

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) BEFORE THE SOUTH CAROLINA
) HUMAN AFFAIRS COMMISSION
)

[Redacted]

) SHAC No. H-3-19-010
) HUD No. 04-19-8211-8
)

Complainant.

vs.

) CONCIILIATION AGREEMENT
)

[Redacted]

) 701 Gervais St #150-313
) Columbia, SC 29201
)

) RPM Properties, LLP
) c/o [Redacted] Registered Agent
) 701 Gervais St #150-313
) Columbia, SC 29201
)

[Redacted]

) 701 Gervais St #150-313
) Columbia, SC 29201
)

Respondents.

This compromise Conciliation Agreement is entered by and between the South Carolina Human Affairs Commission (hereinafter "Commission"), on behalf of [Redacted] (hereinafter "Complainant"), versus [Redacted], and RPM Properties, LLP (hereinafter "Respondents").

WHEREAS, a verified complaint was filed on August 5, 2019 by Complainant against Respondents alleging a violation of the South Carolina Fair Housing Law and dual-filed with the United States Department of Housing and Urban Development (HUD) under the Federal Fair Housing Act, as amended.

I. CASE SYNOPSIS

Complainant alleged that Respondent [Redacted] refused to maintain his lawn and respond to his maintenance requests but attended to the white tenants' maintenance requests and lawn. Complainant stated that he notified the Respondent about his disability in June 2018. Complainant stated that the tall grass makes it hard for him to ambulate in his back yard. Complainant said he has also discussed with the Respondent that the tall grass in the back yard makes his life difficult because of his disability. Complainant said Respondent began asking him in January if he was going to renew his lease in July because he wanted to move one of the girls from next door into his apartment. Complainant believes Respondent is trying to force him out of the property by not maintaining the subject property as described in the lease.

Respondents deny having discriminated against Complainant but agrees to settle the claims in the underlying action by entering into this Conciliation Agreement.

WHEREAS, the Commission and the parties hereto wish to reach a just resolution of the aforementioned dispute, and reach a full, equitable and final settlement of all matters arising out of the aforementioned complaint.

NOW, THEREFORE, the parties hereby agree and stipulate to the following:

II. GENERAL PROVISIONS

The terms set forth herein are contractual and not merely a recital.

- A. The parties acknowledge that this Agreement is a full settlement of the disputed complaint. The parties hereto state that they have read and fully understand the significance of the terms set forth herein and have executed this compromise Conciliation Agreement freely and voluntarily. No party has been coerced, intimidated, threatened, or in any way forced to become a party to this Agreement.
- B. By signing this Agreement both Complainant and Respondent state that they have had the opportunity to seek legal counsel regarding the effects of this Agreement.
- C. This conciliation agreement fully and completely resolves all issues arising out of SHAC Case # H-3-19-010 / HUD Case # 04-19-8211-8 through the effective date of this agreement. The Commission and the Charging Party will take no further legal action with respect to, and will not initiate any action pertaining to, the facts and events which led to the filing of the charge so long as the parties abide by the terms of this Conciliation Agreement.
- D. This Agreement, after the Commissioner of South Carolina Human Affairs Commission (SCHAC) has approved it, is binding upon all Respondents, their employees, successors and all others in active concert with them in the ownership or operation of 601 1/2 Kentucky Street, Columbia, SC 29201.
- E. It is understood that, pursuant to Section 31-21-120 (D) of the South Carolina Code of Laws Fair Housing Law, upon approval of this Agreement by the Commissioner of SCHAC, it is a public document.
- F. This Agreement does not in any way limit or restrict SCHAC's authority to investigate any other complaint involving Respondents made pursuant to the Fair Housing Law, or any other law within SCHAC's jurisdiction.
- G. This Conciliation Agreement constitutes closure of the complaint at HUD and South Carolina Human Affairs Commission upon a determination that Complainant(s) and Respondent(s) have complied with the terms of the Agreement.

