



LEGAL AID
SOCIETY OF HAWAI'I



Fair Housing Enforcement Program

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Aloha!

Thank you for subscribing to the Fair Housing Enforcement Program e-newsletter. This month we have provided you with information related to sexual harassment and the Fair Housing Act. Next month we will provide a fact sheet on Reasonable Modification Requests.

Be sure to check out our [website](#) for more program updates and more fair housing resources.

Recent Fair Housing News

An Ohio landlord agreed to pay \$850,000 to settle a case in which the landlord misrepresented the availability of units to African-American applicants and steered families with children away from units above the ground floor.

In California, the landlord agreed to pay \$77,500 to settle allegations of discrimination against families with children. The landlord also paid the government \$2,500 as a civil penalty. The housing complex had a rule prohibiting children from playing on the common grassy areas, or be subject to eviction. As stated by HUD, "An apartment complex may not impose conditions on families with children that they do not impose on other residents."

In California, an owner and manager of several residential rental properties agreed to pay more than \$2 million in damages and civil penalties to settle a fair housing lawsuit alleging he sexually harassed women tenants and prospective tenants. His unwelcomed sexual comments, advances, and behavior spanned several years and affected numerous victims.

Quick Links

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About Us

The Fair Housing Enforcement Program (FHEP) is a project of the Legal Aid Society of Hawaii. Our mission is to promote fair housing and end housing discrimination through education, advocacy, outreach, and litigation.

All people in Hawaii have the right to make housing choices without regard to race, color, religion, national origin, sex, disability, familial status, age, gender identity or expression, sexual orientation, marital status, or HIV infection.

If you believe you have been denied access to housing because of

Sexual Harassment under the Fair Housing Act

Courts around the nation have recognized sexual harassment as a form of discrimination based on sex. Sexual harassment under the Fair Housing Act (FHA) is any form of unwanted sexual advances, requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature made by a housing provider. Even if a comment or action was not intended to be perceived as a sexual advance, it may still be considered sexual harassment if it is perceived as such by the receiver and if the comment or action was unwanted. Sexual harassment can happen to anyone, regardless of his or her gender.

Sexual harassment does not have to be motivated by a sexual desire. Sexual harassment can also be motivated by hostility toward a particular sex.

The FHA recognizes two types of sexual harassment:

1) **Quid Pro Quo Sexual Harassment**

Quid pro quo sexual harassment occurs when a housing provider or his or her employee, agent or contractor conditions access to or retention of housing or housing-related services or transaction on a victim's submission to sexual conduct. A claim against a housing provider alleging quid pro quo sexual harassment can be pursued regardless of whether the victim submitted to the sexual conduct.

Examples of quid pro quo sexual harassment include:

- Conditioning home repairs and other housing benefits on performance of a sexual favor
- Threatening eviction if sexual demands are not complied with
- Threatening to reject an application for housing from a prospective tenant if sexual demands are not complied with

2) **Hostile Environment Harassment**

Hostile environment harassment occurs when a housing provider or his or her employee, agent or contractor, or in certain circumstances another tenant, engages in sexual behavior of such severity or pervasiveness that it alters the terms and conditions of tenancy and results in an environment that is intimidating, hostile, offensive, or otherwise significantly less desirable.

discrimination, you may call the FHEP Hotline at **808-527-8024** or from the Neighbor Islands, **866-527-3247**. Leave a message and our Intake Specialist will call to schedule an interview.

One of our staff attorneys will then review your case and determine whether we will be able to provide assistance.

In order to determine whether the conduct is sufficiently pervasive and severe, courts will look to the context, nature, severity, scope, frequency, duration, and location of the incidents, as well as the characteristics of the people involved.

Examples of hostile environment harassment include:

- A housing provider making sexual comments or using sexual words in front of a tenant
- A landlord requesting that a tenant take off his or her clothing
- A housing provider or his or her employee refusing to help after being informed that another tenant is sexually harassing a tenant.

Retaliation: If someone files a complaint against a housing provider based on sexual harassment or any other fair housing violation, it is illegal for that housing provider to retaliate against the individual who filed the complaint. Forms of retaliation include eviction, rent increases, refusing to make repairs, and making threats.

Please [click here for a PDF version](#) of our sexual harassment under the Fair Housing Act fact sheet.

Upcoming Training Sessions

The Fair Housing Tester Training is scheduled for Tuesday, October 14th from 5:30 PM to 7:00 PM.

Interested candidates, must be 18 years and older with no prior felony conviction and can not have an open case with Legal Aid.

Those individuals with a real estate license or currently working as a housing provider are not eligible to apply. If you are interested or know someone that may be interested, please contact the Tester Coordinators at (808) 527-8017 or (808) 527-8078 to sign up for the training. Because tester trainings occur every month, you may contact us to sign up to learn about future trainings as they come up.

Recent Outreach in Maui

On September 29th and 30th, Fair Housing Tester Coordinator Ian Tapu visited five senior seminars at the Kamehameha Maui campus and the Teen Parent Program at Maui High School, providing students information on their rights under Fair Housing laws.

For many of the students, the tools given will help them become better advocates for their families and community as well as an important resource for their transition into college.

Outreach Events in October 2014



Tester Coordinator, Chelsey Stewart at the 13th Annual Native Hawaiian Convention which took place at the Hawaii Convention Center

13th Annual Native Hawaiian Convention

The Fair Housing Enforcement Program will be distributing information about Legal Aid services at the 13th Annual Native Hawaiian Convention. The Native Hawaiian Convention is an annual convention hosted by the Council for Native Hawaiian Advancement (CNHA). The convention runs from September 30 to October 2, 2014. This year's convention theme is, "We Are Many, We Are One," which references the individual identities within the broader Native Community.

Fair Housing 101 to College Students

The Fair Housing Enforcement Program will be visiting three classes at Leeward Community College in the month of October. Legal Aid presenters hope to develop a dialogue with students to tie together class discussion of disparity and discrimination into real life application of the Fair Housing Act. It will also be an opportunity to educate students about their housing rights as well as provide general information as to the services Legal Aid offers.

Weekly Outreach at St. Elizabeth Episcopal Church

The Fair Housing Enforcement Program along with Legal Aid's Healthcare Kokua Connector will be at St. Elizabeth's Episcopal Church in Kalihi on Thursdays from 10:30 am to 2:00 pm.

If you or anyone you know has a fair housing issue and is interested in applying for Legal Aid services, feel free to come down. A Chuukese interpreter will also be available.

For more information on this outreach, please contact Madonna at 808-527-8083.

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Please forward this email to other interested parties

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