

Session 113 - (1999-2000)

S 0411 General Bill, By Hayes and Giese

Summary: Rental property, landlord and tenant; written notice for noncompliance; counterclaims

A BILL TO AMEND SECTION 27-40-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA RESIDENTIAL LANDLORD AND TENANT ACT, TENANT REMEDIES AND NONCOMPLIANCE BY A LANDLORD, SO AS TO PROVIDE THAT THE TENANT SHALL DELIVER WRITTEN NOTICE TO THE LANDLORD OF THE ACTS OR OMISSIONS CONSTITUTING NONCOMPLIANCE; TO AMEND SECTION 27-40-630, RELATING TO A LANDLORD'S WRONGFUL FAILURE TO PROVIDE ESSENTIAL SERVICES, SO AS TO REQUIRE THE TENANT TO GIVE WRITTEN NOTICE TO THE LANDLORD SPECIFYING THE BREACH AND PROVIDE THAT THE RIGHTS OF THE TENANT DO NOT ARISE UNTIL HE HAS GIVEN THE LANDLORD WRITTEN NOTICE; TO AMEND SECTION 27-40-640, RELATING TO A LANDLORD'S NONCOMPLIANCE AS A TENANT'S DEFENSE IN A LANDLORD'S ACTION FOR POSSESSION OR RENT, SO AS TO REQUIRE THE TENANT TO PROVIDE WRITTEN NOTICE OF HIS REQUEST FOR A HEARING AND THE DEFENSE OR COUNTERCLAIM TO THE LANDLORD AND THE COURT WITHIN TEN DAYS OF SERVICE OF THE ORDER AND RULE TO SHOW CAUSE AND PROVIDE THAT THE TENANT WAIVES VIOLATION OF THE LANDLORD'S DUTY WHERE THE TENANT DOES NOT PROVIDE WRITTEN NOTICE IN TIMELY FASHION OF THE VIOLATION IN CASES OF VIOLATION OF OTHER THAN ESSENTIAL SERVICES; AND TO AMEND SECTION 27-40-790, AS AMENDED, RELATING TO THE PAYMENT OF RENT TO COURT, SO AS TO REQUIRE THE TENANT TO PROVIDE WRITTEN NOTICE OF HIS REQUEST FOR A HEARING AND DEFENSE OR COUNTERCLAIMS TO THE LANDLORD AND THE COURT WITHIN TEN DAYS OF SERVICE OF THE ORDER AND RULE TO SHOW CAUSE.

01/27/99 Senate Introduced and read first time SJ-4

01/27/99 Senate Referred to Committee on Judiciary SJ-4