

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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South Carolina
Human Affairs Commission
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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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WHAT IS FAMILIAL STATUS DISCRIMINATION IN HOUSING?

The South Carolina Human Affairs Commission investigates complaints of housing discrimination in addition to employment discrimination complaints. Pregnant women are protected from discrimination under the basis of “*familial status*” (*families with children*) based on the Fair Housing Law (FHL) of South Carolina.

Familial status covers:

- Families with children under the age of 18, pregnant persons, and
- Any person in the process of securing legal custody of a minor child (including adoptive or foster parents).
- Persons with written permission of the parent or legal guardian

Resources: SC Human Affairs Commission; U.S. Department of Housing and Urban Development

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

(800) 521-0725, Relay 711

803-737-7800 or <https://www.schac.sc.gov>

Fair Housing Law Training

The SC Human Affairs Commission’s Fair Housing Division offer trainings to property owners, landlords, realtors, property managers, homeowners’ associations and others who affect housing opportunities.

How can I schedule training? Contact us at:

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

email: mcaldwell@schac.sc.gov



WHAT IS THE FAIR HOUSING LAW OF SC?

The South Carolina Fair Housing Law makes it illegal to discriminate in housing because of race, color, religion, sex, national origin, physical or mental handicaps, or familial status (families with children). 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. Apartments, houses, mobile homes, 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. This includes rental managers, property owners, real estate agents, landlords, homeowners and property owners' associations, bankers, developers, builders, insurers, appraisers, and individual homeowners who are selling or renting their property.

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
- Requiring families with children to live on specific floors or in specific buildings or areas
- Imposing overly restrictive rules about children's use of the common areas (e.g., pools, hallways, open spaces)
- Advertising or making statements that indicates a preference, prohibits children or discrimination

The SC Human Affairs Commissions' (SCHAC) legal enforcement powers are greater in housing. For example, if we find discrimination occurred and the parties' will not settle, SCHAC is authorized/mandated to bring the matter to suit.

The South Carolina Fair Housing Law prohibits discrimination based on:

- RACE
- SEX
- COLOR
- NATIONAL ORIGIN
- RELIGION
- FAMILY STATUS
- DISABILITY





Familial Status Housing Discrimination



Landlords can't impose different occupancy limits on families: Occupancy- the Keating memo

Some property managers and landlords have their own occupancy standards. It is these standards that determine how many people live in a unit. For example, some housing providers like to rely on the “two persons per bedroom” or “two heartbeats per bedroom” standard.

When deciding on an occupancy standard, the key question is always what is reasonable?

The document from the U.S. Department of Housing and Urban Development (HUD) used to investigate familial status discrimination cases, according to Marvin Caldwell, Deputy Commissioner for Compliance Programs at the South Carolina Human Affairs Commission, is known as the Keating Memo.

The Keating memorandum is a 1991 internal memorandum from former HUD General Counsel Frank Keating and adopted by HUD to provide guidance in assessing occupancy standards.



- **This memo states that a two persons per bedroom standard, generally, is a reasonable standard under the Fair Housing Act.**
- **However, this is the minimum number, and if you use this standard, you need to take into consideration each housing need or other specific situation.**

HUD listed other factors that investigators will use to detect whether an occupancy policy is reasonable.

They include:

- Size of bedrooms and units and the configuration of units
- The ages of a family's children
- The state and local ordinances dealing with occupancy in the locality where the complainant has filed a complaint





National Fair Housing Month is celebrated in April to increase efforts to end housing discrimination and raises awareness of fair housing rights. The month also remembers the assassination of Rev. Dr. Martin Luther King Jr. in 1968 and his contributions to the Civil Rights Movement.

HOUSING DISCRIMINATION MAY SOUND LIKE THIS:

- We don't have units available for people with a disability.
- Are you sure you can afford the rent?
- Let me show you a neighborhood where you may feel more comfortable.
- Sorry we just rented the last unit (*false denial of availability*).

DID YOU KNOW?

- A rental application may not be rejected by the landlord because of an applicant's religion.
- Housing providers must reasonably accommodate tenants with disabilities.
- It is unlawful to steer applicants into or away from certain areas of a building or to different buildings or neighborhoods to segregate populations.



Are Pregnant Women Protected Under Fair Housing Laws?

Pregnant women are protected from discrimination under the basis of “*familial status*” based on the Fair Housing Law (FHL) of South Carolina.

It is unlawful for a landlord to refuse to rent to a mother for the following reasons:

- You are pregnant or planning to become pregnant
- You are a single mom
- You have a baby, child, or teenagers



WHAT MAKES DISCRIMINATION ILLEGAL?

- Discrimination means being treated **differently** than others.
- Discrimination is illegal if the law specifically prohibits it.
- When a law makes a type of discrimination illegal, it creates a protected class. A protected class is a group of individuals who share a characteristic that shields them from discrimination.

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



PREVENTION CORNER

WAYS TO PREVENT HOUSING DISCRIMINATION

Reporting illegal housing discrimination is the first step to ending it. Unfortunately, unlawful housing discrimination does still happen, and it is not always obvious to the consumer.

CONSUMERS:

- Exercise your rights to fair housing and protect yourself from unlawful discrimination
- Keep a written records / Take notes
- Save documents (*copies of advertisements, receipts, etc.*)
- Obtain names
- Call the SC Human Affairs Commission as soon as possible if you or your client suspect unlawful housing discrimination

HOUSING PROVIDERS:

- Train employees – call the SC Human Affairs Commission
- Incorporate Fair Housing into your Housing Program
- Work with real estate agents and other agents to comply with the SC Fair Housing Laws

Resources: South Carolina Human Affairs Commission; U.S. Department of Housing and Urban Development



Attention: SCHAC is hiring! Click on the link below for an Attorney position. <https://www.governmentjobs.com/careers/sc/jobs/2946399/attorney-ii-reposting>

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