

REPORTING SEXUAL HARASSMENT & SEX DISCRIMINATION

If you believe a housing provider, housing program, or FHA-insured lender has denied you housing or treated you differently because of your sex, sexual orientation, or gender identity, you can file a Fair Housing Act complaint with HUD.

It is important that you do not wait to take action; you must file your complaint within one year of the last date of the alleged discrimination or sexual harassment.

Fair Housing Act complaints can be submitted:

- Online at hud.gov/fairhousing
- By phone at 1-800-669-9777 or 1-800-877-8339 (TTY)

It is illegal for a housing provider to retaliate against you for making a complaint or participating in HUD's complaint process. If you believe you have experienced retaliation for reporting sexual harassment or a discriminatory practice, contact HUD.

NEED TO FILE A FAIR HOUSING ACT COMPLAINT?

Contact HUD at 1-800-669-9777 or 1-800-877-8339 (TTY) or visit hud.gov/fairhousing

HAVE MORE QUESTIONS ABOUT THE FAIR HOUSING ACT AND SEX DISCRIMINATION?

Talk to a lawyer for free by calling Idaho Legal Aid's Housing Advice Line at 208-746-7541 (TRS, dial 7-1-1). Mon-Fri 10 am - 3:30 pm MT.

Or apply online at idaholegalaid.org.



For more information about your Fair Housing Act rights:
hud.gov/fairhousing
idaholegalaid.org
ifhcidaho.org
Housing Advice Line: 208-746-7541

The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government.

Fair Housing: Sex Discrimination



Idaho Legal Aid Services, Inc.

THE FAIR HOUSING ACT

The Fair Housing Act prohibits discrimination in the sale and rental of housing based on the following protected classes: Race, Color, Sex, Religion, National Origin, Disability, or Familial Status. The Fair Housing Act was passed as part of the Civil Rights Act of 1968.

You can learn more about actions that may violate the Fair Housing Act by visiting: https://www.hud.gov/program_offices/fair_housing_equal_opp.

The Fair Housing Act makes it unlawful to discriminate in housing on the basis of sex. **Sex discrimination** can take a variety of forms including: discrimination against women, discrimination against men, discrimination against a person because they don't align with perceived gender norms related to sexual orientation or gender identity, and discrimination resulting from sexual harassment in housing.



Sex Discrimination

Housing providers and lenders are engaged in illegal sex discrimination if they treat someone differently because of their gender.

Examples of Discriminatory Actions:

- Refusing to rent to someone because of their gender.
- Advertising a gender preference, such as: "Accepting applications from men only." (There is, however, an exception allowing gender preference when advertising for a roommate who will share common space).
- Evicting someone because they are a survivor of domestic violence.

Sexual Orientation & Gender Identity

The U.S. Department of Housing and Urban Development (HUD) announced in February of 2021 that it will enforce the Fair Housing Act to prohibit discrimination on the basis of sexual orientation and gender identity (including discrimination based on non-conformity with gender stereotypes).

Furthermore, HUD's Equal Access Rule requires equal access to HUD-funded programs without regard to a person's sexual orientation, gender identity, or marital status.

Examples of Discriminatory Actions:

- A transgender woman being asked not to dress in women's clothing in the common areas of her apartment complex.

- A housing provider asking about a tenant's sexual orientation or gender identity in determining their eligibility for housing.
- An underwriter for an FHA-insured lender denying a loan application by two males because he assumes the applicants are a gay couple.

Sexual Harassment

Sexual harassment in housing is a form of sex discrimination and therefore violates the Fair Housing Act. There are two types of sexual harassment: 1) quid pro quo and 2) hostile environment.

Quid Quo Pro harassment occurs when a housing provider solicits sexual conduct as a condition for housing-related services.

Examples of Quid Pro Quo Harassment:

- A landlord asking a tenant for sex in lieu of rent payments
- A property manager evicting a tenant who has refused sexual advances

Hostile environment harassment occurs when a tenant is subjected to severe and pervasive unwelcome sexual conduct.

Examples of Hostile Environment Harassment:

- Landlord repeatedly engaging in unwelcome touching, kissing or groping
- Property manager habitually making unwelcome lewd comments about a tenant's body