**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27‑37‑5 SO AS TO DEFINE THE TERMS “MALICIOUS PROPERTY DAMAGE” AND “THREAT TO HUMAN LIFE”; TO AMEND SECTION 27‑37‑30, RELATING TO A RULE TO SHOW CAUSE FOR THE EJECTMENT OF A TENANT, SO AS TO PROVIDE THE RULE MAY BE SERVED BY AFFIXING A COPY OF IT ALONE TO THE MOST CONSPICUOUS PART OF THE PREMISES IF GROUNDS FOR EJECTMENT FOR A RESIDENTIAL RENTAL AGREEMENT ARE CIRCUMSTANCES THAT CONSTITUTE MALICIOUS PROPERTY DAMAGE OR A THREAT TO HUMAN LIFE; TO AMEND SECTION 27‑37‑40, RELATING TO TENANT EJECTMENT ON FAILURE TO SHOW CAUSE, SO AS TO PROVIDE IF GROUNDS FOR EJECTMENT CONSTITUTE MALICIOUS PROPERTY DAMAGE OR THREAT TO HUMAN LIFE AND TENANT FAILS TO APPEAR AND SHOW CAUSE WITHIN FIVE DAYS, THE MAGISTRATE IMMEDIATELY SHALL ISSUE AN EJECTMENT WARRANT AND TENANT MUST BE EJECTED BY CERTAIN LAW ENFORCEMENT OFFICERS; AND TO AMEND SECTION 27‑40‑720, RELATING TO LANDLORD REMEDIES FOR TENANT NONCOMPLIANCE AFFECTING HEALTH AND SAFETY, SO AS TO PROVIDE AN EMERGENCY MEANS CIRCUMSTANCES CONSIDERED TO THREATEN SIGNIFICANT PROPERTY DAMAGE OR HUMAN LIFE.

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

SECTION 1. Chapter 37, Title 27 of the 1976 Code is amended by adding:

“Section 27‑37‑5. As used in this chapter:

(1) ‘Malicious property damage’ means to wilfully and deliberately cause physical damage to rental property through a violation of Section 27‑40‑510. The landlord shall bear the burden of proof that the tenant had the intent to cause the property damage.

(2) ‘Threat to human life’ means a verbal, written, or physical threat by the tenant or a member of the tenant’s household of physical bodily harm to the landlord, an employee of the landlord, or another tenant of the landlord.”

SECTION 2. Section 27‑37‑30 of the 1976 Code is amended to read:

“(A) The copy of the rule provided for in Section 27‑37‑20 may be served in the same manner as is provided by law for the service of the summons in actions pending in the court of common pleas or magistrates courts of this State. The methods of service described in subsections (B) ~~and~~, (C), and (D) may be used as alternatives to the method of service described in this subsection.

(B) When no person can be found in possession of the premises~~,~~ and the premises have remained abandoned~~,~~ as defined in Section 27‑40‑730 for residential rental agreements and in Section 27‑35‑150 for nonresidential rental agreements~~,~~ for a period of fifteen days or more immediately before the date of service, the copy of the rule may be served by leaving it affixed to the most conspicuous part of the premises.

(C) When service as provided in subsection (A) has been attempted unsuccessfully two times in the manner described in item (1), a copy of the rule may be served by affixing ~~both~~ it and documentation of the two service attempts to the most conspicuous part of the premises and mailing a copy of the rule in the manner described in item (2):

(1) Each of the two attempts to serve the defendant must be separated by a minimum of forty‑eight hours and must occur at times ~~of day~~ separated by a minimum of eight hours. The person attempting to serve the rule must document the date and time of the attempts by affidavit or by certificate in the case of a law enforcement officer. On the first unsuccessful attempt to serve the rule, a copy of the rule must be affixed to the most conspicuous part of the premises. On the second unsuccessful attempt to serve the rule, the documentation of the two attempts to serve the rule must be attached to the copy of the rule when it is affixed to the most conspicuous part of the premises.

(2) For mailing by ordinary mail to be considered to complete service under this item, it must be accomplished by placing a copy of the rule and documentation of the prior service attempts ~~at service~~ in an envelope in the presence of the clerk of the magistrates court. The clerk is responsible for verifying that the envelope is addressed to the defendant at the address shown in the rule as the rental premises of the defendant or another address for receipt of mail furnished in writing by the tenant to the landlord, that the envelope contains the necessary documents, and that the clerk has placed the sealed and stamped envelope in the United States mail. The clerk’s verification must be made a part of the record in the case, and service by ordinary mail is not considered complete without the clerk’s verification. A fee as provided for in Section 8‑21‑1010(14) must be collected by the magistrate or his clerk for the verification and mailing in this item.

(3) Mailing of the rule constitutes service when the requirements of items (1) and (2) have been met and ten days have elapsed from the time of mailing. If these requirements have been met, the specified time period for the tenant to show cause why he should not be ejected as provided in Section 27‑37‑20 begins to run on the eleventh day after mailing. However, if the tenant contacts the magistrates court prior to the eleventh day, the specified time period for the tenant to show cause as provided in Section 27‑37‑20 must begin to run at the time of contact.

(D) If grounds for ejectment for a residential rental agreement are circumstances that constitute malicious property damage or a threat to human life, then the rule may be served by affixing a copy of it alone to the most conspicuous part of the premises.”

SECTION 3. Section 27‑37‑40 of the 1976 Code is amended to read:

“Section 27‑37‑40. (A) If the tenant fails to appear and show cause within ~~the aforesaid~~ ten days then the magistrate shall issue a warrant of ejectment and the tenant shall be ejected by his regular or special constable or by the sheriff of the county.

(B) If grounds for ejectment constitute malicious property damage or a threat to human life as defined in Section 27‑37‑5 and the tenant fails to appear and show cause within five days, then the magistrate immediately shall issue a warrant of ejectment and the tenant must be ejected by his regular or special constable or by the sheriff of the county.”

SECTION 4. Section 27‑40‑720 of the 1976 Code is amended to read:

“Section 27‑40‑720. (~~a~~A) If there is noncompliance by the tenant with Section 27‑40‑510 materially affecting health and safety that can be remedied by repair, replacement of a damaged item, or cleaning, and the tenant fails to comply as promptly as conditions require in case of emergency as defined in subsection (C) or within fourteen days after written notice by the landlord specifying the breach and requesting that the tenant remedy it within that period of time, the landlord may enter the dwelling unit and cause the work to be done in a workmanlike manner and the tenant shall reimburse the landlord for the cost and, in addition, the landlord shall have the remedies available under this chapter.

(~~b~~B) If there is noncompliance by the tenant with Section 27‑40‑510 materially affecting health and safety other than as set forth in subsection (~~a~~ A) ~~above~~, and the tenant fails to comply as promptly as conditions require in case of ~~emergency,~~ malicious property damage as defined in Section 27‑37‑5 or within fourteen days after written notice by the landlord if it is not ~~an emergency~~ malicious property damage, specifying the breach and requesting that the tenant remedy within that period of time, the landlord may terminate the rental agreement.

(C) For the purposes of this section, an emergency refers to circumstances considered to threaten significant property damage or human life.”

SECTION 5. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