**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3407**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. J.E. Smith

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Introduced in the House on February 3, 2009

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Horizontal property regime

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/3/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\02-03-09.docx)‑6

2/3/2009 House Referred to Committee on **Labor, Commerce and Industry** [HJ](file:///h:\HJ%20Archive\2009\02-03-09.docx)‑6

**VERSIONS OF THIS BILL**

[2/3/2009](file:///p:\pprever\2009-10\3407_20090203.docx)

**A** **BILL**

TO AMEND SECTION 27‑31‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SHARING OF EXPENSES BY CO‑OWNERS IN A HORIZONTAL PROPERTY REGIME, SO AS TO PROVIDE FOR ASSESSMENTS FOR EMERGENCY EXPENDITURES AND IMPROVEMENTS TO A COMMON AREA OR FACILITY.

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

SECTION 1. Section 27‑31‑190 of the 1976 Code is amended to read:

“Section 27‑31‑190. (A)(1) The co‑owners of ~~the~~ apartments ~~are bound to~~ in a horizontal property regime must contribute pro rata in the percentages computed according to Section 27‑31‑60 toward the expenses of administration and of maintenance and repair of the general common elements and, in the proper case, of the limited common elements of the property and toward ~~any~~ other ~~expense lawfully agreed upon~~ lawful expenses on which they agree, except as otherwise provided in this chapter.

(2) ~~No~~ A co‑owner may not exempt himself from contributing toward ~~such~~ these expenses by waiver of the use or enjoyment of the common elements or by abandonment of the apartment ~~belonging to him~~ that he owns.

(B) A council of co‑owners may make an assessment for an emergency expenditure or an improvement to a common area or facility.

(1) An assessment for an emergency expenditure requires approval by fifty percent of all co‑owners.

(2) An assessment for an improvement to a common area or facility requires approval by at least fifty percent of all co‑owners.

(a) If at least fifty percent but no more than seventy‑five percent of the apartment owners agree to make an improvement to a general or limited common area or facility, the cost of the improvement must be borne solely by the owners agreeing to make the improvement.

(b) When at least seventy‑five percent of co‑owners agree to make an improvement to a common area or facility, they may assess the cost of the improvement as a common expense to all co‑owners. However, if the improvement costs more than ten percent of the value of the entire property at the date the co‑owners agree to make the improvement, an individual apartment owner who does not agree to the improvement may apply to the circuit court of the county in which the apartment is situated for an order directing the purchase of his apartment by the remaining co‑owners at fair market value as determined by the court. When applying to the court for this relief, the individual apartment owner must notify the remaining co‑owners of his action within ten days of application to the court. The cost of this purchase is a common expense to the purchasing co‑owners.

(3) In addition the provisions in this subsection, the governing body of a council of co‑owners may not authorize or make an addition or capital improvement to the property at a cost exceeding twenty thousand dollars without obtaining approval from three‑fourths vote of all co‑owners constituting a quorum at a meeting called for the purpose of considering the addition or improvement. However, in an emergency, the governing body may act as necessary to protect the property by authorizing and making repairs at a cost exceeding twenty thousand dollars.”

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

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