

TENANT-ON-TENANT HARASSMENT

FAQ

The Civil Rights Department (CRD) is the state government agency that enforces California laws that protect against discrimination and harassment in housing based on characteristics like race, sexual orientation, gender identity, disability, religion, or immigration status. The law protects people from harassment by their landlord, someone representing or employed by their landlord, or someone else who lives in the same building or complex.

CRD is providing this factsheet about tenant-on-tenant harassment to help tenants understand their rights and to help landlords, property managers, and other housing providers understand their obligations. For more information, check out CRD's Harassment Prevention Guide at bit.ly/CRD-Harassment-Prevention-Guide.

1 | What is unlawful tenant-on-tenant harassment in housing?

Harassment can include unwanted words or behavior directed at someone because of a protected characteristic. Protected characteristics are personal traits, beliefs, or things about a person (or group of people) that are protected by law from discrimination or harassment. Some examples of protected characteristics include race, sexual orientation, gender identity, disability, religion, or immigration status. Often harassment can be threatening, intimidating, or demeaning to the person or people experiencing it. It doesn't matter if the person doing the harassment meant to make a joke and didn't intend for the comments to rise to the level of harassment. Tenant-on-tenant harassment can become unlawful when it involves a "quid pro quo" or creates a "hostile environment." (Questions 2 and 3 provide more information and examples regarding these types of harassment.) Some examples of unlawful harassment between tenants include:

- A tenant repeatedly refers to another tenant with unwelcome racial slurs.
- A tenant paints a Nazi swastika on the door of another tenant whom they believe to be Jewish.
- The owner of a condominium with a homeowner's association (HOA) repeatedly makes derogatory remarks about another resident who is disabled.

2 | Does a landlord have to do something if a tenant tells them they are being harassed by another tenant?

Housing providers must act quickly to correct and end harassment by another tenant when they knew or should have known about it, and where they have the power to correct it.¹ The power to correct and end harassment by a tenant can be found in many leases and other housing contracts in the form of anti-harassment policies or rules. Also, in California, every residential lease contains an "implied covenant of quiet enjoyment." This means that a housing provider must take action to stop tenant-on-tenant harassment that substantially interferes with the harassed person's use and enjoyment of their home.

¹ Cal. Code Regs., tit. 2, § 12010(a)(1)(C).

3 | **"My neighbor said he would report that I have my mother living with me (which is not allowed) unless I agree to have sex with him." Is this harassment?**

Yes. This is an example of "quid pro quo" harassment. This type of harassment usually involves someone making an unwelcome request or demand in exchange for getting or keeping housing or a housing-related service. For example:

- One tenant tells another tenant, who is from another country, that they will report them to immigration authorities unless they agree to let him have their parking space.

"Quid pro quo" harassment is illegal and is a civil rights violation, even if the person being harassed does what is asked of them.

4 | **"A group of men who live in my apartment complex regularly block the walkway when I come in and make sexually explicit gestures and comments about my body. This behavior makes me not want to go home." Is this harassment?**

Yes. This is an example of "hostile environment" harassment, which is behavior that is so severe, or that occurs so often, that it gets in the way of a person's use and enjoyment of their home and housing amenities. For example:

- A woman who is transgender moves into an apartment. Several of her neighbors regularly make derogatory and threatening comments about her being a transgender woman. This makes her so uncomfortable that she decides to move out.
- A mother and her daughter, who has Down syndrome, use their apartment complex's pool several times a week. Another tenant often makes loud and offensive comments about the daughter's disability. The comments are so offensive that the mother stops bringing her child to the pool.

5 | **What are steps a tenant can take when they experience harassment in housing?**

If it is possible and safe to do so, the person being harassed should document the harassment by taking pictures or videos, or writing notes. If someone witnessed the harassment, the tenant should try to get their name and contact information. If the tenant being harassed is comfortable doing so, they should inform their landlord about the harassment in writing, ask the landlord to do something about it, and keep a copy of the request made to the landlord. The tenant can show the landlord this FAQ to help them understand the tenant's rights and landlord's obligations. The tenant might also consider contacting an attorney, such as legal aid, for advice.

In addition, someone who is being harassed can file a complaint with CRD.

TO FILE A COMPLAINT

Civil Rights Department

calcivilrights.ca.gov/complaintprocess

Toll Free: 800.884.1684

TTY: 800.700.2320

California Relay Service (711)

Have a disability that requires a reasonable accommodation? CRD can assist you with your complaint.