



The Fair Housing Act makes it unlawful to discriminate in housing on the basis of sex. The Act does not specifically include gender identity and sexual orientation as protected classes. However, discrimination based on a person's gender or against a lesbian, gay, bisexual, or transgender (LGBT) person based on non-conformity with gender stereotypes may be a violation of the Act's prohibition of sex discrimination.

Examples of Discriminatory Conduct

- A property manager refuses to rent an apartment to a woman because he does not believe that the area is safe for women.
- A landlord refuses to acknowledge as income any alimony or child support payments received by a divorced woman or man



If you believe you are a victim of housing discrimination, contact us at the telephone number below for assistance. Our staff will discuss the situation with you and help you decide what to do next.

When necessary, our staff can assist you in filing a complaint with the Arkansas Fair Housing Commission, U.S. Department of Housing and Urban Development (HUD) or other administrative or judicial bodies.

Contact Us

Jason Auer, Fair Housing Director
 Legal Aid of Arkansas
 714 S. Main St.
 Jonesboro, AR 72401
 Telephone: 870.972.9224
 Helpline: 1-800-9LAW-AID
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***A Fair Housing
 Guide for Sex
 Discrimination***

LEGAL AID OF ARKANSAS
 FAIR HOUSING PROJECT



Sexual Harassment in Housing

Sexual harassment is discrimination under the Fair Housing Act. This occurs when housing providers create an unbearable living environment by demanding sexual favors from tenants or by creating a sexually hostile environment for them.

There are two types of sexual harassment:

Quid Pro Quo

Quid pro quo sexual harassment occurs when a housing provider offers something (e.g., reduced rent, repairs, or stopping an eviction) to a resident in exchange for sexual favors. Quid pro quo sexual harassment is illegal even if the offer is accepted because of the difference in bargaining power between a housing provider and tenant.

Examples

- A property manager tells you he will fix your heater if you go out with him
- A landlord tells you he will let you rent the apartment free of charge if you agree to be nice to him

Hostile Environment

Hostile environment sexual harassment occurs when a housing provider subjects a resident to conduct of a sexual nature that is unwelcome and sufficiently severe or persistent that it interferes with or deprives the resident of their right to use and enjoy his or her housing.

Examples

- A property manager says you cannot have male guests after he sees a male visitor leaving your apartment
- A property manager allows you to pay rent late every month but decides to evict you for being a day late as a pretext for your refusal to sleep with him

Equal Access to Housing in HUD Programs

Under the Fair Housing Act, all HUD rental housing and homeownership programs are subject to HUD's Equal Access Rule, which requires that programs are open to all eligible persons regardless of a person's perceived or actual sexual orientation, gender identity, or marital status.

It prohibits lenders from using sexual orientation as a basis to determine a borrower's eligibility for FHA insured mortgages.

Families that are otherwise eligible for HUD programs cannot be excluded because one or more members of the family is LGBT, in a same-sex relationship or perceived to be an individual in such a relationship.

Furthermore, it prohibits owners or operators of HUD assisted housing or whose financing is insured by HUD from inquiring about the sexual orientation of an applicant or occupant of a dwelling.

Exception

This prohibition on inquiry does not prohibit lawful inquiries of an applicant or occupant's sex where the housing provided or to be provided is a temporary, emergency shelter that involves the sharing of sleeping areas or bathrooms.

Commonly Asked Questions

What kind of sexual harassment is prohibited under the Act?

- In order to sustain a claim of sexual harassment under the Fair Housing Act, you must show that the sexual conduct was unwelcome.

Can the property owner or manager be held liable for the actions of individuals that work for him?

- Yes. A property manager or owner who directs his or her employees, agents or contractors to engage in sexual harassment, or who knows or should have known about the sexual harassment but failed to take action to stop it, may be liable for any resulting harm.

Is it a violation of the Fair Housing Act when a woman sexually harasses a man?

- Yes. The Act protects both men and women from sex discrimination, including harassment. This also applies to same sex sexual harassment.

At what point does the Act provide protection against sex discrimination?

- The Act protects individuals when they are looking for housing and while they are living in the dwelling.

Does an individual have to report sexual harassment to the property owner or manager, particularly when there is a procedure for applicants or tenants to report sexual harassment?

- No. A sexual harassment victim is not required to follow the particular sexual harassment reporting procedures of the property owner or property manager. However, a sexual harassment victim may want to make a written report or send a letter to the property owner or manager in order to create a record of the harassment and to provide the property owner or manager with an opportunity to take action to stop the harassment.