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Sexual Harassment of Low-Income Women by Landlords

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Abstract

This article examines the results of a qualitative study of low-income women who have been sexually harassed by their landlords. The study involved detailed interviews of 100 low-income women who were clients of the Columbia (Missouri) Housing Authority. These interviews revealed a picture of the tenants who experienced sexual harassment in housing and how they responded; the characteristics of landlords who engage in such harassment; the forms the harassment is likely to take; and the effects the harassment had on the tenants' housing situation. The results suggest the need for more targeted outreach to low-income women who may be victimized and more oversight of landlords who may operate with little accountability. More research is needed to determine how prevalent this problem is and what risk factors contribute to it.

Introduction

In recent years, high-profile and influential figures in media, government, and entertainment have faced very public allegations of sexual misconduct, creating a watershed moment for public awareness of sexual harassment. These revelations have sparked an important national discussion about the prevalence of sexual harassment in American society and the systems that enable powerful people both to exploit their vulnerable targets and to escape the consequences of their actions.

This article focuses on the sexual harassment and exploitation of low-income women by their landlords—a problem of which both advocates and academics are aware. A number of published legal cases have dealt with the issue, and the U.S. Department of Justice (DOJ) has filed numerous complaints against alleged harassers. Multiple informative academic articles in legal and social science literature have discussed the subject from a largely theoretical perspective. Unfortunately, there have been no reliable empirical studies about the nature and prevalence of sexual harassment in housing. As a result, policymakers and legislators have difficulty addressing sexual harassment in housing because they do not know the basic facts, such as how common it is, who is likely to experience or perpetrate it, and what forms it takes.

This article, and the underlying study (which was recently published in the *Missouri Law Review* [Oliveri, 2018]), represent a first attempt at supplementing the available information by revealing empirical data that challenge and improve on the assumptions in theoretical scholarship.

The Legal Background of Sexual Harassment in Housing section provides a brief introduction to the law. The What We “Know” About Sexual Harassment in Housing section canvasses the state of our knowledge of sexual harassment in housing, including the gaps in that knowledge that require further research and the problems created by those gaps.

The Study section presents the methodology and results, which both add to and challenge some of the prevailing assumptions about sexual harassment in housing. A significant number of study participants—10 percent of the sample—had experienced actionable sexual harassment by their landlords. All these women were living in private rental housing at the time they were harassed; none lived in public housing, shelters, or other institutional facilities. Whether or not they were receiving a housing subsidy did not appear to increase the likelihood of harassment, although it did correlate to whether they remained in the housing after experiencing harassment. The landlords who perpetrated the harassment were all owner-operators of their rental properties; they did not work for or employ a rental management company. The harassment took two forms: (1) nearly all the women described being explicitly asked to provide sex in lieu of rent, and (2) one-half of the women also reported experiencing serious (likely criminal) conduct such as home invasion, indecent exposure, and unwanted touching.

The Analysis and Implications section analyzes the results of the study and draws implications for policy and further research. From a policy perspective, the study results reveal the consequences of the lack of regulation of the landlord-tenant relationship, which has led to a regime allowing private landlords to harass their tenants with virtual impunity. The study determined that greater oversight of landlords and more targeted resources for the most vulnerable group of female renters is necessary to address this problem. Ultimately, policymakers must address the root cause of this problem, which is the serious lack of affordable housing and housing support programs in this country.

Legal Background of Sexual Harassment in Housing

This section provides a brief introduction to the law. To begin, it is important to recognize that sexual harassment law was first developed in the context of the workplace. Courts later applied similar doctrines and definitions to sexual harassment in the housing context.

Employment Law Roots

The legal doctrine of sexual harassment originated in the employment context. Title VII of the Civil Rights Act of 1964 (hereafter known as Title VII) prohibits employment discrimination based on protected characteristics, including sex. Cases recognizing that racial and ethnic harassment in the employment setting can violate Title VII date as far back as 1971. In 1982, the Eleventh Circuit issued an influential sexual harassment opinion in favor of the plaintiff in *Henson v. City of Dundee*.¹

¹ *Henson v. City of Dundee*, 682 F.2d 897 (11th Cir. 1982).

Henson set forth a binary classification of sexual harassment claims: (1) “quid pro quo” claims, where a defendant has based the provision of job benefits on the plaintiff’s compliance with sexual demands or causes the plaintiff tangible harm if he or she refuses to comply with such demands, and (2) “hostile environment” claims, where unwelcome sexual advances occurred but did not lead to loss of employment or other economic injuries.

In 1986, the United States Supreme Court adopted the Henson framework when it addressed workplace harassment for the first time in *Meritor Savings Bank v. Vinson*.² A bank employee brought a Title VII claim against her employer, alleging that her branch manager made unwelcome sexual advances toward her. The bank argued that sexual harassment was only actionable if it affected tangible, economic aspects of the employment relationship and harassment that “only” affected the work environment could not support a claim. The court disagreed, concluding that “a plaintiff may establish a violation of Title VII by proving that discrimination based on sex has created a hostile or abusive work environment.”

The hostile environment theory is rooted in the Title VII provision that bans discrimination in the “terms, conditions, or privileges of employment.” The court held that harassment violates this provision when it is shown to be “sufficiently severe or pervasive ‘to alter the conditions of [the victim’s] employment and create an abusive working environment.’” Subsequent U.S. Supreme Court guidance instructed courts to determine whether an environment is sufficiently hostile or abusive by “looking at all the circumstances ... includ[ing] the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee’s work performance.”³

Sexual Harassment and the Fair Housing Act

The law of sexual harassment in housing developed later and was predominantly in step with Title VII. The first reported decision involving sexual harassment in housing was *Shellhammer v. Llewellyn* in 1985.⁴ The plaintiffs in *Shellhammer* were a married couple who were evicted from their apartment allegedly because Mrs. Shellhammer refused her landlord’s requests to pose for nude photographs and to have sex with him. The magistrate judge who heard the case noted the lack of any housing precedents for sexual harassment claims and the similarity between the Title VII ban on discrimination in the “terms, conditions, or privileges of employment” and the Fair Housing Act’s (FHA) prohibition on discrimination in the “terms, conditions, or privileges of sale or rental of a dwelling.” Therefore, the judge turned to employment decisions under Title VII for guidance and ruled that both quid pro quo and hostile environment claims were also actionable under the FHA.

Subsequent courts followed *Shellhammer*’s approach. They found it appropriate to rely on Title VII precedents to establish the contours of sexual harassment law under the FHA. Additionally, all the presiding courts agreed that if the plaintiff’s complaint involved only a hostile environment claim (and

² *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986).

³ *Harris v. Forklift Systems*, 510 U.S. 17, 23 (1993).

