



Open the Door to Fair Housing

WHAT IS FAIR HOUSING?

Fair Housing is housing that is free from illegal discrimination. The State and federal Fair Housing laws protect a person's right to own, sell, purchase, or rent housing of his or her choice without fear of unlawful discrimination.

One area of discrimination under the Fair Housing laws is *Sexual Harassment*:

What is considered "sexual harassment" under the Fair Housing laws?

Sexual harassment in housing is defined as unwelcome sexual advances, solicitations, sexual requests, or other verbal or physical conduct of a sexual nature.

Sexual Harassment

WHAT YOU DON'T KNOW CAN HURT YOU...

Sexual harassment laws apply to everyone in the housing process including:

- Owners
- Managers
- Maintenance persons
- Real Estate Agents
- Mortgage Brokers
- Other tenants

WHO CAN BE HELD LEGALLY LIABLE FOR SEXUAL HARASSMENT?

The owners of housing developments are responsible for the actions of their management personnel, maintenance workers, and other employees. The owner could also be liable for sexual harassment committed by one of their tenants if the owner knows about the harassment. There are two categories of sexual harassment:

- **"Quid pro quo"** sexual harassment occurs when sexual favors are demanded or requested in exchange for housing or a housing benefit, including:
 - Denial or acceptance of a rental application
 - Repairs and how quickly they are made
 - Eviction notice decisions
- **"Hostile environment"** sexual harassment occurs when the pervasiveness or severity of the unwelcome sexual language/advances makes the person's living situation significantly less desirable, including:
 - Severe conduct: touching, pinching, patting, rubbing, or kissing
 - Pervasive conduct: constant requests for dates, unwanted love notes, sexually explicit jokes, or questions about a person's sex life

Liability

EXAMPLES

Examples of sexual harassment comments:

"I'll give you \$50 off of your rent if you'll go out with me"

"Hey, sexy lady, why don't you come over to my place tonight"

"I'll fix your sink - if you ..."

"Check out the new tenant - she/he has a great ..."

"Show me how much you want to rent the apartment..."

"I'm evicting you because you never came over to have drinks with me"



TIPS

*Act
Quickly!*

What should you do if you think you are experiencing sexual harassment?

Act quickly! Tell someone about the occurrence and keep detailed notes about:

- What happened
- Where it happened
- Name, address and phone numbers of any witnesses who saw or heard what happened, or that you talked to about the harassment

Keep documents, such as:

- Newspaper ads
- Apartment rules
- Warning notices
- Eviction notice
- Letters, notes or gifts from the harasser

If you have any questions about your rights and responsibilities with regards to sexual harassment in housing, please contact:

Asian Law Alliance
184 E. Jackson Street
San José, CA 95112
408.287.9710
www.asianlawalliance.org

Bay Area Legal Aid
2 W. Santa Clara St., 8th Floor
San José, CA 95113
408.283.3700
www.baylegal.org

Fair Housing Law Project
111 W. St. John Street
Suite 315
San José, CA 95113
408.280.2435
www.lawfoundation.org

Legal Aid Society of Santa Clara County
480 N. First Street, P.O. Box 103
San José, CA 95103
408.998.5200
www.legalaidsociety.org

Project Sentinel
430 Sherman Avenue, Suite 308
Palo Alto, CA 94306
888.324.7468
www.housing.org

Tri-County Apartment Association
20863 Stevens Creek Boulevard
Suite 250
Cupertino, CA 95014
408.873.1599
www.tcaa.org

Santa Clara County Association of Realtors
1651 N. First Street
San José, CA 95112
408.445.8500
www.sccaor.com

City of San José - Housing
200 East Santa Clara Street
San José, CA 95113
408.535.3860
www.sjhousing.org

