

Harassment, Intimidation, Coercion and Fair Housing

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Fair Housing Laws

- The TN Human Rights Act (THRA) and the federal Fair Housing Act (FHA) prohibits discrimination in housing transactions, including renting and purchasing housing.

Prohibited Discriminatory Acts

- Refuse to sell
- Refuse to rent
- Refuse to negotiate for the sale or rental
- Make housing unavailable
- Impose different terms or conditions
- Print or publish discriminatory statements

Protected Classes

- Race
- Color
- National Origin
- Familial Status
- Disability
- Gender (sex)
- Religion
- Creed (TN Human Rights Act)

Under the TN Human Rights Act

- It is a discriminatory practice for a person to
 - coerce,
 - intimidate,
 - threaten, or
 - interfere withany person *in the exercise or enjoyment of*, or on account of such person's having exercised or enjoyed, or on account of such person's having *aided or encouraged* any other person in the exercise or enjoyment of, any right granted or protected by the provisions of this chapter. (THRA 4-21-601(d))

THRA continued . . .

- It is a discriminatory practice for a person or for two (2) or more persons to retaliate or discriminate in any manner against a person because
 - such person has opposed a practice declared discriminatory by this chapter or
 - such person has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing under this chapter. (THRA 4-21-301)

The federal Fair Housing Act

- 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 by section 803, 804, 805 or 806 of this title (FHA 818);
- Retaliatory conduct is protected by the Federal Act (see 24 CFR 100.400 (5))

There are NO exemptions

- The general exemptions to the Fair Housing Act & the TN Human Rights Act do NOT apply to acts of interference, coercion, intimidation/harassment or retaliation.

Who is Protected?

Everyone who has . . .

- Exercised or enjoyed his/her right under the THRA or FHA;
- Aided or encouraged others to exercise their rights under the THRA or FHA.

PERSONS ASSERTING A CLAIM UNDER THIS PROTECTION DO NOT NEED TO PROVE HIS or HER MEMBERSHIP IN A PROTECTED CLASS

What is Protected?

Any right granted or protected by the THRA or the FHA, including:

- Filing a complaint,
- Assist in the filing of a complaint,
- Participate in an investigation of a complaint,
- Securing housing,
- Allowing visitors of any race, color, religion, etc., and
- Encouraging others to exercise their rights under fair housing laws.

Prohibited Acts (examples)

- To firebomb the home of a family because of their race in an effort to drive them out of the neighborhood;
- To terminate a person because he/she has assisted a person in filing a housing discrimination complaint;
- To interfere with a developer's attempt to build housing for minorities;
- To threaten or intimidate a home seeker with violence.

Prohibited Acts (examples) cont.

- To threaten legal action or a restraining order on the basis of the complainant's exercising of his/her right to file a housing discrimination complaint;
- Committing acts of vandalism to a person's possessions;
- Actions or exhibits done with the intent to intimidate a person, such as cross burning;
- Sexual harassment.

NOTE: Physical force, duress or actual violence is not necessary – verbal threats are also actionable.

Complaints Filed in Tennessee

- A landlord alleged that he was intimidated and harassed by the homeowners' association when he rented his property to a minority.
- A female tenant alleged that her landlord wanted to have "sexual familiarity" with her and was threatened to be evicted if she did not go out with him.
- A tenant filed a complaint against her landlord's maintenance man for sexual harassment when he came to make a repair.

Complaints Filed in Tennessee

- THRC conciliated a case where a tenant filed a complaint against her downstairs neighbor for harassment because the neighbor made several false complaints of noise based on the tenant's national origin.
- A tenant with a disability filed a second complaint against his landlord for encouraging tenants to complain against him in retaliation for filing a previous complaint.

Complaints Filed in Tennessee

- A person filed a complaint alleging that her former landlord issued a negative rental history because she filed a housing discrimination complaint, but her home was left in good condition and she paid all of her rent.
- The Dept. of Justice entered into a settlement of \$110,000 to be paid to female tenants sexually harassed by a TN landlord.

Other Recent Complaints

- A Massachusetts family is billed by the landlord when children play in an outdoor common area and then are fined when they file a fair housing complaint.

Other Recent Complaints

- On December 17, 2009, HUD charged an Alabama trailer home owner and rental manager with discriminating against a white family by disconnecting their water service and forcing them to leave because the manager objected to a family member's African-American boyfriend.

Other Recent Settlements

- On February 19, 2010, the Dept. of Justice announced that it reached a \$2.1 million settlement of a case alleging that Kansas City apartment managers discriminated in the rental of apartments based on race. The lawsuit also alleged that the defendants retaliated against an employee of the management company by firing her for cooperating with HUD investigators.

How to File a Complaint

- Any person asserting that they have faced discrimination, intimidation, coercion or retaliation based on their protected class or based on their assertion of a right granted by the THRA or FHA may contact the TN Human Rights Commission to discuss the issues and file a housing discrimination complaint.

Contact the TN Human Rights Commission

www.tn.gov/humanrights

Main Office:

- 710 James Robertson Parkway
1st Floor, Suite 100
Nashville, TN 37243
(615) 741-5825 or (800)251-3589
Spanish Line: 1-866-856-1252

Housing Office:

- 531 Henley Street
Suite 701
Knoxville, TN 37902
(865)594-6500 or (800)325-9664