



HSC Membership Meeting Minutes
Virtual Meeting
April 16, 2024 1-2:30PM

❖ **Welcome & Introduction**

- Intros in the Chat

❖ **Presentation by Barbara Oswald- Combatting Sexual Harassment in housing**

- Assistant US Attorney
- US Attorney's Office with Western District, there is also an office in the Eastern district
- 2 primary goals for today: intro to what is sexual harassment in housing, describe efforts that our department can take
- Raise awareness to those who might experience sexual harassment in housing and to advocates/case managers who may work with victims
- Sexual harassment is illegal under the Fair Housing Act, also illegal under State law, but today will focus on Federal Law
- Who might be affected by sexual harassment in housing?
 - Primarily we see single women and/or women with children, can be married women, age doesn't necessarily matter, LGBTQ+, sometimes see men, most low income, public housing authorities, those with Section 8 vouchers or those without, applicants for housing, long-term tenants, typically people who belong to vulnerable or marginalized populations, spotty rental history, criminal record, recovering from addiction, victims of sexual violence, have limited housing choice so may feel they have to comply with what the landlord is doing
- 3 types of harassment that is illegal
 - Quid pro quo
 - Hostile Housing Environment
 - Retaliation
- Quid Pro Quo – offering housing in exchange for sexual favor
 - Apartment is still available if you.....
 - I won't run a credit report if you.....
 - I will make the repairs if you.....
 - You can pay me later if you....
 - I can charge you less if you...
- Hostile Housing Environment (more commonly can prove this)
 - "severe or pervasive"
 - Sexual/suggestive comments
 - Showing pornography
 - Exposing self
 - Repeatedly enters housing
 - Unwelcome sexual touching
 - How did behavior affect the tenant at that time? (change locks, always meet with someone else, may only meet in public areas)
 - Subjectively harassing & objectively harassing – tenant finds it harassing and a normal person would find it so too

- Retaliation
 - Can be hard to prove if the tenant is already behind in rent
- Who does this?
 - Can be anyone who has control over housing – owner, manager, maintenance staff, housing authority staff, etc. Can be small owners or owners with many properties. Rarely it is a one-time occurrence and often-times ongoing for years
 - Happens in rural and urban areas and across the country
- Barriers to reporting
 - Lack of knowledge
 - Fear
 - Shame
 - Worry about not being believed, particularly for women of color
 - People do report to law enforcement, but it is not criminal so they don't know what to do with it (there can be criminal violations, but talking about civil violations today)
- DOJ/USAO Enforcement Under the Fair Housing Act
- Pattern or practice cases – must be multiple victims, with a pattern (can be 2 people to show pattern)
- Sometimes we work with HUD, people can make complaints there within one year of the incident
- Can also make private lawsuit
- DOJ can combine cases into one pattern or practice case, this is advantageous because it can show a bigger picture of what is happening, can reach back farther regarding statute of limitations, can reach back as far as behavior has been going on
- Relief -injunctive & monetary
 - Injunctive is corrective relief, order from the court restricting them in certain ways
 - United States V. Richard and Mary Donahue – Settled in February 2024
 - Janesville, he was harassing women for over 2 decades, owned more than 100 women, identified 13 women, got \$500,000 in monetary damage, \$123,000 civil penalty, they are permanently banned from engaging in property management duties, go through training on Fair Housing and have to report to DOJ for 5 years
 - Main focus is not monetary relief
- Since 2017 have filed 38 cases and over \$11 million in monetary relief
- Difficult for people to report due to past experienced with not being believed, experience with law enforcement, fear of losing housing, often move frequently and can be hard to keep in touch – can take many years to complete investigation
- How does DOJ learn about cases?
 - Referrals through creating awareness
- What does DOJ do with complaints?
 - Contact complainant, conduct interview, encourage them to file a complaint with HUD
 - Does their best to protect identity of victim, have a protective order to prevent names/identity from being public knowledge during legal process, landlord can't have contact during that time either
- Other types of discrimination
 - Race, color, national origin
 - Religion
 - Disability
 - Familial status
- Our office takes these complaints too
- If you are interested in flyers, let Barbara know and she can get info to you
- 1-844-380-6178

