

## CHAPTER 105

### Department of Labor, Licensing and Regulation— South Carolina Real Estate Commission

#### Editor's Note

**2016 Act No. 170, § 2**, provides:

"SECTION 2. A regulation that was promulgated to effectuate the purpose of Chapter 57, Title 40 and which is in effect on the effective date of this act is considered to be effective regardless of whether its authorizing provisions are redesignated as a new or different code section, or moved in part to a different code section by this act."

(Statutory Authority: 1976 Code §§ 27-32-10 et seq., 27-50-10(2), 40-1-50, 40-1-70, and 40-57-5, et seq.)

#### **105-2. Vacation Time Sharing Ownership Plans Defined.**

Vacation time sharing ownership plans shall specifically include:

- A. time sharing ownership plans, whereby purchasers are deeded an undivided interest in the facilities with a right to use designated accommodations for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one (1) year; and
- B. interval ownership plans, whereby purchasers are deeded title to designated time sharing units, accommodations, or facilities for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one (1) year, with remainder after such period to interval owners as tenants in common.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 41, Issue No. 5, Doc. No. 4724, eff May 26, 2017.

#### **105-3. Sale of Vacation Time Sharing Plan Receivables.**

The provisions of Section 27-32-80 shall not be construed to prevent the seller's right to sell, discount, or hypothecate for value receivables in favor of any bank, mortgage company, or other lending institution, and such purchasers shall be exempt from the requirements of this section.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 41, Issue No. 5, Doc. No. 4724, eff May 26, 2017.

#### **105-4. Providers of Courses.**

A. As used throughout these regulations, the term "provider" shall mean any school, organization, association, institution, or instructor.

B. Courses taught as part of a degree program at an accredited college or university and courses taught by a federal or state agency shall be deemed approved by the Commission if the courses are equivalent in hours and subject matter to those specified by the Commission. These providers are exempt from regulation by the Commission, and original transcripts or other proof of course completion with a passing grade may be recognized and accepted as a prerequisite for examination or for meeting the requirements of continuing education.

C. Accredited colleges or universities or technical, community, or junior colleges teaching courses which are not part of a degree program shall be approved if they comply with the regulations of the Commission with regard to curriculum, instructors, hours of attendance, classroom facilities, texts, examinations, and Certificates of Completion, as well as the policies and procedures of the appropriate department of the institution.

D. Courses offered by other providers shall be approved if they comply with the regulations of the Commission with regard to curriculum, instructors, hours of attendance, classroom facilities, texts, examinations, Certificates of Completion, and if the policies and procedures of the provider are also approved by the Commission.

E. All schools, organizations, associations, institutions, and other educational providers must be in good standing, and must be competent to administer and supervise the instruction of real estate subjects to the public.

F. Providers seeking approval to offer and conduct real estate or property management pre-licensing instruction and/or real estate continuing education instruction must apply on a form approved by the Commission and must be approved by the Commission and issued a Certificate of Approval prior to the commencement of any instruction. Providers offering courses prior to approval shall not have their Certificates of Completion recognized by the Commission.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 41, Issue No. 5, Doc. No. 4724, eff May 26, 2017.

### **105-5. Application for Approval.**

A. Prospective providers of courses must furnish to the Commission completed applications for provider and course approval and all supporting documentation as required by the Commission.

B. If an application is disapproved, reason(s) for disapproval will be detailed and the provider will be given thirty (30) days to cure any deficiencies. If deficiencies are cured, the application will be approved.

C. Upon approval the Commission will issue its Certificates of Approval for provider and courses, to be renewed biennially in even-numbered years. If the Certificate of Approval is issued in an odd-numbered year, it shall be renewed the following year, and then biennially thereafter.

D. Each provider must make available, upon request, copies of the Certificates of Approval issued by the Commission when an approved course is offered.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 41, Issue No. 5, Doc. No. 4724, eff May 26, 2017.

### **105-6. Course Curriculum, Approval, Attendance, and Verification.**

A. For pre-licensing courses, providers must teach courses in separate and distinct units consisting of the minimum hours as specified in S.C. Code Sections 40-57-320(A)(1)(a), 40-57-320(A)(2)(a) and 40-57-510(C)(1)(a).

(1) Pre-licensing courses must provide students with information on licensing requirements, familiarization with the Commission's statutes and regulations, and how to apply for licensure with the Commission.

B. For continuing education, providers must teach courses in subjects which increase the knowledge, skill and/or competence of real estate licensees with regard to the performance of their duties in a manner that best serves the public interest.

