

PROGRAM EVALUATION REPORT

The contents of this report and the attached Excel documents are considered sworn testimony from the Agency Director.

South Carolina Human Affairs Commission

Date of Submission: *April 13, 2017*

Agency Director

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Agency Online Resources

Website address: www.schac.sc.gov

Online Quick Links:

<http://www.schac.sc.gov/aboutus/Pages/FilingAComplaint.aspx>
<http://www.schac.sc.gov/ConciliationAgreements/Pages/default.aspx>
<http://www.schac.sc.gov/aboutus/Pages/TechnicalServicesTrainingPrograms.aspx>
<http://www.schac.sc.gov/hd/Pages/FairHousingOutreachTraining.aspx>
<http://www.schac.sc.gov/aboutus/Pages/LawsandStatutes.aspx>
<http://www.schac.sc.gov/Pages/Location.aspx>

Social Media Addresses:

Facebook Page - <https://www.facebook.com/SCHumanAffairsComm/>
YouTube - www.youtube.com (Type in SC Human Affairs Commission to see our videos)
Twitter Page - <https://twitter.com/SCHumanAffairs1>

Agency Office Locations

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A. QUESTIONS

Please type the agency's responses to each question directly below the question. For the questions which ask the agency to complete an Excel chart, complete the chart and attach it to the end of this document when the agency submits the .pdf version.

Agency Snapshot

1. What are 3-4 items the agency considers as successes?

- A) Rebuilding the agency from a budget cut in 2010 where the agency was cut from approximately 45 FTEs to 17 FTEs working on a voluntary 90 day furlough to currently employing 42 FTEs in 2017 to carry out the mission of the agency.
- B) Maintaining a consistent track record of successfully completing an annual contract with the United States Equal Employment Opportunity Commission through investigations, mediation and settlements as required through the SC Human Affairs Law.
- C) Maintaining a consistent track record of successfully completing an annual contract with the United States Department of Housing and Urban Development through investigations, conciliations, and litigations as required through the SC Fair Housing Law.
- D) Maintaining a consistent track record of monitoring State Agencies and producing the Annual Report to the General Assembly on the "Status of Equal Employment Opportunity in South Carolina State Government" as required through the SC Human Affairs Law.

2. What are 3-4 items the agency considers as its current challenges or issues? These can include things the agency already has a plan to improve.

- A) Update legislative regulations to address and eliminate unnecessary delay tactics used by parties which ages the average case processing time for cases in employment and housing.
- B) To have access to funding so that the agency may be equipped to handle Administrative Hearings and to file law suits as authorized by the State Human Affairs Law and SC Fair Housing Law.
- C) To provide outreach and education to the Citizens of the State about their civil rights and legal remedies under the three laws enforced by the Commission in the areas of employment, housing, and public accommodation.
- D) To provide adequate staffing to conduct training in the following areas: the Quality of Life Initiative in Community Relations, proper maintenance and advancement of the use of technology so that the agency may enhance the fostering of cultural sensitive and inclusive communities state wide through the use of Community Relations Councils.

3. What are 3-4 emerging issues the agency anticipates having an impact on its operations in the upcoming five years?
- A) To keep the good, experienced and well-trained employees in their specific fields of expertise through providing adequate pay and benefits.
 - B) To provide an adequate physical facility for employees in an aging building with no room to expand.
 - C) To provide full state funding for all full-time FTEs so that the agency will not be dependent upon Federal Funds.
 - D) Succession planning for all agency program areas.

Agency Legal Directives, Plan & Resources (Study Step 1)

4. Please provide the history of the agency by year, from its origin to the present, in a bulleted list. Include the names of each director with the year the director started, and major events (e.g. programs added, cut, departments/divisions changed, etc.).
- 1968
 - Social Unrest erupts in the state with 1) 1968-Orangeburg Massacre, three young African American Male students killed, 2) 1969-MUSC- Charleston Area Hospital Strike, places city of Charleston on curfew for a long period of time where unrest begins in March and issue not settled until June, 3) March, 1970- Lamar, SC- White parents turn over school buses in protest of desegregation of public schools.
 - March 4, 1971
 - John C. West signs Executive Order establishing the Governor's Advisory Commission on Human Relations on March 4, 1971. JW. (Bill) Travis, CEO of Southern Bell is appointed as Chairman.
 - State Director: George Hamilton appointed as Executive Director on April 2, 1971.
 - March 29, 1972
 - Through the work of the Commission, The Breger Study released a report entitled: "Black Employment in South Carolina State Government, A Study of State Employment Practices". The Study showed that there were many state agencies where Blacks were not fairly represented and notes: "Implicit discrimination in employment does not result from malicious intent, nor does it necessarily reflect racist attitudes. Instead, it is the product of decades, perhaps centuries, of social psychological conditioning to a racial environment that has always set whites before black. Its manifestations in the employment system are many and varied, often subtle and deeply ingrained."
 - June 23, 1972
 - Governor West signed the bill into law creating the State Human Affairs Commission protecting citizens on the basis of race, color, religion, sex, national origin and age. The legislation gives the Commission the authority to enforce employment law and the responsibility of assisting various state agencies in setting up for affirmative action programs and equal hiring policies.
 - State Director George D. Hamilton is appointed the first Commissioner (1972-1974)
 - The SHAC Law creates a Commission made up of a 15 member board appointed by the Governor with consent and approval by the SC Senate. The Board Chair is appointed by the Governor and the Agency's Executive Director is chosen by the Board in conjunction with the approval by the Governor.

- January, 1973
 - All State Agencies with more than 15 employees are required to submit Affirmative Action Plans on an annual basis.
- October 4, 1974
 - State Director: James E. Clyburn becomes the new Commissioner (1974-1990)
 - Agency is structured in three program areas: 1) Compliance-Employment, 2) Technical Services-monitoring of State Agency Affirmative Action, 3) Community Relations
- 1975
 - Agency enters into first Contract with the US Equal Employment Opportunity Commission and becomes a Fair Employment Practicing Agency (FEPA).
- 1981
 - The Commission publishes “The Blueprint” which is a technical compliance manual that contains all the information necessary to develop and monitor Affirmative Action Plans and becomes one of the most widely used affirmative action planning manuals in the nation.
- 1983
 - The SC Bill of Rights for Handicapped Persons though weak in enforcement becomes law and is a precursor to the American with Disabilities Act.
- May 9, 1989
 - Governor Carroll A. Campbell signed into law the South Carolina Fair Housing Law that allows Human Affairs Commission for deferral status with the US Department of Housing and Urban Development. The law was amended on May 3, 1990 to enhance the deferral status with HUD and HUD Grants the agency its first contract in November 1994 and recognizes the agency for substantial equivalency status in January, 1995. The law protects citizens on the basis of race, color, religion, national origin, sex, familial status, and disability.
- April 25, 1990
 - The Equal Enjoyment of and Privileges to Public Accommodations Law is passed and signed into law by Governor Carroll Campbell as a result of an Attorney General investigation into a restaurant in September of 1989 that refused to serve black men. The law protects the rights of citizens on the basis of Race, Color, Religion and National Origin.
- 1991
 - The first Computerized Affirmative Action Management System is purchased to enhance State Agency reporting and the Commission’s monitoring of all state agency plans.
- July 2, 1992
 - State Director: Willis C. Ham, PhD, becomes the new Commissioner (1992-2000)
- November, 1993
 - The Fair Housing Department is formed under Compliance-Enforcement Division
- June 13, 1996
 - Legislation is passed that allows Disability as a protected class to the Human Affairs Law, and the Human Affairs Commission is removed from any responsibility for enforcement of the SC Bill of Rights for Handicapped persons.
 - 1996- SCHACRA-South Carolina Human And Community Relations Association was formed under the auspices of the Commission where thirteen active Community Relations Councils in the state have the goal of improving human and community relations in the state.
 - 1996- Alternative Dispute Resolution (Mediation) program is formed to provide rapid resolution to complaints without the necessity of an investigation, determination or Notice of Right to Sue being issued in a complaint.

- December, 2000
 - State Director Jesse Washington, Jr. becomes the Commissioner (2000-2010)
- 2000-2004
 - SC Human Affairs Commission from FY 1999-2000 until fiscal year 2003-2004 sustains budget cuts culminating to over 43% of the agencies state appropriations.
 - As a result, programs such as Community Relations were cut to the bare bone, reduction in staff and furloughs occurred.
- 2005-2006
 - The agency lost 9 of 43 employees to retirement. SHAC had a historically low rate of turnover of employees, now began a natural attrition of employees seeking to retire.
 - The loss of senior staff has an impact on the agency, but dedicated employees continue to keep up the pace of work to accomplish agency goals.
- 2006-2007
 - The Commission's staffing levels remain substantially below what is legitimately required to continue to deliver the services required by the legislature at qualitative and quantitative levels expected.
- 2008-2009
 - 38 FTEs are filled but in order to stay within budget, the agency endures a 10 day furlough for each employee. Employment Investigation case-loads jump from an average of 45-50 to 70 employment cases per investigator.
- 2010
 - The agency budget is cut in half. State Appropriations from 1999 to the end of the 2009- 2010 fiscal year are cut by 70%. Agencies 38 FTEs falls to 17 full time employees and one temp employee. Remaining employees all go on a 90 day voluntary furlough in order to keep the agency operating.
 - No FTEs in Community Relations Department. 90 (e) and Public Accommodation cases are no longer investigated. Technical Services Department is reduced to one FTE
- 2011
 - State Director Ralph Haile, Agency General Council, is named the fifth Commissioner, (Interim Commissioner) (2011-2012)
 - Dedicated employees at times, work without being paid and keep the agency afloat.
 - The legislature believing that State Government and not the Federal Government should be handling the problems and issues involving discrimination in South Carolina, and \$600,000 is restored to the budget to the agency budget for FY 2011-2012.
 - After Interim Commissioner Haile resigns, John Wilson, Compliance Director, takes over the leadership of the agency until a new Commissioner is hired.
- June- 2012
 - SHAC Board changes from a 15 Member Board to a 9 Member Board
- July-2012
 - State Director Raymond Buxton, II, becomes the sixth Commissioner of the agency. (2012-Present)
 - From 2012 until 2016, Funding for filled FTE positions increases from 17 to 43.
 - Community Relations Department is reinstituted to create and sustain Community Relations Councils around the State.
 - 90 (E) and Public Accommodation complaints are once again investigated.
- 2013
 - Under direction from the Department of Administration, oversaw the physical move of the agency from location of agency since 1978 on Forest Drive to 1026 Sumter Street.
- 2014
 - Major upgrade for CAAMS occurs to include data from the 2010 US Census

- 2015
 - Agency increased outreach and educational activities through improvements to WEB Site, advertising, reinstituting Agency Newsletter, developing a CRC Newsletter and distribution of agency brochures.
 - Increased training for the newly hired investigators to ensure better customer service for citizens and businesses in SC.
 - 2016
 - SHAC entered into a contract with the College of Charleston to develop a systematic approach to create and sustain Community Relations Councils.
 - SHACRA is reinstituted as a no- profit group.
 - As a result of the Emanuel 9 tragedy in Charleston, SC, the Commission began a three event series per year to include recognizing: a) International Day on March 21 of each year to “End Racism”, b) Began to sponsor a “Remembering the Emanuel 9 Day” for all State Agencies in SC, C) sponsoring a dialogue on race relations in late summer.
 - Increased attorneys on staff to three so that the laws of the agency can be enforced and enhanced in a manner that the Commission can hold public hearings as the legislation intended.
 - Agency has investigated approximately 40,000 Discrimination complaints since its inception.
5. Please provide information about the body that governs the agency and to whom the agency head reports. Explain what the agency’s enabling statute outlines about the agency’s governing body (e.g. board, commission, etc.), including, but not limited to: total number of individuals in the body; whether the individuals are elected or appointed; who elects or appoints the individuals; the length of term for each individual; whether there are any limitations on the total number of terms an individual can serve; whether there are any limitations on the number of consecutive terms an individual can serve; and any other requirements or nuisances about the body which the agency believes is relevant to understanding how it and the agency operate. If the governing body operates differently than outlined in statute, please describe the differences.

The Human Affairs Commission is empowered through S.C. Code Ann. § 1-13-40, and exists to encourage the fair treatment of, and to eliminate and prevent discrimination against, any member of a group protected by this chapter, and to foster mutual understanding and respect among all people in this State. Commission members consist of a member from each congressional district appointed by the Governor, with the advice and consent of the Senate, and two members at large appointed by the Governor. Each member shall serve for a term of three years and until their successors are appointed and qualify. Vacancies must be filled in the manner of the original appointment for the unexpired term. The Governor shall appoint one of the at large members to serve as chairman and may appoint any member to serve as vice-chairman, each to serve a term of one year. The Commission may elect other officers from among its members as necessary, except that the Commissioner may be elected to serve as secretary. No member of the Commission shall serve more than two consecutive terms.

A member having served two consecutive terms shall be eligible for reappointment one year after the expiration of his second term.

In addition to the traditional duties of a governing Commission for a state agency, Human Affairs Commissioners also have the authority to serve on a panel of three Commission members to adjudicate complaints of discrimination in housing matters under the Fair Housing Law at S.C. Code Ann. § 31-21-130, as well as complaints of discrimination in employment matters filed against state agencies pursuant to S.C. Code Ann. § 1-13-90(c). The Commissioner of the Agency reports to the Board of Commissioners.

6. Please provide information about the agency's internal audit process including: whether the agency has internal auditors, a copy of the internal audit policy or charter, the date the agency first started performing audits, the names of individuals to whom internal auditors report, the general subject matters audited, name of person who makes the decision of when an internal audit is conducted, whether internal auditors conduct an agency-wide risk assessment routinely, whether internal auditors routinely evaluate the agency's performance measurement and improvement systems, the total number of audits performed in last five fiscal years; and the date of the most recent Peer Review of Self-Assessment by SC State Internal Auditors Association or other entity (if other entity, name of that entity).

Due to the size of the Agency, the SC Human Affairs Commission does not have an internal audit process or auditors.

7. Please complete the **Laws Chart**, which is a tab in the attached **Excel document**.

See Attachment A - Excel Charts

8. Please complete the **Deliverables Chart**, which is a tab in the attached **Excel document**.

See Attachment A - Excel Charts

9. Please complete the **Organizational Units Chart**, which is a tab in the attached **Excel document**.

See Attachment A - Excel Charts

10. Please complete the **2015-16 Strategic Spending Chart**, which is a tab in the attached **Excel document**, to provide the Committee information on how the agency spent its funding in 2015-16.

See Attachment A - Excel Charts

11. Please provide the following information regarding the amount of funds remaining at the end of each year that the agency had available to use the next year (i.e. in 2011-12, insert the amount of money left over at the end of the year that the agency was able to carry forward and use in 2012-13), for each of the last five years.

Year	Amount Remaining at end of year that agency could use the next year
2011-12	\$106,136
2012-13	\$130,938
2013-14	\$118,496
2014-15	\$65,552
2015-16	\$265,678

12. How much does the agency believe is necessary to have in carryforward each year? Why?

\$65,000 - \$75,000

These funds are needed to cover any shortages in salaries and operating expenses. Additionally, because our investigators work by case production, we would like to award staff members with bonus incentives from time to time.

13. Please complete the **2016-17 Strategic Budgeting Chart**, which is a tab in the attached **Excel document**, to provide the Committee information on how the agency plans to utilize the funds it is receiving in 2016-17, including any additional funds it plans on applying for during the year such as federal grants.

See Attachment A - Excel Charts

14. Please provide the following regarding the agency's information in the General Appropriations Act.

a. Does the agency have the ability to request a restructuring or realignment of its General Appropriations Act programs?

Yes

b. In what year did the agency last request a restructuring or realignment of its General Appropriations Act programs? (see example of what is meant by General Appropriations Act programs to the right)

*II. . Programs and Services
A. Water Quality Management
2. Water Management*

May 9, 1989 - Governor Carroll A. Campbell signed into law the South Carolina Fair Housing Law that allows the Human Affairs Commission for deferral status with the US Department of Housing and Urban Development. The law was amended on May 3, 1990 to enhance the deferral status with HUD. HUD Grants the agency its first contract in November 1994 and recognizes the agency for substantial equivalency status in January, 1995. The law protects citizens on the basis of race, color, religion, nation origin, sex, familial status, and disability. The agency receives funds from cases completed, not the general fund.

c. What was requested and why?

See 14b

d. Was the request granted? (Y/N) If no, who denied the request and why was it denied?

Yes

e. Would an individual be able to clearly see how much the agency is spending toward each of the goals in its Strategic Plan by looking at the hierarchy of agency General Appropriation Act programs?

Yes

- f. Could the agency make a request to the Executive Budget Office, Senate Finance Committee, and House Ways and Means Committee to realign or restructure its General Appropriations Act programs so that the agency's goals from its strategic plan were the highest level of its General Appropriations Act programs in the hierarchy?

Yes

Performance (Study Step 2)

15. Please complete the **Performance Measures Chart**, which is a tab in the attached **Excel document**.

See Attachment A - Excel Charts

16. After completing the Performance Measure Chart, please provide the following: Graphs/Charts which shows trends over the last five time periods for at least three performance measures (separate graph/chart for each performance measure) the agency believes are vital to knowing whether the agency is successful.

See Attachment B - Performance Measure Charts

17. Please complete the **Strategic Plan Summary Chart**, which is a tab in the attached **Excel document**.

See Attachment A - Excel Charts

Agency Ideas/Recommendations (Study Step 3)

18. Please list any ideas the agency has for internal changes at the agency that may improve efficiency and outcomes. These can be ideas that are still just ideas, things the agency is analyzing the feasibility of implementing, or things the agency already has plans for implementing. For each, include the following details:
 - a. Stage of analysis;
 - b. Objectives and Associated Performance measures impacted and predicted impact;
 - c. Costs of the objectives that will be impacted and the anticipated impact;
 - d. On which objective(s) the agency plans to utilize additional available funds if the change saves costs, or obtain funds if the change requires additional funds, and how the objective(s) receiving or releasing the funds will be impacted; and
 - e. Anticipated implementation date.

See seven different internal change recommendations below

Internal Change # 1

- Internal Change: Update and modernize regulation 65-2 related to the South Carolina Human Affairs Law, which would eliminate the need for notarization on the Complaint Form in order to reflect the less stringent statutory requirement of a “sworn statement”
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): Regulation change has been submitted to the General Assembly and the Agency’s Legal Department has been testifying before the respective subcommittees and committees
- Performance Measures Impacted and predicted impact: More cases will be accepted which result in more case closures and high rate of compensation from the EEOC
- Objective Costs Impacted and anticipated impact: Objective 3.2 – increase will likely be \$2,100-\$3,500
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: to be given back to the general fund
- Anticipated Implementation Date: July 2017

Internal Change # 2

- Internal Change: Update and modernize regulation 65-3 related to the South Carolina Human Affairs Law, which would shorten the time that a party has to respond to the Agency’s request for information in an employment investigation
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): Regulation change has been submitted to the General Assembly and the Agency’s Legal Department has been testifying before the respective subcommittees and committees
- Performance Measures Impacted and predicted impact: Case processing time will shorten overall because the parties in an investigation will not have as many ways of unnecessarily prolonging the Agency’s investigation. The Human Affairs Law states that cases should be investigated in under 180 days, but the average case processing time currently exceeds 200 days, which is due in part to the multitudinous steps found solely in the regulations.
- Objective Costs Impacted and anticipated impact: Objective 1.2.1 – revenue from case completion would increase based on the number of cases completed
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: payment of salary/fringe for staff and operating costs utilized by earmarked funds
- Anticipated Implementation Date: July 2017

Internal Change # 3

- Internal Change: Update and modernize the Agency’s employee handbook
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The Management team will present the new handbook to the Board for approval at the upcoming board meeting and then will distribute to staff
- Performance Measures Impacted and predicted impact: Performance by agency staff will remain consistently high, or improve
- Objective Costs Impacted and anticipated impact: N/A
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: N/A
- Anticipated Implementation Date: August 2017

Internal Change # 4

- Internal Change: Hold administrative hearings for all 'reasonable cause cases' under S.C. Code Ann. §1-13-90(c) and S.C. Code Ann. §31-21-130
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): A plan has been implemented and the Commission Board has been trained, so that a hearing can be held in May 2017
- Performance Measures Impacted and predicted impact: Agency will be upholding its statutory duty
- Objective Costs Impacted and anticipated impact: Objective 3.1.2 – The cost will likely be less than litigation in court, but is unknown at this time and is always case-specific
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: EEOC and HUD contract payments
- Anticipated Implementation Date: May 2017

Internal Change # 5

- Internal Change: Secure other physical locations available for scheduling mediations
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The agency is analyzing the feasibility of implementing
- Performance Measures Impacted and predicted impact: Agency will be able to offer more flexibility of times for parties engaging in mediation
- Objective Costs Impacted and anticipated impact: Objective 3.1.3 – More files will likely be closed earlier, saving the agency money on an undetermined amount of cases
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: The funds will be used on mediators
- Anticipated Implementation Date: Agency has not fully analyzed the feasibility of idea

Internal Change # 6

- Internal Change: Litigate all 'reasonable cause cases' under the Human Affairs Law and the Fair Housing Law
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The agency is analyzing the feasibility of implementing
- Performance Measures Impacted and predicted impact: Agency will be able to offer free legal services to individuals who have been unlawfully discriminated against
- Objective Costs Impacted and anticipated impact: Objective 3.1.1 – The resulting costs will likely be covered, in part, in penalties assessed on violators through litigation; however, there are litigation expenses that will need to be fronted by the Agency, and there is no guarantee that all costs will be covered in a favorable settlement, Order, or jury verdict
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: The funds will be used to cover the costs of litigation
- Anticipated Implementation Date: Agency has not fully analyzed the feasibility of idea

Internal Change # 7

- Internal Change: Provide greater enforcement for viable complaints of Public Accommodations discrimination.
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The agency is analyzing the feasibility of implementing

- Performance Measures Impacted and predicted impact: Agency will be able to offer free legal services to individuals who have been unlawfully discriminated against
- Objective Costs Impacted and anticipated impact: Objective 3.2.1 – Unknown, but additional staff would be needed
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: The funds will be used to cover the costs of investigations and administrative hearings
- Anticipated Implementation Date: Agency has not fully analyzed

19. As the agency likely already has planned, please review the laws chart with executive management, as well as other employees, to determine ways agency operations may be less burdensome, or outcomes improved, from changes to any of the laws. Also, check if any of the laws are archaic or no longer match with current agency practices. Afterward, list any laws the agency would recommend the Committee further evaluate and possibly recommend revision or elimination of in the Committee's Oversight Report. For each one, include the information below. An example of the information to include and how to format the information is below and on the next page.

- a. Law;
- b. Summary of current statutory requirement and/or authority granted;
- c. Recommendation and Rationale for recommendation;
- d. Law wording;
- e. Other agencies that would be impacted by revising or eliminating the law.

See 19 different law recommendations below

Law Recommendation # 1

- Law: SC Code Section 1-13-70 (i)
- Summary of current statutory requirement: The Agency shall issue subpoenas or subpoenas duces tecum to compel the attendance of witnesses or the production of evidence in employment investigations, and the Commission shall enforce subpoenas through a court of competent jurisdiction.
- Recommendation and Rationale for Recommendation: While Section 1-13-90(d) clearly articulates that the Agency has the power to subpoena non-state Agency employers, the language in 1-13-70 (i) has not been updated to reflect the agency's jurisdiction.
- Law Wording: (i) To require from any employer ~~state agency or department or local subdivisions of a state agency or department~~ such reports and information at such times as it may deem reasonably necessary to effectuate the purposes of this chapter.
- Other Agencies Impacted: None

Law Recommendation # 2

- Law: SC Code Section 1-13-90 (c)(16)
- Summary of current statutory requirement: The Commission shall hold an administrative hearing before a panel of three commission members, and shall render a decision related to the claims, when an employment investigation against a state agency has resulted in a reasonable cause determination.
- Recommendation and Rationale for Recommendation: State and Federal Courts, as well as the Agency's federal counterpart, award broader damages to aggrieved parties in employment discrimination litigation, and state law should contemplate the full range of damage awards available to a prevailing party. Language similar to the proposed wording below is found in Tennessee and Kentucky code sections.

- Law Wording: (16) If upon all the evidence at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the Commission an opinion and order requiring the Respondent to cease and desist from the discriminatory practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the respondent, the complainant, and to such public officers and persons as the commission deems proper. Affirmative action ordered under this section may include, but is not limited to:
 - (a) Hiring, reinstatement or upgrading of employees with or without back pay. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable;
 - (b) Admission or restoration of individuals to union membership, admission to, or participation in, a guidance program, apprenticeship, training program, on-the-job training program, or other occupational training or retraining program, and the utilization of objective criteria in the admission of individuals to such programs;
 - (c) Reporting as to the manner of compliance;
 - (d) Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the commission and inclusion of such notices in advertising material;
 - (e) Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and cost, including a reasonable attorney's fee; and
 - (f) Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record. ~~that such unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay to the persons aggrieved by such practice as, in the judgment of the panel, will effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. The Commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.~~
- Other Agencies Impacted: Any agency that unlawfully discriminates against an employee or potential employee

Law Recommendation # 3

- Law: SC Code Section 1-13-90 (d)(6)
- Summary of current statutory requirement: The Commission shall, at the completion of an employment investigation regarding a non-state agency employer, either order that the matter be dismissed despite evidence that reasonable cause exists to believe discrimination occurred; order that the complaint be dismissed for no reasonable cause; or recommend that a lawsuit be filed in equity in circuit court against the respondent due to a cause determination.
- Recommendation and Rationale for Recommendation: Complainants may be thrown out of court, despite abiding by all the necessary deadlines, when a complainant brings a civil suit following an investigation by the Agency, if the EEOC has waived the case to the Agency. For example, if the EEOC accepted a charge 300 days after the date of harm (the EEOC's deadline for acceptance), then subsequently waived the case immediately the Agency, the Agency would not be able to issue a Notice of Right to Sue to the Complainant until 480 days after the date of harm. Currently, the statute states that a lawsuit must be filed within a year from the date of harm, if it is earlier than the 180 days the Agency has to investigate the case.
- Law Wording: (6) If a charge filed with the commission by a complainant pursuant to this chapter is dismissed by the commission, or if within one hundred eighty days from the filing of

the charge the commission has not filed an action under this chapter or entered into a conciliation agreement to which the complainant is a party, the complainant may bring an action in equity against the respondent in circuit court. The action must be brought within one year from the date of the violation alleged, or within one hundred twenty days from the date the complainant's charge is dismissed, whichever occurs later ~~earlier~~, except that this period may be extended by written consent of the respondent.

- Other Agencies Impacted: Any agency against which an employment discrimination lawsuit is brought

Law Recommendation # 4

- Law: SC Code Section 1-13-100
- Summary of current statutory requirement: The Commission may contract and cooperate with Federal Equivalent Agencies (like the EEOC and HUD) in furthering the joint missions of the Agencies. The Human Affairs Law is to be construed as a law which parallels Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq.; the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq.; and the Americans with Disabilities Act of 1990, as amended, Public Law 101-336.
- Recommendation and Rationale for Recommendation: In addition to limiting the types of civil causes of action that can be brought under the Human Affairs Law, a similar limitation to the relief awarded should also be established.
- Law Wording: Nothing in this chapter may be construed to create a cause of action other than those specifically described in Section 1-13-90 of this chapter. Nothing in this chapter may be construed to create a cause of action against a person not covered by Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq., if the cause of action arises from discrimination on the basis of race, color, religion, sex, or national origin. Nothing in this chapter may be construed to create a cause of action against a person not covered by the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq., if the cause of action arises from discrimination on the basis of age. Nothing in this chapter may be construed to create a cause of action against a person not covered by the Americans with Disabilities Act of 1990, as amended, Public Law 101-336. Nothing in this chapter may be construed to award relief greater than Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq., the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq., or the Americans with Disabilities Act of 1990, as amended, Public Law 101-336.
- Other Agencies Impacted: None

Law Recommendation # 5

- Law: SC Code Section 1-13-90 (c)
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability.
- Recommendation and Rationale for Recommendation: Similar to the Office of Human Resources in holding Grievance Committee Hearings and in South Carolina Circuit Courts, State Agencies and complainants should be required to engage in a preliminary mediation at the Agency.
- Law Wording: (c) For complaints asserting expressly or in substance a violation by a state agency or department or local subdivisions of a state agency or department of Section 1-13-80 the procedure shall be as follows:

(1) Within sixty days of the complainant's filing of the complaint, the commissioner shall assign one or more of his employees or agents to hold a mandatory mediation conference. The mandatory mediation conference may not be used as a fact-finding conference. The mediator may hold additional mediation conferences to accommodate settlement discussions.

(2) If the complaint is not resolved after the mandatory mediation conference, the complainant or the respondent may request the commission to hold additional mediation conferences.

(3) The commission may dismiss the complaint if a complainant, after notice and without good cause, fails to attend a mandatory mediation conference, or the respondent has eliminated the discriminatory practice complained of, taken steps to prevent a like occurrence in the future, and offered full relief to the complainant, even though the complainant has refused the relief.

(4) If the complaint is not resolved after the mandatory mediation conference, the commissioner shall assign one or more of the agency's employees or agents within fifteen days after the mandatory mediation conference to investigate the complaint as the designated investigator in charge of the complaint. Information gathered during an investigation under this item shall not be made public by the commission, its officers, or employees, except for information made public as a result of being offered or received into evidence in an action brought under this chapter.

(5) The chairman of the commission or, upon the request of the chairman, the commissioner shall designate a member of the commission to supervise the processing of the complaint.

(6) The complaint may be resolved at any time before a hearing by conference, conciliation, or persuasion, with the complainant and the respondent. The resolution must be embodied in a conciliation agreement, which shall include an agreement by the respondent to refrain from committing unlawful discriminatory practices in the future, and which may contain those further provisions as are agreed upon by the complainant and the respondent. No conciliation agreement may be considered an effective resolution by the commission unless the supervisory commission member has reviewed and approved the terms of the agreement. Positions taken by a witness in connection with these efforts toward conciliation shall not be made public or used against the interest of the witness in a subsequent proceeding.

(7) In undertaking its investigation of a complaint, the commission shall have the authority:

(a) to issue a subpoena or subpoena duces tecum and thereby compel attendance of witnesses or production for examination of books, papers, and records, whenever it is considered necessary to compel the attendance of witnesses, or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers, or any other evidence relating to any matter under investigation or in question before the commission. This authority may be exercised only by the joint action by the chairman of the commission and the commissioner;

(b) to require any party or witness to answer interrogatories at any time after the complaint is filed;

(c) to take depositions of witnesses including any party pursuant to a complaint or investigation made by the commission;

(d) pursuant to subitems (a), (b), (c), if a person fails to permit access, fails to comply with a subpoena, refuses to have his deposition taken, refuses to answer interrogatories, or otherwise refuses to allow discovery, the commission may request an order of a court of competent jurisdiction requiring discovery and other related good faith compliance.

(8) If not sooner resolved, the investigator shall upon completion of his investigation submit to the supervisory commission member a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. The supervisory commission member, after review of the

case file and the statement and recommendation of the investigator, shall issue an order either of dismissal or for a hearing, which order is not subject to judicial or other further review.

(9) If the order is for dismissal, the supervisory commission member shall mail a copy of the order to the complainant and the respondent at their last known addresses.

(10) If the order is for a hearing, the supervisory commission member shall attach to the order a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(11) At any time before a hearing a complaint may be amended by the supervisory commission member upon the request of the investigator, complainant, or respondent. Complaints may be amended during a hearing only upon a majority vote of the panel of commission members for the hearing.

(12) Upon request by any party, the commissioner shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be present at the hearing, or at prehearing depositions, unless the commissioner determines that issuance of the subpoenas or subpoenas duces tecum would be unreasonable or unduly burdensome.

(13) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his deposition taken, refused to answer interrogatories, or otherwise refused to allow discovery, the commission, upon notice to the party or witness, shall apply to a court of competent jurisdiction for an order requiring discovery and other good faith compliance unless the commission determines that the discovery would be unreasonably or unduly burdensome.

(14) Upon request by the supervisory commission member, the chairman of the commission shall designate a panel of three members of the commission to sit as the commission to hear the complaint; provided, that no member of the commission may be a member of a panel to hear a complaint for which he has been a supervisory commission member.

(15) At any hearing held pursuant to this subsection, the case in support of the complaint shall be presented before the panel by one or more of the commission's employees or agents, and, with consent of the panel, by legal representatives of the complaining party; provided, that attempts at conciliation by the investigator must not be received into evidence nor otherwise made known to the members of the panel.

(16) The respondent shall submit a written answer to the complaint and appear at the hearing in person or by counsel and may submit evidence. The respondent shall have the power reasonably and fairly to amend his answer.

(17) The complainant is permitted to be present and submit evidence.

(18) These proceedings are subject to the Administrative Procedures Act and in case of conflict between the provisions of this chapter and the Administrative Procedures Act, the Administrative Procedures Act shall govern. A recording of the proceedings shall be made, which may be subsequently transcribed upon request and payment of a reasonable fee by the complainant or the respondent. The fee must be set by the commission or upon motion of the panel, in which case copies of this transcription shall be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the commission.

(19) If upon all the evidence presented at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the commission an opinion and order requiring that the unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstating or upgrading of employees, with or without back pay to the persons aggrieved by the practice as, in the judgment of the panel, shall effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years

prior to the filing of the complaint with the commission. The commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.

(20) If upon all the evidence at the hearing the panel shall find that the respondent has not engaged in any unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent.

(21) A copy of the opinion and order of the commission shall be delivered to the Attorney General and to those other public officers as the commission deems proper. Copies of the opinion and order shall be available to the public for inspection upon request, and copies shall be made available to any person upon payment of a reasonable fee set by the commission.

(22)(a) If an application for review is made to the commission within fourteen days from the date of the opinion and order of the commission, the commission, for good cause shown, shall review the opinion and order, the evidence, receive further evidence, rehear the parties or their representatives, and, if justified, amend the opinion and order.

(b) The opinion and order of the commission as provided in item (19), if not reviewed in due time, or an opinion and order of the commission upon review, as provided for in subitem (a), is conclusive and binding as to all questions of fact unless clearly erroneous in view of the reliable, probative, and substantive evidence in the whole record. Either party to the dispute, within thirty days after receipt of the opinion and order, may appeal the decision of the commission to the Administrative Law Court as provided in Chapter 23, Title 1. In case of an appeal from the decision of the commission, the appeal operates as a supersedeas for thirty days only, unless otherwise ordered by the administrative law judge, and the respondent is required to comply with the order involved in the appeal until the questions at issue are fully determined in accordance with the provisions of this chapter.

(c) The commission may institute a proceeding for enforcement of its order issued under item (19) or its amended order issued under subitem (a) after thirty days from the date of the order, unless otherwise prevented by the administrative law judge under subitem (b) above, by filing a request for enforcement in the court of common pleas of the county in which the hearing occurred, or where the person who is the subject of the commission's order resides or transacts business.

A decree of the court for enforcement of the order may be granted upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the commission's order."

(1) The Commissioner shall assign one or more of his employees or agents to investigate the complaint, in which case one shall be designated the investigator in charge of the complaint. Information gathered during an investigation under this subsection shall not be made public by the Commission, its officers or employees, except for information made public as a result of being offered or received into evidence in an action brought under this subsection.

(2) The Chairman of the Commission or, upon the request of the Chairman, the Commissioner shall designate a member of the Commission to supervise the processing of the complaint.

(3) The complaint may be resolved at any time before a hearing by conference, conciliation and persuasion with the complainant and the respondent, such resolution to be embodied in a conciliation agreement, which shall include an agreement by the respondent to refrain from committing unlawful discriminatory practices in the future, and which may contain such further provisions as are agreed upon by the complainant and the respondent. No conciliation agreement shall be deemed an effective resolution by the Commission unless the supervisory commission member shall have reviewed and approved the terms thereof. Positions taken by a witness in connection with such efforts toward conciliation shall not be made public or used against the interest of the witness in a subsequent proceeding.

(4) In undertaking its investigation of a complaint the Commission shall have the authority:

(i) To issue a subpoena or subpoena duces tecum and thereby compel attendance of witnesses or production for examination of books, papers, and records, whenever it is deemed necessary to compel the attendance of witnesses, or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers or any other evidence relating to any matter under investigation or in question before the Commission. The power may be exercised only by the joint action by the Chairman of the Commission and the Commissioner.

–(ii) To require any party or witness to answer interrogatories at any time after the complaint is filed.

(iii) To take depositions of witnesses including any party pursuant to a complaint or investigation made by the Commission.

(iv) Pursuant to subitems (i), (ii), (iii), above, if a person fails to permit access, fails to comply with a subpoena, refuses to have his or her deposition taken, refuses to answer interrogatories, or otherwise refuses to allow discovery, the Commission may request an order of a court of competent jurisdiction requiring discovery and other related good faith compliance.

(5) If not sooner resolved, the investigator shall upon completion of his investigation submit to the supervisory commission member a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. The supervisory commission member, after review of the case file and the statement and recommendation of the investigator shall issue an order either of dismissal or for a hearing, which order shall not be subject to judicial or other further review.

(6) If the order be of dismissal, the supervisory commission member shall mail a copy of the order to the complainant and the respondent at their last known addresses.

(7) If the order be for a hearing, the supervisory commission member shall annex thereto a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(8) At any time before a hearing a complaint may be amended by the supervisory commission member upon the request of the investigator or of the complainant or of the respondent. Complaints may be amended during a hearing only upon a majority vote of the panel of commission members for such hearing.

(9) Upon request by any party, the Commissioner shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be present at the hearing, or at prehearing depositions, unless the Commissioner determines that issuance of the subpoenas or subpoenas duces tecum would be unreasonable or unduly burdensome.

(10) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his or her deposition taken, refused to answer interrogatories, or otherwise refused to allow discovery, the Commission, shall, upon notice to the party or witness, apply to a court of competent jurisdiction for an order requiring discovery and other good faith compliance unless the Commission determines that the discovery would be unreasonably or unduly burdensome.

(11) Upon request by the supervisory commission member, the Chairman of the Commission shall designate a panel of three members of the Commission to sit as the Commission to hear the complaint; provided, that no member of the Commission shall be a member of a panel to hear a complaint for which he has been a supervisory commission member.

(12) At any hearing held pursuant to this subsection, the case in support of the complaint shall be presented before the panel by one or more of the commission's employees or agents, and, with consent of the panel, by legal representatives of the complaining party; provided, that endeavors at conciliation by the investigator shall not be received into evidence nor otherwise made known to the members of the panel.

(13) The respondent shall submit a written answer to the complaint and appear at such hearing in person or by counsel and may submit evidence. The respondent shall have the power reasonably and fairly to amend his answer.

(14) The complainant shall be permitted to be present and submit evidence.

(15) Proceedings under this section shall be subject to the Administrative Procedures Act, Sections 1-23-310 through 1-23-400 of the Code of Laws of South Carolina, 1976, as amended, and in case of conflict between the provisions of this chapter and the Administrative Procedures Act, the Administrative Procedures Act shall govern. A recording of the proceedings shall be made, which may be subsequently transcribed upon request and payment of a reasonable fee by the complainant or the respondent. The fee shall be set by the Commission or upon motion of the panel, in which case copies of such transcription shall be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the Commission.

(16) If upon all the evidence at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the Commission an opinion and order requiring that such unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay to the persons aggrieved by such practice as, in the judgment of the panel, will effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. The Commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.

(17) If upon all the evidence at the hearing the panel shall find that the respondent has not engaged in any such unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent.

(18) A copy of the opinion and order of the Commission shall be delivered in all cases to the Attorney General and to such other public officers as the Commission deems proper. Copies of the opinion and order shall be available to the public for inspection upon request, and copies shall be made available to any person upon payment of a reasonable fee set by the Commission.

(19)(i) If an application for review is made to the commission within fourteen days from the date the order of the commission is given, the commission, for good cause shown, shall review the order and evidence, receive further evidence, rehear the parties or their representatives, and, if proper, amend the order.

(ii) The order of the commission, as provided in item (16) of subsection (c) of this section, if not reviewed in due time, or an order of the commission upon review, as provided for in subitem (i) of item (19) of this subsection, is conclusive and binding as to all questions of fact unless clearly erroneous in view of the reliable, probative, and substantive evidence in the whole record. Either party to the dispute, within thirty days after receipt of notice to be sent by registered mail of the order may appeal the decision of the commission to the Administrative Law Court as provided in Sections 1-23-380(B) and 1-23-600(D). In case of an appeal from the decision of the commission, the appeal operates as a supersedeas for thirty days only, unless otherwise ordered by the administrative law judge, and the respondent is required to comply with the order involved in the appeal or certification until the questions at issue are fully determined in accordance with the provisions of this chapter.

(iii) The commission may institute a proceeding for enforcement of its order of item (16) of subsection (c) of this section, or its amended order of subitem (i) of item (19) of this subsection after thirty days from the date of the order, by filing a notice of appeal in the court of common pleas of the county in which the hearing occurred, or where a person required in the order to cease and desist from a practice which is the subject of the commission's order, or to take other

~~affirmative action, resides, or transacts business.~~

~~If no appeal pursuant to subitem (ii) of item (19) of this subsection is initiated, the commission may obtain a decree of the court for enforcement of its order upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the commission's order.~~

- Other Agencies Impacted: Any state agency against which a charge is filed

Law Recommendation # 6

- Law: SC Code Section 31-21-70 (G)
- Summary of current statutory requirement: The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending that a provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.
- Recommendation and Rationale for Recommendation: Disability discrimination related to modifications, accommodations and construction deficiencies in a housing investigation may involve the terms and conditions of a sale or rental of a dwelling, in addition to the denial of a dwelling.
- Law Wording: (G) For purposes of Section 31-21-40(6) and 31-21-40(7), discrimination includes:
 - (1) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford that person full enjoyment of the premises, except that in the case of a rental, the landlord, where it is reasonable to do so, may condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - (2) a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or
 - (3) in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is thirty months after the date of enactment of the Fair Housing Amendments Act of 1988, a failure to design and construct those dwellings in such a manner that:
 - (a) the public use and common use portions of such dwelling are readily accessible to and usable by handicapped persons;
 - (b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - (c) all premises within these dwellings contain the following features of adaptive design:
 - (i) an accessible route into and through the dwelling;
 - (ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (iii) reinforcements in the bathroom walls to allow later installation of grab bars; and
 - (iv) usable kitchens and bathrooms that an individual in a wheelchair can maneuver about the space.
- Other Agencies Impacted: None

Law Recommendation # 7

- Law: SC Code Section 31-21-120 (B)
- Summary of current statutory requirement: The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending that a provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.
- Recommendation and Rationale for Recommendation: The Agency and its Federal Counterpart agency (the Department of Housing and Urban Development) no longer require that a complaint or answer be verified, only that they be under oath. The Commission may contract and cooperate with Federal Equivalent Agencies (like the EEOC and HUD) in furthering the joint missions of the Agencies.
- Law Wording: (B) A complaint under subsection (A) must be filed within one hundred eighty days after the alleged discriminatory housing practice occurred. The complaint must be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. A complaint may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him, not later than ten days after receipt of notice, and may be amended reasonably and fairly by the respondent at any time. ~~Both complaint and answer must be verified.~~
- Other Agencies Impacted: None

Law Recommendation # 8

- Law: SC Code Section 45-9-10 (A)
- Summary of current statutory requirement: After receiving a complaint from the Attorney General or an investigation from SLED, a three-commissioner panel shall conduct a review of the investigation to determine whether there is reasonable cause to believe a place of public accommodations has discriminated against an individual due to race, color, religion or national origin, and the Agency shall attempt to conciliate the complaint received.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the law, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: (A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in Article 1 of this chapter, without discrimination or segregation on the ground of race, color, religion, ~~or~~ national origin, ~~or sex, though nothing in this part shall prohibit segregation on the basis of sex of bathrooms, health clubs, rooms for sleeping or changing clothes, or other places of public accommodation the commission specifically exempts on the basis of bona fide considerations of public policy.~~
- Other Agencies Impacted: Office of the Attorney General and SLED

Law Recommendation # 9

- Law: SC Code Section 45-9-40
- Summary of current statutory requirement: After receiving a complaint from the Attorney General or an investigation from SLED, a three-commissioner panel shall conduct a review of the investigation to determine whether there is reasonable cause to believe a place of public accommodations has discriminated against an individual due to race, color, religion or national origin, and the Agency shall attempt to conciliate the complaint received.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed wording, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: Section 45-9-40. Processing of ~~charges~~ complaints; review by State Human Affairs Commission; complaint by ~~Commission~~ Attorney General.
Whenever the ~~State Human Affairs Commission~~ Attorney General receives a ~~charge~~ complaint and has cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by the provisions of Article 1, and that the pattern or practice is of a nature so as to deny the full exercise of the rights described in the provisions of Article 1, the ~~Commission~~ Attorney General shall ~~notify the State Law Enforcement Division which~~ shall conduct an investigation. The results of this investigation must be reported to ~~a panel of the Board of the Commission~~ the State Human Affairs Commission. A panel of not fewer than three commission members, designated by the chairman, shall determine if there is reasonable cause to believe that the facts alleged, based upon the results of this investigation, are sufficient to state a violation of Article 1 by a pattern or practice of discrimination or segregation.
If this panel finds reasonable cause, ~~they shall inform the chairman~~ the chairman shall inform the Attorney General, and the ~~Commission~~ Attorney General or his designee shall begin an action by ~~filing a complaint with the commission and~~ serving a complaint and Order for hearing, by certified mail, return receipt requested, on the parties named in the complaint. The commission members which serve on this panel may not serve on the panel conducting a hearing on the allegations contained in the complaint if a license revocation proceeding is initiated. If a person alleged to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation is an employee or agent of an establishment as defined in Section 45-9-10, the ~~Commission~~ Attorney General shall make a diligent effort to include in the complaint the name of the employer, principal, or a third party who may be the holder of a license or permit under which the establishment or an agent of the establishment operates. The complaint must set forth a description of the charges, including the facts pertaining to the pattern or practice of discrimination or segregation and a listing of those licenses or permits which are sought to be revoked under the provisions of this article and must state clearly the remedy or penalty available pursuant to Sections 45-9-60 and 45-9-80 if the allegations are found to be true.
- Other Agencies Impacted: Office of the Attorney General and SLED

Law Recommendation # 10

- Law: SC Code Section 45-9-60
- Summary of current statutory requirement: The Commission may establish rules and procedures for public accommodations hearings, to include permitting intervention by parties, and the Commission may revoke a business license from an establishment if it has violated the law.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed wording, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: SECTION 45-9-60. State Human Affairs Commission may establish rules of procedure for hearings; subpoenas; rights of persons charged; rules of evidence; scope of hearing; deliberations of panel; remedies for violation.

The commission may establish rules of procedure for the conduct of the panel hearings as provided in this article and is not governed by the Administrative Procedures Act in establishing these rules or in the conduct of panel hearings. The commissioner, upon request of the panel conducting a hearing, may issue subpoenas and subpoenas duces tecum to allow the panel to interview any person it deems necessary and review any document it deems relevant.

A person or group of persons charged in the complaint with engaging in a pattern or practice of discrimination or segregation in violation of Article 1 shall have the right in the hearing to present physical and documentary evidence, the testimony of witnesses, and other relevant information. In procuring the testimony of witnesses, such persons shall have the benefit of the commissioner's subpoena power. Such persons shall have the right to appear before the panel and be represented by an attorney, to call witnesses, to confront and cross examine adverse witnesses, and to make oral and written legal arguments.

All testimony given must be under oath in the presence of a court reporter who shall record the proceedings. The rules of evidence applicable in circuit court shall be used in all hearings. Except to the extent necessary to establish a pattern or practice of discrimination or segregation or to allow for the participation of those intervenors as may be allowed by Section 45-9-70, the panel conducting the hearing must limit the scope of the hearing to the items delineated in the description of the charges or in the allegations in the complaint.

Notwithstanding any other provision of law to the contrary, all deliberations and votes of the panel may be conducted in executive session. The deliberations, findings, and conclusions of the panel are confidential and may not be disclosed by any person until the final order or determination is made public as provided in this article.

Except as otherwise provided by this article, if it is determined that the rights and privileges secured by Article 1 have been violated by a pattern or practice of discrimination or segregation by an owner of an establishment, an employee of an establishment, or an agent of an establishment, the panel shall grant the relief authorized in Section 45-9-80. The panel may further order any persons found to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation to reimburse the State for the actual costs incurred in conducting the hearing, including reasonable attorney's fees. Additionally, the Panel's Order shall be public and may require:

- (1) Admission of individuals to a place of public accommodation, resort or amusement;

- (2) The extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and services of the respondent;
- (3) Reporting as to the manner of compliance;
- (4) Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the commission and inclusion of such notices in advertising material;
- (5) Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and cost, including a reasonable attorney's fee;
- (6) Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record.
- Other Agencies Impacted: Office of the Attorney General

Law Recommendation # 11

- Law: SC Code Section 45-9-80
- Summary of current statutory requirement: The Commission may establish rules and procedures for public accommodations hearings, to include permitting intervention by parties, and the Commission may revoke a business license from an establishment if it has violated the law.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed law, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: SECTION 45-9-80. ~~Commission Attorney General~~ to notify permitting, regulatory, or licensing authority of violations; immediate revocation of license or permit; enforcement of panel's decision; violators not to obtain license or permit for three years.
Notwithstanding any other provision of law or ordinance to the contrary, if the panel determines that the provisions of Article 1 have been violated by a pattern or practice of discrimination or segregation by the owner of an establishment, an employee of an establishment, or an agent of an establishment of public accommodations as defined in Section 45-9-10, the ~~Commission Attorney General~~ must immediately notify the appropriate state or local permitting, regulatory, or licensing authority that those licenses or permits so designated in the panel's order must be revoked immediately, notwithstanding the provisions of Section 1-23-380(C), upon expiration of the time allowed for an appeal if no appeal has been filed. After appeals, if the panel's order is not reversed, the license or permit must be revoked as provided in this article.
If necessary, a writ of mandamus may be sought by the ~~Commission Attorney General~~ or any individual to effectuate the provisions of this section. Nothing in this section shall be construed as requiring the issuance of a writ of mandamus, and no civil action shall lie against any regulatory or licensing official acting pursuant to an order of the panel.
If the Commission notifies the appropriate state or local permitting, regulatory, or licensing authority that those licenses or permits so designated in the panel's order must be revoked immediately, the owner of an establishment, employee of an establishment, or agent of an establishment who is found to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation shall not obtain a license or permit from the same regulatory or licensing entity or seek the reissuance of a revoked license or permit within three years from the

date of the panel's order or a final determination of a court of competent jurisdiction, whichever is later.

- Other Agencies Impacted: Office of the Attorney General

Law Recommendation # 12

- Law: Regulation 65-2
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability.
- Recommendation and Rationale for Recommendation: The regulation should be changed to eliminate the unnecessary requirement of notarization on the Complaint Form, and should instead reflect the statutory requirement of a statement that is made under oath or affirmation. The proposed amendment parallels the requirements of the Agency's federal counterpart, the Equal Employment Opportunity Commission, thereby making the respective practices of the two entities substantially similar, which is required by the *Worksharing Agreement* between the Agency and the Equal Employment Opportunity Commission.
- Law Wording: B. Complaint Form.
The complaint shall be in writing on a form provided by the Commission for this purpose. The complaint must be signed and sworn under oath or affirmation. ~~before a notary public or other person duly authorized by law to administer oaths and take acknowledgements. Notarial service shall be furnished without charge by the Commission.~~
- Other Agencies Impacted: None

Law Recommendation # 13

- Law: Regulation 65-3
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability. The Agency shall issue subpoenas or subpoenas duces tecum to compel the attendance of witnesses or the production of evidence in employment investigations, and the Commission shall enforce subpoenas through a court of competent jurisdiction. The Agency shall make certain portions of employment investigation files available to the parties involved in the investigation.
- Recommendation and Rationale for Recommendation: The regulation should be changed to decrease the timeframe for subpoena enforcement from 30 days to 14 days, additionally the timeframe to request a motion to quash and request for additional time are removed. The regulation should further provide Complainants and Respondents with equal access to the Agency's investigative files in order to be substantially equivalent to the EEOC, and the citation for the Freedom of Information Act is wrong and should be corrected. .
- Law Wording: 65-3. Investigation and Production of Evidence.
A. Investigation.
(1) Investigator. The investigation of complaint shall be conducted by one or more investigators from the Commission's staff who shall be appointed by the Commissioner. If more than one investigator is appointed, one of the investigators shall be designated the "investigator in charge" and shall direct the investigation.
(2) Duties of the Investigator. Investigators shall do those things necessary and proper to thoroughly investigate a complaint, but shall limit their investigations to their proper scope as described in Subsection 65-3A(5) herein. Investigators assigned to investigate complaints filed pursuant to Section 1-13-90(c) of the Act (State agencies or departments and their local

subdivisions) shall upon completion of their investigations submit to the supervisory commission member a statement of the facts disclosed by their investigations and recommend to the supervisory commission member that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. In complaints arising under Section 1-13-90(d) of the Act (employers, employment agencies or labor organizations, including municipalities, counties, special purpose districts, school districts and local governments), investigators shall upon completion of their investigation submit to the Commissioner a statement of the facts disclosed by the investigation and recommend either that the complaint be dismissed or that the Commission endeavor to formally conciliate the matter.

(3) Supervisory Commission Members. If the complaint under investigation is brought pursuant to Section 1-13-90(c) of the Act, the Chairman of the Commission, or upon the request of the Chairman, the Commissioner shall designate a member of the Commission to supervise the processing of the complaint who shall be known as the supervisory commission member. The supervisory commission member shall review the results of the investigation conducted by the investigator and review the investigator's recommendations for dismissal or other action.

(4) Commencement of the Investigation. The investigation shall commence immediately upon service by the Commission of a copy of the complaint or notice of complaint upon the respondent.

(5) Scope of Investigation. Insofar as practicable, the investigation shall be limited to a determination of the facts relating to the unlawful employment practice or practices under investigation or in question before the commission, alleged in the complaint and to the individual harm alleged to have been suffered by the complaining party. The investigator's inquiry for relevant facts shall be restricted to the relevant immediate environment in which the complaining party allegedly suffered harm such as a department or similar organizational structure of a respondent employer which is within the decision-making authority of a single person.

(6) Conduct of the Investigation.

(a) The investigator shall make a prompt and complete investigation of the allegations in the complaint which meet the standards of R.65-2.

(b) As part of each investigation the investigator:

(i) Will accept as evidence any statement of position and/or evidence concerning the allegations of the complaint which the complainant or respondent wishes to voluntarily submit.

(ii) Shall require the complainant or respondent to provide any evidence, including statements and documents, ~~if any, in his/her possession~~ which are relevant to the complaint, as well as, any information which is necessary to establish actual damages or to establish the date on which the alleged damages occurred.

(c) The investigator may require the complainant to provide a detailed statement which includes, but is not limited to:

(i) a statement of each specific harm that the complainant has allegedly suffered, and the date on which each alleged harm occurred;

(ii) for each alleged harm, a statement specifying the act, policy or practice of the respondent which is alleged to be unlawful; and

(iii) for each act, policy or practice alleged to have harmed the complainant a statement of the facts which lead the complainant to believe that the act, policy or practice is unlawfully discriminatory.

(d) During the investigation of a complaint, the investigator may conduct a fact-finding conference with the parties. The purpose of the conference shall be to clearly define the issues to determine which elements of the matter under investigation are undisputed, to resolve those issues that can be resolved and to determine whether there is any likelihood for a negotiated

no-fault settlement of the complaint as described in Section 65-5A. Discussions during a fact-finding conference are confidential. Any conciliation efforts during the conference are also confidential and are considered conciliation attempts within the meaning of the Act.

B. Production of Evidence.

~~(1) Investigator's Informal Request for Information. An investigator may, at any reasonable time after service of complaint, informally request access to records and documents in the possession of any person being investigated which are relevant to the complaint for purposes of inspection and copying.~~

~~(2)(1) Investigator's Formal Request for Information. An investigator may, at any reasonable time after service of complaint, formally request access to or production of records and documents in the possession of any person being investigated which are relevant to the complaint for purposes of inspection and copying. The investigator shall make the formal request for documents in writing by certified mail, transmitted to the person being investigated. If any person refuses to comply with an investigator's informal request for access to documents and records, the investigator shall demand access to the documents in writing by certified mail, transmitted to the person being investigated. The written demand shall notify the person that the investigator may apply to the Commission for a subpoena if access to or production of the documents and records is not permitted within thirty (30) days from the receipt of the investigator's written demand.~~

~~(3)(2) Investigator's Application for Subpoena Duces Tecum. If any person fails to comply with an investigator's formal written demand for information within thirty (30) days after receipt of the written demand, the investigator may apply to the Commission for a subpoena duces tecum by presenting to the Commission the investigator's written demand and the response of the person to whom the demand was made denying access to the information requested or, if no response was made, the investigator's affidavit that no response was received from the party to whom the demand for information was sent.~~

~~(4)(3) Issuance of Subpoena Duces Tecum. To effectuate the purpose of the Act, upon a showing by an investigator that a person has not complied with a written demand for information relevant to the complaint which was transmitted to the person by certified mail, the Chairman of the Commission and the Commissioner shall acting jointly have the authority to sign and issue a subpoena requiring:~~

- ~~(a) the production of evidence including but not limited to books, papers, records, correspondence or documents in the possession or under the control of the person subpoenaed;~~
- ~~(b) access to evidence for purposes of examination and the right to copy; and~~
- ~~(c) under Section 1-13-90(c) of the Act, attendance at hearings or at prehearing depositions.~~

~~(5)(4) Form and Content of Subpoenas.~~

~~(a) A subpoena issued by the Commission shall:~~

- ~~(i) state the name and address of its issuer;~~
- ~~(ii) briefly and clearly state the cause of issuance;~~
- ~~(iii) identify the person to whom and the place, date and time at which the subpoena is returnable;~~
- ~~(iv) identify the person or evidence subpoenaed with reasonable clarity, specificity and particularity to readily enable the person receiving the subpoena to identify the named person or evidence;~~
- ~~(v) state the date and time access is requested if a subpoena duces tecum is issued.~~

~~(b) A subpoena shall only be returnable to a duly authorized investigator of the Commission of the Commissioner.~~

(c) Neither the complainant nor the respondent shall have the right to demand that an investigative subpoena be issued.

~~(6)~~(5) Petitions to Revoke Subpoena. Within ~~fourteen (14)~~ thirty (30) days after a subpoena is issued, the person served with the subpoena may petition the Commission by mail to revoke or modify the subpoena and shall serve a copy of the petition upon the investigator who originally demanded the information. The petition shall separately identify the portion of the subpoena with which the petitioner does not intend to comply and shall state with respect to each portion, the grounds upon which the petitioner relies. A copy of the subpoena shall be attached to the petition and shall be designated "Attachment A". Within ten (10) days after receipt of the petition or as soon thereafter as practicable, the Commission shall review the petition and make a written determination upon the petition stating in detail the reasons for the Commission's determination and shall serve a copy of the determination upon the petitioner and the investigator demanding the information. When a petition to revoke a subpoena is served upon the Commission, no enforcement of a subpoena shall be sought until the Commissioner has made a determination on the petition and served the petitioner with the determination.

~~(7)~~(6) Applications For Enforcement.

(a) Failure to Comply and Enforcement. A person who receives a subpoena may refuse to comply by failing to respond to the subpoena or by affirmatively stating that he/she will not respond; it is not necessary for the person to serve a petition to revoke the subpoena. If a person fails to comply with a subpoena, the Commission may, after ~~fourteen (14)~~ thirty (30) days, apply to any state court of competent jurisdiction for an order requiring the person to comply with the subpoena as provided by the Act.

(b) Notice of Hearing. Any person against whom an order is sought shall be given at least four (4) days notice (excluding Saturdays, Sundays, and state holidays) of the time and place of the hearing, and may oppose the granting of the order.

~~(c) Requests for Additional Time. Except in extraordinary circumstances the Commission will not oppose requests for additional time not to exceed ten (10) days, to prepare for the hearing, if the request is made to the court and served upon the Commission at least two days before the scheduled hearing.~~

~~(d) Motions to Quash. As provided by the Act, any person may move before a court of competent jurisdiction for an order quashing a subpoena after giving the Commission four (4) days notice (excluding Saturdays, Sundays and state holidays).~~

~~(8)~~(7) Interrogatories and Depositions.

