THE RELATIONAL AND STATUS FOUNDATION OF GENDER DISCRIMINATION IN HOUSING

DISSERTATION

Presented in Partial Fulfillment of the Requirements for
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By

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* * * * *

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Audit studies of housing discrimination have focused nearly entirely on the exclusion of racial and ethnic minorities. Much less attention, on the other hand, has centered on differential treatment by gender. Given what we know about gender broadly, gender inequalities in other institutional domains specifically (e.g., employment), and the gendered perceptions, meanings, and experiences associated with the home, gender discrimination within the housing context should be viewed as an important topic of research for both social scientists and public policy makers. In this dissertation, I first review literature on housing discrimination and then integrate insights from a broader body of gender stratification scholarship. Resulting theoretical expectations center on potential status variations among women, relational and interactional processes of inequality as applied to housing in particular, and potential exclusionary and non-exclusionary forms of housing discrimination and their implications. My largely qualitative analyses draw on 204 verified cases of gender discrimination and 457 cases of familial status discrimination in housing filed with the Ohio Civil Rights Commission and the U.S. Department of Housing and Urban Development between 1990 and 2003. Results reveal that women, like racial and ethnic minorities, face exclusionary forms of discrimination, but also significant levels of differential treatment and harassment after gaining access to housing. In fact, the preponderance of gender discrimination typically unfolds after women have gained access to housing, and the harassment is often sexual in
nature. In contrast, discrimination based on familial status, strongly impacted by social class vulnerability, is usually exclusionary in nature. Stereotypes and norms about gender, masculinity and femininity, and children and the family set the stage for these forms of housing discrimination. Importantly, however, gender alone cannot explain the discrimination that women face in the housing context. Instead, and as revealed in my qualitative immersion into case files themselves, gender vulnerabilities in housing are compounded in significant ways by social class and racial disadvantages as well as family compositional patterns. I conclude by discussing these results, the generalizability of the inequalities uncovered for understanding gender stratification in other institutional arenas, and the implications of my analyses for both policy and discrimination law.
Dedicated to Chad
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CHAPTER 1

ACKNOWLEDGING GENDER IN THE HOUSING ARENA

Sherry Gregory lived with her daughter in a duplex. In August 2000, Sherry filed charges of gender and familial status discrimination against her landlord, John Davidson, with the Ohio Civil Right Commission (OCRC) and the U.S. Department of Housing and Urban Development (HUD), alleging that Davidson “holds me to different terms and conditions and more stringent conditions than my male neighbors.” Davidson harassed Sherry, her daughter and their guests, and withheld her water bills, which resulted in her water being shut off by the city. He also repeatedly entered her apartment without permission or notice, questioned her about men in her apartment, and threatened to report her to the local housing authority. Finally, he threatened to move into the apartment next to her so that he could “keep his eye on me,” and ultimately refused to renew her lease. The investigation substantiated each of Sherry’s allegations.

As Sherry’s case demonstrates, gender discrimination is a relevant issue in the housing arena. And, considering the significance of housing for women especially, the very real implications of gender discrimination in the housing arena are obvious. Indeed, these implications go well beyond attempts to gain access to housing. Sherry’s landlord initially provided her with housing, which is, in many ways, the main concern of research on housing discrimination. However, as the case reveals, gaining access to housing is
certainly not the only important dimension. Sherry’s sense of security and privacy were violated, and she was harassed in an ongoing manner.

The landlord’s discriminatory actions, and the consequences for Sherry, were directly related to housing. However, Sherry’s experiences speak to broader issues of gender and stratification, including beliefs regarding traditional gender roles (e.g., “provider” of the home vs. provider of children), male dominance and female passivity, women’s lack of privacy, and masculine possessiveness and paternalism.

In this project I specifically examine processes of gender discrimination in housing—processes that, by all indications, are gender based but that also include, very clearly, sexual harassment and discrimination based on familial status. The rich, unique data from which I draw and their accompanying analyses allow for examination of how these forms of discrimination unfold, and also the groups most vulnerable. Moreover, the qualitative richness they offer reveal ways in which forms of discrimination intersect (e.g., relationships between gender discrimination and race, class, etc.) and provide insight into perpetrator behaviors. These foci are important for, and relevant to, policy decisions on equal housing opportunities, and fill a gap in the existing literature. Indeed, contemporary work on housing discrimination tends to focus largely on the extent of exclusionary forms of discrimination and race rather than discrimination’s multidimensional character, both in terms of forms of discrimination and dimensions of inequality (i.e., race, gender, social class, and familial status).

This project also contributes to and extends the literature on gender, sexual harassment, and urban sociology. It does so by demonstrating the importance of analyzing women’s experiences within the housing market and the urban environment,
while incorporating gender into these literatures. The more general gender literature is likewise informed. While gender stratification in the family and economy has received significant scholarly attention, housing has not. Housing, as my analyses demonstrate, is but another institutional arena within which interactional dynamics of inequality play out.

Finally, this project contributes to the literature on the meaning of “home.” Although this literature (Saunders and Williams 1988; Gurney 1997) has taken gender much more seriously, and addresses the public/private divide, I contribute by demonstrating the grey, or nonexistent, line between public-private space when you consider gender and sexual harassment in rental housing. Here, the power dynamics and contexts of sexual harassment in housing are made obvious, and in a manner quite rare in the literature.

**Audit Studies and Urban Research**

Audit studies of housing discrimination have focused almost entirely on the exclusion of racial and ethnic minorities. Seldom, however, have such studies tackled gender discrimination in the housing arena. Similarly, gender scholars have devoted significant attention to discrimination against women in the workplace, but gender discrimination in housing has been largely ignored. The lack of attention to gender in this area is unfortunate, but not surprising. Connell (1987) argues that gender is neglected or marginalized in most research on the classic themes of the social sciences. More specifically, Spain (2002) contends that researchers studying urban spaces have ignored women’s experiences, isolating work on gender and urban space to feminist scholarship.
Women remained absent from theories and urban research even though their ability to control fertility and achieve economic independence, through educational opportunities and increased labor force participation, has impacted urban spaces both in the public realm and the home (Spain 2002; 1992). Black women have also impacted the urban environment, particularly for Black women and their families (Collins 2005). However, their experiences, as women of color, have generally been overlooked or reduced to experiences based solely on race in studies of housing discrimination. The absence of gender in these areas of research is particularly striking because female-headed households have grown and continue to grow, in part because of delayed marriage, longer life expectancy, and higher rates of divorce (Casper and Bianchi, 2002).

**Women, Men, and Housing**

For women, access to housing, historically, has been linked to their relationships with men (Collins 2000). A women’s place, traditionally, has been “in the home,” but that same tradition suggests that the man is the “provider” of the home (Mallett 2004). Even contemoporarily women tend to manage the home but do not economically control it. Men, on the other hand, tend to have authority in the home but little responsibility for many of the tasks that take place in it (Mallett 2004). These historical realities related to the “home”, combined with women’s, especially Black women’s, disadvantages in the labor market and contemporary lack of access to male income (Collins 2005), makes housing a potential site of disadvantage and inequality for many women. As more and more women seek housing alone, especially as the sole “provider” of the home, traditional gender beliefs and stereotypes may become more salient, potentially impacting housing providers’ behavior and actions.
The existing research on the barriers that women face in the housing context, although limited, is consistent with this argument. Single-parent women appear to have limited housing choices and their mobility blocked by barriers such as race, the presence of children, and low income (Cook 1989). Similarly, the United Nations’ 2006 report on Women and Adequate Housing specifically mentions racial and class based housing segregation in North America and emphasizes the importance of recognizing the “multiple [forms of] discrimination” that women face when trying to access and maintain housing, especially single women and single mothers (U.N.2006).

Audit studies reveal that housing providers often prefer men over women with and without children (Galster and Constantine 1991) and that Black women face more discrimination in the housing market than any other group (Massey and Lundy 2001; Fischer and Massey 2004). Women also experience sexual harassment in the housing context, and housing-related sexual harassment may have more serious consequences than in the workplace because perpetrators often have 24-hour access to women’s homes (Reed, Collinworth, and Fitzgerald 2005).

**The Relevance of Housing Discrimination for Women**

Research on gender and housing discrimination is important not only to specifically understand women’s experiences in the housing arena but to better understand the complex and relational nature of housing discrimination. As Collins (2005), citing Cohen (1999), argues “it is problematic and shortsighted to situate race as a primary issue and gender and sexuality as a secondary, less important issues, considering the fact that historically and contemporarily gender and sexuality are central to our understanding of
race and racial inequality.” Likewise, research on women and housing discrimination needs to extend beyond gender and consider other inequalities that impact women in the housing context, such as race and class. Gender, race, and class are systems of oppression that intersect and are mutually constructed of one another (Collins 2000).

Research on women of color highlights the importance of understanding and studying the unique and complex ways that gender and class inform racial inequality and, similarly, how race and class inform gender inequality. Understanding the intersections of gender, race, and class in the housing arena, therefore, is especially important for women of color. Women of color face additionally disadvantages in the labor market, have higher rates of poverty, and have represented a unique link between work and the family historically (Collins 2000, 2005). The economic realities that women, especially Black women, face along with prevailing gender and racial stereotypes may intertwine in unique ways with several implications for inequality and discrimination in housing.

The Chapters Ahead

In the chapters that follow I delve into the very experiences of women and housing discrimination by analyzing two bases of discrimination established by federal and state fair housing laws – gender discrimination, which includes housing-related sexual harassment, and discrimination against families with children. My analyses focus on the processes of discrimination and consider the multidimensional nature of housing discrimination. This includes discrimination that takes place at the door (exclusion) and day-to-day forms of discrimination that take place after gaining access to housing (non-exclusion). In addition, I examine the relationship between gender discrimination and other inequalities, such as race and class, in the housing context. Like audit studies, the
data I use in this study are especially good for understanding processes, or how
discrimination unfolds. However, unlike audit studies, which are only able to study
exclusionary forms of discrimination at early stages of the process (Yinger 1998), these
data allow me to investigate forms of discrimination that take place after the initial
stages.

In chapter two I provide a more elaborate overview of the literature on housing
discrimination against racial and ethnic minorities, as well as the limited literature that
exists on barriers that women face in the residential context. I then turn to research on the
meaning of “home”, which considers gendered perceptions of and experiences in the
home, to establish the relevancy of gender within the home and the gendered ideas and
stereotypes that may result from these perceptions and experiences. Finally, I discuss
research on sexual harassment in the residential context. I draw from the workplace
literature on sexual harassment because of the lack of scholarly attention to this issue in
housing.

In chapter three I discuss and integrate prior literature on housing and theories of
inequality in order to theoretically frame this project and highlight important themes
related to gender that are potentially operating in the housing context. Chapter four
describes the data and methodology used in this study and the characteristics of the
victims and the dimension of discrimination for each basis of discrimination.

In chapter five, I specifically analyze gender discrimination in the housing
context. This analysis calls attention to and highlights the importance of non-exclusionary
forms of discrimination, or discrimination that takes place after gaining access to
housing. I also examine the perpetrators of gender discrimination and discuss the power
that housing providers have, not only to allow or deny access to housing but, in many ways, to control and influence the day-to-day environment of the housing setting. Unlike the relationship between many racial or ethnic minorities and whites, women are integrated with men, living with and around them in the residential context. Therefore, while women will likely experience exclusionary forms of discrimination in the housing context because of gendered stereotypes and the economic realities women face compared to men (Galster and Constantine 1991), I suspect that women will experience more gender discrimination after gaining access to housing. In fact, we know that women are subjected to gender harassment and intimidation in the workplace (Welsh 1999) and vulnerable to these forms of discrimination in most public settings (Gardner 1995). In addition, I suspect that race and class are influencing many women’s experiences with gender discrimination in the housing context. Black women face more exclusionary forms of discrimination than any other group in the housing market (Massey and Lundy 2001; Fischer and Massey 2004) and the same may be true for other forms of discrimination in housing as well.

Protections against sexual harassment in the housing context are encompassed in federal and state laws which prohibit gender discrimination. Research on housing-related sexual harassment is extremely limited, and therefore, many important questions remain. Because of this, and the unique nature of housing-related sexual harassment, I focus specifically on sexual harassment in chapter six. Who are the victims and perpetrators of housing-related sexual harassment? What forms of sexual harassment are present in the housing arena? What is the context of housing-related sexual harassment generally and what is the role of power in this context? How are gender, race, and class related in this
context? I explore these questions by specifically examining cases of sexual harassment. Sexual harassment is about formal (MacKinnon 1979; Cleveland & Kerst 1993) and informal sources of power (Rospenda, Richman, & Nawyn 1998). Landlords possess power in the housing context because of their institutional authority and their specific locations in the gender, race, and class system. Women of color, poor women, and women with dependent children may be more vulnerable to sexual harassment in the housing context because of unique stereotypes about these groups of women and their marginalized position within the same system.

Chapter seven explores discrimination in the housing arena based on familial status – the presence of children under eighteen years of age. As with gender discrimination, I am interested in how other inequalities, such as race, gender, and class, influences familial status discrimination and how this form of discrimination unfolds in the housing context. However, unlike gender discrimination, the bulk of familial status complaints are based on discrimination at the door (exclusionary forms) and, therefore, that is the focus of the chapter.

Understanding the role of race, as it pertains to familial status discrimination, may be especially important. Scholars have shown that white resistance to residential integration is even more pronounced when minorities have children (Emerson, Chai, and Yancey 2001) and whites often express more opposition to school integration than residential integration (Simpson and Yinger 1985). This is further complicated by the fact that housing discrimination impacts neighborhood choices and therefore the types of schools and jobs available to minorities (Yinger 1998). However, this research does not consider how familial status discrimination relates to gender. This seems problematic,
considering that women tend to be primarily responsible for childcare. In addition, there are an increasing number of women having children out of wedlock or deciding to never marry. As a result, women may be disproportionately impacted by discrimination based on the presence of children in the home.

In chapter eight I summarize the findings of the previous three analyses chapters and discuss the implications of this research as they pertain to the literature on and theories about housing discrimination and inequality in the residential context. I also summarize and discuss the implications of this research for theories of gender discrimination and inequality and the research that relates to the public/private divide and women and privacy. Policy implications will also be discussed. I conclude this chapter by discussing future research on women and housing discrimination, as well as the multidimensional and intersectional nature of housing discrimination.

As the above discussion suggests, this project contributes to and extends the literature on housing discrimination, gender, and sexual harassment. It does this first by demonstrating the importance of analyzing women’s experiences within the housing context, while incorporating theories of gender in the literature on housing discrimination. At the same time, this research suggests that gender alone cannot explain the discrimination that women face in the housing context. Such discrimination occurs at the intersections of gender, race, class and familial status. As a result, I argue that if we are going to fully understand housing discrimination, these intersections must be included in our theories and analyses.

Finally, this research highlights the need to examine both exclusionary forms of discrimination and discrimination that occurs after gaining access to housing – forms of
discrimination used to maintain and reproduce status hierarchies. While I use theories of inequality to frame this project, I expand the literature on gender inequality by demonstrating how the housing context is another case where individuals “do gender” (West and Zimmerman 1987) and therefore maintain and reproduce gender inequality. Similarly, my research extends the literature on sexual harassment by examining power and the context of sexual harassment in rental housing, an issue with potentially severe consequences for women that has remained largely unexplored by social scientists.
CHAPTER 2
HOUSING DISCRIMINATION AND
THE RELATIVE INVISIBILITY OF GENDER

Scholarly interest in housing discrimination largely originates from questions concerning persistent patterns of racial and ethnic residential segregation. This interest has proven to be advantageous, given that research has consistently demonstrated that housing discrimination is a key explanatory factor of the residential segregation. As a result, however, audit studies of housing discrimination have focused almost entirely on the exclusion of racial and ethnic minorities. Seldom have such studies tackled gender discrimination and the differential experiences of men and women within the housing arena. Furthermore, these studies neglect the complex and relational nature of inequalities, such as the intersections of race and gender.

Although this is the case, there are important lessons about housing discrimination that can be derived from the audit literature. In fact, the only audit study that specifically examines sex discrimination in the housing market demonstrates that theories of housing discrimination, developed to explain discrimination against racial and ethnic minorities, are useful for understanding sex discrimination in the housing market (Galster and Constantine 1991). Likewise, the findings from telephone audit studies of race discrimination call our attention to housing discrimination against African American
women (Massey and Lundy 2001; Fisher and Massey 2004), even though these studies are framed simply as race issues.

In the discussion that follows, I review the literature on housing discrimination against racial and ethnic minorities and the sparse research that considers gender and/or women’s experiences. I also review the literature on the home, which deals with people’s experiences in the home and meanings they attached to it. This literature pays particular attention to how women and men experience the home differently and the complex meanings associated with the home, especially for women. This research also examines how the home can be experienced and understood differently by people situated within multiple social locations (e.g., class and race). Finally, I review research on housing-related sexual harassment. Due to the fact that there is so little research on this topic, I also review the literature on sexual harassment in the workplace, and use this literature to expand the existing research within the housing context.

These literatures are useful for exploring gender discrimination in the housing context. The audit research calls our attention to the role of stereotypes and prejudice. The research on the home demonstrates the salience of gender, and other inequalities, in the home and highlights the divergent experiences that women and men have in the home. At the same time, this research demonstrates the complex meanings attached to the home, especially for women, which are commonly associated with traditional gender ideas. These traditional ideas may set the stage for gender discrimination and sexual harassment, especially at a time of changing gender roles and family and living arrangements. Finally, these literatures highlight the importance of understand the role of
various actors in the housing market and how these actors can shape and impact individuals’ experiences and meanings.

**Audit Research and Housing Discrimination against Racial and Ethnic Minorities**

Research has consistently demonstrated extensive levels of racial residential segregation, which many leading scholars attribute to discrimination in the housing market and lending industry (Massey and Denton 1993; Yinger 1995; Yinger 1998; Ross & Turner 2005). Much of the research on housing discrimination is based on audit studies, which were designed and originally used by fair housing groups for enforcement purposes. Audit studies are characterized by two, racially distinct, though similarly situated, individual (one minority and one white), testers who are sent into similar circumstances in the housing market. With efforts to control for social and human capital characteristics, such tests have served as an effective way to uncover discrimination and, thus, violations of the law. Although the intent is typically to provide a legal foundation for discrimination suits, audits provide excellent evidence, in narrative form and quantitative and qualitative statistics, on discriminatory practices – practices that are, by their nature, difficult to observe (Yinger 1995; 1998).

Beginning in 1977, HUD launched the Housing Market Practices Survey (HMPS), which conducted 3,264 tests in 40 metropolitan areas. The study provided evidence of significant discrimination against African Americans in sales and rental markets. The results of HMPS played a role in the passage of the 1988 amendment to the Fair Housing Act and demonstrated the need for a second national study (The Housing Discrimination Study), which was launched in 1989 and covered 25 metropolitan areas.
A comparison of the two nation-wide studies demonstrated that discrimination had not decreased between 1977 and 1989 (Yinger 1995).

Since the original study, numerous other housing market audit studies have also been conducted in individual cities (Yinger 1998; Galster 1990a, 1990b). These local-level audits, like national studies, reveal that most African Americans and Hispanics encounter discrimination revolving around housing availability and access to the housing sales and rental markets. As a result, minorities are required to put more effort into obtaining information and completing transactions, accrue higher housing search costs, and resulting in poorer housing outcomes (Yinger 1991; Yinger 1995; Ondrich, Stricker, & Yinger 1998; Ondrich, Stricker, & Yinger 1999). Audit research suggests that housing providers discriminate because of their own personal prejudice and stereotypes (agent-prejudice hypothesis), in addition to the prejudice and stereotypes of their current and future white tenants (client-prejudice hypothesis), who they fear losing if they rent or sell to minorities (Yinger 1998; Ondrich, Stricker, & Yinger 1999).

The discrimination that minorities face in the housing market may be more intense in integrated neighborhoods than segregated neighborhoods and “steering” – suggesting more or less desirable alternatives based on the race of the client – is a common mechanism of housing discrimination (Ross and Turner 2005; Turner, Struyk, & Yinger 1991; Yinger 1986, 1995). African American and Hispanic home-buyers can expect to encounter approximately one act of discrimination every time they interact with a real estate broker (Yinger 1991). Moreover, there appears to be widespread discrimination by landlords, including fewer offers of rental assistance and showing fewer units to minority auditors (Ondrich, Stricker, and Yinger 1999). Similar evidence
is reported from analyses of rental inquiries by telephone (Massey and Lundy 2001), and interactions with mortgage lenders and homeowner’s insurance agents (Squires 2003; Smith & Cloud 1996; Squires & Velez 1988).

Initial analyses from the most recent nation-wide HUD audit indicate that African Americans and Hispanics continue to face significant discriminatory barriers when searching for a home to rent or buy (Ross and Turner 2005). However, rates of overall discrimination appear to have decreased somewhat between 1989 and 2000, with the exception of racial steering of African Americans and limitations in the financing opportunities and access to rental units for Hispanics (Ross and Turner 2005). However, interpreting such declines as straightforward “decreases in housing discrimination” is potentially problematic insomuch as such audit testing can only gauge housing exclusion (Massey 2005). It does not and cannot capture non-exclusionary forms of housing discrimination (e.g., harassment, differential treatment, etc.) illegal under state and federal fair housing laws. It may very well be the case that prevailing forms of housing discrimination may simply be shifting over time – and housing discrimination consequently becomes a “moving target” – as realtors, landlords, etc. have become more astute to exclusion and its illegalities under the law (Massey 2005). The declines may also be a function of changes in state and federal policy that affect the number of complaints filed and/or processed, changes in the overall political climate of the U.S., or budget and funding cuts that have impacted fair housing enforcing agencies.

