



Sexual harassment is prohibited as a form of sex discrimination under the New York State Human Rights Law as well as other federal and local laws. This unlawful conduct may occur in many contexts, including employment, housing, educational institutions, or public places. The New York State Division of Human Rights (DHR) enforces this important law.

WHO MUST FOLLOW THE LAW?

Anyone who sells, rents, or leases housing must follow the Human Rights Law. This includes: **owners, tenants, subtenants, managing agents, real estate brokers and agents, and employees of the above persons.**

WHAT HOUSING IS COVERED?

The Law applies to nearly all housing accommodations. Exceptions include rental units in two-family homes occupied by the owner and rentals in rooming houses occupied by the owner or member of the owner's family.

SEXUAL HARASSMENT IN HOUSING

Sexually harassing conduct can consist of unwanted verbal or physical sexual advances, sexually explicit statements, or discriminatory remarks that are offensive or objectionable to the recipient. This can include:

- requests for sexual favors, which may be accompanied by implied or overt threats;
- subtle or obvious pressure for unwelcome sexual activities;
- verbal harassment or abuse in the form of a pattern of sexual comments or questions;
- unnecessary or inappropriate physical contact;
- displays of lewd photographs or drawings.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute unlawful sexual harassment when:

- submission to such conduct is made (either directly or indirectly) a term or condition of housing;
- submission to, or rejection, of such conduct is used as a basis for decisions affecting one's housing; or
- such conduct has the purpose or effect of creating an intimidating, hostile or offensive living environment.

EXAMPLES OF SEXUAL HARASSMENT IN HOUSING

I lost my job and was not able to pay my rent on time. I asked my landlord for additional time to pay. He said he could not give me extra time but that I could pay him "in the bedroom" instead if I didn't have the money.

A landlord may not use their position of power to demand sexual favors or to "trade" sex for rent or any other condition or benefit of housing, such as maintenance, upgrades, or parking.

The super in my apartment building makes me uncomfortable. He frequently comes to my apartment saying he has to perform maintenance and, several times, has bragged about his sex life and showed me nude pictures of himself on his phone. I complained to my landlord but she told me the super is "harmless."

A landlord may be held liable for sexual harassment in housing when one of their employees makes sexually explicit statements or engages in conduct that is unwanted or unwelcome to a tenant. The employee may be held liable as well.

I caught my landlord peeking in my windows. When I confronted him, he said he was just checking on the condition of my apartment. There is no one else I can complain to and I feel unsafe. I can't afford to move.

If a landlord is engaging in conduct that makes you feel intimidated or offended, this may be considered sexual harassment. This conduct may also be criminal activity and you can contact the police.

FILING A COMPLAINT WITH DHR

If you believe that you have been sexually harassed, you can file a complaint with DHR. Remedies can include monetary damages, compensation for mental anguish, punitive damages, attorney's fees, and civil fines and penalties of up to \$100,000. To file a complaint visit DHR's website, at [DHR.NY.GOV](https://dhr.ny.gov) or call 1-844-862-8703.

