**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3357**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Clemmons

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Introduced in the House on January 10, 2017

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

Summary: Protected tenant definition

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Labor, Commerce and Industry**

1/10/2017 House Introduced and read first time ([House Journal‑page 173](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 173](file:///h:\hj\20170110.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3357&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3357_20161215.docx)

**A** **BILL**

TO AMEND SECTION 27‑40‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GENERAL DEFINITIONS FOR THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO DEFINE THE TERM PROTECTED TENANT; AND BY ADDING SECTION 27‑40‑460 SO AS TO ALLOW A PROTECTED TENANT TO TERMINATE A RENTAL AGREEMENT UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH RENTAL FEES FOR WHICH THE PROTECTED TENANT IS RESPONSIBLE AFTER THE TERMINATION OF A RENTAL AGREEMENT, AND TO PROVIDE THAT THE RENTAL AGREEMENT MUST CONTINUE TO ANY REMAINING TENANTS RESIDING IN THE DWELLING UNIT.

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

SECTION 1. Section 27‑40‑210 of the 1976 Code is amended by adding an appropriately numbered item to read:

“( ) ‘protected tenant’ means a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others who holds a valid order of protection or restraining order against another person.”

SECTION 2. Article 3, Chapter 40, Title 27 of the 1976 Code is amended by adding:

“Section 27‑40‑460. (A) A protected tenant may terminate his rental agreement for a dwelling unit by providing the landlord with a written notice of termination at least thirty days before the termination date specified in the notice. The notice to the landlord must be accompanied by a:

(1) copy of a valid order of protection issued by a court pursuant to Section 16‑3‑1910 or 16‑3‑1920;

(2) valid restraining order issued pursuant to Section 16‑3‑1750 that restrains a person from contact with a protected tenant; or

(3) valid order of protection issued by the family court or a magistrate in this State pursuant to Article 1, Chapter 4, Title 20.

(B) Upon termination of a rental agreement under this section, the tenant who is released from the rental agreement is liable for the rent due under the rental agreement prorated to the effective date of the termination and payable at the time that would have been required by the terms of the rental agreement. The tenant is not liable for other rent or fees due only to the early termination of the tenancy. If a tenant terminates the rental agreement fourteen days or more before occupancy, the tenant is not subject to any damages or penalties.

(C) Notwithstanding the release of a protected tenant from a rental agreement or the exclusion of a perpetrator of domestic violence, sexual assault, or stalking by court order, if there are remaining tenants residing in the dwelling unit, the tenancy must continue for those tenants. The perpetrator who has been excluded from the dwelling unit under court order remains liable under the lease with any other tenant of the dwelling unit for rent or damages to the dwelling unit.

(D) The provisions of this section may not be waived or modified by agreement of the parties.”

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

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