(a) A party or witness may be required to answer written interrogatories relevant to a complaint under investigation under Section 1-13-90(c) and (d) of the Act at any time after such complaint is served.

(b) At least ten (10) days written notice (excluding Saturdays, Sundays and state holidays) shall be furnished to any party or witness sought to be deposed.

(c) The scope of discovery shall be governed by the relevance to the content of the complaint under investigation as described in Subsection 65-3A(5) of these Regulations.

~~(9)~~(8) Petitions to Revoke Interrogatories and Depositions. If a person refuses to have his/her deposition taken or refuses to answer interrogatories, the person may petition to revoke the notice to take deposition or revoke the interrogatories within five (5) days after receipt of the notice to take deposition or within thirty (30) days after receipt of interrogatories. The petition shall be mailed to the Commission and shall be served upon the investigator who originally demanded the information. The petition shall separately identify each portion of the interrogatories with which the petitioner does not intend to comply and shall state, with respect to each such portion, the grounds upon which the petitioner relies. A copy of the notice to take

deposition or the interrogatories, as the case may be, shall be attached to the petition and designated as "Attachment A". Within five (5) days after receipt of the petition or as soon thereafter as practicable, the Commission shall make a determination upon the petition stating in detail the reasons for its determination and shall serve a copy of its determination upon the petitioner. When a petition to revoke is served upon the Commission, no enforcement of a notice to take deposition or interrogatories shall be sought until the Commission has made its determination on the petition and served the petitioner.

~~(10)~~(9) Applications for Enforcement.

(a) Failure to Comply and Enforcement. A person who receives interrogatories or a notice to take deposition may refuse to comply by failing to respond or by affirmatively stating that he/she will not respond; it is not necessary for the person to serve a petition to revoke. If a person fails to comply with the notice to take deposition, the Commission may after ten (10) days apply to any state court of competent jurisdiction for an order requiring the person to comply as required by the Act. If a person fails to answer interrogatories the Commission may after thirty (30) days apply to any state court of competent jurisdiction for an order requiring the person to answer the interrogatories as provided by the Act.

(b) Notice of Hearing. Any person against whom an order is sought shall be given at least four (4) days notice (excluding Saturdays, Sundays and state holidays) of the time and place of the hearing, and may oppose the granting of the order.

~~(c) Requests for Additional Time. Except in extraordinary circumstances, the Commission will not oppose requests for additional time not to exceed ten (10) days to prepare for the hearing if the requests are made to the court and served upon the Commission at least two days before the scheduled hearing.~~

~~(d) Motions to Quash. Any person may move before a court of competent jurisdiction for an order quashing a motion to take depositions or interrogatories after giving the Commission four (4) days notice (excluding Saturdays, Sundays and state holidays).~~

~~(11)~~(10) Confidentiality.

(a) Public Access to Commission Files or Information Gathered During an Investigation. As provided in Sections 1-13-90(c)(1) and 1-13-90(d)(2) of the Act, information gathered during an investigation conducted under Section 1-13-90 of the Act, shall not be made public by the Commission, its officers or employees, unless and until that information is offered or received into evidence at a Commission hearing or court proceeding brought in accordance with the Act. In view of the prohibitions against making information public contained in Sections 1-13-90(c)(1) and 1-13-90(d)(2) of the Act, information gathered by the Commission during investigations and internal memoranda assessing evidence, discussing complaints or recommending action on complaints shall not be deemed "public records" within the meaning of the Code of Laws of South Carolina Section 30-4-20 ~~30-3-20~~. The provisions of this Subsection apply whether the Commission's investigative file is open for an ongoing investigation or closed after a matter is completely concluded.

(b) Public Access to Final Opinions and Orders and Determinations. The public shall have access to the Commission's final opinion and order concerning a complaint under Section 1-13-90(c) of the Act or the Commission's determination on whether to dismiss a complaint or sue in the state circuit court under Section 1-13-90(d) of the Act.

(c) Commission Requests for Information from Investigators. If the Commission requires reports on investigations or on the progress of investigations, the investigator's report shall be given to the Commission while the Commission sits in executive session with member of the public excluded.

(d) Access to Information by Complainant and Respondent.

(i) Information Provided by the Parties Themselves. The complainant may at all times have access to any information which the complainant has furnished the

Commission. The respondent may at all times have access to any information which the respondent has furnished the Commission. However, neither the complainant nor the respondent shall have information furnished by the other party, except that this Subsection does not apply to disclosure to the parties or their attorneys where the disclosure is limited to matters necessary for determining appropriate relief and/or negotiating settlements or making conciliation offers and except that this Subsection does not apply to the complainant's or respondent's access to Commission files after a complaint against the respondent has been served as provided in subitem (ii), following.

(ii) ~~Information Available to the Parties in a Proceeding. a Respondent before a Hearing or Court Procedure.~~ If an action is brought against a respondent in accordance with the Act, either before the Commission pursuant to Section 1-13-90(c) of the Act or in a court of competent jurisdiction pursuant to Sections 1-13-90(c) and (d) of the Act, the complainant and respondent shall from the time the complaint is served be granted access to the investigative file of the Commission which shall include access to statements, affidavits or depositions of the complainant and ~~complainant's~~ witnesses, whether or not the complainant and the ~~complainant's~~ witnesses are employees of the respondent at the time the request for access is made. The complainant and respondent shall also have access to all other facts and data gathered by the Commission during its investigation, provided however that neither shall the respondent shall not have access to deliberative memoranda, working papers, drafts and other work products of the Commission relating to a complaint and further provided that deletions may be made where necessary to protect the personal privacy of an affiant or an individual named in a document to insure the anonymity of confidential sources or information, and to protect the confidentiality of trade secrets, confidential financial information and the like.

(iii) Copy of the Complaint. A copy of the complaint will be served in all cases upon the respondent unless a complaint received pursuant to a federal contract expressly requires that the original complaint not be served. In the event that a copy of the complaint is not provided, the respondent shall be served with a notice of the complaint within ten (10) days of receipt. The notice of complaint shall include the place, circumstances and identity of the person filing the complaint, a description of the violations of the Act alleged to have been committed by the respondent and the date of the alleged violation.

(e) Reports and Compilations. The Commission may publish abstracts of data derived from its closed investigative files in a form which does not reveal the identity of the parties, trade secrets, financial information or competitive commercial information or processes.

(f) Sharing Information Between Agencies. The Commission shall not provide information to any state or federal agency which does not have written regulations providing essentially the same protection against unauthorized disclosure as provided in these regulations.

- Other Agencies Impacted: None

Law Recommendation # 14

- Law: Regulation 65-9
- Summary of current statutory requirement: The Commission shall issue an order at the completion of an employment investigation regarding a state agency employer, either that the matter be dismissed or that a panel of commission members be designated to hear the matter. The Commission shall, at the completion of an employment investigation regarding a non-state agency employer, either order that the matter be dismissed despite evidence that reasonable cause exists to believe discrimination occurred; order that the complaint be dismissed for no

reasonable cause; or recommend that a lawsuit be filed in equity in circuit court against the respondent due to a cause determination.

- Recommendation and Rationale for Recommendation: The Regulation should be changed to reflect the One Hundred Twenty (120) day statutory deadline for filing a lawsuit. This deadline is found in South Carolina Code Section 1-13-90(d)(6).
- Law Wording: (3) Content of Notice of Right to Sue. The notice of right to sue shall include:
 - (a) authorization to the complainant to bring a civil action pursuant to Section 1-13-90(d) of the Act within one hundred twenty (120) ninety (90) days from issuance of such authorization by the Commission to the complainant, his/her attorney of record, or, in those instances covered by 65-2J(2)(d) hereof, from the date of mailing to the complainant's last known address;
 - (b) advice concerning the institution of such civil action by the complainant, where appropriate;
 - (c) a copy of the complaint;
 - (d) the Commission's decision, determination, or dismissal as appropriate.
- Other Agencies Impacted: None

Law Recommendation # 15

- Law: Regulation 65-22
- Summary of current statutory requirement: The Commission may adopt bylaws, publish reports and policies, and promulgate regulations to further the mission of the Agency, and deter discrimination in housing and employment across the state.
- Recommendation and Rationale for Recommendation: Regulation 65-22 may confuse state agencies and may lead an agency to understand that records need only be retained for a period of six months, when in fact, federal recordkeeping obligations require longer retention periods for state agencies and other employers, specifically those found in 29 C.F.R. § 1602.
- Law Wording: 65-22. ~~Employment Records to be Retained for Six Months.~~
~~Each State Agency, department and local subdivision thereof shall preserve and retain any personnel or employment record made or kept by them, including but not necessarily limited to application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship, for a period of six (6) months from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of six (6) months from the date of termination. However, in no event is the six month record keeping requirement to be construed or interpreted as permitting the destruction of personnel records, after the expiration of the six month period, whenever a charge of discrimination has been filed and currently pending against a State Agency, department or local subdivision thereof.~~ Repealed.
- Other Agencies Impacted: None

Law Recommendation # 16

- Law: Regulation 65-22
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability.
- Recommendation and Rationale for Recommendation: The law should apply to all employers, labor organizations, and employment agencies which are in the process of being investigated by

the Human Affairs Commission. The regulation should clarify that charges originating with the Commission's federal counterpart, the Equal Employment Opportunity Commission, have the same requirement. Additionally, the Human Affairs Commission should have the right to infer that, if an employer, labor organization, or employment agency fails to retain personnel records which are relevant evidence to an investigation, such evidence may have adversely affected the party's position.

- Law Wording: 65-23. Preservation of Records in Event of Charge of Discrimination. When a charge of discrimination has been filed with the Commission or its federal equivalent, or if an action brought by either entity is pending the Commission, the employer, labor organization, or employment agency respondent State Agency, department or local subdivision, shall preserve all personnel or employment records relevant to the charge or action until final disposition of the charge or the action. Failure to retain relevant personnel or employment records may result in an adverse inference against the party during the course of an investigation.
- Other Agencies Impacted: None

Law Recommendation # 17

- Law: Regulation 65-223
- Summary of current statutory requirement: The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending that a provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.
- Recommendation and Rationale for Recommendation: The law should clarify that certain file contents may be protected from disclosure.
- Law Wording: (3) Notwithstanding the prohibitions and requirements with respect to disclosure of information contained in 65-225.F., the Commission will make information derived from an investigation, including the final investigative report, available to the aggrieved person and the respondent, provided however that neither shall have access to deliberative memoranda, working papers, drafts and other work products of the Commission relating to a complaint and further provided that deletions may be made where necessary to protect the personal privacy of an affiant or an individual named in a document to insure the anonymity of confidential sources or information, and to protect the confidentiality of trade secrets, confidential financial information and personal identifiable information under S.C. Code 30-2-30, or those items exempt from disclosure under S.C. Code 30-4-30. Additionally, any records requested by a party or a non-party to an investigation under S.C. Code 30-4-30 will be assessed on a case by case basis. Following the completion of investigation, the Commission shall notify the aggrieved person and the respondent that the final investigation report is completed and will be provided upon request.
- Other Agencies Impacted: None

Law Recommendation # 18

- Law: Regulation 65-227
- Summary of current statutory requirement: The Commission shall hold an expeditious administrative hearing before a panel of three commission members, and shall render a decision related to the claims, in the event that a fair housing investigation results in a reasonable cause determination, and after conciliation has failed, provided that no party has elected to have the matter be litigated in circuit court.

- Recommendation and Rationale for Recommendation: The law needs to consistently and clearly use different terms when referring to different documents in an investigation deemed to be a 'reasonable cause' case.
- Law Wording: 65-227. Issuance of Reasonable Cause Determination Complaint

A. Reasonable cause determination.

(1) If a conciliation agreement has not been executed by the complainant and the respondent, and approved by the Commissioner, within the time limits set forth in paragraph (3)(a) of this section, the Commission shall determine whether, based on the totality of the factual circumstances known at the time of the decision, reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur. The reasonable cause determination will be based solely on the facts concerning the alleged discriminatory housing practice, provided by complainant and respondent and otherwise, disclosed during the investigation.

(a) In all cases

(i) If the Commission determines that reasonable cause exists the Commission will immediately issue a reasonable cause determination complaint on behalf of the aggrieved person, and shall notify the aggrieved person and the respondent of this determination by certified mail or personal service.

(ii) If the Commission determines that no reasonable cause exists, the Commission shall: issue a short and plain written statement of the facts upon which the Commission has based the no reasonable cause determination; dismiss the complaint; notify the aggrieved person and the respondent of the dismissal (including the written statement of facts) by certified mail or personal service; and make public disclosure of the dismissal. Public disclosure of the dismissal may be by issuance of a press release except that the respondent may request that no release be made. Notwithstanding a respondent's request that no press release be issued, the fact of the dismissal, including the names of the parties, shall be public information available on request.

(2) The Commission may not issue a reasonable cause determination complaint under paragraph (1) of this section regarding an alleged discriminatory housing practice, if an aggrieved person has commenced a civil action seeking relief with respect to the alleged discriminatory housing practice, and the trial in the action has commenced. If a complaint may not be issued because of the commencement of such a trial, the Commission will so notify the aggrieved person and the respondent by certified mail or personal service.

(3)(a) The Commission shall make a reasonable cause determination within 100 days after filing of the original complaint (or where the Commission has reactivated a complaint, within 100 days after service of the notice of reactivation), unless it is impracticable to do so.

(b) If the Commission is unable to make the determination within the 100 day period specified in paragraph (3)(a) of this section, the Commission will notify the aggrieved person and the respondent, by certified mail or personal service, of the reasons for the delay.

B. Issuance of Administrative Pleading Complaint.

(1) An administrative pleading complaint:

(a) Shall consist of a short and plain written statement of the facts upon which the Commission has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur.

(b) Shall be based on the final investigative report; and

(c) Need not be limited to facts or grounds that are alleged in the original complaint if the record of the investigation demonstrated that the respondent has been given notice and an opportunity to respond to the allegation.

(2) Within three business days after the issuance of the reasonable cause determination complaint the Commission shall:

- (a) Set a time and place for hearing;
- (b) File the administrative pleading complaint along with the required notifications, with the Chairman; and
- (c) Serve the administrative pleading complaint and notifications in accordance with the Act.

C. Election of civil action or provision of administrative proceeding.

(1) If an administrative pleading complaint is issued under 65-227.B., a complainant, a respondent, or an aggrieved person on whose behalf the complaint is filed may elect, in lieu of an administrative proceeding, to have the claims asserted in the complaint decided in a civil action.

(2) The election must be made no later than twenty days after the receipt of service of the reasonable cause determination. complaint. The notice of the election must be filed with the Commission, the respondent, and the aggrieved persons on whose behalf the complaint was filed. The notification will be filed and served in accordance with the procedures established under Article 3.

(3) If an election is not made under this section, the Commission will maintain an administrative proceeding based on the administrative pleading complaint in accordance with the procedures under Article 3.

(4) If an election is made under this section, the Commission shall cause to be commenced and maintained a civil action seeking relief as provided by the Fair Housing Law on behalf of the aggrieved person in the appropriate Court of Common Pleas.

- Other Agencies Impacted: None

Law Recommendation # 19

- Law: Regulation 65-233
- Summary of current statutory requirement: The Commission shall hold an expeditious administrative hearing before a panel of three commission members, and shall render a decision related to the claims, in the event that a fair housing investigation results in a reasonable cause determination, and after conciliation has failed, provided that no party has elected to have the matter be litigated in circuit court.
- Recommendation and Rationale for Recommendation: The citation in this regulation is confusing, so clarity is needed.
- Law Wording: ~~Discovery.~~
 K. A. Either party may cause to be taken the depositions of witnesses within or without the State. Such depositions shall be taken in accordance with and subject to the same provisions, conditions and restrictions as apply to the taking of like depositions in civil actions at law in the courts of common pleas of this State; and the same rules with respect to the giving of notice to the opposite party, the taking and transcribing of testimony, the transmission and certification thereof and matters of practice relating thereto shall apply.
 L.B. The Chief Hearing Commissioner shall on its own behalf, or, upon request, on behalf of any other party to the case, issue in the name of the Commission subpoenas for the attendance and testimony of witnesses and the production and examination of books, papers and records.
 M.C. The Court of Common Pleas shall, on application of the Commission, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and records and shall have the power to punish as for contempt of court, by a fine or imprisonment or both, the unexcused failure or refusal to attend and give testimony or produce books, papers and records as may have been required in any subpoena issued by the Commission.
 N.D. If a party fails to comply with discovery, the hearing panel may:
 (1) Draw an inference in favor of the requesting party with regard to the information sought;

- (2) Prohibit the party failing to comply from introducing evidence or otherwise relying upon, testimony relating to the information sought;
- (3) Permit the requesting party to introduce secondary evidence concerning the information sought;
- (4) Strike any appropriate part of the pleadings or other submissions of the party failing to comply with such order; or
- (5) Take such other action as may be appropriate.

Other Agencies Impacted: None

B. ADDITIONAL DOCUMENTS TO SUBMIT

Please submit the following additional documents in electronic format, saving them as instructed in the guidelines.

20. Please submit electronic copies of the following:

- a. Audits performed on the agency by external entities, other than Legislative Audit Council, State Inspector General, or State Auditor's Office, during the last 5 years;

See Attachment C - Human Resource Audit - State OHR (12.15.14 and 6.16.16)

- b. Audits performed by internal auditors at the agency during the last 10 years;

Due to the size of the Agency, the SC Human Affairs Commission does not have an internal audit process or auditors.

- c. Other reports, reviews or publications of the agency, during the last 10 years, including Fact Sheets, Reports required by provisos, Reports required by the Federal Government, etc.; and

See Attachment D - HUD Audits - Reports Fact Sheets (FY2008, 09, 11, 13, 14, and 15)
See Attachment E - HUD Audit - Agency Responses to Report (FY2015)

- d. Organizational chart for the current year and as many years back as the agency has available.

See Attachment F - Organizational Charts for SC Human Affairs (1972 - 2017)

Note: The Oversight Committee will collect the following documents, so do not provide copies of these: (a) Audits performed by the State Inspector General; (b) Audits performed by the Legislative Audit Council; (c) Audits or AUPs performed by the State Auditor's Office during the last 5 years; and (d) Agency Accountability Reports.

21. Please submit a Word document that includes a glossary of terms, including, but not limited to, every acronym used by the agency.

See Attachment G - Glossary provided by SC Human Affairs

C. FEEDBACK (OPTIONAL)

After completing the Program Evaluation, please provide feedback to the Committee by answering the following questions:

22. What other questions may help the Committee and public understand how the agency operates, budgets, and performs?

- What was the historical context in terms of why the Commission was formed?
- How is this historical context, in terms of why the Commission was formed, relevant to our society today?
- What is the relationship between the Human Affairs Commission and a Community Relations Council?
- Why are local Community Relations Councils important?
- What is the difference between the Human Affairs Commission and the US Equal Employment Commission?
- What is the work relationship between the Human Affairs Commission and the US EEOC and why is it important?
- What is the difference between the Human Affairs Commission and the Department of US Housing and Urban Development?
- What is the work relationship between the Human Affairs Commission and HUD and why is it important?
- Why are education, training and outreach important to the Commission?
- How does the agency prevent discrimination?
- How does the agency promote harmony among a diverse group of people?

23. What are the best ways for the Committee to be able to compare the specific results the agency obtained with the money it spent?

- Compare the SHAC performance Measures to the SHAC budget.
- Compare the emphasis of the Laws regulating SHAC to the SHAC Budget.
- Encourage the Legislative Oversight Committee to work with SCEIS to develop a program giving the Oversight Committee access to financial data related to each agency similar to the information auditors can review.
- Also, the proposed developed program could be similar to the program used by the Executive Budget Offices PBF system for agencies to electronically enter the yearly budget requests.

24. What changes to the report questions, format, etc. would the agency recommend?

- Fewer questions related to the total amount spent on salaries, fringe, operating expenses and submit more questions based on the fund. Funds may not be budgeted for objectives where there are no costs associated with the objective.

25. What benefits does the agency see in the public having access to the information in the report?

- The benefits that the Human Affairs Commission sees in terms of the public having access to the report is that the Public can observe how much emphasis the State of South Carolina places on preventing and eliminating discrimination.
- The public can also see where the laws governing SHAC determine how the Commission spends its budget.
- The public can observe that the State of South Carolina emphasizes how important it is for the State to resolve issues locally as opposed to the Federal Government taking charge to resolve discrimination complaints.
- The public will also observe that the Human Affairs Commission spends its funds frugally and efficiently in order to save the taxpayers' money.
- The public can also determine through having access to this report that the agency has played a significant role in the State the past 45 years to bring social and therefore economic progress to the state through its mission to prevent and eliminate discrimination and to bring harmony among a very diverse population of people.
- The public can observe through this information that the small staff of the SC Human Affairs Commission is dedicated to the mission of the agency and to the service of the Citizens of SC.
- The public can see how each State Agency having an Affirmative Action Plan monitored through the Human Affairs Commission has made a positive impact on the integration of state government jobs for blacks and women.
- The public can see that through the employment, housing and public accommodation laws enforced by the agency that the Agency is carrying out the American values of fairness and opportunity for all South Carolinians no matter their race, color, religion, national origin, sex, age, familial status or disability.
- The public can see that there have been nearly 40,000 cases of employment, housing and public accommodation discrimination investigated through the past 45 years.

26. What are two-three things the agency could do differently next time (or it could advise other agencies to do) to complete the report in less time and at a lower cost to the agency?

- Agencies completing reports should solicit the assistance of supervisors and trusted staff members to assist in completing requested information.
- The Legislative Oversight Committee should give agencies more time to complete the report taking into consideration that some agencies are smaller (less staff members) and some positions oversee multiple areas (ex. Administrative Manager oversees Budget, Finance, Procurement & HR).

27. Please provide any other comments or suggestions the agency would like to provide.

- Provide more time for agencies to submit information.
- Consider the size of the agency when requesting a certain time from for submitting information back to the Oversight Committee. Most management employees at small agencies have a very heavy work load and perform the functions of several people combined. Thus, these employees spend much extra time beyond their normal work hours.
- Consider redacting specific non-management names on the public survey.

Attachment A

Laws

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Human Affairs Commission
Date of Submission	4/17/2017

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who the agency must serve? (Y/N)	Does this law specify a deliverable the agency must or may provide? (Y/N)
1	1-13-20. Declaration of policy.	State	Statute	Establishes that discrimination is unlawful and declares that the Agency was created by the General Assembly to promote harmony, and eliminate and prevent discrimination on the basis of race, religion, color, sex, age, national origin or disability.	No	No
2	1-13-30. Definitions.	State	Statute	Provides definitions for terms within the Human Affairs Law, which help to establish the jurisdiction of and guidance to the Agency.	No	No
3	1 - 13 - 40. Creation of South Carolina Commission on Human Affairs.	State	Statute	Establishes the Commission (Board), and provides guidance on members who may be selected for the Board, and the appropriate methods of voting.	Yes	Yes
4	1-13-50. Commissioner and personnel.	State	Statute	Guides the Commission Board on selection of an Agency Head and additional staff	Yes	Yes
5	1-13-60. Duties of chairman and vice-chairman.	State	Statute	Commands the Chairman to act as the presiding officer at meetings of the Commission and states that he shall promote the orderly transaction of its business.	No	Yes
6	1 - 13 - 70. Powers of Commission.	State	Statute	Explains the Commission's powers, including (1) the ability to maintain an office or offices; (2) the ability to adopt bylaws; (3) the authority to promulgate regulations related to the chapter; (4) the authority to formulate policies to effectuate the purposes of this chapter and to make recommendations to appropriate parties in furtherance of such policies; (5) the ability to obtain and utilize upon request the services of all governmental departments and agencies; (6) the ability to create or recognize community councils to promote the agency's mission; (7) the ability to work with the EEOC and accept reimbursement from it; (8) the ability to investigate charges of discrimination; (9) the ability to hold hearings following an investigation; and (10) the ability to petition for an order of a court of competent jurisdiction requiring compliance with an order issued by the Commission pursuant to the procedure set forth in item (16) of subsection (c) of Section 1-13-90; (11) the ability to accept grants, bequests, or donations; (12) and the ability to institute proceedings in a court of competent jurisdiction, for cause shown, to prevent or restrain any person from violating any provision of the chapter.	Yes	Yes
7	1-13-80. Unlawful employment practices; exceptions.	State	Statute	Establishes various unlawful employment practices which the Commission has the power to investigate , and exceptions thereto.	No	No
8	1-13-85. Medical examinations and inquiries.	State	Statute	Establishes various unlawful employment practices related to medical inquiries and examinations which the Commission has the power to investigate.	No	No
9	1-13-90. Complaints, investigations, hearings and orders.	State	Statute	Establishes the means by which the Commission may accept charges of discrimination and investigate the same. This section establishes the subpoena power of the agency regarding any complaint filed against a state agency or any other jurisdictional employer, labor organization, or employment agency. Empowers the agency to conciliate a charge of discrimination. Provides processes and timelines for when parties shall respond to requests for information from the agency. Establishes the procedures for holding hearings following the investigation process in employment matters filed against a state agency when a reasonable cause determination is issued. Requires that the Chairman designate a panel to hear the matter pursuant to the unlawful practices in Section 1-13-80 or 1-13-85, and based on the practices found in the Administrative Procedures Act of South Carolina. An Order must be issued from the Panel following the conclusion of the hearing, either finding in favor of the complaining party and awarding damages and/or injunctive relief, or dismissing the matter pending against the respondent state agency. This section further establishes the Commission's right to bring an action in circuit court for discriminatory employment practices. The law also provides recourse for a complainant who is issued a notice of right to sue following the dismissal of a charge.	Yes	Yes
10	1-13-100. Construction and application of chapter.	State	Statute	Limits the construction and application of the Human Affairs Law to those things which violate the law per section S.C. Code Ann.§ 1-13-90; that violate Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq.; that violate the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq.; or that violate the Americans with Disabilities Act of 1990, as amended. Public Law 101-336.	No	No
11	1-13-110. Affirmative action plans by State agencies; approval by Commission; action by General Assembly.	State	Statute	Requires that each state agency shall develop an Affirmative Action Plan to assure equitable employment for members of minorities and shall present the plans to the Agency on or by February 1 of each year. The Commission reports to The Department of Administration if a state agency has not satisfactorily complied with meeting its Affirmative Action goals.	Yes	Yes

Laws
(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who the agency must serve? (Y/N)	Does this law specify a deliverable the agency must or may provide? (Y/N)
12	65-1 Definitions.	State	Statute	Provides definitions for terms within the Human Affairs Law regulations, which help to establish the jurisdiction of and guidance to the agency.	No	No
13	65-2 Complaint.	State	Statute	Governs the requirements for the Agency's acceptance and retention of formal complaints of discrimination under the Human Affairs Law. Provides for circumstances in which a complaint may be amended, and further guides the agency on when a complaint should be dismissed.	Yes	Yes
14	65-3 Investigation and Production of Evidence.	State	Regulation	Provides structure to the investigation process, and identifies responsibilities of the investigator, Commission members, and other staff. Explains the steps required prior to Agency enforcement of a subpoena. Provides clarity on the Administrative Hearing process. Explains the confidential nature of the file and gives guidance to the Agency regarding the production of file contents when requested by parties to the investigation or others.	Yes	Yes
15	65-4 Preliminary or Temporary Relief.	State	Regulation	Grants the Agency authority to apply to a court of competent jurisdiction, seeking injunctive relief regarding a pending complaint with the agency, pursuant to 1-13-70(s).	No	Yes
16	65-5 Conference, Conciliation and Persuasion.	State	Regulation	Explains the processes related to conciliation and settlement during the investigation, or after. Requires that those attempts at conciliation be kept confidential by the agency.	Yes	Yes
17	65-6 Reasonable Cause Determination: Procedure and Authority.	State	Regulation	Requires that the Agency submit a reasonable cause determination and notify the parties of the same, if based on evidence obtained by the Commission, the Agency believes that an unlawful employment practice has occurred or is occurring, and provided conciliation efforts have failed.	Yes	Yes
18	65-7 Reconsideration of Order of Dismissal or Order to Initiate Suit.	State	Regulation	Establishes the Commission's duty to provide an opportunity of reconsideration of a matter where applicable.	Yes	Yes
19	65-8 Procedure for Hearing as Provided by Section 1-13-90(c) of the Act.	State	Regulation	Establishes the procedures for holding an Administrative Hearing, and issuing an Order, in any case where a reasonable cause determination has been issued against a state agency for violation of the Human Affairs Law.	Yes	Yes
20	65-9 Procedure for the Institution of Civil Actions as Provided in Section 1-13-90(d) of the Act.	State	Regulation	Establishes the procedures for the agency to institute a civil action in any case where a reasonable cause determination has been issued against an employer that is not a state agency for violating the Human Affairs Law. Alternatively, authorizes the Complaining Party to file civil action following the Agency's issuance of a notice of right to sue	Yes	Yes
21	65-10 Certification.	State	Regulation	Authorizes and empowers the Chairman or Agency Head to certify documents or records of the Commission.	No	Yes
22	65-11 Availability of Rules.	State	Regulation	Establishes that the Agency should have the rules and regulations available to the public at its office	Yes	Yes
23	65-12 Construction of Rules and Pleadings.	State	Regulation	Explains that the regulations shall be liberally constructed to effectuate the purposes of the Human Affairs Law of South Carolina.	No	No
24	65-13 General Investigations.	State	Regulation	Establishes that the Agency may, in its discretion, conduct general investigations of discrimination	No	Yes
25	65-20 Submission of Equal Employment Opportunity Reports.	State	Regulation	Requires that all state agencies submit Equal Employment Opportunity Reports to the Agency. Requires supplements to each report on a regular basis and when specifically requested by the Human Affairs Commission.	No	Yes
26	65-21 Equal Employment Officer to be Designated.	State	Regulation	Requires that every State Agency head designate an Equal Employment Officer for preparing reports and communicating with the Human Affairs Commission regarding the Equal Employment Opportunity Report.	No	Yes
27	65-22 Employment Records to be Retained for Six Months.	State	Regulation	Requires that a State Agency maintain personnel records for at a period of six (6) months from the date of termination or from the date a document is created. Also requires that, when a charge is pending against a State Agency under the Human Affairs Law, the record should not be destroyed.	No	No
28	65-23 Preservation of Records in Event of Charge of Discrimination.	State	Regulation	Requires that a State Agency preserve all personnel records relevant to a pending charge or action under the Human Affairs Law until final disposition of the charge or the action.	No	No
29	65-24 Notices to be Posted.	State	Regulation	Requires that State Agencies post notices in their buildings for the benefit of their employees, and the notices will be prepared by the Human Affairs Commission setting forth excerpts from and summaries of pertinent provisions of the Human Affairs Law, and information pertinent to the filing of a complaint.	Yes	Yes
30	65-30 Guidelines Established.	State	Regulation	Expounds upon the types of unlawful treatment in S.C. Code Ann. § 1-13-80(a) based on an employee's pregnancy, maternity leave, childbirth, or temporary disability.	No	No
31	65-40 Minimum Requirements.	State	Regulation	Sets for parameters that community groups must meet before being recognized as a Community Relations Council by the Agency.	No	Yes

Laws

(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who the agency must serve? (Y/N)	Does this law specify a deliverable the agency must or may provide? (Y/N)
32	Civil Rights Act of 1964 [Title VII , 42 USC§2000 et seq]	Federal	Statute	Prohibits discrimination in employment based on race, color, religion, sex or national origin; prohibits discrimination against an employee/applicant for opposing an unlawful employment practice, making a charge or assisting in an investigation, proceeding or hearing against an employer in regard to an unlawful employment practice.	No	No
33	Title I of the Americans with Disabilities Act of 1990 (ADA)	Federal	Statute	Title I of the Americans with Disabilities Act of 1990 prohibits private employers, State and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities, including employment. The Human Affairs Law is substantially equivalent to Title I.	No	No
34	The Age Discrimination in Employment Act of 1967 (ADEA) [29 USC §621]	Federal	Statute	Prohibits an employer from refusing to hire, discharge or otherwise discriminating against any individual age 40 or older, solely on the basis of age.	No	No
35	Ledbetter Fair Pay Act of 2009 [Public Law 111-2, 123]	Federal	Statute	Amends Civil Rights Act of 1964 to state that the 180-day statue of limitations for filing an equal pay suit resets with each new discriminatory paycheck.	No	No
36	Equal Pay Act of 1967 [29 USC§206(d)]	Federal	Statute	Prohibits paying wages to employees at a rate less than the rate at which the employer pays wages to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.	No	No
37	Genetic Information Nondiscrimination Act (GINA) [Public Law 110-223]	Federal	Statute	Prohibits discrimination based on genetic information in both health insurance (Title I) and employment (Title II).	No	No
38	Pregnancy Discrimination Act [42 U.S.C. § 2000(e) et seq.]	Federal	Statute	Prohibits discrimination against a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.	No	No
39	31-21-20. State policy.	State	Statute	Establishes the state policy to provide fair housing throughout the state.	No	No
40	31-21-30. Definitions.	State	Statute	Provides definitions for terms within the Fair Housing Law, which help to establish the jurisdiction of the agency, and guidance to the agency and citizens of South Carolina.	No	No
41	31-21-40. Discrimination in relation to sale or rental of property.	State	Statute	Establishes the prohibited discriminatory housing practices that the Commission has the power to investigate based on discrimination regarding sales or rentals of jurisdictional property.	No	No
42	31-21-50. Discrimination in relation to membership or participation in multiple listing service, real estate brokers' organization, or related service, organization, or facility.	State	Statute	Establishes that 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 their membership in a protected class (due to race, color, national origin, religion, gender, disability, or familial status)	No	No
43	31-21-60. Discrimination in relation to residential real estate-related transactions.	State	Statute	Defines the term "residential real estate-related transaction" and establishes that 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, handicap, familial status, or national origin.	No	No
44	31-21-70. Application and exceptions.	State	Statute	Further explains jurisdiction and clarifies the law by restricting the Fair Housing Law's application to certain housing providers. Expands unlawful discrimination related to a disability or handicap to include issues such as a housing provider's failure to accommodate, a failure to permit a modification, or non-compliance with ANSI requirements for accessible design.	No	No
45	31-21-80. Interference with the exercise of any right under this chapter.	State	Statute	Makes it unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise of, or on account of his having aided or encouraged any other person in the exercise of, any right granted under the Fair Housing Law	No	No
46	31-21-90. Administration of chapter.	State	Statute	Provides that the Human Affairs Commissioners shall administer the Fair Housing Law, but may delegate responsibilities to Commission staff, such as investigating, conciliating, hearing, determining, ordering, certifying, reporting.	Yes	Yes

Laws

(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who the agency must serve? (Y/N)	Does this law specify a deliverable the agency must or may provide? (Y/N)
47	31-21-100. Powers of the Commission.	State	Statute	Explains the Commission's powers regarding the South Carolina Fair Housing Law, including (1) the ability to make regulations necessary to enforce the Fair Housing Law; (2) to make studies with respect to the nature and extent discriminatory fair housing practices; (3) the ability to work with the Federal Department of Housing and Urban Development or another organizations and accept reimbursement from it; (4) the ability to accept gifts or bequests; and (5) the ability to institute proceedings in a court of competent jurisdiction, for cause shown, to seek appropriate temporary or preliminary injunctive relief pending final administrative disposition of a complaint	Yes	Yes
48	31-21-110. Investigations by commission; subpoenas.	State	Statute	Establishes the Commission's investigatory power and the power to issue subpoenas.	Yes	Yes
49	31-21-120. Complaints; process and handling; conciliation; effect of local laws; civil action.	State	Statute	Explains the process by which a complaint of discrimination may be accepted for investigation at the Agency. Establishes the Commission's ability to conciliate matters through mutual agreements. Limits an investigation to 100 days unless there is a reason for an extension or delay. States that an investigation will end if a court action is filed regarding the matter	Yes	Yes
50	31-21-130. Investigator's report and recommendation; dismissal of or hearing on complaint; civil action; amending of complaint; subpoenas; hearing by commission; opinion and order; review; court appeals; enforcement orders.	State	Statute	Explains the procedures for completing an investigation and either dismisses the matter for lack of cause, or recommends that the matter be heard in an administrative hearing before a panel of the board of Commissioners because the Complainant has met their burden of proof under Fair Housing Law. Establishes the right of either party to elect that a civil action be filed instead of an administrative hearing. Explains the hearing process if an administrative hearing is to be held.	Yes	Yes
51	31-21-140. Civil action; damages.	State	Statute	Provides that a civil action shall be commenced within one year of the alleged discriminatory housing practice, though that period may be tolled during portions of the investigation. Explains that a complainant does not need to exhaust an administrative remedy through the Human Affairs Commission prior to filing a lawsuit in civil court. States that relief in a matter brought under the Fair Housing Law may include any permanent or temporary injunction, temporary restraining order, or other order and may award the plaintiff actual damages, and punitive damages, together with court costs and reasonable attorney's fees in the case of a prevailing party	Yes	Yes
52	31-21-150. Coordination regarding complaint filed with multiple agencies.	State	Statute	States that the Agency will determine if a complainant has filed a similar complaint with the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation of the Federal Reserve System, the United States Department of Housing and Urban Development, or any other agency with authority to investigate and resolve complaints alleging a violation of this chapter in order to prevent duplicate complaints.	Yes	Yes
53	65-210 General.	State	Regulation	Provides further clarification related to jurisdiction of the law for certain housing providers. Incorporates definitions from the Law for purposes of the regulations and provide additional definitions.	No	No
54	65-211 Discriminatory Housing Practices.	State	Regulation	Interprets certain prohibitions of unlawful conduct in the context of real estate practices; advertisements, statements and notices; representations on the availability of dwellings; blockbusting; and the provision of brokerage services	No	No
55	65-213 Discrimination in Residential Real Estate Related Transactions.	State	Regulation	Interprets certain prohibitions of unlawful conduct in the context of residential real estate related transactions; the making of loans and in the provision of other financial assistance; the purchasing of loans; the terms and conditions for making available loans or other financial assistance; and in the selling, brokering, or appraising of residential real property	No	No
56	65-215 Prohibition Against Discrimination Because of Handicap.	State	Regulation	Interprets certain prohibitions of unlawful conduct in the context of the protected class of disability by listing general prohibitions against discrimination because of handicap, and providing additional definitions.	No	No
57	65-217 Housing for Older Persons.	State	Regulation	Explains certain jurisdictional limitations for state and federal elderly housing programs, and fifty-five or over housing	No	No
58	65-219 Interference, Coercion or Intimidation.	State	Regulation	Interprets unlawful conduct under 31-21-80, considered to be retaliatory or found to be an attempt to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged enjoyment of, any right granted or protected by this section.	No	No
59	65-220 Complaints.	State	Regulation	Provides guidance related to the acceptance of complaints of discrimination by the Agency. Further explains when an amendment would be appropriate, and how the complaint will be served by the Agency. Allows a respondent to answer the complaint.	Yes	Yes
60	65-221 Referral of Complaints to State and Local Agencies.	State	Regulation	Explains the proper procedure for handling dually filed or duplicative complaints among local, state, and other agencies	Yes	Yes
61	65-223 Investigation Procedures.	State	Regulation	Provides the burden of proof in a housing investigation (reasonable cause), and gives the investigator guidance on how to process an investigative file. States the need for the investigator to disclose final conclusions in a report to be made available to the parties.	Yes	Yes

Laws

(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who the agency must serve? (Y/N)	Does this law specify a deliverable the agency must or may provide? (Y/N)
62	65-225 Conciliation Procedures.	State	Regulation	Requires the Commission to attempt conciliation with each complaint filed. Provides guidance on the type of relief that may be contemplated in a conciliation agreement. States specific times when conciliation efforts may be terminated. Makes conciliation efforts confidential, but provides that an agreement reached is public.	Yes	Yes
63	65-227 Issuance of Complaint.	State	Regulation	Explains how a reasonable cause determination should be issued and, and how an administrative pleading should be created to be served on the parties following a reasonable cause determination. Allows a party to elect to have the matter heard in a civil action in Common Pleas rather than through the administrative hearing before a panel of the board of commissioners.	Yes	Yes
64	65-229 Other Action.	State	Regulation	Directs the commission to notify agencies about a hearing if it has an interest in the enforcement of the respondent's obligation. Requires other agencies to cooperate with the Commissioner in furthering the purposes of Fair Housing.	Yes	Yes
65	65-230 General Information.	State	Regulation	Contains the rules of practice and procedure established by the Commission for administrative proceeds, to include reasonably accommodating persons with disabilities and maintaining filed documents.	Yes	Yes
66	65-231 Hearing Panel.	State	Regulation	Grants authority to the Chief Hearing Officer of the administrative hearing panel, such as conducting the hearing, issuing subpoenas, ruling on evidence, and handling motions. Provides that a Commissioner may be disqualified, and may either withdrawn himself, of may be withdrawn upon motion of party. Forbids ex parte communications.	Yes	Yes
67	65-232 Parties.	State	Regulation	Permits the parties to a complaint to be present at the hearing, as well as interveners to the matter if they are aggrieved. States that there may be legal representatives for the parties, and the commission. Requires that parties and others at the proceedings act with integrity and in an ethical manner.	Yes	Yes
68	65-233 Pleadings, Motions and Discoveries.	State	Regulation	Indicates the types of pleadings necessary to an administrative hearing, and those which are permitted. Provides certain deadlines related to filing of pleadings and for discovery. Allows the Chief Hearing Officer to permit supplemental pleadings or amendments to pleadings, and gives him the right to require oral arguments on motions, and to issue subpoenas among other powers.	Yes	Yes
69	65-234 Dismissal and Decisions.	State	Regulation	Requires that an administrative proceeding be dismissed if a separate suit is filed as a civil action.	Yes	Yes
70	65-235 Hearing Procedures (Review and Enforcement).	State	Regulation	Provides guidance on the date and place that a hearing should be held, and further provides who may be present to represent the parties. Explains the conduct of the hearing, to include the exclusion of certain evidence. States that the Hearing shall be recorded and requires that an order be issued and filed following the hearing's conclusion. Allows parties to request a reconsideration of an Order, and states that the hearing transcript will be made available after the hearing's conclusion. Explains the process by which a party may appeal the Order, and states the way the Commission can seek enforcement of its Order.	Yes	Yes
71	65-236 Certification.	State	Regulation	Authorizes and empowers the Chairman or Agency Head to certify documents or records of the Commission.	No	Yes
72	65-237 Availability and Construction of Rules.	State	Regulation	Establishes that the Agency should have the rules and regulations available to the public at its office	Yes	Yes
73	65-240 Purpose.	State	Regulation	States that the purpose of the regulation is to assist advertising media and agencies.	No	No
74	65-242 Scope.	State	Regulation	Provides the scope of the rule, and states that persons who fail to use the appropriate criteria will be subject to reasonable cause determinations when necessary.	No	No
75	65-244 Use of Words, Phrases, Symbols, and Visual Aids.	State	Regulation	Provides certain words, phrases, symbols, and forms that may be considered discriminatory by the Commission when investigating an allegation of discrimination in housing advertisements.	No	No
76	65-246 Selective Use of Advertising Media or Content.	State	Regulation	Explains that content in and use of housing advertising may be considered discriminatory by the Agency if such advertising appears to have a discriminatory impact by being targeted for a particular protected class.	No	No
77	42 U.S.C. §§ 3601 - 3619*	Federal	Statute	The Federal Fair Housing Act defines the discriminatory fair housing practices and the enforcement procedure for Fair Housing violations. The South Carolina Fair Housing Law is substantially equivalent to the Federal Fair Housing Act	No	No
78	ANSI A117.1	State	Other	The American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People requirements have been incorporated by reference into 31-21-70(H) and provide a "safe harbor" for housing providers to remain in compliance with Fair Housing Law requirements.	No	No
79	45-9-10. All persons entitled to equal enjoyment of and privileges to public accommodations; places of public accommodation; "supported by state action" defined.	State	Statute	Provides that all persons should be entitled to the full and equal enjoyment of the services and accommodations of any place of public accommodation, regardless of their race, color, religion or national origin. Defines those locations that are considered places of public accommodation under the law. Defines "supported by state action."	No	No
80	45-9-20. Exception for private establishments.	State	Statute	Provides that the chapter does not apply to a private club or other establishment not in fact open to the general public	No	No

Laws

(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who the agency must serve? (Y/N)	Does this law specify a deliverable the agency must or may provide? (Y/N)
81	45-9-30. Deprivation of right to equal enjoyment of and privileges to public accommodations prohibited.	State	Statute	Prohibits persons from depriving or attempting to deprive others from the rights of equal enjoyment in places of public accommodations.	No	No
82	45-9-40. Processing of complaints; review by State Human Affairs Commission; complaint by Attorney General.	State	Statute	Provides that after receiving an investigation from SLED and a complaint from the Attorney General, the Agency shall conduct a review of the investigation to determine whether there is reasonable cause that Article I, Rights to Public Accommodations, were violated. If reasonable cause is found, Agency Chairman informs AG. After the AG brings an action, Agency panel will conduct a hearing on the matter on the allegations presented. If a license revocation proceeding is initiated, a separate Commission panel will conduct the hearing.	Yes	Yes
83	45-9-50. Hearing on complaint by Attorney General; notice of hearing.	State	Statute	Provides that a panel of Agency members, designated by Chairman must hold a hearing within 60 days of the AG complaint and provide notice of the hearing.	Yes	Yes
84	45-9-60. State Human Affairs Commission may establish rules of procedure for hearings; subpoenas; rights of persons charged; rules of evidence; scope of hearing; deliberations of panel; remedies for violation.	State	Statute	Provides that the Agency may establish rules of procedure for hearings related to allegations of discrimination in a place of public accommodations. Provides that Commission shall grant relief for Article I violations and may order reimbursement for costs incurred in conducting hearings.	Yes	Yes
85	45-9-65. Liability of employer for acts of employee; conditions under which revocation of license not required for pattern or practice of discriminatory conduct.	State	Statute	Provides conditions where Agency may find discrimination but not require revocation of license. Provides that Agency may find employers are not liable for acts of employee unless it was reasonably known to the licensee, permittee or managing agent.	No	Yes
86	45-9-70. Right to intervene in action.	State	Statute	Provides that panel shall consider whether intervention will unduly delay or prejudice adjudication of rights of the original parties.	Yes	Yes
87	45-9-75. Final decision of panel; appeals.	State	Statute	Provides that the final Agency decision shall be in writing and list licenses or permits to be revoked.	Yes	Yes
88	45-9-80. Attorney General to notify permitting, regulatory, or licensing authority of violations; immediate revocation of license or permit; enforcement of panel's decision; violators not to obtain license or permit for three years.	State	Statute	Authority not granted to Agency. The statute states that if the Agency determines a violation occurred, then the Attorney General must notify the licensing, permitting, or regulatory entity of the violation in order to revoke the same.	No	No
89	45-9-85. Penalty for violating confidentiality provisions.	State	Statute	Violators of confidentiality provisions in 42-9-60 subject to fine or imprisonment.	No	No
90	45-9-90. Penalty for violating provisions of Article 1.	State	Statute	Violators of Article I subject to misdemeanor conviction along with fine and/or imprisonment.	No	No
91	45-9-100. Action for damages by aggrieved party; minimum damages for violation.	State	Statute	Provides that party may file a suit in circuit court for recovery of damages subject to 45-9-110 limitations.	No	No
92	45-9-110. Prerequisites to action for damages; conciliation.	State	Statute	Establishes the process by which a charge of unlawful discrimination or segregation may be conciliated by the Agency, and requires that a complaining party seek conciliation through the Agency before filing a lawsuit	Yes	Yes
93	45-9-120. Prerequisites to action for damages not to limit right to pursue license revocation or criminal penalties.	State	Statute	Establishes 45-9-110 limitations do not apply to pursuit of license revocation and criminal penalties.	No	No
94	70.1 (HAC: Human Affairs Forum Carry Forward)	State	Proviso	States that revenue from donations and registration fees from Forums shall be retained and carried forward for general operations.	No	No
95	70.2 (HAC: Training Revenue)	State	Proviso	States that revenue from fees from training and technical assistance shall be retained and carried forward for general operations.	No	No
96	70.3 (HAC: Revenue from Copying Fees)	State	Proviso	States that revenue derived from copies of commission files, opinions, and orders shall be retained and carried forward for general operations.	No	No
97	117.13(GP: Discrimination Policy)	State	Proviso	Reaffirms the State's discrimination policy and describes the details required to be included in the Commission's report on state agency Affirmative Action Plans and Programs.	Yes	Yes

Deliverables

[illegible]

Deliverables
(Study Step 1: Agency Legal Directives, Plan and Resources)

										Does the agency know...		
Item #	Deliverable	Applicable Laws	Does the law(s)... A) Specifically REQUIRE the agency provide it (must or shall)? B) Specifically ALLOW the agency to provide it (may)? C) Not specifically address it?	Optional - Service/Product (If deliverable is too broad to complete the remaining columns, list each product/service associated with the deliverable, and complete the remaining columns)	Does the agency evaluate customer satisfaction? (Y/N)	Greatest potential negative impact on the public if not provided	1-3 recommendations to the General Assembly, other than \$ and providing the deliverable, for how the General Assembly can help avoid the greatest potential negative impact	Other state agencies whose mission the deliverable may fit within	Is the agency permitted by statute, regulation, or proviso to charge for it? (Y/N)	cost per unit? (Y/N)	annual # of potential customers? (Y/N)	annual # of customers served? (Y/N)
12	The Commission shall hold an administrative hearing before a panel of three commission members, and shall render a decision related to the claims, when an employment investigation against a state agency has resulted in a reasonable cause determination.	1-13-70. Powers of the Commission; 1-13-90. Complaints, investigations, hearings, and orders; 65-8 Procedure for Hearing as Provided by Section 1-13-90 (c)	Require		No	Viable claims of employment discrimination against state agencies would not be adjudicated in a cost-effective, timely way, and would instead result in lawsuits being filed in circuit of federal court, adding cost to the state.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	No	No	Yes
13	The Commission shall, at the completion of an employment investigation regarding a non-state agency employer, either order that the matter be dismissed despite evidence that reasonable cause exists to believe discrimination occurred; order that the complaint be dismissed for no reasonable cause; or recommend that a lawsuit be filed in equity in circuit court against the respondent due to a cause determination.	1-13-70. Powers of the Commission; 1-13-90. Complaints, investigations, hearings, and orders; 65-2 Complaints; 65-6 Reasonable Cause Determination: Procedure and Authority; 65-9 Procedure for the Institution of Civil Actions as Provided in Section 1-13-90(d) of the Act	Require		No	Complaints of unlawful discrimination would be incomplete, and the federal government would likely intervene.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required.	None	No	No	No	Yes
14	The Agency and Commission may initiate a lawsuit on behalf of an aggrieved party when an employment investigation against a non-state agency has resulted in a reasonable cause determination.	1-13-70. Powers of the Commission; 1-13-90. Complaints, investigations, hearings, and orders; 65-9 Procedures for the Institution of Civil Actions as Provided in Section 1-13-90(d) of the Act	Allow		No	Viable claims of discrimination against non-state agencies in the employment context would not be adjudicated in a cost-effective, timely way and would instead result in personal lawsuits being filed in circuit of federal court.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required.	None	No	No	No	Yes
15	The Agency shall attempt to conciliate allegations of discrimination outside of the employment context.	1-13-90. Complaints, investigations, hearings, and orders	Require		No	Public would not have a neutral state entity to resolve discrimination matters and without an outlet of expression and means to resolve a complaint, this could lead to social unrest and harm economic progress.	Maintain compliance and legal departments at current levels. Communicate with the Department of Administration regarding building and parking facilities in order to allocate adequate office and parking spaces for the agency, maximize security, and minimize health hazards.	None	No	No	No	Yes
16	The Commission shall submit a report to the General Assembly each year concerning the status of the Affirmative Action Plans of all state agencies, and will work with all Agency Equal Employment Officers for preparing reports, to include each Agency's Equal Employment Opportunity Report.	1-13-110. Affirmative action plans by State agencies; approval by Commission; action by General Assembly; 65-20 Submission of Equal Employment Opportunity Reports; 65-21 Equal Employment Officer to be Designated; Proviso 117.13 (GP: Discrimination Policy)	Require		No	Not monitoring State Agency AAPs would lead to more complaints of employment discrimination being filed against State Agencies and would erode the tremendous progress that State Government has made in terms of hiring and promoting qualified individuals to State employment positions where the agency employment staff looks similar to the makeup of qualified citizens in the general population.	Continue to support the proviso that if agencies are not in compliance with the law that funding can be withheld from their agency.	None	No	No	No	No
17	The Agency shall not make public information contained within an employment investigation file unless it is being entered as evidence at a Commission hearing or court proceeding.	65-3 Complaint	Require		No	File contents would be readily available to anyone, which would include matters regarding conciliation, trade secrets, personnel data, anonymous witnesses, attorney-client privileged data, and work product, among other types of confidential information.	Assist the agency with establishing a better physical location for our office that already has sufficient privacy protections in place.	None	No	No	No	No
18	The Agency shall make certain portions of employment investigation files available to the parties involved in the investigation.	65-3 Complaint	Require		No	Parties to investigations would not be able to obtain data provided to the agency following their assistance with those investigations.	Allow the Commission to promulgate and amend its regulations, as needed.	None	Yes	Yes	No	Yes
19	In employment investigations, the Commissioner shall provide the parties the opportunity to seek reconsideration of a final determination regarding the investigation.	65-7 Reconsideration of Order of Dismissal or Order to Initiate Suit;			No	The parties would not be afforded a fresh, objective opinion following the dismissal or closure of a matter.	Maintain the legal department within the agency at its current level of staffing.	None	No	No	No	Yes
20	The Chairman or the Commissioner (Agency Head) may authorize or certify all documents or records which are a part of the files and records of the Commission.	65-10 Certification; 65- 236 Certification	Allow		No	Commission documents would not be certified.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	No	No	No
21	The Agency shall make rules and regulations of the Commission available to the public at its office and per the APA.	65-11 Availability of Rules; 65-237 Availability and Construction of Rules	Require		No	The public may not have access to Agency rules and regulations.	Allow the Commission to promulgate and amend its regulations, as needed.	None	No	No	No	No
22	The Agency may conduct general investigations into the problems of discrimination not related to housing, employment, or public accommodations, and may study and report upon the problems of the effect of discrimination on any field of human relationships.	65-13 General Investigations	Allow		No	Public would not have a neutral state entity to resolve discrimination matters, and without an outlet of expression and ability to resolve sensitive matters regarding discrimination, this could lead to social unrest and harm economic progress.	Maintain the compliance and legal departments at current levels. Communicate with the Department of Administration regarding building and parking facilities in order to allocate adequate office and parking spaces for the agency, maximize security, and minimize health hazards.	None	No	No	No	No

Deliverables
(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Deliverable	Applicable Laws	Does the law(s)... A) Specifically REQUIRE the agency provide it (must or shall)? B) Specifically ALLOW the agency to provide it (may)? C) Not specifically address it?	Optional - Service/Product (If deliverable is too broad to complete the remaining columns, list each product/service associated with the deliverable, and complete the remaining columns)	Does the agency evaluate customer satisfaction? (Y/N)	Greatest potential negative impact on the public if not provided	1-3 recommendations to the General Assembly, other than \$ and providing the deliverable, for how the General Assembly can help avoid the greatest potential negative impact	Other state agencies whose mission the deliverable may fit within	Is the agency permitted by statute, regulation, or proviso to charge for it? (Y/N)	Does the agency know...		
										cost per unit? (Y/N)	annual # of potential customers? (Y/N)	annual # of customers served? (Y/N)
23	The Agency shall prepare and distribute notices for other State Agencies to post in conspicuous locations for employees, which set forth excerpts from pertinent provisions of the Human Affairs Law, to include information regarding filing a complaint.	65-24 Notices to be Posted	Require		No	State employees will not be aware of their rights under the Human Affairs Law.	Provide the agency with a punishment mechanism if other State Agencies fail to comply with the requirement.	SC Dept. of Employment and Workforce, South Carolina Dept. of Consumer Affairs, SC Division of Human Resources	No	No	Yes	No
24	The Commission shall administer the provisions of the Fair Housing Law of South Carolina, but may delegate responsibilities to its paid staff.	31-21-90. Administration of Chapter.	Require		No	Fair Housing would not be enforced statewide.	The Statute specifically requires this, so there is no other possibility than funding.	None	No	No	No	No
25	The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending the a provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.	31-21-90. Administration of Chapter; 31-21-100. Powers of the Commission; 31-21-110. Investigations by the commission; subpoenas; 31-21-120. Complaints; process and handling; conciliation; effect of local laws; civil action.; 65-220 Complaints; 65-223 Investigation Procedures	Require		No	Complaints of unlawful discrimination would either be investigated by the HUD, would be filed immediately in a lawsuit, or would not be investigated.	Maintain the fair housing and legal departments within the agency at current level of staffing. Communicate with the Department of Administration regarding building and parking facilities in order to allocate adequate office and parking spaces for the agency, maximize security, and minimize health hazards.	None	No	No	No	Yes
26	The Agency shall attempt to conciliate or mediate complaints against housing providers alleged to have engaged in unlawful housing discrimination.	31-21-120. Complaints; process and handling; conciliation; effect of local laws; civil action.; 65-225 Conciliation Procedures	Require		No	More complaints would likely result in a lawsuit in federal or state court.	Maintain the fair housing and legal departments within the agency at current level of staffing. Communicate with the Department of Administration regarding building and parking facilities in order to allocate adequate office and parking spaces for the agency, maximize security, adn minimize health hazards	None	No	No	Yes	Yes
27	The Commission may petition a court of competent jurisdiction seeking injunctive relief regarding an employment discrimination complaint pending with the agency.	31-21-90. Administration of Chapter; 31-21-100. Powers of the Commission	Allow		No	An Aggrieved Party that is not represented by a private attorney and who does not know they can file for an injunction, could potentially suffer irreparable harm.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required.	None	No	No	No	Yes
28	The Agency shall issue a subpoena or subpoena duces tecum to compel the attendance of witnesses or the production of evidence in fair housing investigations, and the Commission shall enforce the subpoena through a court of competent jurisdiction.	31-21-90. Administration of Chapter; 31-21-100. Powers of the Commission; 31-21-110. Investigations by the commission; subpoenas; 65-223 Investigation Procedures	Require		No	Complaints of unlawful discrimination would not be investigated, and the federal government would likely intervene.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required, to include providing access to using SC Law Enforcement Officers for free process service.	None	No	No	No	Yes
29	The Commission shall issue an order at the completion of a fair housing investigation, which shall state that either that the complaint be dismissed, or that a panel of commission members be designated to hear the matter based on a new complaint consisting of a short and plain written statement of the facts upon which the Commission found reasonable cause to believe that a discriminatory housing practice had occurred.	31-21-90. Administration of Chapter; 31-21-130. Investigator's report and recommendation; dismissal of or hearing on complaint; civil action; amending of complaint; subpoenas; hearing by commission; opinion and order; review; court appeals; enforcement orders.; 65-223 Investigation Procedures; 65-227 Issuance of Complaint.	Require		No	Complainants would not have the opportunity to be heard in an administrative proceeding and would not be awarded relief if their claims are meritorious.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	No	No	Yes
30	The Commission shall hold an expeditious administrative hearing before a panel of three commission members, and shall render a decision related to the claims, in the event that a fair housing investigation results in a reasonable cause determination, and after conciliation has failed, provided that no party has elected to have the matter be litigated in circuit court.	31-21-90. Administration of Chapter; 31-21-130. Investigator's report and recommendation; dismissal of or hearing on complaint; civil action; amending of complaint; subpoenas; hearing by commission; opinion and order; review; court appeals; enforcement orders.; ; 65-230 General Information; 65-231 Hearing Panel; 65-232 Parties; 65-233 Pleadings, Motions and Discoveries; 65-234 Dismissal and Decisions; 65-235 Hearing Procedures	Require		No	Viable claims of discrimination in the housing context would not be adjudicated in a cost-effective, timely way and would instead result in private lawsuits being filed in circuit of federal court, adding cost to the state.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	No	No	Yes

Deliverables
(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Deliverable	Applicable Laws	Does the law(s)... A) Specifically REQUIRE the agency provide it (must or shall)? B) Specifically ALLOW the agency to provide it (may)? C) Not specifically address it?	Optional - Service/Product (If deliverable is too broad to complete the remaining columns, list each product/service associated with the deliverable, and complete the remaining columns)	Does the agency evaluate customer satisfaction? (Y/N)	Greatest potential negative impact on the public if not provided	1-3 recommendations to the General Assembly, other than \$ and providing the deliverable, for how the General Assembly can help avoid the greatest potential negative impact	Other state agencies whose mission the deliverable may fit within	Is the agency permitted by statute, regulation, or proviso to charge for it? (Y/N)	Does the agency know...		
										cost per unit? (Y/N)	annual # of potential customers? (Y/N)	annual # of customers served? (Y/N)
31	The Commissioner shall maintain a civil action in the Court of Common Pleas on behalf of an aggrieved party in a fair housing matter (in lieu of holding an administrative hearing) when any party has elected to have the matter be litigated in court, following a reasonable cause determination and after conciliation efforts have failed.	31-21-90. Administration of Chapter; 31-21-130. Investigator's report and recommendation; dismissal of or hearing on complaint; civil action; amending of complaint; subpoenas; hearing by commission; opinion and order; review; court appeals; enforcement orders.; 31-21-140. Civil action; damages.; 65-227 Issuance of Complaint; 65-234 Dismissal and Decisions	Require		No	Viable claims of discrimination in the housing context would not be adjudicated in a cost-effective, timely way and would instead result in private lawsuits being filed in circuit of federal court.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required.	None	No	No	No	Yes
32	Before accepting a complaint, the Agency shall determine if the complainant has filed a similar complaint with the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, The Department of Housing and Urban Development, or any other agency with authority to investigate and shall avoid multiple investigations of the same complaint.	31-21-150. Coordination regarding complaint filed with multiple agencies	Require		No	Duplicate complaints would be reviewed by multiple agencies at the same time unnecessarily.	Maintain the fair housing and legal departments within the agency at current level of staffing.	None	No	No	No	Yes
33	When a fair housing complaint is received that is within the jurisdiction of a substantially equivalent local agency, the Commission will notify the agency of the filing of the housing complaint, and if a case is referred, the Commission will notify the parties to the investigation of the referral.	65-221 Referral of Complaints to State and Local Agencies	Require		No	Duplicate complaints may otherwise be filed which would be reviewed by multiple agencies at the same time unnecessarily	Currently, there are no equivalent local agencies authorized to investigate housing discrimination complaints.	None	No	No	No	Yes
34	The Commission shall notify interested agencies of a reasonable cause fair housing determination, and any enforcement proceeding related thereto.	65-229 Other Action	Require		No	Partner agencies would be unaware of our Agency's efforts and decision to prosecute a claim of discrimination.	Maintain the fair housing and legal departments within the agency at current level of staffing.	None	No	No	No	Yes
35	After receiving a complaint from the Attorney General or an investigation from SLED, a three-commissioner panel shall conduct a review of the investigation to determine whether there is reasonable cause to believe a place of public accommodations has discriminated against an individual due to race, color, religion or national origin, and the Agency shall attempt to conciliate the complaint received.	45-9-40. Processing of complaints; review by State Human Affairs Commission; complaint by Attorney General.; 45-9-110. Prerequisites to action for damages; conciliation.	Require		No	Complaints of unlawful discrimination would either be investigated by the DOJ, or would not be investigated.	Encourage the Attorney General's Office and SLED to engage more with this law.	SC Attorney General's Office, SC Law Enforcement Division	No	No	No	Yes
36	If the commission panel reviewing the public accommodation complaint determines there is reasonable cause, then a panel of at least five Commission members will be designated by the chairman as a panel to hold a hearing on the allegations contained in the Attorney General's complaint within 60 days of its filing.	45-9-50. Hearing on complaint by Attorney General; notice of hearing.	Require		No	More complaints would likely result in a lawsuit in federal or state court.	Encourage the Attorney General's Office and SLED to engage more with this law.	SC Attorney General's Office, SC Law Enforcement Division	No	No	No	Yes
37	The Commission may establish rules and procedures for public accommodations hearings, to include permitting intervention by parties, and the Commission may revoke a business license from an establishment if it has violated the law.	45-9-60. State Human Affairs Commission may establish rules of procedure for hearings; subpoenas; rights of persons charged; rules of evidence; scope of hearing; deliberations of panel; remedies for violation.;45-9-65. Liability of employer for acts of employee; conditions under which revocation of license not required for pattern or practice of discriminatory conduct.; 45-9-70. Right to Intervene in Action	Allow		No	Consumers would not have sufficient guidance on the Agency's process or legal interpretations if the Commission did not issue additional reports, policies, or regulations.	Encourage the Attorney General's Office and SLED to engage more with this law.	SC Attorney General's Office, SC Law Enforcement Division	No	No	No	Yes
38	The Commission panel must issue a written Order which includes findings of fact and conclusions of law, following a hearing under the chapter.	45-9-75. Final decision of panel; appeals.	Require		No	Commission decisions would not be able to withstand appellate review	Encourage the Attorney General's Office and SLED to engage more with this law.	SC Attorney General's Office, SC Law Enforcement Division	No	No	No	Yes
39	In both employment and housing investigations, the Commission shall determine if jurisdiction exists and shall dismiss a complaint for lack of jurisdiction, and may also dismiss a complaint at the request of the complainant or if the complainant files a private lawsuit during the course of the investigation.	1-13-90. Complaints, investigations, hearings and orders. 65-2. Complaints; 65-220. Complaints; 65-223 Investigation Procedures	Require		No	The Commission would investigate cases that are not within its jurisdiction to investigate.	The Statute specifically requires this, so there is no other possibility than funding.	None	No	No	No	Yes

Organizational Units

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Human Affairs Commission					
Date of Submission	4/17/2017					
Did the agency have an exit interview and/or survey, evaluation, etc. when employees left the agency in 2013-14; 2014-15; or 2015-16? (Y/N)	2013-2014: No 2014-2015: No 2015-2016: Yes					
Organizational Unit	Purpose of Unit	Turnover Rate in the organizational unit in 2013-14; 2014-15; and 2015-16 (DNE = Unit did not exist)	Did the agency evaluate and track employee satisfaction in the organizational unit in 2013-14; 2014-15; and 2015-16? (Y/N)	Did the agency allow for anonymous feedback from employees in the organizational unit in 2013-14; 2014-15; and 2015-16? (Y/N)	Did any of the jobs in the organizational unit require a certification (e.g., teaching, medical, accounting, etc.) in 2013-14; 2014-15; and 2015-16? (Y/N)	If yes, for any years in the previous column, did the agency pay for, or provide in-house, classes/instruction/etc. needed to maintain all, some, or none of the required certifications?
Administration	To provide administrative direction, control, and support of the agency	2013-2014: DNE 2014-2015: 2% 2015-2016: 2%	2013-2014: N 2014-2015: N 2015-2016: Y	2013-2014: Y 2014-2015: Y 2015-2016: Y	2013-2014: Y 2014-2015: Y 2015-2016: Y	All
Consultative Services	To provide technical services, training, and equal opportunity, community relations and consulting services	2013-2014: DNE 2014-2015: DNE 2015-2016: DNE	2013-2014: N 2014-2015: N 2015-2016: Y	2013-2014: Y 2014-2015: Y 2015-2016: Y	2013-2014: Y 2014-2015: Y 2015-2016: Y	None
Compliance Programs	To enforce state laws prohibiting employment, housing and public accommodation discrimination	2013-2014: 6% 2014-2015: 17% 2015-2016: 3%	2013-2014: N 2014-2015: N 2015-2016: Y	2013-2014: Y 2014-2015: Y 2015-2016: Y	2013-2014: Y 2014-2015: Y 2015-2016: Y	Some

Strategic Spending (2015-16)
(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Human Affairs Commission
Date of Submission	4/17/2017

Note: The details are requested to avoid agencies "arbitrarily" assigning numbers.

