

# Fair Housing Laws and the Provisions Prohibiting Discrimination Based on Gender (Sex)

by Pam Bean, Montana Fair Housing

When I first started this work back in 1994, I figured the last thing I would see very often were allegations of housing discrimination that involved sexual harassment. In a very short time, within only a few months, I was investigating allegations of sexual harassment involving eight women. Montana Fair Housing and the women ultimately filed complaints with the Human Rights Commission for the State of Montana (now part of the Human Rights Bureau/Department of Labor and Industry). The cases all settled in 1999 for more than \$271,000, affirmative duties, and three and a half years of monitoring.



The Gender provisions of the Federal Fair Housing Act as Amended in 1988, as well as the Montana Human Rights Act, prohibit discrimination against a person because of his/her sex. **An applicant for housing cannot be denied because he/she is male or female.**

**These laws also prohibit sexual harassment of an applicant or tenant.** A housing provider cannot condition a rental unit based on someone's willingness, or unwillingness, to exchange sexual favors for rent, utilities, or other housing related services or privileges. Provisions also prohibit a housing provider from creating a "hostile environment." A landlord cannot make jokes or comments about sex, sexual activities, or a tenant's appearance to the extent that a tenant feels uncomfortable and/or unsafe in his or her home.

**If someone is experiencing sexual harassment by property staff or contractors, or another tenant, he or she needs to tell the person that the comments and statements are unwelcome, and ask the person to stop. The tenant should also report the incident to management of the property.**

Federal and State fair housing laws make it illegal to discriminate against someone because of that person's Race, Color, National Origin, Religion, Sex, Familial Status, Disability, Marital Status, Age, and Creed.

## ***Information Provided by Montana Fair Housing***

Montana Fair Housing is a private, non-profit, fair housing organization providing education, outreach, and enforcement activities throughout the state of Montana. Information contained in this article should not be construed as legal advice and does not provide a legal opinion. For further information about Fair Housing laws, contact Montana Fair Housing at 406-782-2573.

**If you feel you have been discriminated against, please call  
Office of Fair Housing & Equal Opportunity  
1-800-877-7353 General Intake  
(303) 672-5248 TDD  
Montana Relay 711**

## ***Why is this information being sent to me?***

The City of Billings applied for and received a Fair Housing Initiatives Program (FHIP) grant to provide fair housing education and outreach services to the community. We hope this information is helpful to you, and feel free to pass the information on!



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