**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3831**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

Document Path: l:\council\bills\ggs\22308ab09.docx

Introduced in the House on April 1, 2009

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

Summary: Rental property

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/1/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\04-01-09.docx)‑6

4/1/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\04-01-09.docx)‑6

**VERSIONS OF THIS BILL**

[4/1/2009](file:///p:\pprever\2009-10\3831_20090401.docx)

**A** **BILL**

TO AMEND SECTION 27‑40‑410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SECURITY DEPOSITS PAID UNDER THE RESIDENTIAL LANDLORD‑TENANT ACT, SO AS TO PROVIDE A LANDLORD MUST BE EXEMPT FROM CERTAIN WRITTEN NOTICE REQUIREMENTS IF THE TENANT IS EVICTED FOR FAILING TO PAY RENT OR INCURRING DAMAGE EXCEEDING THE AMOUNT OF THE SECURITY DEPOSIT.

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

SECTION 1. Section 27‑40‑410(a) of the 1976 Code is amended to read:

“(a) Upon termination of the tenancy, property or money held by the landlord as security must be returned less amounts withheld by the landlord for accrued rent and damages ~~which~~ that the landlord has suffered by reason of the tenant’s noncompliance with Section 27‑40‑510. ~~Any~~ Except where damage to the rental unit exceeds the amount of the security/rental deposit or where a tenant is evicted for failing to pay rent, a deduction from the security/rental deposit must be itemized by the landlord in a written notice to the tenant together with the amount due, if any, within thirty days after termination of the tenancy and delivery of possession and demand by the tenant, whichever is later. The tenant shall provide the landlord in writing with a forwarding address or new address to which the written notice and amount due from the landlord ~~may~~ must be sent. If the tenant fails to provide the landlord with the forwarding or new address, the tenant is not entitled to damages under this subsection ~~provided~~ if the landlord:

(1) had no notice of the tenant’s whereabouts; and

(2) mailed the written notice and amount due~~, if any,~~ to the tenant’s last known address.”

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

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