

STATE OF SOUTH CAROLINA
HUMAN AFFAIRS COMMISSION

SCHAC CASE NO. 11-1-18-013
HUD CASE NO. 04-18-1501-S

[REDACTED]

Complainants.

vs.

CONCILIATION AGREEMENT

Tree Top Golf Villas South Homeowners
Association, Inc., [REDACTED]

[REDACTED]

Respondents.

This compromise Conciliation Agreement is entered into by and between the South Carolina Human Affairs Commission (hereinafter "Commission"), on behalf of [REDACTED] (hereinafter "Complainants"), versus Tree Top Golf Villas South Homeowners Association, Inc., [REDACTED] (hereinafter "Respondents").

WHEREAS, Complainants filed a Verified Complaint against Respondents on February 9, 2018, by Complainants against Respondents alleging a violation of the South Carolina Fair Housing Law and dual-filed with the United States Department of Housing and Urban Development (HUD) under the Federal Fair Housing Act, as amended.

I. CASE SYNOPSIS

Complainants allege that Respondents promulgated and enforced rules and guidelines that were discriminatory to Complainants' tenants and prospective tenants on the basis of familial status.

Respondents deny having discriminated against Complainants or Complainants' tenants and prospective tenants, but agree to settle the claims in the underlying action by entering into this Conciliation Agreement.

WHEREAS, the Commission and the parties hereto wish to reach a just resolution of the aforementioned dispute, and reach a full, equitable, and final settlement of all matters arising out of the aforementioned complaint.

NOW, THEREFORE, the parties hereby agree and stipulate to the following:

II. GENERAL PROVISIONS

The terms set forth herein are contractual and not merely a recital.

A. The parties acknowledge that this Agreement is a full settlement of the disputed complaint.

B. The parties hereto state that they have read and fully understand the significance of the terms set forth herein and have executed this compromise Conciliation Agreement freely and voluntarily. No party has been coerced, intimidated, threatened, or in any way forced to become a party to this Agreement.

C. By signing this Agreement both Complainants and Respondents state that they have had the opportunity to seek legal counsel regarding the effects of this Agreement.

D. This Conciliation Agreement fully and completely resolves all issues arising out of SHAC Case No. H-1-18-013 and HUD Case No. 04-18-1501-8 through the effective date of this agreement. The Commission and Complainants will take no further legal action with respect to, and will not initiate any action pertaining to the facts and events which led to the filing of the charge so long as the parties abide by the terms of this Conciliation Agreement.

E. This Agreement, after it has been approved by the Commissioner of South Carolina Human Affairs Commission (SCHAC), is binding upon all Respondents, their employees, successors and all others in active concert with them in the ownership or operation of Tree Top Golf Villas South Homeowners Association, Inc., and Complainants.

F. It is understood that, pursuant to Section 31-21-120(D) of the South Carolina Code of Laws (Fair Housing Law), upon approval of this Agreement by the Commissioner of SCHAC, it is a public document.

G. This Agreement does not in any way limit or restrict SCHAC's authority to investigate any other complaint involving Respondents made pursuant to the Fair Housing Law or any other law within SCHAC's jurisdiction.

H. This Conciliation Agreement constitutes closure of the complaint at HUD and South Carolina Human Affairs Commission upon a determination that Complainant(s) and Respondent(s) have complied with the terms of the Agreement.

III. PROVISIONS FOR THE PUBLIC INTEREST

In order to assure that the public interest is protected, Respondents, without admitting to any violation of the South Carolina Fair Housing Law or Federal Fair Housing Act, agree to continue to take such affirmative action as may be necessary to assure the elimination of discriminatory housing practices and the prevention of their occurrence in the future, including, but not limited to the following:

- A. Respondents agree to comply with all federal and state housing laws.
- B. Respondents must allow any qualified person the right to purchase, rent, or occupy a dwelling regardless of race, color, religion, sex, disability, familial status, or national origin.
- C. Respondents shall not institute any rule or regulation that interferes with the right of any qualified person to purchase, rent, or occupy a dwelling regardless of race, color, religion, sex, disability, familial status, or national origin.
- D. Respondents agree to attend Fair Housing training provided by the South Carolina Human Affairs Commission within six months from the date of the signed agreement.
- E. Respondents shall update their Renter Guidelines, subject to the Commission's review and approval, within three (3) months of the date of this executed agreement. Respondents shall disseminate updated guidelines to all owners and known management companies within thirty (30) days of the Commission's approval.
- F. Complainants and Respondents agree that the Commission shall monitor compliance with the terms and conditions specified in this Agreement. As part of such monitoring, the Commission may inspect Respondents' pertinent records and practices, and interview witnesses associated with the future compliance events described in this agreement. Respondents agree to provide their full cooperation in any monitoring review undertaken by the Commission to ensure compliance with this Agreement.