⁴ *Shellhammer v. Llewellyn*, 770 F.2d 167 (6th Cir. 1985); *Prentice Hall, Inc. et al.*, 1 Fair Housing—Fair Lending 15, 472 (1994).

not the loss of a tangible housing benefit), then the defendant would only be liable if his behavior was “severe or pervasive” enough to alter the terms and conditions of the plaintiff’s residency.

In 2016, the U.S. Department of Housing and Urban Development (HUD) issued a final rule formalizing the definitions of and standards for quid pro quo and hostile environment sexual harassment in housing.⁵ The definitions and standards largely conform to existing court precedent. The purpose of the rule was to provide consistency and clarity to investigators, housing providers, and victims.

What We ‘Know’ About Sexual Harassment in Housing

Little reliable data is available about the incidence of sexual harassment in housing, although there is plenty of anecdotal evidence from cases, and scholars have written theoretical articles about the problem based largely on assumptions from the cases. This section summarizes the small amount of research that exists on the topic of sexual harassment in housing.

Official Statistics and Early Studies

The National Fair Housing Alliance (NFHA) provides the most comprehensive statistical picture of fair housing complaints in the United States. Its annual report contains data on housing discrimination complaints filed with government agencies such as HUD, Fair Housing Assistance Program agencies, DOJ, as well as private fair housing organizations that process the vast majority of housing discrimination complaints.⁶ Even so, NFHA’s report has limitations. NFHA recognizes that due to the extremely high rate of underreporting, their figures represent only a small fraction of the actual discrimination that occurs in the housing market. In 2017, NFHA reports there were 1,017 complaints in which “sex” was listed as a possible basis for discrimination (NFHA, 2018). These complaints, however, are not broken down by the type of discrimination—for example, sex-based differential treatment (such as when a landlord refuses to rent to someone because of sex) versus sexual harassment. The report separately identifies 747 harassment complaints, which can be based on any protected characteristic. Of these complaints, only 200 are identified as being based on sex. It is unclear whether these allegations are in addition to, or overlap with, the sex discrimination complaints. What is clear, given the small numbers, is that this statistic is an undercount.

There is a similar shortage of academic studies on the topic, with only four scholarly articles that analyze the problem of sexual harassment in housing in an empirical manner. Only two of the articles attempt to discern prevalence data; both rely on returned surveys, and each is more than 20 years old.

The only known attempt to assess the frequency of sexual harassment in housing in the United States was conducted nearly 30 years ago. In 1987, Regina Cahan surveyed 150 public and private fair housing organizations across the country to see whether they had received complaints of sexual

⁵ 24 Code of Federal Regulations (CFR) § 100.600 (2017).

⁶ NFHA does not track housing discrimination lawsuits filed by private lawyers who do not work for fair housing organizations.

harassment (Cahan, 1987).⁷ Of the 87 centers that provided useable responses, 57 centers (65 percent) reported receiving a collective total of 288 complaints of sexual harassment, whereas 30 centers (35 percent) reported never having received such a complaint. Citing a recent survey which found that fewer than 3 percent of victims of workplace sexual harassment sought help through formal institutional processes, Cahan estimated that between 6,818 and 15,000 cases of sexual harassment in housing may have occurred between 1981 and 1985 (the period of time that the survey results covered).

A smaller number of centers provided Cahan with specific information about the income of the victims and the nature of the harassing conduct. The victims were overwhelmingly poor, with 75 percent earning less than \$10,000 per year and 23 percent earning between \$10,000 and \$20,000 per year. More than two-thirds (67.7 percent) of the complaints involved a landlord requesting some form of sexual activity, nearly 39 percent involved abusive remarks, and 34 percent involved unwanted touching. Cahan did not elicit additional information about the women, such as race or age, nor did she elicit any information about the perpetrators. Cahan asked about the size (number of units) and type of housing in which the women lived, but her questions were limited.

Although her article was groundbreaking, Cahan's study is of limited use in determining true prevalence due to her reliance on reported complaints to fair housing centers and, even then, only the centers that responded to her survey rather than a population sample. Sexual harassment is notoriously underreported in other settings such as the workplace (Johnson, 2016; Welsh and Gruber, 1999), the military (Chema, 1993), and academia (National Academies, 2018).

The only other prevalence study of sexual harassment in housing was conducted more than 20 years ago in Canada. In 1991, a doctoral student in sociology, Sylvia I. Novac, mailed surveys to 1000 rental households in Ontario (Novac, 1994). She received 352 useable surveys from the responses, and of these surveys, 25 percent of the respondents reported experiencing sexual harassment in housing.

Again, this methodology which relied on returned surveys, failed to measure true prevalence. Moreover, the survey questions were based on workplace sexual harassment and may not have adequately sampled the type of sexually harassing behaviors experienced by tenants. For example, in an open-ended portion of the survey, 29 percent of respondents reported that their landlord had entered their home without notice. Although unauthorized entry into the home is not necessarily indicative of harassment, it may constitute part of a pattern of harassment and intimidation. Similarly, behaviors such as refusing to allow women to have male visitors, looking through windows, or being abusive toward household members are types of harassment unique to the housing context that will not be captured in a typology based on employment harassment.

Recent Studies

Two more recent studies did not seek prevalence data but instead examined existing cases and complaints to determine common characteristics of harassment, victims, and perpetrators. In 2005,

⁷ Thus, the survey answers were not provided by the victims but by the organization based on the material contained in their files.

Drs. Maggie Reed, Louise Fitzgerald, and Linda Collinsworth reviewed deposition testimony given by 39 victim-witnesses in three cases prosecuted by DOJ (Reed, Fitzgerald, and Collinsworth, 2005). The authors then analyzed all published federal sexual harassment in housing cases that contained details about the sexually harassing conduct (a total of 18 cases). They compared the conduct described in those cases with the conduct found in their deposition sample and noted a significant overlap.

Between the reported cases and the depositions, the researchers identified 389 separate instances of misconduct. These instances were then grouped generally into three categories: (1) gender harassment (sexist hostility), (2) unwanted sexual attention (sexual behavior and imposition/assault), and (3) sexual coercion (sexual threats and bribery). The authors found that the majority of the instances were classified as unwanted sexual attention (60 percent), followed by sexual coercion (18 percent), and gender hostility (13.9 percent). These findings were in dramatic contrast with similar research done in the employment context where most harassing behavior (59.5 percent) fell into the gender hostility category. Unwanted sexual attention (36.9 percent) was the second most frequent type of conduct in the workplace sample, whereas sexual coercion (3.6 percent) barely registered. The researchers concluded that sexual harassment in housing was much more likely to consist of unwanted sexual attention and sexual coercion when compared with sexual harassment in the workplace, which was much more likely to consist of gender hostility with very little sexual coercion. This study did not focus on victim or perpetrator characteristics and did not analyze the type of housing the victims were living in at the time.

