**South Carolina General Assembly**

119th Session, 2011-2012

**A179, R207, H3934**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bingham, Lowe, Atwater, Huggins, Bales, Pinson, Toole, Barfield, Clemmons, Norman, Owens, Lucas, Delleney, Loftis, Corbin, Simrill, Hixon, Taylor, D.C. Moss, J.R. Smith, Limehouse, Sottile, Bikas, Hiott, Parker, Allison, Long, Erickson, Patrick, Herbkersman, Merrill, Cole, Sellers, Ott, Hardwick, Hearn, Tallon, Stringer, Ryan, White, Pope, Henderson, Nanney, Sandifer, V.S. Moss, Horne, Neilson, Edge, K.R. Crawford, Viers, Quinn, Tribble, Willis, Parks, King, Ballentine, Bannister, Butler Garrick, J.E. Smith, Brannon, Bowen and Mitchell

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Introduced in the House on March 15, 2011

Introduced in the Senate on May 11, 2011

Last Amended on May 15, 2012

Passed by the General Assembly on May 22, 2012

Governor's Action: May 25, 2012, Signed

Summary: Assessment of undeveloped acreage subdivided into lots

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/15/2011 House Introduced and read first time ([House Journal‑page 9](file:///h%3A%5Chj%20archive%5C2011%5C03-15-11.docx))

 3/15/2011 House Referred to Committee on **Ways and Means** ([House Journal‑page 9](file:///h%3A%5Chj%20archive%5C2011%5C03-15-11.docx))

 3/15/2011 House Member(s) request name added as sponsor: Atwater, Huggins, Bales, Pinson

 3/16/2011 House Member(s) request name added as sponsor: Toole

 3/31/2011 House Member(s) request name added as sponsor: Barfield, Clemmons, Norman, Owens, Lucas, Delleney, Loftis, Corbin, Simrill, Hixon, Taylor, D.C.Moss, J.R.Smith, Limehouse, Sottile, Bikas, Hiott, Parker, Allison, Long, Erickson, Patrick, Herbkersman, Merrill, Cole, Sellers, Ott, Hardwick, Hearn, Tallon, Bannister, Stringer, Ryan, White, Pope, Henderson, Nanney, Sandifer, V.S.Moss, Horne, Neilson, Edge, K.R.Crawford, Viers, Quinn, Tribble, Willis, Parks, King, Ballentine

 4/5/2011 House Member(s) request name added as sponsor: Butler Garrick, J.E.Smith

 4/6/2011 House Committee report: Favorable with amendment **Ways and Means** ([House Journal‑page 64](file:///h%3A%5Chj%20archive%5C2011%5C04-06-11.docx))

 4/7/2011 House Member(s) request name added as sponsor: Brannon, Bowen

 4/7/2011 Scrivener's error corrected

 4/13/2011 House Member(s) request name added as sponsor: Mitchell

 4/13/2011 House Requests for debate‑Rep(s). Cobb‑Hunter, McLeod, JH Neal, Sabb, RL Brown, Daning, Barfield, Lowe, Johnson, Williams, McEachern, Jefferson, Gilliard, Brantley, Hosey, JR Smith, Hixon, Mack, and Anderson ([House Journal‑page 82](file:///h%3A%5Chj%20archive%5C2011%5C04-13-11.docx))

 4/28/2011 House Amended ([House Journal‑page 68](file:///h%3A%5Chj%20archive%5C2011%5C04-28-11.docx))

 4/28/2011 House Debate adjourned until Tuesday, May 3, 2011 ([House Journal‑page 68](file:///h%3A%5Chj%20archive%5C2011%5C04-28-11.docx))

 5/4/2011 House Read second time ([House Journal‑page 47](file:///h%3A%5Chj%20archive%5C2011%5C05-04-11.docx))

 5/4/2011 House Roll call Yeas‑94 Nays‑11 ([House Journal‑page 47](file:///h%3A%5Chj%20archive%5C2011%5C05-04-11.docx))

 5/5/2011 House Read third time and sent to Senate ([House Journal‑page 23](file:///h%3A%5Chj%20archive%5C2011%5C05-05-11.docx))

 5/5/2011 Scrivener's error corrected

 5/11/2011 Senate Introduced and read first time ([Senate Journal‑page 14](file:///h%3A%5Csj%20archive%5C2011%5C05-11-11.docx))

 5/11/2011 Senate Referred to Committee on **Finance** ([Senate Journal‑page 14](file:///h%3A%5Csj%20archive%5C2011%5C05-11-11.docx))

 4/25/2012 Senate Committee report: Favorable with amendment **Finance** ([Senate Journal‑page 18](file:///h%3A%5Csj%20archive%5C2012%5C04-25-12.docx))

 4/26/2012 Scrivener's error corrected

 5/1/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 26](file:///h%3A%5Csj%20archive%5C2012%5C05-01-12.docx))

 5/2/2012 Scrivener's error corrected

 5/15/2012 Senate Amended ([Senate Journal‑page 14](file:///h%3A%5Csj%20archive%5C2012%5C05-15-12.docx))