(1) Core courses are those which must include a minimum of four (4) classroom hours of instruction on current federal and state real estate law. In accordance with S.C. Code Section 40-57-340, all active salesperson, broker, and broker-in-charge licensees must complete a core course each renewal cycle unless they have been granted a full continuing education waiver by the Commission.

(2) Elective courses are those which are offered in general subjects prescribed by the Commission including but not limited to topics outlined in S.C. Code Section 40-57-340(G) and (H).

C. Application Requirements for Course Approval.

(1) Providers must submit learning objectives and detailed lesson plans reflecting the course content with time allotments.

(2) Providers must identify all texts being used. The Commission may direct the provider to withdraw texts and/or may require additional instructional materials.

(3) Providers must identify a Commission-approved instructor responsible for teaching the course in accordance with S.C. Code Section 40-57-740(H) and South Carolina Code of Regulations 105-10.

(4) Courses being offered via distance learning must include a copy of ARELLO or IDECC certification in accordance with S.C. Code Section 40-57-340(F).

(5) For pre-licensing courses:

(a) A copy of all quizzes and examinations, including re-examinations, must be submitted. The minimum passing score for a proctored final examination is 70%.

(b) Examinations may only be administered and monitored by an approved real estate instructor, school administrator, or qualified person.

(c) Providers must establish uniform testing and grading procedures for all quizzes and examinations.

(d) No provider, instructor, or other individual may arbitrarily alter a student's grade or offer students any re-examination of the same test previously administered.

(e) Re-examinations must contain at least eighty (80%) percent new exam items. Copies of both the initial examination and the re-examination must be submitted to the Commission.

(f) After two failed attempts at passing the pre-licensing course examination, a student must retake the pre-licensing course in order to be eligible to sit for the pre-licensing course examination again.

(g) The Commission may direct alterations in examination procedures, criteria for passing, and administration whenever deemed necessary.

(6) Failure to meet the above-listed requirements may result in the Commission withdrawing course approval. Following corrections, providers may reapply for reinstatement of course approval from the Commission.

#### D. Course Length and Attendance.

(1) For pre-licensing courses:

(a) Courses must be at least two (2) hours in length and may not exceed eight (8) hours on any given day.

(i) Students must be allowed one (1) ten-minute break each hour and for classes that exceed four (4) hours, students must be allowed at least one (1) half-hour break. Time needed to complete administrative tasks must be conducted outside instructional time.

(ii) No meals may be served during class.

(b) Providers must require strict attendance and must maintain records indicating number of student absences. No partial credit hours are permitted.

(c) Students failing to meet the minimum hour requirement may engage in make-up sessions provided the following parameters are met:

(i) a make-up session offered by the provider consisting of the content in the session or hours missed; or

(ii) a recording of the class session missed to be viewed by the student and supervised by the instructor only if the student missed less than twenty (20%) percent of the total course hours; or

(iii) attendance of the same course session offered by the same provider at a future date.

(2) For continuing education courses:

(a) Elective courses must be at least one (1) hour in length. No partial credit hours are permitted and licensees must attend the full course to receive credit. For elective courses that are at least two (2) hours in length, students must be allowed one (1) ten-minute break each hour. Time needed to complete administrative tasks must be conducted outside instructional time.

(b) A core course must be four (4) hours in length. Licensees must be allowed one (1) ten-minute break each hour with the remaining fifty (50) minutes being instructional time. Time needed to complete administrative tasks must be conducted outside instructional time.

(c) The mandated broker-in-charge course must be four (4) continuous hours in length. Licensees may be allowed one (1) ten-minute break each hour.

E. Verification of Course Completion.

Providers must provide verification of course completion for each individual or licensee who competes a course.

(1) For pre-licensing courses, a certificate of completion, signed and dated by an authorized official of the provider, shall be awarded to each course graduate. The certificate must contain:

- (a) course identification number assigned by the Commission;
- (b) provider's name and address;
- (c) course title, location, and dates;
- (d) number of hours of the course;
- (e) legal name of the student; and
- (f) license number of the student, if applicable.

(2) For continuing education courses, verification of course completion shall be submitted to the electronic tracking system designated by the Department for compliance and monitoring. Reports must be submitted within fourteen (14) calendar days following course completion.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 41, Issue No. 5, Doc. No. 4724, eff May 26, 2017; SCSR 48-5 Doc. No. 5253, eff May 24, 2024.

