



222 Rutherford Street, Greenville, South Carolina 29609 | (864) 546-5089 | southcarolina@rootandrebound.org

Finding Housing with a Criminal Record in South Carolina

There CANNOT be a blanket ban for people with criminal records.

Federally subsidized housing (Section 8):

- Landlords **MUST** run a background check.
- There **IS** a blanket ban for people on the sex offender registry and people who have manufactured meth on federally subsidized housing property.
- There are also **DISCRETIONARY** bans (not required, but left up to each landlord)
 - Drug-related criminal activity (three-year ban for someone who is evicted for drug use and/or a ban if someone is currently using drugs);
 - Violent criminal activity; or
 - Criminal activity that threatens health and safety of yourself or others.

Legal protections:

- Private landlords (not Section 8) *should* consider evidence that lessens responsibility for criminal acts and any proof of rehabilitation.
- Federal landlords (Section 8) *must* consider evidence that lessens responsibility for criminal acts and any proof of rehabilitation.

General information about South Carolina Landlord-Tenant Law:

- A lease does **NOT** have to be in writing, but it is **BEST** to have a written lease so everyone is clear about their rights and responsibilities.
- Evictions:
 - A landlord must evict through the Court **UNLESS** the tenant abandoned the dwelling **OR** the property in the dwelling is valued at less than \$500.00.
 - Once a person is served with eviction notice, the person has **TEN (10) DAYS** to request a hearing.
 - If the landlord is successful in court and is granted an eviction, the tenant can be “set out” within 24 hours with the proper application.

Tips when renting a property:

- Take photos of the unit before you move in and when you move out. Make sure to note any damage to the property that exists before you move in.
- If there are any problems with the property, **NOTIFY THE LANDLORD IN WRITING** and keep a copy of all letters you send to the landlord.



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- If a problem with the property violates the lease or affects your health and safety, be sure to put in a letter to the landlord that the landlord has FOURTEEN (14) DAYS to correct the problem or you will terminate the lease. Keep a copy of this letter in a safe place.
- Pay your rent on time – it is late EVEN IF you pay it before the late fee applies.
- Keep a record of all payments and ask for a receipt if you pay in cash.

Tips when searching for housing:

- People with criminal records often have better luck with property management companies that are known to be more lenient about records. These include private landlords who only rent a few units (because they have more discretion) or mobile home parks.
- Landlords MUST notify you if they are running a background check and/or credit check, and you must explicitly agree to allow them to do so for them to get that information about you.
- If the landlord takes an adverse action (like denying you an apartment, or requiring a higher rent), they MUST give notice—orally, in writing, or electronically—and they must give you the reason for the adverse action IF it is based on your background check or credit report. They also MUST give you contact information for the company that provided the background check and/or credit report.
- You should ALWAYS contact the screening company that provided this report and request a copy. You can review this copy for errors or for charges that should have been expunged or pardoned.
- If there are errors on any of your reports, you should:
 - Dispute it with the screening company;
 - Let the landlord know; and
 - Report the company to the Federal Trade Commission (FTC) at reportfraud.ftc.gov.