
PUBLIC HOUSING HELP FOR VICTIMS OF DOMESTIC VIOLENCE AND DISCRIMINATION

HOUSING DISCRIMINATION

What is housing discrimination? Are there housing laws that protect me from discrimination?

In most cases, it is illegal for a landlord or a rental agency to treat you differently in housing because of your race or color, your sex, your religion, your disability, your national origin (where you or your family come from), or your familial status (whether you are pregnant or have children under 18 living with you). If your landlord treats you differently than other renters or tries to evict you just because of one of those things about you, it could be housing discrimination.

Discrimination means treating someone badly or differently because of something about that person. For example, there are laws that make it illegal for a landlord to deny a tenant because of their race, whether they have kids, or if they have a disability. If a landlord will not rent to you just because of the color of your skin, that is racial discrimination. If you are treated badly by your landlord just because you are a man or a woman, it is called sex discrimination.

Housing discrimination is illegal under federal and South Carolina law. The Fair Housing Act (FHA) and SC Fair Housing laws protect you if you are a victim of housing discrimination.

SEX DISCRIMINATION

How do I know if my landlord is discriminating against me because of my sex?

Sex discrimination can happen to both men and women. There are many examples that sometimes happen with housing. You or someone in your family may be a victim of sex discrimination if your landlord:

- Offers you a lower rent in exchange for sex;
- Will not fix your apartment unless you have sex with him or her;
- Evicts you or threatens to evict you if you do not agree to have sex; OR
- Evicts you because you are a victim of domestic violence, dating violence, or stalking.

Also, your landlord cannot say sexual things to you, show you sexual pictures or writings, or touch you in a sexual way without your permission. If any of these things happen, you can report your landlord.

DOMESTIC VIOLENCE & HOUSING DISCRIMINATION

I live in public housing, Section 8 or voucher housing. Can my landlord evict me if I am a victim of domestic violence?

Your landlord cannot deny you housing or evict you just because you are a victim of domestic violence, dating violence, or stalking. It is illegal for your landlord to try to use an act of violence (or threatened violence) that happens to you as a reason to evict you from public housing or Section 8 project-based or voucher housing.

A federal law called the Violence Against Women Act (VAWA) may protect you if you are a victim of abuse and if you live in public housing or Section 8 project-based or voucher housing. This law protects both men and women who are victims of violence.

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

No. The law says that a public housing or Section 8 project-based or voucher renter cannot be evicted just because he or she is a victim of domestic abuse. This rule also protects anyone who lives in the home who is a victim of abuse. The victim may have to give proof of the abuse.

Does that mean I cannot be evicted at all if I am a victim of domestic violence?

No. You can be evicted if it is for a reason that has nothing to do with your being a victim. For example, if you do not pay your rent, you can be evicted even if you are a victim of abuse.

What if my abuser lives with me? Can my landlord help me?

If you live with your abuser in Section 8 or public housing, the law allows your landlord or the public housing agency (PHA) to let you stay in your home or keep your housing assistance while your abuser is evicted.

Do I have to show proof that I am victim of abuse?

If your landlord or the PHA wants proof of the abuse from you, they must ask you in writing. You then have fourteen (14) business days to give them the proof. This proof may be a form from the landlord that you sign or a written statement from a doctor, from a lawyer, from a victim services' worker, or a police report.

Your landlord and the PHA must keep the information that you give them about being a victim confidential to protect your privacy. There are rare exceptions to this rule.

GETTING HELP

I think I am being discriminated against in housing. What can I do?

You can:

- File a complaint in writing with your landlord and keep a copy for your records.
- File a complaint with the U.S. Dept. of Housing and Urban Development (HUD) by calling 1-800-669-9777.
- Talk to a lawyer. You may be able to file a lawsuit against your landlord.

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

No. It is illegal for a landlord to evict you just because you complain of housing discrimination.

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

The Fair Housing Act protects all people. You do not have to be a citizen to be protected by the FHA. However, not all parts of the Violence Against Women Act apply to immigrants.

If you are an immigrant who needs help with housing discrimination, you should call a lawyer.

REMEMBER: There are time limits to file complaints and lawsuits.

Call a lawyer as early as possible so that you can file on time and protect your rights.

This is not all the information you need to know if you have questions about housing discrimination. You may want to talk to a lawyer about your questions.

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 at 1-888-346-5592 statewide or (803) 744-9430 in Columbia.

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 at 1-800-868-2284 statewide or (803) 799-7100 in Columbia.

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