~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 7, 2017

**H. 3234**

Introduced by Reps. McEachern and Sandifer

S. Printed 3/7/17--H.

Read the first time January 10, 2017.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3234) to amend Section 27‑40‑120, Code of Laws of South Carolina, 1976, relating to exemptions to the provisions of the Residential Landlord and Tenant Act, so, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking Section 27-40-120(5), as contained in SECTION 1, and inserting:

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

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND SECTION 27‑40‑120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS TO THE PROVISIONS OF THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO DELETE OCCUPANCY UNDER A RENTAL AGREEMENT COVERING THE PREMISES USED BY THE OCCUPANT PRIMARILY FOR AGRICULTURAL PURPOSES AS AN EXEMPTION UNDER THE ACT.

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

SECTION 1. Section 27‑40‑120 of the 1976 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 Section 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)~~(7) 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)~~(8) residence, whether temporary or not, at a charitable or emergency protective shelter, public or private.”

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

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