**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-1-70, SO AS TO ENACT PROVISIONS REQUIRING THAT ON OR AFTER JULY 1, 2012, A PERSON EMPLOYED AS A COMMUNITY ASSOCIATION MANAGER MUST HAVE COMPLETED CERTAIN CERTIFICATION PROGRAMS OR HAVE A VALID LICENSE ISSUED BY ANOTHER JURISDICTION THAT IS EQUIVALENT TO THIS STATE’S CERTIFICATION REQUIREMENTS, AND MUST COMPLY WITH ALL CONTINUING EDUCATION AND OTHER REQUIREMENTS TO MAINTAIN THE CERTIFICATION OR DESIGNATION AND TO PROVIDE FOR CERTAIN EXCEPTIONS TO THESE QUALIFICATIONS.

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

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

“Section 27-1-70. (A) As used in this section:

(1) ‘community association’ means an incorporated entity with the responsibility to manage and maintain a planned community or horizontal property regime of which the voting membership is comprised of persons owning separate lots or units who are required to pay assessments to the community association for the purposes delineated in the governing documents of the association;

(2) ‘community association manager’ means an individual with specific qualifications as set forth in subsections (B) and (C) who is employed for compensation to manage a community association;

(3) ‘department’ means the Department of Consumer Affairs;

(4) ‘person’ means an individual seeking employment or employed as a community association manager;

(5) ‘professional credential’ means:

(a) successful completion of the Professional Community Association Manager or the Association Management Specialist designation administered by the Community Associations Institute;

(b) successful completion of the Certified Manager of Community Association Certification Program administered by the National Board of Certification for Community Association Managers;

(c) successful completion of any other program of education which, in the discretion of the department, is equivalent to the programs described in subitems (a) or (b); or

(d) possession of a valid license or certification issued by another state, political territory, or jurisdiction which, in the discretion of the department, is substantially equivalent to the requirements of this section;

(6) ‘separate lot or unit’ means an individually owned or individually occupied real property in the planned community or horizontal property regime.

(B) Except as provided in subsection (C), on or after July 1, 2012, a community association must not employ a person for compensation, and a person must not accept compensation to serve, as a community association manager, unless the person has completed a professional credential.

(C)(1) On or after July 1, 2012, any person who has not completed a professional credential, but who is actively employed as a community association manager and who has served in that capacity for the preceding five-year period may be employed to serve as a community association manager as long as the person:

(a) continues to be employed in that capacity; and

(b) does not have a break in employment as a community association manager for longer than three calendar years after July 1, 2012; and

(c) provides proof that he meets the requirements of this subsection and registers with the department as provided in subsection (D).

(2) Any person who meets the requirements of subsection (C)(1)(a) and who has a break in employment as a community association manager for longer than three calendar years after July 1, 2012, must comply with the requirements of subsection (B) in order to be employed as a community association manager following the break in employment.

(D)(1) Any person who meets the requirements of subsection (C)(1)(a) must provide proof that he meets those requirements and register with the department on forms prescribed by the department. The department must determine if the person meets the requirements and list persons who meet the requirements on the department’s website. In addition, the department must provide a link to the websites listing persons who have completed professional credentials.

(2) Any person who meets the requirements of subsection (C)(1)(a) has a continuing obligation to update his status with the department if a break in employment occurs for longer than three calendar years on or after July 1, 2012.

(E) In order to remain employed as a community association manager on or after July 1, 2012, a person must comply with all continuing education and other requirements to maintain the professional credential. Any person who meets the requirements of subsection (C)(1)(a) must complete continuing education requirements which, in the discretion of the department, are substantially equivalent to the requirements of a community association manager who has completed a professional credential.

(F) Any person or community association violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than five hundred or more than one thousand dollars.

(G) In order to implement this section, the department may by regulation provide for registration fees for community association managers to cover the costs of administering this section.”

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

‑‑‑‑XX‑‑‑‑