Clearly, the audit methodology is a useful method for assessing levels of discrimination faced by potential residents. It also addresses some of the very actions and human culpability that scholars such as Gotham (2002) suggest we should be focusing
on. There are, however, obvious disadvantages. Some argue that the individuals conducting the audit may be predisposed to find discrimination (Fix & Struyk 1992), that testers’ characteristics (e.g., work experience, education, etc.) impact the test itself, and that testing samples do not effectively capture the various forms of discrimination that may manifest in the housing market or divergent consumer approaches to housing acquisition (Ross 2002). Audit studies are also constrained by the sampling frame of the study (i.e. units advertised in major metropolitan newspapers), and may not be as useful for studying complex transactions, transactions involving interaction at later stages of a housing transaction, and cases involving adverse impact rather than disparate treatment (Fix & Struyk 1992; Yinger 1998; Ross 2002).

Beyond the limitations noted above, social scientists have seldom drawn from the significant body of audits focusing on other forms of discriminatory housing practices, such as federal protections based on sex and family status (e.g., a single mother with children) – issues that, given complexities of family poverty, single parenthood, and preexistent racial stereotypes, may be especially pronounced for African American women. Indeed, evidence suggests that black and Hispanic couples with children face more discrimination than minorities without children (Yinger 1995; Page 1995). Other work has found that whites oppose school integration more than residential integration (Simpson and Yinger 1985) and that white resistance to integration is even more pronounced among white families with children under eighteen (Emerson, Chai, and Yancey 2001) – two findings that perhaps explain why minorities with children face more discrimination than those without.
Scholars studying housing discrimination have demonstrated that racial stereotypes contribute to the persistence of residential segregation (Massey and Denton 1993; Ross and Turner 2005; Bobo & Kluegel 1997; Farley & assoc 1994; Krysan 2002; Bobo & Zubirinsky 1996). Whites who hold negative stereotypes about blacks indicate that they are more likely to leave an integrating neighborhood and an unwillingness to live among blacks (Krysan 2002; Farley & assoc 1994; Bobo & Zubirinsky 1996). “It is the fears, risks, and threats that whites hold about neighborhoods that are integrating (or already integrated) that is important” (Krysan 2002: 694). Even in their analysis of the most recent nation-wide audits study that suggest that discrimination has declined, Ross and Turner (2005) contend that racial and ethnic stereotypes are still persistent in the housing market and affect the treatment of minorities.

While the literature on housing discrimination provides a useful starting point for studying gender discrimination and women’s experiences in the housing market, it is limited as well. The audit literature calls our attention to prejudice and stereotypes but pays little attention to the fact that historically, and contemporarily, discrimination against African Americans has been based on racialized and sexualized stereotypes that differ, at least in part, for men and women (Collins 2000, 2005; Kirschenman and Neckerman 1991; Kennelly 1999). Race is typically situated, within this literature, as the cause of housing discrimination while other inequalities, such as gender and familial status, are disregarded or hierarchically ordered below race. African American women’s stigmatized status as single mothers and the disadvantages they face in the labor market places them in a distinct work/family nexus, which is apart of a racialized social class system that has serious implications for Black families (Collins 2000). Indeed, ignoring
gender, or downplaying the role of gender, in the housing context will not only obscure our understanding of African American women’s experiences, it will likely create an incomplete picture of inequality in the housing context. As the next two sections make clear, gender is significant in the housing context, along with other inequalities.

**Barriers to Housing for Women**

Research on the residential mobility of single-parent women in the United States suggests that for these women housing choices are limited and mobility is blocked (Cook 1989). Barriers that most often block mobility for women, it appears, are race, the presence of children, and low income. Similarly, a report by the *United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities* asserts that globally women face unique housing problems, including poverty, domestic violence, social and economic access to property and credit, and the presence of children (Senders 1998).

Since 1997, the United Nations has continued to report on these “neglected” and “critical issues,” stating that women, especially single women and single mothers, continue to face discrimination in access to housing, including women in North America, despite national and international laws (U.N. 2003; U.N. 2006).

Using audit methodologies to test three theories of housing discrimination, Galster and Constantine (1991) specifically examined sex discrimination in the housing market. The findings of their study suggest that males are favored over females with children and without children, although females with children faced more severe discrimination, were treated less courteously, and faced more intense questioning than females without children. The authors argue that prejudice and statistical discrimination
are motives for sex discrimination in the housing arena and dispute claims that the main discriminatory burden for women in the housing market is familial status, not sex (Galster and Constantine 1991).

More recently, scholars (Massey and Lundy 2001; Fischer & Massey, 2004) have extended the use of the audit methodology by conducting audits over the telephone and by analyzing the housing seekers’ gender as well as their race and class. This research suggests that women face greater levels of discrimination in the housing market than men. However, African American women have the worst experience in the housing market, across all measures of these studies. They have the lowest probability of rental access but the highest probability of being assessed expensive fees and told their credit may be an issue. They are also treated less friendly than other housing seekers (Massey and Lundy 2001).

While the research discussed above extends the literature on housing discrimination by considering gender, the authors continue to neglect the complex and relational nature of inequality. Galster and Constantine (1991) situate sex as the primary form of inequality in their study, while Massey and Lundy (2001) and Fischer and Massey (2004) situate race as the form of inequality in their studies, overlooking how inequality generally plays out at the intersections of multiple social statuses (race and gender). Understanding and considering this may be especially important in the housing context because of the complex and contradictory meanings we attach to the “home”, which are often associated with divergent social statuses.
Understanding the Home

There are significant debates about the meaning of home. However, scholars who study the home generally acknowledge that the home is a multidimensional concept that means different things to different people (Mallett 2004; Wardaugh 1999; Gurney 1997). For some, home is a physical structure and a source of identity, belonging, and status and/or a place of security (Chapman and Hockey 1999; Gurney 1997; Somerville 1992) and for others it is a setting for social relations or the fusion of the physical and the social (Saunders and Williams 1988), but this fusion is not “necessary or always” the reality in the home (Somerville 1989: 114). Still others see the home as constructed nostalgia or romantic notions (Tucker 1994), memories (Massey 1992), home histories (Perkins and Thorns 2000), and/or the presence or absence of particular feelings (Somerville 1992; Gurney 1997).

Regardless of the definition of home, gender acts as a key factor in how individuals perceive and experience the home (Saunders and Williams 1988; Gurney 1997). For many men, the home is often viewed as a symbol of status and accomplishment (Somerville 1997). The meaning of and experiences in the home are much more complex for women (Gurney 1997). For some women, the home is a retreat or haven (Somerville 1997), while other women see the home as a site of oppression and patriarchal domination (Darke 1994; Madigan et al 1990). The definition of home, as a site of oppression, may be particularly salient for women of color because of their race and gender (Crenshaw 1994). At the same time, however, the home has been and can be a
site of resistance for people of color who may feel marginalized in the outside world (hooks 1990).

The idea of family, in many ways, is related to the idea of the home. For some scholars the home and the family are interchangeable terms (Crow 1989). Other scholars recognize that there is a strong relationship between the family and the home but argue that this relationship is culturally specific and varies by race, ethnicity, class, and sexuality (Warduagh 1999; Gurney 1997). History and culture also reflect and influence the spatial organization of the home (Mallett 2004), and social institutions, such as the government and religion, often shape the definition of an ideal family (Munro and Madigon 1999) and, therefore, the ideal home. Mallett (2004: 68), citing Chapman and Hockey (1999) and Shove (1999), argues that “Whether [people] build a new home or live in an established dwelling their choices are constrained by cultural and economic factors as well as developers, architects, urban planners, politicians, engineers and builders, interior designers all of whom have their own ideas about what is a desirable, appropriate and acceptable living space.”

Contemporary cultural definitions of the “appropriate” or “desirable” home have historical roots that are based on (white, native born) middle-class ideals, which value the separation of the family within the home from the outside world – making the home a retreat and/or a place of privacy – and the privacy of individuals within the home by creating separate living spaces, including bedrooms for children (Hareven 1991). For many working-class families, however, the home was often about survival, and the space within the home was used creatively to generate additional income and stay out of poverty, as well as to sleep everyone occupying the home (Hareven 1991). Privacy, from
the outside world and within the family, was less important for working-class families, although they were expected to live up to middle-class standards and, when possible, many adopted and incorporated these standards into their own homes (Hareven 1991).

**Sexual Harassment in Housing**

Sophisticated analyses of the causes and consequences of sexual harassment have been more common in recent years, and scholars recognize that sexual harassment is multidimensional problem that will have complex explanations (Cleveland & Kerst 1993; Fitzgerald & Shullman 1993), yet the study of sexual harassment is still relatively new and developing (Welsh 1999). This is the state of sexual harassment research in the employment context. Research on sexual harassment in the housing context is “virtually nonexistent” in the social sciences (Reed, Collinsworth, & Fitzgerald 2005: 444).

Housing agents, like employers, have power over tenants, especially poor tenants, and they can exploit their tenants by demanding sexual favors or creating a hostile living environment (Stein, 1999; Fuentes & Miller, 1988). Reed, Collinsworth, and Fitzgerald’s (2005) research on sexual harassment in the residential setting suggests that there are considerable similarities between the experiences of women in the workplace and those of female tenants but there are also important distinctions. The authors contend that power in the landlord-tenant relationship may be more profound than power relationships in the workplace because landlords have the ability to access women’s homes day or night. Landlords also often live or work in close proximity to targets’, their families and significant others, and have the power to evict targets who reject their sexual advances (Reed, Collinsworth, and Fitzgerald 2005). Reed, Collinsworth, and Fitzgerald (2005) found that low-income minority women file most of the housing-related sexual
harassment lawsuits, which usually involve complaints of unwanted sexual attention, sexual coercion and gender harassment. Similarly, Holzman, Harold, Hyatt, & Dempster (2001: 664) report that gender emerged as a crucial variable in their study of violent crime in public housing, making it “clear that the research at hand might have as much to do with the issue of violence against women as with crime in public housing.”

Survey research (Cahan 1987) found that approximately 300 cases were reported to fair housing organization throughout the United States. Cahan (1987) argues that this represents two to four percent of the actual incidents of housing-related sexual harassment, and estimates that 6,818 to 15,000 cases of housing-related sexual harassment occurred between 1981 and 1986. These results most likely reflect low-end estimates of actual occurrences because sexual harassment in the housing context is under-reported (Cahan 1987). Women may not report sexual harassment in the housing setting out of fear of retaliation, economic concerns, humiliation and embarrassment, and concerns about their physical safety and the safety of their family (Cahan 1987). A lack of knowledge about fair housing laws may also prevent women from reporting sexual harassment (Cahan 1987).

While the studies of sexual harassment in the housing context discussed above provide beneficial information for this research, the bulk of research on sexual harassment focuses on the workplace. As a result, it is necessary to consider lessons from the workplace literature on sexual harassment to help understanding sexual harassment in the housing setting. Indeed, Reed, Collinsonworth, and Fitzgerald’s (2005) research did just that, pointing out that the knowledge gained from studying sexual harassment in the workplace is useful for studying sexual harassment in the housing context.
Sexual harassment is typically viewed as a product of a patriarchal culture and a function of the inequalities between men and women within that culture because women experience more sexual harassment in the workplace than men (MacKinnon 1979; Gutek 1985). Younger women, single women (Gruber and Bjorn 1982) and women with lower seniority are particularly vulnerable to sexual harassment (Gruber 1998; Padavic & Orcutt 1997). This emphasis on gender and power translates into organizations, where men tend to be in positions of power and women tend to be subordinates (MacKinnon 1979; Gutek 1985). Scholars often focus on the role of formal or structural sources of power in organizations – managers’ power over subordinates – (MacKinnon 1979) but informal sources of power, such as personality, expertise, control of important information (Cleveland & Kerst 1993) and race and gender (Rospenda et al. 1998) also play a role in workplace sexual harassment. Informal sources of power have been used by employees to sexually harass other employees (Gutek 1985) and by subordinates to sexually harass superiors (Rospenda et al. 1998).

The organizational culture – unprofessional, disorganized, tolerant of sexual harassment, etc. – is also important because it impacts the type and extent of sexual harassment (Fitzgerald et al 1997; Gutek 1985; Ragins & Scandura 1995; Pryor et al 1993). Sexual harassment is more likely to occur in workplaces, or working groups, that have established gender roles (Gruber 1998; Tangri & Hayes 1997; Stockdale 1996), such as temporary (Rogers, Krasas, and Henson 1997) or domestic work (Hondagneu-Sotelo 1997). Similarly, sexual harassment is more likely to occur in workplaces where men out number women (Gutek et al 1990; Gruber 1998). In fact, workplaces that have a
“male culture” and where men are numerically dominant are associated with aggressive forms of sexual harassment (Gruber 1998; Martin & Jurik 1996).

Scholars have noted that perceptions and definitions of sexual harassment differ by gender (Berdahl et al 1996; Fitzgerald & Shullman 1993) and by race and citizenship (Welsh et al 2006; Buchanan 2005; Higginbotham & Weber 1999) because of larger patterns of social stratification and power relations (Welsh et al 2006; Kalof et al. 2001). As a result, individuals with less power (e.g., women, minorities, and younger individuals) are more vulnerable to sexual harassment (Kalof et al 2001). Indeed, African American women’s definitions of harassment differ from White women’s, and legal and social science definitions of sexual harassment appear to mirror White women’s experiences and / or definitions (Buchanan 2005; Welsh et al 2006). Some scholars argue that the sexual harassment experiences of African American women are better described as racialized sexual harassment because of the historical relationship between sex discrimination and race discrimination in our society (Buchanan & Ormerod 2002; Texeira 2002; Murrell 1996; Collins 1990; Buchanan 2005).

Conclusions

The literature on housing discrimination provides a framework for understanding housing discrimination and the role of prejudice and stereotypes in shaping discriminatory behavior. This literature also highlights the importance of the recognizing how multiple actors can influence and perpetuate housing discrimination, and the outcomes of discrimination for minority housing seekers. Current research on housing discrimination, however, fails to capture a complete picture of housing discrimination. These studies only consider exclusionary forms of discrimination and neglect forms of discrimination that
occur after gaining access to housing. In addition, they have a singular focus on the exclusion of racial and ethnic minorities and overlook how inequality occurs at the intersections of gender, race, and class.

As the literature on the meaning of home communicates, gender and other inequalities are salient in the home and, as a result, the meaning of home and the experiences within it are often complicated and usually differ for women and men. These complex meanings and experiences are not only associated with individuals’ social statuses but they are also coupled with broader social institutions, especially when it comes to definitions of the “appropriate” or “desirable” home. These divergent and often contradictory meanings, related to and influenced by social statuses and social institutions, are precisely where gendered ideas, expectations, and stereotypes are situated, and have the potential to develop into mechanisms of discrimination.

Research on sexual harassment in the workplace has consistently demonstrated that sexual harassment is a serious issue for many women, and recent research suggests that this is true in the housing arena as well. Studies of sexual harassment also point out that discrimination against women can occur after gaining access to housing, an issue that scholars studying housing discrimination have neglected. Formal and informal sources of power are at play in the housing arena as they are in the workplace. However, the power of landlords may extend beyond the power of employers because of their close proximity to their tenants, making housing-related sexual harassment a unique and important topic of research (Reed, Collinsworth, and Fitzgerald 2005).
CHAPTER 3

INEQUALITY IN THE HOUSING CONTEXT

The exclusion of racial and ethnic minorities from certain residential areas and housing complexes is an important area of study. Nonetheless, the narrow focus of this research leaves many questions about housing inequality unanswered. In this chapter, I expand on the critiques and theoretical elaborations raised about the literature on housing discrimination discussed in the previous chapter. To begin, I lay out a theoretical framework that will allow me to address the multidimensional nature of housing discrimination and incorporating gender into my analyses. This framework also provides me with the theoretical tools to capture the relational nature of multiple and overlapping inequalities that are operating in the housing context, and important to the study of inequality.

Housing discrimination unfolds at the door or while attempting to gain access and in the daily housing environment once access has been gained. At the same time, discrimination in the housing context, both at the door and once housed, is not limited to racial inequality. Gender may also be operating within the housing context, likely in combination with race, class, and familial status. The study of housing discrimination needs to extend beyond one-dimensional forms of discrimination (exclusion) and hierarchical ordering of inequalities (race is the cause of).
Housing Inequality, Gender, and Limitations of Prior Work

Racial and ethnic minorities continue to face discrimination when attempting to gain access to the housing arena nearly forty years after the Fair Housing Act was passed, as the review of the audit literature in the previous chapter demonstrates. While some forms of housing discrimination appear to have declined since the late-1980s (Ross and Turner 2005), it would be shortsighted to interpret these declines as the end of housing discrimination (Massey 2005). In fact discrimination is a moving target (Massey 2005). As “federal anti-discrimination policies become more effective in overcoming certain forms of racial bias in housing, new forms have emerged to perpetuate residential segregation” (Massey 2005: 149). Massey (2005: 149) is discussing what he calls “the classic discriminatory mechanisms” (i.e., exclusion). Proactive enforcement strategies, like scholarly research, focus on exclusionary forms of discrimination. As a result, housing providers may grant minorities’ access to housing, out of fear of prosecution, but that does not necessarily mean that they will be treated fairly once housed.

The audit literature has contributed greatly to our understanding of discrimination in the housing arena. This research highlights the persistence and prevalence of the problem, the role of actors, such as landlords and real estate agents, in perpetuating and maintaining housing inequalities, and the consequences for the targets of discrimination. This research also highlights the role of discrimination in the creation and maintenance of residential segregation. Although this is the case, much remains to be explored. Research on housing discrimination, peculiarly the audit literature, focuses squarely on race or, at most, the race - class debate (see Dawkins, 2004). What about gender? Can we truly understand housing discrimination without considering gender? Given historical ideas
about gender and the home, as well as gender disparities in the workplace, it seems reasonable to assume that gender plays a part in the complex interrelationships that produce discrimination within the housing arena.

Three studies, reviewed in the previous chapter, have expanded the literature on housing discrimination by considering the role of gender. These studies are an important starting point for this research. However, these studies are limited as well. Galster and Constantine’s (1991) work demonstrates that sex and familial status matter in the housing context, especially for women, but their analysis does not consider how race is affecting gender discrimination. While the results of the telephone audit research conducted by Massey and Lundy (2001) and Fischer and Massey (2004) demonstrate the intersecting affects of sex, class, and race, in many ways, the authors end up “adding women’ and carrying on with business as usual” (Alway, 1995: 226). Their framing and discussion excludes gender, focusing exclusively on race, which suggests that race is the cause of housing discrimination and overlooks how gender uniquely informs the complex interrelationships that produce the inequality these authors expose.

Furthermore, these studies are only able to uncover discrimination that housing seekers face at the early stages of the application process, a noted limitation of audit research (Yinger 1998). Access is an extremely important issue, especially when considering patterns of residential segregation, however, it is not the only issue of discrimination that housing seekers face. This singular focus on exclusion overlooks the day-to-day experiences of discrimination that minorities (Feagin 1998) and women (Gardner 1995) confront. Correspondingly, this singular focus disregards the fact that forms of discrimination against minorities that take place in the daily housing
environment, after gaining access to housing, may, in fact, impact future patterns of residential segregation for similar reasons as exclusionary forms of discrimination.

Hierarchical thinking about the cause of housing discrimination and the sole focus on exclusionary forms of discrimination at the early stages of the process may be especially problematic when considering the discrimination that women, especially minority and/or poor women, endure in the housing context. Indeed, research that only focuses on a singular process or dimension of inequality runs the risk of painting an incomplete and potentially misleading picture of inequality (Anderson 1996). Race is certainly a significant issue in the housing context, as it pertains to discrimination. However, by excluding gender from the broader discussion of housing discrimination scholars are suggesting that gender is merely a variable to be included in the analyses of race discrimination, not a fundamental process of inequality in the housing context. This is especially problematic given Massey and Lundy’s (2001) and Fischer and Massey’s (2004) findings that Black women face more discrimination than any other group. Similarly, audit research suggests that minorities with children face more discrimination in the housing market (Pager 1995; Yinger 1995), which is an issue that is gendered and racially defined or, at the very least, an issue that has gender and racial implications.

Recent studies of sexual harassment, especially studies conducted by multicultural or Black feminists, have certainly done a better job of conceptualizing and analyzing the relational nature of multiple forms of inequality, such as gender, race, and class (Welsh et al 2006; Buchanan 2005; Murrell 1996). However, these scholars have focused mainly on the workplace. Indeed, Reed, Collinsworth, and Fitzgerald’s (2005) work clearly demonstrates that sexual harassment in the housing context is an important yet neglected
topic of research. Moreover, this research suggests that housing-related sexual harassment is an issue of power that relates to gender, race, and class (Reed, Collinsworth, and Fitzgerald 2005).

Inequality is a set of embedded processes (Anderson 1996) that potentially play out in various stages of the landlord-tenant relationship, and these processes are rarely the result of a single form of inequality (e.g., race). Inequality is relational and usually takes place at the axes of multiple inequalities (Anderson 1996; Collins 1990). The narrow theoretical focus of the current research on housing discrimination is inadequate and fails to present a complete picture of housing inequality. Research on housing discrimination needs to be expanded beyond the exclusion of racial and ethnic minorities so that the multidimensional and relational nature of housing inequality can be exposed.

In the following section I lay out a theory of processes that will allow me to consider the multidimensional and relational nature of inequality within the housing context. I then discuss the specific forms of discrimination – exclusionary forms of discrimination and discrimination that occurs after gaining access to housing (non-exclusionary) – that will be examined in my analyses chapters.

**Gender and Housing as a Field of Inequality**

Anderson (1996) contends that the study of inequality, and the frameworks guiding these studies, needs to move beyond the analysis of gender, race, class, and other inequalities, as separate and fragmented inequalities. Instead, Anderson (1996) conceptualizes inequality as a set of embedded processes that play out in a variety of social relations. Race, gender, and class are dynamic, fluid, historical, and relational processes of
inequality, which produce, reproduce, and change systems of social organization (Anderson 1996). Similarly, Anderson (1996), building on Giddens’ (1984) and Connell’s (1987) work, views structure as a process rather than a deterministic and static force, and argues that the relationship between structure and agency is dependent rather than independent.

