

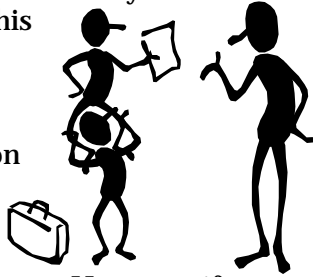
GETTING HELP (CONT.)

Can my landlord evict me because I complained of sex discrimination?

No. It is illegal to be evicted for complaining about sex discrimination. Filing a complaint with HUD before an eviction starts may delay the process. The landlord may need to wait until HUD has decided whether or not your rights were violated.

Won't I still be evicted, even if I challenge his reason?

You may be. If the landlord is evicting you for a reason that is illegal but also has stated another reason, the eviction may not violate your rights. This is called a "mixed motive" eviction. So long as one of the reasons for the eviction is valid, such as non-payment of rent, the court is allowed to ignore a non-valid reason. However, if you do not complain and the court rules in favor of the landlord, you cannot get your apartment back even if you later prove the landlord was wrong.



What if I am an immigrant? Can I still get help?

Yes. The Fair Housing Act protects all people. You do not have to be a citizen.

You should always seek help if someone is discriminating against you because of your sex.

This is not all the information you need to know if you or someone in your family is dealing with domestic violence and housing or sex discrimination. You may want to talk to a lawyer about your situation.

If you do not have a lawyer, the South Carolina Bar Lawyer Referral Service can give you the name of a lawyer who is willing to meet with you and advise you at a lower rate. For the name of a lawyer in your area; call the Lawyer Referral Service (800) 868-2284 statewide or (803) 799-7100 in Columbia.

If you have a very low income, your local legal services office may be able to help you. To get in touch with them, call the Legal Aid Telephone Intake Service for a referral (888) 346-5592 statewide or (803) 744-9430 in Columbia.



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SEX DISCRIMINATION & HOUSING



**Special advice
for victims of**

**Domestic Violence
&
Sex Discrimination**

HOUSING DISCRIMINATION

Are there housing laws that protect renters from discrimination?

Yes. Housing laws exist to protect renters from discrimination due to race, gender, religion, children, national origin and handicap. The Fair Housing Act (FHA) may protect you if you think that your housing is in jeopardy due to discrimination.

SEX DISCRIMINATION

Does sex discrimination only include women?

No. Sex discrimination can happen to both men and women and is illegal.

Which actions by my landlord could be considered sex discrimination?

You cannot be asked to perform any sexual acts. In addition, the landlord cannot make sexual comments, show you sexual pictures or writings or touch you without your permission.

What are some other examples of sex discrimination in housing?

The landlord:

- offering you a lower rent for sex
- not repairing the apartment unless you have sex with him
- evicting or threatening to evict you unless you have sex with him
- evicting you because you were abused by a man
- evicting you because you called the police

DOMESTIC VIOLENCE & HOUSING DISCRIMINATION

Can my landlord evict me if I have been abused?

If you are a woman who was abused by a man and the landlord is trying to evict you for that reason, the Fair Housing Act (FHA) may consider that sex discrimination.

Who is protected when there is abuse?

The woman who has been abused is protected. If you are being discriminated against because you are a victim of domestic violence, the FHA will only protect you if you are a woman.

The police came out to my house because I was beat up. Now my landlord is evicting me. Can he do this?

It depends. If the only reason the landlord is evicting you is because of domestic abuse, the FHA should protect you. If the landlord is evicting you because you violated other rules, such as not paying your rent, the FHA will not protect you.

Why does my landlord want to evict me when I didn't do anything wrong?

It is legal to evict you if you have committed a crime. It is also legal to evict you if someone "under your control" commits a crime. Sometimes the landlord will take this to mean that if anyone in your house commits a crime, then everyone in the house can be evicted. This means the landlord may try to evict you, even though you do not have any control over what someone else in your house does. This is sometimes called a "zero tolerance," "one strike" rule or the Rucker rule.

How do I know if the landlord is evicting me because I was abused?

If the landlord evicts you and the only reason given is domestic abuse or a crime related to domestic abuse, then that may be proof of sex discrimination. If the landlord tries to evict you after you get a restraining order against your abuser that may also be proof of sex discrimination.

GETTING HELP

What can I do if I think I have been discriminated against?

There are several things that you can do.

- ✓ Talk to an attorney. See the back of this pamphlet for how to get a lawyer.
- ✓ File a complaint with the landlord. Make sure you put all your requests and complaints in writing. Always keep a copy of what you gave the landlord. If you are in public housing, there may be special rules to follow when you make a complaint.
- ✓ File a written complaint with US Housing and Urban Development (HUD). You will have to file it within one year of when you think the discrimination happened. Complaint forms are available online at: www.hud.gov/complaints/housediscrim.cfm.
- ✓ File a lawsuit in federal or state court based on a violation of the Fair Housing Act. You must do this within two years of when you think the discrimination happened. You should seek an attorney to file a lawsuit.
- ✓ You should always talk with an attorney or HUD when you have questions about your rights.
- ✓ You can contact HUD at 1-800-669-9777.

