**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5232**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Brewer, Hewitt, Guffey, Mitchell, Murphy and Stavrinakis

Companion/Similar bill(s): 1134

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Introduced in the House on March 6, 2024

Currently residing in the House Committee on **Ways and Means**

Summary: Fractional ownership of residential dwellings

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/6/2024 House Introduced and read first time (House Journal‑page 22)

 3/6/2024 House Referred to Committee on **Ways and Means** (House Journal‑page 22)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5232&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/06/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5232_20240306.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 27‑1‑80 SO AS TO PROVIDE THAT ANY REGULATION REGARDING THE USE, DISPOSITION, SALE, OR ANY IMPOSITION OF ANY PROHIBITION, RESTRICTION, FEE IMPOSITION, OR TAXATION OF A CO‑OWNED HOME MUST BE DONE BY THE GENERAL ASSEMBLY.

Whereas, the General Assembly finds that the public policy of this State favors the transferability of interests in real property free from unreasonable restraints; and

Whereas, Section 1, Article XII of the South Carolina Constitution acknowledges that the property of the people of this State is a matter of public concern; and

Whereas, an individual’s right and ability to own property should not be unreasonably infringed upon by unnecessary and burdensome restrictions. Now, therefore,

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

SECTION 1. Chapter 1, Title 27 of the S.C. Code is amended by adding:

 Section 27‑1‑80. (A) For purposes of this section:

 (1) “Co‑owned home” means a residential dwelling that is jointly owned, in any manner or form, by any combination of individuals or entities for the purpose of the owners’ use and enjoyment.

 (2) “Residential dwelling” means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons to the exclusion of all others.

 (B) Any regulation regarding the use, disposition, sale, or any imposition of any prohibition, restriction, fee imposition, or taxation of a co‑owned home must be done by the General Assembly. This section supersedes and preempts any ordinance enacted by a political subdivision, or the enforcement of any ordinance, that purports to regulate the use, disposition, sale, or any imposition of any prohibition, restriction, fee imposition, or taxation of co‑owned homes. Nothing in this section limits the authority of a political subdivision to:

 (1) enact or enforce any ordinance to regulate the rental of co‑owned homes provided that the ordinance does not regulate the use of the home by the owners of the co‑owned home or the guests of the owners so long as no fee is collected from the guest; or

 (2) enact or enforce land use regulations, if the regulations are applied equally to all residential dwellings, including co‑owned homes and does not treat the operation, management, or conveyance of a co‑owned home as a commercial use.

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

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