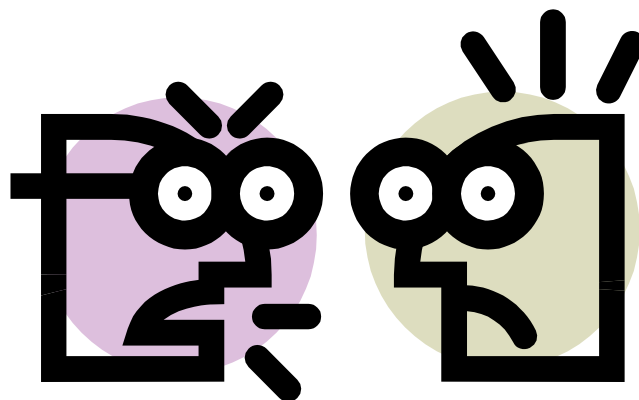


FAIR HOUSING: HARASSMENT & RETALIATION SAMPLE POLICY



Protected Class Harassment & Retaliation Policy

The Fair Housing Partners of Washington State have developed this sample policy to assist you and your staff in dealing with harassment and intimidation of protected classes, and in dealing with possible acts of retaliation against a resident or employee because that person asserted rights under fair housing laws.

This free guidebook is available in print and at www.kingcounty.gov/civilrights. The Fair Housing Partners have collaborated to create other resources for housing providers –

- **Fair Housing in Washington State: Top 100 FAQs for Property Owners & Managers**
- **Reasonable Accommodations & Modifications for People with Disabilities**
- **Service Animals**
- **Domestic Violence & Fair Housing**
- **Guide to Fair Housing for Nonprofit Housing & Shelter Providers**
- **Fair housing posters** (specific to each fair housing agency)

Contact King County Civil Rights to share your comments about this guidebook.



**Washington State Human Rights Commission
King County Civil Rights
Seattle Office for Civil Rights
Tacoma Human Rights
Fair Housing Center of Washington
Northwest Fair Housing Alliance**

This information does not constitute legal advice.
The fair housing laws are subject to change. If you have questions about fair housing issues, please contact one of the agencies listed on the last page.

AVAILABLE IN ALTERNATE FORMATS UPON REQUEST
Contact King County Civil Rights, 206-263-2446 or TTY Relay: 711

HARASSMENT & RETALIATION POLICY

BACKGROUND & DEFINITIONS

Harassment

Under fair housing laws, “harassment” includes abusive, foul or threatening language or conduct directed at a resident, employee or guest because of that person’s “protected class” (race, color, national origin, religion, sex, disability, family status, sexual orientation, etc.). Harassment is conduct that is sufficiently severe and/or pervasive to affect someone’s ability to use and enjoy their housing. Harassing conduct includes:

- 🏠 Coercing a person, orally, in writing, or by other means, to deny or limit that person’s benefits in connection with the sale or rental of housing, or in connection with a residential real estate-related transaction because of protected class. Examples:
 - A staff person tells a negative joke about Asians in front of the manager, who does nothing about it.
 - A leasing agent makes fun of a resident who wears a turban.
 - A resident posts a comic strip in the laundry room that ridicules Islam, and management takes no action.

- 🏠 Threatening, intimidating or interfering with people in their enjoyment of a dwelling because of their protected class, or that of their visitors or associates. Examples:
 - A manager offers a resident a rent discount in return for a date.
 - A contracted vendor openly ogles female residents at the pool, making them feel uncomfortable.
 - A landlord warns a resident that he will be evicted if he continues to have Latino visitors.

Retaliation

Fair housing laws define retaliation as unlawful coercion, intimidation, threats, or interference with anyone who exercises or enjoys fair housing rights. These laws also include protection against retaliation because a person aided or encouraged someone else to exercise or enjoy any fair housing right. Conduct considered retaliation includes:

- 🏠 Taking negative actions against anyone because that person has made a complaint about discrimination to management. Examples:
 - A landlord issues a 20-day termination notice to a resident because she complained after a maintenance man made sexually explicit comments to her.

- An assistant manager rarely issues 10-day notices for noise, but begins issuing them to a resident who complained when his neighbor made racial comments.
- A condominium board fails to notify a homeowner of an association meeting because the homeowner requested a reasonable accommodation for his disability.



Taking negative actions against someone because that person engages in activities designed to make others aware of, or encouraging such others to exercise, rights granted or protected by fair housing laws. Examples:

- After a resident handed out fair housing brochures, the landlord denies the resident's request to use the community room for a party.
- A manager disciplines a maintenance worker because he told a resident with a disability that he could request installation of bathroom grab bars as a reasonable modification.



