**South Carolina General Assembly**

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**S. 69**

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Sponsors: Senators Hembree and Bennett

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**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

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 12/11/2024 Senate Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/69_20241211.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-40-120, RELATING TO THE PURPOSES AND RULES OF CONSTRUCTION FOR THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO EXEMPT CERTAIN TENANCIES FROM THE ACT; BY ADDING SECTION 45-2-65 SO AS TO AUTHORIZE AN INNKEEPER TO REQUEST ASSISTANCE FROM LAW ENFORCEMENT TO EJECT A PERSON AND TO PROVIDE THAT A PERSON EJECTED FROM A CAMPGROUND HAS TEN DAYS TO MAKE A CLAIM FOR PROPERTY LEFT AT THE TIME OF EJECTMENT; BY ADDING SECTION 27-37-200 SO AS TO PROVIDE THAT A PROPERTY OWNER MAY REQUEST FROM THE SHERIFF IMMEDIATE REMOVAL OF A PERSON UNLAWFULLY OCCUPYING A RESIDENTIAL DWELLING PURSUANT TO THIS SECTION PROVIDED CERTAIN CONDITIONS ARE MET; BY ADDING SECTION 16-11-785 SO AS TO PROVIDE THAT A PERSON WHO UNLAWFULLY DETAINS OR OCCUPIES OR TRESPASSES UPON A RESIDENTIAL DWELLING AND WHO INTENTIONALLY DAMAGES THE DWELLING CAUSING MORE THAN ONE THOUSAND DOLLARS IN DAMAGE IS GUILTY OF A FELONY; BY ADDING SECTION 16-11-790 SO AS TO PROVIDE THAT A PERSON WHO LISTS OR ADVERTISES RESIDENTIAL REAL PROPERTY FOR SALE KNOWING THAT THE SELLER HAS NO LEGAL AUTHORITY OR RENTS KNOWING THE PERSON HAS NO LAWFUL OWNERSHIP IN THE PROPERTY IS GUILTY OF A FELONY; AND BY ADDING SECTION 16-11-795 SO AS TO PROVIDE THAT A PERSON WHO KNOWINGLY PRESENTS TO ANOTHER PERSON A FALSE DOCUMENT PURPORTING TO BE A VALID LEASE AGREEMENT, DEED, OR OTHER INSTRUMENT IS GUILTY OF A MISDEMEANOR.

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

SECTION 1. Section 27-40-120 of the S.C. Code is amended to read:

 Section 27-40-120. The following arrangements are not governed by this chapter:

 (1) residence at an institution, public or private, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar service;

 (2) occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest;

 (3) occupancy by a member or a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

 (4) transient occupancy in a hotel, motel, or other accommodations subject to the sales tax on accommodations as provided by § 12-36-920;

 (5) occupancy by an employee of a landlord whose right to occupancy is conditional upon employment in and about the premises;

 (6) occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;

 (7) occupancy under a rental agreement covering the premises used by the occupant primarily for agricultural purposes;

 (8) occupancy under a rental agreement in a premises regulated by the provisions of Chapter 32 of Title 27 of the 1976 Code (Vacation Time Sharing Plan Act).;

 (9) residence, whether temporary or not, at a charitable or emergency protective shelter, public or private.; or

 (10) tenancy where a rental space is offered for occupancy in a vehicle which primarily is designed as temporary living quarters for recreational camping or travel use that has its own motor or is mounted on or drawn by another vehicle.

SECTION 2. Chapter 2, Title 45 of the S.C. Code is amended by adding:

 Section 45-2-65. (A) After making a reasonable attempt to verbally warn a tenant to cease and desist, the owner, operator, manager, or keeper of a campground has the right to demand the tenant's removal and request law enforcement assistance to immediately remove a tenant who by violating any of the provisions of Section 45-2-60 has willfully denied any other tenants their right to quiet enjoyment of their tenancies.

 (B) A tenant who refuses to leave after receiving the warning and demand as provided in subsection (A) may be arrested by law enforcement and charged with trespass as provided in Section 16-11-620.

 (C) An action for damages or otherwise must not be allowed in a court of law against the owner, operator, manager, or keeper of a campground for reasonable exercise of rights pursuant to this section.

 (D) A tenant who leaves or is arrested as provided in this section is considered to have abandoned his right to use the campground, and the owner, operator, manager, or keeper may make the rental available to other persons.

 (E) A tenant removed from a campground as provided in this section has ten days from the date of removal to make a written claim for any property left behind. After providing a written claim, the tenant has twenty days to collect the property. After the passage of twenty days from the date of the tenant's written claim, any property left uncollected may be kept or otherwise disposed of at the sole discretion of the owner, operator, manager, or keeper of a campground.