Line #		
1	Does the agency have any money that is not tracked through SCEIS? (Y/N) (If yes, please outline further by responding to Line 15 under Part B1)	No

PART A1 - Cash Balances and Revenue Generated

--> The amounts below relate to the agency's cash.

--> The Committee understands the (a) agency is only permitted to spend amounts appropriated or authorized, which is addressed in Part A2; and (b) agency may have more cash than it is permitted to spend.

Line #	Funding Source	Total									
2	Funding Source	n/a	n/a	Earmarked Funds / EEOC (30350000)	Fed Funds / HUD (50570000)	Sale of Service (30370000)	General Revenue (28370000)	Human Affairs(38740000)	General Funds (10010000)	CAP RES FD OPER (36340000)	Sale of Assets (39580000)
3	2014-15 Total revenue generated	\$793,644	n/a	\$648,984	\$142,469	\$1,085	\$1,059	\$47	\$0	\$0	\$0
4	2015-16 Total revenue generated	\$1,111,198	n/a	\$715,400	\$336,225	\$59,573	\$0	\$0	\$0	\$0	\$0
5	Fund # and Description (Expendable Level - 8 digit) (full set of financials available for each through SCEIS)	n/a	n/a	30350000 / Earmarked Funds	50570000 / Federal Funds	30370000 / Sale of Service	28370000 / General Revenue	38740000 / Human Affairs	General Funds (10010000)	CAP RES FD OPER (36340000)	Sale of Assets (39580000)

	Cash Balances	Total	n/a								
6	Fund # and Description (Expendable Level - 8 digit) (full set of financials available for each through SCEIS)	n/a	n/a	Earmarked Funds / EEOC (30350000)	Fed Funds / HUD (50570000)	Sale of Service (30370000)	Refund of Prior Year Expenditure (28370000)	Refund of Prior Year Expenditure (38740000)	General Funds (10010000)	CAP RES FD OPER (36340000)	Sale of Assets (39580000)
7	Cash balance as of June 30, 2015 (end of FY 2014-15)	\$272,892	n/a	\$162,025	\$47,570	\$10,312	\$0	\$13,769	\$18,836	\$20,354	\$25
8	Cash balance as of June 30, 2016 (end of FY 2015-16)	\$519,442	n/a	\$295,179	\$156,451	\$19,358	\$0	\$13,769	\$14,304	\$20,354	\$25

PART A2 - Funds Appropriated and Authorized for 2015-16 (i.e. Allowed to spend)

--> The Committee understands the agency may be appropriated or authorized to spend additional money during the year.

Line #	Funding Source										
9	Funding Source	n/a	n/a	Earmarked Funds / EEOC (30350000)	Fed Funds / HUD (50570000)	Sale of Service (30370000)	General Revenue (28370000)	Human Affairs(38740000)	General Funds (10010000)	CAP RES FD OPER (36340000)	Sale of Assets (39580000)
10	Recurring or one-time?	n/a	n/a	Recurring	Recurring	One-Time	One-Time	One-Time	Recurring	One-Time	One-Time

Appropriation and Authorization Details		Totals - Start of year	Totals - End of year	End of Year	End of Year	End of Year	End of Year	End of Year	End of Year	End of Year	End of Year
11	Amounts appropriated, and amounts authorized, to the agency for 2014-15 that were not spent AND the agency can spend in 2015-16	\$2,242,042	\$272,890	\$162,025	\$47,570	\$10,311	\$0	\$13,769	\$18,836	\$20,354	\$25
12	Amounts appropriated, and amounts authorized, to the agency for 2015-16	\$2,692,277	\$519,440	\$295,179	\$156,451	\$19,358	\$0	\$13,769	\$14,304	\$20,354	\$25
13	Total Appropriated and Authorized (i.e. allowed to spend)	\$4,934,319	\$792,330	\$457,204	\$204,021	\$29,669	\$0	\$27,538	\$33,140	\$40,708	\$50

Strategic Spending (2015-16)
(Study Step 1: Agency Legal Directives, Plan and Resources)

PART B1 - Utilization of Funds in 2015-16
--> The Committee understands amount the agency budgeted and spent per objective are estimates from the agency. The information is acceptable as long as the agency has a logical basis, which the Committee may ask the agency to explain, as to how it reached the numbers it provided.

Line #	Funding Source	Totals									
14	Funding Source	n/a	n/a	Earmarked Funds / EEOC (30350000)	Fed Funds / HUD (50570000)	Sale of Service (30370000)	General Revenue (28370000)	Human Affairs(38740000)	General Funds (10010000)	CAP RES FD OPER (36340000)	Sale of Assets (39580000)
15	Database(s) through which expenditures are tracked (See instructions for further details)	n/a	n/a	SCEIS (state)	SCEIS (state)	SCEIS (state)	SCEIS (state)	SCEIS (state)	SCEIS (state)	SCEIS (state)	SCEIS (state)
16	Recurring or one-time?	n/a	n/a	Recurring	Recurring	One-Time	One-Time	One-Time	Recurring	One-Time	One-Time
17	External restrictions (from state or federal government, grant issuer, etc.), if any, on how the agency can use the money from each funding source	n/a	n/a	NO	YES	NO	NO	NO	NO	Yes - Cap Reserve Funds / Comp Sys	NO
18	State Funded Program # and Description	n/a	n/a	L360C00010 - (Compliance)	L360C00012 - (Fair Housing)	L360A00010 - (Administration)	Depends on type of refund	Depends on type of refund	L360A00010 (Administration), L360B00010 (Consultative Services), L360C00010 (Compliance)	L360B00010 - (Consultative Services)	L300A00010 - (Administration)
19	Current Objectives	Totals Planned to Utilize - Start of year	Totals Utilized - End of year	End of Year	End of Year	End of Year	End of Year	End of Year	End of Year	End of Year	End of Year
	Objective 1.1.1 - Finalize a Fair Housing Outreach Plan by December 31, 2015	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 1.1.2 - Hire a Fair Housing Outreach Liaison by November 1, 2015	\$31,805	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 1.1.3 - Strategize visits to at least two counties per month by January 1, 2016	\$3,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 1.1.4 - Follow-up with those counties quarterly during Fiscal Year 2016	\$6,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 1.2.1 - Continue 21, 42, 63, 84-day meetings with Investigators to discuss cases during FY 2015-16	\$39,866	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 1.2.2 - Adhere to strict time limits for formal documentation of files during 2015-16	\$25,051	\$274	\$0	\$0	\$0	\$0	\$0	\$274	\$0	\$0
	Objective 1.2.3 - Create investigative plans when necessary for problematic cases during FY 2015-16	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 2.1.1 - Continue to litigate probable cause cases in the Fair Housing Division during FY 2015-16	\$12,500	\$11,455	\$0	\$11,293	\$0	\$0	\$0	\$163	\$0	\$0
	Objective 2.1.2 - Develop a policy/system to begin litigating employment cases by March 31 of 2016	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 2.1.3 - File suit in cases under the new Employment Litigation Policy by June 30, 2016	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 2.1.4 - Conduct a practice administrative hearing regarding employment or housing case for the Board of Commissioners and SHAC staff by June 30, 2016	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 2.2.1 - Contact all Complainants filing employment discrimination complaints regarding our free Mediation Program during FY 2015-16	\$0	\$5,887	\$0	\$0	\$0	\$0	\$0	\$5,887	\$0	\$0
	Objective 2.2.2 - Provide more flexibility of times for mediation during FY2015-16, (contract other mediators when necessary)	\$2,500	\$1,442	\$1,442	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 2.2.3 - Continue to pursue legislation for mandatory mediating during FY 2015-16	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 2.3.1 - Update the regulations with more consistency by March 31, 2016	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 2.3.2 - Engage with members of the General Assembly for change to existing statues during FY 2015-16	\$0	\$27	\$0	\$0	\$0	\$0	\$0	\$27		\$0
	Objective 2.3.3 - Evaluate where our operations differ from equivalent federal agencies by June 30, 2016	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 3.1.1 - Finalize a Fair Housing Outreach Plan by December 31, 2015	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 3.1.2 - Hire a Fair Housing Outreach Liaison by November 1, 2016	\$40,000	\$2,079		\$2,079						
	Objective 3.1.3 - Involve current staff (such a Community Relations Consultants) in outreach efforts by February 1, 2016	\$7,500	\$4,847	\$0	\$0	\$0	\$0	\$0	\$4,847	\$0	\$0
	Objective 3.1.4 - Strategize visits to at least two counties per month beginning January 1, 2016	\$12,500	\$23,157		\$3,482				\$19,675		
	Objective 3.2.1 - Implement a method by which we can use and access surveying in our current outreach programs by December 31, 2015	\$2,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 3.3.1 - Develop training and events that involve partners so that more groups are aware of our Agency and its resources by December 31, 2016	\$7,500	\$1,320	\$0	\$875	\$0	\$0	\$0	\$445	\$0	\$0
	Objective 3.3.2 - Ensure that a marketing video is developed and operating on the Agency website by June 30, 2016	\$2,500	\$2,000	\$0	\$0	\$0	\$0	\$0	\$2,000	\$0	\$0
	Objective 4.1.1 - Provide professional and communication training for staff during FY 2015-16	\$30,000	\$23,081	\$349	\$14,969	\$0	\$0	\$0	\$7,763	\$0	\$0
	Objective 4.1.2 - Ensure that managers consistently use the EPMS on an annual basis for all employees and conduct midyear reviews during FY 2015-16	\$2,000	\$2,375	\$0	\$342	\$0	\$0	\$0	\$2,033	\$0	\$0
	Objective 4.1.3 - Implement mystery shoppers to obtain objective review of employees' customer service by June 30,2016	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 4.2.1 - Update training manual and present to employees by February 28, 2016	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 4.2.2 - Update and distribute employee handbook by June 30, 2016	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 5.1.1 - Recruit 5 Program Coordinator I / Investigators by the end of FY 2015-16	\$160,000	\$138,094	\$24,150					\$113,944		
	Objective 5.1.2 - Provide monthly training sessions related to employment law for all investigators in FY 2015-16	\$2,500	\$600	\$600	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Strategic Spending (2015-16)
(Study Step 1: Agency Legal Directives, Plan and Resources)

Objective 5.1.3 - Provide newly hired Investigators with a mentoring opportunity with a Senior Investigator during FY 2015-16	\$15,000	\$11,572	\$4,484	\$0	\$0	\$0	\$0	\$7,088	\$0	\$0
Objective 5.2.1 - Decrease the average amount of case processing time to investigate a charge of discrimination from the date of filing to the date of completion to within 180 days by December 1, 2016	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Objective 6.1.1 - Increase the number of local community leader contacts in each county that does not have a Community Relations Council during FY 2015-16	\$7,500	\$6,344	\$0	\$0	\$0	\$0	\$0	\$6,344	\$0	\$0
Objective 6.1.2 - Update and maintain the current leadership in counties with existing Community Relations Councils during FY 2015-16	\$7,500	\$5,000	\$0	\$0	\$0	\$0	\$0	\$5,000	\$0	\$0
Objective 6.2.1 - Distribute an electronic newsletter devoted to Community Relations Councils every quarter during FY 2015-16	\$0	\$1,250	\$0	\$0	\$0	\$0	\$0	\$1,250	\$0	\$0
Objective 6.2.2 - Provide monthly updates to Community Relations area on the Agency webpage during FY 2015-16	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total utilized on Agency Objectives in 2015-16	\$421,722	\$240,805	\$31,025	\$33,040	\$0	\$0	\$0	\$176,740	\$0	\$0

20	Unrelated Purpose (pass through or other purpose unrelated to agency's strategic plan)	Totals Planned to Utilize - Start of year	Totals Utilized - End of year	End of Year	End of Year	End of Year	End of Year	End of Year	End of Year	End of Year	End of Year
	Unrelated Purpose #1 - insert description: Salary/Fringe	\$2,233,882	\$2,165,730	\$496,182	\$140,099	\$0	\$0	\$0	\$1,529,450	\$0	\$0
	Unrelated Purpose #2 - insert description: Operating Expenses (Includes carryforward/non recurring funds	\$458,395	\$540,972	\$150,819	\$87,245	\$0	\$0	\$0	\$302,908	\$0	\$0
	Insert any additional unrelated purposes	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Total utilized on purposes unrelated to Agency Objectives in 2015-16	\$2,692,277	\$2,706,702	\$647,001	\$227,344	\$0	\$0	\$0	\$1,832,358	\$0	\$0

PART B2 - Appropriations and authorizations remaining at the end of 2015-16

Line #	Totals	Start of Year	End of Year								
	Funding Source	n/a	n/a	Earmarked Funds / EEOC (30350000)	Fed Funds / HUD (50570000)	Sale of Service (30370000)	General Revenue (28370000)	Human Affairs(38740000)	General Funds (10010000)	CAP RES FD OPER (36340000)	Sale of Assets (39580000)
21	Appropriated and authorized	\$4,934,319	\$792,330	\$457,204	\$204,021	\$29,669	\$0	\$27,538	\$33,140	\$40,708	\$50
22	(minus) Utilized on Agency Objectives in 2015-16	\$421,722	\$240,805	\$31,025	\$33,040	\$0	\$0	\$0	\$176,740	\$0	\$0
23	(minus) Utilized on purposes unrelated to Agency Objectives in 2015-16	\$2,692,277	\$2,706,702	\$647,001	\$227,344	\$0	\$0	\$0	\$1,823,358	\$0	\$0
24	Amount of appropriations and authorizations remaining	\$1,820,320	-\$2,155,177	-\$220,822	-\$56,363	\$29,669	\$0	\$27,538	-\$1,966,958	\$40,708	\$50
25	Amount remaining as % of total appropriations and authorizations	36.89%	-272.01%	-48.30%	-27.63%	100.00%	#DIV/0!	100.00%	-5935.21%	100.00%	100.00%

26	Explanation for Amount Remaining: Agency objectives in FY15/16 were created without full contemplation of the need to tie to funding. Accountability Training in August 2016 attended by Agency management members (Dan Koon, Deputy Director & Lori Dean, Administrative Manager), new objectives were devised that tied more directly to agency funding.
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(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Human Affairs Commission
Date of Submission	4/17/2017

Note: The details are requested to avoid agencies "arbitrarily" assigning numbers.

Line #

1	Does the agency have any money that is not tracked through SCEIS? (Y/N) (If yes, please outline further by responding to Line 15 under Part B1)	No
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PART A1 - Cash Balances and Revenue Generated

→ The amounts below relate to the agency's cash.

--> The Committee understands the (a) agency is only permitted to spend amounts appropriated or authorized, which is addressed in Part A2; and (b) agency may have more cash than it is permitted to spend.

Line #	Funding Source	Total									
2	Funding Source	n/a	n/a	General Funds / (10010000)	Dual Employment / (30037000)	Earmarked Funds / EEOC (30350000)	Sale of Service / Special Deposits (30370000)	CAP RES FD OPER (36340000)	Human Affairs / (38740000)	Sale of Assets / (39580000)	Fed Funds / HUD (50570000)
3	2015-16 Total revenue generated	\$1,111,198	n/a	\$0	\$0	\$715,400	\$59,573	\$0	\$0	\$0	\$336,225
4	2016-17 Total estimated revenue	\$1,122,250	n/a	\$0	\$0	\$805,700	\$0	\$0	\$0	\$0	\$316,550
5	Fund # and Description (Expendable Level - 8 digit) (full set of financials available for each through SCEIS)	n/a	n/a	General Funds / (10010000)	Dual Employment / (30037000)	Earmarked Funds / EEOC (30350000)	Sale of Service / Special Deposits (30370000)	CAP RES FD OPER (36340000)	Human Affairs / (38740000)	Sale of Assets / (39580000)	Fed Funds / HUD (50570000)

	Cash Balances	Total	n/a								
6	Fund # and Description (Expendable Level - 8 digit) (full set of financials available for each through SCEIS)	n/a	n/a	General Funds / (10010000)	Dual Employment / (30037000)	Earmarked Funds / EEOC (30350000)	Sale of Service / Special Deposits (30370000)	CAP RES FD OPER (36340000)	Human Affairs / (38740000)	Sale of Assets / (39580000)	Fed Funds / HUD (50570000)
8	Cash balance as of June 30, 2016 (end of FY 2015-16)	\$756,587	n/a	\$265,678	\$1	\$280,951	\$19,357	\$20,354	\$13,769	\$25	\$156,451

PART A2 - Funds Appropriated and Authorized for 2016-17 (i.e. Allowed to spend)

--> The Committee understands the agency may be appropriated or authorized to spend additional money during the year.

Line #	Funding Source										
9	Funding Source	n/a	n/a	General Funds / (10010000)	Dual Employment / (30037000)	Earmarked Funds / EEOC (30350000)	Sale of Service / Special Deposits (30370000)	CAP RES FD OPER (36340000)	Human Affairs / (38740000)	Sale of Assets / (39580000)	Fed Funds / HUD (50570000)
10	Recurring or one-time?	n/a	n/a	Recurring	One-time	Recurring	Recurring	One-time	One-time	Recurring (as needed)	Recurring

Appropriation and Authorization Details		Totals - Start of year	Totals - End of year	End of Year							
11	Amounts appropriated, and amounts authorized, to the agency for 2015-16 that were not spent AND the agency can spend in 2016-17	\$756,586	n/a	\$265,678	\$1	\$280,951	\$19,357	\$20,354	\$13,769	\$25	\$156,451
12	Amounts appropriated, and amounts authorized, to the agency for 2016-17	\$3,162,871	n/a	\$2,132,540	\$0	\$640,600	\$0	\$0	\$0	\$0	\$336,225
13	Total Appropriated and Authorized (i.e. allowed to spend)	\$3,919,457	n/a	\$2,398,218	\$1	\$921,551	\$19,357	\$20,354	\$13,769	\$25	\$492,676

Strategic Budgeting (2016-17)
(Study Step 1: Agency Legal Directives, Plan and Resources)

PART B1 - Utilization of Funds in 2016-17
--> The Committee understands amount the agency budgeted and spent per objective are estimates from the agency. The information is acceptable as long as the agency has a logical basis, which the Committee may ask the agency to explain, as to how it reached the numbers it provided.

Line #	Funding Source	Totals		General Funds / (10010000)	Dual Employment / (30037000)	Earmarked Funds / EEOC (30350000)	Sale of Service / Special Deposits (30370000)	CAP RES FD OPER (36340000)	Human Affairs / (38740000)	Sale of Assets / (39580000)	Fed Funds / HUD (50570000)
14	Funding Source	n/a	n/a								
15	Database(s) through which expenditures are tracked (See instructions for further details)	n/a	n/a	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS
16	Recurring or one-time?	n/a	n/a	Recurring	One-time	Recurring	Recurring	One-time	One-time	Recurring (as needed)	Recurring
17	External restrictions (from state or federal government, grant issuer, etc.), if any, on how the agency can use the money from each funding source	n/a	n/a	NO	NO	NO	NO	Yes - Cap Reserve Funds / Comp Sys	NO	NO	Yes
18	State Funded Program # and Description	n/a	n/a	L360A00010 (Administration), L360B00010 (Consultative Services), L360C00010 (Compliance)	L360A00010 - Administration	L360C00010 - Compliance	L360A00010 - Administration	L360B00010 - Consultative Services	Depends on type of refund	Depends on type of refund	L360C00012 - Fair Housing

19	Current Objectives	Totals Planned to Utilize - Start of year	Totals Utilized - End of year	Budgeted to utilize - Start of year	Budgeted to utilize - Start of year	Budgeted to utilize - Start of year	Budgeted to utilize - Start of year	Budgeted to utilize - Start of year	Budgeted to utilize - Start of year	Budgeted to utilize - Start of year	Budgeted to utilize - Start of year
	Objective 1.1.1 - Provide monthly training sessions related to employment law for 15 employment investigators in FY 2016-2017	\$195,150	n/a	\$139,624	\$0	\$55,526	\$0	\$0	\$0	\$0	\$0
	Objective 1.1.2 - Institute a workplace mentoring program for Investigator I employees during FY 2016-2017	\$195,150	n/a	\$139,624	\$0	\$55,526	\$0	\$0	\$0	\$0	\$0
	Objective 1.2.1 - Decrease the average amount of case processing time of 263 days to investigate a charge of discrimination from the date of filing by 20% or 210 days by June 30, 2017	\$410,930	n/a	\$334,304	\$0	\$76,626	\$0	\$0	\$0	\$0	\$0
	Objective 2.1.1 - Finalize a Fair Housing Outreach Plan by December 31, 2016	\$59,273	n/a	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$59,273
	Objective 2.1.2 - Hire a Fair Housing Outreach Liaison by December 16, 2016	\$18,077	n/a	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$18,077
	Objective 2.2.1 - Process 60% of all Housing cases within 100 days during FY 2016-17	\$269,514	n/a	\$56,764	\$0	\$17,736	\$0	\$0	\$0	\$0	\$195,015
	Objective 2.2.2 - Conduct on-site investigations for all cases identified as problematic cases during FY 2016-2017	\$243,650	n/a	\$30,899	\$0	\$17,736	\$0	\$0	\$0	\$0	\$195,015
	Objective 3.1.1 - Litigate probable cause cases that cannot be conciliated in the Fair Housing Division during FY 2016-17	\$111,292	n/a	\$111,292	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 3.1.2 - Hold an administrative hearing for an employment or housing case by June 30, 2017	\$161,292	n/a	\$161,292	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 3.1.3 - Increase the number of mediated cases from the current level of 20% to 25% during FY 2016-17	\$88,905	n/a	\$88,905	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 3.2.1 - Continue to engage and educate members of the General Assembly for proposed changes to existing statutes during FY 2016-17	\$104,070	n/a	\$104,070	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 4.1.1 - Increase the number of counties with Community Relations Councils from 17 to 22 during FY 2016-17	\$88,042	n/a	\$88,042	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 4.1.2 - Sustain the current leadership in existing Community Relations Councils per minimum requirement during FY 2016-17	\$88,042	n/a	\$88,042	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 4.2.1 - Distribute an electronic newsletter devoted to Community Relations Councils on a monthly basis during FY 2016-17	\$55,086	n/a	\$55,086	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 4.2.2 - Develop the agency web page to communicate periodic updated information to all Community Relations Councils during FY 2016-17	\$36,137	n/a	\$36,137	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 4.3.1 - Conduct Quality of Life Initiative meetings with 5 Community Relations Councils during FY 2016-17	\$51,905	n/a	\$51,905	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 5.1.1 - Conduct a computer analysis of each agency's hiring and promotion practices during FY 2016-17	\$121,492	n/a	\$121,492	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 5.1.2 - Review all State Agency Affirmative Action Reports and provide necessary recommendations to state agencies in developing and implementing non-discriminatory employment systems during FY 2016-17	\$121,492	n/a	\$121,492	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 5.2.1 - Conduct one statewide training program for all Affirmative Action (EEO) Officers during FY 2016-17	\$48,851	n/a	\$48,851	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 5.2.2 - Provide 12 EEO Employment Law training sessions for supervisors of state agencies requesting assistance during FY 2016-17	\$131,481	n/a	\$131,481	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Objective 5.2.3 - Organize one state-wide Affirmative Action Forum for all State Agencies during FY 2016-17.	\$121,492	n/a	\$121,492	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Total planned to utilize on Agency Objectives in 2016-17	\$2,721,323	n/a	\$2,030,794	\$0	\$223,150	\$0	\$0	\$0	\$0	\$467,380

Strategic Budgeting (2016-17)

Performance Measures
(Study Step 2: Performance)

Agency Responding	Human Affairs Commission														
Date of Submission	4/17/2017														
<div>Types of Performance Measures:</div> <div>Outcome Measure - A quantifiable indicator of the public and customer benefits from an agency's actions. Outcome measures are used to assess an agency's effectiveness in serving its key customers and in achieving its mission, goals and objectives. They are also used to direct resources to strategies with the greatest effect on the most valued outcomes. Outcome measures should be the first priority. Example - % of licensees with no violations.</div> <div>Efficiency Measure - A quantifiable indicator of productivity expressed in unit costs, units of time, or other ratio-based units. Efficiency measures are used to assess the cost-efficiency, productivity, and timeliness of agency operations. Efficiency measures measure the efficient use of available resources and should be the second priority. Example - cost per inspection</div> <div>Output Measure - A quantifiable indicator of the number of goods or services an agency produces. Output measures are used to assess workload and the agency's efforts to address demands. Output measures measure workload and efforts and should be the third priority. Example - # of business license applications processed.</div> <div>Input/Activity Measure - Resources that contribute to the production and delivery of a service. Inputs are "what we use to do the work." They measure the factors or requests received that explain performance (i.e. explanatory). These measures should be the last priority. Example - # of license applications received</div>															
Performance Measure	Type of Measure:	Agency selected; Required by State; or Required by Federal:	Who performs the best in the country on this measure? (could be gov't, private, etc.)	Time Applicable	Actual Results (& Target Results) Time Period #1 FY 2011-2012		Actual Results (& Target Results) Time Period #2FY 2012-2013		Actual Results (& Target Results) Time Period #3 FY 2013-2014		Actual Results (& Target Results) Time Period #4 FY 2014-2015		Actual Results (& Target Results) Time Period #5 (most recent completed time period)FY 2015-2016		Target Results Time Period #6 (current time period)July 2016- February, 2017
Intake Calls/ Initial Inquiries	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 2,000 19,000	Target	Actual - 1,215 Target - 15,000	Actual - 1,382 - 6,290	Target	Actual - 1,126 6,445	Target	Actual - 1,119 - 6,117	Target	Actual - 732 - 4,215	Target
Intake Calls Formalized into charges	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 614 - DNE	Target	Actual - 909 Target - DNE	Actual - 741 DNE	Target	Actual - 715 DNE	Target	Actual - 674 DNE	Target	Actual - 454 DNE	Target
Employment Cases Received	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 1028 DNE	Target	Actual - 1078 - DNE	Actual - 1026 DNE	Target	Actual - 977 DNE	Target	Actual - 938 DNE	Target	Actual - 856 DNE	Target
Employment Cases Closed	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 765 Target - DNE		Actual - 796 Target - DNE	Actual - 914 Target - DNE		Actual - 938 Target - DNE		Actual - 1003 Target - DNE		Actual - 703 Target - DNE	
Employment Cases Successfully Mediated	Output	Agency selected	Not Known	July 1, 2015 - June 30, 2016	Actual - 58 - DNE	Target	Actual - 57 Target - DNE	Actual - 101 - DNE	Target	Actual - 77 Target - DNE		Actual - 63 DNE	Target	Actual - 59 - DNE	Target
Funds Collected at Mediation	Output	Agency selected	Not Known	July 1, 2015 - June 30, 2016	Actual - \$585,583 Target - DNE		Actual - \$342,475 Target - DNE	Actual - \$720,046 Target - DNE		Actual - \$828,319 Target - DNE		Actual - \$618,841 - DNE	Target	Actual - \$430,907 Target - DNE	
Employment: Monetary Value of Settlements	Output	Agency selected	Not Known	July 1, 2015 - June 30, 2016	Actual - \$831,441 Target - DNE		Actual - \$690,866 Target - DNE	Actual - \$1,333,148 Target - DNE		Actual - \$1,304,428 Target - DNE		Actual - \$1,383,461 Target - DNE		Actual - \$937,557 Target - DNE	
Housing Cases Received	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 67 Target - DNE		Actual - 58 Target - DNE	Actual - 74 Target DNE		Actual - 55 Target - DNE		Actual - 75 Target - DNE		Actual - 49 Target - DNE	
Housing Cases Closed	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 64 Target - DNE		Actual - 46 Target - DNE	Actual - 46 Target -DNE		Actual - 78 Target - DNE		Actual - 76 -DNE	Target	Actual - 39 Target - DNE	
Housing Cases Conciliated	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 16 Target - DNE		Actual - 17 Target - DNE	Actual - 21 - DNE	Target	Actual - 15 - DNE	Target	Actual - 26 DNE	Target	Actual - 22 - DNE	Target
Public Accommodation / 90 e Cases Investigated	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 0 Target - DNE		Actual - 35 Target -DNE	Actual - 46 Target -DNE		Actual - 16 Target - DNE		Actual - 15 Target -DNE		Actual - 5 Target - DNE	
Community Relations Councils / Sustained & Created (Total number of Councils for the fiscal year in question)	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 23 Target - DNE		Actual - 23 Target - DNE	Actual - 10 Target -DNE		Actual - 17 Target - DNE		Actual - 17 Target -DNE		Actual - 19 Target - DNE	
State Agency Affirmative Action Plans Monitored (Affirmative Action Plans received	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 86 Target - DNE		Actual - 85 Target - DNE	Actual - 85 Target - DNE		Actual - 85 Target - DNE		Actual - 90 Target - DNE		Actual - 90 Target - DNE	
State Agencies Attaining 70% of Their AA Goals	Output	Agency selected	Not Known	July 1, 2015 - June 30, 2016	Actual - 78 Target - DNE		Actual - 77 Target - DNE	Actual - 76 Target - DNE		Actual - 83 Target - DNE		Actual - 87 Target -DNE		DNE	

Performance Measures
(Study Step 2: Performance)

Performance Measure	Type of Measure:	Agency selected; Required by State; or Required by Federal:	Who performs the best in the country on this measure? (could be gov't, private, etc.)	Time Applicable	Actual Results (& Target Results) Time Period #1 FY 2011-2012	Actual Results (& Target Results) Time Period #2FY 2012-2013	Actual Results (& Target Results) Time Period #3 FY 2013-2014	Actual Results (& Target Results) Time Period #4 FY 2014-2015	Actual Results (& Target Results) Time Period #5 (most recent completed time period)FY 2015-2016	Target Results Time Period #6 (current time period)July 2016- February, 2017
Training - External- # of Employment Training Sessions	Output	Agency selected	Not Known	July 1, 2015 - June 30, 2016	Actual - 23 Target - DNE	Actual - 13 Target - DNE	Actual - 21 Target - DNE	Actual - 24 Target - DNE	Actual - 31 Target - DNE	Actual - 15 Target - DNE
Training - Internal # of Training Sessions	Output	Agency selected	Not Known	July 1, 2015 - June 30, 2016	DNE	DNE	Actual - 8 Target - DNE	Actual - 22 Target - DNE	Actual - 18 Target - DNE	Actual - 12 Target - DNE

Strategic Plan Summary
(Study Step 1: Agency Legal Directives, Plan and Resources; and Study Step 2: Performance)

Agency Responding	Human Affairs Commission
Date of Submission	4/17/2017

Mission: "The mission of the South Carolina Human Affairs Commission is to eliminate and prevent unlawful discrimination in:

- employment on the basis of race, color, national origin, religion, sex, age and disability;
- housing on the basis of race, color, national origin, religion, sex, familial status and disability; and
- public accommodations on the basis of race, color, national origin and religion, thereby promoting harmony and the betterment of human affairs for all citizens."

Legal Basis: S.C. Code Ann. § 1-13-20; S.C. Code Ann. § 31-21-20 et. seq.; S.C. Code Ann. § 45-9-10

Vision: The vision of the South Carolina Human Affairs Commission is to be well-known with a positive image that is understood and accepted by the public. SCHAC is a fully resourced, customer-friendly agency with a diverse, well-trained, and efficient team working together effectively in a safe and supportive environment to prevent unlawful discrimination for the citizens

Legal Basis: Legal Basis: S.C. Code Ann. § 1-13-20 et seq.; S.C. Code Ann. § 31-21-20 et. seq.; S.C. Code Ann. § 45-9-10 et seq

		2015-16		2016-17						
		Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend	Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend					
		46; 41	\$ 2,757,828.61	49; 42	\$ 3,378,043.48					
		2015-16		2016-17						
Strategic Plan Part and Description (2016-17) (e.g., Goal 1 - Insert Goal 1; Strategy 1.1 - Insert Strategy 1.1; Objective 1.1.1 - Insert Objective 1.1.1)	Intended Public Benefit/Outcome: (Ex. Outcome = incidents decrease and public perceives that the road is safer)	# of FTE equivalents utilized	Total amount spent	# of FTE equivalents planned to utilize	Total amount budgeted	Associated Performance Measures	Associated Organizational Unit(s)	Responsible Employee Name & Time staff member has been responsible for the goal or objective (e.g. John Doe (responsible less than 3 years) or Jane Doe (responsible more than 3 years))	Does this person have input into the budget for this goal, strategy or objective? (Y/N)	Partner(s), by segment, the agency works with to achieve the objective (Federal, State, or Local Government; Higher or K-12 Education Institute; Private Business; Non-Profit Entity; Individual; or Other)
Goal 1 - Prevent and Eliminate Employment Discrimination										
Strategy 1.1. - Implement a process of hiring and training employment Investigators	Agency will be able to efficiently investigate complaints of employment investigations	DNE	\$ -	3	\$ 179,488.00	See below		Lori Dean (responsible more than 3 years) John Dave Smith (responsible less than 3 years) Sharon Dorn (responsible less than 3 years)	Lori Dean - Yes John Dave Smith - No Sharon Dorn - No	State Government
Objective 1.1.1 - Provide monthly training sessions related to employment law for 15 employment investigators in FY 2016-2017	Ensure staff is properly trained to complete timely investigations	DNE	\$ -	3	\$ 195,150.00	Intake Calls and Initial Inquiries; Intake Calls Formalized into charges; Employment Cases Received; Employment Cases Closed; Employment: Monetary Value of Settlements; Training - Internal	Compliance	Dan Koon (responsible more than 3 years) John Dave Smith (responsible less than 3 years) Sharon Dorn (responsible less than 3 years)	Dan Koon - No John Dave Smith - No Sharon Dorn - No	Federal Government
Objective 1.1.2 - Institute a workplace mentoring program for Investigator I employees during FY 2016-2017	Ensure staff is properly trained to complete timely investigations	3	\$ 183,329.52	3	\$ 195,150.00	Employment Cases Received; Employment Cases Closed; Employment: Monetary Value of Settlements	Compliance	Dan Koon (responsible more than 3 years) John Dave Smith (responsible less than 3 years) Sharon Dorn (responsible less than 3 years)	Dan Koon - No John Dave Smith - No Sharon Dorn - No	Federal Government
Strategy 1.2 - Implement a reliable and measurable tracking system for the time it takes to process and investigate an employment discrimination complaint	Agency will decrease time it takes to process charges to meet the goal of 180 days	3	\$ 173,873.60	3	\$ 175,310.12	See below	Compliance	Dan Koon (responsible more than 3 years) Vicki Miller (responsible more than 3 years) Margaret H Ellis (responsible more than 3 years)	Dan Koon - No Vicki Miller - No Margaret H Ellis - No	Federal Government
Objective 1.2.1 - Decrease the average amount of case processing time of 263 days to investigate a charge of discrimination from the date of filing by 20% or 210 days by June 30, 2017	Agency will decrease time it takes to process charges to meet the goal of 180 days	5	\$ 342,107.14	6	\$ 410,930.39	Employment Cases Received; Employment Cases Closed; Employment Cases Successfully Mediated; Funds Collected at Mediation; Employment: Monetary Value of Settlements	Compliance	Commissioner Raymond Buxton, II (responsible more than 3 years) Dan Koon (responsible more than 3 years) John Dave Smith (responsible less than 3 years) Sharon Dorn (responsible less than 3 years) Lee Ann Rice (responsible less than 3 years) Emma Bennett-Williams (responsible less than 3 years)	Commissioner Raymond Buxton - No Dan Koon - No John Dave Smith - No Sharon Dorn - No Lee Ann Rice - No Emma Bennett-Williams - No	Federal Government
Goal 2 - Prevent and Eliminate Housing Discrimination										
Strategy 2.1 - Enhance the awareness of the Housing Division to include the awareness of the Agency in under-served counties	To prevent and eliminate housing in underserved counties	1	\$ 44,042.94	1	\$ 59,273.00	See below	Compliance/Fair Housing	Marvin Caldwell (responsible more than 3 years)	Yes	Federal Government
Objective 2.1.1 - Finalize a Fair Housing Outreach Plan by December 31, 2016	Education and Outreach	1	\$ 44,042.94	1	\$ 59,273.00	Housing Cases Received	Compliance/Fair Housing	Marvin Caldwell (responsible more than 3 years)	Yes	Federal Government
Objective 2.1.2 - Hire a Fair Housing Outreach Liaison by December 16, 2016	Education and Outreach	1	\$ 4,519.35	1	\$ 18,077.40	Housing Cases Received	Compliance/Fair Housing	Luis Mendoza (responsible less than 3 years (hired 10/17/16)	No	Federal Government
Strategy 2.2 - Implement an efficient processing system for Housing Discrimination Complaints	Agency will be able to efficiently investigate complaints of housing complaints	1	\$ 44,042.94	1	\$ 59,273.00	See below	Compliance/Fair Housing	Marvin Caldwell (responsible more than 3 years)	Yes	Federal Government
Objective 2.2.1 - Process 60% of all Housing cases within 100 days during FY 2016-17	Agency will decrease time it takes to process charges to meet the goal of 100 days	DNE	\$ -	7	\$ 269,514.61	Housing Cases Closed; Housing Cases Conciliated	Compliance/Fair Housing	Marvin Caldwell (responsible more than 3 years) Donald Frierson (responsible less than 3 years) Constance Jenkins (responsible more than 3 years) Tamiko Johnson (responsible more than 3 years) Anthony Sellers (responsible less than 3 years) Deborah Thomas (responsible more than 3 years) Luis Mendoza (responsible less than 3 years) Deloris Jenkins (responsible less than 3 years)	Marvin Caldwell - Yes Donald Frierson - No Constance Jenkins - No Tamiko Johnson - No Anthony Sellers - No Deborah Thomas - No Luis Mendoza - No Deloris Jenkins - No	Federal Government

Strategic Plan Summary
(Study Step 1: Agency Legal Directives, Plan and Resources; and Study Step 2: Performance)

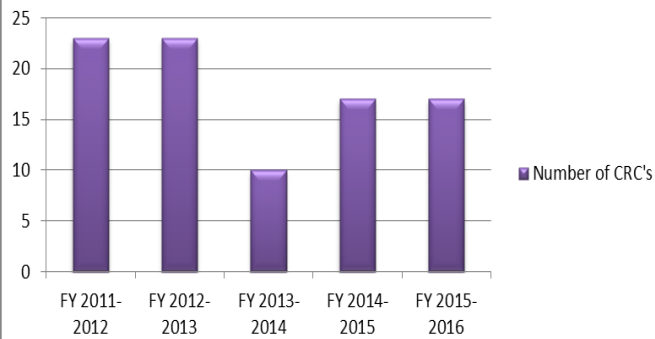
		2015-16		2016-17						
		Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend	Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend					
		46; 41	\$ 2,757,828.61	49; 42	\$ 3,378,043.48					
Strategic Plan Part and Description (2016-17) (e.g., Goal 1 - Insert Goal 1; Strategy 1.1 - Insert Strategy 1.1; Objective 1.1.1 - Insert Objective 1.1.1)	Intended Public Benefit/Outcome: (Ex. Outcome = incidents decrease and public perceives that the road is safer)	# of FTE equivalents utilized	Total amount spent	# of FTE equivalents planned to utilize	Total amount budgeted	Associated Performance Measures	Associated Organizational Unit(s)	Responsible Employee Name & Time staff member has been responsible for the goal or objective (e.g. John Doe (responsible less than 3 years) or Jane Doe (responsible more than 3 years))	Does this person have input into the budget for this goal, strategy or objective? (Y/N)	Partner(s), by segment, the agency works with to achieve the objective (Federal, State, or Local Government; Higher or K-12 Education Institute; Private Business; Non-Profit Entity; Individual; or Other)
Objective 2.2.2 - Conduct on-site investigations for all cases identified as problematic cases during FY 2016-2017	Agency will be able to efficiently investigate complaints of housing investigations	DNE	\$ -	6	\$ 243,649.61	Housing Cases Closed	Compliance/Fair Housing	Marvin Caldwell (responsible more than 3 years) Donald Frierson (responsible less than 3 years) Constance Jenkins (responsible more than 3 years) Anthony Sellers (responsible less than 3 years) Deborah Thomas (responsible more than 3 years) Luis Mendoza (responsible less than 3 years) Deloris Jenkins (responsible less than 3 years)	Marvin Caldwell - Yes Donald Frierson - No Constance Jenkins - No Anthony Sellers - No Deborah Thomas - No Luis Mendoza - No Deloris Jenkins - No	Federal Government
Goal 3 - Educate Citizens about the use of Legal Remedies to Achieve Justice and Fairness										
See below										
Strategy 3.1 - Empower the Legal and Mediation Departments with authority as provided by law.	Provide recourses provided to charging parties	1	\$ 54,708.22	1	\$ 59,368.00	See below	Administration/Legal	Lee Ann Rice (responsible less than 3 years)	No	Federal Government
Objective 3.1.1 - Litigate probable cause cases that cannot be conciliated in the Fair Housing Division during FY 2016-17	Hold accountable discriminating respondents in SC	2	\$ 67,280.68	2	\$ 111,292.00	None	Administration/Legal	Lee Ann Rice (responsible less than 3 years) Randy A Pate (responsible less than 3 years)	No	Federal Government
Objective 3.1.2 - Hold an administrative hearing for an employment or housing case by June 30, 2017	Holding accountable discriminators in Employment or Housing	DNE	\$ -	3	\$ 161,292.00	None	Administration/Legal	Lee Ann Rice (responsible less than 3 years) Randy A Pate (responsible less than 3 years) Emma Williams-Bennett (responsible less than 3 years)	No	Federal Government
Objective 3.1.3 - Increase the number of mediated cases from the current level of 20% to 25% during FY 2016-17	Efficiently resolve more cases filed with the agency	2	\$ 87,538.41	2	\$ 88,905.00	Employment Cases Successfully Mediated; Funds Collected at Mediation; Housing Cases Conciliated; Public Accommodation / 90 e Cases Investigated	Administration/Legal	Lee Ann Rice (responsible less than 3 years) Tracie Mefford (responsible less than 3 years)	No	Federal Government
Strategy 3.2 - Promote legislation to update and standardize the laws and regulations of the Commission	Mandatory mediations will increase the number of complaints that we serve	1	\$ 104,070.00		\$ 104,070.00	See below	Administration/Legal	Commissioner Raymond Buxton, II (responsible more than 3 years)	Yes	No
Objective 3.2.1 - Continue to engage and educate members of the General Assembly for proposed changes to existing statues during FY 2016-17	Mandatory mediations will increase the number of complaints that we serve	1	\$ 104,070.00	1	\$ 104,070.00	None	Administration/Legal	Commissioner Raymond Buxton, II (responsible more than 3 years)	Yes	No
Goal 4 - Foster Culturally Sensitive and Socially Inclusive Communities State Wide										
See below										
Strategy 4.1 - Create and sustain existing Community Relations Councils in 46 counties	Promotes harmony and foster goodwill, mutual understanding and respect among the residents of SC	DNE	\$ -	2	\$ 88,042.00	See below	Consultative Services/Community Relations	Saundra Ligon (responsible more than 3 years) Anita Dantzler (responsible less than 3 years)	Saundra Ligon - No Anita Dantzler - No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.1.1 - Increase the number of counties with Community Relations Councils from 17 to 22 during FY 2016-17	Promotes harmony and foster goodwill, mutual understanding and respect among the residents of SC	DNE	\$ -	2	\$ 88,042.00	Community Relations Councils / Sustained & Created	Consultative Services/Community Relations	Saundra Ligon (responsible more than 3 years) Anita Dantzler (responsible less than 3 years)	Saundra Ligon - No Anita Dantzler - No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.1.2 - Sustain the current leadership in existing Community Relations Councils per minimum requirement during FY 2016-17	Promotes harmony and foster goodwill, mutual understanding and respect among the residents of SC	2	\$ 81,174.16	2	\$ 88,042.00	Community Relations Councils / Sustained & Created	Consultative Services/Community Relations	Saundra Ligon (responsible more than 3 years) Anita Dantzler (responsible less than 3 years)	Saundra Ligon - No Anita Dantzler - No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Strategy 4.2 - Implement technology platform and external Communication campaign to expand the network of Community Relations Councils	Promote best practices among Community Relations Councils	1	\$ 30,698.32	1	\$ 36,137.00	See below	Consultative Services/Community Relations	Anita Dantzler (responsible less than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.2.1 - Distribute an electronic newsletter devoted to Community Relations Councils on a monthly basis during FY 2016-17	Promote best practices among Community Relations Councils	1	\$ 51,919.52	1	\$ 55,086.00	Community Relations Councils / Sustained & Created	Consultative Services/Community Relations	Betty Dennis (responsible less than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.2.2 - Develop the agency web page to communicate periodic updated information to all Community Relations Councils during FY 2016-17	Promote best practices among Community Relations Councils	1	\$ 30,698.32	1	\$ 36,137.00	Community Relations Councils / Sustained & Created	Consultative Services/Community Relations	Anita Dantzler (responsible less than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other

Strategic Plan Summary
(Study Step 1: Agency Legal Directives, Plan and Resources; and Study Step 2: Performance)

		2015-16		2016-17						
		Total # of FTEs available; and filled	Total amount appropriated and Authorized to Spend	Total # of FTEs available; and filled	Total amount appropriated and Authorized to Spend					
		46; 41	\$ 2,757,828.61	49; 42	\$ 3,378,043.48					
Strategic Plan Part and Description (2016-17) (e.g., Goal 1 - Insert Goal 1; Strategy 1.1 - Insert Strategy 1.1; Objective 1.1.1 - Insert Objective 1.1.1)	Intended Public Benefit/Outcome: (Ex. Outcome = incidents decrease and public perceives that the road is safer)	# of FTE equivalents utilized	Total amount spent	# of FTE equivalents planned to utilize	Total amount budgeted	Associated Performance Measures	Associated Organizational Unit(s)	Responsible Employee Name & Time staff member has been responsible for the goal or objective (e.g. John Doe (responsible less than 3 years) or Jane Doe (responsible more than 3 years))	Does this person have input into the budget for this goal, strategy or objective? (Y/N)	Partner(s), by segment, the agency works with to achieve the objective (Federal, State, or Local Government; Higher or K-12 Education Institute; Private Business; Non-Profit Entity; Individual; or Other)
Strategy 4.3 - Promote the Quality of Life Initiative in all Community Relations Councils	Promote best practices among Community Relations Councils	1	\$ 50,475.84	1	\$ 51,905.00	See below	Consultative Services/Community Relations	Saundra Ligon (responsible more than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.3.1 - Conduct Quality of Life Initiative meetings with 5 Community Relations Councils during FY 2016-17	Promote best practices among Community Relations Councils	DNE	\$ -	1	\$ 51,905.00	None	Consultative Services/Community Relations	Saundra Ligon (responsible more than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Goal 5 - Advocate the compliance of Agency Affirmative Action Policies within all State Agencies										
See below										
Strategy 5.1 - Partner with all State Agencies to better monitor agency Affirmative Action policies	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	1	\$ 48,851.00	See below	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years)	No	State Government
Objective 5.1.1 - Conduct a computer analysis of each agency's hiring and promotion practices during FY 2016-17	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	3	\$ 121,492.00	State Agency AA Plans Monitored	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years) Erin Wilson (responsible more than 3 years) Sheila Gibbs (responsible less than 3 years)	Stephanie Price - No Erin Wilson - No Sheila Gibbs - No	State Government
Objective 5.1.2 - Review all State Agency Affirmative Action Reports and provide necessary recommendations to state agencies in developing and implementing non-discriminatory employment systems during FY 2016-17	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	3	\$ 121,492.00	State Agency AA Plans Monitored; Training - External	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years) Erin Wilson (responsible more than 3 years) Sheila Gibbs (responsible less than 3 years)	Stephanie Price - No Erin Wilson - No Sheila Gibbs - No	State Government
Strategy 5.2 - Provide affirmative action and employment law training to all State Agencies	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	2	\$ 131,481.00	See below	Consultative Services/Technical Services	Dan Koon (responsible more than 3 years) Stephanie Price (responsible more than 3 years)	Dan Koon - No Stephanie Price - No	State Government
Objective 5.2.1 - Conduct one statewide training program for all Affirmative Action (EEO) Officers during FY 2016-17	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	1	\$ 48,851.00	None	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years)	No	State Government
Objective 5.2.2 - Provide 12 EEO Employment Law training sessions for supervisors of state agencies requesting assistance during FY 2016-17	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	2	\$ 131,481.00	None	Consultative Services/Technical Services	Dan Koon (responsible more than 3 years) Stephanie Price (responsible more than 3 years)	Dan Koon - No Stephanie Price - No	State Government
Objective 5.2.3 - Organize one state-wide Affirmative Action Forum for all State Agencies during FY 2016-17.	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	3	\$ 121,492.00	None	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years) Erin Wilson (responsible more than 3 years) Sheila Gibbs (responsible less than 3 years)	Stephanie Price - No Erin Wilson - No Sheila Gibbs - No	State Government

Attachment B

Community Relations Councils/ Sustained and Created

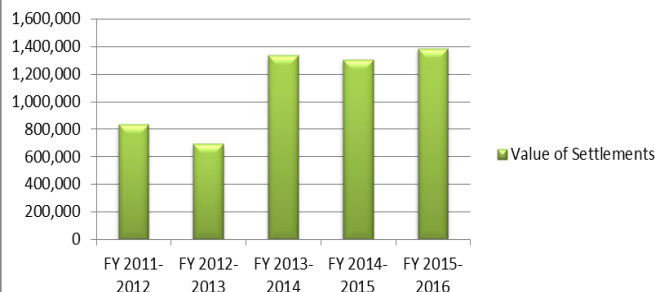


Community Relations Councils/ Sustained & Created

Fiscal Year	Number of CRC's
FY 2011-2012	23*
FY 2012-2013	23*
FY 2013-2014	10
FY 2014-2015	17
FY 2015-2016	17

* CRC's created prior to 2010 Reduction in Force took place. Thus no staff to maintain.

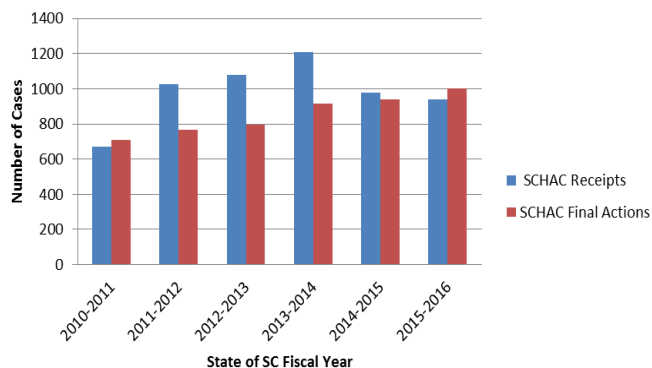
Employment: Monetary Value of Settlements



Employment: Monetary Value of Settlements

Fiscal Year	Value of Settlements
FY 2011-2012	831,441
FY 2012-2013	690,866
FY 2013-2014	1,333,148
FY 2014-2015	1,304,428
FY 2015-2016	1,383,461

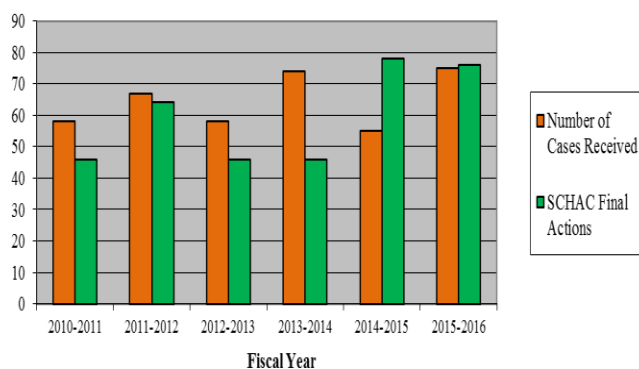
Total Number of SCHAC Receipts vs. Total Number of SCHAC Final Actions



State of SC Fiscal Year	SCHAC Receipts	SCHAC Final Actions
2010-2011	672	709
2011-2012	1028	765
2012-2013	1078	796
2013-2014	1206	914
2014-2015	977	938
2015-2016	938	1003
Average	983	854

*** Averages are rounded to the nearest whole number***

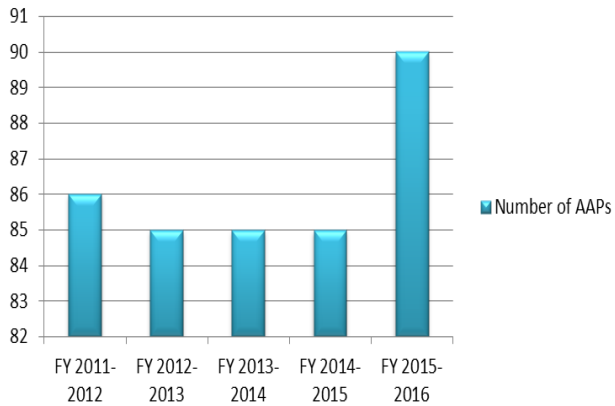
Total Cases Received vs. SCHAC Final Actions



Fiscal Year	Number of Cases Received	SCHAC Final Actions
2010-2011	58	46
2011-2012	67	64
2012-2013	58	46
2013-2014	74	46
2014-2015	55	78
2015-2016	75	76
Average	65	59

*** Averages are rounded to the nearest whole number***

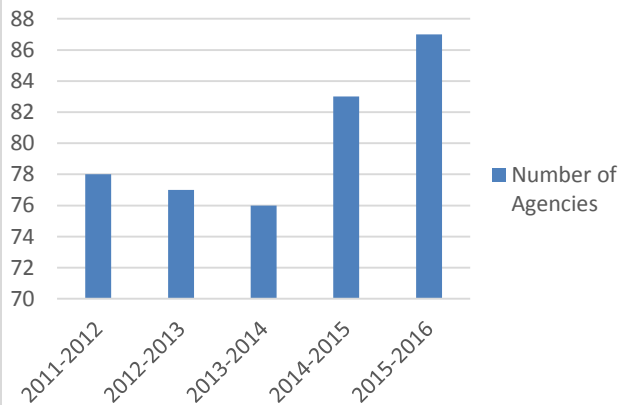
State Agency AA Plans Monitored



State Agency AA Plans Monitored

Fiscal Year	Number of AAPs
FY 2011-2012	86
FY 2012-2013	85
FY 2013-2014	85
FY 2014-2015	85
FY 2015-2016	90

State Agencies Attaining 70% of Their Affirmative Action Goals



State Agencies Attaining 70% of Their Affirmative Action Goals

Fiscal Year	Number of Agencies
2011-2012	78
2012-2013	77
2013-2014	76
2014-2015	83
2015-2016	87

Attachment C

NIKKI R. HALEY, CHAIR
GOVERNOR

CURTIS AL. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL



SC BUDGET AND CONTROL BOARD

Human Resources Division
Samuel L. Wilkins
DIRECTOR

803-896-5300
FAX 803-896-5050

HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE
COMMITTEE

W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS
COMMITTEE

MARCIA S. ADAMS
EXECUTIVE DIRECTOR

December 15, 2014

Ms. Lori Dean
Human Resources Director
SC Human Affairs Commission
1026 Sumter Street
Columbia, SC 29201

Dear Ms. Dean:

The results of the audit of your delegated transactions from July 1, 2012 to June 30, 2014 are attached. Thank you for your assistance during the audit.

