

Harassment in Housing: It's Against the Law

General Information

Harassment is illegal in all areas protected by the Davenport Municipal Code §2.58. This includes housing, employment, public accommodations, credit and education. While harassment in employment has received the most publicity, 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 employment or housing that is being threatened. Harassment in housing may be even more devastating than in employment because the home is a more vulnerable, less public setting. 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.

Sexual Harassment

While sexual harassment can happen to anyone, male or female, by either sex against either sex, the majority of victims in reported instances are female. Particularly susceptible are young single mothers, who have a difficult time finding

affordable and safe housing for their families under the best of circumstances. A woman with limited economic and housing options may feel forced to submit to sexual behavior in order to obtain or keep a housing unit. The courts have recognized two types of sexual harassment. The first is **quid pro quo**, or "this for that," and can be committed only by someone who has the power to control the victim's housing. This frequently involves the requiring of sexual favors as a condition of renting, leasing, or receiving repairs, or demanding sex in lieu of rental payment or under threat of eviction. When the housing provider denies or limits services or facilities because demands for sexual favors are refused, the individual is being victimized by sexual harassment.

The second type of sexual harassment is called **hostile environment**. 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.

Examples of Harassing Conduct

Specifically, what types of actions, if not welcomed by the recipient of the behavior, could be viewed as harassment? Inappropriate actions break down into four types of behavior:

1. **Physical:** touching in a sexual manner, pinching, rubbing up against, gestures, assault.
2. **Verbal:** jokes of a racial, ethnic, or sexual nature; comments or questions about a person's body dress, or personal life, using demeaning or inappropriate terms; using crude and offensive language of a sexual nature, name calling or racial or ethnic slurs; demeaning comments about age, disability, or sexual orientation.
3. **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. Electronic messages or e-mail are frequently used for inappropriate personal messages, or to distribute jokes or cartoons that are offensive. Even after these messages are deleted on the computer, they can be retrieved to use as evidence of harassment.
4. **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.

In considering if your conduct might be unwelcome to others, consider: "Would I want my spouse or child to be treated this way?"

Especially for Landlords and Managers

Housing suppliers must sell, lease, and negotiate with all applicants on an equal basis, but there should be an awareness of the vulnerability of persons who are urgently seeking housing. 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.

Tenants: What to Do if it Happens to You

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 Davenport Civil Rights Commission about filing a complaint. Once the complaint has been filed, the Commission will investigate the circumstances to determine if a violation of the law has taken place. The Commission will also cross-file the complaint with the appropriate federal agency, the U.S. Department of Housing and Urban Development.

If you believe you may have been treated unfairly in the areas of housing, employment, education, credit or public accommodations, call:

Davenport Civil Rights Commission
City Hall, 226 West 4th Street
Davenport, IA 52801
(563) 326-7888
(563) 326-7956 FAX
www.cityofdavenportiowa.com/civilrights

The Commission provides educational materials on civil rights and discrimination, and has a video lending library. The Commission also provides information beneficial to both housing providers and to applicants for housing. Staff members are available to make presentations on a variety of topics, including preventing harassment or conducting an internal investigation. Call the Commission to request copies or to make arrangements for a program or speaker. Visit the agency Web site for a list of publications and videos.

For additional information on harassment or other issues regarding discrimination, you may also want to contact any of these state agencies:

Division on the Status of Women
(515) 281-4461, (800) 558-4427
E-mail: dhr.icsw@iowa.gov
Web site: www.state.ia.us/dhr/sw

Division on the Status of African Americans
(515)281-3855

Division of Latino Affairs
(515)281-4080

Division of Persons with Disabilities
(515)242-6142

The mailing address for these agencies is:
Iowa Department of Human Rights
Lucas State Office Building
Des Moines, IA 50319