Scholars studying inequality need to use theoretical frameworks that explain the production and maintenance of inequality “in terms of processes that are socially (re)constructed in diverse ways and are constituent elements of diverse social relations” (Anderson 1996: 733; Glenn 2002). A theoretical framework purposed by Anderson (1996) assumes that individuals, groups, and structures are located in social and spatial contexts and allows for the possibility of multiple processes, or social relations, to be operating within a given context. “Incorporating the ideas of embeddedness and social relations into models of inequality exposes the complexity of inequalities and provides a more adequate understanding of the mechanisms that recreate it” (Anderson 1996: 733). In addition, this theoretical framework, with its focus on relationships and processes, recognizes variation in axes of inequality, discourages the hierarchical ordering of inequalities (race, gender, or class, etc.), and makes the debate over structure and agency insignificant (Anderson 1996; Glenn 2002).

**Exclusionary Forms of Discrimination**

The landlord-tenant relationship is a relationship of power. Landlords have institutional authority in the housing context to control access to housing, as the audit literature as shown (Yinger 1995; 1998; Ondrich, Stricker, & Yinger 1998; 1999; Ross & Turner
The exclusion of groups from valuable resources, such as housing, is central to the maintenance and reproduction of inequality (Parkin 1979). Compared to racial and ethnic minorities, who are often excluded as a whole, women, as a group, are rarely segregated residentially from men because heterosexual relationships between men and women create different inequality dynamics in the housing context. However, gender is not the sole defining characteristic of women and, as a result, certain women — poor women, minorities women, etc — may face exclusion from certain housing settings because of multiple, interrelated forms of inequality.

Traditional ideas about gender and housing may be particularly salient because an increasing number of women are seeking housing alone, due in part to delays in marriage, increasing divorce rates, and longer life expectancies (Casper and Bianchi, 2002). Indeed, traditional ideas about gendered spaces, such as the home, are often taken for granted and, therefore, can operate to maintain and reinforce gender stratification (Spain 1993:141). These ideas can also bestow (male) landlords with additional sources of power in the housing context. Although women’s place is, traditionally, in the home, women have not necessarily been seen as the “providers” of the home (Mallett 2004). Maintaining the daily activities of the home is different than having authority and economically control of the home, a difference that is defined by gender (Mallett 2004; Darke 1994; Munro and Madigan 1999) and contributes to the power that men enjoy.

In her discussion of intersectionality, Acker (2006: 459) suggests that in most workplace organizations “Class inequality, inflected through gendered and racialized beliefs and practices, is the normal and natural bedrock of organizing, and white men are the normal and natural top leaders.” This argument can be extended into the realm of
housing, and how the housing context is organized. Gendered ideas, such as those about the “provider,” are embedded in the housing context, historically and contemporarily. Women have been historically excluded from access to property and credit (Spain 1992), especially women of color (Collins 1990; 2000) and this historical legacy continues to create an imbalance in property ownership between men and women contemporary. Additionally, women, especially women of color, are more likely to be poor (Casper and Bianchi, 2002) and live in substandard housing (Reed, Collinsonworth, & Fitzgerald 2005, citing Birch 1985). This is further complicated by a lack of affordable housing in the U.S. (Adams 1998; Reed, Collinsonworth, and Fitzgerald 2005 citing U.S. Census Bureau 2002, 2003).

Obviously, social class is impacting women’s experiences in the housing market. Nevertheless, it would be shortsighted to suggest that social class is the only or primary issue impacting women in the housing market. Actually, women’s positions in the social class system are gendered and racially defined (Crenshaw 1994). As Anderson (1996) points out, “While subordination associated with being a woman is certainly formidable in and of itself, for instance, it is likely to be increasingly so when she is from a low social class and a subordinated racial group” (Anderson 1996: 739). Likewise, the presence of dependent children may also impact women in the housing context. Children (Thorne 1987) and single mothers (Hancock 2004) are characterized as a social problem.

Like other subordinated groups (i.e. women and racial/ethnic minorities), children are defined by adults as “others” and viewed as irresponsible, submissive, and asexual (Thorne 1987). Children are seen either as a threat to adults or victims of adults who need protection (Thorne 1987). Landlords may use these ideological constructions of children
as reasons to exclude children and effectively reproduce inequality based on the adult/child and a gender divide. The relationship between gender and familial status may be especially relevant for minority women given the prominence of stereotypes about women of color in the media, such as “welfare queen” and “baby machine,” compared to whites, who are usually portrayed as a “nuclear family” (Drew 2005).

Legal scholars have suggested that occupancy standards have been used selectively by landlords and other actors in the housing arena to exclude undesirable racial and ethnic groups from certain residential areas (Pader 2002). Indeed, housing providers, like the state, architects, and urban planners discussed in Chapman and Hockey’s work (1999), are in a position to create and constrain ideas about the appropriate or desirable family spatial arrangements. While Pader (2002) does not specifically discuss the use of occupancy standard to exclude children, it seems reasonable to assume that ideas about “improper” family formations and undesirable tenants of certain racial and ethnic groups are related. Stereotypes about the size of certain families, including the number of children, are likely gendered and racially defined. In fact, audit studies have demonstrated that racial minorities with children experience more discrimination in the housing market (Emerson, Chai, and Yancey 2001).

Non-Exclusionary Forms of Discrimination and the Maintenance of Status Hierarchies

Although exclusionary forms of discrimination are central to the creation and maintenance of social stratification, discrimination in the housing context, like other sites of inequality, is not limited to exclusion. Inequality can occur at various stages of the
landlord-tenant relationship. These forms of discrimination often involve interactional or day-to-day forms of discrimination, which are used to reinforce status hierarchies and may involve harassment, intimidation, and antagonism. As Massey’s (2005) comment above suggests, as housing providers become aware of increasing enforcement – most notably the audit methodology used not only by researchers but also by HUD and fair housing enforcement agencies – they may provide housing for minorities and women out of fear of prosecution. However, this does not necessarily mean that minorities and women are free from discrimination and will be treated equally in the housing context.

Workplace scholars have demonstrated that minorities and women continue to face discrimination even after gaining access to a particular workplace or job (McBrier and Wilson 2004) and non-exclusionary forms of discrimination and inequality impact racial and ethnic minorities (Feagin 1991; Feagin 1998) and women (Gardner 1995) in public spaces as well. As noted earlier, inequality is maintained and reproduced in multiple ways and made up of elements of diverse social relations (Anderson 1996). Therefore, research that only focuses on a singular process or dimension of inequality (i.e. exclusion) is, at most, capturing only one aspect of the inequalities taking place in a particular context (Anderson 1996).

Likewise, a landlord’s power extends beyond their control of access. Landlords and other housing personnel create and enforce rental policies and procedures, make decisions about rental increases and late payments, and control or oversee repairs and other housing services and privileges. Additionally, a landlord’s power is assured by lease agreements, which constrain tenants by making them financially responsible to that
landlord for a specified period of time. This constraint creates additionally challenges for tenants who feel they have been discriminated against.

In fact, burden of proof rests on the tenant who feels that she has been discriminated against. Tenants must prove that they were discriminated against before they can legally terminate the lease agreement. If they are unable to meet this burden, for whatever reason – lack of evidence, fearful witnesses, etc. – the landlord can bring legal action against them for violating the lease agreement. Beyond this, moving can be an expensive and time-consuming process and, as discussed earlier, affordable housing can be difficult to find. Moving also entails considerations of work, school, family and support networks, and childcare, among other things. Therefore, overcoming discrimination in the housing context has unique challenges and, as a result, certain tenants, who are unable to overcoming these challenges, may be especially vulnerable to abusive and discriminatory landlords.

Many of the ideas and stereotypes about gender and the structural realities that women face, which may influence exclusionary forms of discrimination, may also be used to maintain and reproduce gendered status hierarchies within the housing context. Individuals “do gender” almost everywhere and, as a product of differences between groups, gender is about power, making it one of the most fundamental divisions of our society (West and Zimmerman 1987; Acker 1992; Lorber 1994; Yancey Martin 2004). Given this, it seems reasonable to assume that the power relationship between landlords (who are disproportionately men) and (their female) tenants will be gendered as well as class based and racially defined. Women may also be treated less friendly, as the African American women discussed in Massey and Lundy (2001) and Fischer and Massey’s
(2004) work were when attempting to gain access to housing. Women, especially poor and minority women, may also be vulnerable to harassment, including sexual harassment (Reed, Collinsworth, and Fitzgerald 2005).

The harassment of “situationally disadvantaged” persons (usually women) by “situationally advantaged” persons (often White, heterosexual men) in public is common, and most “situationally advantaged” persons feel that it is their right to harass (Gardner 1995). Unequal power and the construction of public/private, or male/female, spaces create a divide which suggests that women are violating male space when in public and, as a result, women are to blame for the harassment they experience (Gardner 1995). In fact, the production and daily presentation of masculinity (and femininity) appears to constitute male dominance and female passivity and can involve the objectification of women and perpetuate some forms of violence and harassment (Scully 1988; Holland et al 1994; Quinn 2002; Anderson & Umberson 2001; Uggen & Blackstone 2004).

The boundaries of public/private and male/female spaces have, in general, been defined and regulated by men, using broad ideas about gender and sexuality, which leaves women with less privacy and subjects them to male surveillance, sexual regulation and violation (MacKinnon 1983; Connell 1987; Gardner 1995; Roth 1999; Anderson & Umberson 2001). The housing context, given its specific location within the public/private divide, is no doubt defined and regulated in this way. Similarly, women have been and, in many ways, continue to be viewed as men’s property.

At the same time, privacy within the home can also mask subordination (Schneider 1994) and facilitate violence against women, while insulating men from public intervention (Holzman et al 2001; Goldsack 1999; MacKinnon 1989). Most
discussions of privacy, subordination and violence in the home revolve around family or intimate relationships. However, as Reed, Collinsworth, and Fitzgerald’s (2005) work shows, issues of privacy and subordination within the home extend beyond intimate relationship. Landlords can also regulate privacy within the home, legitimately and in a discriminatory manner. Indeed, gender and sexual harassment in the housing context raises important questions about “property” and women’s privacy, especially when it comes to women and rental housing.

At the center of this divide are beliefs about the naturalization of power and difference between men and women, masculinity and femininity, and dominance and submission (Holland et al 1994; Gardner 1995; Kane and Schippers 1996; Connell 1987). This naturalization of difference operates at the intersection of gender and sexuality, where “normal sex” involves passive women being satisfied by active men who are acting out their natural desires (Holland et al 1994: 29). Research suggests that most Americans believe that men have stronger sex drives than women and view these differences as natural (Kane and Schippers 1996). Beliefs about the “natural” differences between men and women, and their sex drives, provide justifications for sexual violence and harassment (i.e., the willing victim) and reproduces gender inequality (Scully & Marolla 1984; Kane and Schippers 1996; Anderson & Umberson 2001; Quinn 2002). In fact, Quinn (2002: 394) found that the men in her study, who participated in “Girl Watching” – “a potentially powerful site of gendered social actions” that is about relationships between men and men and men and women – failed to define their behavior as sexual harassment. Instead, the men chose to ignore company sexual harassment
policies, not because they were unaware of the fact that their behavior violated these
policies, but to actively participate in the performance of heterosexuality and masculinity.

Sexual harassment challenges the public/private divide because it “represents the
occurrence of ‘private’ behavior in the ‘public’ sphere of work” and because “sexual
harassment is an issue that reveals the importance of social power in defining and
defending one’s privacy” (Roth 1999: 56). If this is the case in the workplace, then these
boundaries are further blurred, and often erased, in the housing context. Where is the line
defining “private” space drawn for rental housing? According to Roth’s argument above,
sexual harassment in the housing context would involve “private” behavior in the
“private” sphere. Is this, in fact, private behavior in the private sphere? Housing-related
sexual harassment often occurs in the targets’ homes (Reed, Collinsworth, and Fitzgerald
2005). In addition, housing providers have twenty-four hour access to their tenants’
homes, often entering illegally, and perpetrators appear to have a sense of entitlement
over their female tenants and/or see them as part of their property (Reed, Collinsworth,
and Fitzgerald 2005).

Clearly, housing-related sexual harassment raises additional questions about the
boundaries of public/private spaces and the role of the home within this divide. Whose
space is a rented home? Is it the landlord’s or the tenant’s space? Does a rented home
represent the same-level of privacy as a home that is owned? Legally, a rental unit is the
tenant’s space, as long as the tenant abides by the lease agreement. However, it is
unlikely that the women who are sexual harassed in their “homes” by their landlords
would define it that way. In fact, some housing providers fail to recognize or define their
rental units as the (female) tenants’ private space, as Reed, Collinsworth, and Fitzgerald’s (2005) research suggests.

When established gender roles are associated with a workplace or working situation, sexual harassment is more likely to occur (Gruber 1998; Tangri and Hayes 1997; Stockdale 1996). As the discussion above regarding the meaning of and experiences in the home confirms, the home is a gendered space that has well defined and established gender roles associated with it. Therefore, some housing complexes or environments may produce a setting – a “male culture” – that permits gender and sexual harassment to occur. No doubt, the statement “A man’s home is his castle” and other ideas regarding the home that privilege men (Somerville 1997; Gurney 1997) may produce a male culture in some housing environments, privileging men and creating disadvantages for women.

Male “landlords”, who have institutional authority in the housing setting and represent a historical position that is gendered, class-based and racially defined, may feel entitled by these ideas about the home, and property. Further, this image of the “landlord” may be especially pronounced for private, less bureaucratic landlords. These landlords have a lot of discretionary power, even in the face of federal/state fair housing regulations. Actually, sexual harassment is more likely to occur in unprofessional and disorganized workplaces (Fitzgerald et al 1997; Ragins and Scandura 1995) and housing discrimination is more likely to occur in environments owned and operated by private landlords rather than professional agencies (Fischer and Massey 2004).

The idea of the “landlord” has racial implication as well, which could certainly affect women of color’s perceptions and definitions of housing-related harassment. In
fact, women of color have divergent perceptions and definitions of sexual harassment in the workplace (Welsh et al 2006; Buchanan 2005; Higginbotham and Weber 1999). Given that, historically, the “landlord” and the employer or “owner” were often the same person(s), these contrary perceptions of sexual harassment will likely exist in the housing context as well. Feagin’s (1998) research on the discriminatory experiences of middle-class African Americans in public spaces, in many ways, supports this argument. For the individuals he interviewed, discrimination was cumulative and encompassed their individual-level experiences and the perceived historical experiences of African Americans as a whole.

**Housing Discrimination, Gender, and the Analyses that Follow**

I explore gender discrimination in the housing context, paying particular attention to the multiple forms of inequality – exclusionary and non-exclusionary – that can take place in this particular context using a theory of processes (Anderson 1996). Similarly, I explore the relational nature of inequalities within this context. I begin with the assumption that gender discrimination in the housing context is not always uniquely about gender. Other inequalities, such as race, class, and/or familial status, may also be operating simultaneously in the creation and maintenance of what is considered “gender” discrimination. Definitions of inequality and identity-movements (e.g., antiracist and feminist) are usually based on the hierarchical ordering of inequalities – the inequality is based on race, gender, or class – and neglect the complex and overlapping nature of identities and inequalities (Crenshaw 1989; 1994; Anderson 1996; Glenn 2002). This
view of inequality and/or identity is especially problematic for women of color because it positions them on the outside of already marginalized groups (Crenshaw 1994).

Following my discussion of data and methods in the next chapter, I explore the following questions. What forms of gender discrimination occur in the housing context and how do these forms of discrimination unfold? Who are the perpetrators of gender discrimination in this context? How are other inequalities, such as race and class, related to gender discrimination? What forms of familial status discrimination take place in the housing context and how do these forms of discrimination unfold? Who are the perpetrators of familial status discrimination in this context? How are other inequalities, such as gender and race, related to familial status discrimination?

These questions are critical to the study of housing discrimination because they will allow me to expand the existing literature by specifically looking at gender discrimination and women’s experiences in the housing arena. I include familial status in my analysis because, as you will see, the bulk of charges of familial status discrimination are filed by women. In addition, my data are not limited to forms of discrimination that take place during the early stages of the housing application process. Therefore, these questions will also allow me to explore the multidimensional nature of housing discrimination, including forms of discrimination that occur after gaining access to housing, such as sexual harassment. Finally, the detailed investigative files will allow me to get at the processes of gender and familial status discrimination and how other inequalities may be shaping these forms of discrimination.
CHAPTER 4
DATA AND METHODS

Data for these analyses were obtained from the Ohio Civil Rights Commission (OCRC)\(^1\).
The OCRC is mandated by Section 4112 of the Ohio Revised Code to enforce civil rights
laws pertaining to employment, housing, credit and places of public accommodation. The
OCRC maintains a data set of basic case information for each instance of housing
discrimination filed at any of the six regional offices located throughout Ohio\(^2\). Section
4112 of the Ohio Revised Code prohibits housing discrimination, and this state law is
“substantially equivalent” to federal fair housing laws (Title VIII of the Civil Rights Act
of 1968).

The OCRC has had, since 1988, a work-share agreement with the U.S.
Department of Housing and Urban Development (HUD) and all charges of housing
discrimination filed at the OCRC are dual-filed with HUD. After review, OCRC
determinations are adopted and enforced by HUD\(^3\). The data set used in this study
includes cases filed between 1990 and 2003.

In addition, I was given access to the archived investigative case files for the
cases represented in the dataset. The data found in the detailed case files provide
significant qualitative analytic leverage on questions of process, actors, and

\(^1\) The OCRC was established by the Ohio legislature in July 1959 and primarily focused on the employment
discrimination until 1965 when the statute was amended to include housing.
\(^2\) The six regional offices are located in Akron, Cleveland, Cincinnati, Columbus, Dayton, and Toledo. The
Central office is located in Columbus.
\(^3\) The one exception may be in circumstances wherein the case falls into an already existent HUD
investigation, litigation, or national initiative. These cases, however, are relatively rare.
consequences. Such qualitative data include the alleged discriminator’s position (e.g., bank, owner, landlord, co-resident, etc.), information about outside actors or representatives (complainant’s and respondent’s representatives, if representatives were involved), the OCRC’s case activity log (a record of the activity that occurred during the investigation), witness statements, audit / testing reports provided by fair housing groups, transcripts from depositions of various actors involved (e.g., witnesses, the charging party, the respondent, etc.), and other documents related to the case investigation from the charging party, the respondent, their representatives, and OCRC staff. Each case filed contained between twenty and one-hundred and twenty documents, from investigative reports and official letters to investigative notes and statements from the various parties involved. A coding device was created and used to collect specific information about the actors involved, the reasons given for their actions, and the consequences of discrimination for the targets of discrimination.

Beyond the dataset and detailed case material, I worked for the OCRC as an investigator for nearly six years. During my employment, I worked in two different regional offices (Akron and Columbus), and conducted numerous public outreach and educational projects throughout the state, worked on a variety of internal OCRC committees, and attended three national HUD conferences and trainings on fair housing laws and issues. Although I was not collecting data during this time, as a scholar/researcher, this experience is invaluable to and currently informs my research. I have first hand knowledge of federal and state fair housing laws and the investigative and administrative processes surrounding these charges of discrimination. These experiences

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4 Although these cases are part of the public record, all names of the respondents and complainants and other identifying information have been changed.
and knowledge have also been extremely helpful in framing this research project and analyzing the data.

**Strengths and Limitations of the Data**

These data have much strength but there are limitations as well. These data only represent instances of discrimination where the targets of discrimination are aware of discrimination laws, define their experiences as discriminatory, and seek out the appropriate government agency to file a legal complaint against the alleged perpetrator. Therefore, certain individuals or groups, types of discrimination, and neighborhoods may also be overrepresented. For instance, more cases may be reported in Black and integrated neighborhoods than in white neighborhoods given that African Americans are more likely to search in these neighborhoods. Similarly, more easily detected forms of discrimination, such as an inflated rent or security deposit, may be over-represented in the data while forms of discrimination that are harder to detect, such as steering, may be under-represented (Galster 1987).

These data, however, despite any potential biases, allow me to capture important interactional processes and dynamics between various actors that quantitative data simply cannot. In addition, these data are useful for investigating processes of discrimination that audit studies are unable to investigate, such as transactions occurring later in the rental process, including processes of discrimination occurring after housing has been obtained, and practices used by housing providers that do not necessarily involve direct or explicit disparate treatment but have an adverse impact on minority housing seekers (Yinger
Finally, these data allow me to examine the relational and intersectional nature of inequality.

**Analytic Strategy and Dimensions of Discrimination**

Given that the primary goal of this project is to highlight the multidimensional and relational processes of discrimination in the housing context, I rely heavily on qualitative emersion in the case files to examine the gender regime in the housing context and the contested meaning of the “home”. This inductive strategy is useful for capturing under-theorized themes and processes related to housing discrimination. Considering the lack of attention that is paid to gender in most studies of housing discrimination, and the general lack of attention paid to the intersectional nature of inequality, this strategy is particularly important for these analyses.

I limit my analyses to charges of housing discrimination filed on the basis of gender or familial status (the presence of children under 18 years of age) that were “verified”, or resulted in an investigative finding of “probable cause” of discrimination or where the complaint was settled and the complainant (the person filing the charge) received some benefits. Although familial status is a separate basis under state and federal fair housing laws, I include familial status cases in my analysis of “gender” discrimination because, as you will see, the overwhelming majority of familial status cases are filed by women.

Obviously, a claim of discrimination does not necessarily mean that discrimination actually occurred. The OCRC’s case determination helps distinguish cases with little supporting evidence from those with significant and supporting evidence in
favor of the complainant’s claim. While the analyses of only verified cases underestimates discrimination by excluding cases where supporting evidence was not available to the complainant and by only including cases wherein a charge was filed in the first place, it increases confidence and the ability to conclude that the processes discussed pertain directly to verified cases of discrimination (rather than alleged or perceived discrimination).  

I initially ran descriptive statistics for all of the “verified” cases of gender and familial status discrimination. These statistics identified the relevant patterns in the data, such as the primary dimensions of discrimination for each basis, the gender and race of the targets of discrimination, and the perpetrators of discrimination. Moreover, I used these patterns, and the applicable theoretical questions relating to the multidimensional and relational nature of inequality discussed in chapter three, to define the important patterns and relevant themes to explore qualitatively.