In 2008, Dr. Griff Tester analyzed 137 housing sexual harassment complaints made to the Ohio Civil Rights Commission (OCRC) between 1990 and 2003 (Tester, 2008). He was the first to obtain data on the race of the victims and perpetrators and found that 68 percent of the reported victims were Black or “other women of color” whereas virtually all the perpetrators were White men. The type of housing in which most of the harassment occurred were private rentals as opposed to public housing, although OCRC files were not clear whether the victims were using Housing Choice (Section 8) Vouchers at the time. The landlords tended to represent small, privately owned housing as opposed to large rental companies with structured management and procedures. OCRC did not collect specific data about the complainants’ socioeconomic status, although information in the files indicated that many of the women were poor and in need of housing assistance.

Both studies contributed valuable insights into the nature of sexual harassment in housing claims.⁸ The 2005 study was significant because it was the first to rigorously analyze the harassing behavior and to compare sexual harassment in housing claims with sexual harassment in employment claims. The 2008 study was valuable because it was the first to analyze the perpetrators, the type

⁸ A third, relatively recent, study also addressed a subset of housing harassment: sexual assault and rape. In 2006, Theresa Keeley, an attorney at the National Law Center on Homelessness and Poverty, sent a survey to rape crisis centers and sexual assault advocates asking if they had ever received complaints from tenants alleging rape or sexual assault by a landlord. Recipients of the survey were encouraged to share it with others and it was widely circulated. Of the 112 surveys that were returned, 58 percent described at least one tenant report of sexual assault or rape by a landlord in the previous year. The returned surveys contained 161 tenant complaints as some surveys described more than one report of harassment (Keeley, 2006). Because the survey was not distributed in a controlled way and participation was voluntary, assessing the statistical significance of these numbers is difficult. Nonetheless, they are disturbing.

of housing, and the victim's characteristics, such as intersectional factors like race. Both studies, however, had methodological limitations because they relied on reported and/or litigated claims.

In sum, solid information about sexual harassment in housing, particularly prevalence data, remains elusive. Given the methodological limitations of the early studies, which relied on reported claims, filed cases, and survey returns, the basis for a reliable estimate of how often harassment in housing occurs in the population of low-income women is still lacking. Although an analysis of a small set of reported or prosecuted claims gives a sense of what sexual harassment in housing can look like, it is not known how representative these claims are of the "typical" victim's experiences. Significantly, no information is available on the population of women who experience sexual harassment by a housing provider but do not report it. What form does their harassment take? What effect does it have on their lives? Why do they not report it? The answer to this latter question, in particular, is crucial to developing reforms and interventions.

The Study

This study attempts to fill this research gap and its results are intended to support more wide-ranging research on this topic in the future.

Purpose, Design, and Methodology

The purposes of the study were: (1) to gain an appreciation of the rough magnitude of sexual harassment in housing that low-income women experience; (2) to observe the form(s) that the harassment takes; (3) to get a sense of the characteristics of the women who experience the harassment, the housing providers who perpetuate it, and the housing in which it occurs; and (4) to understand women's responses to the harassment, including why they may not report it and the effect it has on their housing.

A survey instrument in the form of an interview script was devised with these objectives in mind.⁹ One hundred women were individually interviewed during a period of 3 months in Columbia, Missouri. The interviews were conducted by a law professor (a former fair housing lawyer with extensive experience interviewing victims of housing sexual harassment) and a law student with a bachelor of science in social work.¹⁰

Interview subjects were solicited in the office of the Columbia Housing Authority (CHA); they were all either clients of the CHA or applying to be a client. Thus, this study was a convenience sample of women who were low-income and in need of housing assistance at the time of the interview.¹¹ The subjects were selected as follows: every woman who came to the CHA reception desk, for any

⁹ The completed surveys are on file with the author.

¹⁰ Both interviewers were White women under the age of 40.

¹¹ A decision was made to focus specifically on low-income women rather than the population of female tenants, and only women were interviewed. This decision was primarily because, as described in the text, both logic and the existing evidence indicate that sexual harassment in housing is primarily experienced by low-income women whose housing options are limited. Determining the prevalence of housing harassment among the population of all female renters, or all people, might be the subject of future research.

reason, was asked if she wished to participate in a survey about her “experiences with housing”¹² and would receive a small cash payment (\$20) for participation. Interested subjects were then referred to the interviewer.¹³

Of the 100 survey participants, 84 percent identified as Black or multiracial, 15 percent as non-Hispanic White, and none as any other racial or ethnic group. This representation is not consistent with the racial make-up of CHA clients and applicants, who are more evenly distributed between Black and White. CHA records indicate that 56.8 percent of the residents are Black, whereas 41.8 percent are White.¹⁴ Similarly, CHA reports that Blacks constitute 70 percent of applicants for vouchers and 51 percent for public housing, whereas Whites constitute 24 percent and 45 percent, respectively. According to HUD data, in Missouri, Blacks constitute 41 percent of public housing residents and 59 percent of voucher-holders; in the United States as a whole, Blacks constitute 41 percent of public housing residents and 47 percent of voucher-holders.¹⁵ Although nothing was done to consciously bias the interview pool, this method was a sample of convenience and a statistically representative sample was beyond the scope of the project.

The interviews were conducted in a private conference room in the CHA office. The only people present were the interviewer and the subject. At the beginning of each interview, the subject was informed that the interviewer worked at the University of Missouri and was not affiliated with the CHA in any way. Subjects were further informed that their answers would be confidential and their surveys kept anonymous.

After a number of background questions, the interview subjects were asked if they had ever¹⁶ experienced “sexually inappropriate” behavior from a landlord, including specific conduct that would likely constitute sexual harassment such as inappropriate touching, sexual comments, and requests for sexual activity. An additional category for “other inappropriate behavior” was included that allowed the subjects to describe other behaviors that made them uncomfortable but were not included in the list.¹⁷ The interview subjects were also asked if they had ever experienced “annoying or disturbing” behavior from a landlord, including specific conduct that might be part of a pattern of sexual harassment such as the landlord prohibiting male visitors, looking through the windows,

¹² The reasons that the women were in the CHA office varied. Most were there to fill out paperwork or to meet with caseworkers.

¹³ It is not known what percentage of women who were given the opportunity to participate in the interview actually chose to do so. On most days, however, a long line of subjects were waiting to participate. Every interview subject completed the interview, which is to say that no one dropped out or reached a point where she refused to continue.

¹⁴ The data are provided as part of the City of Columbia’s Consolidated Plan provided to HUD as part of the Community Development Block Grants and HOME Investment Partnership Program. See <http://www.columbiaha.com/wp-content/uploads/2018/10/CHA-FYE2019-PHA-Plan-HP-Final-2018-10-16.pdf>.

¹⁵ The data can be found in HUD’s Resident Characteristics Report at <https://pic.hud.gov/pic/RCRPublic/rcrmain.asp>.

