**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4311**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Gilliard

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Introduced in the House on June 1, 2011

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

Summary: Tornado shelters

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

6/1/2011 House Introduced and read first time ([House Journal‑page 20](file:///h:\hj%20archive\2011\06-01-11.docx))

6/1/2011 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 20](file:///h:\hj%20archive\2011\06-01-11.docx))

**VERSIONS OF THIS BILL**

[6/1/2011](file:///p:\pprever\2011-12\4311_20110601.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27‑1‑70 SO AS TO REQUIRE THE CONSTRUCTION OF A TORNADO SHELTER IN NEW RESIDENTIAL SUBDIVISIONS, TO PROVIDE DEFINITIONS, AND TO PROVIDE SPECIFICATIONS FOR THESE SHELTERS; AND BY ADDING SECTION 27‑47‑480 SO AS TO REQUIRE THE CONSTRUCTION OF A TORNADO SHELTER IN NEW MANUFACTURED HOME PARKS, TO PROVIDE DEFINITIONS, AND TO PROVIDE SPECIFICATIONS FOR THESE SHELTERS.

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

SECTION 1. Chapter 1, Title 27 of the 1976 Code is amended by adding:

“Section 27‑1‑70. (A) For purposes of this section:

(1) ‘High tornado risk area’ means high or highest tornado risk area in the continental United States as determined by the South Carolina Emergency Management Division. In determining the meaning of a high tornado risk area, the division should consider information provided by the Federal Emergency Management Agency based on the United States Geological Survey.

(2) ‘Residential subdivision’ means property developed for single family residences and other type projects where individual lots are established for each residential unit. The density of these projects must be limited to two lots or units per acre. Apartment projects and projects for developments of commercial or industrial properties are not included within the scope of authority.

(B)(1) The owner or developer of a residential subdivision located in a high tornado risk area that begins operation after the effective date of this section shall provide its residents a plan for the sheltering or the evacuation to a safe place of shelter of the homeowners of the subdivision in times of tornadic weather activity.

(2) If the residential subdivision is located within the incorporated limits of a municipality, the subdivision’s shelter or evacuation plan must be developed with the assistance of that municipality. If the residential subdivision is located outside the incorporated limits of a municipality, the subdivision’s shelter or evacuation plan must be developed with the assistance of the South Carolina Emergency Management Division, which shall provide this assistance.

(3) A approved shelter and evacuation plan required under this section must be in place before the residential subdivision may begin begins operation, which for the purposes of this section means selling a residence within the subdivision. This plan must be reevaluated and reapproved by the entity that initially evaluated and approved the plan every five years after the initial approval.

(4) The owner or developer of a residential subdivision for which a shelter or plan is required under this subsection shall give each homebuyer a copy of the shelter or evacuation plan at the time of the closing for the purchase of the home. A homeowner who receives a copy of a shelter or evacuation plan is required to provide this information to a person who purchases the home from him.

(C) A shelter required under this section:

(1) must at a minimum:

(a) be provided for use by occupants of the residential subdivision in the event of hazardous storms;

(b) be located near the center of the subdivision to provide the shortest possible distance between the shelter and any lot in the subdivision;

(c) be of adequate size and capacity to safely house all occupants in the subdivision and provide at least five square feet of floor space for each person based on an average occupancy of two and one‑half people for each home; and

(d) have sufficient ventilation and have a generator of sufficient size to provide power for heat and light;

(2) may be used for recreational purposes, laundry facilities, or other purposes.”

SECTION 2. Article 3, Chapter 47, Title 27 of the 1976 Code is amended by adding:

“Section 27‑47‑480. (A) For the purposes of this section, a ‘high tornado risk area’ means high or highest tornado risk area in the continental United States as determined by the South Carolina Emergency Management Division. In determining the meaning of a high tornado risk area, the division should consider information provided by the Federal Emergency Management Agency based on the United States Geological Survey.

(B)(1) The owner of a manufactured home park located in a high tornado risk area that begins operation after the effective date of this section shall provide its tenants a plan for the sheltering or the evacuation to a safe place of shelter of the tenants of the park in times of tornadic weather activity.

(2) If the manufactured home park is located within the incorporated limits of a municipality, the park’s shelter or evacuation plan must be developed with the assistance of that municipality. If the manufactured home park is located outside the incorporated limits of a municipality, the park’s shelter or evacuation plan must be developed with the assistance of the South Carolina Emergency Management Division, which shall provide this assistance.

(3) A shelter or evacuation plan shall have an approved shelter and evacuation plan in place before it begins operation. This plan must be reevaluated and reapproved by the entity that initially evaluated and approved the plan every five years after the initial approval.

(4) The owner of a manufactured home park shall give each tenant a copy of the shelter or evacuation plan at the time the lease is signed.

(C) A shelter required under this section:

(1) must at a minimum:

(a) be provided for use by occupants of the manufactured home park in the event of hazardous storms;

(b) be located near the center of the manufactured home park to provide the shortest possible distance between the shelter and any lot in the park;

(c) be of adequate size and capacity to safely house all occupants in the manufactured home park and provide at least five square feet of floor space for each person based on an average occupancy of two and one‑half people for each manufactured home; and

(d) have sufficient ventilation and have a generator of sufficient size to provide power for heat and light;

(2) may be used for recreational purposes, laundry facilities, or other purposes.”

SECTION 3. This act takes effect upon approval by the Governor.

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