

# South Carolina Human Affairs Commission

## Technical Services and Training Division



# Prevention Corner



*An ounce of Prevention is Worth a Pound of Cure.*  
~Benjamin Franklin

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Human Affairs Commission  
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[www.schac.sc.gov](http://www.schac.sc.gov)

The South Carolina Human Affairs Commission strives to alleviate problems of discrimination through the enforcement of the SC Human Affairs Law (including the SC Pregnancy Accommodations Act), the SC Fair Housing Law, the SC Equal Enjoyment and Privileges to Public Accommodations Law and the SC Lactation Support Act.

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## South Carolina Fair Housing Law

South Carolina's fair housing law was passed in 1989. It is administered by the South Carolina Human Affairs Commission and modeled after the federal Fair Housing Act of 1968.

This landmark federal legislation identified what would become known as **protected classes** and banned discrimination in the sale, rental, or financing of housing on the bases of:

- race
- religion
- national origin
- physical or mental handicaps
- sex
- color
- familial status (families with minor children; pregnant women)

### Fair Housing Law

The law applies to the **sale, rental, and financing** of residential housing, as well as applying different terms, conditions or privileges for sale or rental of residential housing.

### What type of housing is covered under this law?

Apartments, single-family homes, mobile homes, townhomes, homeless shelters, nursing homes, condos, college dorms, and vacant lots to be used for housing, are covered by the Fair Housing Law. With a few exceptions, anyone who has control over residential property and real estate financing must obey the law.

**You have the right to choose where you live.  
Fair Housing Laws lets you choose.**

Source: U.S. HUD

- ✚ Housing providers can be held liable if they violate the law, even if they do not know the law.
- ✚ If the person is your agent or employee, the housing provider can be held liable for their illegal behavior.

Source: S.C. Human Affairs Commission; <https://schac.sc.gov/housing-discrimination>

### How can I schedule training?

Contact us at:

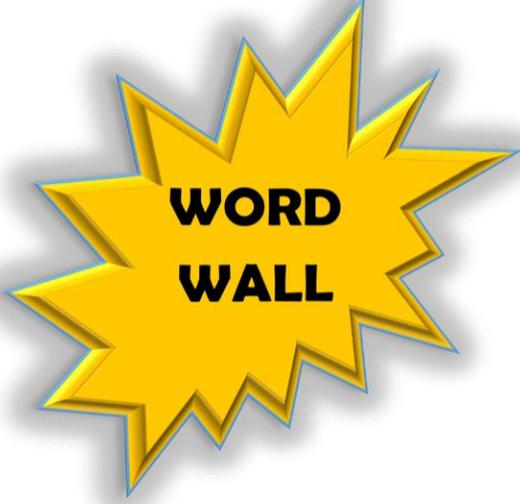
(803) 737-7800 or (800) 521-0725, Relay 711

email: [training@schac.sc.gov](mailto:training@schac.sc.gov)

# Equality

The quality or state of being equal.

Source: merriam-webster.com/dictionary



**WORD  
WALL**

## SYNONYMS FOR EQUALITY

Equal Opportunity

Fair Treatment

Impartiality

Equal Rights

Likeness



## Fair Housing means Equal Access

Ask Yourself Three Questions



**Is the  
Person  
Covered?**



**Is the  
Property  
Covered?**



**Is the  
Behavior  
Covered?**

If the answer to all three is yes, then fair housing laws apply.

### Fair Housing Laws

**Fair Housing rights and protections are provided under:**

- Title VI of the Civil Rights Act of 1964
- The United States Fair Housing Act of 1968, as amended in 1988
- Section 504 of the Rehabilitation Act of 1973 (*found at 24 CFR Part 8*)
- The Americans with Disabilities Act (ADA) of 1990
- The South Carolina Fair Housing Law

**Enforcement is provided by:**

- South Carolina Human Affairs Commission
- United States Department of Housing & Urban Development (HUD)
- U.S. Department of Justice (DOJ)

Source: Merriam-Webster.com; U.S. Department of Housing and Urban Development; S.C. Human Affairs Commission



South Carolina Human Affairs Commission is celebrating 50 years of preventing and eliminating unlawful discrimination in 2022.