¹⁶ It is important to underscore the fact that survey participants were asked about their lifetime experiences. This term is significant because, although virtually all the women interviewed were clients of the Columbia Housing Authority at the time of the interview, all those who reported harassing conduct experienced it prior to becoming clients of the Columbia Housing Authority.

¹⁷ The specific behaviors were identified as behaviors which were likely to constitute sexual harassment based on the research described in the previous section and a review of published cases. The survey question avoided using the legal term “sexual harassment” and instead used the term “sexually inappropriate behavior,” in order to allow the respondents to identify conduct that they personally found to be offensive or problematic, even if it might not reach the legal definition of sexual harassment.

or entering the unit unannounced. Any woman who answered affirmatively was then asked whether she believed these behaviors were “sexual in nature” and/or done “because [she is] a woman.”¹⁸

Women who responded affirmatively to any of the questions indicating sexual harassment were then asked several followup questions in which they were prompted to describe:

- the conduct in detail, including frequency;
- their own characteristics, including how old they were, other occupants in the household, and their source of income at the time the conduct occurred;
- the type of housing they were living in at the time the conduct occurred, whether it was public housing, private rental housing, or some other type of housing (such as project-based Section 8 housing, a homeless or domestic violence shelter, or another institutional setting); if the woman was living in private rental housing, she was asked whether she received a Section 8 Voucher;
- the characteristics of the perpetrator, including estimated race, age, and role in the housing (that is, whether he was the owner, a manager, or a maintenance worker) at the time the conduct occurred;¹⁹
- their responses to the conduct, including whether and to whom they reported it, results or outcomes of reporting, reasons for not reporting it, and any lasting emotional or psychological effects the experience had on them.

Results

The study’s results were at times consistent with prevailing assumptions about sexual harassment in housing. In other ways, the results challenged the accepted knowledge and provide insight into the way harassment in housing “typically” manifests, who it involves, and what happens as a result.

Frequency, Severity, and Type of Conduct

Of the 100 women interviewed, 16 gave responses indicating that they had experienced some type of sexually harassing or otherwise problematic conduct. These surveys were then sorted according to whether the conduct described would likely constitute actionable sexual harassment under current federal caselaw. Actionable claims were those likely to survive a motion to dismiss for failure to state a claim.²⁰

Ten women described conduct serious enough to meet the legal standard for sexual harassment or at least support a legally actionable claim. The other six women described conduct that they

¹⁸ These questions were asked in order to distinguish ordinary disputes between landlords and tenants from situations that potentially involved sexual harassment.

¹⁹ Race and age had to be approximated by the respondents based on their observations of the perpetrator.

²⁰ This determination was complicated by the fact that, for hostile environment sexual harassment, there is no bright-line rule but rather a standard—“severe or pervasive”—which may be applied differently by different courts. Although a few cases classified as “actionable” were borderline—that is, the women could have stated claims but might not have prevailed on the merits—most were quite clearly violations of the Fair Housing Act.

believed was sex-based and that annoyed or upset them but would likely not meet the current legal standard for sexual harassment.²¹

This article will focus on the 10 subjects with actionable claims.²² The following are brief summaries of the conduct they described:

#20: The woman was 48 years old and caring for her granddaughter. Her sole source of income was Social Security Disability Insurance (SSDI). Her landlord said that her rental situation could be “cheaper and easier” if she would give him sexual favors. The landlord watched her home and told her that she could not have male visitors. She did not comply with his requests. She eventually “snuck out” of the house in the middle of the night. She moved in with friends, although this meant she was unable to care for her granddaughter. At the time of the interview, she was applying for public housing.

#21: The woman was 18 years old and in college. She did not have any children, and she lived with a roommate. The landlord asked for sexual acts in lieu of rent and as a way to expedite repairs. He made comments about the woman’s body and kept track of her comings and goings. The woman eventually told him to stop, and nothing else happened.

#29: The woman was 21 years old and unemployed, although occasionally she worked as an exotic dancer. She did not have any children and lived with a boyfriend. Her landlord made multiple demands that she have “oral and regular sex” with him, because she was behind on her rent and threatened her with eviction if she did not comply. He would use his key to enter her apartment, without warning, while she was home, including multiple times while she was in the shower. He touched her in ways she thought were inappropriate. She never acquiesced to his demands and ultimately moved out before he could evict her.

#37: The woman was 21 years old and a single mother of two. She was employed as an aide in a facility for the disabled. She was attempting to rent an apartment. After showing her the unit, the landlord locked the door and asked for oral sex, saying that she could do that instead of paying the security deposit. The woman refused and chose not to rent from the landlord.

#39: The woman was 27 years old and a divorced mother of six. She was paying for part of her rent using a Section 8 Voucher. The landlord told the woman she could avoid paying her portion of the rent if she had sex with him. She refused and continued to rent the apartment.

#41: The woman was 27 years old and worked part-time as a housekeeper. She moved into an apartment with her fiancé after spending 3 months in a domestic violence shelter. The woman’s landlord requested that she have sex with him and watch him masturbate to

²¹ For example, one woman described being “creeped out” by her landlord, because the way he looked at her “was just plain wrong,” but did not provide any specific behaviors that would support a legal claim.

²² A chart with demographic characteristics, claims, and outcomes for each of these 10 women is attached at appendix A.

help pay the rent. He threatened to evict her if she refused. She never complied with his demands, however, on more than one occasion she woke up at night to find him in her house (sometimes her bedroom) masturbating. The woman eventually moved out and went to live with her sister.

#75: The woman was 23 years old and employed part-time as a hotel housekeeper. Her landlord would ask her and her roommate for sex in lieu of rent. He would come into their house uninvited, and he prohibited them from having male visitors. She called the police to make a report about the landlord's repeated unauthorized entry into her apartment. An officer came by to take her statement but did nothing further. The woman eventually moved out and went to live with her mother. Her roommate continued living in the apartment and, according to the interviewee, her former roommate "did what he wanted so she could afford the rent."

#93: The woman was 24 years old, married with three children, and she worked as a hotel housekeeper until she lost her job. Her husband also lost his job, and both were struggling with drug addiction. The landlord said he would reduce the rent if the woman had sex with him. She believed that he was having sex with other women in the complex. The landlord watched her unit, made unannounced visits, and came into her apartment when she was not home and removed items from her underwear drawer. The woman refused the offers of sex for rent and, eventually, she and her family moved out and into a hotel.

#95: The woman was 35 years old, unemployed, and receiving SSDI. She also had a Section 8 Voucher. She was looking at an apartment with her 10-year-old daughter when the landlord made sexual comments and talked about how "sexy" he thought both of them were. He tried to grope the daughter and make the woman sit on his lap, but the woman pushed him away, and she and her daughter ran out of the apartment. She did not rent the apartment.

