The Civil Rights Department (CRD) is California’s civil rights agency. Among the laws enforced by CRD are the Fair Employment and Housing Act (FEHA) and its implementing regulations.

Harassment on the basis of a person’s perceived or actual protected characteristic is a discriminatory housing practice that is prohibited by California law. Some examples of protected characteristics include: Race, National Origin, Sexual Orientation, Gender Identity, Sex, and Disability. Housing providers – including landlords, property management companies, emergency shelters, and homeowner associations (HOAs) – are liable for their own conduct, and the conduct of provider’s employees or agents that results in harassment or any other discriminatory housing practice. In addition, housing providers can be liable for failing to take prompt action to correct and end harassment by a third party, such as another tenant.

To assist housing providers, tenants, residents, and others understand and comply with California Law, CRD is providing answers to frequently asked questions about harassment between tenants.
My tenant says another tenant has been harassing her, calling her racial slurs and telling her to go back to where she came from. What are my obligations with respect to tenant-on-tenant harassment?

In addition to being liable for harassment by an employee or contractor, housing providers are also liable for harassment by a third party, such as another tenant, where the housing provider knew or should have known about the discriminatory conduct and has the power to correct it.

This means landlords, property managers, HOAs, emergency shelters, and all other housing providers have a duty to correct and end discriminatory housing practices, including harassment, committed by third-parties (such as other tenants, other residents, or contractors hired by the housing provider) if they knew or should have known about the discriminatory practice. A victim of harassment could include a tenant, resident, an invited visitor to the property, or an independent contractor of the housing provider, such as a gardener or plumber. Housing providers must take prompt action to correct and end instances of harassment and discriminatory conduct by third-parties.

The power to correct and end harassment by a third party may come from a lease, residential agreement, apartment rules, common interest development document, contract, or other authority. For example, a residential lease or the Covenant, Conditions, and Restrictions (CC&Rs) governing a housing association may have express anti-harassment, anti-nuisance, and/or quiet enjoyment provisions. Moreover, in California, every residential tenancy contains an implied covenant of quiet enjoyment that may be violated by not only the lessor but also by third parties, such as other tenants.

As a housing provider, you have the obligation to do an investigation and see if your tenant is correct about the tenant’s actions constituting harassment. This obligation also extends to investigating the actions of housing provider contractors, such as gardeners, or repair staff. If they are correct, you must take steps to correct this, and ensure your tenant can enjoy their tenancy free of racial, or other, harassment. Some counties offer free mediation services – check with your Consumer & Business Affairs department. Take steps to ensure your offending tenant knows you are doing an investigation and that such conduct is a potential breach of his/her tenancy obligations. Send correspondence to this tenant, advising him/her of your investigation and of his/her potential breach. Offer to send information on any programs that your tenants or contract staff who may have engaged in harassment can both access in this case, from mediation to cultural proficiency training. Post messaging that indicates your property is a “hate-free zone” in the common areas. If the conduct continues, send additional correspondence informing your tenant or contractor who is engaging in harassment that the tenancy or contract is at risk, and that you will have to consider sending a notice to quit their tenancy or terminate their contract. Continue to investigate with your tenant, to ensure that tenant feels safe and heard. As a housing provider, you have an obligation to comply with the Fair Housing and Employment Act.
How do I know my tenant is right about whether the harassment is offensive and requires action? What does harassment between tenants that I have to respond to look like?

In the housing context, harassment falls into two categories: “quid-pro-quo” and “hostile environment.”

QUID-PRO-QUO harassment typically involves an unwelcome request or demand that a person engage in conduct as a condition of obtaining or maintaining housing or housing-related services. Quid-pro-quo is Latin for “this for that.” For example:

- A tenant tells another tenant that they will report the unauthorized occupants living in the tenant’s unit unless the tenant goes on a date with him.

In this scenario, the conduct is unlawful whether or not the tenant submits to the demand.

HOSTILE ENVIRONMENT harassment is unwelcome conduct that is sufficiently severe or pervasive as to interfere with a person’s use or enjoyment of a dwelling, housing opportunity, or housing-related services or facilities. Hostile environment harassment does not require a change in the terms, conditions, or privileges of the dwelling, housing opportunity, or housing-related services or facilities. For example:

- A tenant repeatedly refers to another tenant with unwelcome racial or gendered derogatory slurs.
- A tenant purposefully obstructs a common pathway so that another tenant, who uses a wheelchair, cannot pass.
- A tenant constantly threatens to tell immigration authorities that their neighbor is undocumented.
- A tenant paints a swastika on the door of another tenant whom they believe to be Jewish.
- A resident at a property run by a homeowner association repeatedly shouts demeaning and unwelcome sexual comments about another resident’s body while at the common pool.
- A group of residents bully and denigrate another resident because they are – or are perceived to be – gay, lesbian, bisexual, transgender, or gender non-binary.
- A tenant regularly yells at their neighbors to only speak English and specifically complains when they play “Spanish music” and not when other tenants play music in English.

It does not matter if these harassers thought they were making a joke and didn’t intend for the comments to rise to the level of harassment; what matters is whether conduct was unwelcome, sufficiently severe or pervasive, and motivated by a protected characteristic. A single act can be sufficiently severe to be unlawful. The aggrieved parties also do not need to demonstrate harm to prove a hostile environment, although mental or physical harm can serve as evidence of a hostile environment.

Also, it is possible for the same conduct to be both quid-pro-quo harassment and hostile environment harassment.
Finally, it is possible that some of the harassment covered here could also be grounds for filing an additional claim with CRD. The Ralph Civil Rights Act forbids acts of violence or threats of violence because of a person’s actual or perceived sex/gender, including pregnancy, childbirth, and related medical conditions, gender identity and gender expression, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, immigration status, political affiliation, or position in a labor dispute (California civil code section 51.7) Additional information about these claims is available here: Ralph Fact Sheet.

