish to notify the **Department of Justice, Civil Rights Division**, which has authority for pat-terns or practices of discrimination: 1-844-380-6178; fairhousing@usdoj.gov; <https://www.justice.gov/crt/sexual-harassment-housing-initiative-how-report>.
- For **Equal Access Rule complaints**, PHAs should instruct residents and voucher program participants to contact their **local HUD office**, which can be found at: https://www.hud.gov/program_offices/field_policy_mgt/localoffices.
 - PHAs can also direct residents and program participants to the following website for more information: https://www.hud.gov/program_offices/fair_housing_equal_opp/housing_discrimination_and_persons_identifying_lgbtq
 - PHAs can also direct residents to www.highplainsfhc.org