**South Carolina General Assembly**

119th Session, 2011-2012

**S. 424**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hayes, Hutto, Grooms, Land, O'Dell and Rose

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Companion/Similar bill(s): 3652

Introduced in the Senate on January 25, 2011

Currently residing in the Senate Committee on **Finance**

Summary: Classification of property

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/25/2011 Senate Introduced and read first time ([Senate Journal‑page 10](file:///h:\sj%20archive\2011\01-25-11.docx))

1/25/2011 Senate Referred to Committee on **Finance** ([Senate Journal‑page 10](file:///h:\sj%20archive\2011\01-25-11.docx))

**VERSIONS OF THIS BILL**

[1/25/2011](file:///p:\pprever\2011-12\424_20110125.docx)

**A** **BILL**

TO AMEND SECTION 12‑43‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF PROPERTY AND THE APPLICABLE ASSESSMENT RATIOS FOR THE VARIOUS CLASSES OF PROPERTY FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX, SO AS TO REQUIRE AN APPLICANT FOR THE SPECIAL FOUR PERCENT ASSESSMENT RATIO ALLOWED ON OWNER‑OCCUPIED RESIDENTIAL PROPERTY TO PROVIDE THE SOCIAL SECURITY NUMBERS OF THE OWNERS AND MEMBERS OF THEIR HOUSEHOLD, TO CLARIFY THE LEGAL RESIDENT CERTIFICATION REQUIRED IN THAT APPLICATION, TO DEFINE “LEGALLY SEPARATED” FOR PURPOSES OF THAT CERTIFICATE, TO PROVIDE THAT THE SPECIAL FOUR PERCENT ASSESSMENT RATIO ALLOWED OWNER‑OCCUPIED RESIDENTIAL PROPERTY APPLIES TO THE VALUE REPRESENTING THE TAXPAYER’S OWNERSHIP INTEREST IN THE RESIDENCE WHEN THAT INTEREST WAS ACQUIRED BY DEED AND PROVIDE EXCEPTIONS FOR MARRIED PERSONS AND PERSONS LEGALLY SEPARATED, TO PROVIDE THAT THE HOMESTEAD EXEMPTION FROM PROPERTY TAX MILLAGE IMPOSED FOR SCHOOL OPERATIONS ALLOWED OWNER‑OCCUPIED RESIDENTIAL PROPERTY APPLIES ONLY TO THE VALUE ATTRIBUTABLE TO THE TAXPAYER’S OWNERSHIP INTEREST SUBJECT TO THE EXCEPTION FOR MARRIED PEOPLE AND SURVIVING SPOUSES, AND TO ALLOW A COUNTY ASSESSOR TO REQUIRE TAXPAYERS OWNING RESIDENTIAL PROPERTY RECEIVING THE SPECIAL FOUR PERCENT ASSESSMENT RATIO TO REQUALIFY THE PROPERTY PERIODICALLY, BUT NOT MORE THAN ONCE IN THREE YEARS.

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

SECTION 1. A. Section 12‑43‑220(c)(2)(ii) and (iii) 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 ~~must~~ shall provide all information required in the application, including the social security number of the taxpayer and all members of the taxpayer’s household, 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, ~~do not~~ claim to be a legal resident of a jurisdiction other than South Carolina for any purpose; and

(B) that neither I, nor ~~any other~~ a member of my household, ~~is residing in or occupying any other residence which I or any member of my immediate family has qualified for~~ claim the special assessment ratio allowed by this section on another residence.’

(iii) For purposes of subitem (ii)~~(B)~~ of this item~~,~~:

(A) ‘a member of my household’ means:

~~(A)~~(1) the owner‑occupant’s spouse, except when that spouse is legally separated from the owner‑occupant; and

~~(B)~~(2) any child under the age of eighteen years of the owner‑occupant claimed or eligible to be claimed as a dependent on the owner‑occupant’s federal income tax return;

(B) ‘legally separated’ means:

(1) living apart pursuant to a separation agreement approved by or otherwise filed with a court of competent jurisdiction; or

(2) the individual claiming the special four percent assessment ratio allowed by this item (c) has filed an affidavit with the county assessor that the individual’s spouse no longer resides in the residence, that the maker of the affidavit has no knowledge of the whereabouts of the absent spouse, and the maker of the affidavit has not filed a joint federal income tax return with the absent spouse since that spouse abandoned the residence.”

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

“(8) 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 complete 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.

(9) Notwithstanding the provisions of Section 12‑37‑3160(B) and (C), the county assessor may require taxpayers to requalify for the special four percent assessment ratio allowed pursuant to this item (c) in the county. However, no property owner may be required pursuant to this subitem to requalify more than once every three years. This requalification may be required countywide or in specific areas of the county.”

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

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