IV. RELIEF FOR COMPLAINANTS

- A. Respondents agrees to compensate Complainants the sum of Forty-Six Thousand and 00/100 Dollars (\$46,000.00), which shall be delivered to Complainants' attorney within thirty (30) days of the signed Conciliation Agreement.
- B. The current Secretary/Treasurer of Respondent HOA shall continue to serve in her current position as Secretary/Treasurer of the Respondent HOA's Board of Directors; however, in the event she willingly violates a statute or other housing law, she will be subject to disciplinary actions by the Board of Directors.
- C. The current members of the Respondent HOA's Board of Directors agree to use their best good faith efforts to comply with the governing documents of the Association and the applicable federal and state housing laws.
- D. Current board members sitting on the Board of Directors of Respondent HOA shall participate in training and receive training materials relevant to applicable state fair housing law. Sitting Board members who are out of the area when training is provided and new Board members will receive the training materials for review.
- E. All members of the Association are entitled to attend annual meetings and special

meetings of the membership by telephone, Skype, FaceTime, videoconferencing or other means of electronic communication, at no cost to the HOA; however all votes must be placed by proxy at the meeting in accordance with the Bylaws.

F. Respondents agree that there shall be no discrimination or retaliation of any kind against Complainants or any person who assisted the Commission in the filing of this charge or in the investigation of this matter.

V. RELEASE BY COMPLAINANTS

Upon compliance with the terms of Paragraph IV herein, Complainants agree to release and forever discharge Respondents and Respondents' employees, agents, successors, insurers, and assigns from any and all claims which may be raised on account of the matters raised herein.

VI. BREACH OF CONCILIATED TERMS

A. Nothing in this Agreement shall be construed to preclude the Commission and/or any aggrieved individual(s) from bringing suit to enforce this Agreement in the event that Respondents fail to perform the promises and representations contained herein. Neither does it preclude the Commission from filing charges in the future concerning events occurring after the execution of this Conciliation Agreement. The Commission shall determine whether Respondents have complied with the terms of this Conciliation Agreement. In the event that the Commission determines that Respondents have not complied with the terms hereof, the Commission shall send written notice to Respondents and Respondents shall be given a reasonable time period to remedy such non-compliance.

B. Complainants and Respondents agree that this Agreement may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement.

VII. REPORTING & RECORDKEEPING

The Parties shall submit proof of payment to Complainants per Paragraph IV (A) and proof of training of current board members per Paragraph IV (D) of this Agreement to:

South Carolina Human Affairs Commission
Fair Housing Division
Attention: [REDACTED]
1026 Sumter Street, Suite 101
Columbia, SC 29201

The submitter of any documentation should include the SHAC and HUD case numbers, which are as follows:

SHAC No. H-1-18-013; HUD No. 04-18-1501-8



VIII. COMMISSION REVIEW

Subject to the provisions of Section 814 of the Fair Housing Act, as amended, 42 U.S.C. Section 3614, and in accordance with the provisions of State Regulations R.65-225.G, the Commission may, from time to time, review compliance with this Conciliation Agreement and, if necessary, recommend to the South Carolina Attorney General that a civil action be filed to seek the enforcement of any of the terms set forth herein

IX. EFFECTIVE DATE

This Conciliation Agreement shall become effective on the date on which it is approved and signed by the Commissioner of the South Carolina Human Affairs Commission.

IN WITNESS WHEREOF, the parties have subscribed their names hereto on the day and date indicated below.

 _____ Date 8/15/18
 _____ Date 8/15/18

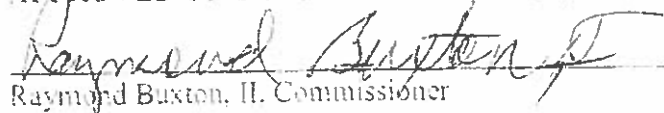
 President _____ Date _____
Tree Top Golf Villas South Homeowners Association, Inc., Respondent

 Respondent _____ Date _____

 Respondent _____ Date _____

 Respondent _____ Date 9-15-18

APPROVED ON BEHALF OF THE COMMISSION:

 _____ Date 9-19-18
Raymond Buxton, II, Commissioner

VIII. COMMISSION REVIEW

Subject to the provisions of Section 814 of the Fair Housing Act, as amended, 42 U.S.C. Section 3614, and in accordance with the provisions of State Regulations R.65-225.G., the Commission may, from time to time, review compliance with this Conciliation Agreement and, if necessary, recommend to the South Carolina Attorney General that a civil action be filed to seek the enforcement of any of the terms set forth herein.

IX. EFFECTIVE DATE

This Conciliation Agreement shall become effective on the date on which it is approved and signed by the Commissioner of the South Carolina Human Affairs Commission.

IN WITNESS WHEREOF, the parties have subscribed their names hereto on the day and date indicated below.

[Redacted] _____ Date

[Redacted] _____ Date

9/5/18

[Redacted] _____ Date

Tree Top Golf Villas South Homeowners Association, Inc., Respondent

[Redacted] _____ Date

9/5/18

[Redacted] _____ Date

9/6/18

[Redacted] _____ Date

9/6/18

[Redacted] _____ Date

[Redacted] Esq., Conciliator _____ Date

APPROVED ON BEHALF OF THE COMMISSION:

Raymond Buxton II
Raymond Buxton, II, Commissioner

9/19/18

Date