### **105-7. Enrollment Agreement, Policies, and Procedures.**

A. An enrollment agreement disclosing the obligations of both parties must be signed by the provider and student prior to the commencement of classes. A copy of the enrollment agreement containing all policies and procedures must be furnished to the student, and receipt must be acknowledged in writing at the time the agreement is executed.

B. When registering electronically, this requirement is met if the licensee affirmatively indicates that he/she has received, reviewed and agrees to the terms of the enrollment agreement. This should be accomplished before the licensee pays for the class.

C. The enrollment agreement must contain, at a minimum, the following:

- (1) name and address of the provider and student, along with student's name, address and real estate license number, if applicable; and
- (2) name of course; and
- (3) tuition and methods of payment, along with terms of any refund policy. If the provider has no policy for refunding fees, it must so state in writing; and
- (4) provider's policy for cancellation of scheduled courses; and
- (5) grade required for passing, methods for testing and final grade determination, if applicable; and
- (6) the total hours of attendance required; and
- (7) scheduled meeting time, dates, and location of course, if applicable; and
- (8) make-up policies for absences and for retaking a failed examination, if applicable; and
- (9) Admission policy.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 41, Issue No. 5, Doc. No. 4724, eff May 26, 2017.

### **105-8. Other Operating Procedures.**

A. Teaching Methods.

(1) Pre-licensing and continuing education courses may be conducted via in-person or distance learning. Distance learning courses are those where the licensed instructor and student are physically apart and instruction takes place through interactive classrooms, audio and/or video conferencing, interactive computer modules, and other internet platforms.

(a) In-person and in-person courses utilizing synchronous distance learning portions must be taught by instructors approved by the Commission and must be presented in a physical classroom or approved virtual environment. The distance learning portion of the course must adhere to the Commission's standards for distance learning. Recorded videos used as teaching supplements are not considered distance learning and do not need to meet the distance learning standards.

(b) Distance learning synchronous and asynchronous courses must be taught by instructors approved with the Commission and adhere to the Commission's standards for distance learning. In accordance with S.C. Code Section 40-57-340(F), providers and courses must hold ARELLO or IDECC certification.

(2) Course design must be competency-based and not permit students to only passively observe instruction or read instructional material. Courses must incorporate active student participation through interaction with the instructor, other students, or computer programs at frequent intervals throughout the course.

#### B. Facilities and Equipment.

(1) All classroom facilities must meet the appropriate building, health, and fire codes, and must be maintained in a safe and sanitary condition at all times.

(2) Classrooms shall contain audio-visual equipment and desks or worktables sufficient to accommodate all students enrolled in a course.

(3) Distance learning courses must adhere to ARELLO or IDECC requirements.

#### C. Advertising.

(1) "Advertising" means any form of public notice, including but not limited to, publications, promotional items, and all other efforts which could normally be expected to be seen or heard by prospective students. This includes, but is not limited to, emails, social media posts, catalogs, flyers, signs, mailing pieces, radio, television, audio-visual, newspaper, or any other form of public notice designed to aid in the provider's recruiting and promotional activities. Advertising also includes oral communications.

(2) Advertising for courses must include the provider and course approval number.

(3) Pursuant to S.C. Code Section 40-57-740(D), the Commission may take action against any provider or instructor who has violated the provisions of S.C. Code Section 40-57-5 et seq., S.C. Code Section 40-1-10 et seq., or regulations of the Commission. This includes but is not limited to a provider or instructor who:

(a) uses any unfair or deceptive practice or makes or causes to be made any false, misleading or deceptive statement in any advertising or promotional material which has the tendency or capacity to mislead or deceive students, prospective students, or the public;

(b) advertises or implies that the course is recommended or endorsed by the Commission;

(c) uses abbreviations which tend to mislead or confuse or otherwise create misunderstanding with students or the public;

(d) references the Commission's school report passage rates for first-time examiners. Schools may report passage rates so long as the rates can be substantiated by data collected by the school itself and cannot be based upon the Commission's school report data. Passage rates may only be used if the total number of students is disclosed;

(e) is unable to substantiate from its records any advertised statistics or claims;

(f) falsely represents, either directly or by implication, that students successfully completing a course of instruction may transfer credit to an accredited institution of higher education or that a course has been approved by a particular industry; or

(g) represents that successful completion will ensure passage of the state licensing examinations or obtaining a real estate license.

