**South Carolina General Assembly**

126th Session, 2025-2026

**S. 366**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Kimbrell, Garrett, Fernandez, Leber, Stubbs, Gambrell, Corbin and Nutt

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Introduced in the Senate on February 20, 2025

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

Summary: HOA Fees

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/20/2025 Senate Introduced and read first time ([Senate Journal‑page 5](h:\sj\20250220.docx))

2/20/2025 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 5](h:\sj\20250220.docx))

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**VERSIONS OF THIS BILL**

[02/20/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/366_20250220.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27‑1‑60, RELATING TO THE RIGHT OF A HOMEOWNER TO DISPLAY CERTAIN FLAGS, SO AS TO ALLOW FOR ADDITIONAL FLAGS TO BE DISPLAYED; BY AMENDING SECTION 27‑30‑150, RELATING TO AN APPLICATION OF ACCESS TO DOCUMENT PROVISIONS, SO AS TO REQUIRE THE DISCLOSURE OF ANY MONIES PAID TO AN OFFICER OF OR CONTRACT ENTERED INTO BY A HOMEWONERS ASSOCIATION; BY ADDING SECTION 27‑30‑180 SO AS TO LIMIT A HOMEOWNERS ASSOCIATION’S ABILITY TO RESTRICT SPEECH; BY AMENDING SECTION 15‑41‑30, RELATING TO PROPERTY EXEMPT FROM ATTACHMENT, LEVY, AND SALE, SO AS TO PROHIBIT A HOMEOWNERS ASSOCIATION FROM FORECLOSING ON A DEBTOR’S PRIMARY RESIDENCE; AND BY AMENDING SECTION 27‑30‑130, RELATING TO THE ENFORCEABILITY OF GOVERNING DOCUMENTS, SO AS TO NULLIFY ANY PROVISION IN A HOMEOWNERS ASSOCIATION GOVERNING DOCUMENTS GRANTING THE HOMEOWNERS ASSOCIATION THE AUTHORITY TO FORECLOSE ON THE PROPERTY OF A HOMEOWNER.

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

SECTION 1. Section 27‑1‑60 of the S.C. Code is amended to read:

Section 27‑1‑60. (A) Regardless of any restrictive covenant, declaration, rule, contractual provision, or other requirement concerning flags or decorations found in a deed, contract, lease, rental agreement, or homeowners' association document, any homeowner or tenant may display one up to two of the following portable, removable United States flagflags in a respectful manner:, consistent with 36 U.S.C. Sections 171‑178, as amended, on the premises of the property of which he is entitled to use.

(1) the United States Flag;

(2) the official flag of the State of South Carolina;

(3) a flag that represents the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard;

(4) a POW‑MIA flag; or

(5) a first responder flag. For purposes of this subsection, the term “first responder flag” means a flag that recognizes and honors the service of any of the following:

(a) law enforcement officers as defined in Section 23‑23‑10;

(b) firefighters as defined in Section 40‑80‑10;

(c) paramedics or emergency medical technicians as defined in Section 44‑61‑20;

(d) correctional officers working for the Department of Corrections;

(e) public safety agents as defined in Section 23‑47‑10;

(f) advanced practice registered nurses, licensed practical nurses, or registered nurses as those terms are defined in Section 40‑33‑5;

(g) persons participating in the South Carolina Emergency Response Task Force as defined in Section 23‑49‑110; and

(h) federal law enforcement officers as defined in 18 U.S.C. Section 115.

(B)(1) No homeowners' association document may preclude the display of one up to two portable, removable United States flag flags as described in subsection (A) by homeowners. However, allthe flagflags must be displayed in a respectful manner, consistent with 36 U.S.C. Sections 171‑178, as amended.

(2) No restrictive covenant in a deed may preclude the display of one up to two portable, removable United States flag flags as described in subsection (A) on the property. However, the flagflags must be displayed in a respectful manner, consistent with 36 U.S.C. Sections 171‑178, as amended.

(3) No rental agreement, lease, or contract may preclude the display of one up to two portable, removable United States flagflags as described in subsection (A) on the premises of any tenant. However, the flagsflag must be displayed in a respectful manner, consistent with 36 U.S.C. Sections 171‑178, as amended.

(C) For purposes of this section:

(1) “homeowner” means a person who holds title to real property, in fee simple or otherwise including, but not limited to, an owner of real property subject to a homeowners' association, an owner of an interest in a vacation time sharing plan, and a co‑owner under a horizontal property regime;

(2) “homeowners' association” has the same meaning as provided in Section 12‑43‑230;

(3) “homeowners” association document'” includes, but is not limited to, declarations of covenants, articles of incorporation, bylaws, or any similar document concerning the rights of property owners to use their property; and

(4) “tenant” means any tenant under a rental agreement executed pursuant to Chapter 40, Title 27, any tenant under a rental agreement executed pursuant to Chapter 47, Title 27, any tenant under a vacation time sharing plan, any tenant under a horizontal property regime, and any person who leases commercial or residential real property under a contractual agreement.

SECTION 2. Section 27‑30‑150 of the S.C. Code is amended to read:

Section 27‑30‑150. The access to documents provisions of Sections 33‑31‑1602, 33‑31‑1603, 33‑31‑1604, and 33‑31‑1605 apply to all homeowners associations not subject to the South Carolina Nonprofit Corporation Act for the purposes of allowing homeowners access to inspect and copy a homeowners association's :

(1) annual budget, which shall include a disclosure of any monies paid to an officer of the homeowners association;

(2) contracts entered on behalf of the homeowners association; and

(3) homeowners membership lists.

SECTION 3. Chapter 30, Title 27 of the S.C. Code is amended by adding:

Section 27‑30‑180. No homeowners association may, without a compelling interest, interfere with or abridge a homeowner’s exercise of the freedom of speech guaranteed by the Constitution of this State and of the United States.

SECTION 4. Section 15‑41‑30(A) of the S.C. Code is amended to by adding:

(16) The debtor’s interest in real property that the debtor uses as a primary residence if the sale under a mesne or final process issued by a court was solely instituted by a homeowners association attempting to collect unpaid dues, fees, or fines.

SECTION 5. Section 27‑30‑130(D) of the S.C. Code is amended to read:

(D) 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. 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 may not be enforced. However, a homeowners association may place a lien on the property for unpaid dues, fines, or other fees.

(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 6. The provisions contained in SECTION 5 are effective July 1, 2025.

SECTION 7. This act takes effect upon approval by the Governor.

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