

Session 120 - (2013-2014)

H 3471 General Bill, By Hamilton, Norman, Huggins, Ballentine and Henderson

Summary: Ejecting tenants

A BILL TO AMEND SECTION 27-37-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EJECTMENT PROCEEDINGS, SO AS TO PROVIDE A MANNER FOR EJECTING TENANTS, TO REDUCE THE NUMBER OF DAYS WITHIN WHICH A TENANT MUST RESPOND TO A RULE TO VACATE, AND TO PROVIDE IF THE TENANT FAILS TO APPEAR AND SHOW CAUSE WITHIN FIVE DAYS AFTER SERVICE OF THE RULE THE MAGISTRATE SHALL ISSUE A WARRANT OF EJECTMENT AND THE TENANT MUST BE EJECTED BY CERTAIN LAW ENFORCEMENT OFFICIALS; TO AMEND SECTION 27-37-30, RELATING TO SERVICE OF THE RULE TO EVICT, SO AS TO PROVIDE THIS SERVICE ONLY MAY BE MADE BY LEAVING THE RULE AFFIXED TO THE MOST CONSPICUOUS PART OF THE PREMISES; TO AMEND SECTION 27-37-60, RELATING TO A TRIAL FOR AN EJECTMENT ACTION, SO AS TO PROVIDE A BENCH TRIAL RATHER THAN A JURY TRIAL IS AVAILABLE TO A TENANT; TO AMEND SECTION 27-37-70, RELATING TO THE DESIGNATION OF PARTIES IN AN EJECTMENT ACTION, SO AS TO CONFORM TO THE PROVISION THAT A BENCH TRIAL RATHER THAN A JURY TRIAL IS AVAILABLE; TO AMEND SECTION 27-37-100, RELATING TO THE EFFECT OF A VERDICT FOR THE PLAINTIFF, SO AS TO PROVIDE A MAGISTRATE IMMEDIATELY MUST ISSUE A WRIT OF EJECTMENT AND THE TENANT MUST BE EJECTED BY A CONSTABLE OR SHERIFF, AND TO PROVIDE A MANNER IN WHICH THE EJECTMENT MUST BE EXECUTED; AND TO REPEAL SECTION 27-37-40 RELATING TO THE EJECTMENT OF A TENANT FOR FAILURE TO SHOW CAUSE; SECTION 27-37-80 RELATING TO THE RIGHT TO A JURY TRIAL; AND SECTION 27-37-160 RELATING TO THE EXECUTION OF A WRIT OF EJECTMENT.

01/31/13 House Introduced and read first time (House Journal-page 25)

01/31/13 House Referred to Committee on Judiciary (House Journal-page 25)