#### D. Recruitment and Solicitation.

Individuals or companies are prohibited from utilizing course hours or materials to recruit new affiliates for any company, sell promotional materials, or solicit business. Licensees found in violation may be subject to disciplinary action by the Commission. Nothing in the section shall prohibit any individual, company, or brokerage firm from soliciting, marketing, or selling prior to an education

course or after the course has been completed. The Commission may take disciplinary action against the licensed broker-in-charge or property manager-in-charge of the brokerage firm or property management office violating this regulation.

E. Changes.

Proposed changes to course name, content, length, location, or texts must be submitted to and approved by the Commission prior to implementation.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 41, Issue No. 5, Doc. No. 4724, eff May 26, 2017; SCSR 48-5 Doc. No. 5253, eff May 24, 2024.

### **105-9. Auditing and Record Keeping.**

A. Providers must keep copies of all enrollment agreements, advertising, rosters, and attendance records for a minimum of five (5) years and must be made available to a representative of the Commission upon request.

B. Providers must permit periodic inspections and auditing by a representative of the Commission for the purposes of evaluating facilities, course content, instructor performance, or any other relevant aspect of the administration and conduct of such course.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 41, Issue No. 5, Doc. No. 4724, eff May 26, 2017.

### **105-10. Instructors.**

A. Approved qualifying courses must be taught by Commission-approved instructors who are actively licensed as brokers by the Commission. Instructors teaching courses which are part of a degree program offered by an accredited college or university and instructors teaching courses for a federal or state agency shall be deemed approved by the Commission.

B. Prior to teaching for any approved provider, applicants for instructor approval must submit an application form along with supporting documentation as proof of knowledge of the subject matter and the ability to teach effectively.

(1) As proof of knowledge of the subject matter to be taught, the instructor must provide documentation of:

- (a) an active real estate broker license; or
- (b) a college degree in an academic area directly related to the course or the specific subject matter to be taught; or
- (c) other past experience or education acceptable to the Commission in the subject area to be taught, and

(2) As proof of the ability to teach effectively, the instructor must provide documentation of:

- (a) a current teaching certificate issued by any state department of education (or an equivalent agency); or
- (b) Real Estate Educator Association (REEA) Instructor certification or IDECC Certified Distance Education Instructor certification; or
- (c) a four-year undergraduate degree, or higher, in education; or
- (d) previous adult-education experience in schools, seminars, or in an equivalent setting for three (3) years, within the past five (5) years; or
- (e) serving as an assistant instructor under the direct supervision of a Commission-approved instructor for at least sixty (60) hours. Of the sixty (60) hours, fifty-five (55) hours must be documented instructing time; or
- (f) past experience and knowledge of South Carolina real estate law acceptable to the Commission in education.

(3) In addition, for continuing education courses, the Commission may require documentation of:

- (a) three (3) years of work experience, within the past five (5) years, directly related to the subject matter to be taught; or

(b) three (3) years of teaching experience within the past five (5) years directly related to the subject matter to be taught.

C. Each instructor may be approved by the Commission to teach pre-licensing education courses, continuing education courses, or both.

D. An instructor may teach approved courses at locations throughout the state of South Carolina. The course provider must notify the Commission of course offerings in advance and record the instructor's name on the provider's completion report.

E. If the application is disapproved, the reason(s) for disapproval will be detailed and the instructor will be given thirty (30) days to rectify the deficiencies identified and submit for re-evaluation. If deficiencies are fully addressed, the application will be approved.

F. Upon instructor approval, the Commission will issue its Certificate of Approval, to be renewed biennially in even-numbered years. Each instructor must make available, when requested, a copy of the Certificate of Approval issued by the Commission. If the Certificate of Approval is issued in an odd-numbered year, it shall be renewed the following year, and biennially thereafter.

G. Instructors must attend Instructor Development Workshops sponsored by the Commission biennially.

Instructors of approved continuing education courses may credit time spent teaching approved courses towards the applicable continuing education requirements for maintaining licensure. This credit does not extend to the mandatory four-hour core broker-in-charge course unless the licensee is the instructor of and teaches the four-hour core broker-in-charge course.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 41, Issue No. 5, Doc. No. 4724, eff May 26, 2017; SCSR 48-5 Doc. No. 5253, eff May 24, 2024.

### **105-11. Renewals.**

All provider, course, and instructor approvals expire biennially on August 31 of even-numbered years. If an approval has expired, the provider or instructor must reapply and meet all requirements in effect at the time of reapplication in order to receive approval for the expired provider, course, or instructor.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 41, Issue No. 5, Doc. No. 4724, eff May 26, 2017; SCSR 48-5 Doc. No. 5253, eff May 24, 2024.