 5/15/2012 Senate Read second time ([Senate Journal‑page 14](file:///h%3A%5Csj%20archive%5C2012%5C05-15-12.docx))

 5/15/2012 Senate Roll call Ayes‑35 Nays‑0 ([Senate Journal‑page 14](file:///h%3A%5Csj%20archive%5C2012%5C05-15-12.docx))

 5/16/2012 Scrivener's error corrected

 5/16/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 14](file:///h%3A%5Csj%20archive%5C2012%5C05-16-12.docx))

 5/22/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 18](file:///h%3A%5Chj%20archive%5C2012%5C05-22-12.docx))

 5/22/2012 House Roll call Yeas‑98 Nays‑0 ([House Journal‑page 18](file:///h%3A%5Chj%20archive%5C2012%5C05-22-12.docx))

 5/23/2012 Ratified R 207

 5/25/2012 Signed By Governor

 5/31/2012 Effective date See Act for Effective Date

 6/1/2012 Act No. 179

**VERSIONS OF THIS BILL**

[3/15/2011](file:///p%3A%5Cpprever%5C2011-12%5C3934_20110315.docx)

[4/6/2011](file:///p%3A%5Cpprever%5C2011-12%5C3934_20110406.docx)

[4/7/2011](file:///p%3A%5Cpprever%5C2011-12%5C3934_20110407.docx)

[4/28/2011](file:///p%3A%5Cpprever%5C2011-12%5C3934_20110428.docx)

[5/4/2011](file:///p%3A%5Cpprever%5C2011-12%5C3934_20110504.docx)

[5/5/2011](file:///p%3A%5Cpprever%5C2011-12%5C3934_20110505.docx)

[4/25/2012](file:///p%3A%5Cpprever%5C2011-12%5C3934_20120425.docx)

[4/26/2012](file:///p%3A%5Cpprever%5C2011-12%5C3934_20120426.docx)

[5/1/2012](file:///p%3A%5Cpprever%5C2011-12%5C3934_20120501.docx)

[5/2/2012](file:///p%3A%5Cpprever%5C2011-12%5C3934_20120502.docx)

[5/15/2012](file:///p%3A%5Cpprever%5C2011-12%5C3934_20120515.docx)

[5/16/2012](file:///p%3A%5Cpprever%5C2011-12%5C3934_20120516.docx)

(A179, R207, H3934)

**AN ACT TO AMEND SECTION 12‑43‑225, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MULTIPLE LOT DISCOUNTS, SO AS TO PROVIDE THAT APPLICATION FOR THE DISCOUNTED RATE ONLY MUST BE MADE IN THE FIRST YEAR, TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATE IS LATE, THE ASSESSOR STILL SHALL GRANT THE DISCOUNT IF ALL OTHER REQUIREMENTS ARE MET AND A LATE APPLICATION PENALTY IS PAID, AND TO PROVIDE AN ADDITIONAL THREE YEARS OF ELIGIBILITY IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 12‑43‑224, RELATING TO THE ASSESSMENT OF UNDEVELOPED ACREAGE SUBDIVIDED INTO LOTS, SO AS TO PROVIDE THAT LOTS NOT RECEIVING THE DISCOUNT ON DECEMBER 31, 2011, MAY NOT RECEIVE THE DISCOUNT; TO AMEND SECTION 12‑43‑220, AS AMENDED, RELATING TO QUALIFICATIONS FOR THE SPECIAL FOUR PERCENT ASSESSMENT RATIO, SO AS TO REQUIRE THE TAXPAYER TO CERTIFY THAT THE TAXPAYER NOR ANY MEMBER OF THE TAXPAYER’S HOUSEHOLD CLAIMS TO BE A RESIDENT OF ANOTHER JURISDICTION OR CLAIMS THE SPECIAL FOUR PERCENT ASSESSMENT RATIO ON ANOTHER RESIDENCE, AND TO PROVIDE FOR AN APPORTIONMENT OF THE SPECIAL FOUR PERCENT ASSESSMENT RATIO IN CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 12‑37‑3150, AS AMENDED, RELATING TO ASSESSABLE TRANSFERS OF INTEREST, SO AS TO PROVIDE THAT A TRANSFER OF A FRACTIONAL INTEREST BETWEEN FAMILY MEMBERS FOR ZERO OR DE MINIMIS CONSIDERATION IN CERTAIN CIRCUMSTANCES IS NOT AN ASSESSABLE TRANSFER OF INTEREST.**

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

**Multiple lot discount, extension**

SECTION 1. A. Section 12‑43‑225 of the 1976 Code, as last amended by Act 89 of 2001, is further amended to read:

 “Section 12‑43‑225. (A) For subdivision lots in a plat recorded on or after January 1, 2001, a subdivision lot discount is allowed in the valuation of the platted lots only as provided in subsection (B) of this section, and this discounted value applies for five property tax years or until the lot is sold or a certificate of occupancy is issued for the improvement on the lot, or the improvement is occupied, whichever of them elapses or occurs first. When the discount allowed by this section no longer applies, the lots must be individually valued as provided by law.

