

**South Carolina General Assembly**  
124th Session, 2021-2022

**A246, R254, S560**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senator Scott

Document Path: I:\council\bills\bh\7426cz21.docx

Companion/Similar bill(s): 3926

Introduced in the Senate on February 17, 2021

Introduced in the House on March 2, 2022

Last Amended on June 15, 2022

Passed by the General Assembly on June 15, 2022

Governor's Action: June 17, 2022, Signed

Summary: Heirs Property Study Committee

**HISTORY OF LEGISLATIVE ACTIONS**

Date	Body	Action Description with journal page number
2/17/2021	Senate	Introduced and read first time ( <a href="#">Senate Journal-page 6</a> )
2/17/2021	Senate	Referred to Committee on <b>Judiciary</b> ( <a href="#">Senate Journal-page 6</a> )
4/6/2021	Senate	Referred to Subcommittee: Senn (ch), Matthews, Garrett, M.Johnson, Stephens
2/23/2022	Senate	Committee report: Favorable with amendment <b>Judiciary</b> ( <a href="#">Senate Journal-page 8</a> )
3/1/2022	Senate	Committee Amendment Adopted ( <a href="#">Senate Journal-page 28</a> )
3/1/2022	Senate	Read second time ( <a href="#">Senate Journal-page 28</a> )
3/1/2022	Senate	Roll call Ayes-42 Nays-0 ( <a href="#">Senate Journal-page 28</a> )
3/2/2022	Senate	Read third time and sent to House
3/2/2022		Scrivener's error corrected
3/2/2022	House	Introduced and read first time ( <a href="#">House Journal-page 101</a> )
3/2/2022	House	Referred to Committee on <b>Judiciary</b> ( <a href="#">House Journal-page 101</a> )
5/3/2022	House	Committee report: Favorable with amendment <b>Judiciary</b> ( <a href="#">House Journal-page 77</a> )
5/5/2022	House	Debate adjourned ( <a href="#">House Journal-page 90</a> )
5/10/2022	House	Amended ( <a href="#">House Journal-page 73</a> )
5/10/2022	House	Read second time ( <a href="#">House Journal-page 73</a> )
5/10/2022	House	Roll call Yeas-95 Nays-10 ( <a href="#">House Journal-page 97</a> )
5/11/2022	House	Read third time and returned to Senate with amendments ( <a href="#">House Journal-page 7</a> )
5/11/2022	Senate	Non-concurrence in House amendment ( <a href="#">Senate Journal-page 90</a> )
5/11/2022	House	House insists upon amendment and conference committee appointed Reps. B Newton, Jordan, Bernstein ( <a href="#">House Journal-page 291</a> )
5/12/2022	Senate	Conference committee appointed Garrett, M.Johnson, Scott ( <a href="#">Senate Journal-page 118</a> )
6/15/2022	House	Conference report received and adopted ( <a href="#">House Journal-page 67</a> )
6/15/2022	House	Roll call Yeas-105 Nays-2 ( <a href="#">House Journal-page 71</a> )
6/15/2022	Senate	Conference report received and adopted ( <a href="#">Senate Journal-page 90</a> )
6/15/2022	Senate	Roll call Ayes-39 Nays-0 ( <a href="#">Senate Journal-page 90</a> )
6/15/2022	Senate	Ordered enrolled for ratification ( <a href="#">Senate Journal-page 93</a> )
6/16/2022		Ratified R 254
6/17/2022		Signed By Governor
6/28/2022		Effective date 06/17/22

7/25/2022

Act No. 246

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**VERSIONS OF THIS BILL**

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(A246, R254, S560)

**A JOINT RESOLUTION TO ESTABLISH THE HEIRS' PROPERTY STUDY COMMITTEE TO EXAMINE CURRENT AND PROSPECTIVE METHODS TO ADDRESS HEIRS' PROPERTY ISSUES IN SOUTH CAROLINA, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE, TO REQUIRE THE COMMITTEE TO PREPARE A REPORT FOR THE GENERAL ASSEMBLY, AND TO DISSOLVE THE STUDY COMMITTEE.**

Whereas, heirs' property is defined by the United States Department of Agriculture as land that has been passed down informally from generation to generation without clear title or documented legal ownership. Every heir has rights to the property but the lack of a clear title creates confusion regarding taxes, the use of the land, and the ability to sell the land; and

Whereas, one-third of the land owned by African American landowners in the southern United States is held in the heirs' property system. Without much trust in the legal system, many of the African American farmers who purchased or were deeded land after the Civil War died without a will and the property was passed down informally. Each successive generation of heirs further divided the title to the property and complicated the heirs' ability to determine the legal owners of the property; and

Whereas, some of the consequences that the heirs' property owners face are disagreements over which heirs have the right to occupy the land and how the land may be used, difficulty selling the property due to a lack of a clear title, the exclusion from some governmental support programs, including disaster relief funds, the inability to claim the land as an asset to obtain a mortgage or other loan, and the loss of land due to disagreements over responsibility for the payment of taxes; and

Whereas, heirs' property is the leading cause of involuntary land loss among African Americans and the United States Department of Agriculture reported the loss of eighty percent of the land owned by African American farm owners since 1910; and

Whereas, the General Assembly passed the Clementa C. Pinckney Uniform Partition of Heirs' Property Act in 2016 and it is altogether prudent to examine how the act has addressed heirs' property in the five

years since its enactment and to locate any areas where improvements may be made in the act. Now, therefore,

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

### **Heirs' Property Study Committee**

SECTION 1. (A) There is created the Heirs' Property Study Committee to examine current and prospective methods to address heirs' property issues in South Carolina. The study committee shall:

- (1) determine the amount of land in South Carolina that is subject to the heirs' property system;
- (2) study the impacts of federal and state legislation on the partition of the land subject to heirs' property;
- (3) analyze approaches and methods undertaken by other states to address heirs' property and study if those methods could be applied to South Carolina; and
- (4) determine the costs heirs' property presents to the economic well-being of South Carolina and estimate the benefits of proactive measures taken to address heirs' property.

(B) The study committee must be comprised of three members of the Senate appointed by the President of the Senate and three members of the House of Representatives appointed by the Speaker of the House. Staff from the Senate and House of Representatives shall assist the study committee.

(C) The members of the study committee shall seek assistance from governmental agencies and members of the private sector including, but not limited to, the South Carolina State Housing Finance and Development Authority, the Homebuilders Association of South Carolina, the Landowners Association of South Carolina, the South Carolina Association of Habitat for Humanity, the Affordable Housing Coalition of South Carolina, the Realtors Association of South Carolina, the Center for Heirs' Property Preservation, the Municipal Association of South Carolina, and the South Carolina Association of Counties.

(D) The study committee shall provide a report to the General Assembly by December 31, 2022, at which time the study committee shall dissolve.

### **Time effective**

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 16<sup>th</sup> day of June, 2022.

Approved the 17<sup>th</sup> day of June, 2022.

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