III. PROVISIONS FOR THE PUBLIC INTEREST

In order to assure that the public interest is protected, Respondent, without admitting to any violation of the South Carolina Fair Housing Law or Federal Fair Housing Act, agrees to continue to take such affirmative action as may be necessary to assure the elimination of discriminatory housing practices and the prevention of their occurrence in the future, including, but not limited to the following:

- A. Respondent agrees to comply with all federal and state housing laws.
- B. Respondent agrees to apply consistently its standards for acceptance and rejection of housing applicants in an objective manner.
- C. Respondent agrees to allow any qualified person the right to purchase, rent, or occupy a dwelling regardless of race, color, religion, sex, disability, familial status, or national origin.
- D. Respondents and Respondents' employees agree to attend Fair Housing training provided by the South Carolina Human Affairs Commission within six months from the date of the executed agreement. Respondents are responsible for scheduling training with Commission in the appropriate period in order to remain in compliance with this Agreement.
- E. Complainant and Respondent agree that the Commission shall monitor compliance with the terms and conditions specified in this Agreement. As part of such monitoring, the Commission may inspect Respondents' pertinent records and practices and interview witnesses associated with the future compliance events described in this agreement. Respondent agrees to provide their full cooperation in any monitoring review undertaken by the Commission to ensure compliance with this Agreement.

IV. RELIEF FOR COMPLAINANT

- A. Respondents agree to properly maintain both the front and back lawn of the complainant's unit at 601 ½ Kentucky Street, Columbia, SC 29201.
- B. Respondent agrees that there shall be no discrimination or retaliation of any kind against Complainant or any person who assisted the Commission in the filing of this charge or in the investigation of this matter.

V. RELEASE BY COMPLAINANT

- A. Upon compliance with the terms of Paragraph IV through herein, Complainant agrees to release and forever discharge Respondent and Respondent's employees, agents, successors, insurers, and assigns from any and all claims which may be raised on account of the matters raised herein.

VI. BREACH OF CONCILIATED TERMS

- A. Nothing in this Agreement shall be construed to preclude the Commission and/or any aggrieved individual(s) from bringing suit to enforce this Agreement in the event that Respondent fails to perform the promises and representations contained herein. Neither does it preclude the Commission from filing charges in the future concerning events occurring after the execution of this conciliation agreement. The Commission shall determine whether Respondent has complied with the terms of this agreement. In the event that the Commission determines that Respondent has not complied with the terms hereof, the Commission shall send written notice to Respondent and Respondent shall be given a reasonable time period to remedy such non-compliance.
- B. Complainant and Respondents agree that this Agreement may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement.

VII. REPORTING & RECORDKEEPING

Parties shall submit proof of compliance with the terms of this Agreement to:

South Carolina Human Affairs Commission
Fair Housing Division
Attention: [Redacted]
1026 Sumter Street, Suite 101
Columbia, SC 29201

The submitter of any documentation should include the SHAC and HUD case numbers, which are as follows:

SHAC No. H-3-19-010
HUD No. 04-19-8211-8

VIII. COMMISSION REVIEW

- A. Subject to the provisions of Section 814 of the Fair Housing Act, as amended, 42 U. S. C. Section 3614, and in accordance with the provisions of State Regulations R. 65-225.G., the Commission may, from time to time, review compliance with this Conciliation Agreement, and, if necessary, recommend to the South Carolina Attorney General that a civil action be filed to seek the enforcement of any of the terms set forth herein.

IX. EFFECTIVE DATE

This agreement shall become effective on the date on which it is approved and signed by the Commissioner of the South Carolina Human Affairs Commission.

IN WITNESS WHEREOF, the parties have subscribed their names hereto on the day and date indicated.

[Redacted]	9-20-19
Complainant	(Date)
[Redacted]	9/18/19
Respondent	(Date)
[Redacted]	9-17-19
Respondent	(Date)

Conciliation Agreement

September 17, 2019

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[Redacted Signature]
RPM Properties, LLP, Respondent
Representative

9-17-19
(Date)

[Redacted Signature]
Conciliator

9-20-19
(Date)

Approved on Behalf of the Commission

[Signature of Raymond Buxton II]
Raymond Buxton II, Commissioner

9/25/19
(Date)