### **105-12. Provider, Course, and Instructor Fees.**

The following fees shall be charged by and paid to the Commission:

A. for each course provider approval, a fee of two hundred dollars (\$200), and for each renewal thereof, a fee of one hundred dollars (\$100); and

B. for each course approval, a fee of one hundred dollars (\$100), and for each renewal thereof, a fee of fifty dollars (\$50); and

C. for each instructor approval, a fee of one hundred dollars (\$100), and for each renewal thereof, a fee of fifty dollars (\$50); and

D. for each late renewal (after August 31st) for provider, course, or instructor, a fee of fifty dollars (\$50). The education year is September 1st of even-numbered years through August 31st.

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012; State Register Volume 41, Issue No. 5, Doc. No. 4724, eff May 26, 2017.

### **105-13. Fees.**

The Commission may charge fees as shown in South Carolina Code of Regulations Chapter 10-37 and on the South Carolina Real Estate Commission website.

**HISTORY:** Added by State Register Volume 36, Issue No. 6, eff June 22, 2012. Amended by State Register Volume 39, Issue No. 6, Doc. No. 4517, eff June 26, 2015; State Register Volume 41, Issue No. 5, Doc. No. 4724, eff May 26, 2017; SCSR 48-5 Doc. No. 5253, eff May 24, 2024.

**105-14. Residential Property Condition Disclosure Statement Form.**

The South Carolina Code of Laws (Title 27, Chapter 50, Article 1) requires that an owner of residential real property (a single-family dwelling unit or a single transaction involving transfer of four dwelling units or less) shall provide to a purchaser this completed and signed disclosure statement prior to forming a real estate contract. This disclosure must be provided in connection with any sale, exchange, installment land sale, or lease with an option to purchase contract. This disclosure statement is not required in connection with transactions listed and exempted by South Carolina Code Section 27-50-30.

Owners should answer the questions fully, honestly, and appropriately by attaching documents, checking a box for each check box question, and writing in the blanks on this disclosure statement.

If a question is answered "Yes" or asks for a description, then the owner must explain or describe the issue or attach a descriptive report from an engineer, contractor, pest control operator, expert, or public agency. If the owner attaches a report, the owner shall not be liable for inaccurate or incomplete information in the report unless the owner was grossly negligent in obtaining or transmitting the information. If the owner fails to check "Yes" or make a disclosure and the owner knows there is a problem, then the owner may be liable for making an intentional or negligent misrepresentation and may owe the purchaser actual damages, court costs, and attorney fees. If a question is answered "No" for any question, the owner is stating that the owner has no actual knowledge of any problem.

By answering "No Representation" on this disclosure statement, the owner is acknowledging that they do not have the current knowledge necessary to answer the questions with either a "Yes" or "No" response. The owner still has a duty to disclose information that is known at the time of the disclosure statement. "No Representation" should not be selected if the owner simply wishes to not disclose information or answer the question. Selecting "No Representation" does not waive liability if the owner is aware or subsequently becomes aware.

If a question is answered and subsequently new information is obtained or something changes to render the owner's answer incorrect, inaccurate or misleading (example: roof begins to leak), the owner must promptly correct the disclosure. In some situations, the owner may notify the purchaser of the correction. In some situations, the owner may correct or repair the issue.

The owner shall deliver to the purchaser this disclosure before a real estate contract is signed by the purchaser and the owner, or as otherwise agreed in the real estate contract. The real estate licensee must disclose material adverse facts about the property if actually known by the licensee about the issue, regardless of the owner responses on this disclosure. Owner is solely responsible to complete this disclosure as truthfully and fully as possible. The owner and purchaser are solely responsible to consult with their attorneys regarding any disclosure issues. By signing below, owners acknowledge their duties and that failure to disclose known material information about the property may result in owner liability.

The owner must provide the completed disclosure statement to the purchaser prior to the time the owner and purchaser sign a real estate contract unless the real estate contract states otherwise. The owner should provide a signed copy to the purchaser and keep a copy signed by the purchaser.

A real estate contract, not this disclosure, controls what property transfers from owner to purchaser.

Property Address (including unit # or identifier) \_\_\_\_\_

Apply this question below and the three answer choices to the numbered issues (1-14) on this disclosure.

**As owner, do you have any actual knowledge of any problem(s)\* concerning?**

\*Problem(s) include present defects, malfunctions, damages, conditions, or characteristics.

