

Know Your Rights as An Immigrant Looking for Housing in South Carolina: Frequently Asked Questions

Immigrants looking for housing for their families in South Carolina may face discrimination from landlords who do not want to rent to immigrants or people who are “undocumented.” This is illegal. Everyone, regardless of immigration status, has a right to be protected from discrimination by landlords, including discrimination based on someone’s immigration status. Below, SC Appleseed has answered some common questions about what to do if you experience discrimination when looking for housing or renting.

1. Can a landlord refuse to rent to me because I’m undocumented?

NO. Federal law prohibits denying housing to someone because of their race or the country they were born in, even if the discrimination is unintentional. A landlord who refuses to rent to people who are undocumented will almost certainly end up denying housing to more people who are Hispanic/Latinx than other races. Because this kind of policy has a discriminatory *effect*, the landlord may be breaking the law even if they didn’t *intend* to discriminate.

Here are a few actions that could be illegal:

- A landlord simply refuses to rent to someone who is undocumented.
- A landlord requires a Social Security Number and won’t accept an ITIN as a substitute.
- A landlord requires proof of citizenship or immigration status.

*Note that many federally subsidized housing programs, like public housing or “section 8”, are only available to U.S. citizens or other eligible immigrants.

What should I do if this happens to me? You have at least a couple of options.

First, you may have a legal claim against the landlord that denied you housing. Federal law allows someone who has been harmed by housing discrimination to file a lawsuit to recover damages and to prevent the discrimination from happening to someone else.

Second, you may be able to file an administrative complaint with the United States Department of Housing and Urban Development (“HUD”) or the South Carolina Human Affairs Commission (“SCHAC”). HUD or SCHAC will investigate your complaint and decide if they think that the landlord discriminated against you. They may try and work out a settlement between you and the landlord as well. We would be happy to talk to you about your situation and see if we can help or find someone who can! We have Spanish-speaking staff available and you can reach us at (803) 779-1113 ext 108.

Should I be worried about retaliation if I file a lawsuit or an administrative complaint?

No. Federal law prohibits retaliating against someone because they filed a housing discrimination lawsuit or administrative complaint.

2. I'm thinking about moving into a mobile home park where I would be renting the lot and buying the home. Is this a good idea?

Maybe, but be careful. There are several things to think about.

- a. How old is the mobile home? If it was manufactured before June 15, 1976, then it's very unlikely that you will be able to legally move it somewhere else. The landlord doesn't have to rent the land to you forever and you may run into a situation where you won't be able to live at that mobile home park anymore. If that happens, you don't want to own a home that you can't move. Even if you can move the home, it can cost thousands of dollars to do this.
- b. Can you get title to the mobile home? You want to make sure that whoever you're buying the home from has the title and that they can put it in your name when the time comes. Without title in your name, you probably won't be able to move the home. Also, you probably won't get notice when taxes are due on the home and it could be sold if the taxes aren't paid.
- c. Is the seller willing to put this agreement in writing? In many cases, like the sale of a mobile home, a verbal agreement may not be enforceable in court. If you pay for the home and the seller doesn't give you the title, you want to have a written agreement that you can enforce.
- d. Does the mobile home need repairs? If you are buying the mobile home, then repairs are your responsibility. If you're renting it, then your landlord has to maintain it.

3. When can my landlord raise my rent and does the law limit how much they can raise it?

You first have to look at your lease to see if it says anything about when your rent can be increased. Most leases don't say anything about this. That usually means that your landlord can't increase your rent during the term of your lease. For example, if you have a lease for one year, your landlord usually can't increase your rent during that year. If you have a month to month lease, your landlord will need to give you at least 30 days' notice before your rent increases.

South Carolina law doesn't put any limits on how much a landlord can increase rent with one exception. A landlord can't retaliate against you by increasing your rent above the "fair market rental value" just because you complained to them about problems with the property or because you complained to code enforcement. It is also important to make sure you always have proof of how much rent you paid and when you paid it. Even if you pay rent in cash, you can send a text message or email with the amount you paid as proof of payment, in case there is a dispute over payment in the future.

4. I'm worried that if I complain to my landlord about something, they will call ICE.

We hear you. The risk of ICE taking any action against you just because your landlord did this may be smaller than you think, because it is illegal to threaten to report someone to Immigrations and Customs Enforcement (ICE) for trying to assert their rights to safe housing. In fact, if you do encounter ICE after you complaint to your landlord or the authorities about problems with your housing, you should tell ICE that you have a complaint against the landlord, because ICE can decline to take action to deport you if you were reported by your landlord. Each situation is different and we're happy to talk with you about the issues you're facing and any concerns you might have about retaliation. We have Spanish-speaking staff available and you can reach us at (803) 779-1113 ext 108.