**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4146**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. M.M. Smith, W. Newton, Davis, Guest, Wetmore, B. Newton, Herbkersman and Sanders

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Introduced in the House on March 5, 2025

Currently residing in the House

Summary: Local planning

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/5/2025 House Introduced and read first time (House Journal‑page 40)

 3/5/2025 House Referred to Committee on **Judiciary** (House Journal‑page 40)

 3/6/2025 House Member(s) request name added as sponsor: Sanders

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**VERSIONS OF THIS BILL**

[03/05/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4146_20250305.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6‑29‑275 SO AS TO ALLOW LOCAL GOVERNING AUTHORITIES TO MAKE CHANGES TO DEVELOPMENT RIGHTS BY ORDINANCE, UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Article 5, Chapter 29, Title 6 of the S.C. Code is amended by adding:

 Section 6‑29‑275. (A) Any local governing authority may provide, by ordinance, for:

 (1) the voluntary transfer of the development rights permitted on one parcel of land to another parcel of land;

 (2) restricting or prohibiting further development of the parcel from which development rights are transferred, known as the sending property; and

 (3) increasing the density or intensity of development of the parcel to which such rights are transferred, known as the receiving property.

 (B) The ordinance must:

 (1) designate and show on the zoning map sending zones from which development rights may be transferred and receiving zones to which such rights may be transferred and used for development. When designating sending and receiving zones, local governments should assess the direct and indirect impacts to existing residents including, but not limited to, increased property values, and should make that information publicly available. These zones may be designated by a local governing authority as a special use district or as overlaying other zoning districts;

 (2) assure that the prohibitions against the use and development of the sending property bind the landowner and every successor in interest to the landowner;

 (3) provide for the severance of transferable development rights from the sending property and the immediate or delayed transfer of development rights to a receiving property;

 (4) enable the purchase, sale, exchange, or other conveyance of transferable development rights prior to the rights being affixed to a receiving property;

 (5) assure the right of a municipality or county to purchase development rights and to hold them for conservation purposes or resale;

 (6) assure the right of a person to purchase development rights and to hold them for conservation purposes;

 (7) prohibit the sale of fractional interests in development rights; and

 (8) include such other provisions as the local governing body deems necessary to aid in the implementation of this section.

 (C) The local governing authority must verify that development rights proposed for sale are intact and have not been previously relinquished via conservation easement or other mechanism.

 (D) Two or more local governing authorities may enter into intergovernmental agreements for the purpose of enacting interdependent ordinances providing for the transfer of development rights between or among jurisdictions, provided that the agreement otherwise complies with applicable laws. Any ordinance enacted pursuant to this subsection may provide for additional notice, hearing, and signage requirements applicable to properties within the sending and receiving zones in each participating political subdivision.

 (E) This act, or any provision thereof, does not invalidate any completed transfer of development rights pursuant to any earlier statute, ordinance, or regulation, if the transfer was valid at that time.

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

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