#99: The woman was 30 years old and a single mother of four who worked as a school bus driver. She had been living in a homeless shelter until she received a Section 8 Voucher. Her new landlord frequently directed sexual comments toward her and asked to watch her engage in "girl on girl" sexual activity with another tenant. She said no, the landlord eventually stopped making advances, and she continued living in the apartment.

Victim Characteristics

The women who reported experiencing harassment by their landlords were likely to be racial minorities. Nine of the ten women who reported experiencing sexual harassment by their landlords identified as Black or multiracial, and one identified as White; thus, 90 percent of the women with positive responses were members of a minority group. This finding is consistent with the population of the survey participants (85 percent Black, 15 percent White). It is important, however, to note that the group of survey participants contained a disproportionate number of Black subjects when compared with the total CHA population as previously described, for reasons that are not clear. Although Blacks are disproportionately likely to be poor, Whites make up a majority of the low-

income people in the United States in absolute numbers. (DeNavas-Walt and Proctor, 2015). Similar trends are evident in rates of housing assistance. (Irving and Loveless, 2015).

The study identified another factor that was not addressed by any of the previous studies—the age of the women at the time they experienced the harassment. Most of the women were young. The median age at the time of the harassment was 25.5. Three of the women were 21 or younger when they experienced the harassment.

Five of the women were caring for children and were the only adults in the household at the time they were harassed. Four of the women did not have children and were living with roommates or boyfriends. Only one household contained both children and another adult (#93 reported living with her husband and three children, but she also reported that she and her husband were dealing with drug addiction at the time).

All the women were low-income, or had no source of income at all, at the time they experienced the harassment. One was unemployed, one was in college and living on student loans and help from her family, two received SSDI payments, and the remaining six were employed in low-wage jobs (three worked as hotel housekeepers, two worked as nurse's aides, and one was a school bus driver). Despite this level of income insecurity, only three of the ten were receiving rental assistance in the form of Section 8 Vouchers—an SSDI recipient, a nurse's aide, and the bus driver. Of the seven who did not receive Section 8 Vouchers, three relied on their wage earnings, one relied on monthly SSDI payments, and three (who were unemployed) relied on assistance from family and friends to pay rent.

The fact only three of the ten were receiving Section 8 Vouchers at the time of their harassment might seem surprising considering that all ten were receiving housing assistance at the time of the interview—either using Section 8 Vouchers or living in public housing. (Indeed, one of the concerns about the project design was that it was likely to oversample women in public or Section 8 housing because the interview subjects were recruited from the CHA office and the vast majority were current CHA clients.) The fact that so few were receiving assistance at the time of their harassment, however, is consistent with the rates at which low-income women, in general, receive housing assistance. Due to resource limitations, only one in four low-income people who qualify for rental assistance in the form of Section 8 Vouchers or public housing actually receives it (Fischer and Sard, 2017). These study findings run contrary to assumptions made by other commentators about the population of women at risk for sexual harassment in housing. Some scholars assert—without evidence—that women are more likely to be harassed if they use vouchers or live in public housing (George, 2016; Maxwell, 2006; Reed, Fitzgerald, and Collinsworth 2005). Although the numbers involved in this study are too low to draw any assumptions, they suggest that receiving housing subsidies does not make low-income women more likely to be harassed than other women. On the contrary, it appeared that receiving a housing subsidy or other financial support actually made it easier for some of the women in the study to reject their landlord's advances and remain in their housing.

Perpetrator and Housing Characteristics

The perpetrators of the harassment were much different, demographically, than the women who were targeted. They were more evenly distributed by race with five who appeared White and five who appeared Black.²³ Perhaps the most dramatic difference was age. Although their exact ages were not known, the women estimated the ages of the perpetrators in each case, and all were estimated to be between the ages of 40 and 70, with an average estimated age of 50. In all but one case, there was at least a 10-year estimated age difference between the woman and perpetrator.

As noted previously, all the cases involved private rental housing; none of the women were living in public housing, project-based Section 8 housing, or group setting housing, such as a shelter, at the time they experienced the harassment. These findings are also consistent with the results of Dr. Tester's study; most of the reported complaints he found were in private rentals, although he could not determine whether the rentals were participating in the Section 8 Voucher Program (Tester, 2008).

All the women believed that the person who harassed them was the owner of the property and also served as its manager. This status meant that the landlord did not employ a property manager or management company and was the sole point of contact for the women with respect to their housing.

Responses and Consequences

Only one woman (#75) attempted to report her situation to someone in a position of authority. After her landlord repeatedly asked her for sex in lieu of rent and came into her apartment uninvited, she called the police. The police came to her apartment and interviewed her. She was not aware of the police taking any further action. The remaining women did not report the inappropriate behavior to anyone. This response is consistent with research findings of sexual harassment in other contexts, such as the workplace and academia. In the study, the most common reasons given for failure to report were that the woman did not know where, or to whom, to make a report (five women); did not want to jeopardize her housing situation (four women); or did not want to involve others in the situation (three women).

The emotional and, in some cases, physiological consequences for the women could be quite serious. All reported feeling negative emotions at the time of the harassment, ranging from anger, shock, depression, shame, and disgust. Five women also experienced physical symptoms such as sleeplessness, stomach upset, headaches, and anxiety.

Four women reported experiencing serious and ongoing emotional problems. For example, #93 described how the harassment brought up issues related to molestation she had experienced as a child. The harassment also exacerbated her drug use, about which she was deeply ashamed. Moving her family into a hotel was extremely stressful, and her relationships suffered. She became seriously depressed and attempted suicide. Ten years later she still struggles with depression and trust issues. One participant, #41, reported that the harassment caused her relationship with her fiancé to fall apart. Even 15 years later she still feels intense anger and disgust about what

²³ These observations were based on the characterization of the landlord's race by the women, who were asked to state what race the person appeared to be.

happened. One woman, #75, experienced extreme anxiety, sleeplessness, and stress, particularly due to the fact that her landlord repeatedly entered her apartment without authorization. She felt helpless when the police apparently took little action after her report. Twenty years later she still feels paranoid in her apartment and mistrustful of landlords. Another woman, #20, reported that 2 years later she still “prays every day, just trying to forget” her landlord.

Analysis and Implications

The findings, although based on a small number, reveal some important insights about sexual harassment in housing. In particular, virtually all the women reported being asked by their landlords to exchange rent for sex. This harassment took place against a backdrop in which several of the women were having difficulty paying their rent; thus, an eviction for cause was a credible threat. Whether or not a woman was able to rebuff the landlord’s advances and also remain in her housing appeared to come down to whether she had assistance, usually through a HUD voucher, to pay her rent.

In addition, all the landlord-perpetrators appeared to own and operate their properties themselves, without the sort of oversight one might find in a large rental management company or more institutionalized setting.