**I. WATER SUPPLY AND SANITARY SEWAGE DISPOSAL SYSTEM**

	Yes	No	No Representation
1. Water supply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Water pressure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Sanitary sewage disposal system for any waste water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A. Describe water supply:  County  Private  Community  Other: \_\_\_\_\_



	<input type="checkbox"/> City	<input type="checkbox"/> Corporate	<input type="checkbox"/> Well
<hr/>			
B. Describe water disposal:	<input type="checkbox"/> Septic	<input type="checkbox"/> Private	<input type="checkbox"/> Other:
	<input type="checkbox"/> Sewer	<input type="checkbox"/> Corporate	<input type="checkbox"/> Government
<hr/>			
C. Describe water pipes:	<input type="checkbox"/> PEX	<input type="checkbox"/> PVC/CPVC	<input type="checkbox"/> Other/Unknown:
	<input type="checkbox"/> Copper	<input type="checkbox"/> Polybutylene	<input type="checkbox"/> Steel

**II. ROOF, CHIMNEYS, FLOORS, FOUNDATION, BASEMENT, AND OTHER STRUCTURAL COMPONENTS AND MODIFICATIONS OF THESE STRUCTURAL COMPONENTS**

	Yes	No	No Representation
5. Roof systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A. Approximate year that current roof system was installed: _____			
B. During your ownership, describe any known roof system leaks, repairs and/or modifications with dates(s): _____			
<hr/>			
6. Gutter systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Foundation, slab, fireplaces, chimneys, wood stoves, floors, basement, windows, driveway, storm windows/screens, doors, ceilings, interior walls, exterior walls, sheds, attached garage, carport, patio, deck, walkways, fencing, or other structural components including modifications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A. Approximate year structure was built: _____			
B. During your ownership, describe any structural repairs and/or modifications to the items identified in Question 7 with dates(s): _____			

**III. PLUMBING, ELECTRICAL, HEATING, COOLING, AND OTHER MECHANICAL SYSTEMS**

	Yes	No	No Representation
8. Plumbing system (pipes, fixtures, water heater, disposal, softener, plumbing components)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Electrical system (wiring, panel, fixtures, A/V wiring, outlets, switches, electrical components)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Appliances (range, stove, ovens, dishwasher, refrigerator, washer, dryer, other appliances)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Built-in systems and fixtures (fans, irrigation, pool, security, lighting, A/V, other)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Mechanical systems (pumps, garage door opener, filtration, energy equipment, safety, other)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Heating system(s) (HVAC components)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Cooling system(s) (HVAC components)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A. Describe Cooling System: <input type="checkbox"/> Central <input type="checkbox"/> Ductless <input type="checkbox"/> Heat Pump <input type="checkbox"/> Window <input type="checkbox"/> Other: _____			
B. Describe Heating System: <input type="checkbox"/> Central <input type="checkbox"/> Ductless <input type="checkbox"/> Heat Pump <input type="checkbox"/> Furnace <input type="checkbox"/> Other: _____			
C. Describe HVAC Power: <input type="checkbox"/> Oil <input type="checkbox"/> Gas <input type="checkbox"/> Electric <input type="checkbox"/> Solar <input type="checkbox"/> Other: _____			

**IV. PRESENT OR PAST INFESTATION OF WOOD DESTROYING INSECTS OR ORGANISMS OR DRY ROT OR FUNGUS, THE DAMAGE FROM WHICH HAS NOT BEEN REPAIRED, OR OTHER PEST INFESTATIONS**

A. Describe any known present wood problems caused by termites, insects, wood destroying organisms, dry rot or fungus:

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B. Describe any termite/pest treatment, coverage to property, name of provider, and termite bond (if any):

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C. Describe any known present pest infestations:

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**V. THE ZONING LAWS, RESTRICTIVE COVENANTS, BUILDING CODES, AND OTHER LAND USE RESTRICTIONS AFFECTING THE REAL PROPERTY, ANY ENCROACHMENTS OF THE REAL PROPERTY FROM OR TO ADJACENT REAL PROPERTY, AND NOTICE FROM A GOVERNMENTAL AGENCY AFFECTING THIS REAL PROPERTY**

Apply this question below and the three answer choices to the numbered issues (15–28) on this disclosure.