➤ fairhousing@usdoj.gov

Questions

- What level of threat would constitute a criminal violation? Would require force on the part of the landlord.
- You mentioned a “reasonable” person would need to see it as a hostile environment. What about a person with high anxiety? Would go towards more the subjective piece. Can look at if it’s a reasonable person who has had similar experiences. Typically, we don’t have to get into the weeds as the behavior is offensive.
- Are there protections for victims if the owner decides to sell the housing? Unfortunately, this work can take housing out of the market and this happened in Janesville, but the City stepped in to help people relocate. Unfortunately, we can’t do anything about this.
- Do law enforcement have contact information for your agency since they can’t act on the info? We have been doing out reach to law enforcement, sheriff’s office, probation & parole officers. Definitely working to get information out.
- When would we call the DOJ vs. using the Fair Housing Center of Greater Madison/Milwaukee? Fair Housing Council will investigate and can advise people on rights, but can’t take action in the same way. I recommend people call anyone they can file a complaint with – HUD, State, etc.
- How does a landlord make sure they are not accidentally doing something prejudicial? A landlord can have a certain background, credit score, etc that is required. And, then should a landlord have a first come first serve standard for the people who do pass the initial requirements? As long as a landlord has set policies and procedures and are applying those consistently across the board, they should be fine. The issue comes in when they are making decisions based on protective classes.
- What next steps do you offer to someone facing harassment & retaliation? At what point should someone move forward? At the point of offense or at eviction? Anyone who is a victim of this type of harassment should make a complaint as soon as they are able. If someone feels unsafe in their home, law enforcement should be made aware. Reporting is the first step and then the investigation will start. Civil and Criminal cases are not mutually exclusive. Most of the time there isn’t a criminal component. There is nothing that prevents anyone from going to both DOJ and law enforcement. DOJ can do criminal cases too.
- Many people send tenants to DATCAP to file a complaint. Do they tell DOJ about the complaint? Historically, they have not referred things to our office, but recently we have been in closer contact and may do training for their staff. Not sure how freely they can share information directly with DOJ.
- How are victims supported during the process? Can’t speak to process with HUD. When someone comes to us, we are all trained in trauma-based interviewing. We have a victim witness coordinator and she will often come in to assist and provide resources. Connects people to Project Respect. We also work with the Main DOJ office in DC where they are well versed in working with individuals. I like to believe we are very supportive, but let me know if you hear that we can be more supportive.
- People who are in programs, transitional housing in hotels, other dwelling situations can be eligible for support around harassment.
- Feel free to contact Barbara Oswald, Barbara.oswald@usdoj.gov, (608) 250-5478

Committee Updates

Committee Meetings - Visit the [Event Calendar](#) for the most up to date info

- **Governance and Nominating Committee** – 1st Tuesday of the month, 2:30pm-4:00pm
 - Continually working on bylaws and specifically the appendix with committee descriptions, working on policies surrounding use of AI in meetings and other policy topics
- **Committee to End Youth Homelessness** – Not currently meeting
 - https://www.canva.com/design/DAF45FusfyQ/de9o6ZUXInQ4wtHZj0stPg/view?utm_content=DAF45FusfyQ&utm_campaign=designshare&utm_medium=link&utm_source=editor
- **Written Standards Workgroup** – 3rd Thursday of the month, 1:00pm-3:00pm

- Working on case management section of standards, started at our last meeting and will continue at the next one
- **HSC Board of Directors** – 1st Wednesday of the month, 1:00pm-3:00pm
 - Updates from City, County, United Way, LEC, YAB, filled a mid-term vacancy, discussed an HSC zoom account which we will work on, discussed our fiscal sponsor, Approved CoC Review and Ranking Policies, approved changes to Written Standards, Approved MOU with Early Childhood Homeless Work Group and Homeless Education Network
- **Doubled Up Work Group** – 4th Tuesday of the month, 3:00pm-4:30pm
 - Did not meet in March, but continuing to work on what we want to focus on, language access and homeless services, Section 42, WHEDA
- **Funders Committee** – 4th Wednesday of the month, 11-Noon
 - Will have some meetings in person
 - Community Plan implementation
 - Revisit past/ongoing tasks
- **Shelter Providers Committee** – 1st Wednesday every 2 months, 9:00-10:30am
 - UW Health on behalf of Healthy Dane Collaborative, held a listening session regarding their community needs assessment, Public Health came to share about their resources around sexual health and other relevant projects
- **Outreach Committee**- 1st Monday of the month, 12:00-1:30pm
 - Mostly shared updates, case conferencing, reimage CE, did survey of topics that committee members felt are important to review and discuss in relation to Unsheltered Homeless Plan, will create future agendas based on this info
- **Core Committee** – 1st Thursday of the month, 1:00pm-3:00pm
 - Overview of System Performance Measures
 - State EHH Allocation gave feedback to provide to dstate on this,
 - Funders Committee provided updates
- **Education and Advocacy Committee** - 2nd Wednesday of the month, 11:00am-Noon
 - Committee hasn't recently met due to lack of leadership/virtual platform, Next meeting will be Wednesday, May 8th at 11AM, let Torrie know if you would like to join the committee
- **Community Plan Committee** – bimonthly on the 2nd Friday of the month, 9:30am-10:30am
 - Reviewed Community Plan process and noted what went well and what could be different in the future. Will meet every two weeks as we work to develop presentation materials about the new Plan. Plan to present at a future HSC Membership Meeting.
- **City County Homeless Issues Committee** - 1st Monday of the month, 5:30pm
 - Did not have quorum for April meeting
 - Working on May agenda
- **Youth Action Board** - weekly on Sunday at 11:00am
 - Focusing on YHDP over the past couple of years, we are now moving into the phase of opening EverStrong System Navigation Center, have location, gone through zoning, now the fun part starts where we open the building and have young people connect to programming and resources
 - Focus on sustainability of funding
- **Lived Experience Council** - Last Friday of the month, 1-2:30pm
 - Working on several things – lived experience questions for funding competiions, revising LEC description, determine best ways to fundraise and ask for support, active in HSC committees

Other Announcements

- Torrie and Linda are working with Dane County funded providers to organize forums for County Executive race. If you have questions that you would like the group to consider asking, please email them to hsc@cityofmadison.com by the end of April.

- Kendra – Solace Friends has passed the inspection and can take referrals
- Amanda with Bear Communities – opening the Flats at 402 (402 Wilson St.) at the end of June/early July will have 50 and 60% set asides, can go to Novation (Senior Property) in Fitchburg to apply in-person, 60 1 and 2 bedrooms will be available, do not have any project based vouchers, but do accept vouchers <https://flatsat402.com/>