Analysis of the Findings

The Conduct

Eight of the ten cases involved explicit requests or demands by their landlords to trade sex for rent (#20, #21, #29, #37, #39, #41, #75, and #93). A ninth woman (#99) described being subjected to repeated sexual comments and requests by her landlord, although she was never specifically propositioned to trade sex for rent. Five women described landlord behaviors that also fall into the hostile environment category and are likely criminal in nature, including: home invasion (#29, #41, #75, and #93), indecent exposure (#41), and sexual battery of a child (#95).

Sexual Requests: The Reality of Low-Income Housing

All 10 women identified in the study were subjected to sexual overtures by their landlords. Most landlords were explicit about trading rent for sex, and some made aggressive or repeated advances. All the women rejected these overtures. None of the women reported any direct, tangible, negative actions taken by the landlords because of their refusals. In other words, none of the landlords evicted or failed to rent to a woman because she refused his advances.

This finding is not to say that the sexual harassment had no effect on their housing situations. On the contrary, two women (#39 and #95) refused to rent the apartments they had been considering after their prospective landlords crudely propositioned or groped them, and five women (#20, #29, #41, #75, and #93) ultimately moved out of their housing after their landlords propositioned them.

The fact that the landlords never took negative action is important for several reasons. Because the landlords took no tangible, negative action against the women, under existing Supreme Court

caselaw, their cases would be classified as alleging hostile environment harassment.²⁴ In order for conduct to constitute a hostile environment, it must be considered severe or pervasive. Thus, the legal question for a court analyzing the issue would be whether the described behavior rises to the level of “severe or pervasive” conduct. This showing should easily be met by the women who also alleged serious and/or criminal behavior such as indecent exposure, home invasion, and sexual battery. For one-half of the women, however, the sexual requests were the only form of harassment they experienced.

Such requests are undoubtedly offensive, as any random request for sex from a relative stranger would be. They take a much more sinister character, however, in light of the vulnerable position the women were in at the time their landlords propositioned them.

Indeed, all the women in the study were in tenuous financial positions at the time they were harassed. Although they were all low-income, only one of the ten was receiving Food Stamps or Supplemental Nutrition Assistance Program (SNAP) benefits and none was receiving Temporary Aid for Needy Families benefits. Four women had help paying their rent. Three had a portion of their rent paid through the Section 8 Voucher Program. Two of those three were also working, and the third received SSDI. The fourth was a college student who was receiving student loans and help from family. The remaining six women had no rental assistance, from neither government nor family, at the time they were harassed. Two were unemployed and had no source of income, one received SSDI, and three were working.

All the women who worked had low-wage and/or part-time jobs that were almost certainly insufficient to pay for market-rate housing on the private rental market. For example, in Columbia, Missouri, a person earning minimum wage would have to work 76 hours per week, 52 weeks per year, to afford the rent on a two-bedroom apartment. In fact, as the National Low-Income Housing Coalition (NLIHC) has exhaustively documented, there is no state in the United States where a low-wage employee, working full-time, can rent a two-bedroom apartment at the 40th percentile of area rents without spending more than 30 percent of her income on rent (NLIHC, 2017).

Consequently, the six women in the study who were not receiving Section 8 Vouchers or other rental assistance had difficulty consistently paying the rent for their apartments—a fact their landlords should have known at the time of the lease. This information is significant because a woman who received rental assistance appears to be more likely to remain in her housing after the harassment occurred.

Five of the six women who had no assistance (#20, #29, #41, #75, and #93) moved out of their apartments after the harassment. The sixth (#39) never rented the apartment because the harassment occurred while she was viewing the unit. The circumstances described in the interviews make clear that all were having difficulty making their rent payments. After declining the “option” of sex in lieu of rent, all five moved out, most to a less desirable housing situation. Although it is accurate to say that the landlords did not directly evict these women for their refusals, it is also misleading to conclude that their refusals had no effect on their housing status. Although the landlords would have had legitimate grounds for eviction due to failure to pay rent, if

²⁴ *Burlington Industries v. Ellerth*. 524 U.S. 742, 753-54 (1998)

the women had acceded to the landlord's requests, then they presumably would have been able to remain in their homes.

Three of the women were receiving vouchers or other assistance when they were propositioned. The two women who were renting with Section 8 Vouchers²⁵ (#39 and #99) and the woman who was renting with student loans and family support (#21) also declined sexual requests from their landlords but did not move out of their housing. None of them indicated having difficulty paying the rent. If the women were not in arrears on their rent, then their landlords lacked legitimate grounds to evict them.

Thus, it appears that the women who had resources to help them pay rent were able to turn down their landlords' requests without jeopardizing their housing situations. The women who did not have such resources faced a much harder choice because, for them, saying "no" meant having to move or be evicted.

Other Conduct

Five of the women described additional harassing conduct, including unauthorized entry and/or home invasion (#29, #41, #75, and #93), indecent exposure (#41), and unwanted touching (#29 and #95, the latter involving the woman's 10-year-old daughter). Much of this behavior is likely criminal in nature. The home invasions are particularly disturbing. One woman (#29) came out of the shower to find the landlord inside her apartment multiple times. Another (#41) woke up at night to find her landlord in her apartment masturbating. Even apart from these dramatic episodes, simply having a landlord who would let himself into their apartments without warning was extremely unsettling to these women. This behavior was particularly disturbing because these women had been sexually propositioned by these same landlords. This combination—unauthorized entry coupled with sexual propositions—was terrifying to all the women who experienced it.

Lack of Oversight

All the harassment took place within private rentals, not in public housing, homeless shelters, or other institutionalized settings. Three of the ten women were using Section 8 Vouchers to help pay for rent at the time they were harassed, so there was at least a Housing Authority involved in overseeing the rental. In the remaining seven cases there was no governmental, administrative, or charitable entity involved in the rental relationship.

It appears that the perpetrators are likely to be independent owner-operators—that is, landlords who both own and manage the properties without using a rental manager or management company. All 10 of the women reported that this situation was the case. This finding is also consistent with Dr. Tester's study, which observed that most of the offenders were landlords who both owned and managed their properties (Tester, 2008).

²⁵ A third woman, #95, also had a voucher, but she and her young daughter were harassed while looking at the apartment and, as a result, she never actually rented from the landlord. She was also not explicitly propositioned by the landlord.

This conclusion makes sense if it is assumed that a larger, more formal management apparatus—of the sort that one would find either with public housing or with a private rental management company—is more likely to contain some oversight and accountability mechanisms. The tenants might have multiple points of contact with different employees, the employees would have supervisors, and decisionmaking power about various aspects of the tenancy (rent payments, repairs, lease status, and so on) would be less likely to rest with a single person. In the owner-operator scenario, particularly where the tenant is not using a Section 8 Voucher, no mechanisms are in place.

