

Sexual Harassment of Low-Income Women in Housing:
Empirical Evidence and Recommendations

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The sexual harassment of low-income women by their landlords is a significant and widespread national problem. It is perpetrated almost exclusively by male landlords and housing providers against women who are poor, usually young, disproportionately minority, and have few housing options. It can have serious consequences for the psychological well-being of the woman and the economic security of her family.

Previously, our knowledge of this phenomenon was anecdotal, arriving through the accounts of advocates and an examination of the cases. I was such an advocate and I prosecuted some of those cases under the federal Fair Housing Act. At the time, I was aware of the research gap that exists on this subject, and I determined to work on the issue when I entered academia. To that end, I have recently conducted the first rigorous empirical study in the United States on sexual harassment in housing. In addition to prevalence data, my study also examined the exact nature of the harassment, victim and perpetrator characteristics, type of housing, consequences of the harassment, and availability of outside assistance for victims.

My presentation will discuss the results of this study, and its implication for legal and policy reform. In sum, I observe that sexual harassment in housing is alarmingly prevalent. It is a direct by-product of a lack of affordable housing options for low-income women. Harassers know that their tenants have nowhere else to go, and exploit their lack of mobility and resources. Victims are likely to experience an intersectionality of factors such as race, class, age, family responsibilities, and disability that contribute to their vulnerability.

Housing harassment is also both more frightening and more economically coercive than harassment which occurs in the workplace. The greater level of fear is due to the fact that it occurs in the woman's home. The victim experiences a violation of her most intimate space by someone who literally holds the keys. Moreover, unlike many workplaces in which women will have HR Departments, co-workers, and other resources, landlord-tenant interactions occur with few witnesses or observers, and no obvious person to complain to. The enhanced economic coercion results from the fact that everyone in the household is affected if they are evicted or forced to move because of the harassment. Women and their families can be made homeless by housing harassment, which makes them even more vulnerable to additional harassment.

A lack of public awareness means that victims usually do not know where to report such conduct. Even when they are contacted, police, housing authorities and social service agencies often do not know how to respond and fail to provide the assistance the victim needs. Even when victims do manage to get their day in court, the law in this area is problematic. It currently borrows heavily from the law of sexual harassment as it was developed in the employment context, in particular when it comes to determining whether the conduct at issue meets the “severe or pervasive” test required to establish a hostile environment. As a result, courts have failed to appreciate the fact that conduct which might not rise to this level in an employment setting may well be much more terrifying and coercive when done inside a woman’s home.

All of this implicates a number of social policy and legal reform efforts. First, the affordable housing crisis takes on a much more sinister aspect when we realize that poor women are literally being raped and coerced into sex in order to keep a roof over their heads. Second, the agencies which do provide affordable housing options – namely HUD and housing authorities that administer the “Section 8” Housing Choice Voucher Program – must be more responsive to this issue. Currently, these agencies have no systematic way for handling sexual harassment complaints, and many of their policies actually trap women in abusive situations. Finally, courts must adapt the sexual harassment doctrines and standards to better fit the housing context. An entirely new legal framework might also be necessary, one which recognizes the invasive nature of the conduct and the relatively helpless nature of the victims and their families.

Housing harassment represents a nexus between gendered violence and poverty. In the wake of the housing market collapse, foreclosure crisis, and rising levels of income inequality, thousands of women and their families are virtual hostages in their own homes, overlooked by policymakers at all levels. Any serious discussion of how to enhance equality for women or to improve conditions for low-income families must address the issue of housing harassment. My presentation and paper will be a first attempt to do so with empirical evidence.