

## SEX DISCRIMINATION AND HOUSING

### HELP FOR VICTIMS OF DISCRIMINATION OR DOMESTIC VIOLENCE HOUSING DISCRIMINATION

#### Are there laws that protect renters from discrimination?

Yes. There are laws to protect renters from different types of housing 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. Discrimination is when you are treated differently because of race, color, religion, national origin, sex, disability, or family status (whether you are pregnant or have children under 18 years old living with you). Even though there are different types of housing discrimination, this brochure is only about sex discrimination.

#### SEX DISCRIMINATION

Every day, housing discrimination occurs in South Carolina. Many times a victim of discrimination doesn't know what to do. If you think you have been discriminated against because of your sex, whether you are male or female, you should learn about your rights.

#### What are some examples of sex discrimination?

Housing discrimination based on your sex is illegal. Here are some examples:

- When the landlord makes sexual comments, shows you sexual pictures or writings or touches you without your permission
- A woman or man lives alone in an apartment complex, and the manager keeps making unwelcome sexual comments to him or her
- A woman is denied an apartment because the owner "wants a man around"
- The landlord or apartment manager says he will lower your rent if you go on a date with him or have sex with him
- If the landlord or apartment manager evicts you because you were abused by a man or because you called the police

#### Does sex discrimination only include women?

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

#### 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.

#### DOMESTIC VIOLENCE & HOUSING DISCRIMINATION

#### CAN MY LANDLORD EVICT ME IF I HAVE BEEN ABUSED BY A MAN?

No. 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.

#### Are both men and woman 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 trying to evict 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 landlord might still be able to evict you.

#### 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. If you have violated

your lease for another reason, the landlord might not be evicting you because of the abuse. If you are served with court papers about an eviction, you should contact a lawyer.

## **GETTING HELP**

### **I think I've been discriminated against. What can I do?**

If you have been trying to buy or rent a home or apartment and you believe your rights have been violated, you can file a fair housing complaint.

If you think you have been discriminated against, you can:

- You can try to resolve the problem yourself. Learn about the law and your rights. Make a written complaint to your landlord. Always keep a copy of what you gave the landlord.
- Talk to an attorney. See the back of this pamphlet for how to get a lawyer. You should always talk with an attorney or HUD when you have questions about your rights.
- If you are in public housing, there may be special rules to follow when you make a complaint.
- File an administrative claim. 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. You do not need an attorney. You must do this within one year of the discrimination.
- File a lawsuit in federal or state court. If you choose to sue under the Fair Housing Act in federal or state court, you must file within two years of the discrimination. You will need an attorney.

If you think you have experienced housing discrimination, you can report it to HUD by telephone, mail, or online, at no cost. To report discrimination you can either:

- Call toll-free: 1 (800) 669-9777
- Fill out an online form at [http://portal.hud.gov/hudportal/HUD?src=/topics/housing\\_discrimination](http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination)
- Print a form at [http://portal.hud.gov/hudportal/HUD?src=/topics/housing\\_discrimination](http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination) and mail it to the regional office. The address for the regional office for South Carolina is:
  - Fair Housing Hub  
US Dept of Housing & Urban Development  
Five Points Plaza  
40 Marietta Street, 16th Floor  
Atlanta, GA 30303-2808
  - Telephone (404) 331-5140 or 1-800-440-8091
  - Fax (404) 331-1021
  - TTY (404) 730-2654
  - E-mail: [Complaints\\_office\\_04@hud.gov](mailto:Complaints_office_04@hud.gov)

### **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 eviction process. The landlord may need to wait until HUD has decided whether or not your rights were violated.

### **Won't I still be evicted?**

Maybe. If the landlord is evicting you for a reason that is illegal but also has stated another legal reason, the eviction may not violate the law. This is called a "mixed motive" eviction. So long as one of the reasons for the eviction is valid or legal, such as not paying rent, the court might still find you violated the lease and order an eviction.

***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.