**As owner, do you have any actual knowledge or notice concerning the following:**

	Yes	No	No Representation
15. Violations or variances of the following: zoning laws, restrictive covenants, building codes, permits or other land use restrictions affecting the real property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Designation as a historic building, landmark, site or location within a local historic or other restrictive district, which may limit changes, improvements or demolition of the property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Easements (access, conservation, utility, other), party walls, shared private driveway, private roads, released mineral rights, or encroachments from or to adjacent real property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Legal actions, claims, foreclosures, bankruptcies, tenancies, judgments, tax liens, other liens, first rights of refusal, insurance issues, or governmental actions that could affect title to the property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Room additions or structural changes to the property during your ownership.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Problems caused by fire, smoke, or water (including whether any structure on the property has flooded from rising water, water intrusion, or otherwise) to the property during your ownership.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Drainage, soil stability, atmosphere, or underground problems affecting the property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Erosion, erosion control, or erosion control structure, such as a bulkhead, rock revetment, seawall, or buried sandbags, affecting the property. If "Yes" to Question 22, provide a general description including material, location on the property, approximate size, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Flood hazards, wetlands, flood hazard designations, flood zones, or flood risk affecting the property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Whether the property is currently insured through public (e.g., National Flood Insurance Program) or private flood insurance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. Private or public flood insurance (e.g., Federal Emergency Management Agency (FEMA)) claims filed on the property during your ownership. If "Yes" to Question 25, list the approximate date(s), general description of event(s), nature of any repair(s), and amounts of all claim(s).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

26. Repairs made to the property as a result of flood events that were NOT filed with private or public insurance during your ownership. If "Yes" to Question 26, list the approximate date(s), general description of event(s), nature of any repair(s), and amounts of all flood-related repairs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27. Has federal flood disaster assistance (e.g., from FEMA, Small Business Administration, HUD) been previously received during your ownership? If "Yes" to Question 27, what was the amount received and the purpose of the assistance (elevation, mitigation, restoration, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. Whether the property has been assessed for a beach nourishment project during your ownership.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- A. Describe any green energy, recycling, sustainability or disability features for the property:  
\_\_\_\_\_
- B. Describe any Department of Motor Vehicles titled manufactured housing on the property:  
\_\_\_\_\_

**VI. BURIED, UNBURIED, OR COVERED PRESENCE OF THE FOLLOWING: LEAD-BASED PAINT, LEAD HAZARDS, ASBESTOS, RADON GAS, METHANE GAS, STORAGE TANKS, HAZARDOUS MATERIALS, TOXIC MATERIALS, OR ENVIRONMENTAL CONTAMINATION**

A. Describe any known property environmental contamination problems from construction, repair, cleaning, furnishing, intrusion, operating, toxic mold, methamphetamine production, lead based paint, lead hazards, asbestos, radon gas, methane gas, formaldehyde, corrosion-causing sheetrock, storage tanks, hazardous materials, toxic materials, environmental contamination, or other: \_\_\_\_\_

**VII. EXISTENCE OF A RENTAL, RENTAL MANAGEMENT, VACATION RENTAL, OR OTHER LEASE CONTRACT ANTICIPATED TO BE IN PLACE ON THE PROPERTY AT THE TIME OF CLOSING**

- A. Describe the rental/lease terms, to include any vacation rental periods that reasonably may begin no later than ninety days after the date the purchaser's interest is recorded in the office of the register of deeds, and any rental/leasing problems, if any: \_\_\_\_\_
- B. State the name and contact information for any property management company involved (if any):  
\_\_\_\_\_
- C. Describe known outstanding charges owed by tenant for gas, electric, water, sewer, and garbage:  
\_\_\_\_\_

**VIII. EXISTENCE OF A METER CONSERVATION CHARGE, AS PERMITTED BY SECTION 58-37-50 THAT APPLIES TO ELECTRICITY OR NATURAL GAS SERVICE TO THE PROPERTY**

- A. Describe any utility company financed or leased property on the real property:  
\_\_\_\_\_
- B. Describe known delinquent charges for real property's gas, electric, water, sewer, and garbage:  
\_\_\_\_\_  
\_\_\_\_\_

**IX. WHETHER THE PROPERTY IS SUBJECT TO GOVERNANCE OF A HOMEOWNERS ASSOCIATION WHICH CARRIES CERTAIN RIGHTS AND OBLIGATIONS THAT MAY LIMIT THE USE OF THIS PROPERTY AND INVOLVE FINANCIAL OBLIGATIONS**

Yes\*   No                      No  
Representation

If **Yes**, owner must complete the attached Residential Property Disclosure Statement Addendum.

