**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4586**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Wooten, Carter, J.L. Johnson and Guffey

Document Path: LC-0454WAB24.docx

Introduced in the House on January 9, 2024

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: Private Landowner Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/16/2023 House Prefiled

11/16/2023 House Referred to Committee on **Medical, Military, Public and Municipal Affairs**

1/9/2024 House Introduced and read first time ([House Journal‑page 91](h:\hj\20240109.docx))

1/9/2024 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 91](h:\hj\20240109.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4586&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[11/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4586_20231116.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS by ENACTing THE “PRIVATE LANDOWNER PROTECTION ACT”; BY ADDING SECTION 5-3-275 SO AS TO PROVIDE COUNTIES MAY DEANNEX AREAS OF EXISTING MUNICIPALITY CORPORATE LIMITS PURSUANT TO CERTAIN PROVISIONS; BY AMENDING SECTION 5-3-90, RELATING TO MUNICIPAL ANNEXATION NOTICE FILING REQUIREMENTS, SO AS TO PROVIDE CERTAIN ADDITIONAL REQUIREMENTS FOR ANNEXING CONTIGUOUS PROPERTY AND UNINCORPORATED AREAS, AND TO PROVIDE COUNTY COUNCILS HAVE LEGAL STANDING TO CHALLENGE MUNICIPAL ANNEXATIONS; AND BY AMENDING SECTION 5-31-1520, RELATING TO EXTENSIONS OF MUNICIPAL WATER AND SEWER SYSTEMS BEYOND CITY LIMITS, SO AS TO PROHIBIT THE CONDITIONING OF SUCH EXTENSIONS ON PROPERTY ANNEXATION, TO PROHIBIT MUNICIPALITIES FROM CONDITIONING THE CONTINUATION OF SUCH SERVICES ON ANNEXATION, AND TO PROVIDE EXISTING CONTRACTS OR AGREEMENTS THAT CONDITION THE PROVISION OF SUCH SERVICES OR OTHER MUNICIPAL SERVICES ON ANNEXATION ARE VOID AND UNENFORCEABLE.

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

SECTION 1. This act may be cited as the “Private Landowner Protection Act”.

SECTION 2. Chapter 3, Title 5 of the S.C. Code is amended by adding:

Section 5-3-275. Authority is granted to the governing authority of any county to deannex an area or areas of the existing corporate limits of a municipality in the same manner as its authority to annex pursuant to Section 5-3-90. There may be no deannexation under this section that results in the formation of one or more unincorporated islands or in part of the area remaining in the municipal corporation no longer being a contiguous area of such municipal corporation.

SECTION 3. Section 5-3-90 of the S.C. Code is amended to read:

Section 5-3-90. Any municipality increasing its territory shall file a notice with the Secretary of State, Department of Transportation, the county council in which the municipality is located, and the Department of Public Safety describing its new boundaries. The notice shall include a written description of the boundary, along with a map or plat which clearly defines the new territory added. An area or property that is contiguous to a municipality only may be annexed to the municipality after filing with the municipal governing body and county governing body a petition signed by seventy-five percent of the freeholders, as defined in Section 5-3-240, owning at least seventy-five percent of the assessed valuation of the real property in the area requesting annexation. Additionally, a proposed annexation from an unincorporated area in the county into a municipality requires a public hearing and a two-thirds majority vote by both the governing body of the county and the governing body of the municipality. The governing body of the county has legal standing to challenge an annexation by a municipality in the appropriate judicial jurisdiction, and seek appropriate relief.

SECTION 4. Section 5-31-1520 of the S.C. Code is amended to read:

Section 5-31-1520. Any city or town municipality may extend its system to any property beyond the city limits provided that both the water and sewer systems are extended to such property. However, a municipality may not condition the extension of its system on annexation of the property owner’s property, nor may a municipality that is currently providing water service, sewer service, or both to an unincorporated part of county use annexation as a condition to continue to provide such service. A contract or agreement entered into before the enactment of this section that requires annexation as a condition of the extension of water and sewer service, or other municipal services is void and unenforceable.

SECTION 5. This act takes effect upon approval by the Governor.

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