This conclusion is not to suggest that harassment does not occur in public housing or other institutional settings—*anecdotal evidence and caselaw shows that it does.*²⁶ The same goes for harassment committed by employees of rental management companies.²⁷ On the whole, however, it seems that sexual harassment in housing is most likely to occur in a specific setting—private rentals—and that it is carried out by a specific type of perpetrator—a man who both owns and manages his properties and who is operating without oversight or accountability.

Lack of Response

It is striking that essentially nothing happened to the landlords who committed the harassment. The only woman to make any sort of complaint called the police who apparently took little action. This result is not surprising. Police are trained to investigate criminal activity. They may well view a complaint from a woman about her landlord as a landlord-tenant dispute and not a law-enforcement matter. Police officers may view the property as belonging to the landlord and therefore may be less willing to take complaints of home invasion by landlords seriously. Much of the law review literature about police involvement with landlords and tenants involves the situation in which police are summoned to help evict a tenant. This effect may be magnified by the fact that the complainants are likely to be young, low-income women of color. Unless the police are specifically trained on this issue, they may not be equipped to take appropriate action.

Fair housing organizations and lawyers who specialize in fair housing have the expertise to handle complaints of this nature. HUD also processes sexual harassment in housing complaints, as do state civil rights agencies.²⁸ None of the women interviewed were aware of these resources.

Even if they had been aware of available complaint mechanisms, it is unlikely that the women in the study would have used them. Of the nine women who made no formal complaint, all stated that one reason was their reluctance to jeopardize their housing situation. This rationale was likely a valid concern. As discussed previously, the women who were not receiving rental assistance were having difficulty paying their rent. Their landlords may have had legitimate reasons to evict them but may have held off to extort sex. A complaint from a fair housing center or a HUD investigation could have potentially triggered an eviction. Women with Section 8 Vouchers might not have felt the same danger of eviction but were still likely to be concerned about jeopardizing their vouchers.

²⁶ See, for example, *Banks v. Housing Authority of Bossier City*, No. 11–0551, 2011 WL 4591899, at *1 (W.D. La. Sept. 30, 2011) (female public housing tenant alleged sexual harassment by maintenance technician); *Woods v. Foster*, 884 F. Supp. 1169, 1171 (N.D. Ill. 1995) (female residents of homeless shelter sexually harassed by shelter directors).

²⁷ See, for example, *West v. DJ Mortgage, LLC*, 164 F. Supp. 3d 1393, 1395–96 (N.D. Ga. 2016) (female tenant alleged harassment by landlord's property manager).

²⁸ 42 United States Code (U.S.C.) § 3604 (2012); MO. REV. STAT. § 213.040.1(2) (2016).

If a landlord evicts a woman because she filed a fair housing complaint against him, it can constitute a separate violation of the Fair Housing Act's (FHA) anti-retaliation provision.²⁹ If the record contains legitimate reasons for an eviction, it creates a question of causation for the fact-finder, who will decide the true reason for the eviction. Unfortunately, this aid may come too late for the woman if she has already been evicted.

A private lawyer might file for a temporary restraining order to prevent a complainant from being evicted while her claim is pending. Similarly, it is possible for HUD to authorize the attorney general to go to court to seek temporary or preliminary relief, which is referred to in FHA's regulations as "prompt judicial action."³⁰ If the complainant is in arrears, however, the court may be unwilling to grant such a remedy. Moreover, a woman's difficulty paying rent may provide fodder for a landlord to argue that she is fabricating her complaints to avoid paying.

Ramifications for Policy

These findings suggest a number of policy improvements for targeted outreach and intervention. Ultimately, increasing the amount of affordable housing and housing assistance for low-income families would go a long way toward alleviating this problem.

The Need for More Targeted Outreach and Intervention

FHA and its state law equivalents prohibit discrimination in housing, including harassment in housing,³¹ but HUD and the state civil rights agencies that enforce these laws operate on a complaint-driven model and do not affirmatively regulate private rental housing (Johnson, 2011). In many jurisdictions, there is little oversight of the landlord-tenant relationship. Regulation of rental housing is conducted by local zoning authorities and typically focuses on the physical condition of the properties. Landlord-tenant laws vary from state to state. They usually focus heavily on the particulars of rent and security deposit collection, duties to repair, and eviction procedures.³² They are almost always enforced through litigation (which is typically initiated by landlords against tenants).

Individual owner-operators of private rental housing, who are the likely perpetrators of sexual harassment in housing, therefore exist in a regulatory gray zone. Unfortunately, the women most vulnerable to housing harassment—young, low-income, minority women who are not receiving housing subsidies—are also among the hardest individuals to reach. These women are among the most marginalized in society and have few social, economic, or institutional supports. Serving this population remains one of the biggest challenges for social service providers.

For women who are receiving housing assistance, there are obvious agencies that could provide oversight of landlords and offer resources to tenants who are harassed, specifically the housing

²⁹ 42 U.S.C. § 3617 (2012) ("It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected.")

³⁰ 24 C.F.R. § 103.500(a) (2016).

³¹ For example, 42 U.S.C. § 3604(b) (2012); MISSOURI REVISED STATUTE (MO. REV. STAT.), § 213.040.1(2) (2016).

³² For example, MO. REV. STAT. Chapter 535 (2016).

authorities that implement the Section 8 Voucher Program. The ability and willingness of housing authorities to respond effectively to complaints may vary, however. Although some housing authorities may have effective methods for receiving and acting on complaints, others may be unresponsive to, or even perpetrators of, such harassment (Lussenhop, 2018). As one commentator argues, housing authorities should develop standard procedures for training landlords about their obligations under FHA; educating tenants about sexual harassment; and providing effective methods to receive, investigate, and act on tenants' complaints of harassment. HUD can and should monitor how the housing authorities perform on this basis through its Section 8 Management Assessment Program (SEMAP; Maxwell, 2006).

These sensible measures, however, will only reach the 25 percent of low-income women who receive housing assistance. For the other 75 percent, avenues must be considered for tenant education, regulation, and oversight of the landlord-tenant relationship, and complaint mechanisms that can be made available at a variety of points—particularly at the local level. As a starting point, states could require landlords to make mandatory disclosures to their tenants that clearly spell out the right to be free from sexual overtures by landlords. Local governments could initiate public awareness campaigns designed to reach the low-income population. In addition, local code enforcement authorities could create and operate a hotline to receive complaints from women who have experienced harassment. Hotline information should be available to the women through mandatory disclosures and public education. The hotline would refer the women to appropriate resources and lead to investigations of the landlords who are the subjects of the complaints. Problem landlords could be identified and penalized just as they would for repeated citations about maintenance or habitability.

Similarly, police departments should be trained on how to deal with tenants who allege criminal harassment by their landlords. Specifically, they should be trained to not automatically view such disputes as landlord-tenant problems and to take seriously allegations that the landlord is invading the woman's home.

