

Harassment in Housing: It's Against the Law

Background

Harassment in housing is a growing problem. Experts agree that while the number of complaints filed is small, the number of unreported harassment incidents may actually be greater. Harassment situations often involve victims who desperately need the housing that is being threatened. Harassment in housing may be devastating because the alleged harasser frequently has access to the victim's home. The victim feels physically and emotionally adrift, that life is out of control, and that there's no safe place available.

Who is Affected

Sexual harassment can happen to anyone, male or female, by either sex against either sex, although the majority of victims in reported instances are female. The individual must show the sexual conduct was unwelcome, whether accepted or refused.

Examples of Harassing Conduct

- **Physical:** touching in a sexual manner, pinching, rubbing up against another person, gestures, assault.
- **Verbal:** jokes of a racial, ethnic, or sexual nature; comments or questions about a person's body, dress, or personal life; demeaning or inappropriate terms; crude and offensive language of a sexual nature; name calling or racial or ethnic slurs; demeaning comments about age, disability, or sexual orientation.
- **Visual:** cartoons, drawings, or caricatures of a racial, ethnic, or sexual nature; pin-up pictures or calendars; displaying sexual objects in offices or rental units; inappropriate personal messages or distribution of offensive jokes or cartoons through e-mail.
- **Hazing:** teasing; practical jokes of a sexual, racial, or ethnic nature; ostracizing, starting or spreading rumors about a person's personal life or sexual activities.

Types of Sexual Harassment

Quid pro quo ("this for that"): This harassment occurs when a housing provider conditions access or provision of services to a tenant through an unwelcome sexual demand or request for sexual favors in lieu of rental payment or under threat of eviction. When the housing provider conditions services or access to facilities on demands for sexual favors, the individual is being victimized by sexual harassment.

Hostile environment: This type of harassment occurs when the landlord, manager, or other person with decision making authority creates or allows an abusive housing environment or interferes with the tenant's peaceful enjoyment of the property by activities of a sexual nature. The hostile environment harassment could also be caused by another tenant or by an outside person, such as a service person, coming into the housing location.

What to do if you are an owner or manager?

Housing suppliers must sell, lease, and negotiate with all applicants on an equal basis. None of the protected characteristics should be used as threats or weapons to deny housing or housing services, or to provide housing under less than equally favorable circumstances. Owners, managers, and management firms should provide clear written policies prohibiting harassment in their businesses. These policies should define prohibited behaviors; inform employees, clients, and tenants about whom to contact with a harassment complaint; spell out disciplinary actions for those who violate the policy; and assure that there will be no retaliation against anyone who complains of harassment. Management should set the example of professional, business-like behavior in all transactions.

Owners, managers, and management firms may incur liability for the actions of their agents, if they knew or should have known about the harassment and did not take prompt remedial action. Housing providers could also be responsible for harassment committed by other tenants or clients and by

non-employees, such as service persons, if management knew or should have known about the harassment and did not take prompt remedial action.

What to do if you are a tenant?

If you believe you have been subjected to harassment in housing, you should report the harassment to the owner or manager. If the matter is not resolved, or if the harassment is being done by the owner or manager, contact the Iowa Civil Rights Commission to find out about filing a housing discrimination complaint. A housing officer will assist you with information and will take the information and prepare a complaint for housing situations. The Commission will also cross-file your complaint with HUD under the federal law. State law requires the complaint to be filed within 300 days of the discriminatory incident to be within the jurisdiction of the Commission.

You may file a complaint with HUD under the federal law within one year of the discriminatory incident. You may also initiate a civil action directly in district court not later than two years after the termination of the discriminatory housing practice.

Iowa Civil Rights Commission

Grimes State Office Building

400 E. 14th Street

Des Moines, Iowa 50319

515-281-4121, 1-800-457-4416

FAX 515-242-5840

<https://icrc.iowa.gov/>