

The Fair Housing Act makes it unlawful to discriminate in lending on the basis of sex.

This means that banks and other lending institutions cannot offer different loan products based on the sex of the applicant. They also cannot offer loan products in such a way that they create a preference for one sex over the other.

Examples of Discriminatory Conduct

A bank refuses to make a loan to a woman because she is on maternity leave from her job.

Offering lower interest rates to men than to women.

Contact Us

The Fair Housing Project:

If you believe you have been a victim of housing discrimination, please call Legal Aid's fair housing helpline at **1-870-338-9834**. **The Fair Housing Project serves all of Arkansas regardless of income.**

Our staff will discuss the situation with you and help you decide what to do next. When necessary, our staff may assist you in filing a complaint with the Arkansas Fair Housing Commission, the U.S. Department of Housing and Urban Development (HUD), or other administrative or judicial bodies.

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A Fair Housing Guide for Sex Discrimination

Legal Aid of Arkansas
Fair Housing Project



Fair Housing Project
Legal Aid of Arkansas



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 have sex with 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

Fair Housing and Domestic Violence

If you are a victim of domestic violence, Arkansas law says that the landlord shall not terminate, fail to renew your lease, refuse to enter into a lease or otherwise retaliate against you because of the domestic abuse.

At your expense and with the landlord's prior consent, the landlord may change the locks to your residence.

You may not waive your right to request law enforcement or emergency assistance.

Arkansas DV Protections require a court order showing abuse. The order must have been issued within the last 60 days. This is usually in the form of an Order of Protection under the Arkansas Domestic Abuse Act. However, other court orders may work as well.

In Subsidized Housing

The Violence Against Women Act (VAWA) includes specific protections for victims of domestic violence, dating violence, or stalking in federally assisted housing including public housing, Housing Choice Voucher (Section 8), and Project Based Rental Assistance.

Under VAWA

You do not have to be married or living with the abuser to be covered under VAWA.

If you are applying for housing, you cannot be denied simply because you are a victim.

You cannot be evicted or lose your voucher based on violence against you.

Acts of violence against you cannot be used to punish or evict you.

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.

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.