

What is sexual harassment?

The law defines sexual harassment as *unwelcome* conduct of a *sexual nature* which takes one of two forms:

“Quid pro quo” sexual harassment

which involves a demand for sex in exchange for housing or a housing benefit. For example:

- Whether to deny or accept an application to rent;
- Whether repairs will be made or how quickly they will be made; or,
- Whether to give an eviction notice

or

“Hostile environment” sexual harassment which involves conduct so *severe* (physical contact) **or** *pervasive* (constant) as to make the tenancy significantly less desirable to a reasonable person in the tenant’s position. For example:

- *Severe conduct* includes touching, pinching, patting, rubbing, or kissing
- *Pervasive conduct* includes constant requests for dates, unwanted love notes, sexually explicit jokes, or questions about a person’s sex life

What if a tenant participates in the sexual conduct?

The key question is whether the tenant’s conduct indicated that the sexual advances were unwelcome, *not* whether the tenant participated.

All of the circumstances must be considered, such as:

- Whether the tenant complained to someone about the conduct when it was happening;
- If the tenant did not complain to anyone, the reason the tenant did not complain, for example, fear of retaliation;
- Whether the tenant began the sexual conduct.

What if the sexual harassment is by someone other than the landlord?

The law protects against sexual harassment of a tenant by persons other than the landlord, such as:

- a maintenance person;
- a co-tenant; or,
- a neighbor.

What should a tenant who is experiencing sexual harassment do?

Take action quickly!

Tell someone about it and make notes about:

- ✓ What happened
- ✓ Where it happened
- ✓ When it happened
- ✓ Name, address, and phone number of the landlord
- ✓ Names, addresses, and phone numbers of any witnesses who saw or heard what happened, including anyone you talked to about the sexual harassment

The tenant can call the YWCA Crisis Line at (408) 287-3000 for counseling on what to do next.

Keep documents, such as:

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

If you are a victim of sexual harassment, you can get help. The South Bay Fair Housing Project provides *free* legal help with:

- Making complaints to government agencies;
- Investigating unfair treatment;
- Convincing landlords to follow the law; and
- Suing landlords in court, when necessary.

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(650) 358-0745

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A program of
**Bay Area Legal Aid and the U.S. Department of
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In collaboration with
**Mid Peninsula Citizens for Fair Housing
and Project Sentinel**

Bay Area Legal Aid
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HOUSING DISCRIMINATION:

SEXUAL HARASSMENT

Bay Area



Legal Aid

For help, call the

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