Taking negative actions against someone because that person has testified, assisted, or participated in an investigation under fair housing laws. Examples:

- After a resident advocates for a neighbor who experienced sexual orientation harassment from a staff person, the manager denies the resident's request to transfer to another apartment.
- A manager cuts an employee's hours because she gave testimony in a housing discrimination complaint filed against the property.



Threatening or taking an adverse employment action against an employee who assisted someone seeking to rent, buy or sell, because of the person's protected class or because the person associated with others in a protected class. Examples:

- A landlord tells an employee she will be fired if she rents to African Americans.
- A manager tells the assistant manager she'll get a poor performance review if she continues to encourage families with children to apply for rental.
- A condo board tells its property management company that their contract will be cancelled if they allow a resident to keep an emotional support animal.

HARASSMENT & RETALIATION POLICY

GUIDELINES FOR STAFF

All staff shall model appropriate non-discriminatory behavior. We will strive to cultivate and maintain a living environment that is free from harassment or intimidation. All staff should be familiar with how to recognize, avoid and address discriminatory harassment or intimidation.

We will not tolerate harassment or intimidation of a resident, guest or staff person because of that person's protected class – race, color, national origin, religion, sex, disability, familial status, **(insert additional local protected classes depending on the location of your property)**. Discriminatory harassment and intimidation are violations of the fair housing laws and are prohibited. Harassment and intimidation include abusive, foul or threatening language or behavior based on someone's protected class.

Any staff person who witnesses or learns of possible discriminatory harassment or intimidation must take it seriously and respond promptly. Harassing or intimidating behavior in violation of fair housing laws will be considered a tenancy rule violation and may be grounds for termination of tenancy.

Our policy also prohibits retaliation (coercion, intimidation, threats, or interference) against any person who has exercised fair housing rights or helped another person to exercise them, or participated in any fair housing investigation.

PROCEDURES

In case of immediate threat of bodily harm, call 911.

If staff observes an incident of discriminatory harassment, alert management about the situation promptly.

When a resident complains of discriminatory harassment or retaliation, tell the resident that you take the complaint seriously and will look into the matter. Ask for a written complaint, or document the complaint in writing yourself.

Conduct a prompt investigation to determine whether a violation of this policy has occurred based on all facts and circumstances, the nature of the allegation, and the context in which the alleged incidents occurred.

- When discussing the allegations with the alleged harasser(s), remind them that harassment and retaliation is not tolerated and state that it is your company policy to investigate all such allegations.
- Thoroughly document all information gathered.

If you are unable to verify a violation of this policy

- Document the complaint and the results of the investigation in both the complaining person's and alleged harasser's files.
- Anyone alleged to have engaged in discriminatory harassment or retaliation should be reminded about management's commitment to a harassment-free housing environment, and that we will not tolerate retaliation against the complaining person or others who were involved.
- Promptly inform the complaining person of the results of the investigation and, as appropriate, the actions taken by management.
- For ongoing resident conflict that cannot be verified as motivated by protected class discrimination, staff may refer residents to the local Dispute Resolution Center or other local mediation services, or hire an outside consultant/mediator.
- Monitor for retaliation and deal with it in the same manner as allegations of discriminatory harassment under this policy.

If the investigation indicates a violation of this policy occurred

- Document the complaint and results of the investigation in both the complaining person's and harasser's files.
- Proceed with progressive action up to and including eviction of the harasser, if necessary, for ongoing or serious violations. For example, if the allegation involves an isolated incident of a single derogatory statement, it may be appropriate to issue the harasser a 10-day notice to comply with a written warning that additional incidents could result in termination of tenancy. On the other hand, if the situation involves an incident of physical violence, a notice to terminate tenancy may be appropriate.
- Promptly inform the complaining person of the results of the investigation and, as appropriate, the actions taken by management.
- Remind all residents of management's commitment to a harassment-free housing environment, and that we will not tolerate retaliation against the complaining person or others who were involved in the investigation.
- Monitor for retaliation and deal with it in the same manner as allegations of discriminatory harassment under this policy.

RESOURCES

If you have questions regarding your fair housing rights and responsibilities, contact a fair housing agency listed on the list on the last page.

HARASSMENT & RETALIATION POLICY








GUIDELINES FOR RESIDENTS

It is our policy not to tolerate harassment or intimidation of a resident, guest or staff person because of that person's protected class – race, color, national origin, religion, sex, disability, familial status, **(insert additional local protected classes depending on the location of your property)**. Discriminatory harassment and intimidation are violations of the fair housing laws and are prohibited. Harassment and intimidation include abusive, foul or threatening language or behavior based on someone's protected class.

