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Landlords Prey on Poor Women by Extorting Sexual Favors in Lieu of Rent

By Russell Goldman

March 8, 2007 – For four years Mary lived in fear of her landlord, describing herself as a prisoner in her own home.

She went out of her way to avoid him, turning off the lights and TV in her apartment and pretending not to be home every time her doorbell rang, fearing it was him.

At first, she said, he was just “creepy.” He sometimes would force his way into her room and poke around, or buzz her apartment from outside to see whether she was home, even though he had keys to the building.

Mary, who asked that her real name not be used, told ABCNEWS.com that her situation took a turn for the worse in 2005, when she was late with her rent.

One night her landlord, Robert Berezin, allegedly made his way into her Brooklyn, N.Y., apartment, pushed her against the door, groped her and forced his tongue into her mouth. When he was leaving, she said, he suggested she could provide sexual favors in lieu of rent.

Landlord Harassment Not Uncommon

No national statistics are kept for what lawyers call “sexual harassment in housing.” The term, however, encompasses a broad range of landlord misbehavior that includes making lewd comments, stalking, entering homes to watch women while they sleep or shower, extorting sex for rent or repairs, sexual assault and rape.

What is certain, however, is that low-income women are particularly subject to harassment at home and that landlords or their building managers rarely target just one tenant.

In a suit filed by the New York attorney general last month against Berezin, Mary was just one of a dozen young women from three different buildings Berezin and his partners owned lined up to testify against him.

Lawyers for the state write that Berezin typically “grabbed the woman’s face and forced his tongue into the woman’s mouth. He used his body to restrain and confine her. These unwanted encounters left [his] victims stunned and frightened. Frequently, they yelled, pushed him and took other steps to get him to leave. . After he had sexually harassed them Berezin also told some of his victims that he would ‘work something out with the rent.’ He told others that he would make some accommodations with the rent if they would agree to go out with him or have an intimate relationship with him.”

Berezin, who has since moved to Skokie, Ill., could not be reached for comment.

After her alleged assault, Mary wanted to take action and looked for help at the Fair Housing Justice Center, a nonprofit organization that provides legal advice on issues regarding discrimination in housing.

Diane Houk, the center’s executive director, said women living in “low-income, affordable or rent-stabilized housing” were most likely to be harassed. Harassment, she said, is more likely to occur in rental properties than in sales. Poor women cannot afford to pay market rates in competitive housing markets and often must choose between being harassed at home or living on the streets.

“There’s an imbalance of power between tenants and landlords,” Houk said, and landlords exploit that position of power.

Jill Maxwell, a third-year student at Brooklyn Law School, was not surprised to learn that some of the harassed tenants in Berezin’s buildings might have been law students attending her school.

“It goes to show how many women don’t know who to tell,” she said. Maxwell is in a unique position to comment, as she has just written a soon-to-be published article on the intersection between class and gender in harassment in housing cases.

“Government agencies who serve low-income women need to be more cognizant of sex harassment and incorporate it in the way they deal with landlords,” she said.

If Harassed, Who Should You Tell?

It is difficult to definitively know how many women are being harassed at home because it often goes unreported. Figures of reported incidents are also difficult to come by because women have a variety of private, state and federal agencies to tell.

Of the 10,000 discrimination in housing complaints the Department of Housing and Urban Development received last year, about 10 percent, or 996 cases, pertained to sex discrimination, said Kim Kendrick, a fair housing and equal opportunity official at HUD. HUD does not, however, distinguish between traditional forms of discrimination and harassment.

Of the 24 sex discrimination in housing suits the Department of Justice has brought against landlords in federal courts since 2001, two-thirds of them related to sexual harassment.

The Justice Department does not prosecute every instance of harassment in housing and will only take a case when a significant number of tenants report abuse.

Some Women Don't Know Their Rights

Though women can report harassment to a variety of agencies – including local fair housing organizations, HUD or their caseworkers if they receive government assistance – they rarely do.

“Women are likely to get away quickly,” Houk said. “They’ll break the lease and move rather than report.”

“Women who use [government assistance] vouchers or live in rent-stabilized apartments will try to add locks, get a male roommate, or change routines to avoid running into the manager. The last thing done is complain, in part because no one else is around to see it. . There’s a burden on women to prove this happened, and they worry about ‘How will I prove it?’”

