**South Carolina General Assembly**

118th Session, 2009-2010

**S. 75**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Ford

Document Path: l:\council\bills\nbd\11041ac09.docx

Companion/Similar bill(s): 39, 40, 73, 76

Introduced in the Senate on January 13, 2009

Currently residing in the Senate Committee on **Labor, Commerce and Industry**

Summary: S.C. Fair Housing Law

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2008 Senate Prefiled

12/10/2008 Senate Referred to Committee on **Labor, Commerce and Industry**

1/13/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑106

1/13/2009 Senate Referred to Committee on **Labor, Commerce and Industry** [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑106

**VERSIONS OF THIS BILL**

[12/10/2008](file:///p:\pprever\2009-10\75_20081210.docx)

**A** **BILL**

TO AMEND SECTIONS 31‑21‑30, 31‑21‑40, 31‑21‑50, 31‑21‑60, AND 31‑21‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO PROHIBITING DISCRIMINATION PURSUANT TO THE SOUTH CAROLINA FAIR HOUSING LAW, CONCERNING THE BUYING, SELLING, OR RENTING OF DWELLINGS, BECAUSE OF RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN, SO AS TO ALSO PROHIBIT SUCH DISCRIMINATION BECAUSE OF SEXUAL ORIENTATION OR GENDER IDENTITY AND TO DEFINE “SEXUAL ORIENTATION” AND “GENDER IDENTITY”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 31‑21‑30 of the 1976 Code is amended by adding appropriately numbered items to read:

“( ) ‘Sexual orientation’ means heterosexuality, homosexuality, or bisexuality, whether actual or perceived.

( ) ‘Gender identity’ means a person’s self‑perception, or perception of that person by another, of the person’s identity as a male or female based upon the person’s appearance, behavior, or physical characteristics that are in accord with or opposed to the person’s physical anatomy, chromosomal sex, or sex at birth.”

SECTION 2. Section 31‑21‑40 of the 1976 Code is amended to read:

“Section 31‑21‑40. It is unlawful:

(1) to refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny a dwelling to any person because of race, color, religion, sex, sexual orientation, gender identity, familial status, or national origin;

(2) to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with it, because of race, color, religion, sex, sexual orientation, gender identity, familial status, or national origin;

(3) to make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin or an intention to make the preference, limitation, or discrimination;

(4) to represent to any person because of race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when the dwelling is available;

(5) for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin;

(6) to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

(a) that buyer or renter;

(b) a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or

(c) any person associated with that buyer or renter;

(7) to discriminate against a person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with the dwelling, because of a handicap of:

(a) that person;

(b) a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or

(c) any person associated with that person.”

SECTION 3. Section 31‑21‑50 of the 1976 Code is amended to read:

“Section 31‑21‑50. It is unlawful to deny any person 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 the access, membership, or participation on account of race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.”

SECTION 4. Section 31‑21‑60 of the 1976 Code is amended to read:

“Section 31‑21‑60. (A) It is unlawful for any person or other entity whose business includes engaging in residential real estate‑related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of the transaction, because of race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

(B) As used in this section, ‘residential real estate‑related transaction’ means any of the following:

(1) the making or purchasing of loans or providing other financial assistance:

(a) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(b) secured by residential real estate;

(2) the selling, brokering, or appraising of residential real property.

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, sexual orientation, gender identity, handicap, or familial status.”

SECTION 5. Section 31‑21‑70(D) of the 1976 Code is amended to read:

“(D) Nothing in this chapter prohibits 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 any dwelling which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to those persons, unless membership in the religion is restricted because of race, color, sexual orientation, gender identity, or national origin. Nothing in this chapter prohibits a private club not in fact open to the public, which as an incident to its primary purpose provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.”

SECTION 6. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 7. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 8. This act takes effect upon approval by the Governor.

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