We will not tolerate retaliation by staff or residents against anyone who has complained of discriminatory harassment or intimidation, or who asserts his or her rights under fair housing laws. We will not tolerate retaliation by staff or residents against anyone who participates in an investigation of discriminatory harassment or intimidation.

PROCEDURES

If you experience or witness discriminatory harassment or intimidation, we strongly encourage you to report the incident.

-  In cases involving immediate threat of bodily harm, call 911.
-  If you feel safe doing so, ask the person doing the harassing to stop the behavior.
-  Report the problem to **[insert contact info for designated staff person(s)]**.
-  Management will take your complaint seriously and get back to you after looking into the matter.
-  If you believe management has failed to take appropriate action regarding your complaints of discriminatory harassment or intimidation, contact **[insert contact info for property management company]** or a fair housing agency in your area listed on the attached sheet.
-  If you believe that someone has treated you badly because you complained about discriminatory harassment or intimidation, report the retaliatory behavior to **[insert contact info for property management company]** or to a fair housing agency.
-  If you are the victim of a hate crime such as vandalized property or a threat of harm to yourself or your property, contact the local police department's hate crime unit.

If you have questions regarding your rights and responsibilities under the fair housing laws, contact a fair housing agency in your area listed on the next page.

FAIR HOUSING AGENCIES IN WASHINGTON STATE

FAIR HOUSING ENFORCEMENT AGENCIES

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|---|--|--|---|--|
| U.S. Dept. of Housing & Urban Development 909 First Avenue Suite 205 Seattle, WA 98104-1000 | Washington State Human Rights Commission 711 S. Capitol Way Suite 402 Olympia, WA 98504 | King County Civil Rights Office of Equity & Social Justice 401 Fifth Avenue Suite 800 Seattle, WA 98104-2391 | Seattle Office for Civil Rights 810 Third Avenue Suite 750 Seattle, WA 98104-1627 | Tacoma Human Rights Office of Equity & Human Rights 747 Market Street Room 1044 Tacoma, WA 98402 |
| 206-220-5170 800-877-0246 TTY 206-220-5185 | 360-753-6770 800-233-3247 in WA TTY 800-300-7525 | 206-263-2446 TTY Relay: 711 | 206-684-4500 TTY 206-684-4503 | 253-591-5043 TTY Relay: 711 |
| www.hud.gov/local/sea/seafhome.html | www.hum.wa.gov | www.kingcounty.gov/civilrights | www.seattle.gov/civilrights | www.cityoftacoma.org |
| <u>Protected Classes</u> <ul style="list-style-type: none"> • Race • Color • National Origin • Religion • Sex • Disability • Familial Status | <u>Protected Classes</u> <ul style="list-style-type: none"> • Race • Color • National Origin • Religion • Sex • Disability • Familial Status • Marital Status • Sexual Orientation (incl. gender identity) • Veteran/Military Status | <u>Protected Classes</u> <ul style="list-style-type: none"> • Race • Color • National Origin • Religion • Gender • Disability • Familial Status • Marital Status • Sexual Orientation (incl. gender identity) • Age • Ancestry • Section 8 • Use of a Service or Assistive Animal | <u>Protected Classes</u> <ul style="list-style-type: none"> • Race • Color • National Origin • Religion • Sex • Disability • Parental Status • Marital Status • Sexual Orientation • Gender Identity • Veteran/Military Status • Age • Ancestry • Section 8 and other housing subsidies • Creed • Political Ideology • Alternative Sources of Income | <u>Protected Classes</u> <ul style="list-style-type: none"> • Race • Color • National Origin • Religion • Sex • Disability • Familial Status • Marital Status • Sexual Orientation • Gender Identity • Veteran/Military Status • Age • Ancestry |
| File within 1 year <u>Jurisdiction:</u> United States | File within 1 year <u>Jurisdiction:</u> Washington | File within 365 days <u>Jurisdiction:</u> Unincorporated King County | File within 1 year <u>Jurisdiction:</u> City of Seattle | File within 1 year <u>Jurisdiction:</u> City of Tacoma |

FAIR HOUSING ADVOCACY, EDUCATION & OUTREACH ORGANIZATIONS

In Western Washington:

Fair Housing Center of Washington

1517 S. Fawcett Avenue, Suite 250
Tacoma, WA 98402

253-274-9523, 888-766-8800 (toll free)

www.fhcwashington.org

In Eastern Washington:

Northwest Fair Housing Alliance

35 West Main Avenue, Suite 250
Spokane, WA 99201

509-325-2665, 800-200-FAIR (in 509 area code)

www.nwfairhouse.org

RETALIATION: Fair housing laws prohibit retaliation – an act of harm by anyone against a person who has asserted fair housing rights (by making an informal discrimination complaint, by filing a civil rights complaint, or being otherwise involved in an investigation).