According to Rigel Oliveri, a law professor at the University of Missouri and a former civil rights lawyer at the Justice Department, some women also don’t report harassment because they do not know it is illegal.

“Women realize it’s wrong but don’t know it’s illegal. They don’t think they can call the police because they think it’s a landlord-tenant problem and don’t realize it’s a civil rights violation,” Oliveri said.

The fact that it is a civil rights issue is at the heart of the matter for the federal government.

“The Fair Housing Act protects against discrimination on the basis of race, national origin and gender. Harassment is an egregious form of discrimination and no woman should be discriminated in her home,” said a senior Justice Department official on the condition of anonymity.

In determining cases, courts often look to see whether landlords have created a “sexually hostile living environment.” That environment could be created as early as the first time a potential tenant comes to look at apartment.

“This kind of conduct is on a broad spectrum. Sometimes when a tenant comes applying to rent, a landlord offers a reduction in rent for sexual favors, making a quid pro quo offer,” Houk said.

As in Mary's case, it is not uncommon for landlords to harass multiple women over the course of several years.

In one of the most often cited cases in recent years, *U.S. vs. Veal*, Bobby Veal of Kansas City, Mo., was found to have violated the Fair Housing Act when he demanded sexual favors from 11 tenants and evicted tenants who did not submit to his advances.

In 2005, David Madrid was found guilty of verbally and physically abusing mentally challenged tenants who lived in the group home he operated in Albuquerque, N.M., and threatening to kick them out if they reported him.

Lawyers say it is difficult to press criminal charges against landlords because there is usually little physical evidence and few witnesses. Harassment in housing cases are usually taken up in civil courts, where the burden of proof is less stringent and where tenants can seek financial damages.

In the *Veal* case a jury awarded compensatory and punitive damages totaling \$1,102,804 to 11 female tenants. Individual awards ranged from \$10,001 to \$310,000. Madrid was ordered to pay the tenants he harassed a total of \$67,500.

According to Oliveri, courts can also ban landlords from entering housing units unless accompanied by another person, or require them to turn management of the property over to an independent company.

The New York Attorney General's Office is seeking financial damages for Mary and the other women allegedly harassed by Berezin.

Mary's attorney, Mariann Meier Wang, has also filed a separate individual case seeking further financial damages. Wang says that the stress of "living in fear in her own home" has left Mary "emotionally damaged."

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Sexual Harassment in Housing Cases

United States v. David Madrid and Trinity House Living Services

On May 25, 2005, David Madrid of Albuquerque, N.M., was found to have engaged in a pattern of sexually harassing his mentally disabled tenants, which violated the Fair Housing Act. Trinity House Living Services consisted of several group residences that housed individuals with mental disabilities. The court found Madrid had subjected female tenants to pervasive harassment, including hugs, massages, and touching "of intimate body parts."

Under the terms of a court ordered consent decree, Madrid must pay \$67,500 in monetary damages as well as a \$7,500 civil penalty to the government, and must refrain from personally managing any group home facilities for five years.

United States v. Ronald J. Bathrick

On December 19, 2005, the United States filed a complaint against Ronald Bathrick, the owner of numerous rental properties in Hastings, Minn. Bathrick is accused of making unwelcome sexual advances; touching female tenants without their consent; entering the apartments of female tenants without permission or notice; and threatening to or taking steps to evict female tenants when they refused or objected to his sexual advances.

United States v. John Koch

On December 9, 2004, a jury found John Koch, a landlord from Omaha, Neb., guilty of sexually harassing his female tenants, offering among, other things, to exchange rent for sex. Following a two-week trial, the jury found that Koch had engaged in a pattern or practice of sexual harassment, and ordered him to pay \$69,152 in damages to 10 women.

United States v. Bobby Veal and Jewel Veal

On May 13, 2004, a federal jury awarded compensatory and punitive damages totaling \$1,102,804 to 11 female tenants. The individual damage awards ranged from \$10,001 to \$310,000.

Bobby Veal and his wife, Jewel, co-owners and managers of numerous single-family rental homes in Kansas City, Mo., were found guilty of sexually harassing female tenants. The complaint alleged that Veal violated the Fair Housing Act when he demanded sexual favors from tenants and evicted certain tenants who did not submit to his advances.

Source: U.S. Department of Justice Civil Rights Division Housing and Civil Enforcement Section <http://www.usdoj.gov/crt/housing/caselist.htm#gender>