**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 31‑21‑160 SO AS TO PROVIDE A DEFINITION OF “FAIR HOUSING TESTING” AND TO PROVIDE THAT THE COMMISSIONER OF THE SOUTH CAROLINA HUMAN AFFAIRS COMMISSION SHALL CONDUCT YEARLY FAIR HOUSING TESTING.

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

SECTION 1. Chapter 21, Title 31 of the 1976 Code is amended by adding:

“Section 31‑21‑160. (A) For purposes of this section, ‘fair housing testing’ means a covert housing investigation to gather evidence of compliance with this chapter involving one or more persons who initiate contact with another person or entity for the purpose of comparing how members and nonmembers of a protected class, who are otherwise similarly situated, are treated. The investigation also may include comparing the observed conduct or business practices to the requirements of fair housing laws and analysis of any publicly available data to identify discriminatory fair housing practices.

(B) The commissioner shall conduct yearly fair housing testing to ensure compliance with this chapter. The results of the fair housing testing must be reported annually to the Governor and the General Assembly, including the number of tests conducted each year, the number of instances of possible discrimination found as a result of testing, and any resulting enforcement action brought as a result of testing. The commissioner may contract to a nonprofit organization or organizations to execute any portion or all of the fair housing tests. Any organization or individual contracted by the commissioner to perform fair housing testing under this section may not be precluded from pursuing any and all remedies available under law for any potential discrimination found as a result of fair housing testing completed pursuant to this section.”

SECTION 2. This act takes effect upon approval by the Governor.

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