**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3447**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

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Prefiled in the House on December 5, 2024

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Homeowners Association Authority

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/5/2024 House Prefiled

12/5/2024 House Referred to Committee on **Labor, Commerce and Industry**

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3447_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 29‑3‑810 SO AS TO REQUIRE AN APPLICATION FOR A RULE TO SHOW CAUSE IN CERTAIN INSTANCES; AND BY AMENDING SECTION 27‑30‑130, RELATING TO THE ENFORCEABILITY OF A HOMEOWNERS ASSOCIATION’S GOVERNING DOCUMENTS, SO AS TO PROVIDE THAT CERTAIN PROVISIONS IN GOVERNING DOCUMENTS OF HOMEOWNERS ASSOCIATIONS MUST COMPLY WITH CERTAIN REQUIREMENTS.

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

SECTION 1. Article 7, Chapter 3, Title 29 of the S.C. Code is amended by adding:

Section 29‑3‑810. Effective January 1, 2026, any homeowners association with the authority granted in its governing documents to foreclose on the property of a homeowners association member must in the case of a default by a defendant property owner make application for a rule to show cause to be issued to the defendant property owner. No foreclosure sale may be noticed prior to the issuance of the rule to show cause.

SECTION 2. Section 27‑30‑130 of the S.C. Code is amended to read:

Section 27‑30‑130. (A)(1) Except as otherwise provided in this section, in order to be enforceable, a homeowners association’s governing documents must be recorded in the clerk of court’s, Register of Mesne Conveyance (RMC), or register of deeds office in the county where the property is located.

(2) To continue to be enforceable, any governing document not recorded prior to the effective date of this section must be recorded by January tenth of the year following the effective date of this section in the clerk of court’s, Register of Mesne Conveyance (RMC), or register of deeds office in the county where the property is located.

(B)(1) Rules, regulations, and amendments to rules and regulations:

(a) are effective upon passage or adoption; and

(b) must be made accessible to a homeowners association member upon the request of that member of the homeowners association, and, at the option of the homeowners association, via electronic mail or through methods provided by the homeowners association’s bylaws that ensure actual notice, unless they are:

(i) posted in a conspicuous place in a common area in the community; or

(ii) available on an Internet website maintained by the homeowners association, where they may be downloaded by the homeowner.

(2) In order to remain enforceable, a homeowners association’s rules, regulations, and amendments to rules and regulations must be recorded in the clerk of court’s, Register of Mesne Conveyance (RMC), or register of deeds office in the county in which the property is located by January tenth of each the year following their adoption or amendment.

(C) Homeowners associations in existence on the effective date of this section must record the documents required by subsections (A)(1) and (B)(2) by January tenth following the effective date of this section.

(D) Effective January 1, 2026, any provision in a homeowners association’s governing documents granting the homeowners association the authority to foreclose on the property of a homeowners association member must adhere to the requirements of Section 29‑3‑810.

(D)(E) The recording of the rules, regulations, bylaws, and amendments to rules and regulations are not subject to the requirements of witnesses and acknowledgements required under Section 30‑5‑30.

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

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