The qualitative analyses of the sub-sample of verified cases of gender and familial status discrimination took place over the course of approximately three years. I read the documents contained in each “verified” case file to identify the main processes of discrimination for each form of discrimination and prevalent themes not evident in the quantitative dataset. These data speak to the complexity of inequality and highlight the

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6 There is undoubtedly some underestimation here as well. Specifically, discrimination may have indeed occurred in cases that do receive a probable cause determination when and if corroborating evidence was simply unavailable (thus shaping the investigator’s determinations which are bound by evidentiary criteria). Moreover, charging parties may not have the financial and emotional resources to see cases to completion. Thus, while non-probable cause cases may be largely capturing false or frivolous charges, they are much more likely to be a mix of cases, some more legitimate than others.
women’s experiences, as they pertain to discrimination, in the housing context – experiences that have received insufficient attention in the literature on housing discrimination. Actually, these data allow for: (1) analyses of how discrimination unfolds for women and the unique experiences that certain women may face because of overlapping inequalities, (2) the examination of the context of gender and familial status discrimination in this particular setting, (3) the understanding of the various actors involved and the relationships between these actors, and (4) insight into the consequences of housing discrimination for women.

**Patterns of Gender and Familial Status Discrimination in Housing**

Approximately 640 cases of gender discrimination and 829 familial status cases were filed during the time period represented in the data. Of these, using the criteria noted above, 204 gender cases (32%) and 457 familial status cases (55%) were verified by the OCRC’s investigative process and contained all of the information necessary for my analyses.

Gender and familial status discrimination disproportionately impacts women. As Figures 4.1 and 4.2 illustrate, women represent eighty-six percent of the verified cases filed on gender and sixty-seven percent filed on familial status. This is a particularly important finding because gender and women’s experiences are rarely the focus on research on housing discrimination. And, at the same time, gender scholars tend to focus on the workplace.
Figure 4.1: Gender of Complainant - Gender Discrimination

Female, 86%
Male, 14%

Figure 4.2: Gender of Complainant - Familial Status

Female, 67%
Male, 11%
Couple, 22%

Figure 4.2: Gender of Complainant, Familial Status Discrimination
Regardless of the basis of the complaint, the landlord or manager is the perpetrator in the overwhelming majority of these cases, as Figures 4.3 & 4.4 demonstrates. Actually, the discrimination usually involves rental housing – eighty-five percent of the gender discrimination cases and ninety-one percent of the familial status cases.

Figure 4.3: Perpetrator, Gender Discrimination
Gender and familial status discrimination are multidimensional processes, involving discrimination at the door and forms of discrimination that take place after gaining access to housing. The primary dimension of discrimination is different for gender cases than it is for familial status cases, as Figure 4.5 demonstrates. The majority of the familial status cases involve discrimination while attempting to secure housing (74%), while the majority of gender discrimination cases involve discrimination after gaining access to housing (68%). This is also an important finding, given that most research on housing discrimination is based on audit studies, which by design, are unable to uncover discrimination after the initial application process (Yinger 1998).

Figure 4.4: Perpetrator, Familial Status
Figure 4.5: Form and Dimension of Discrimination

Power and the Context of Discrimination

The fact that landlords are the perpetrators in the majority of these cases is not surprising. Landlords yield significant power over their tenants, and this power stems from multiple sources. Undoubtedly, a great deal of power extends from ownership and institutional authority in the housing context. Actually, much discrimination in the housing context rests on the landlords’ control of housing. Landlords control access to housing, the daily housing environment, and tenants’ ability to maintain housing. Lease agreements broaden the power that landlords already posses because of their institutional authority in the housing complex and, more importantly, create additional vulnerabilities for many tenants. In fact, tenants bound by lease agreements must be able to prove discrimination occurred before legitimately breaking that agreement. A landlord’s power is also associated with their social statuses, such as race and gender. Gender and race are constructs of power (West and Zimmerman 1987; Acker 1992; Lorber 1994; Yancey
Martin 2004; Rospenda et al. 1998), and the fact that men are more likely to be landlords/owners of housing is, in and of itself, a gender (and racial) issue that has social and historic roots.

Proving discrimination, in any form, is a challenging task and the burden of proof rests on the targets of discrimination. This burden makes tenants more vulnerable. It may, however, be particularly difficult to prove discrimination in the housing context. There is very little structured interaction between landlords and tenants, unlike the workplace where superiors and subordinates often interact on a daily basis. Furthermore, tenants of a housing complex may interact with each other but there are minimal structured interactions between tenants like there are in the workplace between co-workers. In fact, in the urban context, many tenants may not even know their neighbors’, let alone their experiences with their landlord in and around their homes. As a result, tenants may have fewer opportunities to witness or discuss common experiences or differential treatment in the housing context.

**The Analyses to Follow**

As the descriptive statistics reported above suggest, housing discrimination is multidimensional and often involves relationships between multiple forms of inequality. The following three chapters delve into the very experiences of women, especially Black women, and housing discrimination in the rental market, highlighting the forms it takes, how it unfolds and the consequences for these women. The processes and themes that emerged from the qualitative data will be specifically discussed in these chapters.
CHAPTER 5

GENDER DISCRIMINATION IN THE HOUSING CONTEXT

Understanding gender discrimination in the housing context can shed light on aspects of the gender regime, or “the pattern[s] of power relations between men and women and definitions of femininity and masculinity” (Connell 1987: 99) within the housing context. An expansive body of research has been dedicated to the barriers that women face in the workplace because of gendered stereotypes, but the barriers created by stereotypes in the housing context, as they pertain to access and maintenance, have not received nearly as much attention. Exclusionary and non-exclusionary forms of housing discrimination are practices that attempt to maintain and reproduce gender inequality in the housing context and the broader gender order of society. These practices, however, are not shaped solely by gender, even for women. Discrimination often operates at the intersections of multiple inequalities (Anderson 1996), including race, class, and familial status.

In this chapter, I explore the processes of gender discrimination in the housing context, and the relationship between gender discrimination and other inequalities. While I discuss exclusionary forms of gender discrimination, my primary focus will be on non-exclusion because it is this dimension of discrimination that affects women’s housing experiences most often (see Figure 4.5). Furthermore, by focusing on non-exclusionary dimensions of discrimination, I fill a gap in the literature on housing discrimination, which focuses primarily on exclusion. Differential treatment in the terms and conditions
of housing – rent, services, policies, etc. – and harassment account for the majority of non-exclusionary forms of gender discrimination.

**Excluding Women from Housing**

Discrimination against women in the housing context is shaped by stereotypes about women and traditional ideas about masculinity and femininity. Indeed, the majority of perpetrators of gender discrimination in the housing context are male landlords or managers and most targets are women (see Figures 4.1 & 4.3). While some landlords blatantly refuse to rent to women, or outwardly express a preference for men, most landlords discriminate in subtly ways. They do so by drawing on stereotypes about gendered spaces surrounding the home, and/or women’s ability to take care of a home, as the following example illustrates.

When Christina, a single mother, inquired about renting a house from Star Apartments, the manager told her that “A male needs to live in the house to do chores such as mowing the lawn and shoveling snow.” During the investigation, the landlord argued that he did not discriminate against women. In fact, the landlord provided evidence to show that he rented to women at another location. This other location, according to the landlord, was “better” for women because it did not have a large lawn and a long driveway to maintain. Although the landlord did not perceive his actions to be discriminatory, they were. He steered Christina away from the unit she was interested in and suggested another unit that he believed was more appropriate for her. The landlord’s belief was based on gender stereotypes, not Christina’s needs or desires. As a result, her
housing options were limited, and stereotypical ideas about women and gendered spaces were reinforced.

Physical spaces were not the only gendered constructs surrounding the home that limit women’s housing options and/or tied women to men. Women were also refused housing because of stereotypes about their ability to economically maintain a home and general ideas about women’s dependability. Molly and her husband lived in a rented house for ten years during their marriage. After they divorced, Molly remained in the house for one year, pre-paid, as part of the divorce settlement. Molly was evicted at the end of the one-year pre-paid period because her landlord was “concerned about a single woman paying the rent,” even though Molly was working and made enough money to pay her rent. Similarly, after a perspective landlord learned that Cyndi was in the process of a divorce, he refused to accept her rental application because he stated that he has “had a lot of problems renting to divorced women in the past.” Likewise, Linda was told by a prospective landlord that he could not rent to her because she was separated and not yet divorced.

Traditional definitions of gender or masculinity and femininity can limit women’s housing options and create disadvantages in the housing arena. In fact, as the above cases make clear, women’s access to housing, or ability to maintain housing, and their perceived dependability, as renters, is often tied to their relationships with men. Landlords apply their own personal beliefs about women and their relationship status, which reflect broader beliefs about women, to make decisions about their ability to be good renters. Women who are divorced, or in the process of divorce, appear to be specifically marked by some landlords as potentially bad tenants, or less dependable.
tenants who often break lease agreements because they “usually go back to their husbands.” The same does not appear to be true for men. I found no evidence of men who were denied housing or had their lease agreements terminated because of their relationship status. In fact, in Linda’s case, the investigation revealed that the landlord rented to a man who, at the time he applied, was in the process of a divorce. Unlike Linda, however, he was permitted to rent the apartment.

Gender discrimination requires women to put additional time, money, and effort into finding housing. Indeed, many women discussed the importance, and necessity, of finding affordable housing near work, childcare, and/or “in a decent neighborhood.” Finding housing in a “good neighborhood” is especially important for women with children. Furthermore, taking legal action against a landlord who discriminates creates additional challenges for many women, and often has a negative impact on their lives. Women recalled missing work, classes, and having to “take my child out of school for the day” so that they could meet with OCRC investigators, attorneys and/or representatives at local fair housing advocacy groups. Consider Barbara’s statement below, which is taken from a legal deposition. Barbara was denied an apartment “in a good neighborhood close to work and school that I could afford” because she was a single mother.

I try to do the right thing. I go to school. I study. I try to get good grades on my tests. I go to work. I’m a good worker. And, I don’t - I don’t think it’s fair that you try to go by the book and then people basically do what they want to do. And, it’s not enough to make me say I’m not going to do right anymore. But, it just let’s me know that in addition, I have to do other things that I don’t think I should be subjected to.

As Barbara’s statement communicates, time, money and effort are not the only consequences of gender discrimination. Housing discrimination has emotional consequences as well. In fact, later in the deposition, Barbara remarked that since the
discrimination took place she “constantly has to watch her back” and question people’s motives, which is something she did not do before.

While this appears to be Barbara’s first experience with discrimination - or the first experience that she is aware of – that was clearly not the case for other women. Take, for example, Kiesha’s experience. During a deposition for her housing discrimination complaint, Kiesha admitted that she had since been terminated from a customer service job because she was rude to a customer. Kiesha explained that she “lost it” when a white man came to the customer service desk and yelled at her. She was still angry and “stressed out” about the way she was treated by the (white, male) landlord who refused to rent to her because of her gender and race. Kiesha’s psychologist testified that since the housing discrimination took place Kiesha struggled at work and in her relationship with her boyfriend.

Kiesha’s experience, and the experiences of other women like her, demonstrates the interrelated nature of inequality. Housing discrimination will obviously cause housing-related consequences. However, the consequences of housing discrimination are not limited to the housing context. As discussed above, for many women, the impact of housing discrimination affects their work, childcare, schooling, and other aspects of their lives. Additionally, Kiesha’s experience highlights the cumulative affect of discrimination on individuals’ lives. Kiesha did not “lose it” after experiencing this one instance of housing discrimination. According to Kiesha, she lost it because she has faced a lot of discrimination in her lifetime because she is a Black woman.

These cases also demonstrate the relational nature of inequality. Although gender is the focus in these cases, because of the nature of the complaint process and common
perception of discrimination (is the discrimination based on gender or is it based on race?), gender is clearly not the only form of inequality affecting these women’s lives. Their status as mothers, their race, and their economic situations are clearly influencing their experiences, as women, in the housing context. While there are women who likely experience discrimination based solely on their gender, the women’s stories represented here and the broader patterns reflected in the data (see Figure 5.2) suggest that discrimination in the housing context is often occurring at the intersection of multiple inequalities. Indeed, audit studies of housing discrimination that focus solely on race are, at best, only capturing a piece of the story of housing discrimination, which will, in turn, affect policy decisions that are based on this research.

Women’s experiences and consequences in the housing arena are not limited to discrimination that takes place while attempting to access housing. Tenants are also subjected to differential treatment once they have secured housing. In fact, gender discrimination typically occurs after women have secured housing. The remainder of this chapter will focus on this dimension of discrimination.

Beyond the Front Door: Non-Exclusionary Forms of Discrimination

Exclusion is a fundamental aspect of housing discrimination, and a central mechanism of gender inequality. However, exclusion is not the only dimension of housing discrimination or gender inequality. Discrimination in the housing context, like other sites of inequality, is a multi-dimensional phenomenon that involves day-to-day, interactional forms of inequality. These forms of discrimination are used to marginalize and subordinate women and, as a result, maintain and reproduce traditional gender roles
Differential Treatment

Women are often held to different standards or expectations than their male counterparts when attempting to secure housing. Likewise, men and women are treated differently on a day-to-day basis in the housing environment, which can affect women’s abilities to maintain adequate housing. Differential treatment in the housing context typically involves rental policies and procedures, maintenance and repairs, and rental and other housing fees. For instance, after living in her apartment for a few months, Shauna discovered that she paid more rent per month than the men who lived in the other three, identical units. During the investigation, her landlord was unable to provide a legitimate, non-discriminatory reason as to why Shauna paid more rent than the males who occupied the other units. Jackie was also treated differently than the men, and married women, in her housing complex. Jackie, who was the only single woman living in her building, learned that her requests for repairs and maintenance were always responded to after her neighbors’ requests, regardless of when her requests were made. 

As these cases illustrate, relationships between men, relationships between men and women, and traditional ideas about women’s dependence on men are relevant in the daily housing environment. As Shauna put it, “I’m not one of the guys.” Shauna’s landlord regularly hung out with the men in his small apartment complex. Shauna was never invited to hang out with the men and she had no desire to do so. She did not think that these social interactions would affect her rent, but they did. Jackie’s landlord
reported that he “tried to help her with things around her apartment when she first moved in” but claims that she refused his help. He took this as a sign that Jackie did not want him to help her with anything around her apartment. This, however, was not the case. Jackie refused her landlord’s help when she first moved in because he offered to help her with things around the house that “I’m capable of doing myself” and “they were not his responsibility”. The “help” Jackie later requested was for major repairs that were, in her opinion, the landlord’s responsibility.

Although Jackie’s landlord states that he responded to other tenants’ repairs before Jackie’s because he thought she did not want his help, this does not appear to be his actual motivation. The landlord was policing gender and, in a sense, punishing Jackie for behavior that he perceived to be deviant. Jackie, a single woman living alone, refused her landlord’s “help” around her house and instead insisted that she was capable of doing (men’s) chores herself. In the eyes of her landlord, Jackie failed to behave in a traditionally feminine way (i.e. passive and dependent) and challenged the gender order that privileges men and creates disadvantages for women. Policing women’s behavior and treating them differently when they fail to meet gendered expectations was a common practice among these landlords. Single women appear to be particularly vulnerable to differential treatment. Women were given lease violation warnings for things that men were not warned about, held to higher standards of “cleanliness” in or around their homes, and threatened with eviction for being late with the rent while men were given grace-periods and extensions.

Differential treatment creates disadvantages for women in the housing setting and reinforces ideas about women’s dependence on men. Furthermore, holding women to
different policies and procedures requires them to put more time, effort, and money into maintaining housing. Maintaining adequate and affordable housing, like accessing housing, is important, and research on housing discrimination needs expand its focus to include this dimension of discrimination. In fact, if discrimination is a moving target, as Massey (2005) argues, maintaining housing may be a particularly important fair housing issue, especially for women. Landlords may house women (and racial and ethnic minorities) out of fear of prosecution stemming from housing audits. However, that does not mean that women and minorities will be treated equally once housed, especially since proactive enforcement of fair housing laws, such as audits, ends at the front door.

**Gender Harassment**

Women are not only treated differently because of their gender, they are also harassed. Actually, harassment is more common than differential treatment.\(^7\) Fifty-seven percent of the gender discrimination cases involve issues of harassment (see Figure 5.1). Women are subjected to abusive and derogatory comments based on their gender, their status as mothers, and their relationship status.

\(^7\) The OCRC categorizes differential treatment and harassment separately.
For example, Mary’s landlord screamed at her and often called her a “bitch” when she was late with her rent. Other women in Mary’s housing complex were also treated poorly. Men who were late with their rent were not treated in this manner. In other cases, incidents of harassment resembled schoolyard antics and taunts between boys and girls. For example, while living in a boarding house, a male tenant repeatedly harassed Darlene by “revealing the contents of my diary to the residents, tampering with my mail, and pouring bleach on my cloths.” Darlene complained about the harassment to her landlord numerous times but “he did nothing to stop it”. Men in the boarding house did not experience harassment, and when they had problems, the landlord addressed their problems in a timely manner. Darlene was the only women living in the boarding house.

The “home” is commonly defined as a “private space”. In fact, it is argued that “The house is controlled by the household as its property, owned or rented, and thus is separated from what is beyond the household’s control. What is within this boundary is
considered a private realm, as established by various legal and cultural boundaries” (Madanipour 2003: 75, my emphasis). Although this is the case, many women in rental housing appear to lack privacy and are subjected to male surveillance. Indeed, a lack of privacy and personal space was an important theme that emerged from the case files, as Darlene’s experience above demonstrates. Women report that their landlords “watched me” or questioned them about their guests, especially their male guests. Women also report that their landlords entered their apartments without proper notice or permission.

Take the case of Sherry, whose experiences were discussed in chapter one. Sherry’s landlord threatened to move into the apartment next to her so that he could “keep his eye on me.” Although the landlord never carried through on this threat to move next to her, he still kept his eye on Sherry. He questioned Sherry when men visited her apartment and frequently came to her apartment, without notice, to do “inspections.” Male tenants were not asked about their visitors and the landlord only entered men’s apartments when there were legitimate reasons and adequate notice had been given. As this suggests, men often have more personal space and privacy within their homes, and the “home” is not necessarily a women’s “private space”, even though the home is often considered a “woman’s space”. Furthermore, a women’s lack of privacy within the home may extend beyond personal, intimate relationships and include men who are perceived to be outside women’s intimate realm (i.e. landlords).

In fact, the discussion of gender and public / private spaces has largely been an issue revolving around the family and/or women’s relationships with their husbands and the home. While this is clearly an important issue, the institutionalization of gender and its relationship to the home extends beyond the family and/or the relationship between
wives (women) and their husbands (men). The public/private divide and women’s relationship to their homes is not only about the family and their husbands. As these cases demonstrate, many male landlords, operating within a broader gender regime, attempt to take on the role of substitute or “stand-in man” for women who rent their apartments. This is especially true for single women. However, married or partnered women may not be guaranteed privacy within their own homes. As the next section highlights, marginalized men in relationships with female tenants are also subjected to surveillance and a lack of privacy.

In his discussions of the relationship between the home and the public-private divide, Madanipour (2003:102) argues that “the tension between the individual and the household, and the tension between the external image of the household and its internal reality are two areas that need to be acknowledged and understood” if the private realm of the home is to be accurately understood. Clearly, the reality of the changing dynamics of the family and how it is perceived by the outside world impacts the private realm of the home. However, this argument suggests that outside actors, such as landlords, merely impact the perception of the family and the home, when in fact, outside actors can directly affect the day to day realities of the home. Indeed, the line between the household (internal) and the landlord (outside world) is often obscured in rental housing. Landlords are in a unique position to affect the private realm of the home. Their institutional authority within the housing context places landlords within a position to impact the home. At the same time, as we have seen here, their proximity to their tenants, their knowledge of their tenants’ daily routines, and their position as men provide further
access and control over the home – access and control which is, in many ways, legitimized by traditional ideas of masculinity and femininity.

**The Relational Nature of Gender Discrimination**

Gender is not the sole defining characteristic of women (Lorber 1994) and, therefore, gender discrimination is not always simply about gender, as the above discussion illustrates. Women’s relationships with men, their status as mothers, and their race and social class position also impact landlords’ perceptions and attitudes about women and their ability to be “good renters”. In addition, the majority of gender discrimination complaints are filed by African American women (see Figure 5.2). However, unless the cases are filed specifically on “gender” and “race”, African American women’s experiences, as “Black women”, are often looked at as gender discrimination. More importantly, even cases filed on “gender” and “race” are typically investigated as separate issues, not intersectional forms of inequality.
Because discrimination and inequality is generally conceptualized as separate and distinct issues, by the OCRC and many scholars studying inequality, the relational and complex nature of inequality is often overlooked, or ignored. Unfortunately, this perception and conceptualization of inequality appears to be present at OCRC/HUD as well. I examined the qualitative materials in each file of gender discrimination to determine if race, class or other inequalities were intersecting with gender. These intersections were not always clear or evident in the cases. Unfortunately, because of the nature of the data, which are taken from a legal process that views forms of inequality as distinct and separate, uncovering the exact intersectional nature of gender discrimination in the housing context is challenging. However, many black women perceived that their race is playing a role in their experiences of discrimination, or they were unable to
separate race from gender when explaining the discrimination that they experienced, as
Kasha’s experience discussed above demonstrates. Furthermore, as the cases of sexual
harassment, discussed in the next chapter, illustrate, these intersections can be very
apparent in the stories that women tell about their experiences in the housing context.