3 | What can I do to prevent instances of harassment from occurring between tenants?
To help prevent harassment from happening in the first place, or to correct it before it grows into a bigger problem, housing providers can:

- Revise leases, residential agreements, and other contracts to include an anti-harassment policy and make clear that harassment and discrimination will not be tolerated.
- Communicate at the beginning of the residency and regularly during the tenancy that harassment is unacceptable at the property and complaints will be promptly and fairly investigated.
- Communicate information about anti-discrimination rights and responsibilities through a variety of channels, such as posters in common areas, enclosures in mailings, such as invoices or lease renewal letters, and community newsletters.
- Ensure common areas are well-lit and any security cameras are functional.
- Provide all tenants and residents the contact information for the person who is responsible for receiving and/or investigating harassment allegations.
- Provide training for anyone who handles complaints of harassment. CRD provides a free online training course on preventing sexual harassment and abusive conduct in the workplace that you can access at https://calcivilrights.ca.gov/shpt.
- Move tenants who engage in harassment into another unit if requested by the tenant targeted for harassment. Prompt action to correct and end the discriminatory housing practice may not include any action that penalizes or harms the aggrieved person, such as eviction of the aggrieved person.

4 | How should I respond when I hear about tenant-on-tenant harassment?
Many times, when tenants report harassment they experience from their neighbors, they explain that their housing providers say there is nothing they can do for them. This, however, is not true. Housing providers have a legal obligation to ensure that tenants have equal use and enjoyment of the property. With this in mind, try to prepare a response plan with mediation procedures included. As a housing provider, you have the responsibility to invest time and care into the investigation for the safety and comfort everyone should feel within their homes.

- All complaints of harassment, whether anonymous or not, should be investigated fully.
What You Need to Know: Tenant on Tenant Harassment

- It’s important to attentively listen to any complaints you receive from tenants and demonstrate that you are taking their complaint seriously.
- All efforts to investigate complaints should attempt to maintain confidentiality.
- Depending on the severity of the harassment, you may consider contacting all involved parties to discuss scheduling a time for you to meet with everyone for mediation purposes.
- If the investigation reveals conduct that may be criminal, such as stalking, making a credible threat of violence, or battery, the issue may require the involvement of law enforcement and it would not be in the best interest of the tenant being harassed to attempt mediating with the aggressor.
- If after mediation the harassment continues or worsens, additional steps may be appropriate, such as imposing fines, issuing cease and desist notices, and even terminating the harasser’s tenancy, residency, or work contract, depending on the case.
- All steps of the investigation should be documented.

Additional information for housing providers about how to conduct an investigation of harassment is available in the CRD’s Harassment Prevention Guide for Housing Providers, available on the CRD website.

What are resources for tenants?

Tenants who have experienced harassment by their neighbors, housing providers, or other third parties (e.g. vendors, custodians) can submit a complaint to their housing provider or CRD. They may also submit a complaint through CA vs. Hate throughout the state at CA vs. Hate at 833-8-NO-HATE (833-866-4283) or in Los Angeles County, to the LA vs. Hate program by dialing 211. Tenants should be made aware of their rights to fair housing through the display of posters and easily accessible information.

Posters and flyers that indicates your property is a “hate-free zone” can be obtained free at info@lavshate.org.

- In Los Angeles County, you can go to lavshate.org for information on how your tenants can report acts of hate, or through the Los Angeles County Department of Consumer & Business Dispute Resolution Program. Mediation is free and covers disputes between neighbors, family members or roommates, landlords and tenants or homeowners’ associations. Even if mediation fails, your tenant can still take a claim to court. For information, you can either go to dcba.lacounty.gov/mediation, or you can dial 800-593-8222, or you can call 211-LA or you can contact any of the mediation providers directly at dcba.lacounty.gov/countywidedrp.
- Across the state of California, CRD provides free, voluntary mediation services for discrimination complaints filed with CRD. CRD voluntary mediation is a cost-effective opportunity for parties who agree to mediate to quickly resolve a CRD complaint on their own terms, before investigation begins. To be eligible for mediation, first a CRD complaint must be filed. (If you have an intake appointment, you must complete your intake interview and CRD must accept your complaint for investigation before it can be referred to mediation.) For more information or to request to mediate a filed CRD complaint, please contact the Dispute Resolution Division at DRDOnlinerequests@dfeh.ca.gov.
Tenants may be able to file separate complaints seeking civil remedies, or a means to achieve justice, for persons who have been victims of acts of violence or threats of violence because of race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political affiliation or position in a labor dispute. Available civil remedies include: 1. Restraining Orders 2. Actual Damages 3. Punitive Damages 4. Civil Penalties 5. Attorney Fees. Tenants can learn more about these protections under the Ralph Act here, or by contacting CRD.

CRD is the state agency charged with enforcing California’s civil rights laws. The mission of the CRD is to protect the people of California from unlawful discrimination in employment, housing, businesses, and state-funded programs, and from bias-motivated violence and human trafficking. If you feel you were the victim of discrimination, please contact CRD. CRD enforces the California civil laws that prohibit hate violence by: 1. Investigating complaints; 2. Prosecuting violations of the law; and 3. Educating Californians about the laws prohibiting hate violence, human trafficking, harassment, and discrimination by providing written materials and participating in seminars and conferences.

TO FILE A COMPLAINT

Civil Rights Department
calcivilrights.ca.gov/complaintprocess
Toll Free: 800.884.1684
TTY: 800.700.2320

If you have a disability that requires a reasonable accommodation, CRD can assist you by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or you can contact us below.