**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4178**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bannister and Herbkersman

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Introduced in the House on April 7, 2021

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

Summary: Local Government Planning - Planning Commission Appeals

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/7/2021 House Introduced and read first time ([House Journal‑page 66](file:///h:\hj\20210407.docx))

4/7/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 66](file:///h:\hj\20210407.docx))

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**VERSIONS OF THIS BILL**

[4/7/2021](file:///p:\pprever\2021-22\4178_20210407.docx)

**A** **BILL**

TO AMEND SECTION 6‑29‑1150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LOCAL PLANNING COMMISSION SUBMISSIONS, RECORDS, AND APPEALS, SO AS TO PROVIDE, AMONG OTHER THINGS, THAT ONLY THE PROPERTY OWNER OR OWNERS MAY APPEAL STAFF ACTION OR PLANNING COMMISSION DECISIONS TO APPROVE LAND DEVELOPMENT PLANS.

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

SECTION 1. Section 6‑29‑1150(C) and (D) of the 1976 Code, are amended to read:

“(C)(1) Staff action, if authorized, to approve ~~or disapprove~~ a land development plan may be appealed to the planning commission only by ~~any party in interest~~ the property owner or owners. The planning commission must act on the appeal within sixty days, and the action of the planning commission is final.

(2) Staff action, if authorized, to disapprove a land development plan may be appealed to the planning commission by the property owner or owners; however, a person who is not the owner of the property may petition to intervene as a party, and this motion must be granted if the person has a substantial interest in the decision of the planning commission. The planning commission must act on the appeal within sixty days, and the action of the planning commission is final.

(D)(1) An appeal from the decision of the planning commission must be taken to the circuit court within thirty days after actual notice of the decision; provided, however, only the property owner or owners may appeal a planning commission decision to approve a land development plan. A planning commission decision to disapprove a land development plan may be appealed to the circuit court by the property owner or owners; however, a person who is not the owner of the property may petition to intervene as a party, and this motion must be granted if the person has a substantial interest in the decision of the planning commission.

(2) A property owner whose land is the subject of a decision of the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre‑litigation mediation in accordance with Section 6‑29‑1155.

A notice of appeal and request for pre‑litigation mediation must be filed within thirty days after the decision of the board is mailed.

(3) Any filing of an appeal from a particular planning commission decision pursuant to the provisions of this chapter must be given a single docket number, and the appellant must be assessed only one filing fee pursuant to Section 8‑21‑310(C)(1).

(4) When an appeal includes no issues triable of right by jury or when the parties consent, the appeal must be placed on the nonjury docket. A judge, upon request by any party, may in his discretion give the appeal precedence over other civil cases. Nothing in this subsection prohibits a property owner from subsequently electing to assert a pre‑existing right to trial by jury of any issue beyond the subject matter jurisdiction of the planning commission, such as, but not limited to, a determination of the amount of damages due for an unconstitutional taking.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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