**Conclusion: Gender Discrimination in the Housing Context**

Gender discrimination in the housing context is a multidimensional process, involving
both exclusion and non-exclusion. Indeed, gender discrimination typically takes place
after women have gained access to housing. This type of discrimination usually involves
differential treatment and harassment. Fundamentally, non-exclusionary forms of
discrimination are issues of housing maintenance – the disadvantages created by gender
(i.e. higher rent, the arbitrary use of housing policies, etc.) or the harassment based on
gender in the housing context could result in the loss of adequate housing or the
difference between adequate and inadequate housing. Given this, studies that only
address exclusionary forms of discrimination fail to capture the bulk of discrimination
that women face and miss a critical aspect of discrimination (maintaining housing) in the
housing context. Similarly, gender scholarship that focuses solely on the workplace
and/or the family overlooks the creation and reproduction of gender inequality in the
housing arena. The housing context is a site of gender inequality that has similarities with
the workplace and family but also unique differences. The gendered meaning and
perception of the “home” and the particular relationship between landlords and tenants
sets the stage for these differences.
Gender scholars have demonstrated the disadvantages that women face when gender is a defining characteristic of jobs, careers and/or roles within the home but these issues have not received nearly as much attention in the housing arena. Perpetrators of gender discrimination in the housing context use their status and power as owners/landlords, and as men, and commonly held ideas about gender, specifically ideas about active/independent men and passive/dependent women, to define what “appropriate” housing is for women. These definitions are based on gender and fail to consider the specific housing needs of the tenants. As a result, women face additional disadvantages in and traditional ideas about gender and masculinity and femininity are reproduced in the housing context. In addition, limited housing options have the potential to constrain women’s employment, childcare, and family, community, and social networks.

Traditional gendered ideas in the housing context also limit women’s privacy and personal space. In many ways, women, as renters, lack privacy or personal space within and around their “homes”. They are subject to unwanted surveillance, masculine possessiveness, and home invasions. Indeed, these findings support research which suggests that the meaning of home is more complex for women. Like other actors in the housing arena (Chapman and Hockey 1999; Shove 1999), landlords have the ability to constrain definitions, meanings, and arrangements in and around the “home” and they can directly impact women’s experiences within the home. In fact, in many ways, these cases demonstrate the negative consequence that can result from using gender – specifically perceived “natural” gender differences – to define and construct the “home”.
Furthermore, landlords and tenants have a unique relationship. Landlords have extensive knowledge about their tenants because of their institutional authority and close proximity – they are not intimates nor are they strangers. It appears, though, that some landlords view rental housing as “their space” – “their” space as landlords and “their” space as men. As is the case in public spaces (Gadner 1995), women, especially single women, who enter “men’s” spaces are perceived to be responsible for the harassment they experience while “violating” men’s space or, at the very least, are subjected to the control and surveillance of men.
CHAPTER 6

HOUSING-RELATED SEXUAL HARASSMENT

Although a growing body of research exists which focuses on sexual harassment in the workplace, research on sexual harassment in the housing context is rare. The limited research on housing-related sexual harassment that exists suggests similarities between workplace sexual harassment and housing-related sexual harassment (Reed, Collinsworth, and Fitzgerald 2005). However, this same research also suggests that housing-related sexual harassment may be unique in many ways. Indeed, housing-related sexual harassment raises specific concerns and questions about gender and the home, as well as questions relating to issues of privacy, male surveillance and possessiveness, and the distinction between public and private spaces.

Sexual harassment is a form of gender discrimination, and like differential treatment and gender harassment, sexual harassment usually occurs after housing has been secured. In fact, sexual harassment is the most common type of harassment reported, representing over half of all the harassment complaints.8

8 The percentage of sexual harassment complaints may actually be higher than what the quantitative data suggest. The OCRC codes (gender) “harassment” – harassment that is based on sex (gender) but not sexual in nature – separately from “sexual harassment”. Based on the quantitative dataset, sexual harassment complaints represent approximately 50% of the overall harassment complaints. However, the qualitative case materials reveal something different. In my review of the case files, I found cases that were labeled “harassment” in the quantitative data that clearly involved issues of sexual harassment. In fact, the charge affidavit and/or other OCRC reports specifically discuss “sexual harassment”, which suggests that the cases were miscoded in the OCRC’s dataset. I did not, however, find cases labeled “sexual harassment” in the dataset that did not actually involve issues of sexual harassment.
**Gender and The Context of Sexual Harassment in Housing**

All of the perpetrators of sexual harassment were men and all of the targets were women. Although women were named as “respondents” in some cases, they were not the direct perpetrator of harassment. Many women named in complaints were owners or co-owners, and under state and federal fair housing laws all owners are liable parties and must be included in a complaint. Other women were named in the charge of discrimination because they retaliated against a tenant for complaining about sexual harassment by a male manager/co-owner, a male neighbor/friend, or, the woman’s husband. For example, in one case, multiple witnesses testified that their (male) landlord sexually harassed numerous female residents on a continual basis and that his wife (and co-owner) “protected” him by threatening tenants who complained with eviction.

The majority of perpetrators of sexual harassment are individuals or a few individuals who own property, not large bureaucratic rental companies with structured policies and procedures. In fact, given the lack of hierarchy and structure, these landlords rarely have to justify their actions to anyone and, because of this, they have substantial discretionary power. Furthermore, the discretionary power of many landlords is expanded because of the minimal oversight by state and federal fair housing agencies, especially for forms of discrimination that take place after gaining access to housing.

**Forms and Mechanisms of Harassment**

Sexual coercion and unwanted sexual attention are the most commonly reported forms of sexual harassment, and threats of eviction are often reported as coercive mechanism of
harassment. Consider the following statements, taken from two complaints filed at the OCRC.

Since November 1998, Patricia’s landlord repeatedly asked her out and even offered to buy her a ring and a car if she would marry him. When Patricia declined her landlord’s advances, she was given an eviction notice.

On or around September 30, 2002, Linda told Mark, her landlord, that she would be unable to pay the full amount of her rent. Mark responded by telling her that she could take care of the unpaid balance by having sex with him. When she told him ‘no’, she was evicted.

Patricia had a good rental history, and she had never been late with her rent, yet she was evicted. Linda had been late with her rent but her landlord had never threatened her with eviction. Linda was evicted only after denying her landlord’s sexual advances.

These were not isolated cases. One woman was told she could be late with her rent if she showed her landlord her breasts, while another woman was offered a “discount” on her late fees if she performed oral sex on her landlord, and evicted when she refused. Finally, a landlord “conditioned whether or not my heat would be fixed on sex”. The investigation of this case revealed that the landlord intentionally turned off the tenant’s heat during the winter, telling her that there were mechanical problems that he was having fixed. This case, and the others like it, is particularly interesting because it demonstrates the calculated, conscious steps some landlords will take to gain access to their tenants for the purpose of sex.

Threats of eviction and denial of housing services were also used after the fact, to silence women who complained about sexual harassment or denied their landlords’ unwanted sexual advances. In fact, most women who filed complaints with the OCRC did so only after they moved from the harassers’ apartment. Women who filed complaints
before moving often needed to file a second complaint with the OCRC, based on retaliation, because they were evicted after filling the initial complaint. This highlights the role that power plays in this context and how existing structures intended to protect women from housing discrimination can actually reinforce a landlord’s power and a tenant’s vulnerability. Landlords control access to housing and, in many ways, a tenant’s ability to maintain housing. At the same time, the burden of proving discrimination rests on the target of harassment. While it is reasonable that the burden of proof rests on the target of harassment, this burden, absent proactive enforcement strategies to protect women from sexual harassment in the housing context, creates an environment where women are more susceptible to sexual harassment. This appears to be especially true in informal and less structured housing settings.

Unlike general forms of gender discrimination, where discrimination appears to unfold at various stages of the landlord-tenant relationship, sexual harassment commonly begins early in the landlord-tenant relationship, as the following example suggests.

In November, shortly after I moved in, my landlord was in my apartment to fix my refrigerator. As he was getting ready to leave, he put his arm around my shoulder and began rubbing his penis.

The fact that sexual harassment unfolds early in the landlord-tenant relationship is an issue of power and vulnerability, and further illustrates the conscious steps some landlords will take to sexually harass tenants. Indeed, many landlords appear to be fully aware of the fact that the tenants they are housing are vulnerable to their sexual advances. If, in fact, they were uncertain of their power and their tenants’ vulnerabilities, the harassment would unlikely begin early in the landlord-tenant relationship. Landlords use their control of housing to manipulate situations and gain access to their tenants.
However, landlords are not simply relying on their control of housing. They also capitalize on commonly held gender ideologies – the dependent woman and the independent man – to further establish a position of authority and power. These gender ideologies are especially salient in and around the home.

The Defense of Sexually Harassing Behaviors

Landlords use stereotypes about gender and commonly held ideas about women to defend themselves against complaints of sexual harassment. Actually, these stereotypes and commonly held ideas are readily available to landlords within broader social institutions and culture. Their use at the interactional-level in the housing arena reinforces and maintains gender stereotypes in and around the home and within the broader culture. For example, Carl admitted entering Helen’s apartment but denied making unwanted sexual comments to her. Carl argues that he is a helpful, nice guy; not a harasser. He insists that he entered Helen’s home to “help her with things like taking out the trash”, because he knew that she was a single woman. Jack also relied on stereotypes about women. In his defense statement, he writes,

There are female people that’s been hurt in there and brainwashed to think the wrong way…She is trying to make something out of nothing…there is a misconstruction, misunderstanding, wrong impression, mental problem, mental gain, mental greed, mental complex and/or whatever.

In these examples, the perpetrators suggest that the women misunderstood their actions, and they used commonly held stereotypes about women to demonstrate these “misunderstandings.” Carl drew on gendered stereotypes about women’s dependence on men and/or women’s inability to do masculine tasks around the house, while Jack drew on commonly held ideas about women and irrationality or women’s mental/emotional
inadequacies. Categorizing women’s complaints of sexual harassment as misunderstandings – “I was just being friendly” or “helpful” – or as the false constructs of irrational women is a defense among perpetrators.

In addition, Jack’s specific comment about women who have been “brainwashed to the think the wrong way” appears to be a negative reference to changes in the gender system, which reflect women’s independence and, therefore, reduces men’s status/power. As such, this is also a reference to the “nature” of gender - Women’s independence is “unnatural,” and is only a result of “brainwashing to think the wrong way.” Here the landlord is drawing from general ideas about the “naturalization” of gender and gender differences to defend himself against the sexual harassment complaint. At the same time, his manipulation of these ideas reproduces and reinforces gender inequality in the housing context, as well as the broader culture.

Men, or landlords, were not alone in their use of stereotypes to justify harassing behaviors. Some women also relied on gender to explain their harassers’ behaviors, especially when the harassment first began. Women report that they initially ignored their landlords’ unwanted sexual comments or behavior because they believed that he was “just being a guy” and/or argued “that's just how men are.” Although women relied on stereotypes, such as these, much less frequently than perpetrators, these reactions, on the part of the targets, still recreate and maintain gender inequality. They misrepresent the relationship between gender, and sexuality, as “natural” and provide men with a readily available and socially justifiable excuse to harass women. Indeed, as long as we, as a society, continue to place gender in the realm of “nature” and excuse men's behaviors,
especially behaviors surrounding sex, as natural and therefore uncontrollable, sexual harassment is likely to be an ongoing social problem.

These particularly cases also demonstrate that sexual harassment is not only an issue of “private” behavior in a public context. In fact, the harassment typically takes place in a private space – the home. However, labeling sexual harassment as a private behavior, which, in this context, takes place within a “private” space, has the potential to minimize the issue and remove it from public scrutiny – “it’s a private matter”. In reality, at the heart of sexual harassment in any context is socially produced and defined power, even if the power relationships within different contexts unfold in particular ways. At the same time, labeling sexual harassment as a private behavior situates the harassing behavior at the individual level and overlooks the institutionalization of gender inequality which gives men permission to harass and readily available excuses to justify their behaviors.

*Privacy, Masculine Possessiveness, and the Proximity of Targets and Perpetrators*

Although power is at the heart of sexual harassment in all contexts, the power relationships in particular contexts often play out in unique ways. Indeed, the close proximity between perpetrators and targets in the housing context, combined with the gendered meanings attached to the home, creates additional layers of threat and vulnerability for targets of harassment. Landlords work and often live close to their tenants, and they have direct access to their tenants’ apartments because of their institutional authority in the housing arena – they have keys.
The majority of the cases analyzed involved what Reed, Collinsworth, & Fitzgerald (2005) called “home invasion” – landlords entering tenants’ apartment without permission and/or knowledge to harass the tenants. Take for example Laurie’s case.

*Laurie has been repeatedly subjected to cat calls and whistles from Greg, the building maintenance person, while she has lived in the apartment complex. Laurie has complained to management but Greg has not stopped his behavior.*

One morning, not long after experiencing and complaining about the harassment discussed above, Laurie awoke to find Greg and another maintenance person in her apartment, without prior notification or permission. Laurie’s situation was not unique. Other women reported that landlords’ entered their apartments without notice while they were showering, changing, or simply at home doing other things. A woman who is deaf described how her landlord frequently entered her apartment without her permission, thinking she would be unable to detect his presence, attempting to watch her undress. The unique access that landlords have to their tenants’ personal space increases women’s vulnerability in the housing context and decreases privacy within their home.

Perpetrators also entered women’s apartments while they were away from home, often going through their personal belongings. In most cases landlords went through the tenants’ underwear drawer. However, as Tawana’s case suggests, other personal belongings were also disturbed. When Tawana was leaving her apartment for the day, her landlord propositioned her for sex, which was something he did regularly. As usual, Tawana rejected his sexual advances. On this particularly day, after she left, her landlord “entered my apartment and took my dog ‘for a walk’ without my permission.” When Tawana returned to her apartment later that day there was a note from her landlord telling
her to stop by his apartment to pick up her dog. Tawana knew that the landlord was using her dog as a way to get her to come to his apartment. To avoid the harassment, Tawana waited until a male friend could accompany her to the landlord’s apartment.

The proximity between perpetrators and targets not only provides access to women’s personal spaces, it provides perpetrators with knowledge of their daily routines and personal lives as well. This knowledge and the additional access and power it provides increases women’s vulnerability to sexual harassment. As Feda reported, “[my landlord] knew my husband’s work schedule.” Similarly, Ruth explained that, “[my landlord] never did anything when my boyfriend’s car was in the lot.” Ruth and Feda, like many other women, were subject to their landlords’ surveillance and, as a result, they lacked privacy in and around their homes. The same was true for Missy. After complaining to her manager, Steven, about the sexual comments he had been making to her, Missy was given a warning when her male friend parked in a certain area of the parking lot and another warning when he parked in the lot overnight. Steven was aware of the fact that Missy’s female friends parked in the same spot used by her male friend and he knew that she often allowed her female friends to leave their cars in the lot overnight. Missy was never given lease violation warnings for the incidents involving her female friends.

Women were also evicted, or threatened with eviction, because of the presence of male friends or boyfriends, as the following letter sent to the OCRC by Maxine, which subsequently became a formal charge of discrimination, demonstrates.
My landlord has been sexually harassing me and I want something done about it. He is trying to evict me from [my apartment] unless I get rid of my boyfriend, who I have a five month old son with. He has said that I am very beautiful and that I could do better than my present boyfriend. When I was nine months pregnant [my landlord] wanted me to clean his house. I was practically due any day. I told my boyfriend what was happening, he confronted my landlord, and we were given an eviction notice. My landlord said I was not fair to him and treated him bad for telling my boyfriend about what he said. We have also made several police reports about him stalking us. One incident was at 1:30a.m., when he was stalking the house by riding up and down the street several times and then sitting up on the corner and watching the house. Please help me with my situation.

Not only does this example reveal the consequences and the amount of threat that many women face in and around their homes, it further demonstrates the role of discretionary power in these cases. Maxine’s landlord not only felt that he could control who Maxine is with, he felt he could require her to clean his house when she was nine months pregnant, and not his employee. Furthermore, he “stalked” the complainant while her boyfriend was at her house, which demonstrates his perceived power over her and her boyfriend because he controls her housing situation.

Women, especially women of color, have historically gained access to housing through their relationships with men (Collins 2000), and women are often viewed as men’s property or in the control of men. Considering this, it is not surprising that masculine possessiveness was a common theme that emerged from the data. Take the case of Rashell as an example. Shortly after moving into her apartment, Rashell threw a house warming party and invited her neighbors. At one point during the party, Samuel, Rashell’s landlord and neighbor, got drunk and pulled Rashell onto his lap and told her that he wanted to “nail me”. When she rejected Samuel, he became angry and insisted
that everyone leave the party, which was at Rashell’s apartment. Rashell insisted that her
guests did not have to leave and instead asked Samuel to leave. This made Samuel
angrier, and he responded by yelling “I own this place!” After that night, Samuel
frequently showed up at Rashell’s door when she had male guests visiting or he would
question her later about her male guests. He also repeatedly told Rashell that “I should be
having sex with him instead of other guys.”

As this case, and the others like it, demonstrates, some landlords feel that their
position, as “landlord”, and their control of the housing extends beyond the physical
space and the terms of the lease agreement to the people who occupy “their” space. This
lack of privacy and personal space highlights the unique character of the landlord-tenant
relationship and the role of gender and power operating in the housing context. If sexual
harassment in the workplace challenges the arbitrary boundaries between public and
private spaces (Roth 1999), housing-related sexual harassment has the potential to erase
these boundaries.

Furthermore, landlords can use formal rules arbitrarily. Indeed, the presence of
formal policies and procedures do not necessarily decrease a landlord’s discretionary
power. While formalization or bureaucracy has the potential to constrain discretionary
power, as Weber noted, it can also be used as a tool of power and discrimination.
Actually, many of these cases involved landlords who used the lease agreement to
regulated tenants’ (women’s) and their visitors, especially male visitors. Indeed, as we
have seen here, the social control and regulation of women by men is not simply an issue
surrounding women and men in intimate relationships or superiors and subordinates in
the workplace. Landlords and the broader housing context, which includes the home and
the surrounding environment, are also influenced by stereotypical ideas about masculinity and femininity. In fact, the patriarchal behavior that gender scholars call attention to in the family and intimate relationships between men and women is also being maintained and reproduced at the individual-level between actors in the housing arena.

The Relationship between Sexual Harassment and Other Inequalities

The sexual harassment that women face in the housing context is clearly related to their gender. However, gender is not the only factor impacting women’s experience with discrimination in the housing context. Inequality often occurs at the intersections of gender, race, and class. In this section I specifically discuss these important, and often overlooked, intersections in the housing context, as they pertain to sexual harassment. Actually, the discussion of privacy and personal space above is based largely on Black women’s experiences, considering that Black women represent 64% of the gender discrimination cases and 68% of the sexual harassment cases filed at the OCRC (see Figure 5.2). Because of this, it is important to consider the relationship between sexual harassment and other inequalities.

Economic Vulnerability

Social class is not a protected basis of discrimination under state and federal fair housing laws. Because of this, the OCRC does not record information about targets’ socioeconomic status. However, documents found in the case files often provided information about the targets’ general economic situation at the time the harassment occurred. Actually, all of the sexual harassment case files contained some information
about the targets’ economic circumstances. This suggests that economic vulnerability is playing a role in housing-related sexual harassment, especially when you consider the fact that evidence of economic vulnerability was not as overtly evident in the general gender discrimination cases.

Sexual harassment in the housing context impacts women at the lower end of the economic spectrum. The women represented in these cases directly mentioned needing housing assistance, affordable housing and/or told stories about long waiting lists for affordable housing. They also talked about the difficulties they had coming up with deposits and the first month’s rent, or “keeping up with the rent” from month-to-month. Some woman talked about living in homeless shelters or mentioned that they feared ending up “living on the streets with my children” if they were unable to find housing or lost the apartment that they were living in. For some women, their economic situations appear temporary – I am “trying to get on my feet after my divorce” – but for most, their situations appear to be long term and ongoing.

Landlords have knowledge of their tenants’ economic status because of their institutional authority in the housing context (i.e. credit checks and rental histories). Perpetrators use this information, and ideas about femininity and masculinity, to gain access to and manipulate their targets. In the majority of cases, landlords made some form of the statement “I want to help” to the tenant when they were discussing rental or when tenants began having trouble paying the rent. Landlords also made similar statements during the investigation. In fact, in two different cases investigators uncovered that the perpetrators they were investigating had actively sought out female tenants from homeless shelters and/or substance abuse rehabilitation programs. When questioned, both
landlords claimed that they contacted the shelters/programs because they “wanted to help”. In other cases, the tenants’ economic situations were so bad that it was, according to the OCRC, clear from the start that the tenants would be unable to pay the monthly rent. However, the landlords “overlooked” the tenants’ economic situations and rented to them anyway, often telling them that they “wanted to help.” While on the surface this sounds admirable, it is, in fact, the creation of a quid-pro-quo relationship. Indeed, these tenants quickly learned that the landlords’ offers of “help” came at a cost - “My landlord thinks I owe him something because he did me a favor.”

As the earlier discussion, and previous research (Reed, Collinsworth, and Fitzgerald 2005), highlight, a lack of available housing options, especially affordable housing, places many women in vulnerable positions and opens the door to sexual harassment. “I had no other place to go” was a common statement found in these cases. A lack of options traps women in situations of harassment. For example, Sandy “put up with the harassment as long as I could” because her credit was bad and she had no place to go. Sandy was not alone. Most of the women represented in the data “put up with the harassment” as long as they could because they did not have any other options. Instead, they altered their daily routines and other behaviors to avoid their landlords and the harassment. Occasionally, when the harassment “got real bad” they would have friends or family stay with them or “check on” them regularly. The fact that many women felt that they needed to be “checked on” denotes their concerns for their safety, and the fact that they felt they were unable to escape the harassment.

Women usually asked male friends or family members to stay with or “check on” them. Although this is understandable, given the fear and threat they are facing, this
behavior also works to reinforce women’s dependence on men and the current gender system. Turning to men for “help” specifically perpetuates the ideology of dependence used by the landlords represented here to gain access to their female tenants. Here again, the perceived “naturalness” of gender, and masculinity and femininity, become apparent as a mechanism of gender inequality.

Having a man around the house does not guarantee that sexual harassment will not occur, however, as Maxine’s case, discussed earlier, illustrates. A landlord’s control of housing produces significant power over women, as well as marginalized men. For example, Margery’s landlord repeatedly made sexual comments to her during the day while her husband was at work. When she “had enough,” she told her husband what was going on and asked him to confront their landlord. After confronting the landlord her husband “told me there was nothing we could do right now because we couldn’t afford to move.” Margery’s husband explained that the landlord knew that they were having financial problems, and when confronted, he confidently said, “What are you going to do about it?”

