**South Carolina General Assembly**

126th Session, 2025-2026

**S. 288**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Johnson and Turner

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Introduced in the Senate on January 29, 2025

Currently residing in the Senate Committee on **Judiciary**

Summary: Transfer of Development Rights

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/29/2025 Senate Introduced and read first time ([Senate Journal‑page 6](h:\sj\20250129.docx))

1/29/2025 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](h:\sj\20250129.docx))

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**VERSIONS OF THIS BILL**

[01/29/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/288_20250129.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6‑29‑725 SO AS TO ALLOW FOR THE TRANSFER OF DEVELOPMENT RIGHTS BETWEEN DIFFERENT LANDOWNERS, TO PROVIDE FOR CONTENTS OF THE ORDINANCE NECESSARY TO REGULATE THE TRANSFER OF DEVELOPMENT RIGHTS, AND TO ALLOW TWO OR MORE LOCAL GOVERNING BODIES TO JOIN ONE ANOTHER IN SETTING UP A TRANSFER OF RIGHTS PROGRAM.

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) For the purposes of this section:

(1) “sending property” means a parcel of land from which the parcel’s development rights are transferred to a receiving property; and

(2) “receiving property” means a parcel of land to which development rights are transferred from a sending property.

(B) A local governing authority may provide, by ordinance, for the voluntary transfer of the development rights permitted on one parcel of land to another parcel of land that restricts or prohibits further development of the sending property and increases the density or intensity of development of the receiving property.

(C) 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.

(D) 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.

SECTION 2. 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 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor.

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