**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4771**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Battle

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Introduced in the House on February 9, 2012

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

Summary: Unfit dwellings

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/9/2012 House Introduced and read first time ([House Journal‑page 17](file:///h:\hj%20archive\2012\02-09-12.docx))

2/9/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 17](file:///h:\hj%20archive\2012\02-09-12.docx))

**VERSIONS OF THIS BILL**

[2/9/2012](file:///p:\pprever\2011-12\4771_20120209.docx)

**A** **BILL**

TO AMEND SECTION 31‑15‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROVISIONS PERMITTED TO BE INCLUDED IN ORDINANCES REGARDING UNFIT DWELLINGS, SO AS TO PROVIDE FOR THE PRIORITY OF A LIEN ESTABLISHED UNDER AN ORDINANCE RELATING TO UNFIT DWELLINGS, AND TO CORRECT ARCHAIC LANGUAGE.

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

SECTION 1. Section 31‑15‑30 of the 1976 Code is amended to read:

“Section 31‑15‑30. (A) Upon the adoption of an ordinance finding that dwelling conditions ~~of the character~~exist as described ~~in~~pursuant to Section 31‑15‑20 ~~exist~~ within a municipality, the governing body of ~~such~~the municipality may adopt ordinances relating to the dwellings within ~~such~~the municipality which are unfit for human habitation. ~~Such~~These ordinances may include the following provisions:

(1) ~~That~~ A public officer may be designated or appointed to exercise the powers prescribed by the ordinances~~;~~.

(2) ~~That~~ Whenever a petition is filed with the public officer by a public authority or by at least five residents of the municipality charging that ~~any~~a dwelling is unfit for human habitation, or whenever it appears to the public officer ~~(on his own motion)~~ that ~~any~~a dwelling is unfit for human habitation, the public officer ~~shall~~, if his preliminary investigation discloses a basis for ~~such~~ charges, shall issue and ~~cause to be served upon~~serve on the owner of the dwelling, and all parties in interest, ~~in such dwelling~~ a complaint stating the charges ~~in that respect~~ and containing a notice that a hearing will be held before the public officer, or his designated agent, at a place ~~therein~~ fixed in the complaint not less than ten days nor more than thirty days after the serving of ~~such~~the complaint~~;~~. ~~that~~ The owner of the dwelling and parties in interest ~~shall~~must be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint~~;~~. ~~and that~~ The rules of evidence prevailing in courts of law or equity ~~shall~~must not be controlling in hearings before the public officer~~;~~.

(3) ~~That~~ If, after ~~such~~a notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of ~~such~~that determination and shall issue and ~~cause to be served upon~~serve an order on the owner ~~thereof an order~~of the dwelling:

(a) if the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, ~~(~~the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for ~~such~~this purpose~~)~~, requiring the owner, within the time specified in the order, to repair, alter, or improve ~~such~~the dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or

(b) if the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, ~~(~~the ordinance of the municipality may fix a certain percentage of ~~such~~the cost as being reasonable for ~~such~~that purpose~~)~~, requiring the owner, within the time specified in the order, to remove or demolish ~~such~~the dwelling~~;~~.

(4) ~~That,~~ If the owner fails to comply with an order to repair, alter, or improve, or to vacate and close the dwelling, the public officer may cause ~~such~~the dwelling to be repaired, altered, or improved, or to be vacated and closed~~;.~~ ~~that~~ The public officer may ~~cause to be posted~~post a placard on the main entrance of ~~any~~a closed dwelling ~~so closed, a placard~~ with the following words: ‘This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful’~~;~~.

(5) ~~That,~~ If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause ~~such~~the dwelling to be removed or demolished~~; and~~.

(6) ~~That~~ The amount of the cost of ~~such~~ repairs, alterations, ~~or~~ improvements, vacating and closing, or removal or demolition by the public officer ~~shall~~must be a lien against the real property upon which ~~such~~the cost was incurred and ~~shall~~must be collectible in the same manner as municipal taxes.

(7) If a municipality in demolishing unfit dwellings as permitted by this article contracts with a third party not employed by the municipality to do the work, it must bid the work in conformity with the procurement code applicable to the municipality.

(B) A lien established under the provisions described in subsection (A) may be foreclosed under a procedure prescribed by law for the foreclosure of property tax liens, except that lien sales and lien sale certificates are not required, and foreclosure may begin at any time after thirty days after the due date. The municipality is not entitled to a deficiency judgment in an action to foreclose an assessment lien. The lien of special assessments must be inferior to all prior and subsequent liens for state, local, and federal taxes, and superior to all other liens.”

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

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