In April 2018, the DOJ announced a nationwide initiative to combat sexual harassment in housing (DOJ, 2018). The initiative contains three components: (1) a joint task force between DOJ and HUD to coordinate and improve training, data-sharing, and outreach, (2) a toolkit for U.S. Attorney's Offices to use for enforcement, and (3) a public awareness campaign. This project is a welcome move, but DOJ engages in only a fraction of fair housing enforcement. Most enforcement comes from private non-profit housing agencies or state and local government agencies that rely heavily on funding from HUD's Fair Housing Initiatives Program (Schrupp and Olshan, 2005). These agencies provide a crucial service, and their funding must be stronger and more consistent.

The Need for More Affordable Housing and Housing Assistance

Even the most robust interventions are unlikely to bring about significant change without addressing its root cause: the fact that so many low-income women are left to their own devices to find housing in a private rental market that is ill-suited for meeting the existing need.

Experts, advocates, and commentators have long agreed that the United States is in desperate need of more affordable housing and housing assistance for low-income people (Cummins, 2001).

As discussed previously, 75 percent of people who qualify for housing assistance do not receive it because of resource constraints. Waiting lists for public housing and Section 8 Vouchers are frequently closed to new applicants, so new families may have to wait for years to sign up.

Although the numbers are small, the study results suggest that the women who were receiving vouchers when they were harassed had better outcomes, in that they were able to remain in their housing. Women with vouchers may have more resources which enables them to move away from a harassing landlord, as well as clearer avenues for reporting the behavior. They may also be less likely to fall into arrears on rent, making them less vulnerable to sexual coercion. Without a subsidy, low-income women who have difficulty paying rent are easy prey for landlords who recognize their vulnerability.

Study Limitations

This project was a small and localized study; its size and scope are not large enough to allow for broad generalization, particularly across different populations and geographic areas. Indeed, the study does not even give a snapshot of harassment in Columbia, Missouri. Although all the interviews were conducted in Columbia, some of the interview subjects stated they had been living elsewhere when they were harassed—usually Chicago or St. Louis—and that they had later moved to Columbia. It seems likely that areas with a shortage of rental housing, particularly affordable housing, would have higher rates of sexual harassment. In order for this theory to be tested, future studies will need to isolate *where* the harassment occurred.

In addition, study participants were not reflective of low-income women as a whole because the study contained a much higher percentage of Black women than the general population in Missouri or in the United States, but no Hispanics or members of other racial minorities were interviewed.

Conclusion

This study allowed for an analysis of sexual harassment in housing through interviews with women who have experienced it, but who never pursued legal action. The women were all low-income at the time they were harassed, and most were quite young. Nearly all reported that they were explicitly asked to trade sex for rent. Five of the women also experienced behavior that would likely be criminal, including home invasion, indecent exposure, and groping. All the offending landlords appeared to be sole owner-operators of their properties and most were significantly older than their targets.

The only woman to report her experience to authorities did so to the police, who appeared not to take any action. The remaining women did not report the harassment because they did not know who to report it to, and/or because they did not want to jeopardize their housing situation. Although none of the women were evicted for refusing to acquiesce to the landlord's requests, five of the women moved out, usually to less desirable living situations. It appears that all five of these women were having difficulty paying their rent, and they moved out before they could be evicted. In contrast, women who were receiving housing assistance did not move out of their housing. Two

women were propositioned when they were looking at apartments to rent, and the experience caused them not to go forward with the lease.

All the women reported feeling negative emotions at the time of the harassment, ranging from anger, shock, depression, shame, and disgust. Five women also experienced physical symptoms such as sleeplessness, stomach upset, headaches, and anxiety, and four women reported experiencing serious and ongoing emotional problems.

These results suggest that sexual harassment in housing exacts a toll on the women who experience it, both in terms of their emotional well-being and in limiting their housing opportunities. They suggest the need for more targeted outreach to low-income women who may be victimized and more oversight of landlords who may operate with little accountability. Greater access to affordable housing and housing assistance would almost certainly provide women like those in the study with an improved ability to avoid and escape harassment without placing their housing situation at risk.

Many research questions on this subject still need to be answered. In particular, a large-scale study is needed to determine how prevalent this problem is for low-income women as a whole and within different subgroups. Future research should also focus on a variety of different geographic locations with different vacancy rates, housing costs, and affordable housing options in order to determine whether these factors play a role. A larger study could also seek to identify risk factors among the women who experience sexual harassment in housing, for example, whether having a background of evictions, domestic violence, substance abuse, disability, or criminal convictions is associated with a greater likelihood of harassment.

Finally, future research might explore the prevalence of sexual harassment in housing for all female renters, not only those who are low-income. Other groups may be vulnerable to sexual harassment in housing for reasons other than income (for example, students, military spouses, or non-citizens).

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Appendix A

Exhibit A.1

Demographic Characteristics, Claims, and Outcomes of Subjects with Actionable Claims

Race of Subject	Age	Household Composition	Source of Income	Housing Type/ Assistance	Claim	Outcome	
#20	Black	48	Single, caring for granddaughter	SSDI	Private/No Voucher	Sexual requests in lieu of rent	Moved out (stayed with friends, could not care for granddaughter)
#21	Black	18	Lived with roommate	Family, educational stipends (college student)	Private/No Voucher	Sexual requests in lieu of rent, sexual comments	Remained in housing, conduct stopped
#29	White	21	Lived with boyfriend	Unemployed	Private/No Voucher	Sexual requests in lieu of rent, threatened eviction, home invasion, unwanted touching	Moved out (found another apartment)
#37	Black	21	Single, two children	Full-time employment (aide in residential care facility)	Private/No Voucher	Sexual requests in lieu of security deposit	Did not rent unit
#39	Black	27	Single, six children	Full-time employment (aide in residential care facility)	Private/Section 8 Voucher	Sexual requests in lieu of rent	Remained in housing
#41	Black	27	Lived with boyfriend	Full-time employment (housekeeper)	Private/No Voucher	Sexual requests in lieu of rent, threatened eviction, home invasion, indecent exposure (masturbation)	Moved out (stayed with sister)
#75	Black	23	Lived with roommate	Part-time employment (hotel housekeeper)	Private/No Voucher	Sexual requests in lieu of rent, unauthorized entry	Contacted police. Moved out (stayed with mother)
#93	Black	24	Lived with husband and three children	Part-time employment (hotel housekeeper), lost job due to drug addiction	Private/No Voucher	Sexual requests in lieu of rent, unauthorized entry (taking underwear)	Moved out (stayed in a hotel)
#95	Black	35	Single, two children	SSDI	Private/Section 8 Voucher	Sexual comments to mother and 10-year-old daughter, attempted groping of both	Did not rent unit
#99	Black	30	Single, four children	Part-time employment (school bus driver), SNAP benefits	Private/Section 8 Voucher	Sexual requests, sexual comments	Remained in housing, conduct stopped

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