Should you have any questions regarding your agency's audit results, please feel free to contact me at 803-896-5056. It was a pleasure to meet you.

Sincerely,

Cheryl Hinson
Human Resources Division

Enclosure

c: Mr. Raymond Buxton, Jr.

CLASSIFICATION DELEGATION AUTHORITY
Human Affairs Commission
December 15, 2014

I. Audit Period: July 1, 2012 thru June 30, 2014

II. Auditor: Cheryl Hinson

III. Delegated Reclassification Actions: Printouts on file with OHR

7/1/12 - 6/30/14

Total Number of Reclassifications: 8

Total Number of Actions Audited: 8

IV. Sampling Size: 100%

V. Purpose of Audit:

1. To determine if internal procedures are established for the review and processing of delegated classification actions.
2. To determine if the agency maintains an approved copy of the classification delegation agreement and all other correspondence related to its classification delegation program.
3. To determine whether delegated position descriptions are filed for ease of retrieval and review.
4. To determine whether the job duties on the position description are appropriate to the classification of the position.
5. To determine whether the position descriptions include: internal titles (if used), essential and marginal functions, percentages of time spent on each job duty, and appropriate coding and signatures.
6. To determine whether the class code and position number is correct on each position description.
7. To determine if authorized or effective dates on position descriptions fall on or after the approval date.

VI. Findings:

1. The agency was able to produce a copy of the classification delegation agreement.

2. Two position descriptions for vacant positions were not present (position number 60027452 and 60027568). The current Human Resources Director started at the Human Affairs Commission in January, 2013. Position descriptions were not up to date at that time. The HR Director has updated all position descriptions for filled positions. Therefore, the findings below are based on a sample size of six positions, with the exception of Finding 6.
3. 100% or 6 out of the 6 actions that were reviewed were appropriately classified.
4. Out of the six position descriptions audited the following was noted:
 - **Appropriate coding and signatures**
 - 0% or 0 out of the 6 had the appropriate coding and signatures.
 - **Appropriate class code and position number**
 - 83.33% or 5 out of the 6 had the class code and position number.
 - **FLSA designation**
 - 100% or 6 out of the 6 actions audited had the FLSA designation
 - **State minimum training and experience**
 - 100% or 6 out of the 6 actions audited had minimum training and experience that at least met the State minimum classification specification
 - **Essential and marginal functions**
 - 100% or 6 out of the 6 actions audited had essential and marginal functions designated.
 - **Percentages of time spent on each job duty**
 - 100% or 6 out of the 6 actions audited had percentages of time that equaled 100%.
5. Because the approval dates and effective dates were not indicated on the position descriptions it was not possible to determine whether the actions were approved before or on the effective date.
6. 25% or 2 out of the 8 classification actions audited were missing position descriptions.

VII. Recommendation(s):

- **PD/Class Specification Comparison**
 - No recommendations.
- **Minimum Training and Experience**
 - No recommendations.
- **Essential & Marginal Functions**
 - No recommendations.
- **Job Functions**

- No recommendations.
- **Coding & Signatures**
 - Ensure that position descriptions contain the appropriate coding and signatures. Ensure that the following fields are completed on each position description: the Office of Human Resources box, the Source of Funding, and the Required Action Information on page one of the position description.
- **FLSA**
 - No recommendations.
- **Class Code & Position #**
 - Ensure that the class code and position number are present on each position description and that they match the position number in SCEIS for a given class code and slot.
- **Approval Dates & Effective Dates**
 - Ensure that there are not retroactive actions by approving reclassifications prior to their effective dates.
- **Missing Delegated Position Descriptions**
 - Maintain and present position descriptions on all delegated classification actions. Ensure that a current and accurate position description exists for each position within the agency.
- **Agency Maintain Copy of Classification Delegation Agreement**
 - No Recommendations.

VIII. Summary:

Implementation of the recommendations made in this report will ensure that the agency remains in compliance with the classification delegation agreement.

HIRE ABOVE MINIMUM DELEGATION AUTHORITY
Human Affairs Commission
December 15, 2014

- I. Audit Period Covered: July 1, 2012 – June 30, 2014
- II. Auditor: Cheryl Hinson
- III. Delegated Hire Above Minimum Actions: Printouts on file with OHR
7/1/12 - 6/30/14
Number Hired Above Minimum: 13
Number of Actions Audited: 13
- IV. Sampling Size: 100 %
- V. Purpose of Audit:
1. To determine if internal procedures are established for the review and documentation of delegated hire above minimum actions.
 2. To determine if the agency maintains an approved copy of the hire above minimum delegation agreement and all other correspondence related to its hire above minimum delegation program.
 3. To determine whether hire above minimum documentation is filed for ease of retrieval and review.
 4. To determine whether proper documentation exists for each hire above minimum action, to include:
 - A completed employment application with salary history and dates of employment
 - Position title, class code and slot to include internal title, if used
 - Pay band and salary range
 - Proposed salary above minimum
 - Agency average salary, internal title average salary
 - Statewide average salary, if applicable
 - Justification statement to include not only that the applicant exceeds the minimum requirements, but also a description of why the salary is needed to hire the individual (e.g., market, recruiting/retention difficulties, most qualified and little time needed for training, etc.)
 - Hire date
 - Authorized signature and date of approval

5. To determine whether actions are approved prior to the hire date of the applicant.
6. To determine whether actions are true new hires, or whether another action code, such as promotion, demotion, or transfer is appropriate.
7. To determine whether recommendations from previous audits have been implemented.

VI. Findings:

1. The agency was able to produce its copy of the hire above minimum delegation agreement.
2. This section summarizes the documentation for each hire above minimum action. There were a total of 13 hire above minimum actions audited.

- **Completed Application Including Employment Dates** -100% or 13 out of the 13 actions audited had a completed application including employment dates.
- **Title/Class (including internal title)** - 100% or 13 out of the 13 actions audited had the title/class. The agency did not have a salary justification form with this information. However, the information was found on the application for each position.
- **Pay Band/Salary Range** -77% or 10 out of the 13 actions audited had the pay band and salary range. Again, while the agency did not use a salary justification form, this information was present for ten of the thirteen actions because the job posting was included in the documentation.
- **Proposed Salary Above Minimum** - 0% or 0 out of the 13 actions audited had the proposed salary and percentage above minimum.
- **Average Salary Data** - 0% or 0 out of the 13 actions audited had average salary data.
- **Justification Statement of HAM** - 0% or 0 out of the 13 actions audited had an adequate justification statement.
- **Approval Date on or Prior to Hire Date** - 100% or 13 out of the 13 actions audited had the approval date on or prior to the hire date. It was apparent that the actions were approved prior to the effective date based on the date on the job offer letters which were included in the documentation.
- **Authorized Signature & Approval Date** - 100% or 13 out of the 13 actions audited had an authorized signature and/or approval date. The signature and date on the job offer letters indicated that the actions were approved prior to the effective date.
- **New hires coded appropriately** - 100% or 13 out of the 13 actions audited were coded correctly as a new hires.

VII. Recommendations:

- ^ **Completed Application including Employment Dates** - No Recommendations.
- ^ **Title/Class (including internal title)** - No Recommendations.
- ^ **Pay Band/Salary Range** - Ensure the correct pay band/salary range for the position is recorded on your internal approval form. A sample salary justification form was provided to the Human Resources Director for future use.
- ^ **Proposed Salary Above Minimum** - Ensure the proposed salary above minimum is recorded on your internal approval form.
- ^ **Average Salary Data** Ensure the state average salary is recorded on your internal approval form. This will assist the agency in making equitable pay decisions on a statewide basis. Also include the agency average salary data if the agency has other individuals in the State classification.
- ^ **Justification Statement of HAM** - Ensure that a justification statement is present for each hire above minimum action. The justification statement should include reasons above and beyond the fact that the applicant has training and experience which exceeds the minimum requirements. Justification statements need to be job related, factual, and non-discriminatory.
- ^ **Approval Date on or prior to Hire Date** No Recommendations.
- ^ **Authorized Signature & Approval Date** - No Recommendations.
- ^ **Did Employee Come from Other State Agency** - No Recommendations.
- ^ **Delegation Contract on File** - No Recommendations.

VIII. Summary:

Continued focus on the implementation of the recommendations made in this report will strengthen this agency's hire above minimum delegation in the future. Implementation and consistent use of the salary justification form will ensure that all required documentation is present for each hire above minimum action. While the rationale for hiring decisions was not documented on a salary justification form, it is noted that the Commissioner and Human Resources Director did discuss and agree on each hiring salary prior to a job offer being made.



THE SOUTH CAROLINA
DEPARTMENT *of* ADMINISTRATION

Nikki R. Haley, Governor
Marcia S. Adams, Executive Director

DIVISION *of* STATE HUMAN RESOURCES
Kim Aydlette, Director
8301 Parklane Road, Suite A220
Columbia, SC 29223
803.896.5300
803.896.5050 fax

June 16, 2016

Ms. Lori Dean
Administrative Manager
SC Human Affairs Commision
1026 Sumter Street
Columbia, South Carolina 29201

Dear Ms. Dean:

The results of the audit of your delegated transactions from July 1, 2014 to June 30, 2015 are attached. Thank you for your assistance during the audit.

Should you have any questions regarding your agency's audit results, please feel free to contact me at 803-896-5194.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Spiller' or similar, written over a faint, larger signature.

Spencer Miller
Consultant

Enclosure

c: Mr. Raymond Buxton, II



HIRE ABOVE MINIMUM DELEGATION AUTHORITY
Human Affairs Commission
June 16, 2016

- I. Audit Period Covered: July 1, 2014 – June 30, 2015
- II. Auditors: Spencer Miller & Debbie Clark
- III. Delegated Hire Above Minimum Actions: Printouts on file with OHR

7/1/14 - 6/30/15
Number Hired Above Minimum: 5
Number of Actions Audited: 5
- IV. Sampling Size: 100 %
- V. Purpose of Audit:
 1. To determine if internal procedures are established for the review and documentation of delegated hire above minimum actions.
 2. To determine if the agency maintains an approved copy of the hire above minimum delegation agreement and all other correspondence related to its hire above minimum delegation program.
 3. To determine whether hire above minimum documentation is filed for ease of retrieval and review.
 4. To determine whether proper documentation exists for each hire above minimum action, to include:
 - A completed employment application with salary history and dates of employment
 - Position title, class code and slot to include internal title, if used
 - Pay band and salary range
 - Proposed salary above minimum
 - Agency average salary, internal title average salary
 - Statewide average salary, if applicable
 - Justification statement to include not only that the applicant exceeds the minimum requirements, but also a description of why the salary is needed to hire the individual (e.g., market, recruiting/retention difficulties, most qualified and little time needed for training, etc.)
 - Hire date
 - Authorized signature and date of approval

5. To determine whether actions are approved prior to the hire date of the applicant.
6. To determine whether actions are true new hires, or whether another action code, such as promotion, demotion, or transfer is appropriate.
7. To determine whether recommendations from previous audits have been implemented.

VI. Findings:

1. The agency was able to produce its copy of the hire above minimum delegation agreement.
2. This section summarizes the documentation for each hire above minimum action. There were a total of 5 hire above minimum actions audited.
 - **Completed Application Including Employment Dates** -100% or 5 out of the 5 actions audited had a completed application including employment dates.
 - **Title/Class (including internal title)** – 100% or 5 out of the 5 actions audited had the title/class.
 - **Pay Band/Salary Range** -100% or 5 out of the 5 actions audited had the pay band and salary range.
 - **Proposed Salary Above Minimum** - 40% or 2 out of the 5 actions audited had the proposed salary and percentage above minimum. All hire above minimum actions had the proposed salary; however, 3 out of 5 actions did not list the percent above the minimum.
 - **Average Salary Data** - 40% or 2 out of the 5 actions audited had average salary data. None of the hire above minimum actions had the state average salary data; however, 2 out 5 actions had the agency average salary data recorded.
 - **Justification Statement of HAM** - 40% or 2 out of the 5 actions audited had an adequate justification statement.
 - **Approval Date on or Prior to Hire Date** - 100% or 5 out of the 5 actions audited had the approval date on or prior to the hire date.
 - **Authorized Signature & Approval Date** - 100% or 5 out of the 5 actions audited had an authorized signature and/or approval date.
 - **New hires coded appropriately** - 100% or 5 out of the 5 actions audited were coded correctly as a new hires.

VII. Recommendations:

- A **Completed Application including Employment Dates** - No Recommendations.
- A **Title/Class (including internal title)** - No Recommendations.
- A **Pay Band/Salary Range** -No Recommendations.

- ^ **Proposed Salary Above Minimum** – Ensure that the percentage above the minimum is recorded.
- ^ **Average Salary Data** Ensure the state and agency average salary is recorded on your internal approval form. This will assist the agency in making equitable pay decision.
- ^ **Justification Statement of HAM** - Ensure that a justification statement is present for each hire above minimum action. The justification statement should include reasons why the salary is needed to hire the applicant. For example, how the applicant exceeds the minimum requirements of the position, relevant market salary data, difficulty in recruiting/retaining, most qualified for the position, specialized/technical expertise, uniqueness of job in relation to training and experience, or level of job within the classification, and little time needed to train candidate.
- ^ **Approval Date on or prior to Hire Date** No Recommendations.
- ^ **Authorized Signature & Approval Date** - No Recommendations.
- ^ **Did Employee Come from Other State Agency** - No Recommendations.
- ^ **Delegation Contract on File** - No Recommendations.

VII. Summary:

Continued focus on the implementation of the recommendations made in this report will strengthen the agency's hire above minimum delegation in the future. Consistent use of the Hire Above Minimum Justification Form will ensure that all required documentation is present for each hire above minimum action. To further strengthen your salary justification, explain how the data included in the analysis was used to determine the specific salary recommended.

CLASSIFICATION DELEGATION AUTHORITY
Human Affairs Commission
June 16, 2016

I. Audit Period: July 1, 14 thru June 30, 2015

II. Auditors: *Spencer Miller & Debbie Clark*

III. Delegated Reclassification Actions: Printouts on file with DSHR

7/1/14 - 6/30/15

Total Number of Reclassifications: 10

Total Number of Actions Audited: 10

IV. Sampling Size: 100%

V. Purpose of Audit:

1. To determine if internal procedures are established for the review and processing of delegated classification actions.
2. To determine if the agency maintains an approved copy of the classification delegation agreement and all other correspondence related to its classification delegation program.
3. To determine whether delegated position descriptions are filed for ease of retrieval and review.
4. To determine whether the job duties on the position description are appropriate to the classification of the position.
5. To determine whether the position descriptions include: internal titles (if used), essential and marginal functions, percentages of time spent on each job duty, and appropriate coding and signatures.
6. To determine whether the class code and position number is correct on each position description.
7. To determine if authorized or effective dates on position descriptions fall on or after the approval date.

VI. Findings:

1. The agency was able to produce a copy of the classification delegation agreement.

2. The agency had 100% or 10 out of the 10 actions that were appropriately classified.
3. Out of the position descriptions audited the following was noted:
 - **Appropriate coding and signatures**
 - 100% or 10 out of the 10 had the appropriate coding and signatures
 - **Appropriate class code and position number**
 - 100% or 10 out of the 10 had the class code and position number.
 - **FLSA designation**
 - 100% or 10 out of the 10 actions audited had the FLSA designation
 - **State minimum training and experience**
 - 100% or 10 out of the 10 actions audited had minimum training and experience that at least met the State minimum classification specification
 - **Essential and marginal functions**
 - 100% or 10 out of the 10 actions audited had essential and marginal functions designated.
 - **Percentages of time spent on each job duty**
 - 100% or 10 out of the 10 actions audited had percentages of time that equaled 100%.
4. The agency had 80% or 8 out of the 10 actions audited that were approved before or on the effective date.
5. 0% or 0 out of the 10 classification actions audited were missing position descriptions.

VII. Recommendation(s):

- **PD/State Specification Comparison**
 - No Recommendations.
- **Minimum Training and Experience**
 - No Recommendations.
- **Essential & Marginal Functions**
 - No Recommendations.
- **Job Functions**
 - No Recommendations.
- **Coding & Signatures**
 - No Recommendations.
- **FLSA**
 - No Recommendations.

- **Class Code & Position #**
 - No Recommendations.
- **Approval Dates & Effective Dates**
 - Ensure that reclassification actions are approved prior to the effective date.
- **Missing Delegated Position Descriptions**
 - No Recommendations.
- **Agency maintain copy of classification delegation agreement**
 - No Recommendations.

VIX Summary:

It appears that the decisions made by the agency during this audit period regarding reclassification actions are sound. The agency is in compliance with the classification delegation agreement.

Attachment D

U.S. Department of Housing and Urban Development



SEP 3 0 2008

Georgia State Office
Five Points Plaza
40 Marietta Street
Atlanta, GA 30303-2906

Mr. Jesse Washington
Commissioner
South Carolina Human Affairs Commission
P. O. Box 4490
Columbia, SC 29240

Dear Mr. Washington:

Subject: Fair Housing Assistance Program
Performance Assessment
South Carolina Human Affairs Commission

On August 20-21, 2008, Pat Green and Marshall Pendelton of the Columbia FHEO Office conducted an on-site performance assessment of your agency. The assessment covered the period from July 1, 2007 through June 30, 2008. Based upon the practices, and performance of the agency at the time of the review, the U.S. Department of Housing and Urban Development (hereinafter, HUD) recommends that your agency receive continuing certification as a substantially equivalent agency under Section 810(f)(3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. If you should have questions, please contact your Government Technical Monitor, Marshall Pendelton at (803) 253-3281. We appreciate your cooperation during this assessment, and look forward to our continued partnership to insure equal housing opportunities for all our citizens.

Sincerely yours,

Vicki A. Ray for

James N. Sutton
FHEO Region IV Director
Regional Office of FHEO

Enclosure

cc:

Vicki A. Ray, Louisville FHEO Center Director

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
REGION IV OFFICE
OF
FAIR HOUSING AND EQUAL OPPORTUNITY

PERFORMANCE ASSESSMENT
FAIR HOUSING ASSISTANCE PROGRAM



South Carolina Human Affairs Commission
2611 Forrest Drive
Columbia, SC 29201

REVIEWERS:

Marshall Pendelton
Equal Opportunity Specialist

Pat Green
Columbia FHEO Director

REVIEW PERIOD:

July 1, 2007 – June 30, 2008

DATE OF ASSESSMENT:

August 20-21, 2008

AGENCY: South Carolina Human Affairs Commission (SCHAC)
2611 Forrest Drive
Columbia, SC 29201

DATE: September 30, 2008

PERFORMANCE PERIOD: July 1, 2007 through June 30, 2008

BACKGROUND:

Authorities

The performance assessment was conducted in accordance with 24 CFR Parts 115 Certification and Funding of State and Local Fair Housing Enforcement Agencies, Sections 115.210(c) Annual Assessments; Section 115.203, Performance Standards; Section 115.309, Reporting and record keeping requirements; and the Fair Housing Assistance Cooperative Agreement.

Purpose of the Assessment

The Performance Assessment provides the basis for the Department of Housing and Urban Development, (HUD), The Office of Fair Housing and Equal Opportunity (FHEO), to determine whether the South Carolina Human Affairs Commission (SCHAC) is eligible to receive full certification as a substantially equivalent fair housing enforcement agency. Additionally, the review was to assess the administrative and enforcement capacity of the SCHAC, and its current practices and performance within the past year with respect to the processing of housing complaints. In making the assessment, appropriate data was gathered and analyzed to determine if each performance standard was met as set forth in HUD's revised regulations at 24 CFR Part 115.206.

I. PERFORMANCE STANDARDS (24 CFR 115.206):

- a. STANDARD 1: Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.**

i. Case Processing:

The SCHAC processed and closed a total of 59 cases in this performance period. Twenty-five (42%) cases were reviewed for compliance with Departmental guidelines. Each file indicated that the agency followed the HUD recommended guidelines for processing complaints.

The specific procedures the agency used for processing complaints include: intake of complaint, determination of jurisdiction, identify the issues in the complaint, determine approaches to resolution, investigate complaints, compose letters of findings and resolution, and develop settlement agreements.

The files reviewed indicated that all investigations were conducted onsite. Information obtained from the files reviewed indicated that in almost all cases sufficient data to address investigations was obtained during the investigation. However, in some cases the information and data obtained in the investigation, and presented in TEAPOTS was not consistent. For example, relevant or pertinent information reviewed in the case file was not documented or fully reported in TEAPOTS. Information needs to be more detail when being put into TEAPOTS.

ii. Commencement of Proceedings:

A review of the agency's closed cases indicated that it commenced the investigations within the prescribed time period of thirty days.

The agency made proper contacts within a reasonable time period in 100 percent of the cases (i.e. sent out Respondent's data request letters, interviewed the Complainant(s), Respondent(s) and other witnesses, etc.).

The agency is deficient * (33 of 59 cases = 59 percent) with reference to the prescribed 100 days processing time:

0-100 days - * 26 cases
 100-150 days - 9 cases
 151-200 days - 10 cases
 201-250 days - 4 cases
 251-300 days - 3 cases
 301+ days - 7 cases **

The agency was deficient in its performance goal to close at least *53 percent of all cases within 100 days, excluding any recommended cause cases. During the performance period the agency reported one case that took over **one year to close or to complete the investigation.

b. STANDARD 2: Administrative Closures are utilized only in limited and appropriate circumstances.

Twelve (20%) cases processed were administratively closed during the performance period. One closed for "lack of jurisdiction", four closed because the Complainant "failed to cooperate", six were "withdrawn by the Complainant without resolution" and one was "withdrawn with resolution".

i. Lack of Jurisdiction:

1. Davis v. CCO Mortgage (04-08-0235-8) closed less than 100 days

ii. Failure to Cooperate:

1. Hughey v. Regions Bank (04-08-0149-8) closed in less than 100 days.

2. Moal v. AHEP Management Co. (04-08-0463-8) closed in less than 100 days
3. Bryant v. Bank of America (04-08-0377-8) closed in less than 50 days.
4. Kind v. Canterbury Apts. (04-08-0637-8) closed in less than 100 days.

iii. Withdrawal with Resolution:

1. Watson v. Columbiana Ridge Apts. (04-08-0439-8) closed in less than 150 days.

iv. Withdrawal without Resolution:

1. Wells v. Cambridge Investment (04-08-0031-8) closed in less than 100 days.
2. Stuckey v. Carroll (04-08-0671-8) closed in less than 100 days.
3. Urbi v. Young (04-08-0291-8) closed in less than 100 days.
4. Pinkey v. Ascot Homeowners (04-07-0759-8) closed in less than 130 days.
5. Silver v. Miller Pond HOA (04-07-1361-8) closed in less than 150 days.
6. Coletta v. Anderson/Forestridge Apts. (04-07-1124-8) closed in less than 200 days

c. STANDARD 3: During the period beginning with the filing of a complaint and ending with the filing of a charge or dismissal, the agency will, to the extent feasible, attempt to conciliate the complaint.

The Conciliation Agreements were all written to protect the public's interest and provided specified relief for the complainant(s). Of the 59 cases processed this performance period, six (10%) were successfully conciliated with settlement. Each case indicated that the complainant(s) were not coerced into signing the Conciliation Agreement.

The following cases were conciliated and reviewed for compliance:

- i. Gayle v. Colonial Villa (04-07-1304-8)
- ii. Cohen v. Alexander Realty (04-07-1419-8)
- iii. Jones v. Security Realty (04-08-0502-8)
- iv. Hugenin v. Drew/Bonnie's Mobile Home Park (04-07-1011-8)
- v. Nguyen v. Ravenwood (04-08-0063-8)
- vi. Friger v. Creekside Apts. (04-07-1207-8)

In the review of each case file, there was no indication the complainant(s) were not satisfied with the investigation and resolution of his/her complaint.

d. STANDARD 4: The agency conducts compliance reviews of settlements, conciliation agreements and orders resolving discriminatory housing practices.

i. The following conciliation agreements were reviewed for terms, conditions and application of authority to seek damages:

1. Grant v. TN Development (04-07-1173-8)
2. Rogers v. Eller (04-07-1225-8)
3. Addis V. McKenna Commons (04-07-1411-8)
4. Haughney v. Anchor Rentals (04-08-0086-8)
5. Koziarski V. Pal Harbor (04-08-0047-8)
6. Jones v. Security Realty (04-08-00478)

ii. An assessment of the agency's procedures for conducting compliance reviews:

The agency from time to time, reviews compliance with conciliation agreement, and, if necessary, recommends to the South Carolina Attorney General that a civil action be filed to seek the enforcement of the terms of the agreement.

e. STANDARD 5: The agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.

i. An assessment of types of relief sought. The types of relief received for each reviewed conciliation is as follows:

1. Grant v. TN Development – (04-07-1173-8) Complainant received a reduction in rent and fees for total settlement of \$672.00.
2. Rogers v. Eller - (04-07-1225-8) Complainant able to maintain and keep lease agreement on a month to month basis.
3. Addis v. McKenna Commons - (04-07-1411-8) Respondent agrees to bear all cost of moving the handicap space from its existing location to over eight (8) spaces towards the center of the building.

4. Haughney v. Anchor Rentals. – (04-08-0086-8) Complainant security deposit refunded, \$707.00
5. Koziarski v. Palm Harbor Homes – (04-08-0047-8) Complainant received \$600.00 in refund of security deposit and rent amount reduced from \$650.00 per month to \$625.00.
6. Jones v. Security Realty. – (04-08-0528-8) Respondents agreed to refund Complainant's security deposit of \$460.00

The actions taken by the agency were appropriate in most of the cases that were reviewed. The agency negotiated and received relief for the complainants in all 15 conciliations settled by the agency. Relief and/or awards were sought in each case.

f. STANDARD 6: The agency must consistently and affirmatively seek to eliminate all prohibited practices under its fair housing law.

i. Education and Outreach:

The agency's fair housing staff conducted and/or assisted with conducting a total of 20 educational and outreach training sessions during this performance period. These educational and training sessions were presented to protected classes of individuals, housing providers, business owners, lenders, stakeholders and residents of the community at large. Topics covered a wide variety of information and issues regarding the Fair Housing Act and related housing industry concerns. The following are an example of some of the education, training and outreach efforts SCHAC staff performed this past performance period between July 1, 2007 and June 30, 2008:

Education and Outreach Activities	FHAP Personnel Conducting Event	Date of Event	Summary of Training
Outreach Attended Public Hearing Charleston, SC	Delaine Frierson	July 24, 2007 150 Attending Charleston, SC	Discussion of National Community Reinvestment Coalition (NCRC) report, which states Charleston area, is the worst in the nation for nonwhite buyers.
Training Property Management Staff Training for housing provider	Delaine Frierson	August 7, 2007 50 Attending Florence, SC	Training provided to apartment workers concerning discrimination.
Training PARTNERSHIP Property Management Company	Delaine Frierson	August 7, 2007 Columbia, SC 50 Attending	Fair Housing Requirements
Training/Outreach		August 10, 2007	Housing education strategies

William Thomas Academy	Jesse Washington	Sumter, SC 100 Attending	and Fair Housing Law
Outreach/Education and Seminar US Civil Rights Commission, Regional Office	Jesse Washington	September 19, 2007 Columbia, SC 15 Attending	Fair Housing Laws and Rights of citizen therein
Outreach/Workshop Greater Florence Chamber of Commerce.	Jesse Washington	January 28 , 2008 Florence, SC 100 attendees	Responsibilities of Business and Community under the Fair Housing Law.
Education/Outreach Institute for Public Service & Policy	Jesse Washington	March 3, 2008 Columbia, SC SC USC 20 Persons Attending	Foundation and operation of the State and Federal Fair Housing Law.
Staff Training Charleston Trident Assoc of Realtors	Delaine Frierson	March 14, 2008 Charleston, SC 35 Attendees	Training for apartment managers and other housing providers.
Outreach/Education Contact person Angela Terry	Delaine Frierson	April 17, 2008 Orangeburg, SC Orangeburg Community Development Corporation 45 Attendees	Home Buyers Education Workshop - History of Fair Housing Act

- ii. **Discussions:** Discussions were held with the agency's staff pertaining to their duties and responsibilities regarding the application and enforcement of both the federal and their state fair housing law. The agency did not identify any amendments, court decisions or other rulings or documentation that may affect the agency's ability to carry out provisions of its fair housing law.
- g. **STANDARD 7: The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the federal Fair Housing Act and the agency's fair housing ordinance.**
- i. The population of the jurisdiction served by the SCHAC is 4,321,249.
 - ii. The agency has participated in the FHAP for 11 years.
 - iii. The agency has received and processed 187 cases over the past 3 years: 2005/2006 - 65 cases; 2006/2007-63 cases; and 2007/2008 – 59 cases.

Based on the above information, the agency receives and processes a reasonable number of complaints cognizable under the Fair Housing Act.

- h. STANDARD 8: The agency must report to HUD on the final status of all dual-filed complaints where a determination of reasonable cause was made.**

During this rating period, the agency did not process or report any 'cause' cases. However, a possible cause case was under investigation at the time of the onsite review.

- i. STANDARD 9: The agency must conform its performance to the provisions of any written agreements executed by the agency and the Department related to substantial equivalency certification.**

The agency conforms its performance to the written requirements of the MOU. There was no evidence of any deviations.

II. ADDITIONAL REQUIREMENTS/DISCUSSIONS AND REVIEWS:

a. Budget

Expenditures:	FY 06-07	FY 07-08	FY 08-09	FY 09-10 (EST.)
Salaries & Benefits	2,295,891	2,274,815	2,519,489	2,417,542
Other Operating Costs	482,133	473,671	454,395	470,543
Total Expenditures	2,778,024	2,748,487	2,973,884	2,888,085
Funding:				
State Appropriation	1,812,267	2,240,433	2,110,856	2,110,856
Federal Funds (HUD)	230,708	160,780	177,528	166,576
Federal Funds (EEOC)	659,191	336,883	685,500	610,653
Other:				
Capital Reserve	75,857	10,391		
Total Funding	2,778, 0274	2,748,487	2,793,884	2,888,085(est.)

An audit of the agency was conducted this year. The process for releasing information to the public is through the Freedom of Information Act. Access to agency files, pertinent books, reports and records, is permitted to any duly authorized HUD official or duly authorized representatives of the agency.

The law administered by the agency has not changed. With the addition of three new investigators it is anticipated that all aged cases will be closed within the current performance year.

III. FHAP AGENCY ADMINISTRATION AND ORGANIZATION:

a. Staffing:

SCHAC is staffed by a total of 40 full-time employees. The fair housing division is staffed with 10 full and part-time employees that perform duties in the state of South Carolina. Within the last year two investigators retired or left the agency; however, three investigators and a staff attorney have been added to the housing staff. A new intake assistant/administrative was also hired last year. The new investigators and other staff members are scheduled to receive fair housing training during September 2008 at the Fair Housing Training Academy in Washington, D.C. Although the new staff will be receiving fair housing training at the academy, additional training regarding the processing of complaints will be provided by the local FH&EO office.

NAME	POSITION
Delaine Frierson	Director, F H Division -- full-time (18 years)
Herb Lanford	Executive Assistant -- part-time (10 months)
Ralph Hale	Legal Counsel - part-time (18 years)
Octavia Wright	Staff Attorney - part-time (3 months)
Jessica White	Investigator/Conciliator -- full-time (12 months)
Reginald Martin	Investigator/Conciliator -- full-time (4 months)
Marvin Caldwell	Investigator/Conciliator -- full-time (3 months)
Jawanda Moore	Administrative Assistant -- part-time (12 months)
John Jones	Intake Director -- part-time (8 months)
Don Frierson	Intake Consultant -- part-time (17 years)

b. Training:

During the performance year staff did not attend any fair housing training at the NTHTA. A total of four staff members will be attending the NTHTA during September 2008.

Delaine Frierson, Fair Housing Director attended the IAOHRA and NAHRW Conference during September 2007 in Atlanta, Georgia.

c. Data Support Systems:

Each staff member has a Dell computer that runs on Window XP software. In addition to the TEAPOTS system the South Carolina Human Affairs Commission uses an Access-based system which allows the agency to do the following:

Complaints

Add new complaints and input the jurisdictional information
 Look up cases by the year filed (This goes back to 1990.)
 Look up cases by SHAC #

Look up cases by the HUD #

Generate the following reports:

Aging Summary

Closed Reports

Closures between dates

Closure Summary by Close Code

HUD Reports

FHAP Voucher Detail

HUD Monthly Reports

Transfers to HUD

IV. CONCLUSIONS AND RECOMMENDATIONS:

The agency's overall performance as an equivalent fair housing enforcement entity has positively impacted the attitudes of the constituency of the State of South Carolina. The agency is currently going through an adjustment period due to the departure of both of its senior investigators. However, the agency continues to illustrate a positive impact in the community with its strong effort to eliminate discrimination in South Carolina's housing industry, neighborhoods and communities.

Based upon the examination of the current practices and performance of the South Carolina Human Affairs Commission, it is recommended that the agency continues as a substantially equivalent agency under the Fair Housing Assistance Program.

SIGNATURE PAGE

Marshall L. Pendelton
 Marshall L. Pendelton
 Equal Opportunity Specialist, GTM
 Columbia Field Office
 Office of Fair Housing and Equal Opportunity

Date 9-30-08

Patricia W. Green
 Pat W. Green, FHEO Director
 Columbia Field Office
 Office of Fair Housing and Equal Opportunity

Date 9/30/08

Vicki A. Ray
 Vicki A. Ray
 Louisville FHEO Center Director/GTR
 Office of Fair Housing and Equal Opportunity

Date 9/30/2008

Vicki A. Ray for
 James N. Sutton
 FHEO Region IV Director
 Regional Office of Fair Housing and Equal Opportunity

Date 9/30/2008



U.S. Department of Housing and Urban Development

Georgia State Office
Five Points Plaza
40 Marietta Street
Atlanta, GA 30303-2906

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

SEP 30 2009

Mr. Jesse Washington
Commissioner
South Carolina Human Affairs Commission
P. O. Box 4490
Columbia, SC 29240

Dear Mr. Washington:

Subject: Fair Housing Assistance Program
Performance Assessment
South Carolina Human Affairs Commission

On September 23, 2009, Marshall Pendelton of the Columbia FHEO Office conducted a performance assessment of your agency. The assessment covered the period from July 1, 2008 through June 30, 2009. Based upon the practices, and performance of the agency at the time of the review, the U.S. Department of Housing and Urban Development (hereinafter, HUD) recommends that your agency receive continuing certification as a substantially equivalent agency under Section 810(f)(3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. Your attention is directed to the areas of concern that are noted in the report. Please ensure that they are addressed within the timeframes indicated. If you should have questions, please contact your Government Technical Monitor, Marshall Pendelton at (803) 253-3281.

We appreciate your cooperation during this assessment, and look forward to our continued partnership to insure equal housing opportunities for all our citizens.

Sincerely yours,

for Vicki A. Ray
James N. Sutton
FHEO Region IV Director
Regional Office of FHEO

Enclosure

cc:

Vicki A. Ray, Louisville FHEO Center Director

**United State Department of Housing and Urban Decvelopment
Office of Fair Housing and Equal Opportunity
Region IV**

Performance Assessment Report



SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

**2611 Forest Drive, Suite 200
Columbia, South Carolina 29240**

Purpose: To determine whether the South Carolina Human Affairs Commission (SCHAC) engages in timely, comprehensive, and thorough fair housing complaint investigation conciliation and enforcement activities and therefore warrants continued certification as a substantially equivalent agency. This determination is based on SCHAC's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 C.F.R. Part 115.

Period of performance: June 30, 2008-July 1, 2009

Date of Remote Assessment: September 23, 2009

HUD Reviewer: Marshall Pendelton
Equal Opportunity Specialist/GTM

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I. Organizational Structure and Staffing

Fair Housing Unit

The housing unit is a division of the South Carolina Human Affairs Commission (SCHAC). The division is staffed with 10 full time employees. There are three females and seven males within the unit and the racial composition of the unit consists of eight African Americans/blacks and two Caucasians/whites.

HOUSING STAFF:

NAME	RACE	SEX	POSITION	LENGTH OF TIME IN HOUSING UNIT
Delaine Frierson	B	F	Director	19 years
Herb Lanford	W	M	Executive Assistant	16 months (No longer with Agency)
Ralph Haile	B	M	Legal Counsel	19 years
Octavia Wright	B	F	Staff Attorney	1 year 3 months
Jessica White	W	F	Investigator	2 years
Reginald Martin	B	M	Investigator	16 months
Marvin Caldwell	B	M	Investigator	15 months
Jawanda Moore	B	F	Administrative Assistant	2 years
John Jones	B	M	Intake Director	17 months (No longer with Agency)
Don Frierson	B	M	Intake Consultant	17 years (No longer with Housing Division)

SCHAC utilizes HUD Handbook 8024.01 as guidance in processing all housing complaints. Responsibilities of the investigators include conducting fair housing investigations and negotiating conciliations as part of the investigative process. All investigative conclusions are reviewed by the fair housing director and staff attorney before the issuance of any determination or enforcement actions. All case closures are approved by the Commissioner of the agency.

II. Performance Standards

- A. Performance Standard #1 (24 CFR 115.206(e)(1): Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.**

The specific procedures the agency uses for processing complaints include: intake of complaint, determination of jurisdiction, identification of the issues in the complaint,

determination of approaches to resolution, investigation of complaint, composure of letters of findings and resolution, and development of settlement agreements.

The initial intake of the complainant is conducted by the intake personnel. Once the jurisdictional element of the complaint is established and notification letters have been sent to all parties involved, the complaint is forwarded to the director of housing, who in terms reviews the complaint and assigns it to one of the investigators for investigation. However, if the complaint is a HUD referral generated by TEAPOTS, the complaint is immediately assigned an investigator by the housing director.

Thoroughness of Case Processing

The assessment of SCHAC's ability to process fair housing for the period of July 1, 2008 through June 30, 2009 was conducted remotely based upon information SCHAC placed into TEAPOTS. The review indicated SCHAC initiated contact with the complainant within 30 days or less in all except one instance for the cases reviewed. The agency used data request letters that were standardized to the investigation notifying the complainant and respondent that a complaint had been filed. In cases where SCHAC was not able to close or make a determination within 100 days, a letter was sent informing the parties of the reason (s) the investigation was not completed within that time period.

SCHAC closed a total of 86 cases during the review period from July 1, 2008 –June 30, 2009.

TYPE OF CASE CLOSURE	NUMBER OF CLOSURES	PERCENTAGE
No Cause Determination	47	55%
Cause Determination	1	1%
Conciliation	14	16%
Withdrawal with Settlement	0	0%
Administrative Closures	24	28%
TOTAL	86	100%

Number of Days	Number of Cases	Percentage
0-100	32	37%
101 to 150	28	33%
151 to 200	20	23%
201 to 250	3	3.5%
Over 250	3	3.5%
TOTAL	86	100%

SCHAC had a total of nine (9) cases reporting as over 300 days old.

04-08-0086-8: Crosby, Dawne M. v. Housing Authority of the City of Columbia (305 days)
 04-08-1765-8: Houska, Sharon v. Wachovia Mortgage, Inc. (330 days)
 04-08-1702-8: Henry, Marquita S. v. York, William J. (340 days)
 04-08-1654-8: Gaymon, Kevin v. Lancaster Landing, Inc. (348 days)
 04-08-1649-8: Gonzalez, Jose v. L & R Properties (349 days)
 04-08-1383-8: Capers, Ernestine v. Dimension One Management (396 days)
 04-08-0859-8: Wasson, Tara v. Fannie Ray (477 days)
 04-08-0652-8: Brown, Ervin & Mary H. (516 days)
 04-08-0146-: Hall, Carol L. v. The Biltmore (651 days)

Conclusion: The performance standard has been met.

B. Performance Standard #2 (24 CFR 115.206 (e) (2): Administrative closures are utilized only in limited and appropriate circumstances.

Administrative closures are defined as cases that are closed for the following reasons:

1. Complaint lacked jurisdiction
2. Agency was unable to locate the complainant
3. Complainant failed to cooperate with the investigation
4. Complaint withdrawn by the complainant without resolution
5. Inability to locate respondent
6. Trial already commenced
7. Unable to locate Respondent

Case Number	Case Name	Closure	Relief?	Age at closing
04-08-0501-8	Brown v. Craft	Failed to cooperate	N	130
04-08-0804-8	Kresch v. White Cables	Failed to cooperate	N	108
04-08-1838-8	Cantonwine v. Douglas	Failed to cooperate	N	68
04-08-0858-8	Ramey v. East Gate	Failed to cooperate	N	143
04-08-1557-8	Lindsey v. Tinsey Realty	Failed to cooperate	N	76
04-08-0478-8	Neal v. TDM	Withdrawal	N	176
04-09-0430-8	Rodas v. Pametto Palms	Failed to cooperate	N	57
04-09-0135-8	Ledford v. Pitts	Failed to cooperate	N	120
04-09-0528-8	Lincoln v. HA of Charleston	Failure to cooperate	N	34
04-09-0391-8	Kalu v. Henderson	Lack of jurisdiction	N	48

04-08-0495-8	Elias v. Oakview	Failed to cooperate	N	180
04-08-1027-8	Demaghaes v. Devito	Lack of jurisdiction	N	117
04-08-1375-8	Peak v. Clayton	Lack of jurisdiction	N	48
04-08-0813-8	Robles v. Rentz	Failed to cooperate	N	73
04-08-1392-8	Winderllyn v. Newbury Realty	Withdrawal	N	20
04-08-1276-8	Thomas v. Furman	Withdrawal	N	39
04-08-0361-8	Anderson v. Hudson	Withdrawal	N	191
04-08-1764-8	Wanamaker v. St. Andrews Apts.	Failed to cooperate	N	241
04-09-0609-8	Cruz v. Buckley	Withdrawal	N	112
04-09-0824-8	Twan v. Habor Handing Apts.	Withdrawal	N	83
04-09-0732-8	Osborne v. Tobin	Withdrawal	N	88
04-09-1057-8	Anderson v. Joab Dick	Failure to cooperate	N	69
04-09-0538-8	Howard v. Pinckney	Failure to cooperate	N	195
04-081546-8	McKay v. Thomas	Withdrawal	N	75

During the review period, SCHAC had 24 administrative closures, which represented 28% of all cases closed. It did not appear that SCHAC used the administrative closure process to keep from closing the cases on their merit.

Conclusion: The performance standard has been met.

- C. Performance Stand #3 (24 CFR 115.206(e)(3):** During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun.

The conciliation discussion begins as soon as the complaint is processed for investigation. During the review period, SCHAC closed 14 (16%) of the cases through conciliation. Each agreement indicated that the complainant(s) were not coerced into signing the Conciliation Agreement.

Conciliation is attempted by the investigator with both parties throughout the investigation of the complaint. This performance period the amounts of settlements were considerable higher than previous performance periods.

Conclusion: The performance standard has been met.

- D. Performance Standard (24 CFR 115.206(e) (4): the agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices.**

SCHAC from time to time, reviews compliance with conciliation agreement, and if necessary, recommends to the South Carolina Attorney General that a civil action be filed to seek the enforcement of the terms of the agreement.

Conclusion: The performance standard has been met.

- E. Performance Standard #5 (24 CFR 115.206(e)(5): the agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.**

SCHAC conciliated 14 cases during the review period with benefits to the complainant being actual monetary damages, reasonable accommodation and housing. Fair housing training is also included.

Case number	Case Name	Closure Code	Relief	Age at Closing
04-09-0369-8	McKnight v. Spring Hill Apts.	16	Retraction letter of curfew	78
04-08-1560-8	Smith v. Finley House	16	Reasonable Accommodation	21
04-08-0748-8	Davis v. Appian Way Apts.	16	Refund application fee \$35	254
04-08-0720-8	Bruce v. Pinehaven	16	\$830	130
04-09-0806-8	Miller v. Carothers	16	\$2,800	64
04-08-1452-8	Fairnot v. Chestnut Hill	16	Published community letter	195
04-09-0182-8	Olga v. Radcliffe	16		124
04-08-1220-8	Sanchez v. 1st. Choice Mtg.	16	\$4,450	188
04-08-0432-8	Youngblood v. Mills	16	\$575	187
04-09-0346-8	Fleming v. West Vista Apts.	16	\$400	111
04-09-0683-8	Greenleww V.	16	Housing	92

	Kingston Pointe			
04-09-0332-8	Kelly v. Smith	16		196
04-09-0054-8	Cyphers v. Foxwood	16	\$2,420.49	165
04-08-1449-8	McClintock v. First Palmetto Saving Bank	16	Re-review of loan application within 30 days	126

Conclusion: The performance standard has been met.

- F. Performance Standard #6 (24 CFR 115.206(e)(6):** The agency must consistently and affirmatively seek to eliminate all prohibited practices under its housing law.

The Agency's Fair Housing Staff conducted and or assisted with conducting 11 educational and outreach training sessions during this performance period. They were presented to protected classes, business owners, realtors, and residents of the community at large. Topics covered the history of the Fair Housing Act, and the community's rights and responsibilities under the Fair Housing Act and the South Carolina Fair Housing Law.

Conclusion: The performance standard has been met.

- G. Performance Standard #7 (24 CFR 115.206(e)(7):** The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance.

The TEAPOTS open case report dated 10/21/2008 beginning at the start of the Federal fiscal year, showed that SCHAC had 36 open cases. In the TEAPOTS closure report dated from 07/1/08 to 06/30/09, SCHAC closed 88 cases.

The regulations do not determine what constitutes a reasonable number of housing discrimination complaints that a given agency should receive and process, the Department conducts an agency-by agency analysis and makes a determination of what constitutes a reasonable number. The factors include, but are not limited to, the population of the jurisdiction, the length of time the agency participated in the FHAP program, and the number of complaints received and processed in the past.

Cities/Counties

Very Small	up to 60,000	2 complaints
Small	60,001-300,000	5 complaints
Medium	300,001-600,000	8 complaints
Large	600,001 -1,500,000	15 complaints

Very Large

1,500,001 and over

25 complaints

According to the 2000 U.S. Census Bureau Data, the population of the population of South Carolina is 4,321,249. Approximately 68% of the population is Caucasian/white, 29.9% are African American/black, 0.7% Native American, 1.1% Asian, and 2.4% Hispanic or Latino. The agency closed 88 cases during the review period. Therefore, SCHAC has processed a proper number of complaints during this review period.

Conclusion: The performance standard has been met.

H. Performance Standard #8 (24 CFR 115.206(e)(8): The agency must report to HUD on the final status of all dual –filed complaints where a determination of reasonable cause was made.

During the review period, SCHAC had 3 complaints in which it determined there was reasonable cause to believe that the Federal Fair Housing Act had been violated:

HUD Case Number	Case Name	Issue/Basis	Status
04-08-0416-8	Katy Lattice v. Allied Management Group	Disability	Closed 11/17/08 reactivated to HUD
04-08-0498-8	Adrian Cathcart v. Joe and Melodie Bowman	Rental/Race	Closed 8/18/08 settled for \$2,300
04-08-0271-8	Tammy Morton v. Pelican's Watch Condo Association	Disability/ Reasonable Accommodation	Closed 06/16/08 settled for \$4,450

Conclusion: The performance standard has been met.

I. Performance Standard #9 (24 CFR 115.206(e)(9): The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited interim agreement or MOU.

Under the Annual Performance Plan and the Management Plan, all FHAP agencies have the following performance measure to achieve during the 2009 HUD Fiscal Year of October 1, 2008 through September 30, 2009:

1. FHAP agencies will close 50% of fair housing complaints filed during the fiscal year within 100 days.
2. FHAP agencies will close or charge 95% of aged fair housing complaints within the fiscal year.

During the assessment period, SCHAC's performance against these performance measures was as follows:

50% Efficiency Goal

According to TEAPOTS, SCHAC closed 88 cases from 7/01/08 to 6/30/09, of which 32 (36%) were closed in less than 100 days. Therefore, SCHAC has not achieved this performance goal.

95% Aged Case Closure Goal

SCHAC had thirty-six (36) open cases on October 21, 2008, the beginning of the 2009 Federal Fiscal year. Of those, thirteen (13) were aged cases. According to the 06/30/09 TEAPOTS Closed Cases report, the agency closed all of the cases (100%) that were aged at the beginning of the FY. Therefore, the agency has met this goal.

Conclusion: The performance standard has been partially met.

III. Budget and Finance

Expenditures:	FY 06-07	FY 07-08	FY 08-09 (EST.)	FY 09-10
Salaries & Benefits	2,295,891	2,470,070	2,535,602	2,088,903
Other Operating Costs	482,133	492,999	492,999	393,042
Total Expenditures	2,778,024	2,963,069	3,028,601	2,481,945

Funding:

State Appropriation	1,812,268	2,244,925	2,310,476	1,590,952
Federal Funds (HUD)	177,528	182,728	182,726	177,528
Federal Funds (EEOC)	69,246	535,397	535,937	685,500
Other:				27,965
Capital Reserve		134,214		
Total Funding	2,793,256	2,963,050	3,029,139	

- A. The agency provided annual certifications to HUD, confirming that the agency spends at least 20% of its total operating budget (not including FHAP funds) on fair housing activities as required at 24 CFR § 115.307(5).
- B. FHAP funds are segregated from the agency's and the state government's other funds, and must be used for the purpose that HUD provided the funds as required at 24 CFR § 115.307(6). The agency did not commingle any FHAP funds with other funds.
- C. FHAP funds were used for the purpose of investigating complaints, training under the Fair Housing Act, maintenance of data and information systems and creation and

maintenance of data and information systems, development and enhancement of fair housing education and outreach projects.

D. The agency does draw down its funds in a timely manner as required at 24 CFR.

E. Audit Report: The agency was not audited during this fiscal year.

Conclusion: The performance requirement has been met.

IV. Reporting and Record Keeping Requirements

A. The agency maintains records demonstrating its financial administration of FHAP funds (24 CFR § 115.308(a)(1)).

B. The agency maintains records of its performance under FHAP, including all past performance assessment reports, performance improvement plans and other documents relative to the agency's performance in the FHAP (24 CFR § 115.308(a)(2))

C. The agency permits reasonable public access to its records as required at 24 CFR § 115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review)

D. The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United States, and any of their authorized representatives, has access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as they relate to the agency's participation in FHAP (24 CFR § 115.308(d))

E. All files are kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24 CFR § 115.308(e))

Conclusion: The performance requirement has been met.

V. Testing Requirements

Conclusion: This performance requirement is not applicable. The agency does not do testing.

VI. Additional Requirements

A. **Training** (24 CFR 115.306 (b): Each agency must send staff to mandatory FHAP training sponsored by HUD, including , but not necessarily limited to, the National Fair Housing Training Academy and the National Fair Housing Policy Conference. In September 2009 five staff members attended training at the National Fair Housing Training Academy.

B. Data Support System Requirement (24 CFR 115.307 (a)(3):

Each staff member has a Dell computer that runs on Window XP software. In addition to the TEAPOTS system the South Carolina Human Affairs Commission uses an Access-based system which allows the agency to do the following:

Complainants:

1. Add new information and input the jurisdictional information
2. Look up cases by the year filed. This goes back to 1990.
3. Look up cases by SHAC #.
4. Look up cases by HUD #.

Generate the following reports:

1. Aging Summary
2. Closed Reports
3. Closures between dates
4. Closure summary by closure code

HUD Reports:

1. FHAP Voucher Detail
2. HUD Monthly Reports
3. Transfers to HUD

Open Case Reports

1. By Age
2. By Investigator

Conclusion: The agency is in compliance with this requirement.

- C. Changes Limiting Effectiveness of Agency's Law (24 CFR § 115.211):** If a state or local fair housing law that HUD deemed substantially equivalent to the Act is amended; or rules or procedures concerning the fair housing law are adopted; judicial or other authoritative interpretations of the fair housing law are issued, the interim certified or certified agency must inform the Assistant Secretary of such amendment, adoption or interpretation within 60 days of its discovery.

There have not been any changes to the law such as amendments, adoptions or interpretations of the agency's fair housing law that have not been reported to HUD within 60 days.

Conclusion: The performance requirement is not applicable.

D. Civil Rights Requirements

The agency is in compliance with all relevant federal civil rights laws, including Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504

of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the standards of Section 3 of the Housing and Urban Development Act of 1968.

Conclusion: The performance requirement has been met.

E. Subcontracting Requirement (24 CFR § 115.309):

The agency does not

Conclusion: The performance requirement is not applicable.

F. FHAP and the First Amendment

The agency does not use funding made available under FHAP to investigate or prosecute any activity that may be protected by the First Amendment of the United States Constitution as prohibited at 24 CFR § 115.310.

Conclusion: The performance requirement has been met.

VII. Conclusion and Any Corrective Actions

The assessment of SCHAC's performance reveals that it has met the performance requirements in administering its law and has demonstrated its ability to continue to perform as a substantially equivalent agency. This report has included a detailed examination of SCHAC's performance which demonstrates that the agency produces work products that satisfy the requirements set forth in 24 CFR § 115.203.

Cases were investigated in an acceptable manner. Files contained logs, jurisdictional information, documents and statements from complainants and respondents, notification letters to all parties and closure letters. The agency adheres to requirements of the Cooperative Agreement and promptly takes administrative actions for each complaint.

It is recommended that the South Carolina Human Affairs Commission (SCHAC) maintain its certification as a substantially equivalent agency under the Fair Housing Assistance Program.

SCHAC has demonstrated the ability to comply with the performance standards, set forth in HUD regulations 24 CFR § 115.203, however, there was one concern and one finding noted for the agency to address.

1. **Concern:** Budget and Finance Requirements - Audits
According to 24 CFR § 115.307(a)(10), "The agency must be audited and receive copies of the audit reports in accordance with applicable rules and regulations of the state and local government in which it is located." The review revealed that the agency did not have an audit during the assessment period.

Recommended Corrective Action: The agency should provide a copy of a current audit to HUD within 180 days. If this is impractical to do so, the agency is required to provide an explanation and a target submission date for receipt of the audit.

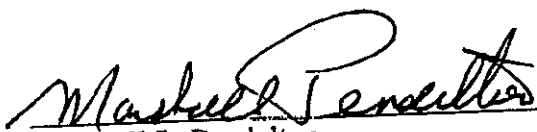
- G. **Finding:** During this review period, SCHAC closed 32 (36%) of its investigations within 100 days. FHAP agencies should be closing a minimum of 50% of their cases within 100 days.

Recommended Corrective Action: The agency must submit a plan of action within 30 days outlining steps that will be taken to improve their efficiency rate for closing cases within 100 days.

VIII. Exhibits


N/A

SIGNATURE PAGE



Marshall L. Pendelton
Equal Opportunity Specialist, GTM
Columbia Field Office
Office of Fair Housing and Equal Opportunity

9-30-09
Date

for 

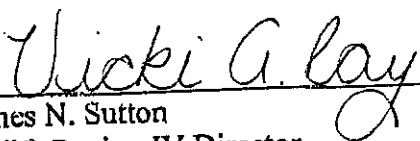
Pat W. Green, Acting FHEO Director, GTR
Columbia Field Office
Office of Fair Housing and Equal Opportunity

9/30/2009
Date



Vicki A. Ray
Louisville FHEO Center Director
Office of Fair Housing and Equal Opportunity

9/30/2009
Date

for 

James N. Sutton
FHEO Region IV Director
Regional Office of Fair Housing and Equal Opportunity

9/30/2009
Date



U. S. Department of Housing and Urban Development
Georgia State Office
Five Points Plaza
40 Marietta Street
Atlanta, GA 30303-2806

SEP 27 2011

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Ralph H. Hale, Interim Commissioner
State of South Carolina Human Affairs Commission
2611 Forest Drive, Suite 200
P. O. Box 4490
Columbia SC 29240

Dear Mr. Hale:

Subject: Fair Housing Assistance Program
Performance Assessment – FY 2011
State of South Carolina Human Affairs Commission

On July 20-22, 2011, an on-site performance assessment of your agency was conducted. The assessment covered the period from July 1, 2010 through June 30, 2011. Based upon the practices and performance of the agency at the time of the review, the U.S. Department of Housing and Urban Development (hereinafter, HUD) recommends that your agency receive continuing certification as a substantially equivalent agency under Section 810(f) (3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. If you should have questions, please contact your Government Technical Monitor, Marshall L. Pendelton at (803) 253-3281. We appreciate your cooperation during this assessment, and look forward to our continued partnership to insure equal housing opportunities for all our citizens.

Sincerely,

Carlos Osegueda
FHEO Region IV Director
Regional Office of FHEO

Enclosure

cc: Natasha J. Watson, Louisville FHEO Center Director

**HUD's mission is to create strong, sustainable, inclusive communities
and quality affordable homes for all.**

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**United State Department of Housing and Urban Decvelopment
Office of Fair Housing and Equal Opportunity
Region IV**

Performance Assessment Report

**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION
2611 Forest Drive, Suite 200
Columbia, South Carolina 29240**

Purpose: To determine whether the South Carolina Human Affairs Commission (SCHAC) engages in timely, comprehensive, and thorough fair housing complaint investigation conciliation and enforcement activities and therefore warrants continued certification as a substantially equivalent agency. This determination is based on SCHAC's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 C.F.R. Part 115.

