**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3097**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Gilliard

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Introduced in the House on January 11, 2011

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

Summary: Ejectment from federally subsidized public housing

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/7/2010 House Prefiled

12/7/2010 House Referred to Committee on **Judiciary**

1/11/2011 House Introduced and read first time ([House Journal‑page 44](file:///h:\hj%20archive\2011\01-11-11.docx))

1/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 44](file:///h:\hj%20archive\2011\01-11-11.docx))

**VERSIONS OF THIS BILL**

[12/7/2010](file:///p:\pprever\2011-12\3097_20101207.docx)

**A** **BILL**

TO AMEND THE code of laws of south carolina, 1976, BY ADDING section 27‑40‑810 SO AS TO PROVIDE THE execution of a judgment for ejectment FROM FEDERALLY SUBSIDIZED PUBLIC HOUSING may not occur until at least seven days lapse from the date on which the magistrate issued the order or, if the judgment is stayed, until at least seven days lapse from the date on which the order is lifted, AND During the seven day period the tenant may remove his personal property from the premises without interference from the landlord; and to amend section 27‑40‑710, relating to removal of an evicted tenant’s personal property from the rental premises, so as to provide the party removing the personal property FROM FEDERALLY SUBSIDIZED PUBLIC HOUSING shall retain possession of the personal property for thirty days, during which time the tenant may recover the personal property.

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

SECTION 1. Subarticle II, Article 7, Chapter 40, Title 27 of the 1976 Code is amended by adding:

“Section 27‑40‑810. Notwithstanding another provision of law, the execution of a judgment for ejectment from federally subsidized housing may not occur until at least seven days lapse from the date on which the magistrate issued the order or, if the judgment is stayed, until at least seven days have lapsed from the date on which the order is lifted. During the seven day period, the tenant may remove his personal property from the premises without interference from the landlord.”

SECTION 2. Section 27‑40‑710(D) of the 1976 Code is amended to read:

“(D)(1) Regarding an eviction from federally subsidized public housing, personal property belonging to a tenant removed from a premises as a result of an eviction proceeding under this chapter which is placed on a public street or highway must be removed by the appropriate municipal or county official after a period of forty‑eight hours, excluding Saturdays, Sundays, and holidays, and also may be removed by these officials in the normal course of debris or trash collection before or after a period of forty‑eight hours. The appropriate municipal or county official shall retain possession of the personal property in a secure location for thirty days following the removal, during which time the tenant may recover his personal property from the municipality or county. If the premises is located in a municipality or county that does not collect trash or debris from the public highways, then after a period of forty‑eight hours, the landlord may remove the personal property from the premises and dispose of it in the manner that trash or debris is normally disposed of in such municipalities or counties, provided the landlord must retain possession of the personal property in a secure location for thirty days, during which time the tenant may recover the personal property. The notice of eviction clearly must inform the tenant of the provisions of this section. The municipality or county and its appropriate official or employee has no liability to the tenant if he is not informed in the notice of eviction of the provisions of this section.

(2) Regarding all other evictions, personal property belonging to a tenant removed from a premises as a result of an eviction proceeding under this chapter which is placed on a public street or highway shall be removed by the appropriate municipal or county officials after a period of forty‑eight hours, excluding Saturdays, Sundays, and holidays, and may also be removed by these officials in the normal course of debris or trash collection before or after a period of forty‑eight hours. If the premises is located in a municipality or county that does not collect trash or debris from the public highways, then after a period of forty‑eight hours, the landlord may remove the personal property from the premises and dispose of it in the manner that trash or debris is normally disposed of in such municipalities or counties. The notice of eviction must clearly inform the tenant of the provisions of this section. The municipality or county and the appropriate officials or employees thereof have no liability in regard to the tenant if he is not informed in the notice of eviction of the provisions of this section.”

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

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