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Indicates New Matter

AMENDED--NOT PRINTED IN THE HOUSE

Amt. No. 1 (Doc. Path council\bbm\10138htc11)

April 28, 2011

**H. 3934**

Introduced by Reps. Bingham, Lowe, Atwater, Huggins, Bales, Pinson, Toole, Barfield, Clemmons, Norman, Owens, Lucas, Delleney, Loftis, Corbin, Simrill, Hixon, Taylor, D.C. Moss, J.R. Smith, Limehouse, Sottile, Bikas, Hiott, Parker, Allison, Long, Erickson, Patrick, Herbkersman, Merrill, Cole, Sellers, Ott, Hardwick, Hearn, Tallon, Stringer, Ryan, White, Pope, Henderson, Nanney, Sandifer, V.S. Moss, Horne, Neilson, Edge, Crawford, Viers, Quinn, Tribble, Willis, Parks, King, Ballentine, Bannister, Butler Garrick and J.E. Smith

S. Printed 4/6/11--H.

Read the first time March 15, 2011.

**A** **BILL**

TO AMEND SECTION 12‑43‑224, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSESSMENT OF UNDEVELOPED ACREAGE SUBDIVIDED INTO LOTS, SO AS TO PROVIDE THAT THE DISCOUNT APPLIES TO A DEVELOPER THAT HAS FIVE LOTS INSTEAD OF TEN LOTS, AND TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATE COMES AFTER MAY FIRST BUT BEFORE JUNE FIRST, THE OWNER SHALL RECEIVE THE DISCOUNTED RATE BUT THE DISCOUNT SHALL BE REDUCED; AND TO AMEND SECTION 12‑43‑225, AS AMENDED, RELATING TO MULTIPLE LOT DISCOUNTS, SO AS TO PROVIDE THAT THE DISCOUNT APPLIES TO A DEVELOPER THAT HAS FIVE LOTS INSTEAD OF TEN LOTS, TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATES COMES AT A CERTAIN TIME AFTER MAY FIRST, THE ASSESSOR STILL SHALL GRANT THE DISCOUNT IF ALL OTHER REQUIREMENTS ARE MET, TO PROVIDE THAT APPLICATION FOR THE DISCOUNTED RATE ONLY MUST BE MADE IN THE FIRST YEAR, AND TO TOLL TIME LIMITATIONS FOR CERTAIN PROPERTY.

Amend Title To Conform

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

SECTION 1. Section 12‑43‑225 of the 1976 Code, as last amended by Act 89 of 2001, is further amended to read:

“Section 12‑43‑225. (A) For subdivision lots in a plat recorded on or after January 1, 2001, and notwithstanding the provisions of Section 12‑43‑224, a subdivision lot discount is allowed in the valuation of the platted lots only as provided in subsection (B) of this section, and this discounted value applies for five property tax years or until the lot is sold to an entity whose business is not primarily residential development or residential construction, or a certificate of occupancy is issued for the improvement on the lot, or the improvement is occupied, whichever of them elapses or occurs first. If the discount is allowed, the discount vests with the real property and runs with the property, not the real property owner, until the discount is terminated by a provision of this section. When the discount allowed by this section no longer applies, the lots must be individually valued as provided by law.

(B) To be eligible for a subdivision lot discount, the recorded plat must contain at least ~~ten~~ five building lots. The owner shall apply for the discount by means of a written application to the assessor on or before May first of the year for which the discount is initially claimed. In the following four years of eligibility no annual application is required. The value of each platted building lot is calculated:

(1) by dividing the total number of platted building lots into the value of the entire parcel as undeveloped real property; and

(2) as provided in Section 12‑43‑224 and the difference between the two calculations determined.

The value of a lot as determined under Section 12‑43‑224 is reduced as follows:

For lots in plats recorded in 2001, the value is reduced by thirty percent of the difference.

For lots in plats recorded in 2002, the value is reduced by sixty percent.

For lots in plats recorded after 2002, the value is reduced by one hundred percent of the difference.

(C) If a lot located in a subdivision with five or more platted lots ~~allowed the discount provided by this section~~ is sold to the holder of a residential homebuilder’s license or general contractor’s license, the licensee shall receive the discount ~~continues~~ through the first tax year which ends twelve months from the date of sale if the purchaser files a written application for the discount with the county assessor by May first of the year for which the applicant is initially claiming the discount.

(D) Notwithstanding subsections (B) and (C), if at any time after the property has been platted into five or more lots and after the initial tax bill is received, but before the property tax payment is due with penalty, the developer may appeal the tax bill to the county assessor and request the discount allowed by this section. The assessor must grant the discount so long as the developer meets the other requirements of this section.

(E) Notwithstanding the time limitations provided in subsections (A) and (C), any qualified residential subdivision property that becomes eligible for the discount allowed by this section after December 31, 2005, and before January 1, 2014, and remains a qualified property, shall receive the discounted value until January 1, 2014, and the time limitations are tolled and time shall not begin to accrue until January 1, 2014.”

SECTION 2. This act takes effect upon approval by the Governor and applies to property tax years beginning after 2010.

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