Period of Performance: July 1, 2010 - June 30, 2011

Date(s) of Onsite Assessment: July 20 - 22, 2011

HUD Reviewer: Marshall Pendelton
Civil Rights Analyst/Investigator (GTM)

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I. Organizational Structure and Staffing

Fair Housing Unit

The South Carolina Human Affairs Commission (SCHAC) housing division is presently staffed with only two full time employees. The State of South Carolina reduction in finance to the agency because of the economy and the state's hardship resulted in over a 60% reduction in staff from last year to two employees. However, from the period of October 1, 2010 until July 15, 2011 the two employees in the housing unit were considered full-time employees but furloughed to work only 26 hours a week. The investigators were required to investigate both employment and housing discrimination complaints. Under the current program year, the agency's funding has been increased and the housing division is again investigating only housing complaints and will be adding an additional investigator/staff employee. There is one male and one female within the unit and both are African American (Black):

HOUSING STAFF:

HOUSING STAFF					
NAME	RACE	SEX	POSITION	TITLE & GRADE	LENGTH OF TIME IN HOUSING UNIT
Delaine Frierson	B	F	Director		21 years
Reginald Martin	B	M	Investigator		3 years 3 months

HUD Handbook 8024.01 is utilized as guidance in processing all housing complaints. Responsibilities of the investigators include conducting fair housing investigations and negotiating conciliations as part of the investigative process of fair housing complaints filed with the agency and those referred by HUD. All investigative conclusions are reviewed by the fair housing director and staff attorney before the issuance of any determination or enforcement actions. All case closures are approved by the interim commissioner of the agency who was appointed in March 2011, after retirement of the former commissioner. The interim commissioner is also the agency's legal attorney.

Board of Commissioners

<u>Name</u>	<u>Term Expiration</u>	<u>Sex</u>	<u>Race</u>
John Oakland (Chair)	06/30/11	M	W
Wade Arnette	06/30/12	M	W
Cheryl Ludlam	06/30/11	F	H
Joe Fragale	06/30/11	M	W
Reverend Willie Thompson	06/12/12	M	B
Susan Davis Bowers	06/30/05	F	W

Although the term for four of the commissioners has expired, they remain on the board until the Governor names a replacement.

II. Performance Standards

A. Performance Standard #1 (24 CFR 115.206(e)(1)): Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.

The initial intake of the complaint is conducted by the fair housing director or the investigator and notification letters are immediately sent to all parties once jurisdiction has been established. The complaint is then assigned to an investigator by the housing director for initiation of the investigation. However, if the complaint is a HUD referral generated by TEAPOTS, the complaint is immediately assigned an investigator by the housing director.

Once the complaint has been assigned to an investigator, the investigation is scheduled to be completed within 90 days and the housing director is notified that the case is ready for administrative review. If the investigation is not completed within 100 days, the complainant and respondent are notified by certified letter (100 day letter) the reason why the investigation has not been completed. After the housing director has reviewed the case file, it is then forwarded to legal and the commissioner for review and signature. If the commissioner or legal disagrees with the recommendation or type of closure, the parties will meet to discuss the case or if the decision is that the complaint needs further investigation, it is returned to the investigator. This process is utilized for all case closures, including "Cause" cases.

Thoroughness of Case Processing

During the review period the agency was monitored on an on-going bases to determine if investigations were initiated before the 30th day once jurisdiction was established. In over 97% of the 54 cases received for investigation by the agency, the investigation was initiated within 30 days. The agency closed 52 cases and the average number of days to close a case was 168 days. The cases were closed in the following manner:

TYPE OF CASE CLOSURE	NUMBER OF CLOSURES	PERCENTAGE
No Cause Determination	32	62%
Cause Determination	02	04%
Conciliation	06	12%
Complaint Withdrawn without Settlement	0	0%
Administrative Closures	12	22%
TOTAL	52	100%

Number of Days	Number of Cases	Percentage
0-100	14	27%
101 to 150	09	17.5%
151 to 200	09	17.5%
201 to 250	12	23 %
Over 250	08	15%

Based upon the TEAPOT report dated 8/3/10, two cases listed below were critically aged over 300 days at the beginning of the performance period, but both cases were closed during the performance period. Also during the performance period, one critically aged case was waived back to HUD for investigation:

1. 04-10-0144-8
Wallace, P. v. Piedmont Construction Company (308 days-closed)
2. 04-09-1115-8
Brown, P. v. Tom Kuhn, Caldwell United Realtors (432) days-closed)
3. 04-09-1190-8
Ronald Crissey v. The Villages and Manor of White Knoll HOA (waived to HUD)

Conclusion: The performance standard has been met.

B. Performance Standard #2 (24 CFR§115.206 (e) (2): Administrative closures are utilized only in limited and appropriate circumstances.

Administrative closures are defined as cases that are closed for the following reasons:

1. Complaint lacked jurisdiction
2. Agency was unable to locate the complainant
3. Complainant failed to cooperate with the investigation
4. Complaint withdrawn by the complainant without resolution
5. Inability to locate respondent
6. Trial already commenced

During the review period, SCHAC had eleven administrative closures, which represented 21% of all cases closed. Based upon review of the cases, it did not appear that SCHAC used the administrative closure process to keep from closing the cases on its merit. The following cases were closed administratively:

Case Number	Case Name	Closure	Relief?	Age at closing
04-10-1026-8	Lavern Lincoln v. Housing Authority for the	Failed to Cooperate	N	53 days old

	City of Charleston			
04-10-1180-8	June Ridosh v. Clifford Sprouse	Failed to Cooperate	N	55 days old
04-10-1060-8	Charmis Green v. Farrow	Lack of Jurisdiction	N	124 days old
04-10-1413-8	Caran Lawrence v. Jim Runion	Failed to Cooperate	N	70 days old
04-10-1183-8	Crystal Davis v. Nancy Faye	Lack of Jurisdiction	N	167 days old
04-11-0318-8	Perrine McGraw v. Thadd Mays Rental, et al	Unable to Locate	N	88 days old
04-11-0699-8	Kristy Page v. Seven Farms	Failed to Cooperate	N	40 days old
04-10-1528-8	Sonja Carter v. Walter and Julie Fremont	Failed to Cooperate	N	245 days old
04-11-0589-8	Lisa Allen v. Debra Seitz	Lack of Jurisdiction	N	43 days old
04-11-0437-8	Charles Holloway v. General Greene, LLC et al	Failed to Cooperate	N	76 days old
04-10-1384-8	Lisa Perry v. Preferred Properties	Failed to Cooperate	N	70 days old

Conclusion: Performance Standard – The performance standard has been met.

- C. Performance Standard #3 (24 CFR §115.206(e)(3)): During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun.**

The conciliation process is initiated at the start of the investigation; however, the agency conciliated less than 12% or 6 of the total cases processed for closure. Each executed conciliation agreement indicated that the complainant(s) was not coerced into signing the Conciliation Agreement. Conciliation is intended to be an on-going process with both complainant and respondent throughout the investigation of the complaint. A review of several cases indicated that conciliation was not always pursued or attempted with both parties. During the review period one case, Perry Wallace v. Piedmont Construction Company #04-10-0144-8 was conciliated as Post-Cause case.

Conclusion: The performance standard has been met.

D. Performance Standard #4 (24 CFR §115.206(e) (4)): the agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices.

SCHAC from time to time, reviews compliance with conciliation agreement, and if necessary, recommends to the South Carolina Attorney General that a civil action be filed to seek the enforcement of the terms of the agreement. No need of such action was indicated during the reporting period.

Conclusion: The performance standard has been met

E. Performance Standard #5 (24 CFR §115.206(e)(5)): the agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.

- (a) The agency has the authority under the South Carolina Fair Housing Law to seek actual damages. This authority was used when the agency filed a case in court, *Joshua Harbin & Courtney Wright v. Jo McCall* (SAHC # H-3-03-0-30/HUD # 04-09-1629-8). The case is still pending.
- (b) The authority to seek and assess civil penalties or punitive damages comes from the South Carolina Fair Housing Law. The agency is seeking actual and punitive damages in the *Harbin* case. To protect the public interest, the agency has included training and agreements to cease the discriminatory actions.
- (c) The agency held no administrative hearings. No complainant chose to have an administrative hearing. One case has proceeded to judicial action: *Joshua Harbin & Courtney Wright v. Jo McCall* # 04-09-1629-8. (The determination was made during the last fiscal year, but it was filed in court this fiscal year.) The case has not been heard yet. In another cause case, *Spicer, Ashley vs. Billy Taylor, Hitchcock Rd. Mobile Home Park* #04-09-1547-8, the complainant chose to proceed in court with her own attorney.
- (d) The agency conciliated 6 cases with benefits to the complainant. The complainants received benefits of actual monetary damages and housing and the protection of public interest. The agency did not conciliate a case involving reasonable accommodation during the performance period. The relief obtained appeared to be appropriate.

Case number	Case Name	Closure Code	Relief	Age at Closing
04-10-0558-8	Mayren Enrique v. The Chatham Group dba Dorchester Village	16	Complainant to remain in unit with rent to own purchase agreement	223 days old
04-10-1688-8	Amy Green v. Forest Gardens Owners Association	16	Children will be allowed in pool with diapers	279 days old
04-11-0505-8	Angela Hogan v. Weatherford Landscaping	16	Payment of \$1,000 to complainant	97 days old
04-10-1191-8	Leonard Atkinson v. Graham Realty	16	Non-publication of discriminatory advertisements	102 days old
04-09-1666-8	Laura Jones v. Hinson Management	16	Payment of \$848.75 to complainant	309 days old
04-10-0944-8	Aaron and April Davis v. Haven at Berry Shoals	16	Refund of application fee: \$35	146 days old

Conclusion: The performance standard has been met

F. Performance Standard #6 (24 CFR §115.206(e)(6)): The agency must consistently and affirmatively seek to eliminate all prohibited practices under its housing law.

Education and Outreach:

The Agency's Fair Housing Staff conducted and/or assisted with conducting six educational and outreach training sessions during this performance period. They were presented to protected classes, business owners, realtors, and residents of the community at large. This included a webinar and articles to media concerning Fair Housing. The topics covered the history of the Fair Housing Act, and the community's rights and responsibilities under the Fair Housing Act and the South Carolina Fair Housing Law.

Conclusion: The Performance standard has been met.

G. Performance Standard #7 (24 CFR §115.206(e) (7)): The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance.

The agency's state fair housing statute does not specify how many cases must be received and processed to determine a reasonable number of fair housing complaints. HUD's regulations also do not state how many complaints constitute a reasonable number. However, factors such as the population of the jurisdiction, length of time of participation in program, number of complaints received and process in the past, and other factors are considered.

States

Very Small	up to 1, 500,000	15 complaints
Small	1,500,001 to 4, 500,000	25 complaints
Medium	4,500,001 to 9,000,000	50 complaints
Large	9,000,001 to 15,000,000	80 complaints
Very Large	15,000,001 and over	150 complains

The agency serves the state of South Carolina which has a total population of 4,321,249. It is estimated that Caucasian/white represent 68% of the population, African American/black 30%, Hispanic/Latino 2.5, Asian 1.1%, and Native American 0.7%. The agency has participated in the FHAP since 1995.

Within the last three performance periods the agency has closed/processed an average of 74 cases during each performance period. The agency received 54 cases and closed 52 cases during this review period. Therefore, SCHAC has processed a reasonable number of complaints during the review period.

Conclusion: Performance Standard – The performance standard has been met

H. Performance Standard #8 (24 CFR §115.206(e) (8)): The agency must report to HUD on the final status of all dual –filed complaints where a determination of reasonable cause was made.

Case Number	Case Name	Closure Date	FHAP Closure Date	Closure Type	Relief	
#04-09-1547-8	Ashley Spicer v. Billy Taylor; HMH	06/23/11	08/11/10	Cause	\$350.00	
#04-10-0144-8	Wallace Perry v. Piedmont	06/23/11	11/17/10	Cause	Judicial Dismissal	

Conclusion: The performance standard has been met.

- I. **Performance Standard #9 (24 CFR §115.206(e) (9)):** The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited interim agreement or MOU.

Under the Performance Period, July 1, 2010 – June 30, 2011 all FHAP agencies have the following performance measure:

1. FHAP agencies will close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints.
2. FHAP agencies will close or charge 95% of aged fair housing complaints within the fiscal year.

50% Efficiency Goal

SCHAC processed 54 cases of which 14 or 27% were closed in less than 100 days. Therefore, the agency did not achieve this performance goal.

95% Aged Case Closure Goal

According to TEAPOTS open case Report dated 8/3/2010, the agency had eight aged cases at the beginning of the July 1, 2010 – June 30, 2011 performance period. The eight aged cases were all closed by the end of the performance period. Therefore, the agency achieves this performance goal.

Conclusion: The performance standard has not been met

III. Budget and Finance

Expenditures:	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Salaries & Benefits	2,180,567	2,018,663	1,295,848	1,467,164
Other Operating Costs	383,596	391,034	286,416	370,195
Total Expenditures	2,564,163	2,409,697	1,582,264	1,837,359

Funding:

State Appropriation	1,737,474	1,459,286	658,536	1,248,731
Federal Funds (HUD)	170,161	207,727	179,873	177,528
Federal Funds (EEOC)	636,528	670,953	682,000	369,600
Other:	20,000	71,732	61,855	41,500
Capital Reserve				
Total Funding	2,564,163	2,409,697	1,582,264	1,837,359

- A. The agency provided annual certifications to HUD, confirming that the agency spends at least 20% of its total operating budget (not including FHAP funds) on fair housing activities as required at 24 CFR§115.307 (5).
- B. FHAP funds must be segregated from the agency's and the state government's other funds, and must be used for the purpose that HUD provided the funds as required at 24 CFR§115.307(6). The agency did not commingle any FHAP funds with other funds.
- C. The agency did not appear to unilaterally reduce the level of financial resources committed to fair housing activities as prohibited at 24CFR §115 307 (7).
- D. The agency does draw down its funds in a timely manner as required at 24 CFR§115.307(9).
- E. Audit Report: A copy of the last audit conducted in 2007 was provided. The agency is usually audited by the South Carolina's State Office of the Auditor every one-two years. However, due to financial hardship and severe reduction in staff within the state's agencies, SCHAC has not had a recent audit conducted.

Conclusion: The performance standard has been met

IV. Reporting and Record Keeping Requirements

- A. The agency maintains records demonstrating its financial administration of FHAP Funds (24 CFR§ 115.308(a) (1) –The accounting and reporting records of the S.C. Human Affairs Commission are maintained centrally by the Office of the Comptroller General for the State of South Carolina. Internal controls and procedures are in place at the Human Affairs Commission to insure the proper receipt and disbursement of funds by source, category and individual source requirements.

The S.C. Human Affairs Commission maintains all other documents relative to the administration of the Fair Housing Assistance Program grants. These records are available for examination.

- B. The agency maintains records of its performance under the FHAP, including all past performance assessment reports, performance improvement plans and other documents relative to the agency's performance in the FHAP(24 CFR§115.308(a)(2)) – The agency keeps a file of each year's performance assessment report, performance improvement plan, and other relevant documents.
- C. The agency permits reasonable public access to its records as required at 24CFR§115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review) – If someone makes a written request under the Freedom of Information Act, files which are allowable under the law are available to the public.
- D. The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United State, and any of its authorized representatives, have access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as it relates to the agency's participation in FHAP (24 CFR§115.308(d)) – As stated in item A above, accounting records are maintained centrally by the Office of the Comptroller General. These records may be accessed through the accounting system SCEIS, which is currently utilized by S. C. State Government. Any other records or information associated with the administration of the FHAP are available at the S. C. Human Affairs Commission. It is required that these records are maintained for three (3) fiscal years.
- E. All files are kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24 CFR§115.308(e)) - All records are available for audit and in compliance with Federal and State regulations.

Conclusion: The performance standard has been met

V. Testing Requirements

Conclusion: This performance requirement is not applicable. The agency does not do testing.

VI. Additional Requirements

- A. Training Requirements (24 CFR §115.306 (b)):** Each agency must send staff to mandatory FHAP training sponsored by HUD, including , but not necessarily limited to, the National Fair Housing Training Academy and the National Fair Housing Policy Conference. In the past staff has attended training at the training academy, but staff did not attend during fiscal year 2010-2011. Staff will resume this fiscal year attending training at the academy. However all housing staff did attend the National Fair Housing Policy Conference in July 2010.
- B. Data Support System Requirement (24 CFR §115 307 (a) (3)):** The agency must use the Department's official complaint data information system and must input all relevant data and information into the system in a timely manner.

In addition to the TEAPOTS system, the South Carolina Human Affairs Commission uses an Access-based system which allows the Agency to do the following:

Complainants:

1. Add new information and input the jurisdictional information
2. Look up cases by the year filed. This goes back to 1990.
3. Look up cases by SCHAC #.
4. Look up cases by HUD #.

Generate the following reports:

1. Aging Summary
2. Closed Reports
3. Closures between dates
4. Closure summary by closure code

HUD Reports:

1. FHAP Voucher Detail
2. HUD Monthly Reports
3. Transfers to HUD

Open Case Reports

1. By Age
2. By Investigator

Conclusion: The agency is in compliance with this requirement.

C. Changes Limiting Effectiveness of Agency's Law (24 CFR §115.211):
There has been no change in the state's law, during the current performance period.

Conclusion: The performance standard has been met

D. Civil Rights Requirements

The agency is in compliance with all relevant federal civil rights laws, including Title VI of the Civil Rights Act of 1964, the American with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the standards of Section 3 of the Housing and Urban Development Act of 1968. There was no evidence that any complaints were filed against the agency related to those laws.

Conclusion: The requirement has been met.

E. Subcontracting Requirement (24 CFR § 115.309)

The agency does not subcontract

F. FHAP and the First Amendment

The agency does not use FHAP funding to investigate any activity that may be protected by the First Amendment of the United States Constitution as prohibited at 24 CFR § 115.310.

Conclusion: The requirement has been met.

VII. Conclusion and Any Corrective Actions

Based upon the above information, South Carolina Human Affairs Commission (SCHAC) has demonstrated the ability to comply with the performance standards, set forth in HUD regulations 24 CFR §115.206. Therefore, it is recommended that SCHAC maintain its certification as a substantially equivalent agency under the Fair Housing Assistance Program.

While over all the Commission has demonstrated the ability to comply with the performance standards set forth in the HUD regulations, 24 CFR §115.203, the following performance deficiencies will need to be addressed:

- a. **Performance Deficiency:** During the performance period SCHAC closed only 26% of its investigations within 100 days. FHAP agencies should be closing at a minimum 50% of its investigation within 100 days. The agency indicated that this is partly due to the close to 50% reduction of staff in the housing division, and 35% reduction in staff overall for the Commission that was subject to furlough and pay cut. However, the housing division has received additional funding this fiscal year and is committed to improving the agency's efficiency and attaining production goals.

Recommended Corrective Action: The agency must submit a plan of action within 30 days outlining steps that will be taken to improve the efficiency rate for closing cases within 100 days.

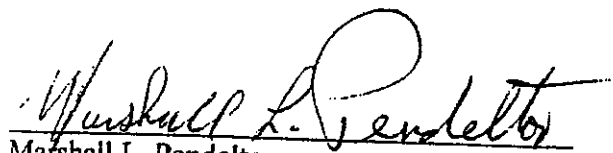
- b. **Concern:** The agency only conciliated 6 or 12% of the 52 cases that it closed during the performance period. Furthermore, during the review of closed cases it did not appear that a consistent strong effort was put forth in the conciliation of all cases during the process of investigation.

Recommended Corrective Action: Within 30 days the agency will submit a plan of action to illustrate that conciliation is initiated at the start of all investigations and followed through during the course of the investigation with both the complainant and respondent.

VIII. Exhibits

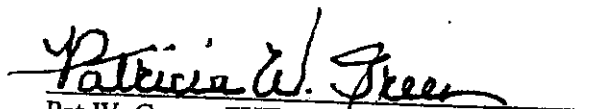
A. State Auditor's Report – June 30, 2007

SIGNATURE PAGE



Marshall L. Pendelton
Equal Opportunity Specialist, GTM
Columbia Field Office
Office of Fair Housing and Equal Opportunity

8-12-11
Date



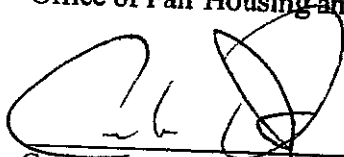
Pat W. Green, FHEO Director, GTR
Columbia Field Office
Office of Fair Housing and Equal Opportunity

8/12/11
Date



Natasha J. Watson
Louisville FHEO Center Director
Office of Fair Housing and Equal Opportunity

9/13/2011
Date



Carlos Osegueda
FHEO Region IV Director
Regional Office of Fair Housing and Equal Opportunity

9/26/11
Date



U.S. Department of Housing and Urban Development
Georgia State Office
Five Points Plaza
40 Marietta Street
Atlanta, GA 30303-2906

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Raymond Buxton, II
Commissioner
South Carolina Human Affairs Commission
P. O. Box 4490
Columbia, SC 29240

Dear Mr. Buxton:

Subject: Fair Housing Assistance Program
Performance Assessment
South Carolina Human Affairs Commission

On May 29-30, 2013, your Fair Housing Assistance Program (FHAP) monitor, Vicki Ray, conducted an on-site performance assessment of your agency. The assessment covered the period from July 1, 2012, through June 30, 2013. Based upon the practices and performance of the agency at the time of the review, the U. S. Department of Housing and Urban Development recommends that the South Carolina Human Affairs Commission receive continuing certification as a substantially equivalent agency under Section 810 (f) (3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. Your attention is directed to the concern and findings that are noted in the report. Please ensure that they are addressed within 30 days from receipt of this letter. If you should have questions, please contact your Government Technical Representative (GTR), Vicki Ray, at (502) 618-8150.

We appreciate your cooperation during this performance assessment, and look forward to our continued partnership to ensure equal housing opportunities for all our citizens.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Carlos Osegueda", written over the typed name.

Carlos Osegueda
FHEO Region IV Director
Regional Office of FHEO

Enclosure

Internal HUD Distribution:						
Identification Lines:						
Correspondence Code	Originator 4IEP	Concurrence 4AEH	Concurrence	Concurrence	Concurrence	Concurrence
Name	Ray	Bello				
Date	6/28/2013					

**United State Department of Housing and Urban Decvelopment
Office of Fair Housing and Equal Opportunity
Region IV**

Performance Assessment Report

SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

**2611 Forest Drive, Suite 200
Columbia, South Carolina 29240**

Purpose: To determine whether the South Carolina Human Affairs Commission (SCHAC) engages in timely, comprehensive, and thorough fair housing complaint investigation conciliation and enforcement activities and therefore warrants continued certification as a substantially equivalent agency. This determination is based on SCHAC's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 C.F.R. Part 115.

Period of Performance: July 1, 2012 – June 30, 2013

Date(s) of Onsite Assessment: May 29-30, 2013

HUD Reviewer: Vicki A. Ray
Equal Opportunity Specialist/GTR

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I. Organizational Structure and Staffing

SCHAC has participated in the FHAP for numerous years and are scheduled for their next recertification on March 10, 2016. During the performance period, the following persons were responsible for enforcing and administering the fair housing law. Investigators identified as "cross-trained" investigate both housing and employment cases.

NAME	TITLE	RACE	SEX	ETHNICITY	DATE OF HIRE	DATE STARTED IN HOUSING UNIT
Raymond Buxton, II	Commissioner	Black	Male	Non-Hispanic	7/17/2012	N/A
Delaine Frierson	Fair Housing Director	Black	Female	Non-Hispanic	9/19/1988	9/01/1990
Octavia Wright	Staff Attorney	Black	Female	Non-Hispanic	5/05/2008	5/05/2008
Jessica Brown	Investigator	White	Female	Non-Hispanic	5/17/2013 (rehire)	5/17/2013
Connie Jenkins	Investigator	Black	Female	Non-Hispanic	3/02/1999	9/19/2011
Jesse Olivares	Outreach Coordinator	Black	Male	Hispanic	6/18/2012	6/18/2012
Deborah Thomas	Intake Investigator	Black	Female	Non-Hispanic	10/02/1996	3/01/2012
Larry McBride	Mediator	Black	Female	Non-Hispanic	6/08/1980	3/01/2013
Lori Dean	Finance Director	Black	Female	Non-Hispanic	1/02/2013	1/02/2013

The following persons were identified as Commissioners during the performance period:

NAME	RACE	ETHNICITY	SEX	APPOINTED	TERM EXPIRATION
John A. Oakland, Chairperson	White	Non-Hispanic	Male	06/25/2003 Reappointed 12/30/04	06/20/2011*
Wade C. Arnette	White	Non-Hispanic	Male	06/30/2006	06/30/2012*
Melanie G. Stith	White	Non-Hispanic	Female	06/30/2006	06/30/2014
Cheryl F. C. Ludlam	Asian	Filipino	Female	06/30/2005	06/30/2011*
Joe Fragale	White	Non-Hispanic	Male	05/05/2005	06/30/2011*
Susan Davis Bowers	White	Non-Hispanic	Female	03/14/2000 Reappointed 05/17/2002	06/30/2005*
Rev. Willie Albert Thompson	Black	Non-Hispanic	Male	04/01/2004	06/30/2012*

*The Commissioners serve until they are replaced by the Governor.

II. Performance Standards

A. Performance Standard #1 (24 CFR 115.206(e)(1): Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.

The specific procedures the agency uses for processing complaints include: intake of complaint, determine jurisdiction, identify the issues in the complaint, determine approaches to resolution, investigate complaint, compose letters of findings and resolution, and develop settlement agreements.

The initial intake of the complainant is conducted by the Fair Housing Director or the intake investigator and notification letters are immediately sent to all parties once jurisdiction has been established. The Fair Housing Director then assigns the case to an investigator for investigation. However, if the complaint is a HUD referral generated by TEAPOTS, the complaint is immediately assigned an investigator by the Fair Housing Director.

The monthly case reviews and the onsite review of closed case files confirmed that the processing of cases was initiated within 30 days of receipt of complaint.

Once the complaint has been assigned to an investigator, the investigator must complete the investigation within 90 days and notify the Fair Housing Director that the case is ready for administrative review. However, if the investigation is not completed with 100 days, the complainant and respondent are notified by certified letter the reason why the investigation has not been completed. After the Fair Housing Director has reviewed the entire case file, it is then forwarded to legal and the Commissioner for signature. If the Commissioner or legal disagrees with the recommendation or type of closure, the parties will meet to discuss the case or the case is returned to the investigator for further investigation. This process is utilized for all case closures, including "Cause" cases.

Final Investigative Reports (FIRs) and determinations were prepared, and submitted as part of the case closure packages for all cases.

Our records reveal that the agency closed a total of 40 cases between July 1, 2012 and June 19, 2013. The chart below depicts the types and number of closures for that same time period.

TYPE OF CASE CLOSURE	NUMBER OF CLOSURES	PERCENTAGE
No Cause	14	35%
Conciliation	15	38%
Complaint Withdrawn with Resolution	2	5%
Administrative Closures	9	23%
TOTAL	40	100%

*Two of the conciliations were post-cause conciliations. See Performance Standard 8 for information related to the two cause cases.

Of the 40 cases closed between July 1, 2012 - June 19, 2013, a total of 23 (58%) were closed within 100 days of filing. A total of 17 (42%) of the 40 cases will receive reduced payments for timeliness. Also, no cases were over 365 days old at FHAP closure.

The chart below depicts the number of cases closed by age at FHAP closure.

NUMBER OF DAYS	NUMBER OF CASES	PERCENTAGE
0-100	23	58%
101-150	8	20%
151-200	5	13%
201-250	2	5%
Over 250	2	5%
TOTAL	40	100%

The June 19, 2013, MicroStrategy generated FHAP open cases report reflected that the agency had a total of 28 open cases on that date. Of that number, a total of 8 (29%) were aged over 100 days. The table below depicts the number of days open and number of cases in each category.

NUMBER OF DAYS	NUMBER OF CASES	PERCENTAGE
0-100	20	71%
101-150	8	29%
151-200	0	0
201-250	0	0
Over 250	0	0
TOTAL	28	100%

Conclusion: The standard has been met.

B. Performance Standard #2 (24 CFR 115.206 (e) (2): Administrative closures are utilized only in limited and appropriate circumstances.

Administrative closures are defined as cases that are closed for the following reasons:

1. The complaint lacked jurisdiction
2. The agency was unable to locate the complainant
3. The complainant failed to cooperate with the investigation
4. The complaint withdrawn by the complainant without resolution
5. Inability to locate respondent
6. Trial already commenced

The agency closed a total of 40 cases between July 1, 2012 and June 19, 2013. Of that number, a total of 9 (23%) were closed administratively. It did not appear that the agency used the administrative closure process to keep from closing the cases on their merit.

CASE NAME	HUD CASE NUMBERS	FHAP Closure Date	CLOSURE REASON	AGE
Johnson, Aqueelah v. Mallard Pointe Apartments; Sandra Harrison	04-12-0554-8	07/09/12	Withdrawal Without Resolution	98
Carter, Morrell & Anna v. Rental Homes and Villas Sales, LLC	04-12-0593-8	11/30/12	Complainant Failed to Cooperate	232
Crisp, Gary & Belinda v. Azalea Lakes; Shirley Fresh, HOA President	04-12-0741-8	07/09/12	Complainant Failed to Cooperate	47
Lawrence, Jermaine vs. Housing Auth. of the City of Columbia	04-12-0762-8	07/27/12	Complainant Failed to Cooperate	56
Lefler, Angela v. Vista Capital Management Group, Inc.	04-12-0843-8	12/18/12	Complainant Failed to Cooperate	174
Mulato, Canela & Vasquez Sanchez v. Walls, Gloria	04-12-0972-8	12/18/12	Complainant Failed to Cooperate	133
Ryan, Kathleen, v. Cypress Run Apartments; Debbie Rector	04-12-0990-8	11/15/12	Complainant Failed to Cooperate	91
Mullins, Gary & Yvonne v. Bay Meadows HOA, Inc., et. al.	04-13-0057-8	04/26/13	Withdrawal Without Resolution	186
Vanderslice, Jonathan & Heidi v. Marcliffe HOA; Helene Lacaille	04-13-0371-8	03/27/13	Complainant Failed to Cooperate	50

Conclusion: The standard has been met.

C. Performance Stand #3 (24 CFR 115.206(e)(3): During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun.

SCHAC indicated that they attempt to conciliate all cases. In some instances, they begin the process during intake; however, the investigators are required to attempt conciliation, starting when the case is assigned to them and continuing throughout the investigation. They also use the agency's mediator in some instances. Their methods for conducting conciliation include in person, by phone, and email. In most cases, conciliation is ongoing. In a few cases, the complainant or respondent may be adamant about not wanting to conciliate. The conciliation attempts are documented in the conciliation section and the case chronology in TEAPOTS.

Further, when the agency issues a Cause determination, they attempt to conciliate after the determination is issued. During the performance period, the two Cause cases were conciliated post cause.

The review of TEAPOTS confirmed that SCHAC investigators consistently attempted conciliation, to the extent feasible, on cases that were investigated during the performance period.

See Performance Standard #5 for a list of cases that were conciliated/settled during the performance period.

Although the agency has met the requirements of this standard, there was some deficiencies noted related to proper documentation of the process in the case files. A review of the following case files revealed:

1. Downs, Loreyetta vs. Arbors Apartments: #04-12-1060-8 (NC)
 - a. There was no conciliation efforts noted under the conciliation section.
2. Zambrano, Armida & Indira Serrano vs. Lynn Pike (Brandywine Townhouses): #04-12-0679-8
 - a. There was no proof that the conditions of the agreement had been met.
3. Etheridge, Kenneth vs. Patton Property: #04-12-1057 (NC)
 - a. There was no conciliation efforts noted under conciliation section.
4. Deneau-Sheeley, Michele v. Ute Appleby, Anson Beckman, Agent Owned Realty: #04-12-0664-8 (Conciliation)
 - a. Copy of the receipt for \$1,000 was attached to a closure letter but just stuck in the case file. Not secured under the conciliation section.
 - b. There was no conciliation efforts noted under the conciliation section.
 - c. The executed conciliation agreement was just stuck in the file.
5. Deneau-Sheeley, Michele v. Anson Beckman, Agent Owned Realty: #04-12-0742-8 (Conciliation)
 - a. Same as companion case above.
6. Johnson, James v. Angelica Burton Christopher Towers: #04-12-0773-8 (Conciliation)
 - a. There was no evidence that the terms of the agreement had been met.
 - b. There was no conciliation efforts noted under conciliation section.
7. Fuller, Lakesha vs. John Furgess, Sr.: #04-13-0401-8 (NC)
 - a. There was no conciliation efforts noted under conciliation section.
8. Tucker, Thomas & Maria Manning vs. Island Realty; Ventura Villas HOA: #04-12-0775-8 (Conciliation)
 - a. Emails regarding conciliation were found under the correspondence from Respondent. (C2)
 - b. The conciliation agreement noted under the conciliation section was not fully executed. The fully executed version was on the inside front cover

of file 1 instead of under the conciliation section. Also, there was no conciliation efforts noted under conciliation section.

c. There was no evidence that the terms of the agreement had been met.

9. **Dance, James vs. Carolina Yacht Landing HOA, Inc.; The Noble Company of South Carolina, LLC: #04-12-0915-8 (Caused/settled post-cause)**

- a. The fully executed conciliation agreement and copies of the checks were attached to the inside front cover of the case file instead of under the conciliation section. There was no evidence that training had been completed; however, they had 6 months from execution of the agreement (4/08/2013) to complete.
- b. Emails regarding conciliation were noted in the evidentiary section of the files – Correspondence with the Complainant B2 and Correspondence with the Respondent C2.
- c. There was no conciliation efforts noted under conciliation section.

Conclusion: The performance standard has been met.

D. Performance Standard (24 CFR 115.206(e) (4): the agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices.

The agency conciliated a total of 15 (38%) cases between July 1, 2012 and June 19, 2013. All relief obtained in conciliations, pre and post cause, was adequate.

The agency indicated that they have not conducted conciliation compliance reviews even though they have the authority to do so. However, they indicated that if necessary, a recommendation would be made to the South Carolina Attorney General to file a civil action seeking the enforcement of the terms of agreements in the event a breach occurs. Nonetheless, based on information provided, the agency did not recommend enforcement by the Attorney General when a violation of an agreement was brought to their attention.

Tucker, Thomas, IV & Maria Manning v. Island Realty: #04-12-0775-8

SCHAC indicated that the complainant and her husband contacted them after the respondent failed to meet the provisions of the conciliation agreement in a timely manner. The investigator attempted to get the respondent to comply. The respondent eventually complied, but the complainant and her husband had already suffered harm and as a result, they filed a retaliation complaint. The retaliation complaint is still being investigated.

It should be noted that the breach of a conciliation agreement and retaliation are separate issues and should be handled differently and separately.

Conclusion: The performance standard has not been met.

E. Performance Standard #5 (24 CFR 115.206(e)(5): the agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.

Of the 40 cases closed as of June 19, 2013, a total of 17 successful conciliation/settlements were obtained. The complainant received benefits of actual monetary damages, reasonable accommodations and housing. Additionally, relief sought by the agency included but was not limited to: training of respondents, requiring respondents to agree to consistently apply its policies and procedures to all applicants and residents in a nondiscriminatory manner and changes in policies. No cases proceeded to an administrative hearing during the performance cycle. No cases proceeded to judicial proceedings during the performance period.

CASE NAME	HUD CASE NUMBER	FHAP CLOSURE DATE	CLOSURE REASON	AGE
Broggi, Mario v. Wilson T. Baggett; Office of Real Property	04-12-0631-8	09/28/12	Conciliated/Settled	161
Deneau-Sheeley, Michele v. Ute Lisa Appleby; Anson Beckman; Age	04-12-0664-8	08/28/12	Conciliated/Settled	119
Zambrano, Armada & Serrano, Indira v. Lynn Pike; Brandywine Tow	04-12-0679-8	07/19/12	Conciliated/Settled	76
Deneau-Sheeley, Michele v. Anson Beckman; Agent Owned Realty	04-12-0742-8	08/28/12	Conciliated/Settled	97
Johnson, James E. & Aqueelah v. Christopher Towers; Angelica Bu	04-12-0773-8	07/09/12	Conciliated/Settled	45
Tucker, Thomas, IV & Maria Manning v. Island Realty	04-12-0775-8	08/07/12	Conciliated/Settled	74
Carlson, Lisa v. Palm Ridge; Dale Calvert	04-12-0836-8	03/29/13	Conciliated/Settled	276
Anders, Mary E. v. Pickens Affordable Housing, LLC, et al	04-12-0896-8	10/16/12	Withdrawn After Resolution	91
Dance, James v. The Nobel Community of South Carolina	04-12-0915-8	04/09/13	Conciliated/Settled	260
Johnson, Sabrina v. Francesca Schmiedl	04-12-1061-8	01/28/13	Withdrawn After Resolution	130
Wright, Anita Marie v. Mt. Zion AME Apts; Mr. Banks	04-12-1105-8	12/10/12	Conciliated/Settled	82
Massey, Dorothy v. Amy Anderson, Sage Point Apts; Powers Property	04-13-0093-8	03/04/13	Conciliated/Settled	125
White, Hezekiah v. Spanish Oaks Apts; Kymberly Mentz	04-13-0094-8	01/03/13	Conciliated/Settled	65
Greene, Ervin L. v Marshside Village, Inc; Malika Jamerson	04-13-0095-8	12/18/12	Conciliated/Settled	49
Moyd, Marshall & Vickie v. Vanderbilt Mtg. & Fin., Inc.	04-13-0253-8	05/31/13	Conciliated/Settled	155
Baker, Rosalind v. Oakview Townhouses, LP, et. al.	04-13-0268-8	03/27/13	Conciliated/Settled	78
Gray, Rebecca Sue vs. Westgate Apartment Homes	04-13-0398-8	03/27/13	Conciliated/Settled	44

The agency reported the following notable conciliations:

CASE NAME	HUD CASE NUMBER	RELIEF OBTAINED
Broggi, Mario v. Wilson T. Baggett; Office of Real Property	04-12-0631-8	The complaint alleged that he was denied the 4% tax rate on his home because he did not have a Social Security number to prove that he was a permanent resident. The case was conciliated, and the respondent agreed that the complainant would receive the 4% ratio on ad valorem property taxes. This was a yearly savings of \$3,359.00.
Dance, James v. The Nobel Community of South Carolina	04-12-0915-8	The complainant sought permission to install a lift on the outside of his condo. The respondent denied his request. He died before the determination was issued. However, the investigator was able to get \$5000 for the complaint's estate, and the respondent agreed to attend two hours of fair housing training provided by SCHAC.
Moyd, Marshall & Vickie v. Vanderbilt Mtg. & Fin., Inc.	04-13-0253-8	<p>The Complainants alleged Respondent VM used discriminatory terms and conditions and financing in order to foreclose on the dwelling and seize their land. Complainants said everyone they dealt with at Respondent VM sounded white over the phone.</p> <p>Complainants believed that if they were white, every effort would have been made by Respondent VM to correct the errors on their account as an alternative to quickly moving to secure their home and their land.</p> <ul style="list-style-type: none"> • The Complainants received a forgiveness of a mortgage loan-\$89,337.25 • Mortgage release reported to three major credit bureaus • Return of land to Complainants in the amount of \$28,000.00. • Cash settlement of \$2,500.00 <p>The total monetary amount was \$119,837.25.</p>

Conclusion: The performance standard has been met.

F. Performance Standard #6 (24 CFR 115.206(e)(6): The agency must consistently and affirmatively seek to eliminate all prohibited practices under its housing law.

The following chart depicts the agency's education and outreach activities for the performance period.

DATE	TYPE	PLACE	CONTACT PERSON
08/01/2012	Distribution of brochures	American Red Cross Columbia, SC	Pam Branton
	Mailed fair housing posters and brochures	Capital Senior Center- Columbia	Craig Sexton
	Distributed fair housing posters, and booklet about the fair housing law	Communities in Schools of the Midlands-Columbia	Jamie Bozardt
	Provided a description of the SC Fair Housing Law so they could add the agency to their directory	Disability Action Center, Inc. — Columbia	Gloria Prevost
08/06/2012	Mailed fair housing brochures to them to distribute	Easter Seals of South Carolina — Columbia	Hank Chardos
08/09/2012	Jessica Brown attended a Back to School Drive and provided information to the attendees about fair housing	Skateland USA - Elgin, SC	Tiesha Ogwin
08/14/2012	Mailed brochures to the center	Dickerson Center for Children	Ruth Pugh
	Mailed brochures to the agency	Florence Crittenton Programs of South Carolina — Florence, SC	Danielle Fowler
08/24/2012	Mailed brochures	Sistercare- Columbia, SC	Stacey Smith

09/26/2012	Conducted fair housing training for realty company. Training was required by their insurance company to maintain Errors & Omissions coverage, RE: fair housing issues.	Agent Owned Realty — Sheraton Hotel — Charleston, SC 180 attendees	Liz Loadholt (843) 884-7300
10/09/2012	Fair housing presentation, concentrating on disability.	Greenville County Human Relations Commission	Sharon Smathers, Executive Director 301 University Ridge, Suite 1600 Greenville, SC 29601 (864) 467-7095
10/10-21/2012	Distributed brochures and fair housing paraphernalia such as water, fans, pencils.	South Carolina State Fair — Columbia, SC	
11/28/2012	Fair housing training — disability issues as part of a conciliation agreement.	Spanish Oaks Apartments — Charleston, SC	Kathy Myrick, Regional Manager 1515 Ashley River Road, Charleston, SC
12/10/2012	Fair housing training — part of conciliation agreement	Marshside Properties — North Charleston, SC	Kathy Countin, Housing Resource Center, Inc. P. O. Box 53274 Atlanta, GS 30355 (404) 816-9770, ext. 325
01/18/2013	Fair housing training	Trainee came to the office Columbia, SC	Ogleretta Davis White, Marion County Grants Coordinator 1305 N. Main Street Marion, SC 29571 (843) 423-8203, ext. 120
03/12/2013	Fair housing training	Dillon, SC (Program covers North and South Carolina)	Gayle Fernandez, Executive Director, Robeson County Community Development Corporation, Inc., P. O. Box 816 Rowland, NC 28382 (Dillon, SC)

03/19/2013	Fair housing training	Partnership Property Management Employ Training- Florence, SC 80 attendees	Jason Buffkin, Special Projects Coordinator Partnership Property Management (335) 544-2300 ext. 257
03/23/2013	Fair housing training	Benedict-Allen Community Development Corporation Homeownership Workshop	Venus Sabb, Housing Coordinator, Benedict-Allen CDC 1600 Harden Street Columbia, SC 29204 (803) 705-4631
04/12/2013	Letter to the editor on fair housing	The State Newspaper—Columbia, SC	Cindi Ross Scoppe, Associate Editor, The State Newspaper, Columbia, SC (803) 771-8571 thestate.com/scope
04/13/2013	Wrote article about fair housing	Burns Connection — Francis Burns United Methodist Church Newsletter- Circulation - 300	Lynn Harris
04/18/2013	Guest on the Urban Scene radio talk show WGCV 620 AM	Columbia, SC — listening audience covers metropolitan Columbia (population 130,500), Elgin (population 1,300), and Orangeburg, SC (population 13,800),	Don Frierson (no relation) (803) 376-6127
04/19/2013	Letter to the editor on fair housing	The Aiken Standard-circulation - 20,000	
04/19/2013	Panelist for fair housing celebration	Florence, SC	Retha Brown, Community Development Specialist, City of Florence, 180 N. Irby Street, Florence, SC 29501(843) 665-3175

04/23/13	Letter to the editor on fair housing	GoUpstate.com Covers upstate South Carolina, Spartanburg and Greenville, SC	
04/25-26/2013	Distributed brochures on fair housing	Palmetto Affordable Housing Forum	Sponsored by the S.C. State Housing Finance and Development Authority Columbia Metropolitan Convention Center 1101 Lincoln Street,
04/29/2013	Training on fair housing issues for property managers	Carolinas Council for Affordable Housing, Myrtle Beach Marriott Grande Dunes Resort, Myrtle Beach, SC	Mike Holoman, Chairman, CCAH Annual Meeting Committee
05/18/2013	Distribution of fair housing brochures and fair housing paraphernalia	Black Expo Columbia Colonial Life Arena 5000 attendees	Darren Thomas 1806 Washington Street (803)254-6404

The agency further indicated that their web site includes a fair housing page and fair housing brochures. People can contact the agency through the web page. The agency is updating its webpage, and it should go live within the next two weeks. It will include more information about the protected classes, links to HUD and other fair housing related sites.

The agency indicated that after they participate in various events, they measure effectiveness by whether or not they receive calls, inquiries, requests for information, or complaints. On radio talk shows, they gauge effectiveness by the response of the call-in audience or comments from people who tuned in.

When people file complaints, they measure effectiveness based on how they heard about the Fair Housing Act and the agency. As a result of their outreach, they have had an increase in the number of complaints and inquiries from Hispanics. All of them do not result in fair housing complaints; some of them are employment related, but they mention that they heard about the agency because of their brochures.

Conclusion: The performance standard has been met.

- G. Performance Standard #7 (24 CFR 115.206(e)(7): The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance.**

The agency's state fair housing statute does not specify how many cases must be received and processed to determine a reasonable number of fair housing complaints. HUD's regulations also do not state how many complaints constitute a reasonable number. However, factors such as the population of the jurisdiction, length of time of participation in program, number of complaints received and process in the past, and other factors are considered.

States

Very Small	up to 1, 500,000	15 complaints
Small	1,500,001 to 4, 500,000	25 complaints
Medium	4,500,001 to 9,000,000	50 complaints
Large	9,000,001 to 15,000,000	80 complaints
Very Large	15,000, 0001 and over	150 complains

According to the 2012 Census estimates, the population of South Carolina is 4,723,723.

RACE/ETHNICITY	PERCENTAGE
White persons	68.4%
Black persons	28.1%
American Indian and Alaska Native persons	0.5%
Asian persons	1.4%
Native Hawaiian and Other Pacific Islander persons	0.1%
Persons of Hispanic or Latino Origin	5.3%

The agency filed a total of 36 new cases since the beginning of the performance period, and closed a total of 40 between July 1, 2012 and June 19, 2013. Therefore, based on the framework above, the agency has processed a reasonable number of cases during the performance period.

Conclusion: The performance standard has been met.

H. Performance Standard #8 (24 CFR 115.206(e)(8): The agency must report to HUD on the final status of all dual –filed complaints where a determination of reasonable cause was made.

The agency caused a total of two (2) dual-filed cases between July 1, 2012 and June 19, 2013. The chart below lists the cases.

CASE NUMBER AND NAME	CAUSE DATE	FHAP CLOSURE	CLOSURE REASON	RELIEF
04-12-0836-8 Carlson, Lisa v. Palm Ridge; Dale Calvert	3/08/2013	3/29/2013	Conciliated/Settled	Respondent agreed to revise the discriminatory service dog rules and regulations. Respondent agreed to reimburse Complainant for her damages in the amount of \$2500.00.

					<p>Respondent agreed to waive the two fines for a total of \$200 that were imposed for having a service animal in common areas.</p> <p>Respondent agreed to receive two hours of fair housing training from SCHAC within six months from the date of the signed agreement.</p>
04-12-0915-8	Dance, James v. The Noble Community of South Carolina	3/13/2013	4/09/2013	Conciliated/Settled	<p>Respondent agreed to pay the sum of \$5,000 to the Estate of James Dance.</p> <p>A representative of the Noble Company and a representative of the HOA agreed to receive two hours of fair housing training from SCHAC within six months from the date of the signed agreement.</p>

In order to be in compliance with this performance standard, the agency must keep HUD updated on the final status of all dual-filed reasonable cause complaints. The agency must report on when such complaints were resolved, in what forum they were resolved, and what types and amounts of relief were obtained. The agency must report this information to HUD via TEAPOTS.

Conclusion: The performance standard has been met.

- I. **Performance Standard #9 (24 CFR 115.206(e)(9): The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited interim agreement or MOU.**

Conformance with provisions of the MOU not contemplated elsewhere in the report:

- a. Paragraph IV.C. Initial Contact Date

Requirement: The MOU requires the agency to use the Initial Contact Date field in TEAPOTS to record the actual date on which the complainant first contacts the

agency or FHEO to inquire about filing a housing discrimination complaint, or to report an alleged discriminatory housing practice.

Conclusion: The agency is in compliance with this requirement.

b. Performance Measures

FHAP agencies will close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints;

FHAP agencies will close or charge 95% of its aged fair housing complaints within the fiscal year.

50% Efficiency Goal

The agency received a total of 39 cases that could have aged over 100 days during the fiscal year through June 19, 2013. The agency closed 23 (59%) of those cases in 100 days or fewer.

95% Aged Case Closure Goal

At the beginning of the performance period, the agency had no aged open cases

Conclusion: The requirements have been met.

III. Budget and Finance

- A. The agency provided annual certifications to HUD, confirming that the agency spends at least 20% of its total operating budget (not including FHAP funds) on fair housing activities as required at 24 CFR§115.307 (5).
- B. FHAP funds must be segregated from the agency's and the state government's other funds, and must be used for the purpose that HUD provided the funds as required at 24CFR§115.307(6). The agency did not commingle any FHAP funds with other funds.
- C. FHAP funds were used for the purpose of investigation complaints, training under the Fair Housing Act, maintenance of data and information systems and creation and maintenance of data and information systems, development and enhancement of fair housing education and outreach projects.
- D. The agency draws down its funds in a timely manner as required at 234 CFR.
- E. Audit Report: It appears that a full audit of the agency has not been conducted in several years due to Office of the State Auditor staffing shortages. However, a State Auditor's Report was issued June 30, 2010 by the State of South Carolina Office of the State Auditor. A copy of the report was provided to us for our records. The report did not reflect any deficiencies and/or findings.

Conclusion: The requirement has been met.

IV. Reporting and Record Keeping Requirements

- A. The agency maintains records demonstrating its financial administration of FHAP funds (24 CFR§ 115.308(a)-(1). The agency also utilizes the South Carolina Enterprise Information System (SCEIS) for financial reporting. However, see conclusions below.
- B. The agency maintains records of its performance under the FHAP, including all past performance assessment reports, performance improvement plans and other documents relative to the agency's performance in the FHAP (24 CFR§115.308(a)(2)).
- C. The agency permits reasonable public access to its records as required at 24CFR§115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review).
- D. The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United States, and any of their authorized representatives, has access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as they relate to the agency's participation in FHAP (24 CFR§115.308(d)).
- E. All files are not kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24CFR§115.308(e)).

Conclusion: The requirements have not been fully met.

Although the agency has used FHAP funds for the designated purposes based on the attached budget spreadsheet (Exhibit A), it does not appear that records/receipts were maintained for all activities. Additionally, the records that were maintained were not done so in a manner that would allow for an easy review. The reviewer was unable to readily identify whether receipts/supporting documentation was for routine investigative activities paid from Case Processing/AC Funds/Training Funds or for activities paid from the Partnership Funds Projects.

It should be noted that the new Financial Director has developed and implemented the use of spreadsheets for the various types of FHAP funds as a first step in remedying the deficiencies and establishing an easy tracking system, and has updated the filing system.

V. Testing Requirements

The agency does not do testing as part of their routine operations; however, they proposed to begin a testing program as part of the Partnership Funds Projects. They are currently in the process of soliciting bids from vendors for tester training which will

include assistance with developing their Testing Methodology so they can conduct at least six tests under their Partnership Funds Projects.

VI. Additional Requirements

- A. Training** (24 CFR 115.306 (b): Each agency must send staff to mandatory FHAP training sponsored by HUD, including, but not necessarily limited to, the National Fair Housing Training Academy and the National Fair Housing Policy Conference.

DATE	COURSE	PERSONS ATTENDING	TITLE
October 23-26, 2013	NFHTA Week Four: Briefing Techniques for Complaint Investigations Writing Cases/FIRs Using TEAPOTS Fair Housing Investigation Review and Application	Octavia Wright	Staff Attorney
May 6-10, 2013	NFHTA Week Three: Standards for Testing Cases Reasonable Accommodations and Modifications The Psychological Impact of Discrimination Negotiation Skills /Conciliation for Investigators	Jessica Brown Larry McBride	Investigator Mediator

Delaine Frierson has completed the core curriculum and advanced courses. Jessica Brown and Larry McBride plan to attend Week Four in August. Connie Jenkins and Deborah Thomas joined the division last year, have completed Week One and plan to attend Week Two in July. Jesse Olivares is a new employee and plans to attend Week One in September.

DATE	COURSE	PERSONS ATTENDING	TITLE
January 28-31, 2013	Region IV FHAP Training Conference - Charlotte, NC	Raymond Buxton Delaine Frierson Octavia Wright Jessica Brown Connie Jenkins	Commissioner Fair Housing Director Staff Attorney Investigator

Conclusion: The requirement has been met.

- B. Data Support System Requirement** (24 CFR 115.307 (a)(3): The agency must use the Department's official complaint data information system and must input all relevant data and information into the system in a timely manner.

The agency utilizes TEAPOTS appropriately.

Conclusion: The requirement has been met.

- C. Changes Limiting Effectiveness of Agency's Law** (24 CFR 115.211):

There were no changes to the agency's law during the performance period.

Conclusion: The requirement has been met.

D. Civil Rights Requirements

The agency is in compliance with all relevant federal civil rights laws, including Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the standards of Section 3 of the Housing and Urban Development Act of 1968. There was no evidence that any complaints were filed against the agency related to those laws. The agency also hired a Hispanic Outreach Coordinator through one of their Partnership Funds Projects who assists Spanish-speaking LEP clients.

Conclusion: The requirement has been met.

E. Subcontracting Requirement (24 CFR § 115.309)

SCHAC does not subcontract to a public or private organization of any activity for which it receives FHAP funds.

Conclusion: The requirement is not applicable.

F. FHAP and the First Amendment

The agency does not use funding made available under FHAP to investigate or prosecute any activity that may be protected by the First Amendment of the United States Constitution as prohibited at 24 CFR § 115.310.

Conclusion: The requirement has been met.

VII. Conclusion and Any Corrective Actions

The assessment of the SCHAC's performance reveals that the agency has met the majority of the performance requirements in administering its law. As a result, we believe SCHAC has demonstrated its ability to perform as a substantially equivalent agency and recommend that the agency maintains its certification as a substantially equivalent agency under the Fair Housing Assistance Program.

However, the following concern and findings noted during the performance assessment will need to be addressed within 30 days from receipt of the report. Please see below for specifics.

A. Performance Standard #3

Concern: Although the agency has met the requirements of this standard, there was some deficiencies noted related to proper documentation of the process in the case files.

Corrective Action: Staff should be retrained on the proper way to document conciliation efforts in their case files. All case files processed during the performance cycle should be revisited to ensure that they are documented in accordance with

guidance provided in Chapter 10, Preparation of the Case File, of HUD Handbook 8024.01. Further, the agency should ensure that all future case files are properly documented as well.

B. Performance Standard #4

Finding: The agency indicated that they have not conducted conciliation compliance reviews even though they have the authority to do so. However, regulations require that FHAPs conduct compliance reviews of settlements, conciliation agreements, and orders to confirm whether or not the parties have satisfied the requirements of the agreements.

Corrective Action: SCHAC must develop and implement procedures for conducting compliance reviews and submit a copy to HUD.

C. VI. Reporting and Record Keeping Requirements

Finding: Although the agency has used FHAP funds for the designated purposes based on the attached budget spreadsheet (Exhibit A), it does not appear that records/receipts were maintained for all activities. Additionally, the records that were maintained were not done so in a manner that would allow for an easy review. The reviewer was unable to readily identify whether receipts/supporting documentation was for routine investigative activities paid from Case Processing/AC Funds/Training Funds or for activities paid from the Partnership Funds Projects.

Corrective Action: The agency should conduct an internal review of all records related to FHAP funds and their current practices. SCHAC must also develop and implement sound business practices for submitting, monitoring and maintaining those records. The plan must be submitted to HUD. It is noted that the new Financial Director has developed and implemented the use of spreadsheets for the various types of FHAP funds as a first step in remedying the deficiencies and establishing an easy tracking system, and has updated the filing system.

D. Legal Reviews on Cause Cases

Finding: The agency's legal staff is slow to cause/charge cases. During the performance cycle, it came to the attention of the GTM that the agency legal staff was hesitant to cause/charge at least two cases where the evidence clearly supported cause. Additionally, the cause determinations were agreed upon by the investigator, Fair Housing Director and Commissioner.

- a. Carlson, Lisa v. Palm Ridge; Dale Calvert: #04-12-0836-8
- b. Dance, James v. The Nobel Community of South Carolina: #04-12-0915-8

Both cases eventually conciliated successfully; however unfortunately Mr. Dance died before a resolution could be reached. His estate received the settlement.

Corrective Action: The agency must indicate their process for dealing with these situations and provide a corrective plan of action for addressing this issue so that it will not continue. It should be noted that the Commissioner indicated during the


onsite that they were in the process of hiring additional legal staff as one step in that direction.

E. Partnership Funds Projects

The grantee received two Partnership Funds Project grants during the performance cycle for a combined total of \$143,000. The agency proposed to conduct education/outreach in Richland County to address concerns raised in their AI (\$49,000). Additionally, they proposed to provide education/outreach (including media campaign) to and investigate complaints from LEP persons across the State through the hiring of a bilingual staff person (\$94,000).

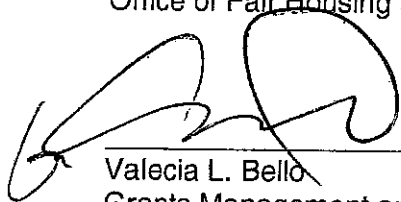
The agency had made significant progress on their goals at the time of the onsite. The grant periods for both projects were to end May 31, 2013; however, the agency requested an extension through December 31, 2013 to complete all of their tasks. The formal request was approved on June 25, 2013. The agency's status reports are attached (Exhibit B).

SIGNATURE PAGE



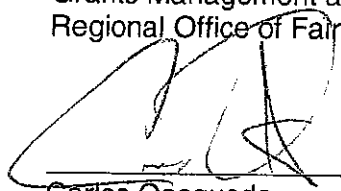
Vicki A. Ray, GTR
Office of Fair Housing and Equal Opportunity

6/28/2013
Date



Valecia L. Bello
Grants Management and Contracts Branch Chief
Regional Office of Fair Housing and Equal Opportunity

7/10/13
Date



Carlos Osegueda
FHEO Region IV Director
Regional Office of Fair Housing and Equal Opportunity

7/10/13
Date



U.S. Department of Housing and Urban Development
Georgia State Office
Five Points Plaza
40 Marietta Street
Atlanta, GA 30303-2906

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 30, 2014

Mr. Raymond Buxton, II
Commissioner
South Carolina Human Affairs Commission
1026 Sumter Street, Suite 101
Columbia, South Carolina 29204

Dear Mr. Buxton:

Subject: Fair Housing Assistance Program
Performance Assessment
South Carolina Human Affairs Commission

On July 30 – 31, 2014, your Fair Housing Assistance Program (FHAP) monitor, Vicki Ray, and Isabel Torres-Davis, Program Analyst, conducted an on-site performance assessment of your agency. The assessment covered the period from July 1, 2013, through June 30, 2014. Based upon the practices and performance of the agency at the time of the review, the U. S. Department of Housing and Urban Development recommends that the South Carolina Human Affairs Commission receive continuing certification as a substantially equivalent agency under Section 810 (f) (3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. Your attention is directed to the concern and findings that are noted in the report. Please ensure that they are addressed within 30 days from receipt of this letter. If you should have questions, please contact your Government Technical Representative (GTR), Vicki Ray, at (502) 618-8150.

We appreciate your cooperation during this performance assessment, and look forward to our continued partnership to ensure equal housing opportunities for all our citizens.

Sincerely Yours,

Carlos Osegueda
FHEO Region IV Director
Regional Office of FHEO

Enclosure

HUD's mission is to create strong, sustainable, inclusive communities and quality, affordable homes for all.

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**United State Department of Housing and Urban Decvelopment
Office of Fair Housing and Equal Opportunity
Region IV**

Performance Assessment Report

SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

**1026 Sumter Street, Suite 101
Columbia, South Carolina 29204**

Purpose: To determine whether the South Carolina Human Affairs Commission (SCHAC) engages in timely, comprehensive, and thorough fair housing complaint investigation conciliation and enforcement activities and therefore warrants continued certification as a substantially equivalent agency. This determination is based on SCHAC's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 C.F.R. Part 115.

Period of Performance: July 1, 2013 – June 30, 2014

Date(s) of Onsite Assessment: July 30 – 31, 2014

HUD Reviewer: Vicki A. Ray, Equal Opportunity Specialist/GTR
Isabel Torres-Davis, Program Analyst (HQ)

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I. Organizational Structure and Staffing

SCHAC has participated in the FHAP for numerous years and are scheduled for their next recertification on March 10, 2016. During the performance period, the following persons were responsible for enforcing and administering the fair housing law.