An expression of power and invincibility, such as this, on the part of the perpetrator was not unique to Margery situation. Indeed, when Jeanie told her landlord that she was going to report him for sexually harassing her, he immediately responded “do it!” He reminded Jeanie that she often paid her rent late, and that she had credit problems that he overlooked when she moved in. He then asked her “who do you think someone will believe me or you?” This power and vulnerability extends beyond the specific targets of harassment as well. Numerous OCRC investigators noted in case files that neighbors, who were identified as witnesses or approached by investigators, refused
to give statements because they feared eviction. Neighbors also refused to testify because they feared that their landlord would retaliate by submitting a bad reference to their housing assistance programs, which would cause them to lose their housing assistance and make finding a new home more challenging.⁹

Knowledge of their tenants’ economic status not only gives landlords power, as the cases above demonstrate, it gives them what appears on the service to be a legitimate reason to evict or take other action against tenants who deny their sexual advances. Landlords who “overlook” a prospective tenant’s financial problems create quid-pro-quo environments and establish what appears to be a built-in defensive against complaints of sexual harassment. Indeed, perpetrators rely on the fact that tenants with financial problems who complain about sexual harassment appear less creditable.

Consider Gina’s case. Her landlord wrote in his defense statement to the OCRC that Gina was evicted for not paying her rent and that her accusations of harassment were an attempt to get back at him. He also pointed out that “she doesn’t even have a job.” However, the landlord failed to mention in this statement that he knew that Gina did not have a job at the time he rented to her and, at the time she was evicted, she had lived in his apartment for less than one month. Furthermore, Gina’s father testified that he met with the landlord, paid Gina’s rental deposit, and explained that she was having financial problems because she was escaping an abusive relationship. At that time, the landlord promised Gina’s father that he would “help her out” by waiving the rent “until she could get on her feet”. In this case, the landlord’s built-in defense failed. Unfortunately,

⁹ Witnesses are protected against retaliation by state and federal fair housing laws but witness names and other identifying information are public record. Because anonymity is not insured, and the investigative process can be long and time-consuming, many witnesses believe that testifying is too risky. It was common, in my experience as an investigator with the OCRC, for witnesses to refuse to speak because of fear of retaliation.
however, many other women, who are poor and may have no choice but to jump at the chance of “help” from a prospective landlord, probably have their sexual harassment complaints dismissed because they are unable to prove their allegations and appear less credible.

*Racialized Forms of Sexual Harassment*

Like social class, race is also embedded in the processes of sexual harassment, and intersects with other forms of inequality. “[F]or many women of color, the threat of racial/ethnic intimidation and violence carry with it the additional fear of sexual aggression and harassment” because of the sexual exploitation that women of color in the U.S. have experienced historically (Murrell 1996: 57). Indeed, the story of harassment in the housing context, especially sexual harassment, in many ways, is about the harassment of economically vulnerable women of color by white men with discretionary power and institutional authority. As Figure 5.2 illustrates, the majority of targets of discrimination are African American women. This is striking given that African Americans only represent 11.5 percent of Ohio’s population (http://www.census.gov/prod/2002pubs/c2kprof00-oh.pdf).

Like in the workplace (Welsh 2006; Murrell 1996; Mecca & Rubin 1999), women of color appear to be unable to separate housing-related sexual harassment from racism and the historical location of women of color at the marginalized intersections of race, gender, class, and sexuality. Women of color clearly perceive that race is relevant to their experiences of sexual harassment. These perceptions are evident in the bases of the charges filed at the OCRC. Housing complaints can be filed on multiple bases (e.g.,
gender and race discrimination, gender and familial status discrimination, etc.). White women who file gender discrimination complaints typically filed on “gender” alone (73%). Interestingly, men, regardless of race, rarely file a gender discrimination complaint that wasn’t coupled with another basis, usually race. The story is more complex for Black women.

Forty-eight percent (48%) of Black women file on “gender and race” and thirty-six percent (36%) file solely on “gender.” Beyond this, in their descriptions of what happened, many Black women start off by saying “I am a Black female”, even when the complaint was filed on gender alone. Similarly, many Black women directly stated that, “I strongly believe that I was discriminated against because of my sex and race.” These statements are not found in white women’s accounts of gender discrimination.

Black woman appear to be struggling to decide what the “primary” basis of discrimination is, an issue that Black feminist scholars have highlighted in the workplace (Collins 1990; Crenshaw 1992). Black women also appear to be exercising what Crenshaw (1994) calls agency in the politics of naming, where identity is used as a site of resistance. The claim “I am Black” takes a “social imposed identity and empowers it as an anchor of subjectivity” and a “positive discourse of self-identification” (Crenshaw 1994: 96). Clearly, the politics of naming, and the need for African American women to exercise agency, is relevant in the housing context and the political processes created to eradicate housing discrimination (i.e. HUD/OCRC). In fact, although Black women experience housing discrimination as “more than race or gender bias alone, and more than race plus sex” (Annual Report of the Washington State Minority and Justice
Commission, 2001: 58), this is usually how their experiences are interpreted, and claims are investigated, by these legal processes.

If Black women’s housing claims are looked at broadly as issues of “race” and “gender” discrimination, their experience with discrimination, as Black women, may be overlooked. A Black woman’s claim of “gender and race” discrimination, for example, could be dismissed if a landlord demonstrated that he is renting or has rented to Black men, discrediting the complainant’s race claim, and White women, discrediting the gender claim. All of the cases analyzed for this study had supporting evidence to substantiate the complainant’s charge of “gender” or “gender and race” discrimination. However, as discussed earlier, many more cases are dismissed every year due to a lack of evidence. The problems associated with picking the “primary” basis of discrimination for Black women, and having their claims investigated as broad “race” and “gender” issues, may be more pronounced in these cases. This could be true for Black women filing race discrimination complaints as well, an issue that has been largely overlooked in the literature on housing discrimination.

Although perception is extremely important to individual’s experiences, evidence of the intersecting nature of harassment in the housing context is not limited to perception. Race can play an explicit role in African American women’s experiences of housing-related sexual harassment. Take, for example, Marquette’s experiences. Marquette had been sexually harassed repeatedly by her landlord. At one point, after consistently denying his sexual advances, he told “me that he had a big penis.” He said that “he wanted to let me know because he knows ‘we’ like them big.” As this case demonstrates, historical stereotypes about African American women – promiscuous,
seductive, and hypersexual – (Collins 1990; Murrell 1996; Buchanan 2005), and African American men, are operating contemporarily in the housing context. Stereotypes about Black women and sexuality put Black women at higher risk of being sexually harassed. Indeed, Marquette’s landlord believed, or hoped, that by telling her that he had a big penis she would be unable to resist his advances any longer.

Some landlords appear to specifically seek out Black women as tenants and targets of sexual harassment. The following example, which is taken from the investigator’s field notes and the investigative report, illustrates the salience of race and the relationship between race, gender, and class in situations of sexual harassment in the housing context. Natasha lived in her apartment for nearly five years. Shortly after moving in, the landlord, John, began sexually harassing her. Natasha recalled dozens of examples of sexually harassment, both verbal and physical, but she never reported John’s actions to anyone and continued living in her apartment. Things changed though when Natasha returned home from work one day, with her children, and found John sitting on her couch masturbating. Natasha immediately left her apartment and later reported the harassment to the OCRC.

During the investigation, when asked why she lived in John’s apartment complex for five years if she was repeatedly being sexually harassed, Natasha explained that, “it was something I had to do for my children.” She continued:

*John overlooked my credit and rental history when I applied for the apartment and he gave me a break on my already reduced rent during months that I couldn’t afford to pay. And, the apartment was in a good neighborhood with schools that were better than any schools my children had attended.*
This particular case illustrates the vulnerability that many women face in the housing arena, especially when they are poor and supporting children. It also illustrates the conscious effort that some housing providers make when deciding who to house and how vulnerable they may be to sexual advances. During the investigation of Natasha’s case, twelve other women, both current and past tenants, provided statements that mirrored Natasha’s experiences while living in John’s apartment building. All of the women were poor, African American women with children. According to the investigator’s notes, this was inconsistent with the racial composition of the neighborhood. John received rental applications from White men and women and Black men but typically only rented to African American women.

Welfare mothers most frequently cite “putting their children first” as a marker of a good mother, which is consistent with representation of all mothers, regardless of social class (Hayes 1996). Hayes (1996) notes, however, that this marker can put some mothers in vulnerable and dangerous situations. This is certainly true in the housing context as well. Actually, the twelve other women identified in Natasha’s case all told similar stories about “doing what I had to do to provide for my children.” In her discussion of gendered spaces and gender stratification, Spain (1994: 110) citing Schroedel (1985), points out “that women in traditionally male trades consider verbal harassment part of the price of learning a lucrative occupation.” As Natasha’s case demonstrates, in housing, overlooking or tolerating sexual harassment may be the price some women feel they have to pay to access or maintain housing for themselves and their children in a safe neighborhood, near affordable childcare and good schools.
I specifically examined white and black women’s experiences to determine if there were differences. I did not find any direct evidence in these comparisons to suggest Black and White women experience different forms of harassment. However, as discussed above, some landlords reference race-specific stereotypes when they harass Black women and others appear to specifically seek out Black women as tenants and targets of harassment. Furthermore, if complaint-based data represent the most serious offenses, as Galster (1988) argues, the fact that African American women are disproportionately represented in these data suggest that they may, in fact, experience more serious forms of housing-related sexual harassment. This is consistent with research on women of color and sexual harassment in the workplace (Gruber and Bjorn 1982).

Race-specific aspect of sexual harassment directed towards Black women are unlikely overt (Buchanan and Ormerod 2002). Given this, and the fact that state and federal laws conceptualize sexual harassment solely as a gender issue, which affects the types of questions asked by the OCRC when investigating Black women’s claims of sexual harassment, the racialized nature of sexual harassment will be difficult to uncover. Indeed, like in the workplace (Crenshaw 1992), gender and race issues are typically investigated separately during a housing investigation (as a “gender” issue or a “race” issue), not specific issues impacting Black women.

The fact that African American women file more complaints of housing discrimination may also be associated with their knowledge of civil rights laws in general and fair housing laws in particular. In fact, African Americans have more knowledge of race-related fair housing laws (Abravanel 2002), but it is unclear if this knowledge corresponds to specific sections of fair housing laws pertaining to gender and sexual
harassment. Research suggests that professional women of color are less likely to report sexual harassment in the workplace (Welsh et al. 2006), and legal and social science definitions of sexual harassment better represent White women’s experiences and definitions of sexual harassment (Welsh et al. 2006; Buchanan 2005; Murrell 1996). Similarly, White women may not report sexual harassment because they lack awareness of the Fair Housing Act or they may believe fair housing laws are designed to only protect racial and ethnic “minorities” (Abravanel 2002).

**Conclusion: Gender and Sexual Harassment in the Housing Context**

Sexual harassment in the housing context further illiterates the multidimensional nature of housing discrimination, and the importance of specifically recognizing and understanding women’s experiences within the housing context, as they pertain to discrimination. Sexual harassment, like gender harassment and differential treatment based on gender, usually takes place after women have been housed, and sexual harassment affects women’s ability to maintain housing. As such, studies that only address exclusionary forms of discrimination fail to capture multiple layers of discrimination that women face and miss a critical aspect of discrimination (maintaining housing) in the housing context.

At the same time, while women face discrimination and sexual harassment in housing because of their gender (as fair housing laws perceive it to be), women’s experiences in the housing context are not simply about gender. Housing-related sexual harassment often occurs at the intersections of gender, race, class, and sexuality and, therefore, certain women – women of color, poor women, and/or women who challenge
commonly held ideas about gender – are particularly vulnerable to sexual harassment in the housing context. Women also face discrimination and harassment because of the additional burdens and vulnerabilities that come with the presence of dependent children, which, again, is an issue that is typically looked at as separate and distinct.

Like gender harassment and differential treatment, perpetrators use their status and power as owners/landlords, and as men, and commonly held ideas about gender, specifically ideas about active/independent men and passive/dependent women, to exploit women in the housing context, including sexually. Poor women appear to be particularly vulnerable to harassment because of a lack of housing options, especially affordable housing. A lack of options can isolate poor women and put them in situations where they have to “deal” with harassment in order to maintain their housing and avoid being homeless. Unlike many middle-class women, poor women are often unable to get time off work to look for new housing, pay rental deposits on a new place, or hire an attorney if they are being harassed, which may explain why middle-class women are not represented in these cases. Women of color are also vulnerable to housing-related harassment because they are disproportionately poor and they face race-specific gendered stereotypes, including stereotypes specifically about sexuality. These stereotypes have historical roots that are maintained and reproduced in contemporary institutions, such as the housing arena.

Gendered ideas that are informed and complicated by racial stereotypes and economic vulnerabilities also limit women’s privacy and personal space in the housing arena. In many ways, women, as renters, do not have privacy or personal space within and around their “homes”. They are subjected to unwanted surveillance, masculine
possessiveness and control, and home invasions. Landlords have extensive knowledge about their tenants because of their institutional authority and close proximity – they are not intimates nor are they strangers. It appears, though, that some landlords view rental housing as “their space” – “their” space as landlords and “their” space as men – and as is the case in public spaces (Gadner 1995), women, especially single women, who enter this space are perceived to be responsible for the harassment they experience while “violating” men’s space.
CHAPTER 7
WOMEN, FAMILIES, AND CHILDREN

Discrimination against families with children, like gender discrimination, involves multidimensional processes and various forms of inequality. In fact, I include the analysis of familial status discrimination in this study because this basis of discrimination disproportionately affects women, especially women of color.

Recall from the discussion in Chapter 4 that discrimination against families with children usually occurs while attempting to gain access to housing, not after families have secured housing. In fact, familial status discrimination is often about the exclusion of families with children based on the social construction of children as social problems or victims, family spatial arrangements, and commonly held perceptions about women and the home. Given this, I focus the majority of my discussion on exclusion.

In the discussion that follows, I discuss the context of familial status discrimination and its rather blatant nature. I then turn to the reasons why landlords exclude families with children. The analyses center on the truly multidimensional processes of discrimination against families with dependent children in the housing context and the relationship between this category of discrimination and race, gender and class-based inequalities.
The Context of Discrimination against Families with Children

As discussed in Chapter 4, familial status discrimination disproportionately impacts women, especially Black women. The discrimination usually takes place in rental housing and the landlord or manager is the most common perpetrator. Many of the housing settings represented here appear to be owned and/or managed by individual landlords or small companies. However, unlike the setting for sexual harassment cases, larger rental companies and structured organizations were also represented in these cases. Evidence found in the case files suggest that housing providers discriminate against families with children because of their own prejudice and/or the actual or perceived prejudice of their client-base, who they fear losing. More importantly, unlike gender (and race) discrimination, landlords often blatantly refuse families with children. Moreover, gender, race, and sexuality emerge as common themes in the data, suggesting that familial status discrimination occurs at the intersections of multiple forms of inequality.

The Overt Character of Familial Status Discrimination

One of the most notable findings that emerged from the investigative case files is that housing discrimination against families with children unfolds in quite explicit ways. Many landlords do not appear to be as concerned about being subtle when they discriminate against families with children, as they are when discriminating against women and racial minorities. Actually, it is not uncommon to see “For Rent” signs and other advertisements that read “No Children” or “Adults Only”. These obvious and blatant advertisements are represented in these cases. Landlords also use advertisements that are somewhat less blatant yet still express an illegal preference. For example, one
landlord placed an advertisement in a local newspaper that described an available apartment in a “quiet adult neighborhood”, and another advertisement, which was published in a magazine for seniors, read “ideal for mature adults.”\textsuperscript{10} Advertisements, such as these, discourage families with children from seeking housing and, as a result, limit housing options for families with children.

Misleading advertisements are also used by landlords to avoid families with children. For example, when Frank, a single man with no children, arrived to look at the one-bedroom apartment listed in the local newspaper, the landlord told him that the available unit was actually a two bedroom unit, not a one-bedroom, as described in the advertisement. The landlord explained that he intentionally advertises his units as one-bedroom units so that families with children will not inquire about them. Even though the landlord’s advertisement was not blatant, he was comfortable telling another perspective tenant, who did not have children, about his discriminatory actions. Frank, the “prospective tenant” in this case, was actually a fair housing auditor, who later filed charges of discrimination against the landlord on behalf of the fair housing group he represented.

The blatant nature of familial status discrimination does not end with advertisements. Many landlords directly refuse families with children in person and/or over the telephone; once again, making no attempt to hide their actions. In fact, outright refusals to rent to families with children on the part of landlords were the norm. One landlord’s outgoing telephone answering machine message declared, “No pets, no

\textsuperscript{10} In cases involving advertisements, charges are filed against the housing providers who place the advertisement and organizations, such as newspapers, trade magazines, telephone directories, etc., that published the discriminatory advertisement.
smoking, and no kids”. Similarly, landlords would plainly tell perspective tenants with children that “I don’t want children living here” or “I won’t rent to you if you have children” when they would call or arrive at the property.

Some landlords went to opposite extremes when telling prospective tenants that they do not rent to families with children. For example, one landlord stated that he was looking to rent to “mature adults” and other landlords said they wanted “mature folks” or “a greyer couple”. Although these statements are more subtle, they still indicate a preference for adults and discourage families with children from inquiring about rental. A number of landlords were far less subtle, even abusive, to families with children, as Britney’s cases illustrates. When Britney approached the manager of the apartment complex to see the apartment for rent, the manager immediately pointed at Britney’s daughter, who was standing next to her, and said “if that’s yours, you won’t be welcome here”. When Britney acknowledged her daughter the manager walked away and refused to speak to Britney.

Direct and blatant statements are easier to recognize, and often provide the targets of discrimination with the necessary evidence to pursue a discrimination complaint. Because of this, cases that involve blatant discriminatory statements are likely to be overrepresented in the data. Nonetheless, the fact that so many landlords blatantly deny families and individuals with children, and newspapers and other media outlets still publish illegal advertisements, suggests that there is a lack of knowledge surrounding familial status discrimination and a general social acceptance, or at least tolerance, of discrimination against families with children. Indeed, these findings support prior research on the public knowledge of and support for specific aspects of fair housing laws
This may explain why larger, more professional housing providers are represented here; unlike they were in cases of gender discrimination, especially sexual harassment cases. Regardless, discrimination against families with children, like other forms of discrimination, is illegal and based on assumptions and stereotypes about children, certain parents, and ideas about gender and race surrounding these children and parents.

These findings highlight the importance of understanding the multidimensional nature of inequality. As research on residential segregation and housing discrimination clearly demonstrates, inequality and discrimination does not cease simply because a law is enacted making some action illegal. In fact, as the examples above demonstrate, laws are often ignored or become irrelevant and somewhat useless if a large percentage of the public is unaware of the laws or a certain section of a law. The fact that there is less public support for fair housing laws protecting families with children (Abravanel 2002) may be related to the fact that discrimination and inequality is looked at, publicly and legally, too narrowly. Although all families with children are potentially vulnerable to this form of discrimination, certain families are distinctly vulnerable. As Figure 7.1 illustrates, discrimination against families with children has a disparate impact on women, especially women of color. In fact, gender and race emerge as significant issues in the processes that surround familial status discrimination; issues that will be discussed below.
Housing providers discriminate against families with children because they identify with one of two commonly held adult perceptions of children – children are a threat to adult society and/or children are victims of adult society and in need of protection (Thorne 1987: 89). Some landlords use these beliefs about children to exclude all families with children, while other landlords use these perspectives to refuse families with “too many children”, children of a certain age or gender, or certain types of families.
Avoiding Problems by Avoiding Children

Landlords provide a variety of reasons for refusing to rent to families with children. However, most of these reasons generally fit into the perspective that children are a social problem. Landlords believe that children create specific problems in the housing context. The majority of these perceived problems have to do with the “peace and quiet” of tenants living next to (or above/below) families with children. Landlords appear to be especially concerned if the neighbors living next to the available unit are “elderly.” As one landlord, who houses many “seniors”, explained “I promised my tenants I wouldn’t rent to anyone with children”.

Landlords who live on the property are also concerned about their own “peace and quiet”, but their individual-level concerns usually center on the fact that “children cause a lot of damage.” For example, Jim and Lois refused to rent to families with children because “the last tenants had children and they wrote on the walls and damaged the carpets.” Greta and Ward, on the other hand, refused to rent to a family with four children, even though there was plenty of space in the unit for the family, because they both “grew up in large families and do not want to be around children anymore”. Dorothy refused to rent the other half of her duplex to families with children because, as she explained, “I’m retired and I don’t want to listen to the noise that children make”.

Explanations, like these, about past problems with children were common. However, landlords are legally permitted to evict or sanction disruptive families with children in other ways, just as they are permitted to do when other tenants are disruptive. Landlords
are not, however, permitted to discriminate against families with children based on assumptions and stereotypes, which is what we see here.

A child’s age is often a factor in landlords’ decisions not to rent to families with children. Some housing providers associate noise with younger children and property damage and delinquency with older children, while other housing providers associate noise, property damage, and delinquency with all children, regardless of age. After learning that Janette was pregnant, the owner of a mobile home park told Janette that she could continue living on his property until “that thing is old enough to leave your trailer.” Other landlords stated that “we don’t rent to kids over twelve years of age” or “children are OK until they are about two-or three-years old, but then they have to go”, while others had specific problems with “newborns” or “little ones”. Clearly, landlords do not agree on what age children become or stop being “problems”.

Other landlords often rent to families with children but limited the number of children that are permitted to occupy a unit or limit the number of units in their housing complex that have children. These restrictions are also illegal. Like age, the number of children that constituted “too many” varies from landlord to landlord. Many landlords did “not allow more than one child”, while others limit the number of children to “two kids” or “no more than three”. As these cases demonstrate, regardless of age or the number of children in a family, there are readily available stereotypes and images about children, as social problems, available to these landlords to justify their discriminatory actions.

