**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 5227**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hewitt, Crawford, Clemmons, Long and Hamilton

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Introduced in the House on April 10, 2018

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

Summary: Homeowners and HOA

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/10/2018 House Introduced and read first time ([House Journal‑page 7](file:///h:\hj\20180410.docx))

4/10/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 7](file:///h:\hj\20180410.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5227&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[4/10/2018](file:///p:\pprever\2017-18\5227_20180410.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27‑1‑65 SO AS TO AUTHORIZE A HOMEOWNER OR TENANT TO DISPLAY ANY FOR SALE SIGN ON THE PREMISES REGARDLESS OF ANY PROVISION IN A DEED, CONTRACT, LEASE, RENTAL AGREEMENT, OR HOMEOWNER’S ASSOCIATION DOCUMENT, AND TO PROHIBIT A DEED, CONTRACT, LEASE, RENTAL AGREEMENT, OR HOMEOWNER’S ASSOCIATION DOCUMENT FROM PRECLUDING A TENANT OR HOMEOWNER FROM DISPLAYING A FOR SALE SIGN.

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

SECTION 1. Chapter 1, Title 27 of the 1976 Code is amended by adding:

“Section 27‑1‑65. (A) Regardless of any restrictive covenant, declaration, rule, contractual provision, or other requirement concerning a for sale sign found in any deed, contract, lease, rental agreement, or homeowners’ association document, including restrictive covenants, bylaws, rules, conditions, and other documents, whether recorded in the public record or not, a homeowner or tenant may display any ‘for sale sign’ on the premises of any real property intended to be sold.

(B)(1) A homeowners’ association document may not preclude the display of any ‘for sale sign’ by a homeowner or a licensed real estate agent of the homeowner that complies with the Department of Labor, Licensing and Regulation rules, regulations, or requirements.

(2) A restrictive covenant in a deed may not preclude the display of such a ‘for sale sign’ on the property.

(3) A rental agreement, lease, or contract may not preclude the display of a ‘for sale sign’ on the premises of a tenant.

(C) For purposes of this section:

(1) ‘For sale sign’ means an advertisement that complies with applicable Department of Labor, Licensing and Regulation rules, regulations, or requirements for the sale of real property and includes any additional signage for a brokerage or real estate company.

(2) ‘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.

(3) ‘Homeowners’ association’ has the same meaning as provided in Section 12‑43‑230.

(4) ‘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.

(5) ‘Tenant’ means a:

(a) tenant under a rental agreement executed pursuant to Chapter 40, Title 27;

(b) tenant under a rental agreement executed pursuant to Chapter 47, Title 27;

(c) tenant under a vacation time-sharing plan;

(d) tenant under a horizontal property regime; and

(e) person who leases commercial or residential real property under a contractual agreement.”

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

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