 (B) To be eligible for a subdivision lot discount, the recorded plat must contain at least ten building lots. The owner shall apply for the discount by means of a written application to the assessor on or before May first of the year for which the discount is initially claimed. After initially qualifying for the discount provided in this section, no further application is required, unless ownership of the property changes. A property owner may make a late application for the discount provided in this section until the thirtieth day following the mailing of the property tax bill for the year in which his discount is claimed provided the application is in writing and accompanied by a one hundred dollar late application penalty, payable to the county treasurer for deposit to the county general fund. The value of each platted building lot is calculated by dividing the total number of platted building lots into the value of the entire parcel as undeveloped real property.

 (C) If a lot allowed the discount provided by this section is sold to the holder of a residential homebuilder’s license or general contractor’s license, the licensee shall receive the discount through the first tax year which ends twelve months from the date of sale if the purchaser files a written application for the discount with the county assessor within sixty days of the date of sale.

 (D)(1) For lots which received the discount provided in subsection (B) on December 31, 2011, there is granted an additional three years of eligibility for that discount in property tax years 2012, 2013, and 2014, in addition to any remaining period provided for in subsection (B). If ten or more lots receiving the discount under this item are sold to a new owner primarily in the business of real estate development, the new owner may make written application within sixty days of the date of sale to the assessor for the remaining eligibility period under this item.

 (2) For lots which received the discount provided in subsection (C) after December 31, 2008, and before January 1, 2012, upon written application to the assessor no later than thirty days after mailing of the property tax bill, there is granted an additional three years of eligibility for that discount in property tax years 2012, 2013, and 2014. If a lot receiving the additional eligibility under this item is transferred to a new owner primarily in the business of residential development or residential construction during its eligibility period, the new owner may apply to the county assessor for the discount allowed by this item for the remaining period of eligibility, which must be allowed if the new owner applied for the discount within thirty days of the mailing of the tax bill and meets the other requirements of this section.”

B. No refund is allowed due to the amendments to Section 12‑43‑225 of the 1976 Code, as contained in this SECTION.

**Undeveloped acreage discount**

SECTION 2. Section 12‑43‑224 of the 1976 Code is amended by adding an undesignated paragraph at the end to read:

 “No lots platted and recorded not receiving the discount provided in this section on December 31, 2011, may receive the discount provided in this section.”

**Qualifications for special assessment ratio, apportionment of special assessment ratio**

SECTION 3. A. Section 12‑43‑220(c)(2)(ii) of the 1976 Code, as last amended by Act 76 of 2009, is further amended to read:

 “(ii) This item does not apply unless the owner of the property or the owner’s agent applies for the four percent assessment ratio before the first penalty date for the payment of taxes for the tax year for which the owner first claims eligibility for this assessment ratio. In the application the owner or his agent shall provide all information required in the application, and shall certify to the following statement:

 ‘Under penalty of perjury I certify that:

 (A) the residence which is the subject of this application is my legal residence and where I am domiciled at the time of this application and that neither I, nor any member of my household, claim to be a legal resident of a jurisdiction other than South Carolina for any purpose; and

 (B) that neither I, nor a member of my household, claim the special assessment ratio allowed by this section on another residence.’”

B. Section 12‑43‑220(c) of the 1976 Code, as last amended by Act 76 of 2009, is further amended by adding a subitem at the end to read:

 “(8)(i) For ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, when the individual claiming the special four percent assessment ratio allowed by this item has an ownership interest in the residence that is less than fifty percent ownership in fee simple, then the value of the residence allowed the special four percent assessment ratio is a percentage of that value equal to the individual’s ownership interest in the residence, but not less than the amount provided pursuant to subitem (4) of this item. This subitem (8) does not apply in the case of a residence otherwise eligible for the special four percent assessment ratio when occupied jointly by a married couple or which remains occupied by a spouse legally separated from a spouse who has abandoned the residence. If the special four percent assessment ratio allowed by this item applies to only a fraction of the value of residence, then the exemption allowed pursuant to Section 12‑37‑220(B)(47) applies only to value attributable to the taxpayer’s ownership interest.

 (ii) Notwithstanding subitem (i), for ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, an applicant may qualify for the four percent assessment ratio on the entire value of the property if the applicant:

 (A) owns at least a twenty‑five percent interest in the subject property with immediate family members;

 (B) is not a member of a household currently receiving the four percent assessment ratio on another property; and

 (C) otherwise qualifies for the four percent assessment ratio.

 For purposes of this subitem, ‘immediate family member’ means a parent, child, or sibling.”

**Transfers between family members**

SECTION 4. Section 12‑37‑3150(B) of the 1976 Code, as last amended by Act 275 of 2010, is further amended by adding an appropriately numbered item at the end to read:

 “( ) a transfer of a fractional interest between family members for zero monetary consideration, or a de minimis monetary consideration, whereby both the grantor and the grantee owned an interest in the property prior to the transfer. For purposes of this item, a family member includes a spouse, parent, brother, sister, child, grandparent, or grandchild.”

**Time effective**

SECTION 5. This act takes effect upon approval by the Governor and applies to property tax years beginning after 2011.

Ratified the 23rd day of May, 2012.

Approved the 25th day of May, 2012.

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