The number of children in a family also raises concerns for landlords about space and/or family spatial arrangements in the home and these concerns are often used as excuses for denying children. In fact, landlords frequently reference occupancy, health
and/or fire codes when denying families with children because of a lack of space. While there are codes, which vary from community to community, that regulate the number of occupants in a living space, landlords are not permitted to use these codes to discriminate against families with children. The OCRC policy states,

As a general rule, an occupancy standard implemented by a housing provider limiting occupancy to two (2) persons per bedroom is reasonable under Ohio Revised Code Section 4112.02(K)(3). The reasonableness of an occupancy standard, however, is rebuttable. In making this determination the Commission will consider the size and number of bedrooms, and other special circumstances or relevant factors (e.g., past practices, industry standards, local and state restrictions regarding the maximum number of occupants permitted to occupy housing accommodations, etc.). Notwithstanding the above, an occupancy standard implemented to circumvent the purposes and goals of Ohio Revised Code Chapter 4112 is per se unreasonable.

It appears that some landlords are unaware of the specifics of the occupancy codes in their area but still use the codes to justify their rental decisions. Other landlords appear to be fully aware of local codes but rely on the fact that most tenants do not know about or understand such codes and, therefore, use the codes as a mechanism of discrimination. As one investigative report concludes,

[The landlord] asserts the property consists of furnished efficiencies and therefore, is not large enough for a child in accordance to the National Building Code which states 200 square foot per person. The NBC was provided by [the landlord]; however, there is no mention of 200 square feet in the code.

The investigator in this case noted that the landlord refused Tyra, a single mother, because “he said the apartment was too small for me and my son”, yet rented numerous apartments of the same size to two adults. Tyra initially believed the landlord because “I thought he knew these kinds of things.”
Occupancy codes were also used by landlords to require families with children to rent larger, more expensive units, even though the number of occupants and the square footage of the smaller, less expensive units were within the guidelines of local occupancy standards. For example, one case report stated that “[the tenants] remained on the waiting list for a three bedroom unit even though a two bedroom unit, which is what they wanted to begin with, was available.” As this example, and Tyra’s case above, suggests, landlords have the power, because of their institutional authority in the housing context, to misrepresent housing policies and regulations and use them as mechanisms of discrimination. Considering the lack of knowledge about fair housing laws that protect families with children (Abravanel 2002), manipulating and arbitrarily using housing policies and procedures to discriminate against families may be especially easy.

Social institutions, such as local governments, play a role in the discrimination that families with children face. In fact, local government can construct and/or influence the definitions of an appropriate and desirable home. For example, a number of landlords correctly interpreted and enforced the local codes or standards regarding occupancy and, as a result, refused to rent to families with children or families with a certain number of children. The local codes that the landlords were using, however, violated the Fair Housing Act, as the following investigative report indicates.

[The city], as a municipality, is liable under the Fair Housing Act and the Ohio Revised Code for otherwise making housing unavailable because of familial status when it passed an ordinance unreasonably capping the amount of persons who can occupy housing.

As with publishers in cases involving illegal advertisements, in cases like this, the OCRC pursues charges against the landlords and the local governments because of their role in
the discrimination. Even if these codes or standards are outdated or rarely enforced, as many landlords and local governments argue, they are built in mechanisms of discrimination for landlords who do not want to rent to families with children.

*Protecting the Children*

The majority of landlords refuse to rent to children or families with too many children because they believe that children cause problems in the housing context. However, many landlords mask their discriminatory behavior by arguing that they are “concerned about kids’ safety” or they are “looking out for my children’s best interests and needs.” Landlords frequently argue that they can not rent to families with children because the apartment is “not designed for children” or there is “no place for children to play.” Landlords also deny children for specific reasons, such as the unit is on a “busy street” or because there is “a long driveway that often gets snowed in during the winter.” Other families with children were denied apartments because the apartments had “a spiral staircase” or “a deck twenty feet above ground.” The OCRC policy regarding children states,

> As a general rule, landlords and property managers are permitted to issue reasonable rules and regulations relating to children, so long as those rules and regulations are motivated by legitimate concerns for the health and safety of all tenants, and not by discriminatory animus against families with children.

In the examples mentioned above, and the other cases like them, the landlords insisted that they were concerned about children’s safety and, therefore, their decisions to deny families were legitimate and non-discriminatory. However, as the OCRC investigations reveal, arguments about children’s safety are often used to cover up discrimination.
Generalized ideas about “protecting the children” can be used as a mechanism of discrimination. Mindy, for example, was homeless and living in a shelter at the time she inquired about an apartment at First Street Apartments. The landlord knew that Mindy was homeless and yet she refused to rent to Mindy and her children because “there is a second-floor balcony in the apartment”, and the landlord was concerned for the children’s safety. Even if the landlord was truly concerned about the second-floor balcony, it seems reasonable to assume that the fact that Mindy’s children were homeless would have been a bigger concern than the balcony. While it is true that children need protection at times, what they need protection from is contextual and relative. Sweeping generalization and stereotypes about children, like those about women, are unable to account for these subjective “needs” and, more importantly, they maintain and reproduce inequalities.

Moreover, cases like these raise questions about whose responsibility it is to determine what “protections” children need. Take Karla’s case as an example. Karla applied for an apartment “a few blocks from my job” but was denied because the landlord stated that “we don’t rent to kids; it’s not safe”. The landlord argued that:

The unit is not appropriate for children. There are college students [in the complex] drinking and partying. Students don’t mix with kids so we don’t rent to children – it’s not safe. We have [a complex] on Main St. that we allow children at.

Considering that the landlord offered to show Karla another unit at another, “more appropriate” apartment complex, it seems that the landlord was truly concerned about Karla’s children, and not simply masking discrimination. However, the apartment that the landlord deemed “more appropriate” was also more expensive and further from Karla’s job and, therefore, not necessarily “more appropriate” for Karla and her family. The landlord determined that college students and children do not mix but failed to
consider that college students may be less of a concern for Karla than paying more money per-month for rent and commuting further to work. As the OCRC concluded in a similar case, “[The landlord] obviously believes the deck to pose a hazard, but if the applicant does not view it as such, then [the landlord] may not actively attempt to prevent an applicant from applying.”

Landlords, like other agents with authority in and around the housing setting, have the ability to define what an “appropriate” home is for families and their children. Local governments also take part in defining what an appropriate living space is by creating occupancy standards. Although on the surface many of these codes seem reasonable - *they are protecting the children* - they are often based on narrow cultural ideals that have a disparate impact on families with children and the many women who head these families. Similarly, these codes, and the cultural ideas that shape them, have a disparate impact on racial and ethnic groups who often have different standards and expectations about space and living arrangements (Pader 2002).

The findings of this study, therefore, support prior research (Mallett 2004; Munro and Madigon 1999) which suggests that history, culture, and social institutions shape definitions of the family and the home. Landlords clearly have influence over housing because of their institutional authority in the housing context – they control access and enforce housing policies and procedures on a daily basis. However, many landlords, especially smaller, less institutionalized and bureaucratic landlords, also have extensive levels of discretionary power. Indeed, the lack of internal regulation, combined with limited oversight by state and federal enforcement agencies, provides many housing providers with significant power to discriminate. These landlords rarely have to justify
their actions and, as a result, they have the power to maintain and reproduce inequalities in the housing context. These findings also support research which suggests that gender is a key factor in the experiences and definitions of the home (Saunders and Williams 1988; Gurney 1997).

The Relationship between Familial Status and Other Inequalities

Gender and Familial Status Discrimination

While age, the number of children in a family, and the perceived problems children cause varies from landlord to landlord, the gender of the parent consistently matters. As one landlord declared, “rental is not possible for a single woman with two children.” Similarly, a housing audit conducted by a fair housing group determined that the manager of Schneider Apartments “refused to rent to a woman with a child”. On the same day, an auditor, posing as a single man with a child, was given a rental application.

Men are certainly impacted by familial status discrimination. However, this usually involves landlords who refuse to rent to all families with children, regardless of the gender of the parent. I found no evidence of landlords refusing to rent to single men with children or landlords who were concerned about single men raising boys (or girls). The same is not true for women / mothers. For some housing providers, single women raising boys was especially problematic. This is not surprising. In the 1990s single mothers were characterized as a serious social problem and threat to domestic stability (Hancock 2004). These ideas about single mothers were evident in these cases. For
example, a prospective landlord told Anna that she “would feel more comfortable renting to me if my boys’ father was around.”

Actually, boys were perceived to be more problematic in general. Lindsey was told by a landlord that “she did not like to rent to people with boys because boys are destructive and mischievous”, and Rhonda was told “No boys; they break things.” This landlord was also “reluctant to rent to Rhonda because she is single and I’m afraid she couldn’t keep up the maintenance on the house.” Apparently, some landlords perceive boys to be bad tenants but, once they grow up to be men, they are ideal tenants. Indeed, women’s relationships with men, and boys, influence landlords’ rental decisions and impact their housing options. As a result, women are bound to men in ways that reinforce women’s dependency.

A child’s gender matters to landlords in other ways too, as the following charge filed by Bernice illustrates.

*The property is near where my sister lives. I saw a sign in front of the property regarding the availability for rental. There was a number and I called and left a message on the landlord’s answering machine. The person I spoke to identified himself as Rich and during the conversation I let Rich know I had two children, a boy and a girl. Rich said he could not rent to me where a boy and girl would share the same bedroom.*

Later in her testimony, Bernice discussed the importance of finding a place “near where my sister lives,” because her sister watched her children while she worked. Because Bernice did not get the apartment, she not only had to continue searching for housing, she had to consider other childcare options. Bernice’s experience was not unique. Numerous landlords refused to let children of the opposite gender share bedrooms.
When Alexis called about renting a two-bedroom apartment for herself and her two children, the landlord asked “how many children, what sex they were and their ages.” After learning that Alexis had a boy and a girl, both over six years old, the landlord told Alexis he could not rent to her. The landlord’s “guidelines” stipulate that:

Up to four persons for a two bedroom apartment, which would include one adult or couple and two children. The two children must be of the same sex or both under age of six years.

The OCRC investigative report stated:

The problem is not that [the landlord] has a policy that precludes all children, but that [the landlord] has a clear policy of limiting no more than two persons to a room and requiring that the children be of the same sex or under six years of age. As there is no exception in either the federal or state law to allow a housing provider to make such restrictions (male/female), [the landlord’s] policy is a violation of familial status laws.

Although the landlord believes that his policy regarding children sharing bedrooms is necessary for the comfort and safety of children, his policy, and the ideas that shape policies like these, create and reinforce the perceived need for separate gendered spaces. As a result, norms regarding gender relations, even within the family and among siblings, are reproduced. Essentially, the “naturalness” of gender and gender differences – in many ways the crux of gender inequality – are reinforced and maintained.

Single mothers with male children were also denied one-bedroom apartments because some landlords did not permit a parent and an opposite-gender child to share a bedroom. For example, a landlord told Rita that the local ordinance prohibited a parent with a child from renting a one bedroom apartment because “the sex difference between me and my child.” The landlord was concerned about “where I would sleep and where he would sleep”, and said that “if I had a little girl that she could have rented the apartment
to me.” This landlord, like other landlords who have similar polices, is using illegal local ordinances to regulate gender and sexuality and shape “appropriate” and “desirable” meanings and spatial arrangements within the home and the family.

Landlords also justify restrictions like these based solely on their own beliefs about gender and sexuality. For example, the OCRC concluded in one case that, “[the landlord] has imposed his own moral guidelines on families with children of the opposite sex and has implemented a policy that adversely affects the family.” The landlord told the perspective tenant the following:

He said that he would rent to an unmarried couple - male and female – but that he would not rent to more than two opposite sex members. For example, he would not rent to two males and one female, no matter how many bedrooms were in the unit. He didn’t care if it was a twelve bedroom unit, he still wouldn’t do it.

When questioned by the family, who had opposite gender children, the landlord explained that “opposite sex people fight [too] much [and] there would be [too] many problems.” Here again, gender differences are emphasized and stereotypes and norms are maintained and reinforced by landlords’ policies and actions.

These restrictions are not limited to private landlords. Some government-funded housing authorities also establish occupancy standards that they believed are “reasonable for the safety, comfort and privacy of the occupants.” For example, one housing authority’s policy states that “Minors of the opposite sex shall not be required to share the same room, and parents must have a separate bedroom from their children.” In addition, the policy states that “Persons of a different generation shall not be required to share the same bedroom (ex: grandparent and grandchild)”. As a result of policies like these, families made up of opposite-gender children or parents with opposite-gender children
are often required to wait for larger, more expensive units to become available through housing assistance programs. While policies like these have an impact on families regardless of the housing provider (private vs. public housing provider), it seems especially problematic for housing authorities to have these policies, considering their distinct role in providing housing to individuals and families with limited resources.

Gender, sexuality and the “safety, comfort and privacy of [their] occupants” emerge as concerns for landlords in other ways too. Privacy became an issue for landlords when perspective tenants wanted to use other rooms in a unit as additional bedrooms. For example, Sally was not permitted to fill out an application because the unit she was interested in was “too small for me and me kids”. When Sally explained to the landlord that she planned on using the den as another bedroom, the landlord responded that “the den may not be considered a bedroom according to code” because it did not provide enough privacy. In the landlord’s opinion, the unit was more suitable for “a couple or a single person.” Likewise, Anastasia was discouraged from applying for an apartment because the loft was “very open and only [had] railings that went across and not interior walls”, and Mindy was told that the unit she was interested in “lacks privacy because the one bedroom is in a mezzanine open space.” As Sally’s case illustrates, some landlords use health and/or zoning codes to regulate homes that were not “private” enough for certain types of families. However, in Sally’s case, the OCRC commented that, “the landlord is willing to overlook their interpretation of the health codes to allow another adult, but not a child.”

What appears to be occurring in the cases discussed above is similar to what scholars have found in other gendered spaces involving children, as well as adults – the
social desire to create “bounded spaces (or “separate worlds,” like Mars and Venus) and relationships in which somewhat different subcultures are sustained” for boys and girls (Thorne and Luria 2002: 129). As we see here, this perceived need to maintain separate spaces may be especially important when considering a bedroom and opposite gender children, or a parent and opposite-gender child, given the desire in our culture to protect children from exposure to sexual behavior and to suppress their curiosity about sex (Williams and Stein 2002). The desire to maintain separate spaces for boys and girls in the housing context, however, can restrict individuals’ housing options and has a disparate impact on families who do not share commonly held ideas about gender differences or privacy within the family.

These cases also highlight the outcomes that commonly held ideas about gender and sexuality have on individual’s lives. For many individuals, especially poor women, having separate bedrooms for opposite gender children is not an option economically. Therefore, these policies create additional disadvantages for housing seekers. In fact, for the women represented here, finding affordable housing near family, friends and/or work, as well as in a safe neighborhood, was an important concern and a commonly given reason for wanting a particular apartment or house. This was especially true for mothers. Indeed, the apartment that Gina wanted was in an area “that I was familiar with” and the other apartments she looked at in her price range “are not where I want my son living.” Similarly, Eva pointed out that “I am still interested in becoming a resident at North Apartments because the city has an enriching school district; the complex is in a decent environment; it is convenient to my place of employment and it is close to family and friends.”
Familial Status Discrimination and the Role of Race

Race emerged as an important factor in the processes of discrimination against families with children. Indeed, African American women represented 39% of these cases and African American couples represented 8%. In many ways, then, the fear of noise and/or delinquency may have just as much to do with a child’s race or racial stereotypes about children as it does with children in general.

African American women perceived that their race is a factor in the discrimination they experience because of their familial status. They file charges based on familial status and race and/or identified themselves as women of color – “I’m an African American female with a five year old son” – when making claims of familial status discrimination. However, cases of familial status discrimination are not usually investigated from an intersectional perspective, and cases filed on race and familial status are unlikely to be looked at in this way. Actually, women of color are likely to have their interconnected claims of race and familial status discrimination overlooked or dismissed because intersecting inequalities are often not examined.

This is especially problematic given the prominence of stereotypes about women of color in the media, such as “welfare queen” and “baby machine,” compared to whites, who are usually portrayed as a “nuclear family” (Drew 2005). These stereotypes impact housing providers’ rental decisions and influence their interactions with the women they house. Consider Shauna, Tara, and Ruth’s experiences as examples. After Shauna told a perspective landlord over the telephone that she had a child, the landlord immediately expressed that she did not want Shauna running a babysitting business out of the
apartment. Shauna had never operated a babysitting business, and she gave the landlord no reason to believe she would start operating a babysitting service after moving into the apartment.

When Tara inquired about an apartment for herself and her four children, the landlord took her rental application fee but would not accept the actual application. The landlord called Tara the next day to say that she believed that Tara “could not afford to pay her bills, the rent, and feed her children.” The landlord knew that Tara had a housing assistance voucher from HUD, which would have covered most of her rent, but she did not have any other information about Tara’s income and, yet, she determined that Tara would be unable to afford the apartment and feed her child. Similarly, when Ruth asked her landlord if she could have pets, he said no. When she asked why, the landlord told her that she had no business taking care of pets when she had her hands full taking care of her child. Other tenants with children, all of whom were White, were permitted to have pets.

Stereotypes about African American men impacted women in the housing context as well. Renee lived in her apartment for one year without any problem. After her ten year old son moved in with her, the landlord evicted her. Renee’s landlord told her that she “was robbed by a black man and she does not trust black males.” Similarly, only a few weeks after Diane, who is White, moved in to her apartment with her children, she was evicted because her landlords said she misrepresented the number of children and dogs that she had. The OCRC reported that:
The investigation substantiates that it is probable that [Diane] was given a notice to vacate due to her association with her Black boyfriend. [The landlords’] pretext was based on [Diane’s] number of children and her dogs as reasoning for the notice to vacate. On August 19, 2000, both parties signed a lease agreement that allowed [Diane] to have two dogs on the property. [Diane] moved [onto the property] on September 3, 2000 with two children and two dogs. On October 17, 2000, [the landlords] saw [Diane’s] Black boyfriend. The next day, [Diane] received a 30-day notice to vacate. Before October 17th, no documentation existed showing that [the landlords] had problems with the number of children or dogs living in [Diane’s] household.

Diane’s landlords had problems with the number of children (and dogs) Diane had only after learning that Diane’s boyfriend was Black and that her children were bi-racial.

Other White women were also denied housing because they had bi-racial children. For example, Yvonne viewed the available apartment at Twin Pines Real Estate and filled out an application without a problem. In fact, while viewing the apartment, Yvonne told the landlord that she had two children. The next day the landlord offered Yvonne the apartment. Later that day, Yvonne and her children, who are bi-racial, went to the rental office to pay the security deposit. When the landlord saw Yvonne’s children she asked “are these kids yours?” When Yvonne replied “yes”, the landlord simply said “Oh!” That evening Yvonne received a telephone call from the landlord retracting the offer because “she didn’t think I was a good fit”.

Families with children are often steered towards other, “more appropriate” areas or sections of a housing complex. For example, Beth was told by someone working in a rental office of a large housing complex that “they tend to keep families with children separate from single people.” In another case the OCRC concludes that
Evidence reveals the agent’s statements constitute steering, directing applicants with children away from specific locations where no children reside; and directing applicants with no children to specific location where child do not reside. This practice is implemented through selective viewing of property and misleading statements made to prospective tenants by respondent’s agents resulting in a statistically significant disparate effect on adults with children. Evidence further reveals child and adults are concentrated in specific areas of the complex.

In reviewing steering cases involving families with children, it became evident that many landlords who steer families with children also steer racial and ethnic minorities. In fact, families are often steered to the same locations as racial and ethnic minorities. For example, during one investigation of a familial status complaint, the investigator noted that “evidence substantiates that black tenants with children are specifically concentrated in certain areas of [the landlord’s] complex.” In another case, the investigator wrote:

Families are being steered towards two buildings at the back of the housing complex. It appears that [the landlords] are steering Blacks to these buildings as well. Of the six buildings, these are the most isolated buildings on the property and the only buildings with Black tenants and tenants who have children.

As this case, and the others like it, demonstrates, there is a relationship between inequalities in the housing context. The ways in which these forms of inequality interrelate vary from situation to situation. In the case discussed above, it appears that the landlords discriminate against families with children and African Americans. In other cases, discussed earlier, the discrimination took place at the intersections of race and familial status, usually impacting women of color. Given this, and the disproportionate headship of families among Black women, the consequences of racial steering, which may be an increasing practice among housing agents (Ross & Turner 2005), may have a
disparate impact on Black women and create additional consequences when they seek housing or attempt to maintain it.

Non-Exclusionary Forms of Familial Status Discrimination

Discrimination against families with children typically involves exclusion. However, many families experience discrimination after gaining access to the housing context as well. These cases typically involve differential treatment, specifically higher rental fees or other fees that families with children have to pay, and the unequal application of policies and procedures in the housing context.

Landlords justify charging families with children additional rental fees because of utilities and/or because “kids tear up things.” However, in most of the cases represented here, the utilities were paid by the tenants, which refute landlords’ arguments about utilities and suggest discriminatory motives. In other cases, the OCRC investigation revealed that families with children were charged additional fees but households with the same number of adults sharing apartments were not charged these fees. Consider the following statement, which was taken from the “findings” section of an investigative report.

Investigation revealed that the landlords maintain a policy that requires tenant to pay $10.00 per month for each tenant living in the household in excess of two. A review of the landlord’s tenant files indicated that all households of three or more tenants contain children under the age of eighteen.

In this case, and the others like it, the OCRC determined that the landlord’s policy had a disparate impact on families with children. This decision was based, in part, on the fact
that census data revealed that “the majority of rental households containing three or more residents contain children under the age of eighteen.”

Rental policies and procedures were also applied unequally to families with children. Children are often restricted from playing in or around certain facilities in the housing complex. For example, many landlords prohibit children from “playing outside unless they were supervised by adults.” Likewise, “trash, refuse, bicycles, athletic equipment, riding and other toys” were prohibited from all common areas of another apartment complex. Still other landlords prohibited children from “playing anywhere on the property” or being outside their unit without an adult, including, in many cases, the laundry room, hallways, garages, and mailrooms. Consider the following OCRC “Case Report Summary”.