**X. PLEASE USE THE SPACE BELOW FOR "YES" ANSWER EXPLANATIONS AND ATTACH ANY ADDITIONAL SHEETS OR RELEVANT DOCUMENTS AS NEEDED**

This disclosure does not limit the obligation of the purchaser to inspect the property and improvements which are the subject of the real estate contract. Purchaser is solely responsible for conducting their own offsite condition inspections and psychologically affected property inspections prior to entering into a real estate contract. The real estate licensees (acting as listing or selling agents, or other) have no duty to inspect the onsite or offsite conditions of the property and improvements. Purchaser should review all applicable documents (covenants, conditions, restrictions, bylaws, deeds, and similar documents) prior to entering into any legal agreements including any contract. The South Carolina Code of Laws describes the Residential Property Condition Disclosure Statement requirements and exemptions at § 27-50-10 (and following) which can be read online (www.scstatehouse.gov or other websites).

Current status of property or factors which may affect the closing:

- Owner occupied     Short sale     Bankruptcy     Vacant (How long vacant?): \_\_\_\_\_
- Leased     Foreclosure     Estate     Other: \_\_\_\_\_

Subject to Vacation/Short Term Rental

**A Residential Property Condition Disclosure Statement Addendum  is  is not completed and attached. This addendum should be attached if the property is subject to covenants, conditions, restrictions, bylaws, rules, or is a condominium.**

**Owner acknowledges having read, completed, and received a copy of this Residential Property Condition Disclosure Statement before signing and that all information is true and correct as of the date signed.**

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Owner Printed Name: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Owner Printed Name: \_\_\_\_\_

**Purchaser acknowledges prior to signing this disclosure:**

- Receipt of a copy of this disclosure
- Purchaser has examined disclosure
- Purchaser had time and opportunity for legal counsel
- This disclosure is not a warranty by the real estate licensees
- This disclosure is not a substitute for obtaining inspections of onsite and offsite conditions
- This disclosure is not a warranty by the owner
- Representations are made by the owner and not by the owner's agents or subagents
- Purchaser has sole responsibility for obtaining inspection reports from licensed home inspectors, surveyors, engineers, or other qualified professionals
- Purchaser has sole responsibility for investigating offsite conditions of the property including, but not limited to, adjacent properties being used for agricultural purposes

Purchaser Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Purchaser Printed Name: \_\_\_\_\_

Purchaser Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Purchaser Printed Name: \_\_\_\_\_

**State of South Carolina**

**Residential Property Condition**

**Disclosure Statement Addendum**

Prior to signing a contract, the owner shall provide this disclosure addendum to the purchaser if the property is subject to a homeowners association, a property owners association, a condominium owners association, a horizontal property regime, or similar organizations subject to covenants, conditions, restrictions, bylaws or rules (**CCRBR**). These organizations are referred to herein as an owners association.

Purchaser should review the applicable documents (covenants, conditions, restrictions, bylaws, deeds, condominium master deed, and similar documents), all related association issues, and investigate the owners association prior to entering into any legal agreements including a contract. Owners association charges include any dues, fees, assessments, reserve charges, or any similar charges. Purchaser is solely responsible to determine what items are covered by the owners association charges.

Property Address: \_\_\_\_\_

Describe owners association charges: \$ \_\_\_\_\_ Per \_\_\_\_\_ (month/year/other)

What is the contact information for the owners association? \_\_\_\_\_

**As owner do you have any actual knowledge of answers to the following questions?  
Please check the appropriate box to answer the questions below.**

	<b>Yes</b>	<b>No</b>	<b>No Representation</b>
1. Are there owners association charges or common area expenses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Are there any owners association or <b>CCRBR</b> resale or rental restrictions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Has the owners association levied any special assessments or similar charges?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Do the <b>CCRBR</b> or condominium master deed create guest or visitor restrictions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Do the <b>CCRBR</b> or condominium master deed create animal restrictions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Does the property include assigned parking spaces, lockers, garages or carports?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Are keys, key fobs or access codes required to access common or recreational areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Will any membership other than owner association transfer with the properties?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Are there any known common area problems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Is property or common area structures subject to South Carolina Coastal Zone Management Act?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Is there a transfer fee levied to transfer the property?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(\*Questions does not include recording costs related to value or deed stamps.)

**Explain any yes answers in the space below and attach any additional sheets or relevant documents as needed:** \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Purchaser Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Purchaser Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

**HISTORY: Added by SCSR 48-5 Doc. No. 5238, eff May 24, 2024.**