



## Heritage Estates Property Owners Association (HEPOA) Anti-Harassment and Anti-Discrimination Policy

### The Right to Quiet Enjoyment

Members and other residents shall not engage in any abusive or harassing behavior, either verbal or physical, or any form of intimidation or aggression directed at other members, residents, guests, occupants, invitees, or directed at HEPOA Board members, its agents, its employees, or vendors.

### Document the Harassment

If any member of the Board becomes aware of neighbor-to-neighbor harassment, the Board will evaluate and document the nature of the unwelcome conduct, the context in which the incidents occur, the severity, scope, frequency, duration, and location of the conduct, and the relationships of the people involved.

### Prompt Action

The HEPOA Board will take prompt action to correct any neighbor-to-neighbor harassment that meets Department of Housing and Urban Development (HUD) and the Fair Housing Act (FHA) harassment guidelines.

The following are definitions provided by HUD:

*Quid Pro Quo Harassment:* When a homeowner is subjected to an unwelcome request or demand to engage in conduct and making the submission related to a person's housing. For example, one homeowner (or association employed vendor) requesting inappropriate conduct in exchange for a service.

*Hostile Environment Harassment:* When a homeowner is subjected to unwelcome conduct so severe or pervasive it interferes with or deprives the owner the right to use and enjoy their home.

### Cease and Desist Notice

If any of the following conditions are present, the offender is breaking a law and would qualify for a cease-and-desist notice, which will be sent by the HEPOA Board.

- Harassment is because of membership in a protected class. The federally protected classes are: *Race, Color, Religion, Sex, Familial Status, National Origin, or Disability*.
  - For example, if the harassment involves things like racial slurs, targeted insults, discriminatory actions, obscene gestures relating to physical characteristics, etc., the interaction has crossed the line into hostile environment harassment.

- Harassment is severe or pervasive
  - For example, if the member feels harassed for being in a protected class and the harassment is disruptive, upsetting, annoying, invasive, and overall affecting the quality of the member's life. However, there should be documentation to back up the claims with fact-specific instances and evidence.
- The Board members can conclude harassment was occurring
  - The member who is being harassed need not complain to the Board. If any Board member could conceivably be aware that harassment is happening, by witnessing it or having knowledge from a reasonable source then the Board will act.

### *Letter*

For other forms of harassment prohibited in the governing documents, the Board will mail a letter with a return receipt to confirm the member received it. The letter will inform the member that their behavior has violated the law and/or association's governing documents and will be specific about the occurrences and describe the behavior in detail. The letter will also outline the consequences of failing to discontinue the harassment.

### Consequences

If harassment continues, the Board will work with the victim to get a restraining order against the offender that's appropriate for the type of harassment—the offender may be banned from stepping on the victim's property or ordered to remain a specified distance away in public.