

ORDINANCE NO.: 2008-023

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina,
Chapter 11, Licenses, Permits and Miscellaneous Business Regulations,
Article IX, Prevention of Discrimination in the Rental or Sale of Housing*

BE IT ORDAINED by the Mayor and Council this 5th day of March, 2008, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 11, Licenses, Permits and Miscellaneous Business Regulations, Article IX, Prevention of Discrimination in the Rental or Sale of Housing, is amended to read as follows:

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Sec. 11-392. Policy.

It is the policy of the City of Columbia, South Carolina, that no person shall be discriminated against in the sale or rental of housing on the basis of race, color, religion, sex, age, national origin, familial status, handicap, disability, or sexual orientation.

Sec. 11-393. Definitions.

Except where the context clearly indicates otherwise, the following terms as used in this article shall have the following meanings:

Disability means a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of such an impairment or being regarded as having such an impairment.

Discrimination means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, age, sex, familial status, handicap, disability, or sexual orientation in the aiding, abetting, inciting, coercing or compelling thereof.

Fair housing choice means the ability of persons of similar income levels regardless of race, color, religion, sex, age, national origin, familial status, handicap, disability, or sexual orientation to have available to them the same housing choices. "Impediments to such housing choices" are any actions, omissions, or decisions taken because of race, color religion, sex, age, national origin, handicap, familial status, disability, or sexual orientation which restrict housing choice or the availability of housing choices.

Housing accommodation includes improved and unimproved property and means a building structure, lot or part thereof of which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence of one or more individuals.

Real estate broker or real estate salesman means an individual who, on behalf of others, for a fee, commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these.

Real estate operator means any individual or combination of individuals, labor unions, joint apprenticeship, committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trust, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the city or county or any of its agencies or any owner of real property that is engaged in the business

of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

Real property includes buildings, structures, real estate, lands, tenement, leaseholds, cooperative, condominiums, mobile homes, and hereditaments, or any interest in the above.

Sexual orientation means a person's real or perceived heterosexuality, homosexuality or bisexuality or gender identity or expression.

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Sec. 11-394. Purpose of law; construction; effect.

The general purposes of this article are:

- (1) To provide for execution within the City of Columbia of the policies embodied in Title VIII of the Federal Civil Rights Act of 1968 as amended.
- (2) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, sex, familial status, handicap, disability, or sexual orientation; thereby to protect their interest in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

Sec. 11-395. Unlawful housing practices.

It is an unlawful practice for a real estate owner or operator or for a real estate salesman, or any individual employed by or acting on behalf of any of these:

- (1) To refuse to sell, exchange, rent or lease or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, national origin, sex, familial status, or handicap, disability, or sexual orientation;
- (2) To discriminate against an individual because of his or her race, color, religion, national origin, sex, familial status, handicap, disability, or sexual orientation in the terms, conditions, or privileges of the sale, exchange, rental or lease of real property or in the furnishings of facilities or services in connection therewith;
- (3) To refuse to receive or transmit a bona fide offer to purchase, rent or lease real property from an individual because of his or her race, color, religion, national origin, sex, familial status, handicap, disability, or sexual orientation;
- (4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race, color, religion, national origin, sex, familial status, handicap, disability, or sexual orientation;
- (5) To represent to an individual that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin, sex, familial status, handicap, disability, or sexual orientation;
- (6) To print, circulate, post, or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease of real property, which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, national origin, sex, familial status, handicap, disability, or sexual orientation or an intent to make such a limitation, specification, or discrimination;
- (7) To offer, solicit, accept, use or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, national origin, sex, familial status, handicap, disability, or sexual orientation;
- (8) To otherwise deny to or withhold real property from an individual because of race, color, religion, national origin, sex, familial status, handicap, disability, or sexual orientation;
- (9) To induce or discourage, or to attempt to induce or discourage:
 - a. The sale;
 - b. The purchase;
 - c. The rental;

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- d. The lease; or
 - e. The listing for subparagraphs a, b, c or d of this subsection, of any housing accommodations in an area, by means of:
 - (i) Causing panic;
 - (ii) Inciting unrest; or
 - (iii) Creating or playing upon fear, by representing that the presence or anticipated presence in that area of persons of any particular race, color, religion, ancestry, sex, place of birth, physical handicap, national origin, disability, or sexual orientation will or may result in: The lowering of property values in the area; the increase in criminal or antisocial behavior in the area; or a decline in the quality of the school serving the area;
- (10) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying there for the purpose of purchasing, construction, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance, because of race, color, religion, ancestry, sex, place of birth, physical handicap, national origin, disability, or sexual orientation of such person or of any person associated with him, in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwelling in relation to which such loan or other financial assistance is to be made or given;
- (11) To deny any person, who is otherwise professionally qualified by state law, access to, or membership or participation in, any multiple listing service, real estate brokers' organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of race, color, religion, ancestry, sex, place of birth, physical handicap, national origin, disability, or sexual orientation.

Sec. 11-396. Blockbusting.

It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

- (1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, national origin, sex, familial status, handicap, disability, or sexual orientation of the owners or occupants in the block, neighborhood, or areas in which the real property is located; or
- (2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

Sec. 11-397. Exemption from housing provisions.

(a) Nothing in section 11-395 shall apply:

- (1) To the rental of housing accommodations in a building which contains housing accommodations for not more than four families living independently of each other, if the owner or member of his family resides in one of the housing accommodations;
 - (2) To the sale of single-family dwellings provided that a private individual owner who does not own more than three such single-family houses, does not advertise the sale or rental of such houses in a newspaper, magazine, or advertising circular, and does not employ the services of a real estate operator, real estate broker, or real estate salesman; or
 - (3) To the rental of one room or one rooming unit in a housing accommodation by an individual if he or a member of his family resides therein.
- (b) A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such a religion is restricted on account of race, color, national origin, sex, familial status, handicap, disability, or sexual orientation.

Sec. 11-398. Enforcement.

In addition to appropriate civil and/or equitable remedies for enforcement of this article, a violation of this article shall constitute a misdemeanor punishable as provided by law. Each day of noncompliance with the provisions of this article constitutes a separate and distinct violation.

Sec. 11-399. Establishment of procedures for conciliation.

The city manager may by regulation establish procedures for investigation of complaints and conciliation of apparent violations of this article.

Sec. 11-400. Conspiracy to violate this article unlawful.

It shall be an unlawful practice for a person, or for two or more persons to conspire:

- (1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this article, or because he or she has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, or proceedings, or hearing under this article; or
- (2) To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this article; or
- (3) To obstruct or prevent a person from complying with the provisions of this article or any other regulation issued thereunder; or
- (4) To resist, prevent, impede, or interfere with the enforcing agent(s), housing board, or any of its members or representatives in the lawful performance of duty under this article.

Secs. 11-401 - 11-499. Reserved.

This ordinance is effective as of final reading.

Requested by:

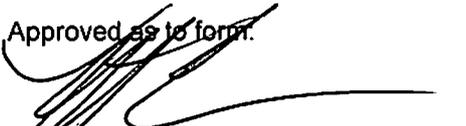
Councilmember Isaac-Devine and
Councilmember Rickenmann


MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: 2/20/2008
Final Reading: 3/5/2008

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