NAME	TITLE	RACE	SEX	ETHNICITY	DATE OF HIRE	DATE STARTED IN HOUSING UNIT
Raymond Buxton, II	Commissioner	Black	Male	Non-Hispanic	7/17/2012	7/17/2012
Delaine Frierson	Fair Housing Director	Black	Female	Non-Hispanic	9/19/1988	9/01/1990
Lee Wilson	Staff Attorney	White	Female	Non-Hispanic	7/02/2013	7/02/2013
Joshua Barr	Staff Attorney	Black	Male	Non-Hispanic	10/17/2013	10/17/2013
Connie Jenkins	Investigator	Black	Female	Non-Hispanic	3/02/1999	9/19/2011
Jessica Brown	Investigator	White	Female	Non-Hispanic	5/17/2013	5/17/2013
Jesse Olivares	Outreach Coordinator	Black	Male	Hispanic	6/18/2012	6/18/2012
Deborah Thomas	Intake Investigator	Black	Female	Non-Hispanic	10/02/1996	3/01/2012
Larry McBride	Mediator	Black	Female	Non-Hispanic	6/08/1980	3/01/2013
Lori Dean	Finance Director	Black	Female	Non-Hispanic	1/02/2013	1/02/2013
John Wilson	Enforcement Manager	White	Male	Non-Hispanic	1985	1/24/2014

The following persons were identified as Commissioners during the performance period:

NAME	RACE	ETHNICITY	SEX	APPOINTED	TERM EXPIRATION
John A. Oakland, Chair	White	Non-Hispanic	Male	12/30/2004	06/20/2011*
Wade C. Arnette	White	Non-Hispanic	Male	06/30/2006	06/30/2012*
Melanie G. Stith	White	Non-Hispanic	Female	06/30/2006	06/30/2014
Cheryl F. C. Ludlam	Asian	Filipino	Female	06/30/2005	06/30/2011*
Joe Fragale	White	Non-Hispanic	Male	05/05/2005	06/30/2011*
Susan Davis Bowers	White	Non-Hispanic	Female	05/17/2002	06/30/2005*
Rev. Willie Albert Thompson	Black	Non-Hispanic	Male	04/01/2004	06/30/2012*

*The Commissioners serve until they are replaced by the Governor.

II. Performance Standards

A. Performance Standard #1 (24 CFR 115.206(e)(1): Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.

The specific procedures the agency uses for processing complaints include: intake of complaint, determine jurisdiction, identify the issues in the complaint, determine approaches to resolution, investigate complaint, compose letters of findings and resolution, and develop settlement agreements.

The initial intake of the complainant is conducted by the Fair Housing Director or the intake investigator and notification letters are immediately sent to all parties once jurisdiction has been established. The Fair Housing Director then assigns the case to an investigator for investigation. However, if the complaint is a HUD referral generated by TEAPOTS, the complaint is immediately assigned an investigator by the Fair Housing Director.

The monthly case reviews and the onsite review of closed case files confirmed that the processing of cases was initiated within 30 days of receipt of complaint.

Once the complaint has been assigned to an investigator, the investigator must complete the investigation within 90 days and notify the Fair Housing Director that the case is ready for administrative review. However, if the investigation is not completed within 100 days, the complainant and respondent are notified by certified letter the reason why the investigation has not been completed. After the Fair Housing Director has reviewed the entire case file, it is then forwarded to legal and the Commissioner for signature. If the Commissioner or legal disagrees with the recommendation or type of closure, the parties will meet to discuss the case or the case is returned to the investigator for further investigation. This process is utilized for all case closures, including "Cause" cases.

Final Investigative Reports (FIRs) and determinations were prepared, and submitted as part of the case closure packages for all cases.

Our records reveal that the agency closed a total of 47 cases between July 1, 2013 and June 30, 2014. The chart below depicts the types and number of closures for that same time period.

TYPE OF CASE CLOSURE	NUMBER OF CLOSURES	PERCENTAGE
No Cause	18	38%
Cause	2	4%
Conciliation	20	43%
Complaint Withdrawn with Resolution	0	0%
Administrative Closures	7	15%
TOTAL	47	100%

*One cause case resulted in a post-cause conciliation so it was only counted as cause. See Performance Standard 8 for information related to the cause cases.

Of the 47 cases closed between July 1, 2013 - June 30, 2014, a total of 16 (34%) were closed within 100 days of filing. A total of 31 (66%) of the 47 cases will receive reduced payments for timeliness. Also, no cases were over 365 days old at FHAP closure.

The chart below depicts the number of cases closed by age at FHAP closure.

NUMBER OF DAYS	NUMBER OF CASES	PERCENTAGE
0-100	16	34
101-150	13	28
151-200	8	17
201-250	8	17
Over 250	2	4
TOTAL	47	100%

The TEAPOTS generated FHAP open cases report reflected that the agency had a total of 51 open cases as of 6/30/2014. Of that number, a total of 25 (49%) were aged over 100 days. The table below depicts the number of days open and number of cases in each category.

NUMBER OF DAYS	NUMBER OF CASES	PERCENTAGE
0-100	26	51%
101-150	11	22%
151-200	4	8%
201-250	5	10%
Over 250	5	10%
TOTAL	51	100%

Conclusion: The standard has been met.

B. Performance Standard #2 (24 CFR 115.206 (e) (2): Administrative closures are utilized only in limited and appropriate circumstances.

Administrative closures are defined as cases that are closed for the following reasons:

1. The complaint lacked jurisdiction
2. The agency was unable to locate the complainant
3. The complainant failed to cooperate with the investigation
4. The complaint withdrawn by the complainant without resolution
5. Inability to locate respondent
6. Trial already commenced

The agency closed a total of 47 cases between July 1, 2013 and June 30, 2014. Of that number, a total of 7 (15%) were closed administratively. It did not appear that the agency used the administrative closure process to keep from closing the cases on their merit.

Case Name	HUD Case Number	FHAP Closure Date	Closure Reason	Age
Tucker, Thomas, IV & Maria Manning v. Island Realty; Ashley Bos	04-13-0387-8	07/25/13	Complainant Failed to Cooperate	167
Cave, Ernest v. Thomas and Paula Gaston	04-13-0597-8	07/18/13	Complainant Failed to Cooperate	99
Ricardo, Loida v. Twin Lakes Estates; Susan & Church Kewin, DRS	04-13-0774-8	09/12/13	Complainant Failed to Cooperate	100
Rodriguez, Bibiana & Julio Infante v. Twin Lakes Estates;	04-13-0775-8	01/21/14	Withdrawal Without Resolution	231
Myers, Robert v. Bolchoz, Carolyn	04-13-0906-8	11/25/13	Complainant Failed to Cooperate	137
Jimenez, Cristina Perez Vs. Twin Lakes Estates	04-14-0073-8	01/20/14	Complainant Failed to Cooperate	76
Riley & Green v Heddy, Amanda L., et al	04-14-0122-8	02/07/14	Withdrawal Without Resolution	78

Conclusion: The standard has been met.

- C. Performance Stand #3 (24 CFR 115.206(e)(3): During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun.**

SCHAC indicated that they attempt to conciliate all cases. In some instances, they begin the process during intake; however, the investigators are required to attempt conciliation, starting when the case is assigned to them and continuing throughout the investigation. They also use the agency's mediator in some instances. Their methods for conducting conciliation include in person, by phone, and email. In most cases, conciliation is ongoing. In a few cases, the complainant or respondent may be adamant about not wanting to conciliate. The conciliation attempts are documented in the conciliation section and the case chronology in TEAPOTS.

Further, when the agency issues a cause determination, they attempt to conciliate after the determination is issued. During the performance period, one caused case was conciliated post cause.

The review of TEAPOTS confirmed that SCHAC investigators consistently attempted conciliation, to the extent feasible, on cases that were investigated during the performance period.

See Performance Standard #5 for a list of cases that were conciliated/settled during the performance period.

Conclusion: The performance standard has been met.

D. Performance Standard (24 CFR 115.206(e) (4): the agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices.

The agency conciliated a total of 20 (43%) cases between July 1, 2013 and June 30, 2014. All relief obtained in conciliations, pre and post cause, was adequate.

The agency indicated that if necessary, a recommendation would be made to the South Carolina Attorney General to file a civil action seeking the enforcement of the terms of agreements in the event a breach occurs. There were no breaches noted during the performance period.

Conclusion: The performance standard has been met.

E. Performance Standard #5 (24 CFR 115.206(e)(5): the agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.

Of the 47 cases closed as of June 30, 2014, a total of 20 successful conciliation/settlements were obtained. The complainant received benefits of actual monetary damages, reasonable accommodations and housing. Additionally, relief sought by the agency included but was not limited to: training of respondents, requiring respondents to agree to consistently apply its policies and procedures to all applicants and residents in a nondiscriminatory manner and changes in policies. No cases proceeded to an administrative hearing during the performance cycle. No cases proceeded to judicial proceedings during the performance period.

Case Name	HUD Case Number	FHAP Closure Date	Closure Reason	Age
Johnson, Robert and Donna v. Ray Watts; Apex Homes, Inc.; Apex	04-13-0481-8	09/25/13	Conciliated/Settled	204
Smith, Deandra v. Jennifer Kemp; The Biltmore, Arruth Associate	04-13-0596-8	09/09/13	Conciliated/Settled	152
Williams, Cecilia v. Intermark Associates, et. al.	04-13-0649-8	10/21/13	Conciliated/Settled	181
Lyles, Karen v. Carolina Crossing LLC, et al	04-13-0750-8	01/22/14	Conciliated/Settled	245
Alonso, Rafaela v. Twin Lakes Estates; Susan & Chuck Kewin; D.R	04-13-0768-8	09/11/13	Conciliated/Settled	99
Lopez, Jaime v. Twin Lakes Estates; Susan & Chuck Kewin; D.R.S.	04-13-0769-8	09/11/13	Conciliated/Settled	99
Mariano, Francis v. Twin Lakes Estates; Susan & Chuck Kewin; D.	04-13-0770-8	09/11/13	Conciliated/Settled	99
Miramontes, Erika v. Twin Lakes Estates	04-13-0771-8	09/11/13	Conciliated/Settled	99
Alonso, Perla & Armando Renteria v. Twin Lakes Estates; et al	04-13-0773-8	09/11/13	Conciliated/Settled	99
Garduza, Noelia vs. Twin Lakes Estate, et al	04-13-0776-8	10/21/13	Conciliated/Settled	139
Mejia, Martha v Twin Lakes, et al	04-13-0779-8	10/21/13	Conciliated/Settled	139
Acosta, Fernando v Twin Lakes	04-13-0817-8	09/09/13	Conciliated/Settled	83
Alvarado, Maria Vs. Twin Lakes Estate	04-13-0818-8	10/21/13	Conciliated/Settled	125

Smith, Lonnie v. Ashley Guy; The Corners Apartments; PRG Manage	04-13-0982-8	10/25/13	Conciliated/Settled	78
Leon, Manuel Olvera and Diaz, Prisca Vs. Twin Lakes Estates	04-13-1027-8	12/16/13	Conciliated/Settled	111
Bowman, Jillian v. Parkway Village, LP, et. al	04-13-1126-8	02/04/14	Conciliated/Settled	134
Jones, Kathleen v. Hartsville Garden, LLC, et.al	04-14-0071-8	06/25/14	Conciliated/Settled	232
Montgomery, Rita v Florence Housing Authority	04-14-0082-8	03/27/14	Conciliated/Settled	140
Montgomery, Rita v Kirby, Dewey Jr. & Margaret & Dewey III	04-14-0139-8	04/08/14	Conciliated/Settled	132
Anderson, Martha v. CompassRock Real Estate, LLC, et al.	04-14-0203-8	02/11/14	Conciliated/Settled	53
Gadsden, Krystale vs. Oakridge Townhouses	04-14-0243-8	05/15/14	Conciliated/Settled	114

The agency reported the following notable conciliations:

CASE NAME	HUD CASE NUMBER	RELIEF OBTAINED
Cecilia Williams v. WRH Realty Services	04-13-0649-8	Respondents agreed to pay complainant \$5,000 in compensation and attend fair housing training.
Twin Lakes Estate Cases (Systemic Cases)	Various (See above)	Respondents agreed to reimburse all complainants for rent charged per child. Respondents agreed to revise the code of conduct rules for children to reflect a neutral policy that applies to all residents of the community. Respondents agreed to attend fair housing training.
Jones, Kathleen v. Hartsville Garden	04-14-0071-8	Respondents agreed to pay complainant \$4,632 in out of pocket rent payment expenses, from February 2013 – April 2014. Respondents granted complainant's reasonable accommodation request for a ground floor unit. Respondents agreed to attend fair housing training.

Conclusion: The performance standard has been met.

F. Performance Standard #6 (24 CFR 115.206(e)(6): The agency must consistently and affirmatively seek to eliminate all prohibited practices under its housing law.

The chart depicting the agency's education and outreach activities for the performance period is attached as **Exhibit 1**. The agency indicated that after they participate in various events, they measure effectiveness by whether or not they receive calls, inquiries, requests for information, or complaints. On radio talk shows, they gauge effectiveness by the response of the call-in audience or comments from people who tuned in.

When people file complaints, they measure effectiveness based on how they heard about the Fair Housing Act and the agency. As a result of their outreach, they have had an increase in the number of complaints and inquiries from Hispanics. All of them do not result in fair housing complaints; some of them are employment related, but they mention that they heard about the agency because of their brochures.

Conclusion: The performance standard has not been fully met. SCHAC concentrated the majority of its education and outreach efforts in and around the Columbia area. However, as the state agency, SCHAC is responsible for conducting education and outreach activities throughout the State of South Carolina.

- G. Performance Standard #7 (24 CFR 115.206(e)(7): The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance.**

The agency's state fair housing statute does not specify how many cases must be received and processed to determine a reasonable number of fair housing complaints. HUD's regulations also do not state how many complaints constitute a reasonable number. However, factors such as the population of the jurisdiction, length of time of participation in program, number of complaints received and process in the past, and other factors are considered.

States

Very Small	up to 1, 500,000	15 complaints
Small	1,500,001 to 4, 500,000	25 complaints
Medium	4,500,001 to 9,000,000	50 complaints
Large	9,000,001 to 15,000,000	80 complaints
Very Large	15,000, 0001 and over	150 complains

According to the 2012 Census estimates, the population of South Carolina is 4,723,723.

RACE/ETHNICITY	PERCENTAGE
White persons	68.4%
Black persons	28.1%
American Indian and Alaska Native persons	0.5%
Asian persons	1.4%
Native Hawaiian and Other Pacific Islander persons	0.1%
Persons of Hispanic or Latino Origin	5.3%

The agency received a total of 71 new complaints for investigation and closed a total of 47 between July 1, 2013 and June 30, 2014. Therefore, based on the framework above, the agency has processed a reasonable number of cases during the performance period.

Conclusion: The performance standard has been met.

H. Performance Standard #8 (24 CFR 115.206(e)(8): The agency must report to HUD on the final status of all dual-filed complaints where a determination of reasonable cause was made.

The agency caused a total of two (2) dual-filed cases between July 1, 2013 and June 30, 2014. The chart below lists the cases.

CASE NUMBER AND NAME		CAUSE DATE	FHAP CLOSURE	CLOSURE REASON	RELIEF
04-14-0243-8	Gadsden, Krystale vs. Oakridge Townhouses	4/25/2014	5/15/2014	Conciliated/Settled	Respondents agreed to pay complainant a total of \$1,381.34 which is the difference of the Complainant's commute between the home which the complainant inquired about through the respondents and the property the complainant was forced to occupy.
04-13-1174-8	Manfredini, Maddington Pl. Prop. Owners Assoc., Inc., et al	6/05/2014	Open	Open	N/A

In order to be in compliance with this performance standard, the agency must keep HUD updated on the final status of all dual-filed reasonable cause complaints. The agency must report this information to HUD via TEAPOTS.

During the performance period, the agency failed to notify HUD of the status of a previously caused as required. HUD was notified by the complainant that her case was being dismissed by the agency after they had filed a civil action on her behalf and sought HUD's intervention to stop the dismissal. The matter was reviewed by the GTR and Isabel Torres-Davis, Program Analyst (HQ). It was determined that HUD would not take any further action related to the complaint. The complainant retains the option of pursuing the civil action with private counsel.

CASE NUMBER AND NAME		CAUSE DATE
04-13-0397-8	Crotty, Elizabeth v. Windjammer Village	6/28/2013

Conclusion: The performance standard has not been fully met.

I. Performance Standard #9 (24 CFR 115.206(e)(9): The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited interim agreement or MOU.

Conformance with provisions of the MOU not contemplated elsewhere in the report:

a. Paragraph IV.C. Initial Contact Date

Requirement: The MOU requires the agency to use the Initial Contact Date field in TEAPOTS to record the actual date on which the complainant first contacts the agency or FHEO to inquire about filing a housing discrimination complaint, or to report an alleged discriminatory housing practice.

Conclusion: The agency is in compliance with this requirement.

b. Performance Measures

FHAP agencies will close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints;

FHAP agencies will close or charge 95% of its aged fair housing complaints within the fiscal year.

50% Efficiency Goal

The agency received a total of 71 cases that could have aged over 100 days during the performance period through June 30, 2014. Of that number, a total of 14 were systemic cases and one was a cause case. As a result, the total number of closed cases used for calculation purposes of this goal is 56. The agency closed 16 (29%) of those cases in 100 days or fewer. Therefore, the efficiency goal has not been met.

95% Aged Case Closure Goal

At the beginning of the performance period, the agency had a total of four (4) aged open cases. The agency closed all four of them during the performance period. Therefore the aged case closure goal has been met.

HUD Case Number	Case Name	HUD Date Filed	Age at 7/01/2013	FHAP Closure Date
04-13-0387-8	Tucker, Thomas, IV & Maria Manning v. Island Realty; Ashley Bos	02/08/2013	143	7/25/2013
04-13-0481-8	Johnson, Robert and Donna v. Ray Watts; Apex Homes, Inc.; Apex	03/05/2013	118	9/25/2013
04-13-0509-8	Thompson, John & Kombert, Marie v. G & C Housing, LP. et al	03/12/2013	111	7/31/2013
04-13-0535-8	Smith, Lesroy v. Wyndham Pointe, LP, et al	03/19/2013	104	9/24/2013

Conclusion: The requirements have not been fully met.

III. Budget and Finance

- A. The agency did not provide an annual certifications to HUD, confirming that the agency spends at least 20% of its total operating budget (not including FHAP funds) on fair housing activities as required at 24 CFR§115.307 (5). However, the agency provided documentation to demonstrate that the requirement has been met.
- B. FHAP funds must be segregated from the agency's and the state government's other funds, and must be used for the purpose that HUD provided the funds as required at 24CFR§115.307(6). The agency did not commingle any FHAP funds with other funds.
- C. FHAP funds were used for the purpose of investigation complaints, training under the Fair Housing Act, maintenance of data and information systems and creation and maintenance of data and information systems, development and enhancement of fair housing education and outreach projects.
- D. The agency draws down its funds in a timely manner as required at 24 CFR.
- E. Audit Report: The agency received a total of \$300,864 from HUD during FY 2013. As a result, they did not reach the threshold for an audit. However, a financial report of SCHAC was issued October 28, 2013 by the State of South Carolina Office of the State Auditor for the period ending June 30, 2012. A copy of the report was provided to us for our records. The report did not reflect any deficiencies and/or findings related to FHAP.

Conclusion: The requirement has been met. The budgets and financial report are attached as Exhibit 2.

IV. Reporting and Record Keeping Requirements

- A. The agency maintains records demonstrating its financial administration of FHAP funds (24 CFR§ 115.308(a) (1). The agency also utilizes the South Carolina Enterprise Information System (SCEIS) for financial reporting.
- B. The agency maintains records of its performance under the FHAP, including all past performance assessment reports, performance improvement plans and other documents relative to the agency's performance in the FHAP (24 CFR§115.308(a)(2)).
- C. The agency permits reasonable public access to its records as required at 24CFR§115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review).
- D. The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United States, and any of their authorized representatives, has access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as they relate to the agency's participation in FHAP (24 CFR§115.308(d)).

- E. All files are kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24CFR§115.308(e)).

Conclusion: The requirements have been met. The agency's record keeping and financial management has shown significant improvement since the last performance assessment. The Business Manager is to be commended for this level of performance.

V. Testing Requirements

The agency does not do testing as part of their routine operations; however, they proposed to begin a testing program as part of the Partnership Funds Projects. They conducted six tests under their Partnership Funds Projects during the performance period.

VI. Additional Requirements

- A. Training** (24 CFR 115.306 (b): Each agency must send staff to mandatory FHAP training sponsored by HUD, including, but not necessarily limited to, the National Fair Housing Training Academy and the National Fair Housing Policy Conference.

The agency staff attended courses at the NFHTA as required. The chart depicting the specific trainings and staff is attached as **Exhibit 3**.

Conclusion: The requirement has been met.

- B. Data Support System Requirement** (24 CFR 115.307 (a)(3): The agency must use the Department's official complaint data information system and must input all relevant data and information into the system in a timely manner.

The agency utilizes TEAPOTS appropriately.

Conclusion: The requirement has been met.

- C. Changes Limiting Effectiveness of Agency's Law** (24 CFR 115.211):

There were no changes to the agency's law during the performance period.

Conclusion: The requirement has been met.

- D. Civil Rights Requirements**

The agency is in compliance with all relevant federal civil rights laws, including Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the standards of Section 3 of the Housing and Urban Development Act of 1968. There was no evidence that any complaints were filed against the agency related to those laws. The agency

also hired a Hispanic Outreach Coordinator through one of their Partnership Funds Projects who assists Spanish-speaking LEP clients.

Conclusion: The requirement has been met.

E. Subcontracting Requirement (24 CFR § 115.309)

SCHAC does not subcontract to a public or private organization of any activity for which it receives FHAP funds.

Conclusion: The requirement is not applicable.

F. FHAP and the First Amendment

The agency does not use funding made available under FHAP to investigate or prosecute any activity that may be protected by the First Amendment of the United States Constitution as prohibited at 24 CFR § 115.310.

Conclusion: The requirement has been met.

VII. Conclusion and Any Corrective Actions

The assessment of the SCHAC's performance reveals that the agency has met the majority of the performance requirements in administering its law. As a result, we believe SCHAC has demonstrated its ability to perform as a substantially equivalent agency and recommend that the agency maintains its certification as a substantially equivalent agency under the Fair Housing Assistance Program.

However, the following concern and findings noted during the performance assessment will need to be addressed within 30 days from receipt of the report. Please see below for specifics.

A. Performance Standard #1

Concern: Though SCHAC has met the requirements of this standard, it should be noted that the agency should implement a plan now to address the high number of open aged cases. These cases will count towards the aged case closure performance goal during the FY 2014-2015 performance period.

B. Performance Standard #6

Finding: SCHAC concentrated the majority of its education and outreach efforts in and around the Columbia area. However, as the state agency, SCHAC is responsible for conducting education and outreach activities throughout the State of South Carolina.

Corrective Action: The agency must develop and implement a statewide education and outreach plan. The agency must provide a copy of the plan to HUD.

C. Performance Standard #8

Finding: During the performance period, SCHAC failed to notify HUD of the status of a previously caused case as required. HUD was notified by the complainant that her case was being dismissed by the agency after a civil action had been filed on her behalf and sought HUD's intervention to stop the dismissal. The matter was reviewed by the GTR and Isabel Torres-Davis, Program Analyst (HQ). It was determined that HUD would not take any further action related to the complaint. The complainant retains the option of pursuing the civil action with private counsel.

Corrective Action: SCHAC must ensure that HUD is updated as required via TEAPOTS.

D. Performance Standard #9

Finding: FHAP agencies are required to close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints. The agency received a total of 71 cases that could have aged over 100 days during the fiscal year through June 30, 2014. Of that number, a total of 14 were systemic cases and one was a cause case. As a result, the total number of closed cases used for calculation purposes is 56. The agency closed 16 (29%) of those cases in 100 days or fewer. Therefore, the efficiency goal has not been met.

Corrective Action: The agency must develop and implement a plan to meet this goal during the FY 2014-2015 performance period. The agency must provide a copy of the plan to HUD.

E. Partnership Funds Projects

The grantee received two Partnership Funds Project grants during the FY 2013 performance period for a combined total of \$143,000. The agency proposed to conduct education/outreach in Richland County to address concerns raised in their AI (\$49,000). Additionally, they proposed to provide education/outreach (including media campaign) to and investigate complaints from LEP persons across the State through the hiring of a bilingual staff person (\$94,000).

The agency had completed both projects at the time of the onsite. However, the agency had excess funds from both. As a result, they are required to provide a plan for use of the funds to the GTR for review. This plan is to be submitted within 30 days from receipt of this report. The final outcome reports are attached as **Exhibit 4**.

Project	Original Funding	Balance
Richland County Outreach	\$49,000.00	\$14,859.00
Hispanic Outreach	\$94,000.00	\$16,032.57
TOTAL	\$143,000.00	\$30,891.57

VIII. Exhibits

1. Education and Outreach Activities
2. Budgets and Financial Report
3. NFHTA Training Activities
4. Partnership Funds Project Final Outcome Reports

SIGNATURE PAGE



Vicki A. Ray, GTR
Office of Fair Housing and Equal Opportunity

8/26/2014

Date



Carlos Osegueda
FHEO Region IV Director
Regional Office of Fair Housing and Equal Opportunity

9/30/2014

Date

Exhibit #1

FAIR HOUSING OUTREACH 2013-2014			
Date	Type of Outreach	Description	Contact Information
July 25, 2014	Radio Talk Show	Delaine Frierson was a guest on <i>The Urban Scene 620AM Radio</i> . Listeners called in with housing questions.	Don Frierson WGCV
September 26, 2013	South Carolina Community Development Corporation	Delaine Frierson made a presentation about fair housing at the conference in Charleston.	
October 9-18, 2013	South Carolina State Fair	The Housing Division had a booth at the fair and distributed brochures and other fair housing	
October 17, 2013	Radio Talk Show	Delaine Frierson was a guest on <i>The Urban Scene 620AM Radio</i> . Listeners called in with housing questions.	Don Frierson
December 5, 2013	Radio Talk Show	Delaine Frierson was a guest on <i>The Urban Scene 620AM Radio</i> . Listeners called in with housing questions.	Don Frierson
December 2013	SC Black Pages	The Fair Housing division bought an ad in the <i>SC Black Pages</i> . This is a publication by McCants media in which advertisers market to the minority community in South Carolina. It is distributed statewide. The division was also given a page to write information about housing discrimination.	Darren Thomas McCants Media 1806 Washington Street Columbia, SC 29201 (803) 254-6404 Blackexposouth.com
March 11, 2014	Columbia Stakeholders	This was a meeting at	Larry Knightner

	Meeting	HUD to discuss the needs of Columbia concerning housing how the HUD office can better serve those who work with HUD.	Columbia HUD Office Assembly Street
March 12, 2014	Hispanic Ministry	Jesse Olivares spoke to Hispanic members of St. Peters Catholic Church about fair housing.	Maria Smoak, Hispanic Ministry Director St. Peters Catholic Church 1529 Assembly Street Columbia, SC 29201 (803) 779-0942
March 15, 2014	Lexington Health Fair	The Housing Division distributed brochures at the health fair. Marvin Caldwell answered questions and informed people how to contact the agency.	
March 21, 2014	Distribution of brochures	Jesse Olivares spoke with the owner of The Dominican Blowout, a Hispanic salon. He provided information about fair housing.	Jose The Dominican Blowout 7364 Two Notch Road Columbia, SC (803) 233-9626
April 16, 2014	Fair Housing Seminar	Delaine Frierson and Connie Jenkins attended a forum for Sumter County Realtors. Delaine made a presentation about fair housing.	Linda Johnson
April 16, 2014	South Carolina Housing Center	Marvin Caldwell met with representatives from Richland and Lexington Counties, the SC Housing Center, and Legal Aid to discuss creative ways to do Fair Housing outreach	Tina Brown
April 17, 2014	The Greater Columbia Community Relations Council	Delaine Frierson made a presentation about the state of Fair Housing in Richland County. Other	Henrietta Baskins Greater Columbia Community Relations Council 930 Richland Street Columbia, SC 29202

		participants who work in housing also made presentations.	(803) 733-1130
April 22, 2014	Outreach	Jesse Olivares presented information about fair housing to the ESL class at the Lexington-Batesburg Adult Education Center.	Sandy Butler (803) 532-2141 (803) 920-8208
April 23, 2014	Palmetto Affordable Housing Forum	Delaine Frierson made a presentation about the state of Fair Housing in Richland County. Other participants who work in housing also made presentations.	
April 24, 2014	National Association of Hispanic MBAs	Jesse Olivares attended a gathering of Hispanic MBAs and professionals at the Blue Marlin in Columbia and distributed fair housing brochures.	Lorenzo Bocanegra National Society of Hispanics MBAs (956) 453-3101
April 26, 2014	Disaster Awareness Day	Jesse Olivares and Delaine Frierson attended the Disaster Awareness Day in Columbia. The Fair Housing Division distributed brochures to the attendees.	Johnny Williams First Nazareth Baptist Church 2351 Gervais Street Columbia, SC 29204 (803) 719-7070
April 29, 2014	Letter to the Editor	Delaine Frierson wrote a letter to the editor in <i>The State</i> newspaper about housing discrimination.	www.thestate.com
May 3, 2014	Sweet Potato Festival	Connie Jenkins and Delaine Frierson distributed fair housing brochures at this festival.	Hopkins, SC
May 4, 2014	Cinco de Mayo Festival	The Cinco de Mayo Festival was held at	Gustavo (803) 765-0560

		the South Carolina State Museum. Jesse Olivares distributed 300 fair housing brochures	
May 5, 2014	Cinco de Mayo Celebration	Jesse Olivares distributed 30 brochures at the Batesburg-Leesville Branch Library. They held the event to celebrate Hispanic culture.	Maria Arroyo Batesburg-Leesville Branch Library 203 Armory Street Batesburg, SC 29006 (803) 532-9223 marroyo@lexington.net
May 6, 2014	PASOs	Jesse Olivares attend the PASOs event which promotes healthy Latino families in the Midlands.	PASOs Julie Smithwick, Executive Director 730 Devine Street Suite 108 Columbia, SC (803) 777-5466
May 14, 2014	Alianza Latina	Jesse Olivares attended the monthly meeting of Alianza Latina. The group consists of Hispanic Liaisons and coordinators throughout the South Carolina workforce.	Julie Smithwick, Executive Director 730 Devine Street Suite 108 Columbia, SC (803) 777-5466
May 17, 2014	Black Expo	Marvin Caldwell, Jesse Olivares, and Connie Jenkins attended. Black Expo is an annual statewide event where vendors from that state provide information about the services they provide. The housing division distributed brochures and gave away a basket with fair housing information.	Darren Thomas McCants Media 1806 Washington Street Columbia, SC 29201 (803) 254-6404 Blackexposouth.com
April 24, 2014	Webinar sponsored by Coastal Carolina Realtors	Delaine Frierson presented "Know Your Fair Housing Rights	Kathleen Williams, e-PRO Vice President of Professional & Business Development

		and Responsibilities." This webinar was for member of the Coastal Carolina Realtors. They were able to ask questions about fair housing.	Coastal Carolinas Association of REALTORS® 951 Shine Avenue Myrtle Beach, SC 29577 843-839-8061 www.ccarsc.org
May 2014	Article in <i>The Advocate</i>	Delaine Frierson wrote an article for <i>The Advocate</i> , a publication of the South Carolina Methodist Conference on treating others fairly, including making sure people's fair housing rights are not violated.	
May 2014	Human Affairs Commission newsletter	Delaine Frierson provided information for the agency's newsletter about Fair Housing. The newsletter will be uploaded to the agency's website.	
June 11, 2014	Alianza Latina	Jesse Olivares attended the monthly meeting of Alianza Latina. The group consists of Hispanic Liaisons and coordinators throughout the South Carolina workforce.	Julie Smithwick, Executive Director 730 Devine Street Suite 108 Columbia, SC (803) 777-5466
June 13, 2014	Tri-County Housing Summit	Jesse Olivares attended the annual Tri-County Housing Summit at Trident Technical College in North Charleston, SC.	Michelle Winters Trident Technical College 7000 Rivers Avenue North Charleston, SC
June 19, 2014	Home Ownership Month Forum	Jesse Olivares and Deborah Thomas distributed brochures and answered questions about fair	DeAnna Bookert Red Bank Crossing 1070 South Lake Drive Lexington, SC (803) 733-1124

		housing	
June 19, 2014	Training for Property Managers	Fair Housing training for Charleston Area Property Managers	Judy Wolk 147 Wappo Creek Drive Suite 103 Charleston, SC 29412 (843) 737-0173 (w) (843) 696-8403 (c)
June 23, 2014	Home Ownership Market Update Forum	Marvin Caldwell attended the forum and distributed housing information	Earlwood Park 111 Parkside Drive Columbia, SC The Greater Columbia Community Relations Council
June 25, 2014	Training for Property Managers	Delaine Frierson made a presentation to the property managers about fair housing, concentrating on disability discrimination. This was in Florence, and it was attended by property manager from North and South Carolina.	Jason Buffkin, Director Partnership Property Management P.O. Box 26405 Greensboro, NC 27404 P 336.544.2300 x257 F 336.387.8400 http://www.partnershipppm.com/
June 25, 2014	Newberry College	Jesse Olivares attended a meeting at Newberry College to discuss diversity. He spoke about the service of the Fair Housing Division.	Dr. Peggy Winter Newberry College College Street Newberry, SC (793) 832-8163
June 28, 2014	Post-Homeownership Workshop	This was an event held at the Home Depot during Home Ownership month. Delaine Frierson made a presentation on their fair housing rights.	Jocelyn Jennings Richland County Community Development jennkinsj@rcgov.us
June 28, 2014	Fair Housing Forum	Delaine Frierson made a presentation about housing discrimination.	Venue Sabb, Housing Coordinators Benedict-Allen Community Development Corporation Benedict College Business Development Center 2601 Read Street Columbia, SC 29203

July 2014	Certification from South Carolina Department of Labor, Licensing and Regulation, Real Estate Commission	Delaine Frierson has met all of the requirements of the Real Estate Commission for approval as a real estate provider. This is to provide continuing education units to real estate agents when teaching about fair housing.	Joi Middleton LLR South Carolina Real Estate Commission Synergy Business Park, Kingstree Building 110 Centerview Drive Columbia, SC 29211-1847 (803) 896-4425
July 9, 2014	Alianza Latina	Jesse Olivares attended the monthly meeting of Alianza Latina. The group consists of Hispanic Liaisons and coordinators throughout the South Carolina workforce.	Julie Smithwick, Executive Director 730 Devine Street Suite 108 Columbia, SC (803) 777-5466
July 11, 2014	Outreach	Jesse Olivares distributed 30 brochures at the Monterrey Restaurant.	Miguel Gnate Monterrey Mexican Restaurant 199 Knox Abbott Drive Columbia, SC (803) 794-3974 (803) 629-5535
July 18-19, 2014	Outreach	Jesse Olivares distributed 232 brochures to Hispanics who were seeking help from the Mexican Consulate.	Freddy Rivera Fuente de Vida Church 101 Carol Ann Drive Columbia, SC 29223 (803) 509-2510
July 25-26, 2014	Outreach	Jesse Olivares distributed 265 brochures to Hispanics who were seeking help from the Mexican Consulate.	Freddy Rivera Fuente de Vida Church 101 Carol Ann Drive Columbia, SC 29223 (803) 509-2510

Personnel Pd by HUD FUNDS and Salary & Fringe Amounts PD

	Salaries	Fringe
Delaine Frierson	\$ 55,068	\$ 19,824.48
Jessica Brown	\$ 16,959	\$ 6,105.24
Connie Jenkins	<u>\$ 37,754</u>	<u>\$ 13,591.44</u>
	\$ 109,781	\$ 39,521.16

Total FY13/14 Salaries & Fringe pd by HUD Funds**\$ 149,302.16**

FY 13/14

Salary	Jessie Olivares		41000
Fringe	Jessie Olivares		14760
Salary	Jessica Brown	7/1-4/21 Pd 50% state & 50% Federal	16959
Fringe	Jessica Brown	7/1-4/21	6105.24
Salary	Marvin Caldwell		33987
Fringe	Marvin Caldwell		12235.32
Salary	Deborah Thomas		44469
Fringe	Deborah Thomas		16008.84
Salary	Tamiko Johnson	2/17-6/30	9207
Fringe	Tamiko Johnson	2/17-6/30	3314.52

TOTAL SALARY & FRINGE**\$ 198,045.92**

Workers Compensation Yearly Premium	1145.8
Unemployment Compensation	1500.6
Insurance Reserve Fund	404
AT&T - Phone Service	4190.28
ID's For Staff	30
Best Buy (1/2 of costs for 1st floor Wi-Fi)	58.3
Div of Technology (Web hosting & Internet Usage)	9564.72
Copy Pick-up (Binding of Agency Training Manuals)	75.6
Corrections - Printing (Name Plates & Holders)	70.5
Corrections - Printing (Business Cards)	200
Corrections - Printing (Envelopes)	163.52
Replacement Memory (For Computers)	302
Office Supplies	900
Joshua Barr - John Marshall Law School Training	650
Midlands Tech (Business Writing Class-Jessica, Jesse, & Marvin)	266
Pitney Bowes (Yearly Lease)	1245
Pitney Bowes (Yearly Postage - Calculations only from Sept to June)	3974.02
Building Rent (Old & New Locations)	19469.3
Post Office Box Rental	81.2
Fair Housing Coach - Subscription	277
Xerox - Copiers	2845
State Fleet (State Cars)	3500
Spirit Communicatons - Long Distance Telephone Service	2052

Total Expenditures paid toward Fair Housing Activities**\$ 251,010.76****Total 2013/2014 Budget****\$ 2,043,236.00**

% of Total Operating Budget Spent on Fair Housing Activities
(please note funds were not received until 9/30/13)

12.2850%

**FY 2013 HUD FUNDS
FUNDS DESIGNATION**

	<u>HOW FUNDS WERE ALLOCATED</u>	<u>Remaining Balance</u>
\$ 96,282.00 Case Processing	41K of 61K taken from Case processing to cover salaries thru FYE	\$ 55,282.00
\$ 1,000.00 Cause Case Bonus	not used as of today	\$ 1,000.00
\$ 16,000.00 Training Funds	\$15,506.11	\$ 493.89
\$ 20,000.00 Administrative Costs	\$61K used to cover shortage in salaries, employer contributions, & other operating funds thru FYE	\$ -
<u>\$ 133,282.00</u>		<u>\$ 56,775.89</u>

Name	Dates	Purpose	Total	\$ 16,000.00
Marvin Caldwell	5/4-5/9/14	NFHTA Training	\$ 1,044.00	Travel Advance
Marvin Caldwell	5/4-5/9	NFHTA Training	\$ 479.80	
	5/4-5/9 (Air Fare)	NFHTA Training	\$ 534.50	
Jessica Brown	4/13-4/18	NFHTA Training	\$ 1,140.80	Travel Advance
Jessica Brown	4/13-4/18	NFHTA Training	\$ 450.60	
Joshua Barr	11/17-11/22	NFHTA Training - DC	\$ 876.80	Did not attend, but ticket was pd
Joshua Barr	1/29-2/1	Attorney Litigation Training	\$ 443.98	Travel Advance
Joshua Barr	1/29-2/1	Attorney Litigation Training	\$ 244.69	
Joshua Barr	1/29-2/1	Attorney Litigation -Air Fare	\$ 630.80	
Lee Wilson	8/4-8/9	NFHTA Training	\$ 922.04	Travel Advance
Lee Wilson	8/4-8/9	NFHTA Training	\$ 379.04	
Lee Wilson	8/4-8/9 (Air Fare)	NFHTA Training - DC	\$ 692.20	
Delaine Frierson	25-Jun	Florence (Training)	\$ 79.04	
Delaine Frierson	19-Jun	Charleston (Training)	\$ 143.36	
Delaine Frierson	9/8-9/13	Tampa FL (Training)	\$ 874.30	
Delaine Frierson	9/8-9/13 (Air Fare)	Tampa FL (Training)	\$ 687.44	
Delaine Frierson	9/25-9/26	Charleston (Training)	\$ 173.50	
Jessica Brown	9/8-9/13	Tampa FL (Training)	\$ 820.80	
	9/8-9/13 (Air Fare)	Tampa FL (Training)	\$ 687.44	
Marvin Caldwell	9/8-9/13	Tampa FL (Training)	\$ 825.80	
	9/8-9/13 (Air Fare)	Tampa FL (Training)	\$ 687.44	
Larry McBride	9/8-9/13	Tampa FL (Training)	\$ 838.30	
	9/8-9/13 (Air Fare)	Tampa FL (Training)	\$ 687.44	
Connie Jenkins	7/6-7/11	NFHTA Training -Air Fare	\$ 581.00	
Deborah Thomas	7/6-7/11	NFHTA Training -Air Fare	\$ 581.00	
Total Spent			\$ 15,506.11	
Remaining			\$ 493.89	

**FY 2013 FHAP
PARTNERSHIP FUNDS
BUDGETS**

Hispanic Outreach

	Delaine's Totals	Lori's Totals
Jesse's Salary	35,961.17	40014.11

Advertising

Ads/Promo (P&B)	1,056.63	Inv 1745	1106.63 1/2 of total
Ads/Promo (P&B)	1,115.47	Inv 1701	1115.47 1/2 of total
Motor Vehicle Network	5,985.00	Inv 47710	5985
2012 State Fair Rental-Admission	152.50		152.5
2012 State Fair Rental- Booth Rental			615
2012 State Fair Rental- Exhibitor Space			50
Displays Unlimited (Table & Skirt for 2012 Fair)			144.45
Latin Festival	144.45		600
2013 Booth Rental (State Fair)	400.00		
Black Pages		2500	1250 1/2 of total
Promotional Items (P&B)	2,500.00	Inv 1782	2515.28
Booth Rental (AME Church)	150.00		150
SC Network Hispanic Radio Ads	2,190.00		2990
Blak Expo I Rental - May 2014	189.00		175
Promotional Items (P&B)		Inv 1694	1178.87 1/2 of total
Forms & Supply (Chairs)		138.24	69.12 1/2 of total
Total	13,883.05		18097.32

Printing

Copy Picku (Brochures)	909.50	1819	909.5 1/2 of total
Copy Picku (Brochures)		1284	642 1/2 of total
1000 Brochures (Dept Of Correct	530.04		530.04
Laser Print Plus		642	321 1/2 of total
Total	1,439.54		2402.54

Equipment

3 iPads	1,887.00		2019.09
Apple Care for 3 iPads	297.00		317.79
2 Wireless Keyboards & Cases	299.98		232.58
1 Wireless Keyboard & Case	121.70		94.71
3 SIM Cards	113 6/25		111.76 2 SIMS Cards
2 Screen Protectors	29.99		32.38
Verizon Wireless (Internet - Jesse, Delaine, Jessica)			1279.68
Total	2,748.91		4087.99

Printers

2 Printers @ 179	358.00	386.64
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Ink Cartridges	85.96	92.84
Total	443.96	

1 Scanner	79.99	86.39
1/2 of Shipping Costs for Printers, Cartridges, & Scanners		92.5
		658.37

Travel

Columbia to Aiken	72.32	72.32
Columbia to Charleston (3 people	1,111.00	1136.04
State Car Expenditures (Jesse's Outreach)		5925.3
Total	1,183.32	7133.66

Testing

Tester Training	2,499.00	Inv#121313	2499	
John Marshall Travel Reimbursen	605.74		605.24	1/2 of total
Background Checks for Testers	225.00		250	1/2 of total
Funds paid to Testers	775.00		1075	1/2 of total
Airfare (10/28-10/29 John Marshall Testers)		1009.5	504.6	1/2 of total
Airfare (12/9-11 John Marshall Testers)		1279.2	639.6	1/2 of total
Total	4,104.74		5573.44	

Total of all categories	59,844.68	77,967.43
Total Grant		94000
Total Remaining		16,032.57

Richland County Outreach

P & B Promotional material	1,056.63	Inv 1745	1106.62	1/2 of total
P & B Promotional material	1,178.87	Inv 1694	1178.88	1/2 of total
Booth Rental (State Fair)	152.50			
P & B Promotional material	1,115.47	Inv 1701	1115.48	1/2 of total
Motor Vehicle Network - ads	2,565.00	Inv 47710	2565	1/2 of total
Palmetto Classic Ad	1,500.00		1500	
2013 Booth Rental (State Fair)	400.00		875	
Displays Unlimited (Table & Skirt 2013 Fair)			171.2	
Sponsor Source (2013 Fair-Parking & Exhibitor Passes)			485	
Delaine (Reim for Basket Giveaway 2013 Fair)			48.55	
Black Pages		2500	1250	1/2 of total
P & B Promotional items	2,500.00	Inv 1781	2497.5	
Booth Rental AME Church	150.00		150	
WWDM Radio Ad	2,156.76		1997	

Summit Communications Radio A	1,841.40		1705
Glory Communications Radio Ads	680.40		630
Cumulus Radio Ads - Florence	1,144.80		1480
Cumulus Radio Ads - Charleston	1,134.00		1390
Cumulus - Myrtle Beach			1060
Black Expo Booth Rental - May 20	189.00		175
Forms & Supply (Chairs)		138.24	69.12 1/2 of total
Total	17,764.83		21449.35

Printing

Copy Pickup (Brochures)	1,887.00	1819	909.5 1/2 of total
Copy Pickup (Brochures)		1284	642 1/2 of total
3000 Brochures (Dept of Correcti	591.68		591.68
Laser Print Plus		642	321 1/2 of total
Total	2,478.68		2464.18

Equipment

3 iPads	1,887.00		1917.38
3 Apple Care Protection	297.00		318.78
3 Wireless Keyboards & Cases	449.97		348.88
3 SIM Cards	113.97		167.64
3 Screen Protectors	44.97		48.57
Verizon Wireless (Internet - Marvin, Connie, Deborah)			954.62
Total	2,792.91		3755.87

Printers

3 Printers @ 179	537.00		579.96
Ink Cartridges	128.94		139.26
Total	665.94		

1 Scanner	79.99		86.39
1/2 of Shipping Costs for Printers, Cartridges, & Scanners			92.5
			898.11

Testing

Tester Training	2,499.00	Inv#121613	2499
John Marsahh Travel Reimbursen	605.74		605.24 1/2 of total
Background Checks for Testers	225.00		250 1/2 of total
Funds paid to Testers	975.00		1075 1/2 of total
Airfare (10/28-10/29 John Marshall Testers)		1009.5	504.6 1/2 of total

Airfare (12/9-11 John Marshall Testers)	1279.2	639.6 1/2 of total
Total	4,304.74	5573.44

Total of all categories	28,087.09	34,140.95
Total Grant		49000
Total Remaining		14,859.05

**SOUTH CAROLINA
HUMAN AFFAIRS COMMISSION
COLUMBIA, SOUTH CAROLINA**

STATE AUDITOR'S REPORT

JUNE 30, 2012

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State of South Carolina



Office of the State Auditor

1401 MAIN STREET, SUITE 1200
COLUMBIA, S.C. 29201

RICHARD H. GILBERT, JR., CPA
DEPUTY STATE AUDITOR

(803) 253-4160
FAX (803) 343-0723

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

October 28, 2013

The Honorable Nikki R. Haley, Governor
and
Members of the Commission
South Carolina Human Affairs Commission
Columbia, South Carolina

We have performed the procedures described below, which were agreed to by the governing body and management of the South Carolina Human Affairs Commission (the Commission), solely to assist you in evaluating the performance of the Commission for the fiscal year ended June 30, 2012, in the areas addressed. The Commission's management is responsible for its financial records, internal controls and compliance with State laws and regulations. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the specified parties in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and the associated findings are as follows:

1. **Cash Receipts and Revenues**

- We inspected selected recorded receipts to determine if these receipts were properly described and classified in the accounting records in accordance with the agency's policies and procedures and State regulations.
- We inspected selected recorded receipts to determine if these receipts were recorded in the proper fiscal year.
- We made inquiries and performed substantive procedures to determine if revenue collection and retention or remittance were supported by law.
- We compared current year recorded revenues at the subfund and general ledger code level from sources other than State General Fund appropriations to those of the prior year. We investigated changes in the general, earmarked and federal funds to ensure that revenue was classified properly in the agency's accounting records. The scope was based on agreed upon materiality levels (\$400 - general fund, \$6,400 - earmarked fund, and \$5,400 - federal fund) and ± 10 percent.

The Honorable Nikki R. Haley, Governor
and
Members of the Commission
South Carolina Human Affairs Commission
October 28, 2013

The individual transactions selected were chosen randomly. Our finding as a result of the procedures is presented in Account Coding in the Accountant's Comments section of this report.

2. Non-Payroll Disbursements and Expenditures

- We inspected selected recorded non-payroll disbursements to determine if these disbursements were properly described and classified in the accounting records in accordance with the agency's policies and procedures and State regulations, were bona fide disbursements of the Commission, and were paid in conformity with State laws and regulations; if the acquired goods and/or services were procured in accordance with applicable laws and regulations.
- We inspected selected recorded non-payroll disbursements to determine if these disbursements were recorded in the proper fiscal year.
- We compared current year expenditures at the subfund and general ledger account code level to those of the prior year. We investigated changes in the general, earmarked and federal funds to ensure that expenditures were classified properly in the agency's accounting records. The scope was based on agreed upon materiality levels (\$13,800 – general fund, \$6,200 – earmarked fund, and \$3,800 – federal fund) and ± 10 percent.

The individual transactions selected were chosen randomly. Our finding as a result of the procedures is presented in Account Coding in the Accountant's Comments section of this report.

3. Payroll Disbursements and Expenditures

- We inspected selected recorded payroll disbursements to determine if the selected payroll transactions were properly described, classified, and distributed in the accounting records; persons on the payroll were bona fide employees; payroll transactions, including employee payroll deductions, were properly authorized and were in accordance with existing legal requirements and processed in accordance with the agency's policies and procedures and State regulations.
- We inspected payroll transactions for selected new employees and those who terminated employment to determine if the employees were added and/or removed from the payroll in accordance with the agency's policies and procedures, that the employee's first and/or last pay check was properly calculated and that the employee's leave payout was properly calculated in accordance with applicable State law.
- We compared current year payroll expenditures at the subfund and major object code level to those of the prior year. We investigated changes in the general, earmarked and federal funds to ensure that expenditures were classified properly in the agency's accounting records. The scope was based on agreed upon materiality levels (\$13,800 – general fund, \$6,200 – earmarked fund, and \$3,800 – federal fund) and ± 10 percent.
- We compared the percentage change in recorded personal service expenditures to the percentage change in employer contributions; and computed the percentage distribution of recorded fringe benefit expenditures by fund source and compared the computed distribution to the actual distribution of recorded payroll expenditures by fund source. We investigated changes of ± 10 percent to ensure that payroll expenditures were classified properly in the agency's accounting records.

The Honorable Nikki R. Haley, Governor
and
Members of the Commission
South Carolina Human Affairs Commission
October 28, 2013

The individual transactions selected were chosen randomly. We found no exceptions as a result of the procedures.

4. **Journal Entries and Appropriation Transfers**

- We inspected selected recorded journal entries and appropriation transfers to determine if these transactions were properly described and classified in the accounting records; they agreed with the supporting documentation, the purpose of the transactions was documented and explained, the transactions were properly approved, and were mathematically correct; and the transactions were processed in accordance with the agency's policies and procedures and State regulations.

The individual journal entry transactions selected were chosen randomly. We found no exceptions as a result of the procedures.

5. **Appropriation Act**

- We inspected agency documents, observed processes, and/or made inquiries of agency personnel to determine the Commission's compliance with Appropriation Act general and agency specific provisos.

Our finding as a result of these procedures is presented in Personal Property Inventory in the Accountant's Comments section of this report.

6. **Reporting Packages**

- We obtained copies of all reporting packages as of and for the year ended June 30, 2012, prepared by the Commission and submitted to the State Comptroller General. We inspected them to determine if they were prepared in accordance with the Comptroller General's Reporting Policies and Procedures Manual requirements and if the amounts reported in the reporting packages agreed with the supporting workpapers and accounting records.

Our finding as a result of these procedures is presented in Reporting Packages in the Accountant's Comments section of this report.

7. **Schedule of Federal Financial Assistance**

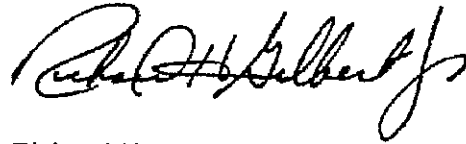
- We obtained a copy of the schedule of federal financial assistance for the year ended June 30, 2012, prepared by the Commission and submitted to the State Auditor. We inspected it to determine if it was prepared in accordance with the State Auditor's letter of instructions; if the amounts agreed with the supporting workpapers and accounting records.

We found no exceptions as a result of the procedures.

The Honorable Nikki R. Haley, Governor
and
Members of the Commission
South Carolina Human Affairs Commission
October 28, 2013

We were not engaged to and did not conduct an audit, the objective of which would be the expression of an opinion on the specified elements, accounts, or items. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Governor and of the governing body and management of the South Carolina Human Affairs Commission and is not intended to be and should not be used by anyone other than these specified parties.

A handwritten signature in black ink, appearing to read "Richard H. Gilbert, Jr.", with a stylized flourish at the end.

Richard H. Gilbert, Jr., CPA
Deputy State Auditor

ACCOUNTANT'S COMMENTS

VIOLATIONS OF STATE LAWS, RULES OR REGULATIONS

Management of each State agency is responsible for establishing and maintaining internal controls to ensure compliance with State Laws, Rules or Regulations. The procedures agreed to by the agency require that we plan and perform the engagement to determine whether any violations of State Laws, Rules or Regulations occurred.

The conditions described in this section have been identified as violations of State Laws, Rules or Regulations.

REPORTING PACKAGES

Section 1.7 of the Comptroller General's Reporting Policies and Procedures Manual states, "Each agency's executive director and finance director are responsible for submitting to the Comptroller General's Office reporting packages and/or financial statements that are: Accurate and prepared in accordance with instructions, complete, and timely." Our testing of the Commission's reporting packages disclosed the following exceptions:

The Commission submitted four of its reporting packages several days to several weeks after their respective due dates.

Although no additional errors or omissions were noted as a result, two answers on the Master Reporting Checklist, form 2.0.1, were answered inaccurately. This was also the case for one question on the capital assets questionnaire, form 3.8.1.

Our testing of the Grants and Contributions Revenue Reporting Package revealed two grant numbers reported incorrectly on the grants activity form, 3.3.1. Also, although the details are included on the grants activity form, no amounts for grants receivable or deferred revenue were reported on the summary form, 3.3.2, in accordance with the reporting package instructions.

On the Refund Receivables Reporting Package no amounts were reported on the refund receivables and related accounts summary form, 3.5.2, even though the responses on the refunds collected and related transactions form, 3.5.1, indicate reportable refunds receivable.

ACCOUNT CODING

In our testing of revenue and expenditure transactions we found the following coding exceptions: A receipt received to reimburse the Commission for a vehicle lease (account 5051540000) was recorded as in-state auto mileage (account 50500400000).

A disbursement transaction for a copier contingent rental payment (account 5040050000) was posted to the copying equipment service account (account 5020020000).

For another disbursement, the supporting documentation shows that the disbursement was to reimburse a firm for an overcharge of a photocopying fee (account 4380050000), but the disbursement was recorded as copying equipment supplies (account 5030020000).

Effective internal controls require safeguards to ensure that transactions are properly recorded. Expenditures and revenues reimbursed in the same fiscal year that the expenditure or revenue occurred should be recorded in the account that the transaction was originally charged. The Comptroller General's Office Policies and Procedures include the specific definitions for coding transactions to the proper revenue and expenditure accounts.

We recommend that the Commission strengthen its internal controls over the recording of financial transactions. The Commission should ensure that the person reviewing and approving accounting transactions verify that the preparer used the proper account code.

PERSONAL PROPERTY INVENTORY

Section 10-1-140 of the South Carolina Code of Laws, as amended, states, "The head of each department, agency or institution of this state is responsible for all personal property under his supervision and each fiscal year shall make an inventory of all such property under his supervision, except expendables."

The Commission was unable to demonstrate compliance with Section 10-1-140 because it could not provide documentation supporting the performance of the inventory.

We recommend the Commission implement procedures to include documenting the performance of a property inventory to demonstrate compliance with Section 10-1-140.

MANAGEMENT'S RESPONSE

STATE OF SOUTH CAROLINA
HUMAN AFFAIRS COMMISSION

Raymond Buxton, II
Commissioner

1026 Sumter Street, Columbia SC (29201)
Post Office Box 4490
Columbia, South Carolina 29240-4490
(803) 737-7800 FAX: (803) 253-4191

To file complaints dial (803) 737-7800
or 1-800-521-8725 (In-State Only)

November 25, 2013

Mr. Richard H. Gilbert, Jr. CPA
1401 Main Street, Suite 1200
Columbia, SC 29201

RE: Report Release Authorization

Dear Mr. Gilbert:

In response to the preliminary drafted copy of the SC Human Affairs Audit, we would like to submit the following responses to violations of State Laws, Rules or Regulations.

Reporting Packages

At the time reporting packages were due in 2012, the Agency's Budget Director was forced to retire due to illness. Therefore, the Senior Accountant was left to complete the 2012 Reporting Packages. The Senior Accountant had never completed these packages and with the workload of the daily operations of the Agency, she was unable to process them in a timely manner.

Accounting Codes

The incorrect use of accounting codes was clerical errors that should have been caught during processing. In the future, the SC Human Affairs Commission's Business Manager will closely monitor coding.

Personal Property Inventory

Again, because the Senior Accountant was the only financial person on staff, she was unable to perform inventory for that fiscal year. The SC Human Affairs Commission's Business Manager will ensure yearly property inventory is completed to demonstrate compliance with Section 10-1-140.

Per this letter we are giving our written release authorization of the 2012 SC Human Affairs Commission's State Auditor's Report. As requested, we are also attaching a current list of our Commission members and their mailing and email addresses.

Please contact me or our Business Manager, Lori Dean, should you have additional questions or concerns.

Sincerely,


Raymond R. Buxton, II
Commissioner

4 copies of this document were published at an estimated printing cost of \$1.43 each, and a total printing cost of \$5.72. Section 1-11-125 of the South Carolina Code of Laws, as amended requires this information on printing costs be added to the document.