SECTION 3. Chapter 37, Title 27 of the S.C. Code is amended by adding:

 Section 27-37-200. (A) A property owner or his authorized representative may request from the sheriff of the county in which the property is located the immediate removal of a person unlawfully occupying a residential dwelling pursuant to this section if the following conditions are met:

 (1) the requesting person is the property owner or authorized agent of the property owner;

 (2) the real property that is being occupied includes a residential dwelling;

 (3) an unauthorized person has unlawfully entered, remains, or continues to reside on the owner's property;

 (4) the real property was not open to members of the public at the time the unauthorized person entered;

 (5) the property owner has directed the unauthorized person to leave the property;

 (6) the unauthorized person is not a current or former tenant pursuant to a written or oral agreement authorized by the property owner;

 (7) the unauthorized person is not an immediate family member of the property owner; and

 (8) there is no pending litigation related to the real property between the property owner and the person unlawfully occupying the property.

 (B) To request the immediate removal of an unlawful occupant of a residential dwelling, the property owner or his authorized representative must submit a complaint to remove persons unlawfully occupying residential real property to the sheriff of the county in which the real property is located. In the submitted complaint, the owner or authorized agent of the owner of the real property must state the legal description of the property and declare under the penalty of perjury that:

 (1) he is the owner of the real property or the authorized representative of the owner of the real property;

 (2) he purchased the property, this assertion to include the date of purchase;

 (3) the real property is a residential dwelling;

 (4) an unauthorized person has unlawfully entered and is remaining or residing unlawfully on the real property;

 (5) the real property was not open to members of the public at the time the unauthorized person entered;

 (6) he has directed the unauthorized person to leave the real property, but they have not done so;

 (7) the person is not a current or former tenant pursuant to any valid lease authorized by the property owner, and any lease that may be produced by an occupant is fraudulent;

 (8) the unauthorized person sought to be removed is not an owner or a co-owner of the property and has not been listed on the title to the property, unless the unauthorized person has engaged in title fraud;

 (9) the unauthorized person is not an immediate family member of the property owner;

 (10) there is no litigation related to the real property pending between the property owner and the person sought to be removed;

 (11) the owner of the property understands that a person removed from the property pursuant to this procedure may bring a cause of action against the owner of the property for any false statements made in the complaint, or for wrongfully using the procedure, and that as a result of such action the owner of the property may be held liable for actual damages, penalties, costs, and reasonable attorney's fees; and

 (12) the owner of the property is requesting the sheriff to immediately remove the unauthorized person from the residential property.

 (C) The owner of the property must attach a copy of a valid government-issued identification, or if a representative of the property owner, attach documents evidencing representative's authority to act on the property owner's behalf.

 (D) The form must be signed by the owner of the property or the representative of the owner of the property, and it must include the following language: I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 16-9-10 OF THE SOUTH CAROLINA CODE.

 (E) Upon receipt of the complaint, the sheriff shall verify that the person submitting the complaint is the record owner of the real property or the authorized representative of the owner and appears otherwise entitled to relief under this section. If the complaint is verified, then the sheriff must, without delay, serve a notice to immediately vacate on all unlawful occupants and shall put the owner in possession of the real property. Service may be accomplished by hand delivery of the notice to an occupant or by posting the notice on the front door or entrance of the dwelling. The sheriff shall also attempt to verify the identities of all persons occupying the dwelling and note the identities on the return of service. If appropriate, the sheriff may arrest any person found in the dwelling for trespassing, outstanding warrants, or any other legal cause.

 (D) The sheriff is entitled to a fee for service of the notice to immediately vacate as provided in Section 23-19-10. After the sheriff serves the notice to immediately vacate, the property owner or authorized representative may request that the sheriff stand by to keep the peace while the property owner or agent of the owner changes the locks and removes the personal property of the unlawful occupants from the premises to or near the property line. When such a request is made, the sheriff may charge a reasonable hourly rate, and the person requesting the sheriff to stand by and keep the peace is responsible for paying the reasonable hourly rate set by the sheriff. The sheriff is not liable to the unlawful occupant or any other party for loss, destruction, or damage of property. The property owner or his authorized representative is not liable to an unlawful occupant or any other party for the loss, destruction, or damage to the personal property unless the removal was wrongful.

 (E) A person may bring a civil cause of action for wrongful removal against the person who requested such removal under this section. A person harmed by a wrongful removal under this section may be restored to possession of the real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the dwelling, court costs, and reasonable attorney's fees. The court shall advance the cause on the calendar.

 (F) This section does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes.

SECTION 4. Chapter 11, Title 16 of the S.C. Code is amended by adding:

 Section 16-11-785. A person who unlawfully detains or occupies or trespasses upon a residential dwelling and who intentionally damages the dwelling causing one thousand dollars or more in damages is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

SECTION 5. Chapter 11, Title 16 of the S.C. Code is amended by adding:

 Section 16-11-790. A person who lists or advertises residential real property for sale knowing that the purported seller has no legal title or authority to sell the property, or rents or leases the property to another person knowing that he has no lawful ownership in the property or leasehold interest in the property, is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

SECTION 6. Chapter 11, Title 16 of the S.C. Code is amended by adding:

 Section 16-11-795. Any person who, with the intent to detain or remain upon real property, knowingly and willfully presents to another person a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property rights is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both.

SECTION 7. This act takes effect upon approval by the Governor.

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