## History of Fair Housing

Title VIII of the Civil Rights Act of 1968, commonly known as the Fair Housing Act (P.L. 90-284, 82 Stat. 81), prohibits discrimination in the sale and rental of residential housing. The act was designed to eradicate a wide range of discriminatory practices that, by the late 1960s, had resulted in the pervasive segregation of blacks and other minorities in ghettos in our nation's major cities. ([Fair Housing Act | Encyclopedia.com](#))

On April 11, 1968, President Lyndon Johnson signed the Civil Rights Act of 1968, which was meant as a follow-up to the Civil Rights Act of 1964. The 1968 Act expanded on previous acts and prohibited discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, sex, (and as amended) handicap and family status.



The enactment of the federal Fair Housing Act on April 11, 1968 came only after a long and difficult journey. From 1966-1967, Congress regularly considered the fair housing bill, but failed to garner a strong enough majority for its passage. However, when the Rev. Dr. Martin Luther King, Jr. was assassinated on April 4, 1968, President Lyndon Johnson utilized this national tragedy to urge for the bill's speedy Congressional approval. Since the 1966 open housing marches in Chicago, Dr. King's name had been closely associated with the fair housing legislation. President Johnson viewed the Act as a fitting memorial to the man's life work and wished to have the Act passed prior to Dr. King's funeral in Atlanta.

With the cities rioting after Dr. King's assassination, and destruction mounting in every part of the United States, the words of President Johnson and Congressional leaders rang the Bell of Reason for the House of Representatives, who subsequently passed the Fair Housing Act. Without debate, the Senate followed the House in its passage of the Act, which President Johnson then signed into law.

When April 1969 arrived, HUD could not wait to celebrate the Act's 1st Anniversary. Within that inaugural year, HUD completed the Title VIII Field Operations Handbook, and instituted a formalized complaint process.

In subsequent years, the tradition of celebrating Fair Housing Month grew larger and larger. Governors began to issue proclamations that designated April as "Fair Housing Month".

The South Carolina Fair Housing Law was enacted in 1989 and gave the South Carolina Human Affairs Commission jurisdiction to investigate all fair housing complaints in the State. Federal substantial equivalency was granted to the SC Human Affairs Commission on January 8, 1995, under the leadership of Commissioner Willis C. Ham, PH.D. Obtaining federal substantial equivalency was a major accomplishment for the SC Human Affairs Commission. It allowed the state agency to investigate cases dual filed with the U.S. Department of Housing and Urban Development (HUD). The South Carolina Fair Housing Law was determined to be substantially equivalent to Title VIII of the Civil Rights Act of 1968 and the state law continues to protect citizens from unlawful housing discrimination.

Source: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/aboutfheo/history](https://www.hud.gov/program_offices/fair_housing_equal_opp/aboutfheo/history); The Fair Housing Act of 1968 | US House of Representatives: History, Art & Archives; SC Human Affairs Commission

# Fair Housing Law: Frequently Asked Questions

## Landlord and Property Manager

### How can I be sure that I'm complying with Fair Housing Laws?

To ensure that you're complying with fair housing laws, contact the S.C. Human Affairs Commission for *Fair Housing Training*, and make sure you've read the entire South Carolina Fair Housing Law, S.C. Code Ann. § 31-21-10 *et seq* and all other federal laws concerning fair housing.



## Financing/Lending

### What are examples of lending discrimination?

- Redlining: The practice of denying a creditworthy applicant a loan for housing in a certain neighborhood even though the applicant may otherwise be eligible for the loan.
- Refusing to make a mortgage loan to someone because of their protected class.  
Source: [www.federalreserve.gov](http://www.federalreserve.gov)

## Real Estate Sales

### What is prohibited in the sale and rental of housing?

- Blockbusting: To persuade or try to persuade homeowners to sell or rent dwellings by suggestion that people of a particular race, religion, or national origin have moved, or are about to move into the neighborhood.
- Discriminating at the direction of a seller. The Fair Housing Act prohibits housing discrimination by real estate firms and homeowners. This means that homeowners may not refuse to lease or sell property based on the protected classes.