HOUSING DIVISION TRAINING			
DATE	COURSE	PERSONS ATTENDING	TITLE
August 5-9, 2013	NFHTA Fair Housing Enforcement for Public Sector Attorney	Lee Wilson	Staff Attorney
September 9-13, 2014	NFHTA Fair Housing in a Nutshell	Delaine A. Frierson Jessica Brown Larry McBride Marvin Caldwell	Housing Director Investigator Mediator Investigator
September 16-20, 2013	NFHTA Taught Advanced Intake	Delaine A. Frierson	Housing Director
October 28, 2013	Webinar sponsored by the National Fair Housing Alliance Training Condominium, Cooperatives and Homeowners' Associations	Marvin Caldwell	Investigator
January 20 – February 1, 2014	John Marshall School of Law Fair Housing Legal Support Center & Clinic, 22 nd Annual Litigation Skills Training Program	Joshua Barr	Staff Attorney
January 2014	NFHTA Week One Online Fair Housing Law and Ethics Effective Fair Housing Intake and Introduction to TEAPOTS Critical Thinking and Investigation including Interview Techniques	Lee Wilson Jesse Olivares	Staff Attorney Investigator
April 2014	NFHTA Week Two Online Theories of Proof and Data Analysis Discovery Techniques and Evidence	Jesse Olivares	Investigator
April 7-8, 2014	NFHTA Taught Advance Intake	Delaine A. Frierson	Housing Director
April 14-18, 2014	NFHTA Week Four Fair Housing Investigation Review and Application Writing cases/FIRs Using TEAPOTS Briefing Techniques for Complaint Investigations	Jessica Brown	Investigator
May 5-9, 2014	NFHTA Week Two	Marvin Caldwell	Investigator
July 7-11, 2014	NFHTA Week Two	Connie Jenkins Deborah Thomas	Investigator

**Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds
Final Report**

FHAP Agency	Partner(s)	Amount Received For Partnership Project	Amount Spent on Partnership Project
South Carolina Human Affairs Commission (SCHAC)	Hispanic Liaison	\$94,000.00	\$77,967.43
Project Completion Date	Description of Project	What was the outcome of this project? (How did this project further HUD's national priorities, how did this project further fair housing, etc.)	What was the numerical output of this project? (How many people were served, how many cases were investigated, how many tests were conducted, etc.)
June 30, 2014	<p>SCHAC hired a bilingual individual, Jesse Ollvares, to provide fair housing outreach to LEP individuals, outreach in the Hispanic community, and to investigate fair housing cases. With this project, SCHAC targeted the 11 counties with the highest percentage of Hispanics by conducting outreach, developing and providing brochures, appearing on talk shows, and producing PSAs. The targeted counties were:</p> <ol style="list-style-type: none"> 1. Beaufort 2. Berkeley 3. Charleston 4. Dorchester 5. Greenville 	<p>This projects furthered HUD's national proprieties by making the Hispanic residents of South Carolina more aware of their fair housing rights. It is an on-gong process wherein trust has been established in some areas. They know who to call in case they had fair housing issues. There has been an increase in complaints filed by Hispanic residents. There has also been an increase in inquiries. Some of the Hispanic residents are still afraid to come forward, but information has been made available for them via brochures, ads, and PSAs. It is our goal to continue to build trust so that Hispanics will not be afraid to</p>	<p>We served the residents of South Carolina in the following ways:</p> <ol style="list-style-type: none"> 1. 42 cases investigated 2. 5138 brochures distributed 3. 48 workshops/events 4. 3 ads in the Department of Motor Vehicles 5. Radio ads with a market of 863,679 people 6. Advertisement in SC Black Pages with a market of over 100,000 7. We conducted 6 fair housing tests.

Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds
Final Report

	<ul style="list-style-type: none">6. Horry7. Lexington8. Newberry9. Richland10. Saluda11. Spartanburg	<p>file complaints.</p> <p>Because of the agency's presence, different entities know that they can refer Hispanics to the agency for assistance.</p>	
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Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds
Final Report

FHAP Agency	Partner(s)	Amount Received For Partnership Project	Amount Spent on Partnership Project
South Carolina Human Affairs Commission (SCHAC)	Richland County Community Development Division of Richland County	\$49,000.00	\$34,140.95
Project Completion Date	Description of Project	What was the outcome of this project? (How did this project further HUD's national priorities, how did this project further fair housing, etc.)	What was the numerical output of this project? (How many people were served, how many cases were investigated, how many tests were conducted, etc.)
June 30, 2014	SCHAC partnered with the Richland County Community Development Division of Richland County to provide fair housing outreach and education, addressing concerns raised in the County's Analysis of Impediments to Fair Housing Choice, which was completed in September 20, 2011. SCHAC worked with Richland County to disseminate fair housing brochures, provide training and seminars, and increase awareness of fair housing issues.	<p>The agency addressed concerns raised in Richland County's Analysis to Impediments to Fair Housing Choice (AI), which was completed on September 20, 2011.</p> <p>The goal was to address residents in ethnic and minority areas, apartment and property managers, homeowners associations.</p> <p><i>To affirmatively further fair housing, the housing division partnered with Richland County to:</i></p> <ol style="list-style-type: none"> 1. Conduct workshops on 	<p>We served the residents of South Carolina in the following ways:</p> <ol style="list-style-type: none"> 1. 18 cases investigated 2. 1435 brochures distributed 3. 5 workshops/events 4. 1 ad in the Department of Motor Vehicles 5. Radio ads with a total market of 863,679 people 6. Advertisement in SC Black Pages with a market of over 100,000 7. We conducted 6 fair housing tests

Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds
Final Report

		<p>fair housing and first-time homebuyers workshops</p> <ol style="list-style-type: none">2. Recognize Fair Housing Month with a County Council Resolution3. Participate in the Greater Columbia Community Relations Council (GCCRC) Poster Contest. This contest involves elementary and middle school students and introduces them to fair housing principles4. Serve on the housing committee of the GCCRC and the training sub-committee5. Run fair housing PSAs in Richland County6. Run fair housing ads in Richland County7. Distribute fair housing literature, brochures and other paraphernalia at events.	
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Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds
Final Report

		<p><i>In response to Impediment One – Discrimination in the Housing Market Recommendations:</i></p> <ol style="list-style-type: none"> 1. We continued to provide fair housing literature and training 2. We provided education material in English and Spanish 3. We conducted fair housing testing of rental properties 4. We worked with the Benedict-Allen CDC to provide first-time homebuyers training <p><i>In response to Impediment Two – Fair Housing Advocacy and Outreach:</i></p> <p>The fair housing division provided on-going education, awareness, and outreach by distributing brochures, attending community organization meetings, updating our webpage, and appearing on radio talk shows</p>	
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U.S. Department of Housing and Urban Development
Georgia State Office
Five Points Plaza
40 Marietta Street
Atlanta, GA 30303-2906

CERTIFIED MAIL — RETURN RECEIPT REQUESTED

December 11, 2015

Mr. Raymond Buxton, II
Commissioner
South Carolina Human Affairs Commission
1026 Sumter Street, Suite 101
Columbia, South Carolina 29204

Dear Commissioner Buxton:

Subject: Fair Housing Assistance Program; Performance Assessment
South Carolina Human Affairs Commission

On July 22-23, 2015, your Fair Housing Assistance Program (FHAP) monitor, Adoniram Vargas conducted an on-site performance assessment of your agency for the period from July 1, 2014 through June 30, 2015.

Based upon the practices and performance of the agency at the time of the review, the U. S. Department of Housing and Urban Development recommends that the South Carolina Human Affairs Commission receive continuing certification as a substantially equivalent agency under Section 810 (f) (3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. Your attention is directed to the report's concerns and recommendations. Please address them within 30 days from receipt of this letter. If you should have questions, please contact your Government Technical Representative (GTR), Don Vargas, at (305) 520-5031.

We appreciate your cooperation during this performance assessment, and look forward to our continued partnership to ensure equal housing opportunities for all our citizens.

Sincerely Yours,

Carlos Osegueda
FHEO Region IV
Director Regional
Office of FHEO

Enclosure

**United State Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
Region IV**

Performance Assessment Report

FHAP Agency: South Carolina Human Affairs Commission
Address: 1026 Sumter Street, # 101
Columbia, South Carolina 29204
Commissioner: Raymond Buxton, II
Commissioner's phone #: 803-737-7826
Commissioner's email: rbuxton@schac.sc.gov

Assessment Purpose: To determine whether the South Carolina Human Affairs Commission engages in timely, comprehensive, and thorough fair housing complaint investigation, conciliation and enforcement activities, and therefore warrants continued certification as a participant in the Fair Housing Assistance Program. This determination is based on the South Carolina Human Affairs Commission's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 CFR part 115 and the Criteria for Processing.

Performance Period: July 1, 2014-June 30, 2015

Date of Assessment: July 22-23, 2015

On-Site ☒ Remote ☐

HUD Reviewer(s): Adoniram Vargas, Equal Opportunity Specialist/GTM

Recommended for certification or recertification: Yes ☒ No ☐

Recommendation must be made by Region Director both here and in conclusion narrative.
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I. Organizational Structure and Staffing¹

The South Carolina Human Affairs Commission (SCHAC) was created by the General Assembly in 1972 to encourage fair treatment, eliminate and prevent unlawful discrimination, and foster mutual understanding and respect among all people in the state. Based on the tenets of Title VII of the 1964 federal Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disability Act, the South Carolina General Assembly declared that the practice of discrimination within the state because of a person's race, religion, color, sex, age, national origin, or disability to be unlawful, and in conflict with the ideals of the State of South Carolina and the nation.

SCHAC strives to alleviate these problems of discrimination through the enforcement of the South Carolina Human Affairs Law, the South Carolina Fair Housing Law, and the South Carolina Equal Enjoyment and Privileges to Public Accommodations Law. Additionally, the General Assembly mandated that the Commission would be responsible with the monitoring of South Carolina state government agency Affirmative Action Plans. The Commission also seeks to establish Community Relations Councils throughout the state to foster more effective community relations, goodwill and mutual understanding, and respect among the residents of South Carolina.

SCHAC has participated in the FHAP for numerous years and is scheduled for their next recertification on May 25, 2015. During the performance period, the following persons were responsible for enforcing and administering the fair housing law.

<i>NAME</i>	<i>TITLE</i>	<i>DATE OF HIRE</i>	<i>DATE STARTED IN HOUSING DIVISION</i>
<i>Raymond Buxton, II</i>	<i>Commissioner</i>	<i>07/17/2012</i>	<i>07/17/2012</i>
<i>Joshua V. Barr</i>	<i>Staff Attorney/Director</i>	<i>10/17/2013</i>	<i>10/17/2013</i>
<i>Lee Ann W. Rice</i>	<i>Staff Attorney</i>	<i>11/02/2014</i>	<i>11/02/2014</i>
<i>Marvin Caldwell</i>	<i>Investigator</i>	<i>08/02/2013 (rehire)</i>	<i>08/02/2013</i>
<i>Connie Jenkins</i>	<i>Investigator</i>	<i>03/02/1999</i>	<i>09/19/2011</i>
<i>Jesse Olivares</i>	<i>Outreach Coordinator/Intake</i>	<i>06/18/2012</i>	<i>06/18/2012</i>
<i>Deborah Thomas</i>	<i>Intake Investigator</i>	<i>10/02/1996</i>	<i>03/01/2012</i>
<i>Larry McBride</i>	<i>Mediator</i>	<i>7/1/2014</i>	<i>03/01/2013</i>
<i>Tamiko Johnson</i>	<i>Administrative Assistant</i>	<i>8/2/2011</i>	<i>03/01/2014</i>

Delaine Frierson, not included on table above, was the agency's Fair Housing Manager until January 30, 2015, date in which Commissioner Raymond Buxton dismissed her. Joshua Barr was appointed Fair Housing Director for the remaining of the performance period. On October 6, 2015 Mr. Barr accepted a new position as the Executive Director of the Des Moines, Iowa Civil and Human Rights Commission. Mr. Marvin Caldwell is the newly appointed Fair Housing Manager as of the date of this report.

¹ Exhibit 1 – SCHAC Organizational Chart

II. Performance Standards

A. Performance Standard #1: Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner. [24 C.F.R. § 115.206(e)(1)]

As an ongoing practice in monitoring SCHAC, on December 5, 2014 HUD communicated to SCHAC its concerns about the agency's poor performance².

In answering FY 2014 PAR, SCHAC informed HUD that the majority of the aged cases would be closed in November, 2014. However, SCHAC's inventory aging trend continued. Eleven open cases older than 100 days on June 30, 2014 had aged to an average of 339 days on November 26, 2014. And eighteen cases that were between 6 and 89 days old on June 30, 2014 had aged to an average of 196 days on November 26, 2014. Of the total SCHAC open cases on June 30, 2014, 62% continued to age. On November 26, 2014 SCHAC's open case inventory showed 35 cases (81%) with an average age of 228 days. Only 8 cases (18%) on SCHAC's inventory were aged below 100 days³.

HUD advised SCHAC that urgent and effective actions were needed immediately and it expected within the following 60 days SCHAC would implement measures to stop the aging trend. HUD further stated by January 31, 2015 SCHAC should provide a full update on the results achieved toward a more age-balanced inventory. Additionally, HUD indicated should SCHAC have difficulties on managing its case inventory by January 31, 2015, HUD would consider placing SCHAC under a performance improvement plan (PIP). A PIP would require SCHAC to submit a written plan detailing the projected closure dates for all open cases in its pending inventory, with special emphasis on the aged cases. A detailed action plan to address the timeliness of the complaints also would be required

On January 30, 2015 SCHAC's Commissioner Raymond Buxton, II emailed HUD communicating the replacement of the Fair Housing Division Director⁴. Subsequently, SCHAC underwent an overhaul in operations to improve its intake and investigations. SCHAC's ability to process cases in a timely manner improved drastically. Mandatory meetings with the newly appointed Director on days 21, 42, 63, and 84 were adopted for all investigations⁵.

A review of the closures submitted during the case processing year shows that the agency consistently begins the processing of fair housing complaints within 30 days of receipt.

During the period of performance SCHAC investigated and closed 82⁶ cases with an average age of 184 days. See table below.

² Exhibit 2 – RD's letter to SCHAC 12/5/14

³ Exhibit 3 – SCHAC inventory 11/26/14

⁴ Exhibit 4 – SCHAC replaces Fair Housing Division Director

⁵ Exhibit 5 – State of Fair Housing Division Address 2015

⁶ Exhibit 6 – List of cases processed by SCHAC during FY 2015

During the period of performance the agency processed 22 (27%) of its cases before 100 days. Twenty four cases (29%) were processed between 100 and 200 days. Twenty two cases (27%) were processed between 200 and 300 days. And 14 cases (17%) were processed after they aged to 300 days.

Days	100 <	<101 - 150<	<151 - 200<	<201 - 250<	<251 - 300<	<301	Total
# of Cases	22	10	14	15	7	14	82
Average days	61	120	174	226	267	346	184
% of all cases	27%	12%	17%	18%	9%	17%	100%

The next table depicts all processed cases by closure type.

Closure Type	Total closures	%
Cause	5	6.1%
No Cause	49	59.8%
Conciliation	14	17.1%
Withdrawn w/res	11	13.4%
Administrative	3	3.7%
Total	82	100.0%

An additional analysis of all the cases filed and investigated after January 30, 2015—which is a subset of the 82 cases processed in the year—date in which SCHAC adopted corrective staffing decisions, shows that 94% of all cases were closed before they reached 100 days.

Days	100 <	<101 - 150<	<151 - 200<	<201 - 250<	<251 - 300<	<301	Total
# of Cases	17	1	0	0	0	0	18
Average days	57	103	0	0	0	0	59
% of all cases	94%	6%	0%	0%	0%	0%	100%

By June 30, 2015 SCHAC's inventory showed 15 open cases⁷, as the next table shows. The oldest one—Coley v. Greenville Housing Authority—was originally closed on day # 273 as cause, following GTM's advise. However, a subsequent review of the 504 OA file ended up being no cause and SCHAC rendered a new Title VIII determination—no cause. Eighty per cent of all cases were processed under 100 days, with an average age of 44 days.

Days	100 <	<101 - 150<	<151 - 200<	<201 - 250<	<251 - 300<	<301	Total
# of Cases	12	1	0	0	1	1	15
Average days	44	126	0	0	266	390	88
% of all cases	80%	7%	0%	0%	7%	7%	100%

Three months later—October 7, 2015—only four of the cases that were opened on June 30, 2015 were still opened⁸, showing an even healthier average age of 31 days, as the next table shows.

⁷ Exhibit 7 – Open case inventory 30 June 2015

⁸ Exhibit 8 – Open case inventory 30 June 2015 still open 7 Oct 2015

Days	100 <	<101 - 150<	<151 - 200<	<201 - 250<	<251 - 300<	<301	Total
# of Cases	4	0	0	0	0	0	4
Average days	31	0	0	0	0	0	31
% of all cases	100%	0%	0%	0%	0%	0%	100%

SCHAC provides GTM periodic updates and it is actively working on these four cases.

SCHAC's FY 2015 review shows two distinctive periods: before and after January 30, 2015. Before January 30, 2015 SCHAC was lagging significantly in producing determinations of cause, or no cause within 100 days or beyond. Only 27% of all investigations were closed within 100 days, which greatly impacted the overall yearly performance. After SCHAC made staffing changes, 94% of all investigations have been closed before 100 days.

SCHAC's determinations are based on investigations with enough considerations of the parties' evidence and sufficiently documented in TEAPOTS. The review also confirmed that the hardcopy files contain all the required documentation. When cases submitted for review and approval have lacked TEAPOTS documentation, SCHAC has responded rapidly in correcting minor deficiencies.

SCHAC rendered cause determinations in five cases during the current year. In four of the five cause cases SCHAC filed charges in civil court. In addition, another case caused in the previous year (Manfredini) was taken to court on behalf of CP during this year.

Cause cases - court filing	
Hagood, Mara vs Signature Pointe Apartments	04-13-0981-8
Manfredini v. Maddington	04-13-1174-8
Engelmann, Suzanne v. The Summit HOA	04-14-0220-8
Woods, Stacy vs. Chen, Zeyi & Yang, Zhirong	04-14-0292-8
Bentley, Dolores v. Kenneth W. Dunn	04-14-0444-8

The fifth case caused during the year—Kline v. Belle Hall Apts., 04-14-0072-8—is still under SCHAC's consideration and preparation for court filing.

Records of all court filings are found in TEAPOTS' deliberative tab.

Customarily SCHAC offers an election of remedies or civil action in all charged cases, with specific language included in the closing letters.

All complaints reviewed during the year have complete and final investigative reports. In addition, all final determinations are sent to all parties at case final closing time, and appropriate records are kept on file demonstrating that such documents were properly mailed out. Final investigative reports include all the required information.

Conclusion: SCHAC experienced two distinctive phases throughout the period of performance. Between July 1, 2014 and January 30, 2015 the agency's performance was not acceptable. As a result of HUD's actions, including formal analyses and communication of deficiencies, timely and repeated technical assistance, and SCHAC's

adopted actions to remedy the deficiencies after January 30, 2015, we conclude that SCHAC met all of the requirements of 24 C.F.R. § 115.206(e)(1). HUD's GTM onsite visit confirmed that SCHAC is on the right path to continue fulfilling the requirements of Performance Standard # 1.

B. Performance Standard #2: Administrative closures are utilized only in limited and appropriate circumstances. [24 CFR § 115.206(e)(2)]

SCHAC closed three cases (4%) administratively during the case processing year. The reasons for the administrative closures are all fully documented and justified. GTM, however, call SCHAC's attention to the fact that two of the cases—Fabrizio, 197 days; and Corona, 160 days—aged unnecessarily and they could have been closed much earlier. Sanchez was closed on day number 43.

Case Name	HUD Case Number	Closure Reason	Comments
Fabrizio, Sarah v. McDonald, Kristye	04-14-0581-8	Complainant Failed to Cooperate	Fully documented
Sanchez, Naimi v. Ziegler, Tom and Betty	04-15-0500-8	Lack of Jurisdiction	The case came to the FHAP from HUD Intake and there was no indication of LOJ. However, FHAP discovered that RP own 3 properties only, including his own residence, thus LOJ payment is authorized
Corona, Ana and Garcia, Francisco Vs. Twin Lakes Estates	04-14-0537-8	Withdrawal Without Resolution	Paid by HUD as WW/ORes as opposed to FHAP's WWR. There was no resolution. CP just decided to withdraw and no remedy was afforded to CP.

Conclusion: SCHAC met the standard required of 24 CFR § 115.206(e)(2).

C. Performance Standard #3: During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun. [24 CFR § 115.206(e)(3)]

SCHAC indicated that they attempt to conciliate all cases as soon as the investigator contacts the Respondent, based on what the Complainant would accept to redress the alleged discrimination. The investigator also asks the parties whether they would accept mediation. All conciliation steps are recorded in TEAPOTS and GTM reviewed all records throughout the year.

SCHAC's attorneys continually seek settlement throughout the litigation process in all the cases that reach civil court. This is particularly important since the litigation process in the South Carolina Court System is slow, which further delays justice for complainants. The agency sets forth the terms of acceptance at the beginning of the case and work toward the acceptance of such terms throughout litigation.

To facilitate conciliation agreements, SCHAC determines what each side agrees to and the investigator drafts the conciliation agreement. The agreement is then reviewed by Legal Counsel to determine if the conciliation agreement is sufficient and addresses all issues in the complaint. After any necessary revisions the conciliation is forwarded to all parties for signature.

The review of TEAPOTS and the case files sampled (18, 22%) confirmed that SCHAC investigators consistently attempted conciliation, to the extent feasible, in all the cases that were investigated during the performance period.

Conclusion: The performance standard has been met.

D. Performance Standard #4: The agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices. [24 CFR § 115.206(e)(4)]

The agency conciliated 14 cases (17%) between July 1, 2014 and June 30, 2015. All relief obtained in conciliations was adequate.

The agency indicated that if necessary, a recommendation would be made to the South Carolina Attorney general to file a civil action seeking the enforcement of the terms of agreements in the event a breach occurs. There were no breaches noted during the performance period.

Each investigator is responsible for compliance review of conciliation agreements. Currently, the agency is working on a review process to have a compliance officer determine if Respondents are abiding by their conciliation agreements and court orders. Once this process is finalized the agency will update HUD on the adopted policies.

Conclusion: While the agency does not customarily conduct compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices the agency monitors most of the agreements through the submission of documents to the agency and required confirmation of participation in fair housing training or RP's policy changes as each agreement requires. While there is no formal procedure for conducting compliance reviews the agreements customarily include provisions for ensuring compliance. The agency met the standard requirements.

E. Performance Standard #5: The agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices. [24 CFR § 115.206(e)(5)]

In all cases where the agency finds cause, the agency analyzes actual damages and includes them in the damages amount for conciliation purposes. For cases that move to litigation, the agency maintains the actual damages sought for the complainant. In those cases submitted for litigation it is up to the courts to determine if they will assess punitive damages, but the agency asks for them in the complaint. The agency does not have the authority to assess civil penalties.

The agency customarily includes public interest provision in all conciliations. Most times they include training and redrafting of policies. In one case (04-14-0014-8), conciliated at the end of the previous year, and as a follow up on the agreement, the agency assisted the Respondent during this performance period to rewrite their policies in a neutral tone that

did not discriminate against families with children. In all instances, remedies included on each agreement directly redress the alleged discriminatory harm.

During this performance period the agency did not have any cases proceeding to an administrative hearing.

At the time of the onsite review, the agency had five cases filed in court. However, no outcome or settlement has been reached yet.

Cause cases - court filing	
Hagood, Mara vs Signature Pointe Apartments	04-13-0981-8
Manfredini v. Maddington	04-13-1174-8
Engelmann, Suzanne v. The Summit HOA	04-14-0229-8
Woods, Stacy vs. Chen, Zeyi & Yang, Zhirong	04-14-0292-8
Bentley, Dolores v. Kenneth W. Dunn	04-14-0444-8

On a sixth caused case—04-13-0397-8—filed in court in the previous performance period, the court dismissed SCHAC from the case and allowed the complainant to pursue the case on their own behalf.

The next table shows the cases conciliated during the year.

Case Name	HUD Case Number	Relief
Atkins, Rochelle vs. Dogwood Crossing Circle	04-14-0450-8	RA - Parking space
Son, Ann v. BBF Corporation, et al	04-14-0457-8	Letter of apology
McAfee, Susan J. v. Wuccama Management, LLC	04-14-0709-8	RA - Parking space - \$150
Mullinax, Barbara v. Loris Garden Apartments	04-14-0747-8	RP training - \$480
Woods, Stacy v. Springhouse Apartments	04-14-0749-8	Lease extended - Full deposit return - \$550
Kelly, Laqueta & Hunter, Quansuela v. Roper Mountain Woods Apts	04-14-0981-8	Carpet cleaned at no cost to CP
Christopher, Tonja v. Julia Lee; The Reserve at Cavalier	04-15-0020-8	\$305
Proteau, Nerio v. Housing Authority of the City of Charleston	04-15-0021-8	Housing accommodation provided as requested by CP
Edmond, Perry & Raquel v. Columbia Housing Authority, et al	04-15-0259-8	Past due rent forgiven - \$3,485
Grose, Brenda v. CAP Community Assistance Provider, et al	04-15-0341-8	Deposit reimbursement - \$500
Jones-Carter, Benita & Carter, Deatrice v. Alright Agency, Inc.	04-15-0405-8	Training - Rental renewal
McPeake, Bonnie v. Maisons-sur-Mer COA, Inc.	04-15-0485-8	ESA - Penalties waived - \$5,000
Lessons, Gary v. Atlantic Appraisal, LLC, et al	04-15-0495-8	New property appraisal - Small claims court dropped
Jones, Janice v. Greenville Housing Authority	04-15-0501-8	Upgrade to 2- bedroom unit - \$350

Conclusion: The agency's practices include diverse kinds of relief to remedy the alleged harm and public interest relief that affirmatively prevents recurrences of discrimination. The agency met the standard requirements.

F. Performance Standard #6: The agency must consistently and affirmatively seek to eliminate all prohibited practices under its fair housing law. [24 CFR § 115.206(e)(6)]

In an attempt to reach out to a larger variety of audiences, SCHAC produced a formal Marketing and Outreach Strategy to guide its education and outreach efforts in the State of South Carolina⁹. The agency also made formal presentations and participated in

⁹ See Exhibit 9 – SCHAC Marketing and Outreach Strategy

several events throughout the year¹⁰. Two events for all audiences reached hundreds of persons. Seventeen events targeting Hispanics reached 714 persons. Four events for African Americans reached 545 persons. And nine events for all audiences reached 772 persons.

Agency managers and staff interviewed explained in full detail some of the efforts undertaken by the agency to reach out to a variety of audiences and make them aware on their rights under both the Fair Housing Act and South Carolina's Fair Housing Statute.

Conclusion: SCHAC has met the requirements of 24 CFR § 115.206(e)(6).

G. Performance Standard #7: The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance. [24 CFR § 115.206(e)(7)]

With an estimated 2014 population of 4,832,000 in the State of South Carolina, SCHAC is expected to process at least 50 complaints a year. The agency processed 82 complaints, that is 32 (64%) above the minimum threshold

Conclusion: The agency has exceeded the standards required of 24 CFR § 15.206(e)(7).

H. Performance Standard #8: The agency must report to HUD on the final status of all dual-filed complaints where a determination of reasonable cause was made. [24 CFR § 115.206(e)(8)]

At the time of the onsite review, the agency had five cases filed in civil court. However, no outcome or settlement has been reached yet.

Cause cases - court filing	
Hagood, Mara vs Signature Pointe Apartments	04-13-0981-8
Manfredini v. Maddington	04-13-1174-8
Engelmann, Suzanne v. The Summit HOA	04-14-0229-8
Woods, Stacy vs. Chen, Zeyi & Yang, Zhirong	04-14-0292-8
Bentley, Dolores v. Kenneth W. Dunn	04-14-0444-8

On a sixth caused case—04-13-0397-8—filed in court in the previous performance period, the court dismissed SCHAC from the case and allowed the complainant to pursue the case on their own behalf.

TEAPOTS has been properly updated on each case.

Conclusion: The agency has met the standards of 24 CFR § 115.206(e)(8).

¹⁰ See exhibit 10 – Outreach and Education reports

I. Performance Standard #9: The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited to the interim agreement or MOU. [24 CFR § 115.206(e)(9)]

Conformance with provisions of the MOU not contemplated elsewhere in the report:

a. Paragraph IV.C. Initial Contact Date

Requirement: The MOU requires the agency to use the Initial Contact Date field in TEAPOTS to record the actual date on which the complainant first contacts the agency or FHEO to inquire about filing a housing discrimination complaint, or to report an alleged discriminatory housing practice.

Conclusion: The agency is in compliance with this requirement.

b. Performance Measures

FHAP agencies will close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints;
FHAP agencies will close or charge 95% of its aged fair housing complaints within the fiscal year.

50% Efficiency Goal

The agency processed a total of 82 cases that could have aged over 100 days during the performance period through June 30, 2015. Of that number, 5 were cause cases. As a result, the total number of closed cases used for calculation purposes of this goal is 77. The agency closed 22 (29%) of those cases in 100 days or fewer. Therefore, the efficiency goal has not been met.

95% Aged Case Closure Goal

At the beginning of the performance period, the agency had a total of eleven (11) aged open cases. The agency closed all of them during the performance period. Therefore the aged case closure goal has been met

Conclusion: The agency partially met the requirements of 24 CFR § 115.206(e)(9).

III. Budget and Finance Requirements [24 CFR § 115.307]

SCHAC does not spend at least 20% of the agency's total operating budget (not including fair housing funds) on fair housing activities. Commissioner Buxton offered an explanation to RD in which he clearly stated that SCHAC will not be able to meet this

requirement any time soon due to very specific structural financial conditions of his agency¹¹.

SCHAC does not commingle any FHAP funds with any other funds as the onsite reviewer confirmed.

All FHAP funds were used for the purpose of investigating complaints, training under the Fair Housing Act, maintenance of data and information systems, development of fair housing education and outreach projects, and salaries and fringe benefits of the fair housing staffs.

During the performance period the agency did not unilaterally reduced the level of financial resources committed to fair housing assistance.

The agency draws down its funds in a timely manner following HUD directions,

The latest financial report issued in October 2013 by the State of South Carolina Office of the State Auditor for the period ending June 30, 2013 did not reflect any deficiencies or findings related to FHAP.

Conclusion: The agency partially met the standard requirements.

IV. Reporting and Record Keeping Requirements [24 CFR § 115.308]

The agency maintains records demonstrating its financial administration of FHAP funds (24 CFR§ 115.308(a) (1). The agency also utilizes the South Carolina Enterprise Information System (SCEIS) for financial reporting.

The agency maintains records of its performance under the FHAP, including all past performance assessment reports, performance improvement plans and other documents pertaining to the agency's performance in the FHAP (24 CFR§115.308(a)(2)).

The agency permits reasonable public access to its records as required at 24CFR§115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review).

The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United States, and any of their authorized representatives, have access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as they relate to the agency's participation in FHAP (24 CFR§115.308(d)).

All files are kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24CFR§115.308(e)).

Conclusion: The requirement has been met.

¹¹ Exhibit 11 - Financials

V. Testing Requirements [24 CFR § 115.311]

The agency has not engaged in testing activities during the performance period.

VI. Training Requirement [24 CFR § 115.306(b)]

The agency staff attended training courses as follows.

<i>Staff name</i>	<i>Training attended</i>	<i>Dates</i>	<i>Location</i>
Deborah Thomas	Week 2 NFHTA	July 7 – 11, 2014	Washington, DC
Connie Jenkins	Week 2 NFHTA	July 7 – 11, 2014	Washington, DC
Joshua Barr	Attorney Training	August 4 -8, 2014	Washington, DC
Joshua Barr	Week 1 NFHTA	January 25 – 30, 2015	Washington, DC
Lee Ann Rice	Week 1 NFHTA	January 25 – 30, 2015	Washington, DC
Anthony Sellers	Week 1 NFHTA	January 25 – 30, 2015	Washington, DC
Tamiko Johnson	Week 1 NFHTA	February 2 -6, 2015	Washington, DC
Joshua Barr	Accessibility for Investigators Training	March 8 – 10, 2015	Washington, DC
Marvin Caldwell	Accessibility for Investigators Training	March 8 – 10, 2015	Washington, DC
Deborah Thomas	Week 3 NFHTA	May 10 - 15, 2015	Washington, DC
Connie Jenkins	Week 3 NFHTA	May 10 - 15, 2015	Washington, DC

No member of the staff has completed all 5 weeks of the NFHTA training. The agency plans to continue the NFHTA training in the following year.

There was no HUD approved training offered to the staff thorough the year.

Conclusion: The requirement has been met.

VII. Data Support Systems Requirement [24 CFR § 115.307(a)(3)]

The agency consistently uses the Department's complaint data information system, TEAPOTS. The agency uses TEAPOTS to enter cases for dual filing requests, investigative activities as well as conciliation-related discussion.

The agency routinely inputs relevant data and information into TEAPOTS timely with few exceptions in cases not involving a reasonable cause determination.

Conclusion: The requirement has been met.

VIII. Changes Limiting Effectiveness of Agency's Law: [24 CFR § 115.211]

As of the date of the review there have been no changes to the state fair housing law.

Conclusion: The requirement has been met.

IX. Civil Rights Requirement

There have been no complaints against the agency alleging violations of civil rights laws prohibiting discrimination by recipients of federal funding. At the time of the review the agency had two bi-lingual (English-Spanish) staffs that conduct intake, investigations, education and outreach and provide technical assistance in cases involving Spanish speaking parties. The agency's offices in Columbia are fully accessible to disabled persons.

On June 22, 2015 the former director of Fair Housing—dismissed on January 30, 2015—filed a complaint with the EEOC alleging race, age, sex, retaliation and equal pay as factors in her being dismissed from the agency.

Conclusion: The requirement has been met.

X. Subcontracting Requirement [24 CFR § 115.309]

The agency does not subcontract any of its work.

Conclusion: N/A

XI. FHAP and the First Amendment [24 CFR § 115.310]

A review of the case files and financial records did not show any activity that may be protected by the First Amendment.

Conclusion: The requirement has been met.

XII. Summary of Performance / Corrective Actions

A. Organizational Structure and Staffing

Concern: SCHAC experienced significant staffing changes during the period of performance, which led the agency to achieve significant improvements on the second semester. Two months after the onsite review, additional changes took place as a result of the newly appointed Fair Housing Manager accepting a new position with a different agency. This new change provided the opportunity to promote another experienced staffer within the agency to become the latest Fair Housing Division Manager.

Recommendation: The agency is encouraged to continue working closely with the GTM to make sure that all adopted changes continue making positive impacts on next year's results.

B. Performance Standard # 1

Concern: Between July 1, 2014 and January 30, 2015 the agency paid very little attention to the processing of all cases in a timely and effective manner. The changes adopted by the agency beginning on January 30, 2015 made a significant impact in the overall yearly results. In fact, while the overall yearly rate of case processing only reached 27% of all cases processed under 100 days, the second semester reached a full 94% of all cases closed under 100 days.

Recommendation: The agency is encouraged to sustain the progress reached in the second semester of the performance period by paying permanent close attention to its inventory aging, and discussing with GTM any case that requires processing beyond 100 days as soon as the agency learns about it.

C. Performance Standard # 2

Concern: While it is a positive fact that only 3 (4%) of all cases processed in the year were closed administratively, the agency's attention is called about the fact that two of those cases were closed at 160 and 197 days. The payment forms indicate that the three cases should have been closed no later than 30, 60, and 75 days after filing date.

Recommendation: The agency must make all possible efforts to follow the recommended closure timeframes for all cases closed administratively as indicated on each payment form.

D. Performance Standard # 4

Concern: The agency does not have a written protocol or policy about compliance review for settlements or conciliation agreements, and it relies on a reactive mode by which settlements are reviewed only if it is brought to the agency's attention that any of the parties has breached the signed conciliation.

Recommendation: The agency is encouraged to discuss with GTM the efforts currently underway to adopt written policies for the customary review of settlements or conciliation agreements. Furthermore, the agency is encouraged to share with the GTM the full policy one it is formally adopted.

E. Budget and Finance Requirements

Concern: The agency has formally communicated HUD that its financial structure and budget size is an impediment for the agency to spend at least 20% of the total operating budget (not including fair housing funds) on fair housing activities.

Recommendation: The agency is advised to continue seeking options to reach the 20% threshold, even if this effort takes more than one year.

XIII. Conclusion and Recommendations

The South Carolina Human Affairs Commission has demonstrated a strong willingness to be a valuable fair housing partner. Following on HUD's notice on an impending Performance Improvement Plan (PIP) due to the agency's poor performance during the first five months of the year, SCHAC made difficult and significant staffing changes that radically improved the direction and results under the Fair Housing Assistance Program.

The onsite visit, which included the review of a significant number of file cases and other documentation, as well as interviews with staffs and managers, revealed an agency fully committed to ensuring fair housing rights for all and a willingness to quickly respond to any performance matters identified or best practices suggested.

The onsite review conducted July 22-23, 2015 has found the South Carolina Human Affairs Commission in substantial compliance with the requirements of the Fair Housing Assistance Program (FHAP). The concerns noted above only complement the agency's already adopted decisions, and once addressed, they will contribute to a farther strengthening of SCHAC's results as a FHAP partner.

Within thirty days of receipt of this report, the agency should submit a formal answer addressing the concerns and recommendations identified above.

Therefore, based on the practices and performance of the agency, the United States Department of Housing and Urban Development recommends the South Carolina Human Relations Commission for continuing certification as a substantially equivalent agency under Section 810(f)(3) of the Fair Housing Act. The Atlanta FHEO Regional Office will continue to provide technical assistance to the agency as needed in support of its efforts to maintain a high level of performance in achieving program standards and requirements.

XIV. Exhibits

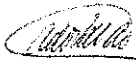
1. Organizational Chart
2. Regional Director letter to SCHAC 12/5/14
3. Inventory 11/26/14
4. SCHAC replacement of Fair Housing Division Director
5. State of Fair Housing Division Address 2015
6. List of cases processed by SCHAC during FY 2015
7. Open case inventory 6/30/15
8. Open case inventory 6/30/15 still open on 10/7/15
9. SCHAC Marketing and Outreach Strategy
10. Outreach and Education Reports
11. Financials

XV. Signature Page

South Carolina Human Affairs Commission

Performance Assessment Review July 22-23, 2015

Signature Page



October 23, 2015

FHEO Government Technical Monitor

Date

FHEO Government Technical Representative

Date



FHEO Region Director

10/11/15
Date

Attachment E



Raymond Buxton, II
Commissioner

STATE OF SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

1026 Sumter Street, Suite 101
Columbia, South Carolina 29201
(803) 737-7800 (803) 737-7835 Fax



www.schac.sc.gov
1-800-521-0725

January 7, 2016

Mr. Carlos Osegueda
FHEO Region IV Director
U.S. Department of Housing and Urban Development
Five Points Plaza
40 Marietta Street
Atlanta, GA 30303-2906

SUBJECT: Fair Housing Assistance Program Performance Assessment
South Carolina Human Affairs Commission

Dear Mr. Osegueda:

Enclosed is our response to the areas of concern noted in the 2015 Assessment Report. As a result of the Agency's restructuring, significant progress has been made to remedy our case management process.

We appreciate and value our partnership with you and HUD and look forward to continuing to serve the people of South Carolina.

Should you have any questions, please do not hesitate to contact me.

Sincerely,


Raymond Buxton, II
Commissioner

Enclosure

c: Mr. Kirk Ashmeade
EOS/Program Analyst

Marvin Caldwell
Interim Housing Director

Our mission is to eliminate and prevent unlawful discrimination in employment, housing and public accommodations.

XII. Summary of Performance / Corrective Actions

A. Organizational Structure and Staffing

Concern: SCHAC experienced significant staffing changes during the period of performance, which led the agency to achieve significant improvements on the second semester. Two months after the onsite review, additional changes took place as a result of the newly appointed Fair Housing Manager accepting a new position with a different agency. This new change provided the opportunity to promote another experienced staffer within the agency to become the latest Fair Housing Division Manager.

Recommendation: The agency is encouraged to continue working closely with the GTM to make sure that all adopted changes continue making positive impacts on next year's results.

Response: The Interim Director and GTM have had communication within the past week and the Director ensures that he will continue to work closely and establish a working relationship with the GTM.

B. Performance Standard # 1

Concern: Between July 1, 2014 and January 30, 2015 the agency paid very little attention to the processing of all cases in a timely and effective manner. The changes adopted by the agency beginning on January 30, 2015 made a significant impact in the overall yearly results. In fact, while the overall yearly rate of case processing only reached 27% of all cases processed under 100 days, the second semester reached a full 94% of all cases closed under 100 days.

Recommendation: The agency is encouraged to sustain the progress reached in the second semester of the performance period by paying permanent close attention to its inventory aging, and discussing with GTM any case that requires processing beyond 100 days as soon as the agency learns about it.

Response: A procedure with the former Director of Housing has been established in which the Director meets with each investigator on the 21st, 42nd, 63rd, 84th, and 100th day. The Interim Director will continue with that procedure and meet with the investigator weekly after it is over 100 days. The Director will discuss and stay abreast in cases over 100 days with the GTM.

C. Performance Standard # 2

Concern: While it is a positive fact that only 3 (4%) of all cases processed in the year were closed administratively, the agency's attention is called about the fact that two of those cases were closed at 160 and 197 days. The payment forms

indicate that the three cases should have been closed no later than 30, 60, and 75 days after filing date.

Recommendation: The agency must make all possible efforts to follow the recommended closure timeframes for all cases closed administratively as indicated on each payment form.

Response: The Fair Housing Division will make all possible efforts to make administrative closures as soon as it is detected that the case needs to be closed administratively. The meetings on the 21st, 42nd, 63rd, and 84th day should resolve that issue.

D. Performance Standard # 4

Concern: The agency does not have a written protocol or policy about compliance review for settlements or conciliation agreements, and it relies on a reactive mode by which settlements are reviewed only if it is brought to the agency's attention that any of the parties has breached the signed conciliation.

Recommendation: The agency is encouraged to discuss with GTM the efforts currently underway to adopt written policies for the customary review of settlements or conciliation agreements. Furthermore, the agency is encouraged to share with the GTM the full policy once it is formally adopted.

Response: The agency has not had agreements in which there was a need for a compliance review. If an Agreement contains a public interest requirement for Fair Housing training, the agency schedules and completes the training as well as issues certificates for the training. There have been times in the past in which the agency reviewed and approved a respondent's revised policy. The agency also requests proof of the change when the respondents make their tenants aware of the policy change.

The agency will work with GTM to construct a written protocol or policy about compliance reviews so there will be one in place when there is a need to have a compliance review.

E. Budget and Finance Requirements

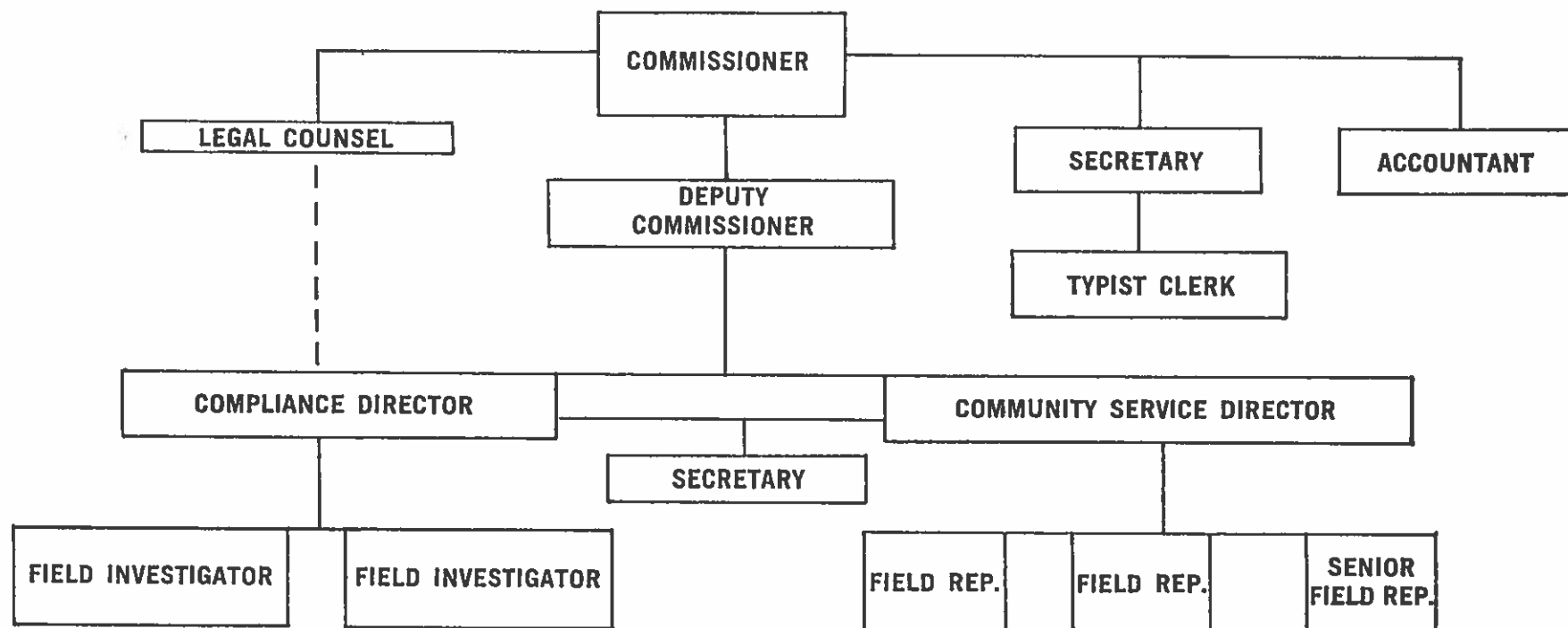
Concern: The agency has formally communicated HUD that its financial structure and budget size is an impediment for the agency to spend at least 20% of the total operating budget (not including fair housing funds) on fair housing activities.

Recommendation: The agency is advised to continue seeking options to reach the 20% threshold, even if this effort takes more than one year.

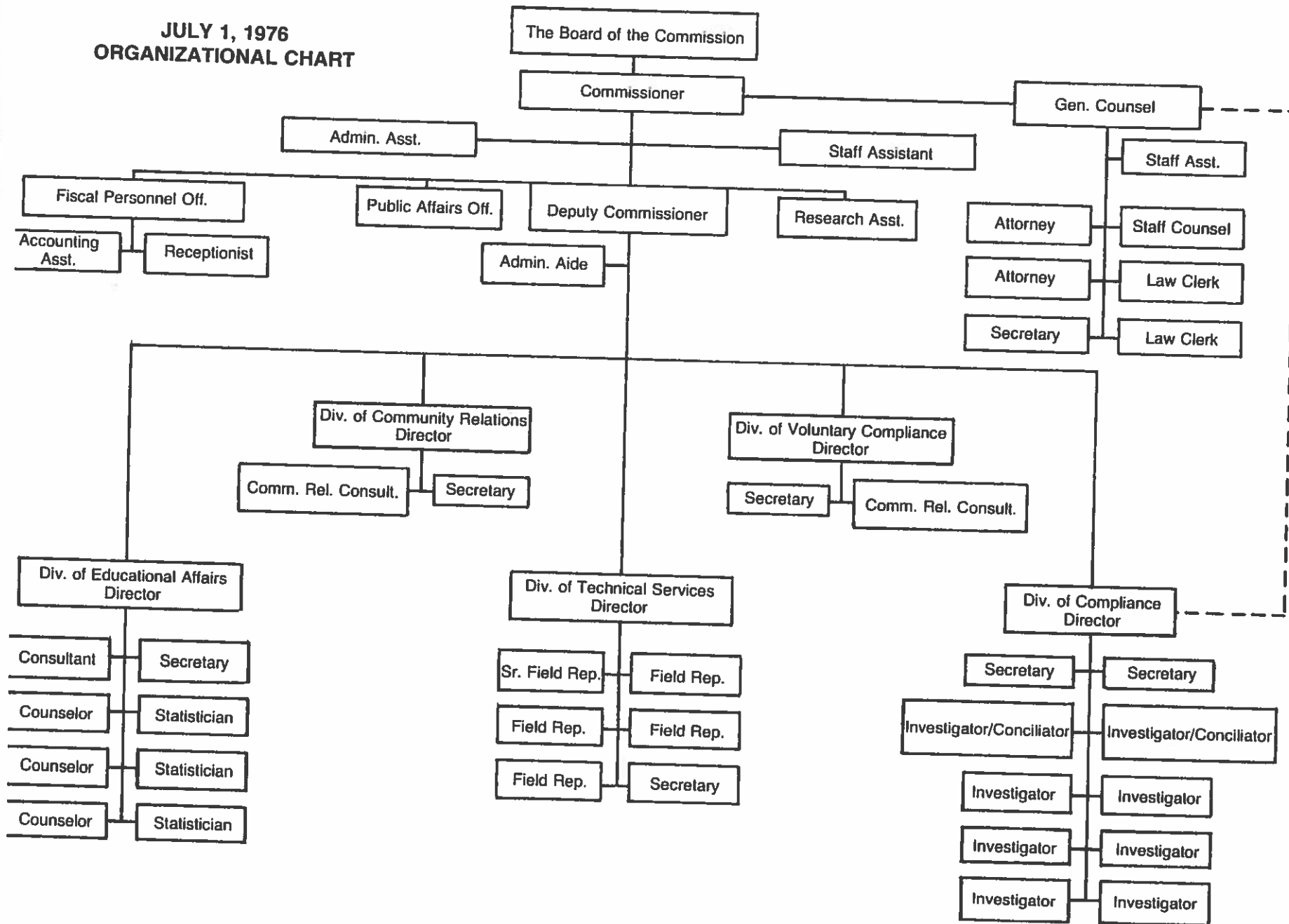
Response: The Agency continues to seek additional funds from the state legislature to cover growing expenses as well as this particular requirement.

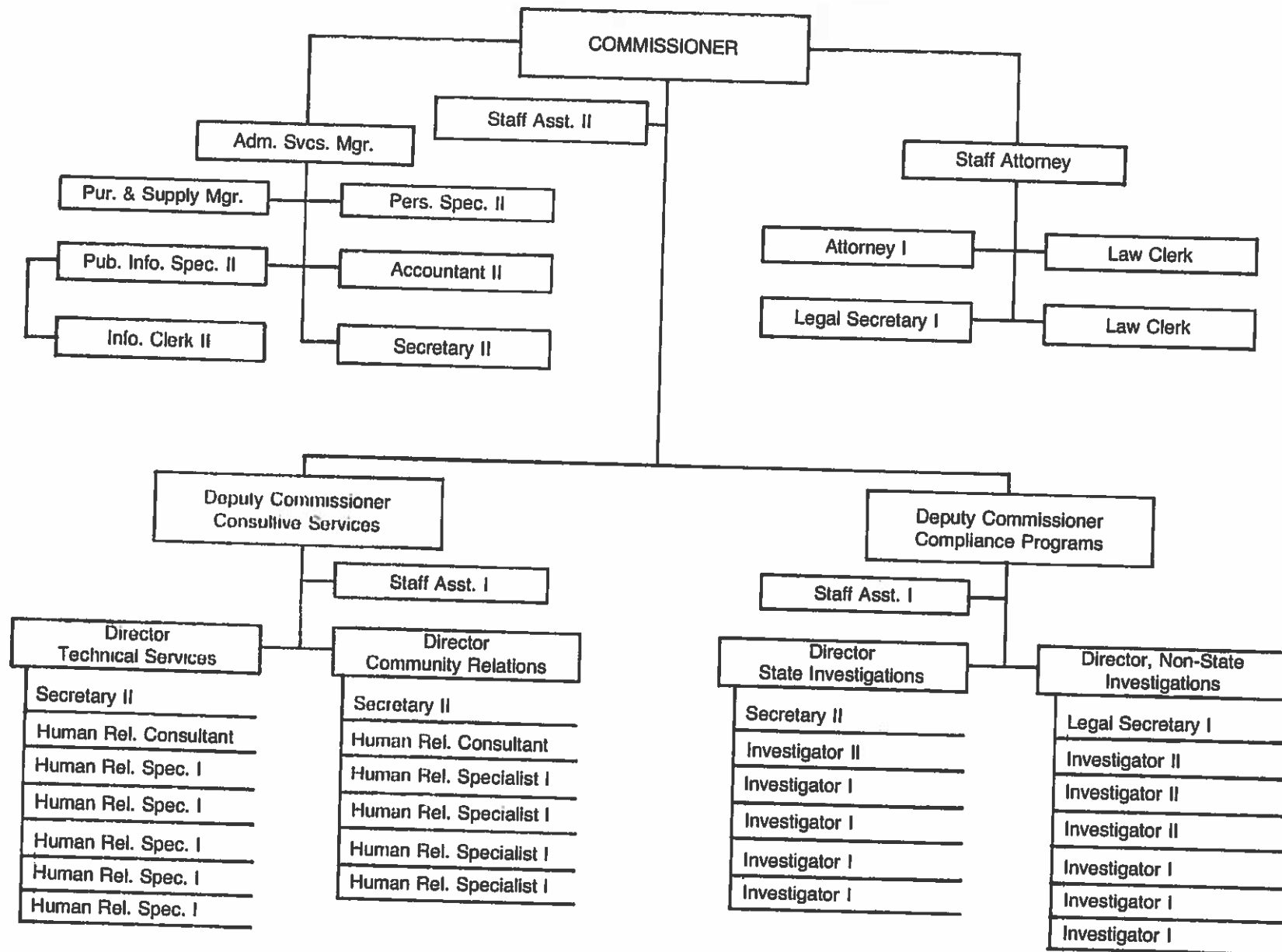
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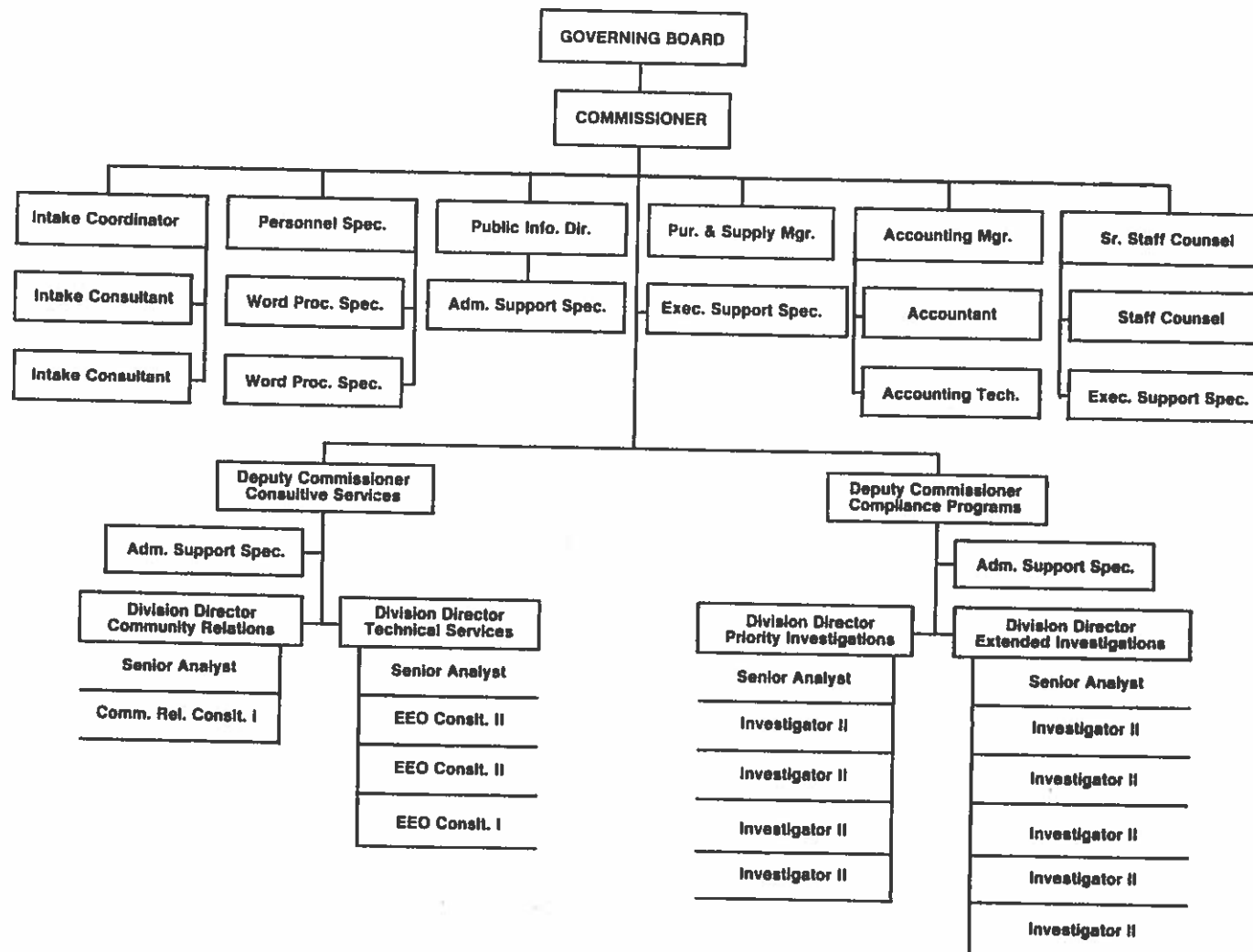
**SOUTH CAROLINA COMMISSION ON HUMAN AFFAIRS
ORGANIZATIONAL CHART**