The evidence substantiates that the landlords house rules require that minors (children under 16) must be accompanied by adults at all times. Minors cannot walk to another unit, use the laundry facilities, secure the mail, or play in any common area or garage unless supervised by an adult. The evidence substantiates that the landlord’s pool rules require not only that minors be accompanied by an adult, but that the adult be a resident as well. The evidence substantiates that this rule is strictly enforced, as 15-year-old Cindy Rose was precluded from using the pool while being supervised by her 38-year-old nonresident babysitter.

The landlord in this particular case argued that their policies were implemented for the safety of children and other residents and not intended to be discriminatory. The OCRC’s report continues:
The landlord’s rules are not sufficiently related to a safety defense, so as to justify their extreme nature. The landlord’s rules create an environment which infringes on the enjoyment of the premises for any resident under 16 years of age. The landlord’s rules are so severe as to obviously discourage families from moving into the Association. Finally, the landlord’s pool rules clearly treat minors as something other than residents. If safety was the basis for the requirement of adult supervision that the pool, whether or not the adult is a resident or not is irrelevant. Audits conducted by fair housing group substantiate that members of the Association refer to the rules as a method of discouraging applicants with children from renting units in the complex.

Actually, the “protection” and “safety” of children was a common defense in non-exclusionary cases. However, as the above statement from the OCRC suggests, there is a difference between “protection of children” and limiting children’s enjoyment within the housing context. Furthermore, this statement indicates that children are recognized by fair housing laws and share the right to “full enjoyment of housing” that these laws provide. This legal protection, however, is in conflict with landlords’ general ideas about children in the housing context, as these cases illustrate.

As with exclusionary forms of familial status discrimination, race impacts non-exclusionary forms of discrimination as well. Consider the following charge filed by Bernadette.

I believe that the manager of Two Pines Apartments, Fanny, treated my family, along with other African American families, differently because of our race. Each and every time there was an incident in the complex Fanny would blame the black children. Fanny would not respond to notices of damage done by white children. My children were blamed for things that happened while we were not in the complex. She reports these things to Section 8, which almost caused me to lose my Section 8 assistance. One of my white neighbors had a pool party without permission and her lease was renewed, while I was advised that my lease would not be renewed. Fanny complained to me about my children being too loud, yet the white children could horse around in the pool and make all kinds of noise and she would not say anything to them. She refused to give me a reference, which seriously impacted my ability to find assisted housing.
During the investigation witness testimony substantiated Bernadette’s claim that her children, along with other Black children, were treated differently than white children. Bernadette’s case demonstrates the intersection of race and familial status, the consequences of discrimination, and the importance of understanding how housing discrimination unfolds after gaining access to housing. Different rules and policies regarding play and noise were applied differently to children based on their race. However, the consequences went beyond the rules that different children of different races had to follow. The rules of the housing complex that Bernadette’s children “violated,” which were applied unequally, resulted in the non-renewal of Bernadette’s lease and a poor reference by her landlord, which subsequently made Bernadette’s housing search more difficult.

As this illustrates, housing discrimination that occurs after individuals have been housed may, like exclusionary forms of discrimination, make future housing searches more difficult and expensive for women and racial minorities. Therefore, these forms of discrimination have the potential to impact patterns of residential segregation. If, for example, a tenant gains access to housing in an integrated neighborhood but is treated differently by their landlord while living there, they may seek housing in a less integrated or segregated neighborhood when they move because of the unequal treatment received while living in an integrated neighborhood.

**Conclusion: Discrimination against Families with Children in the Housing Context**

Discrimination against families with children is a multidimensional phenomenon. In most cases, discrimination against families with children takes place at the door, or while
families are attempting to gain access to housing. The discrimination is often direct, even blatant, which suggests that it is a socially acceptable form of discrimination, or at least tolerable, for many people. However, familial status discrimination does not impact all families with children equally. Women are disproportionately affected by this form of discrimination. This relates, in many ways, to the fact that women are often the primary caretakers of children. At the same time, however, stereotypes about women in general also impact landlords and create inequality for women and families with children in the housing context. This is further complicated by social class and racially defined gendered stereotypes associated with African American women. For these women, interrelated inequalities create additional disadvantages in the housing market, which makes finding affordable housing more difficult. A lack of affordable housing options creates additional vulnerabilities and opens the door for discriminatory landlords.

Landlords deny families with children because of their own prejudice and the prejudice of their tenants. These prejudices stem from two general perceptions of children, which view children as problems for adults or victims of adults and in need of protection (Thorne 1987). For some landlords, all children were perceived in one of these two ways. For others, these perceptions were attached to some children but not others, based on age, race, and the children’s gender and/or the gender of a parent. As this suggests, familial status discrimination is not always simply about the presence of children in the home, or the perceived problems they may cause, but the presence of certain children and the problems associated with those children.

Landlords, like other actors in the housing arena and social institutions (Munro and Madigon 1999), shape meanings and experiences within the home. Many landlords
have specific ideas, based on larger cultural ideas about the home, the family, and space, about what makes up a desirable home. Landlords use these ideas to make rental decisions, even when they clearly contradicted the stated or implied needs of the family seeking housing. Likewise, the perceived need, on the part of landlords, to regulate gender and sexuality within the home also creates disadvantages for families with children by requiring separate, “private” spaces for families with opposite-gender children or parents with opposite gender children. In many ways, these ideas about separate spaces for children perpetuate ideas about the need for separate gendered spaces for adults. The consequences of these ideas were highlighted in the previous chapter on gender discrimination.
CHAPTER 8

CONCLUSION

While I began this study by looking at the disadvantages that women face in the housing context because of their gender, I uncovered a story that goes beyond gender. My findings reveal that housing discrimination often involves a complex intersection of gender, race and class. In addition, discrimination against families with children disproportionately affects women, especially Black women and poor women. I also examined situations of discrimination that occur after the initial housing transaction, which audit studies, by design, are unable to do (Yinger, 1998). Women’s experiences in the housing context, as they pertain to discrimination, are clearly multidimensional and relational.

The majority of the discrimination that women face in the housing context because of their gender occurs in rental housing and originates from illegal actions on the part of male landlords. Women are often excluded from housing because of stereotypes and commonly held ideas about women and men and masculinity and femininity. Indeed, landlords often perceive woman to be unable or unfit to physically or economically care for a home, as the “provider” of that home. This is especially true for single and divorced women. As a result, women are bound to men and, therefore, ideas about women’s dependence and men’s independence are reinforced. Women’s actions in the housing context also reinforce gender stereotypes. Some women look to men for protection.
against landlords who are harassing them and/or justify landlords’ behavior as “men being men”, which reinforces the nature of gender and maintains beliefs about gender differences.

Women’s vulnerability to discrimination does not vanish after gaining access to housing. In fact, women are more likely to experience gender discrimination, in the form of harassment and differential treatment, after securing housing. Like exclusion, non-exclusionary forms of housing discrimination rest on gendered stereotypes and ideas about masculinity and femininity. Women are subject to male surveillance and masculine possessiveness and, as a result, they lack privacy in their own homes. Non-exclusionary forms of discrimination not only impact women’s daily living environments. These forms of discrimination ultimately become issues of housing maintenance. Indeed, eviction is a commonly used tool of harassment on the part of male landlords.

Women with children also experience discrimination in the housing context because of stereotypes about women, masculinity and femininity, and commonly held ideas about children as social problems or “victims” in need of protection. Discrimination against families with children unfolds around fear of noise and property damage that children are believed to cause and the danger that children may face in and around the home. However, stereotypes surrounding children are associated with the gender, race, and class of children as well as parents. There is also a desire among many landlords to maintain gendered spaces within the home by not allowing opposite gender children, or a parent and child of the opposite gender, to share a bedroom.

Like gender discrimination, familial status discrimination appears to impact single women with children particularly, and, similarly, reinforces ideas about women’s
dependence on men. However, unlike gender discrimination, stereotypes about women and children usually impact women with children while attempting to gain access to housing (exclusion), not after housing has been secured. In addition, male and female landlords are perpetrators in cases of familial status discrimination.

Regardless of the basis of discrimination – gender or familial status – unequal treatment and harassment is not limited to one stage in the landlord-tenant relationship. Gender discrimination, which usually occurs after housing has been secured, unfolds at the door as well (exclusion). Likewise, discrimination against families with children, which is more likely to be exclusionary, also unfolds after families gain access to housing. Indeed, housing discrimination is a multidimensional phenomenon. To fully understand inequality in the housing context scholars must expand theories and analyses to include multiple dimensions of discrimination. This is especially true for women, particularly women of color. In fact, gender discrimination is largely about the marginalization of women within the housing context, not exclusion from it.

The use of gendered ideas and stereotypes to exclude or subordinate women represents the power landlords have over the housing environment. However, a landlord’s power does not rest solely on his role as housing provider. The location of landlords and tenants within the gender, race, and class system amplifies their power and vulnerability. In fact, gender and familial status discrimination is more likely to affect certain women in the housing context, such as poor women, single women, women of color and women with dependent children. Intersecting inequalities create multiple barriers for these women and makes finding housing more difficult. At the same time,
these women are more vulnerable to harassment and intimidation once they have been housed, which makes maintaining housing more burdensome and often dangerous.

Race has been at the center of research on housing discrimination, and race is definitely playing a role in housing discrimination, even in cases of gender and familial status discrimination. However, race alone cannot explain discrimination in the housing context. Actually, race may not fully explain the range of discrimination that women of color face in the housing context. To thoroughly understand housing discrimination we must look at the intersections of multiple inequalities that unfold at the door and after housing has been secured. In fact, considering that gender is rarely considered in audit research, and women, especially Black and poor women, appear to be most disadvantaged by housing discrimination, audit studies that focuses exclusively on race are providing only limited explanations of housing discrimination. In addition, we must also consider familial status when analyzing and theorizing women’s experiences in the housing arena. The role and importance of housing for many women is not simply about putting a roof over their own heads but providing shelter for their children in a safe neighborhood with good schools and access to childcare and other resources.

Although the OCRC/HUD does not record the economic status of tenants who report discrimination, evidence in the case files clearly demonstrate that economic vulnerability is playing a role in women’s experiences with discrimination in the housing arena. In fact, a lack of affordable housing places poor women and families in vulnerable situations. Unlike middle-class women, poor women are often unable to get time off from work to look for new housing, pay rental deposits on a new place, or hire an attorney if they are being discriminated against. In fact, this may explain why middle-class women
are not represented in these cases. Middle-class women, especially middle-class white women, may be less vulnerable to landlords’ sexual advances or discriminatory treatment because of their specific location within the race, class, gender systems and the additional resources available to them that provide them substantially more power to resist discrimination. Women of color are disproportionately poor, and they face race-specific gendered stereotypes, including stereotypes specifically about sexuality, which makes them more vulnerable to landlords’ discriminatory treatment, including unwanted sexual advances. Indeed, the stereotypes that women of color face have historical roots that get maintained and reproduced in contemporary institutions, such as housing.

**Women’s Privacy in the Housing Context**

Women’s experiences in the housing context, as they relate to gender and familial status discrimination, raise important questions about the arbitrary boundaries of the public-private divide. For whom is a home private? This question is particularly important in rental housing – Is rental housing a tenant’s private space? In cases of housing-related sexual harassment, the home is often a place of danger from actors who are not necessarily “intimates” or within the home. At the same time, however, these actors are not necessarily strangers or “outside” the home. Indeed, housing-related sexual harassment further complicates the meaning of home for women, and challenges general constructs of the home and public-private boundaries. Housing-related sexual harassment usually takes place in or around the target’s home. In fact, perpetrators have keys to targets’ homes and knowledge of their daily routines, visitors, and significant others. Perpetrators also have knowledge of their tenants’ financial situation given their
institutional authority in the housing setting. In addition, perpetrators of housing-related sexual harassment often have multiple relationships with their targets – they are neighbors, maintenance personnel, and “friends” in addition to landlords – which blur the lines of power and authority.

While employers may have knowledge of their employees’ daily routines and personal lives, in most workplaces, this is limited to the workday or an occasional social gathering outside of the workplace. Landlords have significant knowledge about and access to their tenants, especially landlords who live by or close to their tenants (i.e., neighbors). Defining “appropriate” boundaries in such relationships of power becomes more complex. Furthermore, women who experience sexual harassment in the housing context are unable to “clock-out” and escape the harassment at the end of the day. Their supposed “haven” or place of security is actually a site of harassment and fear. Consequently, their “home” is not a safe space. Even when they leave their homes, their personal space and belongings remain vulnerable.

As this suggests, housing-related sexual harassment challenges normative ideas about housing, especially rental housing, and a tenant’s personal space. Legally speaking, a rental unit is the tenant’s personal space, as long as the tenant is abiding by the lease agreement. However, the experiences uncovered in this study certainly call these general, legal assumptions into question. In fact, it is unlikely that the women represented here would argue that the apartments they live in are their personal spaces. The apartments may be a space they occupy, out of necessity because they have no other place to go, but that is different than commonly held ideas about personal space or a “home”. Privacy and personal space are issues that affect all women. However, these issues may be

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11 In-home domestic workers may be an exception, blurring the boundaries between work and home.
particularly relevant for women of color because of the multiple, overlapping systems of oppression that they experience. Black women’s personal spaces, including their bodies, have historically (Collins 1990; Davis 1998) and contemporarily (Buchanan 2005: 303) been “objects of curiosity to be touched and probed at will.”

Privacy is also an issue in cases of discrimination against families with children. In these cases, landlords define privacy and impose their own ideas about the amount of privacy needed within a home, regardless of the occupants’ needs or degree of privacy desired. The home then, for families who rent, is not necessarily located on the “private” end of the public-private divide. In fact, landlords, and local governments, often define the degree of privacy that is appropriate for a family within the family’s “home” or “private” space. As is the case for women in general, families with children in rental housing have additional restrictions placed on them because the physical space (apartment) is owned by someone else. The question remains though, is a lack of privacy within the home included within these restrictions? Once more, the space that tenants lease is “their space” as long as they are abiding by the lease agreement. However, that is clearly not the reality for many families, especially families headed by (single) women.

Stratification and Questions of Structure and Agency

As the findings and discussion of gender and familial status discrimination in the housing context suggests, landlords and tenants exercise power based on their individual locations within systems of inequality as well as the power associated with the housing market and the state. Landlords typically yield greater power than their tenants in the housing context. Their power is shaped by their role as a housing provider and the legitimate
authority that comes with that role – they control access to housing, the daily living environment, and a tenant’s ability to maintain housing.

As discussed above, however, race, gender, and class also shape the power that landlords have and this power is closely related to landlords’ position as “owners”. Indeed, these multiple forms of power cannot be neatly separated. For example, a landlord’s position, in many ways, is directly linked to his gender (male), race (white), and class. A tenant’s location within systems of inequality also informs their ability to exercise power. The fact that gender and familial status discrimination disproportionately impacts poor African American women illustrates this point. Although white women experience discrimination in the housing arena, their lack of representation in these cases is likely a reflection of their race/class position – they are more likely to have the social and economic resources to exercise power and stop, avoid or escape discrimination in the housing context.

Some of the processes of inequality and discrimination discussed here are unique to housing (i.e. rental housing and the blurry line between public and private spaces). However, many of these processes transverse multiple institutions and contexts and speak to broader issues of inequality. Power relationships, disparate policing, and the use of racial defined gendered norms and stereotypes are present in the workplace and educational settings as well. In fact, women and minorities who gain access to a workplace or educational setting are not guarantee equal treatment, upward mobility, and/or equal payoffs. In addition, like housing, certain women are more vulnerable to harassment once employed, especially if they are employed in certain employment

12 Although it would be shortsighted to suggest that all landlords are “rich”, or even upper-class, their role, as owners, places them within a higher class position relative to their tenants.
settings. More importantly, institutions and social contexts are interrelated. Inequality and discrimination in the workplace or educational setting impacts women’s employment options and income, which, in return, affects their housing outcomes. At the same time, where women live, and the resources available to them in these areas, shape their employment options and educational opportunities.

Interactional processes of discrimination are embedded in broader political and cultural contexts. In fact, the state plays an important role legitimizing power and creating vulnerability. Not only does the state recognize and enforce commonly used legal documents (i.e. employment contract and lease agreement), which prescribe power; they establish rules and regulations that constrain employers, educators, and landlords. However, as we have seen in these cases, a lack of enforcement and regulation on the part of the state puts tenants at a disadvantage and provides landlords with substantial discretionary power. This is particularly true for small, less formalized organizations, who are not constrained by bureaucracy. This occurs in the workplace too. At the same time, the existence of state and federal agencies, like the OCRC, EEOC, and HUD, provides tenants and employees with outlets to pursue complaints of discrimination. However, the narrow and simplistic definitions of discrimination (“race” or “gender” or “familial status”) in federal and state fair housing laws create disadvantages for many tenants, especially tenants located at the margins of multiple inequalities.

Fair housing advocacy organizations play a significant role in fair housing cases filed with the state and federal government, and they represent a unique link between structure and agency. Fair housing advocates act on behalf of individuals and families who have been discriminated against in the housing arena. Furthermore, many fair
housing groups not only represent individuals and families who seek out their assistance, they proactively seek out landlords who discriminate. At the same time, however, these organizations are integrated with the state’s fair housing agencies. In fact, many fair housing groups are fully funded by HUD grants, and HUD often relies on fair housing groups to conduct fair housing audits and trainings for landlords who violate fair housing laws. As advocacy groups, fair housing organizations often challenge the state and push for stronger laws and enforcement. But they can also be constrained by their integration with the state. Fair housing organizations largely operate within state defined definition of discrimination and, as a result, like the state, often overlook the relational and multidimensional attributes of inequality. In fact, the proactive enforcement strategies used by fair housing organizations, and social scientists, usually end at the front door.

Culture also shapes these interactions and reinforces and maintains structural inequalities. Unlike gender discrimination, discrimination against families with children usually unfolds in blatant ways. In fact, although familial status discrimination is illegal, it is generally tolerated by the public. Stereotypes about children – as social problems or victims – provide the foundation of this (in)tolerance and, therefore, landlords’ ability to blatantly discriminate. Likewise, stereotypes and cultural beliefs about women, especially women of color, create the groundwork for discrimination against women, with and without children, in the housing and employment setting. In fact, stereotypes about women and norms of masculinity and femininity, which inform interaction, are filtered in and reproduced by social structures. As this suggests, state regulation, in the form of laws, is not entirely sufficient to eradicate discrimination. The norms and cultural ideas that individuals share in daily interaction reproduce inequality at multiple levels. In fact,
as these cases demonstrate, state definitions of “appropriate” family spatial arrangements are often informed by broader cultural ideas surrounding gender, race, sexuality, and class. These state definitions, which get integrated into the housing market, then shape individuals’ perceptions of women, the family, and the home.

The (housing or employment) market clearly creates and reinforces power relationship as well, and represents an overlap between the state and culture. Historically women were only recognized within their relationships with men (culturally and legally) and, as a result, they are overtly disadvantaged in the housing and employment markets. This historical legacy has contemporary implications, especially for women of color who are disadvantaged because of their gender, race and social class position. The disadvantages that women, especially poor women and women of color, face in housing is exacerbated by a lack of affordable housing. In a sense, these women (and their children) are secluded in low income housing and often living on the edge of homeless. This seclusion, created, in part, by a lack of available housing options, therefore, sets the stage for discrimination and produce situations where harassment, including sexual harassment, is more likely to occur. A lack of available employment options that pay fair, reasonable, and equal wages similarly impacts women and their children.

Clearly, the interactions between landlords and tenants are shaped by power, the housing market, state regulation, and broader cultural constructs of gender, race, class, and sexuality. In return, these interactions reinforce and maintain structures of inequality within the housing context. Indeed, structure and agency are not distinct; they exist in relation to one another. This is true in other institutions as well. Structure informs the individual-level interactions between actors in a specific context. For example, federal
laws established to eliminate discrimination informs interactions between landlords/employers and tenants/employees. Landlords/employers often mask their discriminatory behavior to avoid prosecution under fair housing/employment laws. At the same time, however, a lack of resources and proactive enforcement strategies sets the stage for certain forms of discrimination to occur (i.e. differential treatment and harassment once housed/employed).

Policy Implications and Future Research

Public policies designed to combat discrimination in the housing context, like other contexts, must seriously consider the fact that inequality and discrimination is multidimensional and relational. Gender discrimination does not unfold simply along the gender divides between men and women. Gender discrimination is informed by and often unfolds along lines of race, class, familial status, and sexuality. Indeed, although gender discrimination affects all women, it unduly affects women who are further marginalized because of other inequalities. Similarly, familial status discrimination affects all families with children, but this form of discrimination is more likely to affect certain families with children and certain types of family living arrangements. A narrow view of discrimination – as simply “gender” or “race” or “familial status” – overlooks the complexity of inequality and, as a result, makes eradicating discrimination more challenging. Furthermore, it produces additional hurdles for groups experiencing multiple inequalities to overcome; groups who, arguably, need the most legal protections.

Fair housing laws need to be enforced more proactively and there needs to be more education, especially for certain aspects of fair housing laws. This is especially true
for forms of discrimination that occur after housing has been secured. Fair housing audits, and the awareness they bring to certain aspects of fair housing laws, play an important role in combating discrimination. However, discrimination is a moving target (Massey 2005), and enforcement strategies that focus exclusively on access to housing will do little to eliminate housing discrimination as a whole. And, the forms of discrimination that are generally overlooked, largely impact women. Proactive enforcement strategies are particularly important for women in the housing context because of the risk of housing-related sexual harassment. Although sexual harassment has substantial consequences for women in any context, it appears to have particularly detrimental consequences for women in the housing context given commonly held ideas about the “home”. Increased education about fair housing laws in general and sexual harassment in particular, when combined with proactive enforcement strategies, would provide substantially more protection for women and other minorities in the housing arena.
LIST OF REFERENCES