### Fair Housing Law: Who Must Comply?

#### Can include but not limited to the following:

According to the U.S. Department of Justice:

- Any individual or entity involved in the design and construction of a new dwelling.
- Any individual or entity involved in the rental or sale of a dwelling or the advertisement of a dwelling.
- Any individual or entity involved in other real estate related transactions such as mortgage lending, property/hazard insurance, zoning, municipal services.

***This means ... "Everyone involved in real estate transactions"***

Property Owners	Real Estate Brokers and Agents	Housing Authority Staff
Property Managers	Housing Developers And Contractors	Mortgage Lenders & Financial Institutions
Property Maintenance Staff	Advertising Media	Homeowners Associations
Tenants	Occupants	Buyers & Sellers

Source: U.S. Department of Housing and Urban Development; [www.federalreserve.gov](http://www.federalreserve.gov); U. S. Department of Justice



**Answers to your questions about Pregnancy Discrimination and Lactation Support Laws.**

**Does familial status protect pregnant women?**

**Yes.** According to the U. S. Department of Housing and Urban Development, the Fair Housing Act and the S.C. Fair Housing Law prohibits discrimination in housing against families with children under 18 years, persons who are pregnant or in the process of obtaining legal custody, or persons with written permission of the parent or legal guardian.

**According the Fair Housing Act “Familial Status” covers the following:**

- Parents who have one or more children under the age of 18 living with them.
- Legal guardians to include adoptive parent, foster parent, or stepparent who have one or more children under the age of 18 living with them.
- The designee of the parent or legal guardian of a child under the age of 18. This designation must have been made in writing by the child’s parent or legal guardian.
- A person in the process of being granted legal custody of a child under the age of 18.
- Pregnant persons.



**Examples of familial status discrimination:**



- Refusing to rent to families with children
- Evicting families once a child joins the family through, e.g., birth, adoption, custody
- Imposing overly restrictive rules about children’s use of the common areas (e.g., pools, hallways, open spaces)
- Advertising that prohibits children

**\*\*\*Do not establish rules that target children – set rules that cover everyone.**

**Example:**

**If you are looking for a 2-bedroom apartment for you and your two children and are told that the rental agency has a policy of placing all families with children on the first floor of another building, this could be unlawful discrimination against families with children.**

**Unlawful discrimination is that which is based upon a person being of a particular protected group to which a landlord or rental agent, for whatever reason, does not want to rent.**

Source: [Discrimination Against Families with Children | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](https://www.hud.gov/program_offices/fair_housing/discrimination_against_families_with_children)



## Job Announcement

### Part-time Temporary Investigators

The South Carolina Human Affairs Commission is seeking to hire **experienced EEO and Fair Housing investigators**, who work from home no more than 29.0 hours per week at a rate of \$21.42 per hour. Internet service required and laptop and cell phone will be provided. If you are interested, please email Deputy Commissioner Marvin Caldwell at [mcaldwell@schac.sc.gov](mailto:mcaldwell@schac.sc.gov) to obtain additional education and experience information. Must submit application and pass security check.

## PREVENTION CORNER

### Ways to Prevent Housing Discrimination

1. Create and enforce a non-discrimination policy.
2. Be mindful of advertisements.
3. Review compliance procedures on a regular basis to respond to changes in the law or new fair housing issues.
4. Report violations of fair housing laws.
5. Treat all current and prospective buyers and renters equally.
6. Publicize your commitment to fair housing.
7. Require fair housing training for all staff and agents.

People who believe they are victims of housing discrimination in South Carolina can file a complaint with the South Carolina Human Affairs Commission. (800) 521-0725, Relay 711 or 803-737-7800

Source: S.C. Human Affairs Commission

**If you feel like you have experienced discrimination,  
contact us for help.**

South Carolina Human Affairs Commission  
(800) 521-0725, Relay 711 or 803-737-7800  
<https://www.schac.sc.gov/>

**The mission of the South Carolina Human Affairs Commission is to  
Prevent and Eliminate Unlawful Discrimination in Employment, Housing,  
and Public Accommodations.**