**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4996**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. M.M. Smith, Guest, Chapman, Hartnett, Stavrinakis, B.L. Cox, Kirby, Davis and Wetmore

Document Path: LC-0331PH24.docx

Introduced in the House on January 31, 2024

Currently residing in the House

Summary: Transferable development rights

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/31/2024 House Introduced and read first time (House Journal‑page 12)

 1/31/2024 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** (House Journal‑page 12)

 2/13/2024 House Member(s) request name added as sponsor: Wetmore

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**VERSIONS OF THIS BILL**

[01/31/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4996_20240131.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-29-725 SO AS TO PERMIT THE TRANSFER OF DEVELOPMENT RIGHTS.

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

SECTION 1. Article 5, Chapter 29, Title 6 of the S.C. Code is amended by adding:

 Section 6-29-725. (A) Any local governing authority may provide, by ordinance, for:

 (1) the voluntary transfer of the development rights permitted on one parcel of land to another parcel of land;

 (2) restricting or prohibiting further development of the parcel from which development rights are transferred (the sending property); and

 (3) increasing the density or intensity of development of the parcel to which such rights are transferred (the receiving property).

 (B) The ordinance must:

 (1) designate and show on the zoning map sending areas from which development rights may be transferred and receiving areas to which such rights may be transferred and used for development. These zones may be designated by a local governing authority as a special use district or as overlaying other zoning districts;

 (2) assure that the prohibitions against the use and development of the sending property shall bind the landowner and every successor in interest to the landowner;

 (3) provide for the severance of transferable development rights from the sending property and the immediate or delayed transfer of development rights to a receiving property;

 (4) enable the purchase, sale, exchange, or other conveyance of transferable development rights prior to the rights being affixed to a receiving property;

 (5) assure the right of a municipality or county to purchase development rights and to hold them for conservation purposes or resale;

 (6) assure the right of a person to purchase development rights and to hold them for conservation purposes; and

 (7) include such other provisions as the local governing body deems necessary to aid in the implementation of this section.

 (C) Two or more local governing authorities may enter into intergovernmental agreements for the purpose of enacting interdependent ordinances providing for the transfer of development rights between or among jurisdictions, provided that the agreement otherwise complies with applicable laws. Any ordinance enacted pursuant to this subsection may provide for additional notice and hearing and signage requirements applicable to properties within the sending and receiving areas in each participating political subdivision.

 (D) This act, or any provision thereof, does not invalidate any completed transfer of development rights pursuant to any earlier statute, ordinance, or regulation, if the transfer was valid at that time.

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

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