

# Kansas Legal Services

A non-profit law firm and community education organization helping low and moderate income people in Kansas

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Preventing Harassment

## Preventing Harassment in Housing

### Facts 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 page 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 Complaint:**

- **Online:** [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint)
- **By Phone:** (800) 669-9777; Federal Relay Service/TTY:(800) 877-8339

### **Equal Access Rule:**

- **Contact** the PHA that issued the housing assistance voucher.

**You can also contact your local HUD office, which can be found at:**

[https://www.hud.gov/program\\_offices/field\\_policy\\_mgt/localoffices](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\\_identification](https://www.hud.gov/program_offices/fair_housing_equal_opp/housing_discrimination_and_persons_identification)

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[Preventing Harassment in Housing Fact Sheet for Public Housing and Voucher Program](#)

[Applicants and Tenants - Preventing-Harassment-in-Housing-Fact-Sheet-Program-Applicants-Tenants.pdf](#)

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