

For more information call or write:

Department of Labor and Regulation
Division of Human Rights
123 W. Missouri Ave.
Pierre, South Dakota 57501

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www.sdjobs.org



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Auxiliary aids and services available upon request to individuals with disabilities. State and federal laws require the Department of Labor and Regulation to provide services to all qualified persons without regard to race, color, creed, religion, age, sex, ancestry, political affiliation or belief, national origin, or disability.

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Housing

What you need to know.



DIVISION OF HUMAN RIGHTS

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THE STATE LAW

The South Dakota Human Relations Act of 1972 prohibits discrimination in housing.

It is unlawful for:

- An owner, or representative of an owner, to refuse to sell, rent or lease any property; to treat people differently in the terms or conditions of any sale, rental or lease; to ask questions, make records, or to print signs or advertise in a manner which discriminates on the basis of race, color, creed, religion, sex, ancestry, family status, disability or national origin.
- Any person, bank, mortgage company, insurance company or other financial institution to discriminate in the lending of money to buy, build or repair property.

Good faith efforts must be made to reasonably accommodate the person with disabilities unless accommodation would impose undue hardship.

This may include allowing the installation of devices, ramps and grab bars to assist the person in using the property.

Exemptions

The above law exempts rooms or units in dwellings that contain living quarters for no more than two families living independently of each other, if the owner maintains and occupies one of the living quarters.

Also exempt from family status claims are bonafide housing units for the elderly which also meet federal exemptions.

WHO IS CONSIDERED DISABLED?

DISABILITY is any physical or mental characteristic resulting from disease, injury, congenital condition of birth or functional disorder which is unrelated to a person's ability to acquire rent or maintain property.

Blind, deaf and physically disabled persons have the right to keep a trained guide dog in rented or leased property.

REPRISAL

Any person who files a charge of discrimination, testifies, assists or participates in any way in an investigation, hearing or any other proceeding conducted by the South Dakota Division of Human Rights is protected by law against reprisal by any person, employer, employment agency, labor organization, landlord or other covered individual or organization.



FEDERAL LAW

The Federal Fair Housing Act of 1968 and the Fair Housing Amendments of 1988 prohibit discrimination on the basis of race, color, religion, sex, disability, family status and national origin. The Department of Housing & Urban Development (HUD) investigates complaints on the federal level.

FILING A COMPLAINT

If you feel you have been discriminated against in housing, call the Division of Human Rights office to determine if jurisdiction exists. The Division will assist in the drafting of the complaints.

A complaint must be filed within 180 days after the harm was committed and must occur on or regarding property located in South Dakota.

The Division is a neutral fact finding agency. Both sides will be asked to provide information. If there is probable cause to believe discrimination exists, a hearing may be held by the Commission of Human Rights or in Circuit Court.

Remedies and Outcomes

The Commission may award remedies designed to eliminate the discriminatory practices. This may include rental of units, reporting monetary reimbursement or any other action to enforce the statute.

The Circuit Court may provide additional remedies such as attorneys fees, compensatory damages and punitive damages for willful violations of the law.

