**A** **BILL**

TO AMEND SECTION 27‑33‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FINANCIAL RESPONSIBILITY OF A TENANT FOR A UTILITY BILL, SO AS TO PROVIDE A TENANT MAY PAY AN OUTSTANDING UTILITY BILL OWED BY THE LANDLORD IN CERTAIN CIRCUMSTANCES, THAT THIS PAYMENT MAY BE DEDUCTED FROM THE TENANT’S NEXT DUE RENT PAYMENT, AND THAT THIS PAYMENT OF A UTILITY BILL MUST BE CONSIDERED A RENT PAYMENT FOR THE PURPOSES OF THIS CHAPTER.

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

SECTION 1. Section 27‑33‑50 of the 1976 Code is amended to read:

“Section 27‑33‑50. (A)(1) Unless otherwise agreed in writing, a tenant has sole financial responsibility for gas, electric, water, sewerage, or garbage services provided to the premises the tenant leases, and a landlord is not liable for a tenant’s account.

~~(B)~~(2) An entity or utility providing gas, electric, water, sewerage, or garbage services must not:

~~(1)~~(a) require a landlord to execute an agreement to be responsible for all charges billed to premises leased by a tenant; or

~~(2)~~(b) discontinue or refuse to provide services to the premises the tenant leases based on the fact that the landlord refused to execute an agreement to be responsible for all the charges billed to the tenant leasing that premises.

~~(C)~~(3) This provision does not apply to a landlord whose property is a multi‑unit building consisting of four or more residential units served by a master meter or single connection.

(B)(1) If a landlord by written agreement assumes financial responsibility for gas, electric, water, sewerage, garbage, or another utility service provided to the premises the tenant leases or a common area of the property in which the tenant is a lessee; and (a) the landlord subsequently fails to pay a bill for one of these utilities; and

(b) the utility provider has issued a final notice or has posted the building proposing to disconnect or discontinue the service because of nonpayment, the tenant may pay to have the service continued or reconnected. Before paying for this service, the tenant shall give oral or written notice to the landlord of the tenant’s intention to pay after forty-eight hours, or a shorter period considered reasonable under the circumstances by the tenant, if the landlord has not already paid for the service. In the case of oral notification by the tenant, notice must be mailed or delivered to the landlord within twenty-four hours after oral notice is given.

(2) After submitting documentation to the landlord of the tenant’s payment to the utility provider, a tenant may deduct the amount of the tenant’s payment to the utility provider from future rental payments due to the landlord. An amount paid to the utility provider pursuant to this subsection must be considered payment of rent to the landlord for the purposes of this chapter.”

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

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