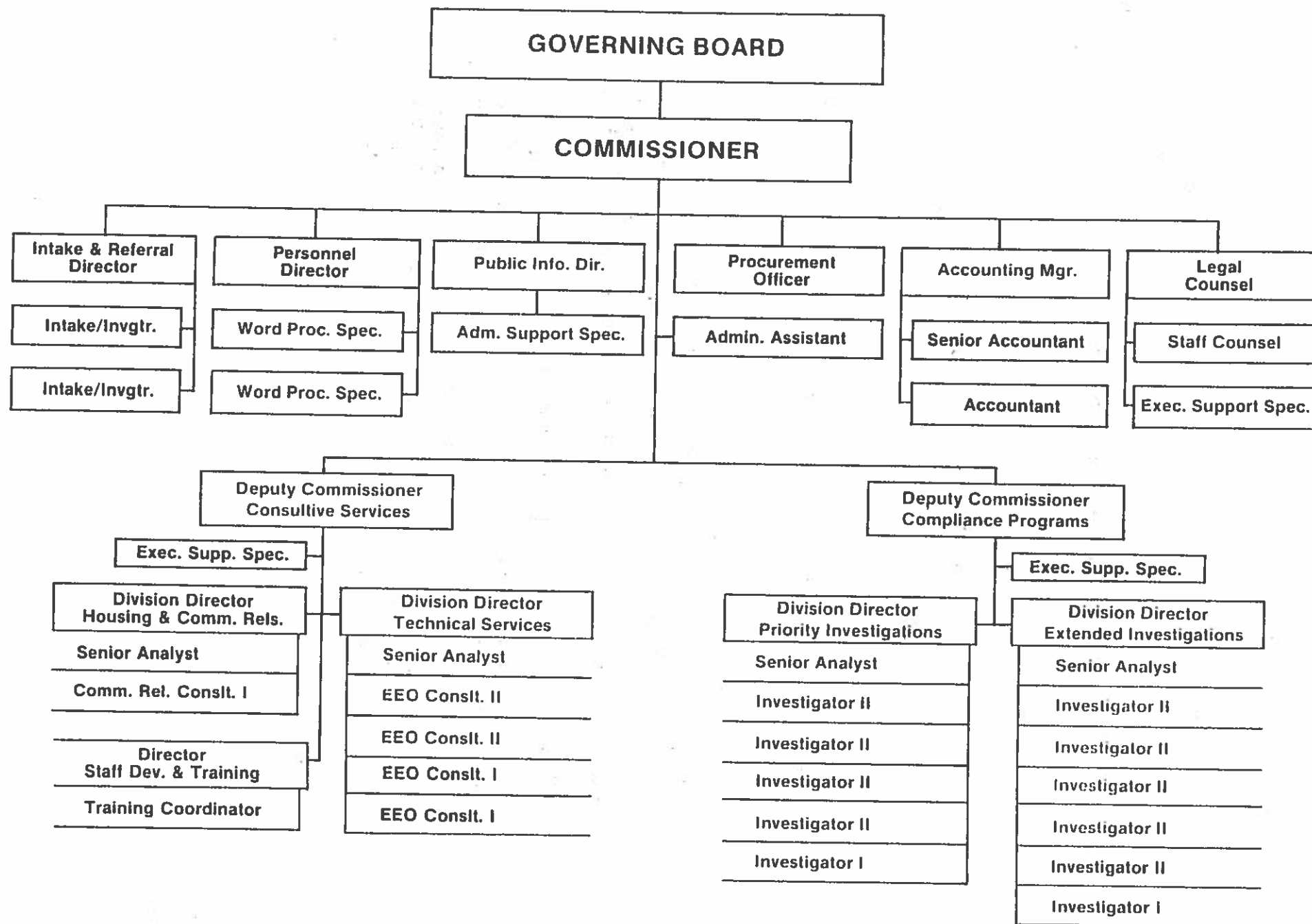


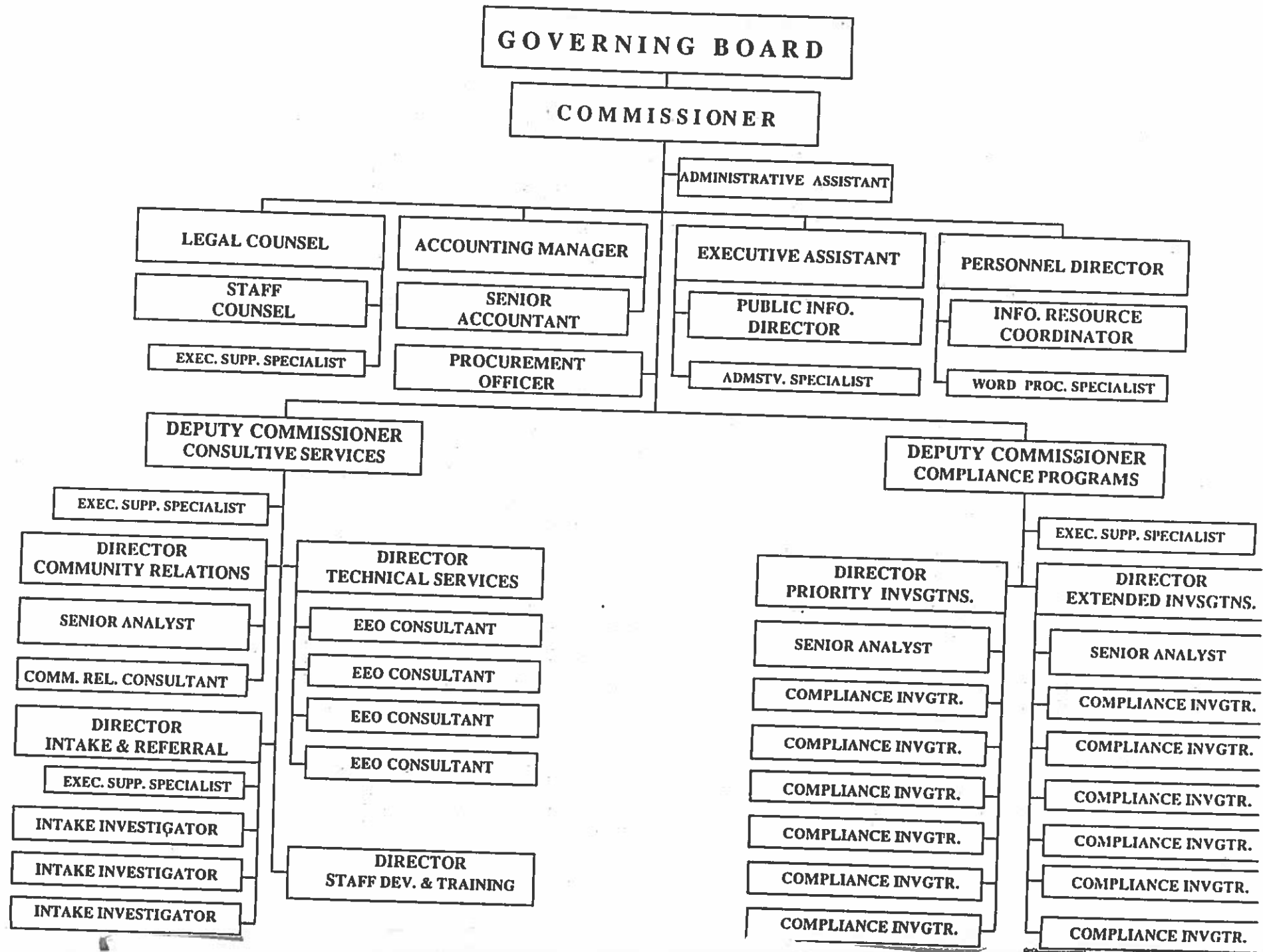
**JULY 1, 1976
ORGANIZATIONAL CHART**



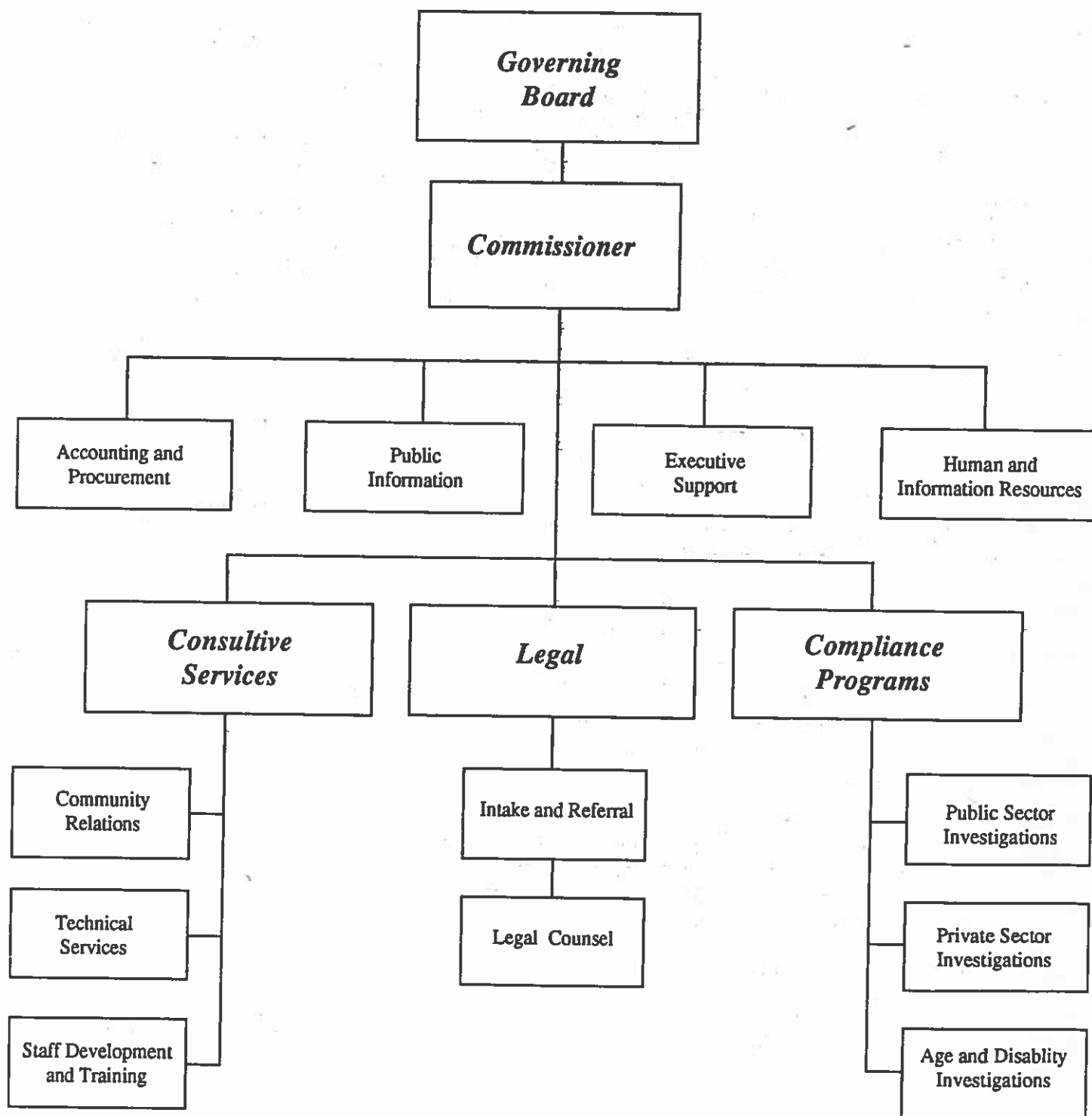




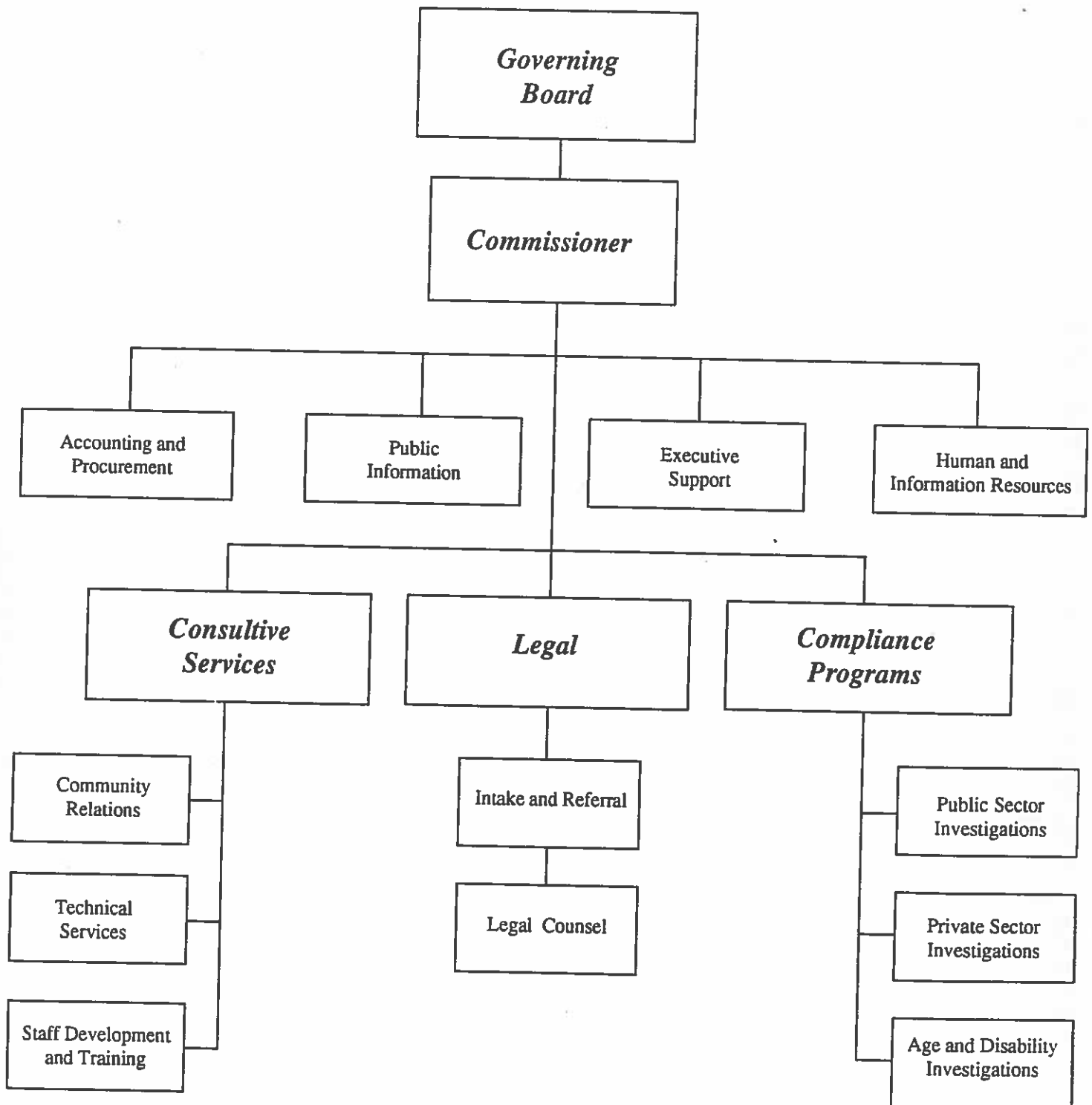




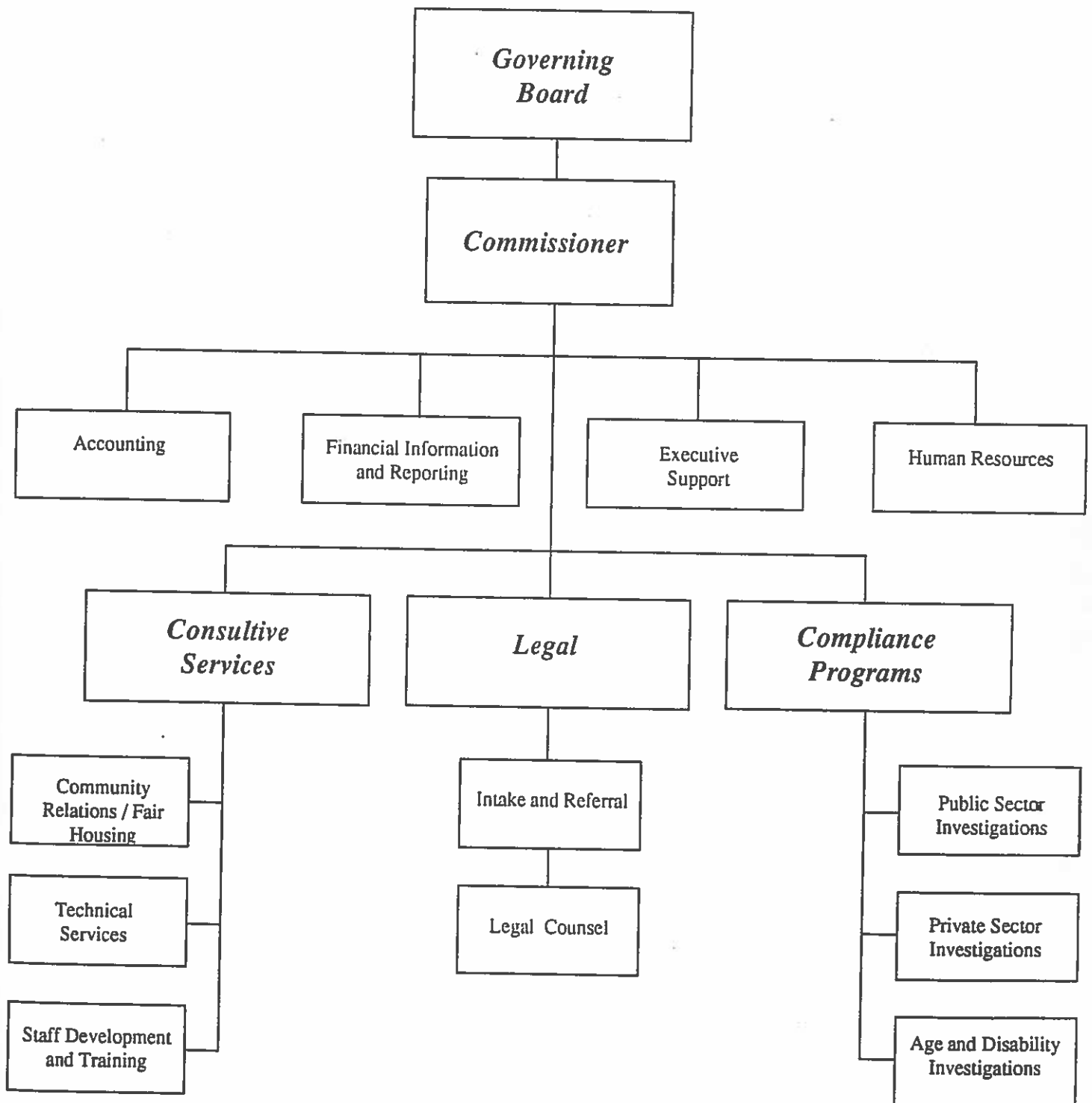
Organization Chart



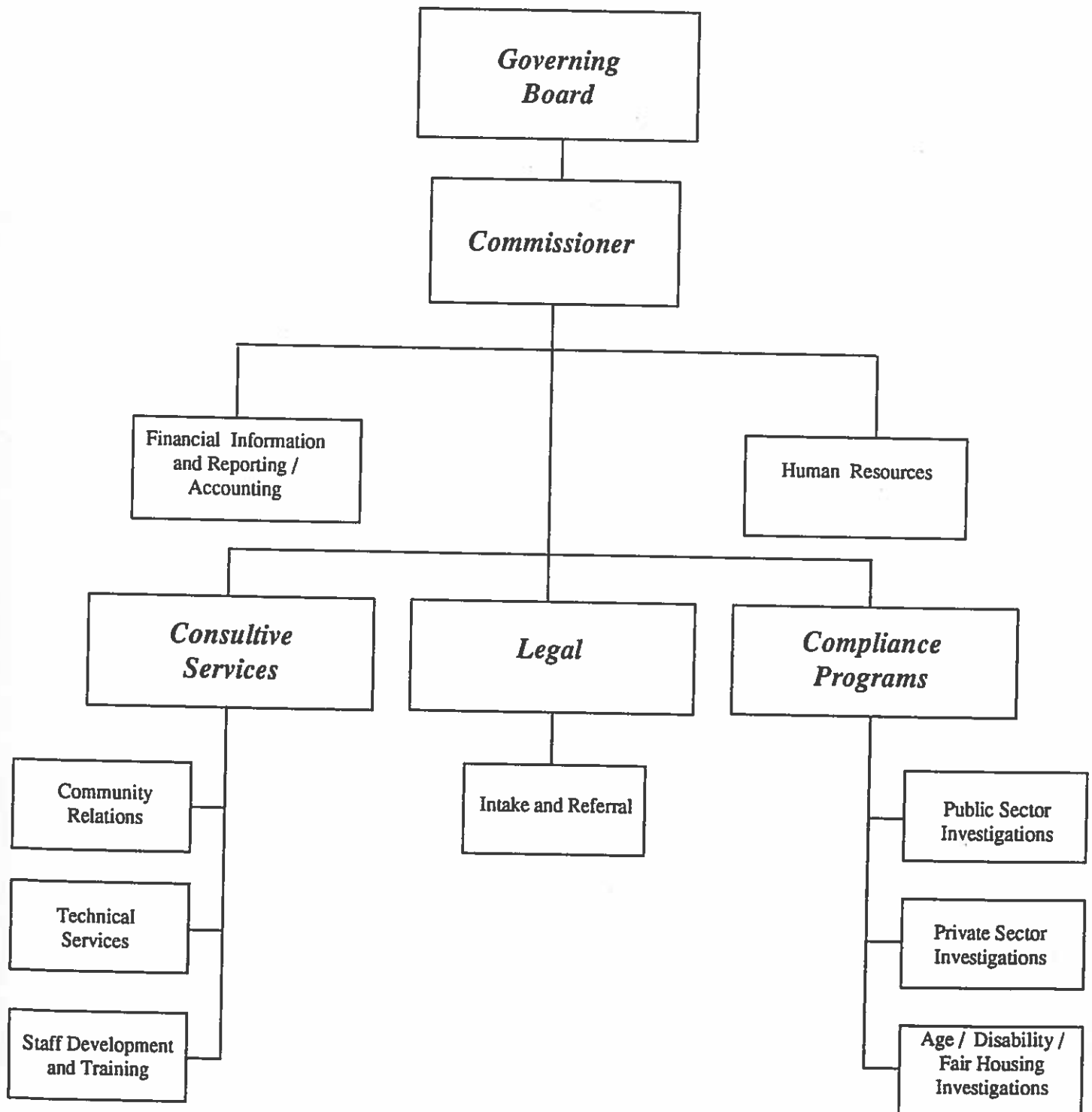
Organization Chart



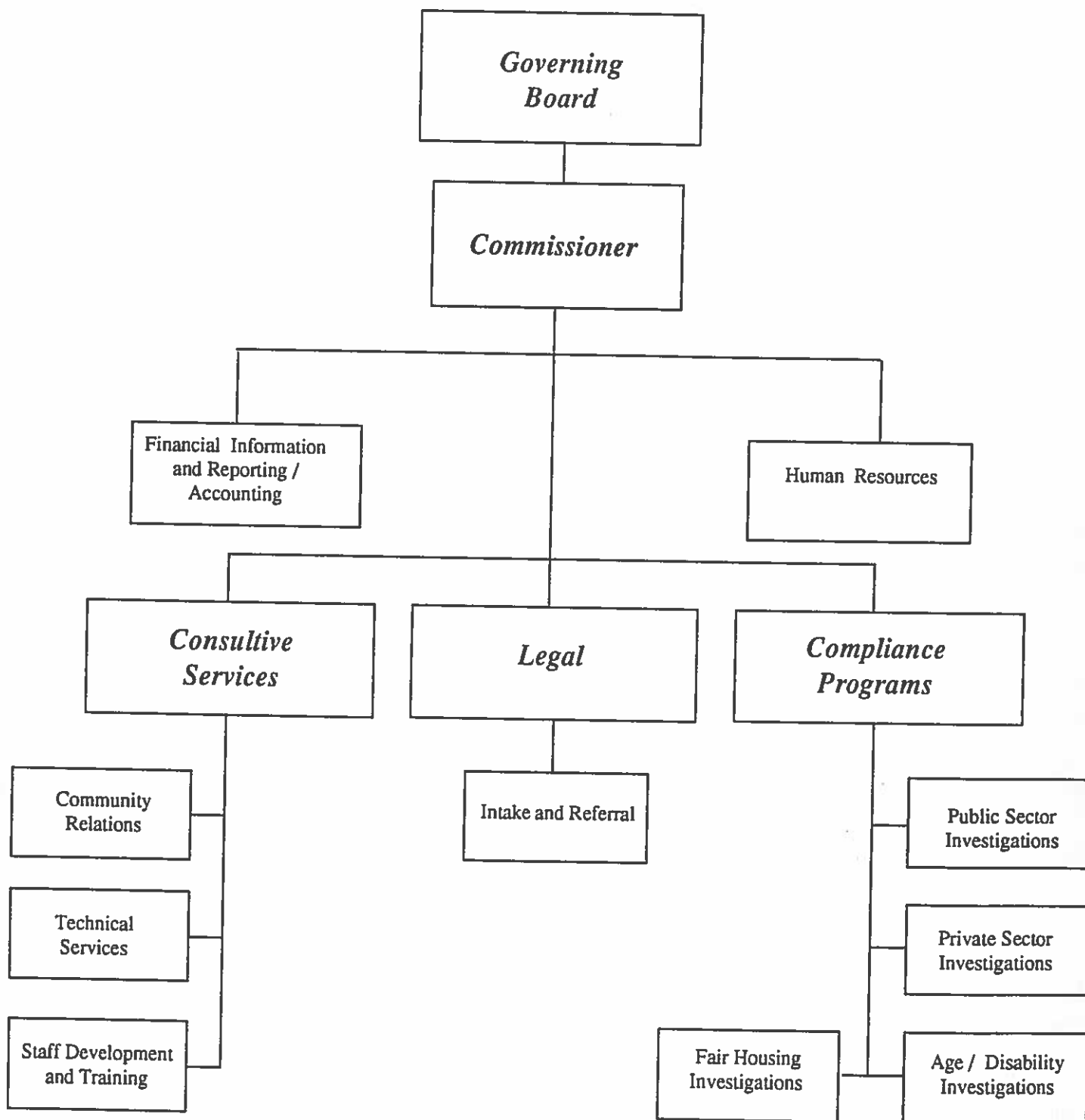
Organization Chart



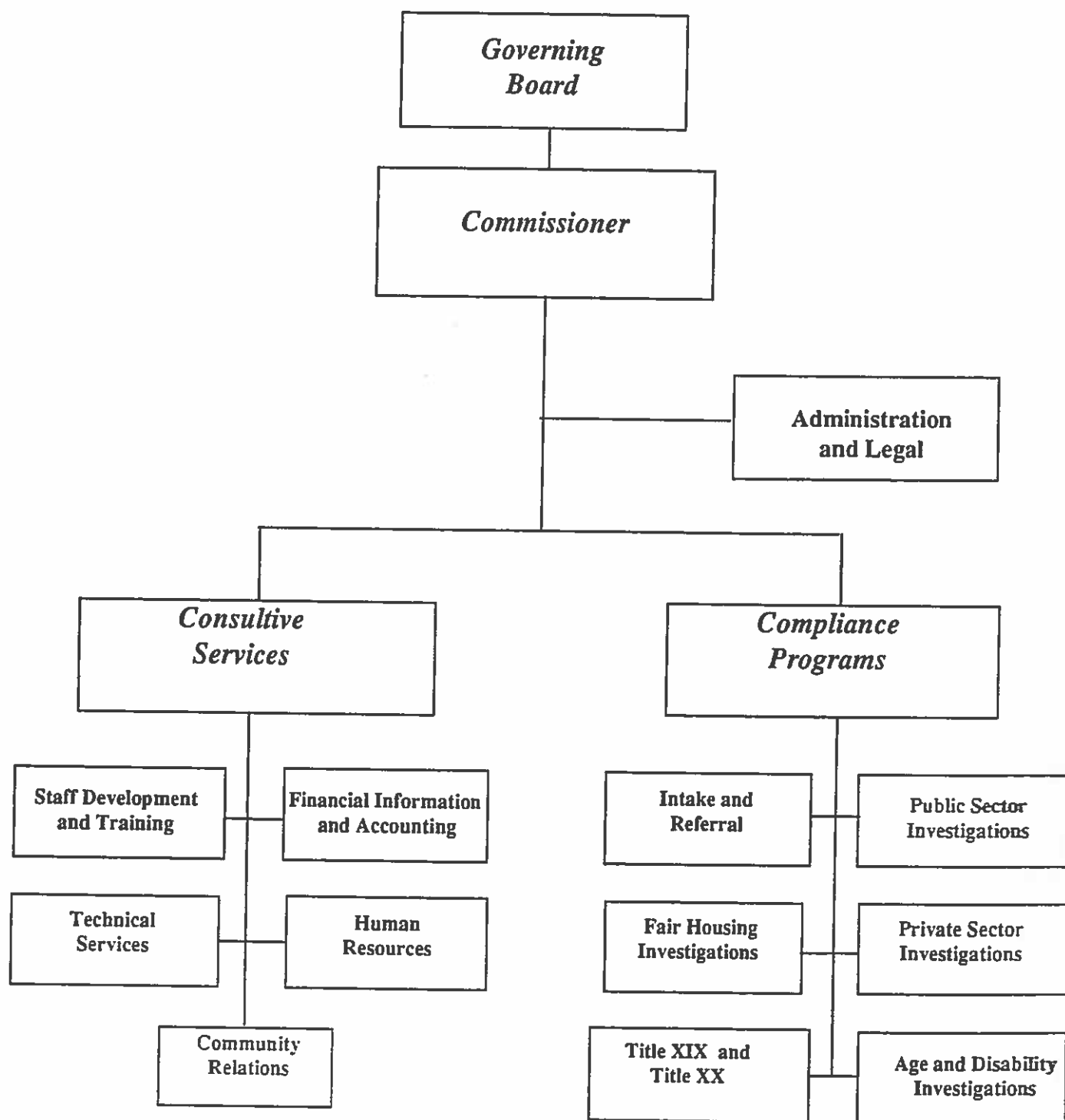
Organization Chart



Organization Chart

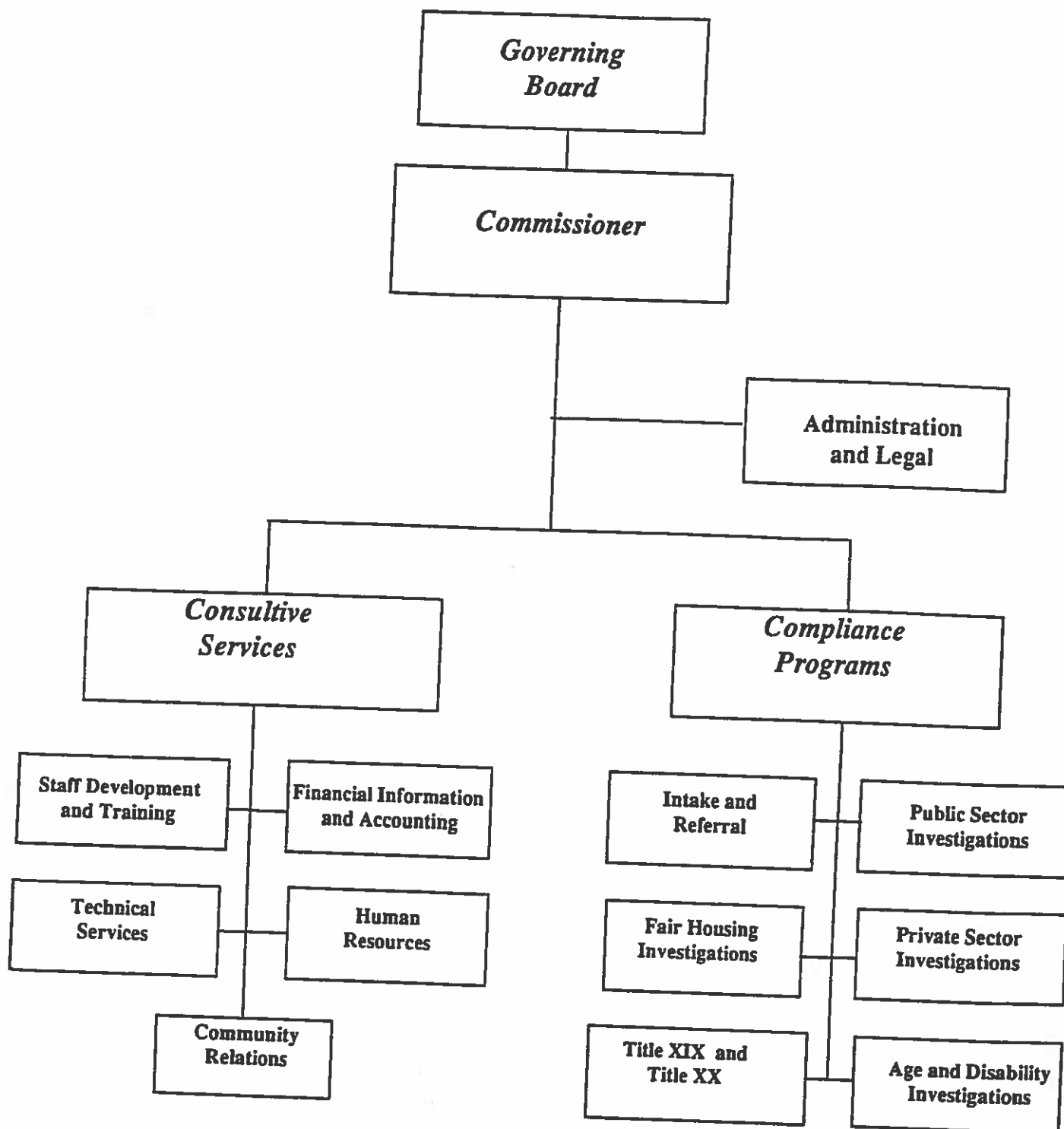


Organizational Chart

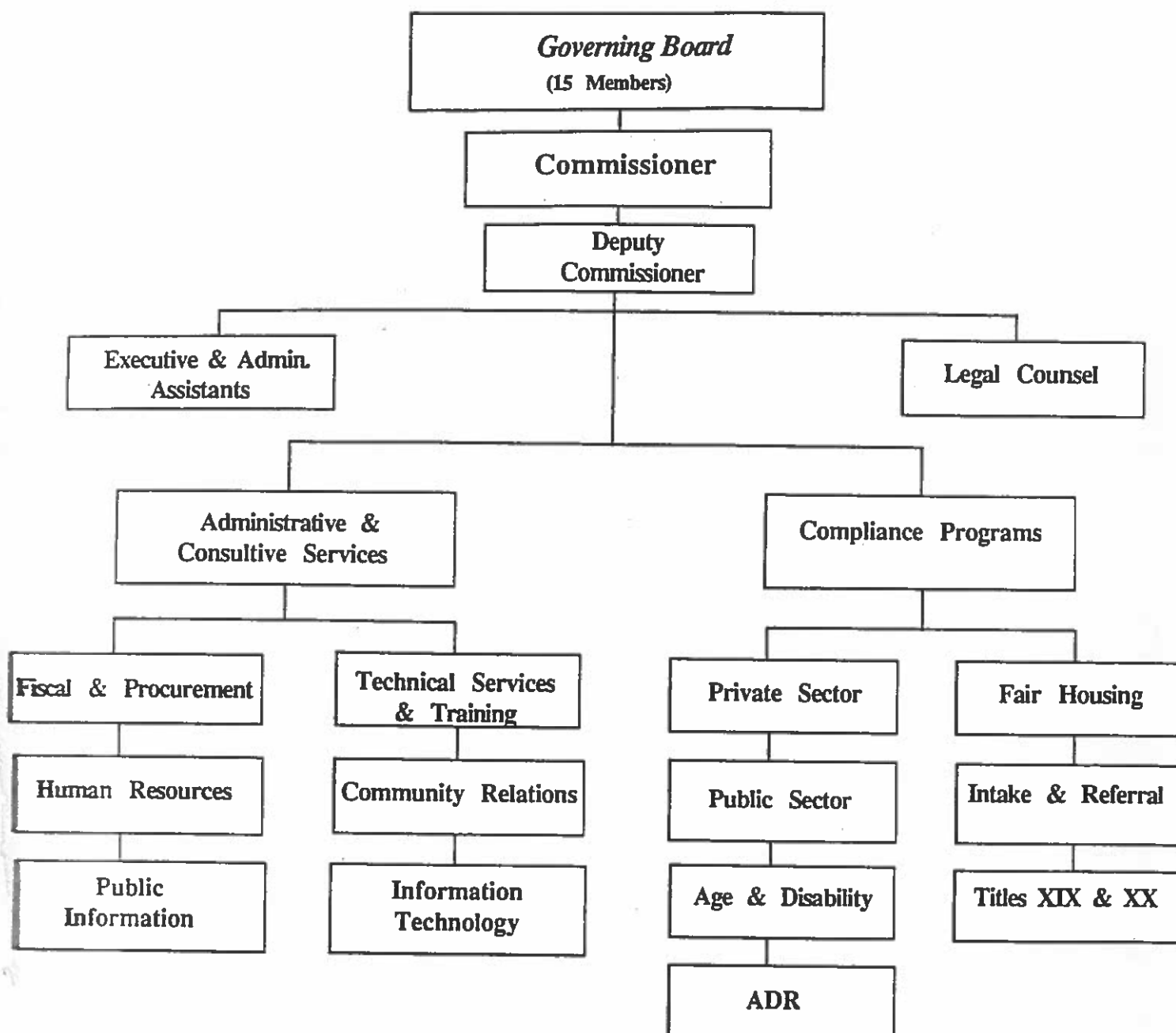


III

ORGANIZATION CHART

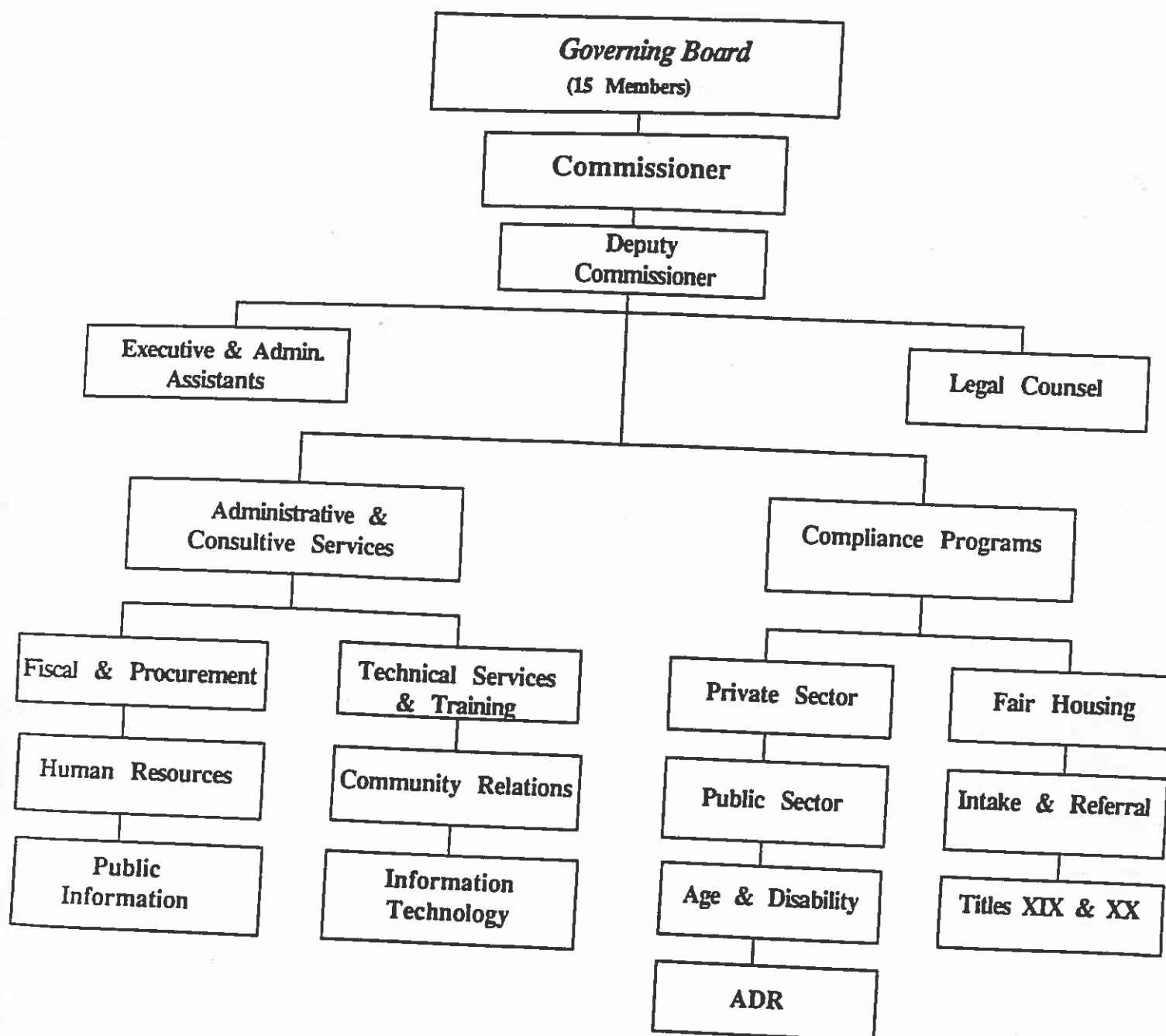


Organizational Chart



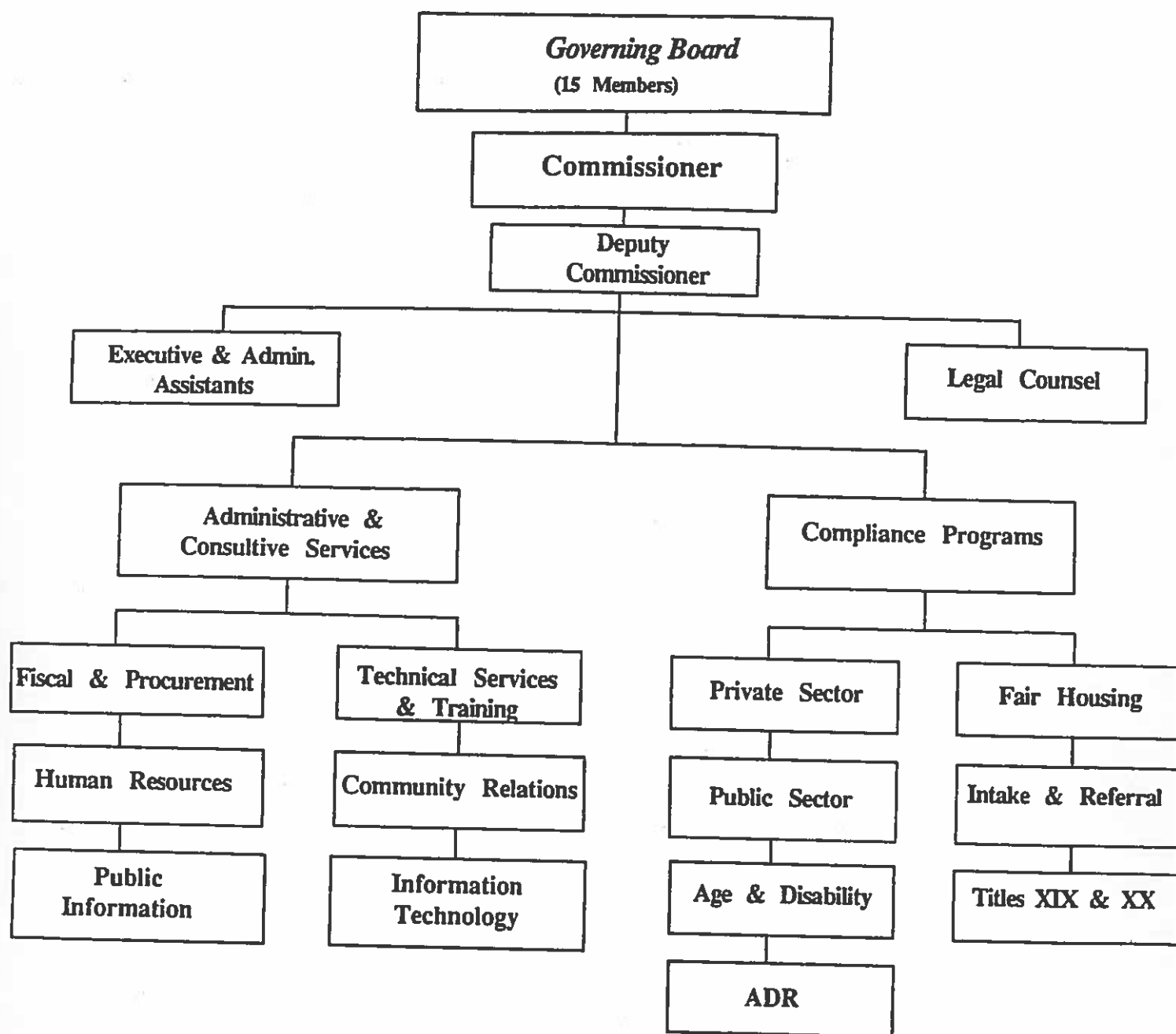
Revised 11/26/97

Organizational Chart



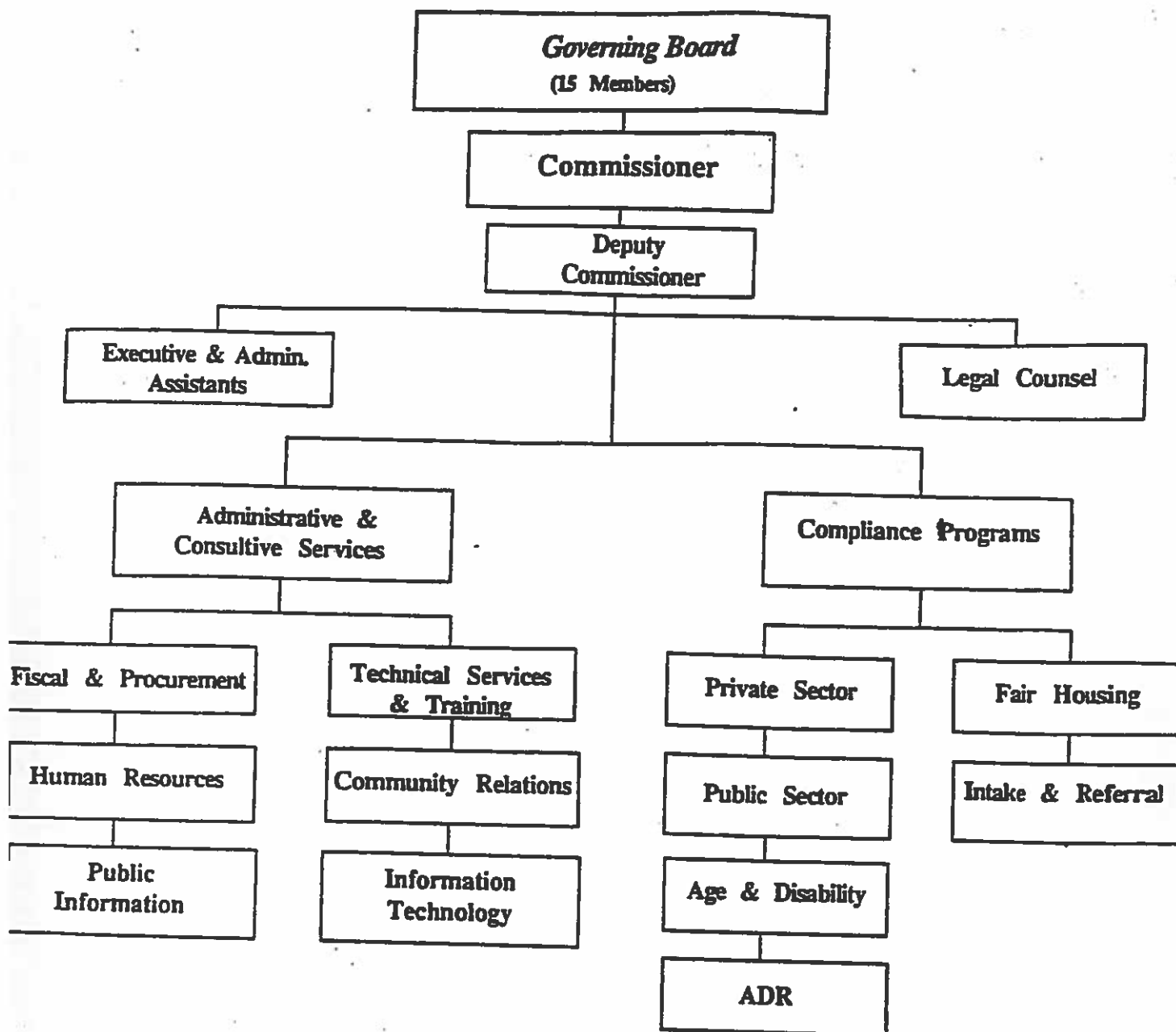
Revised 11/26/97

Organizational Chart



Revised 11/26/97

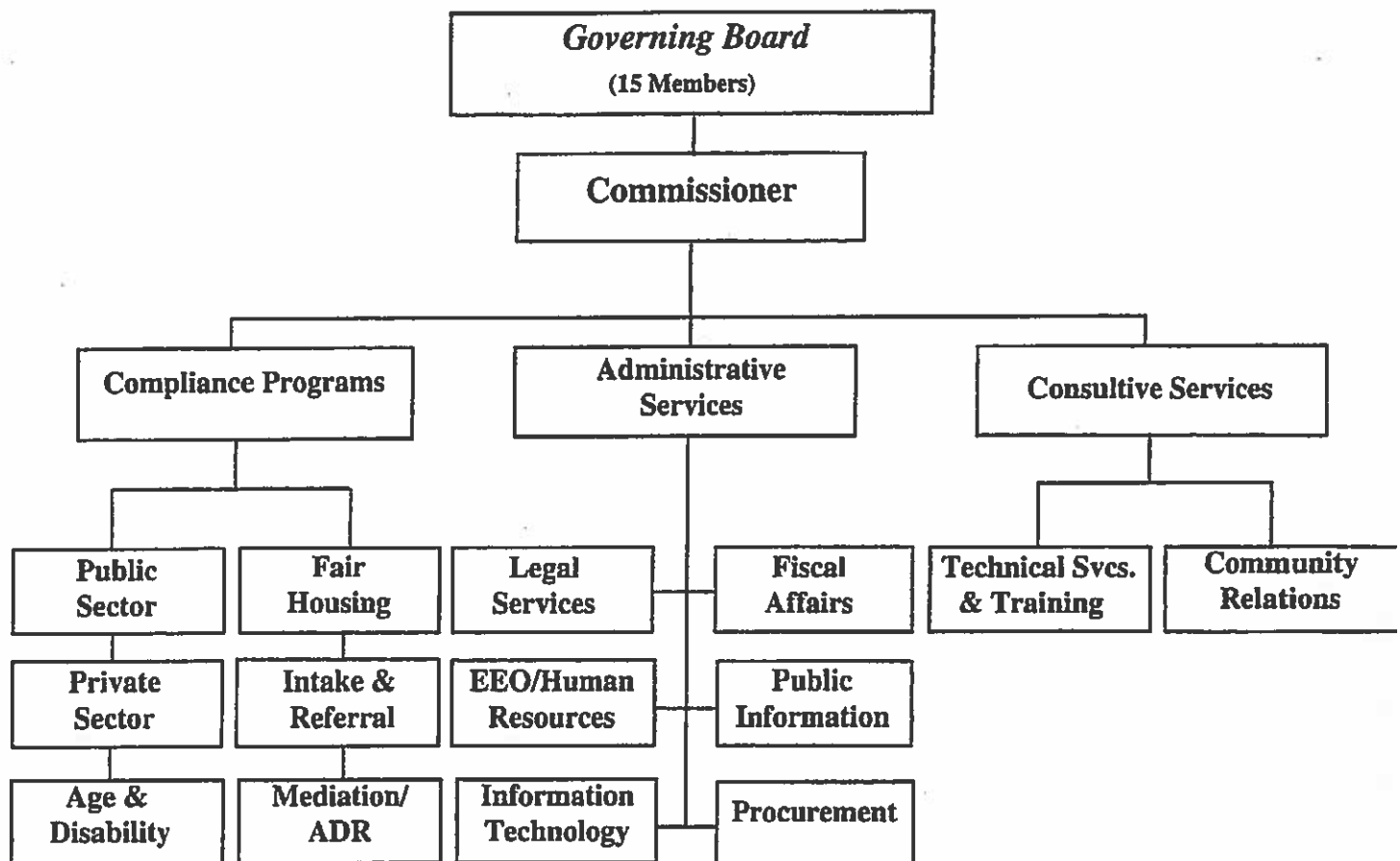
Organizational Chart



Revised 11/26/97

South Carolina Human Affairs Commission

Organizational Chart



South Carolina Human Affairs Commission Organizational Chart FY 2013-2014



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Barbara Jeffcoat *
Shelton Lorick

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Tamiko Johnson
Shetara Williams

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Dept. Director

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Jessica Brown
Connie Jenkins
Jesse Olivares
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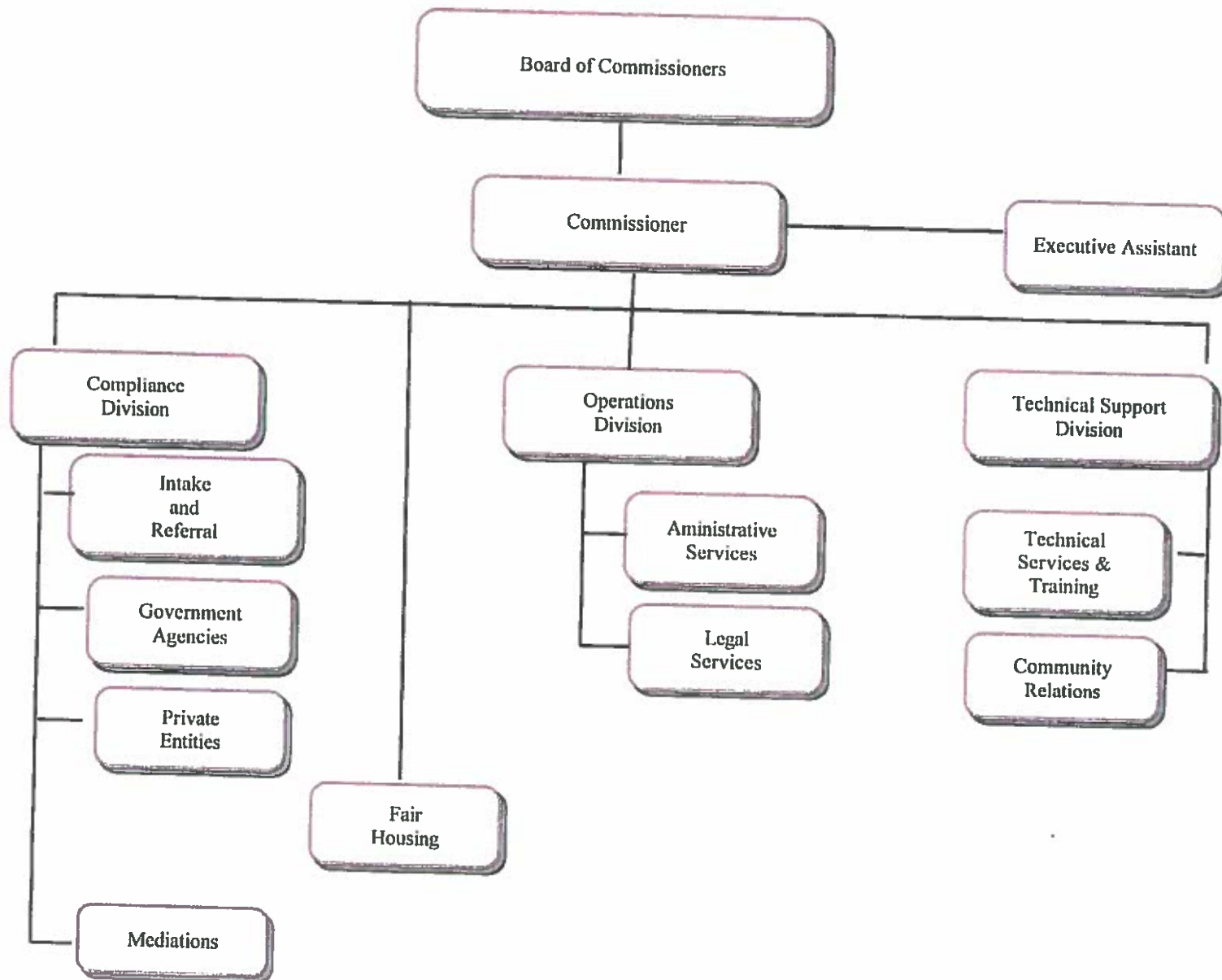
Stephanie Price
EEO/Training Consultant

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John Jones, Consultant *
Saundra Ligon, Consultant

Legal Division
Octavia Wright,
Staff Counsel

* Temp/Fill-in Fund Source

South Carolina Human Affairs Commission
Organizational Chart
FY 2013-2014



South Carolina Human Affairs Commission Organizational Chart FY 2013-2014



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Erin Wilson,
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John Jones, Consultant *
Saundra Ligon, Consultant

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Lee Wilson,
Staff Counsel
Jawanda Moore,
Admin. Specialist

* Temp/Fill-in Fund Source

South Carolina Human Affairs Commission Organizational Chart FY 2013-2014



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Saundra Ligon, Consultant

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Jawanda Moore,
Admin. Specialist

* Temp/Fill-in Fund Source

Latest Revision November 5, 2013

South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



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Henley Ellis
Shetara Williams
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Arlene Posey
Dave Smith**

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Saundra Ligon, Consultant**

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Lee Ann Wooten
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* Temp/Fill-in Fund Source

Latest Revision November 1, 2014

Effective 2/2/15

South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



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Lee Ann Rice,
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* Temp/Fill-in Fund Source

Latest Revision Feb. 4, 2015

Effective 3/5/15

South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



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Latest Revision March 10, 2015

Effective 4/2/15

South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



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Henley Ellis ✓
Shetara Williams ✓
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Fran Walters *

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Connie Jenkins ✓
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Anthony Sellers ✓
Deborah Thomas ✓
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Reginald Green ✓
LaTanya Whitmire ✓

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Latest Revision April 2, 2015

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South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



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Latest Revision May 4, 2015

Effective 6/2/15

South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



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Anthony Sellers
Deborah Thomas
Admin Specialist
Tamiko Johnson**

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Sector Dept. Investigators
Rosemary Drake *
Laura Herrera
Deloris Jenkins
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Tenika Moore
Nikki Owens
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LaTarnya Whitmire**

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Erin Wilson,
EEO/Training Consultant**

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Anita Dantzler*, Consultant
Saundra Ligon, Consultant**

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**Jawanda Collier,
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Specialist**

* Temp/Fill-in Fund Source

Latest Revision June 2, 2015

Ctective 7/13/15

South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



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Div. Director

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Tamiko Johnson

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Sector Dept. Investigators
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Laura Herrera
Deloris Jenkins
Shelton Lorick
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Nikki Owens
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* Temp/Fill-in Fund Source

Latest Revision July 13, 2015

South Carolina Human Affairs Commission Organizational Chart FY 2015-2016



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* Temp/Fill-in Fund Source

Latest Revision July 24, 2015

Effective 9/17/15

South Carolina Human Affairs Commission Organizational Chart FY 2015-2016



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Andrew Blankenship *
Admin. Assistant

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Henley Ellis
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Shelton Lorick
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Nikki Owens
Arlene Posey
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Latest Revision Sept. 17, 2015

K+fective 10/19/15

South Carolina Human Affairs Commission Organizational Chart FY 2015-2016



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South Carolina Human Affairs Commission Organizational Chart FY 2015-2016



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Latest Revision Dec. 2, 2015

South Carolina Human Affairs Commission Organizational Chart FY 2015-2016



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South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



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South Carolina Human Affairs Commission Organizational Chart FY 2015-2016



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Latest Revision Feb. 26, 2016

South Carolina Human Affairs Commission Organizational Chart FY 2015-2016



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Latest Revision July 28, 2016

South Carolina Human Affairs Commission Organizational Chart FY 2015-2016



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Latest Revision March 2, 2017

Attachment G

Glossary provided by SC Human Affairs Commission (March 22, 2017)

Term, Phrase or Acronym	Meaning of the Term, Phrase or Acronym
A	Age
AA	Affirmative Action
AAP	Affirmative Action Plan
ADEA	Age Discrimination in Employment Act
ADA	Americans with Disabilities Act
AFFH	Affirmatively Furthering Fair Housing
AG P	Aggrieved Party
AO	Waive Code
BF	Black Female
BFOQ	Bona fide Occupational Qualification
BM	Black Male
CAAMS	Computerized Affirmative Action Management System
CAFR	Comprehensive Annual Financial Reports
CG's Office	Comptroller General's Office
COA	Condominium Owners' Association
CofC	College of Charleston
C	Color
COL	Color
CON	Conciliation
CP	Complainant, Charging Party, Complaint or Charge of Discrimination
CP's Rep	Complainant's Representative or Attorney
CRC	Community Relations Councils
C1	Executive (Non-Academic)
C2	Executives (Academic)
C3	Professors
C4	Associate Professors
C5	Assistant Professors
C6	Instructors
C7	Lecturers

C8	Other (Academic)
C9	Other (Non-Academic)
D	Disability
DIS	Disability
EBO	Executive Budget Office
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
EES	Electronic Employer Service (Retirement Systems)
EIP	Employee Insurance Program
EHO	Equal Housing Opportunity
E1	Executives
E2	Professionals
E3	Technicians
E4	Protective Services
E5	Paraprofessionals
E6	Secretary/Clerical
E7	Skilled Craft
E8	Service/Maintenance
FEPA	Fair Employment Practices Agency
FHA	Fair Housing Act
FHAP	Fair Housing Assistance Program
FHEO	Fair Housing and Equal Opportunity
FHIP	Fair Housing Initiatives Program
FIR	Final Investigative Report
F S	Familial Status
FO	Final Action
GINA	Genetic Information Non-Discrimination Act
HOA	Home Owners' Association

HUD	US Department of Housing and Urban Development
IIQ	Initial Intake Questionnaire
IMS	Integrated Mission System
INV	Investigator
IP	Investigative Plan
IRAC	Issue, Rule, Analysis and Conclusion
LOD	Letter of Determination
MFS	Multi-Family Structure
MySCEmployee	Employee Access to Human Resources and Payroll Information
NFHTA	National Fair Housing Training Academy
NO	National Origin
NRTS / NORTS	Notice of Right to Sue
O AG P	Other Aggrieved Party
OF	Other Minority Females
OFCCP	Office of Federal Contracts and Compliance Programs
OHR	State Office of Human Resources
OM	Other Minority Males
PDA	Pregnancy Discrimination Act
PEBA	Public Employee Benefit Authority
POA	Property Owners' Association
PS	Position Statement
R	Race, Respondent
Rp	Respondent
R's Rep	Respondent's Representative
REL	Religion
RET	Retaliation

RFI	Request for Information
S	Sex
SCEIS	SC Enterprise Information System
SCFHL	South Carolina Fair Housing Law
SH	Sexual Harassment
SCHAC, SHAC	SC Human Affairs Commission
SCHACRA	SC Human and Community Relations Associations
SFH	Single Family Home
SOW	Statement of Work
STO	State Treasurer's Office
SWR	Substantial Weight Review
Tab Y	Persons Contacted
T	Total
Title VII	Title VII of the Civil Rights Act of 1964
TS	Technical Services
T1	Executives (Unclassified Institutional Officers)
T2	Managerial (Unclassified Level II Education Support Personnel)
T3	Faculty/Administrative/Teaching
T4	Faculty/Teaching
T5	Professionals (Unclassified Level I Educational Support Personnel)
WF	White Female
WIT	Witness
WM	White Male
131	Notice of Charge of Discrimination
212	Charge Transmittal for Dual Filing
322	Agency Contract Performance Report
903	Complaint or Charge of Discrimination
*	Underutilization less than one whole person related to the Affirmative Action Report to GA