**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 4482**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Simrill, Pendarvis, S. Williams, Rivers, Clyburn, Matthews, Gilliard, Alexander, Anderson, Garvin, Hosey, Ott, Hill, Kirby, Henderson‑Myers, Brawley, Cobb‑Hunter, Robinson, Moore, Hewitt, Henegan, McDaniel, Ligon and Forrest

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Introduced in the House on April 25, 2019

Currently residing in the House Committee on **Ways and Means**

Summary: Housing Attainability Protection

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/25/2019 House Introduced and read first time ([House Journal‑page 11](file:///h:\hj\20190425.docx))

4/25/2019 House Referred to Committee on **Ways and Means** ([House Journal‑page 11](file:///h:\hj\20190425.docx))

5/2/2019 House Member(s) request name added as sponsor: S.Williams, Rivers, Clyburn

5/7/2019 House Member(s) request name added as sponsor: Simmons, Gilliard

5/8/2019 House Member(s) request name added as sponsor: Alexander, Anderson, Garvin, Hosey, Ott

5/9/2019 House Member(s) request name added as sponsor: Hill, Kirby, Henderson‑Myers, Brawley, Cobb‑Hunter, Robinson, Moore, Hewitt, Henegan, McDaniel, Ligon

5/21/2019 House Member(s) request name added as sponsor: Forrest

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**VERSIONS OF THIS BILL**

[4/25/2019](file:///p:\pprever\2019-20\4482_20190425.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 31 SO AS TO PROVIDE FOR CERTAIN HOUSING ATTAINABILITY PROTECTIONS, TO PROVIDE DEFINITIONS, TO PROVIDE THAT A COUNTY OR MUNICIPALITY THAT INTENDS TO ADOPT AN ORDINANCE THAT MAY INCREASE OR DECREASE CERTAIN HOUSING COSTS SHALL PREPARE A HOUSING IMPACT ANALYSIS, TO PROVIDE THAT A STATE AGENCY THAT INTENDS TO PROMULGATE AN ORDINANCE THAT MAY INCREASE OR DECREASE CERTAIN HOUSING COSTS SHALL PREPARE A HOUSING IMPACT ANALYSIS, TO PROVIDE THE UNIT SHALL PREPARE A REPORT CONCERNING THE UNIT’S IMPLEMENTATION OF THE HOUSING PLANS INCLUDED IN ITS COMPREHENSIVE PLAN, TO PROVIDE THE UNIT SHALL PREPARE A REPORT CONCERNING THE UNIT’S RESIDENTIAL DEVELOPMENT FEES, AND TO PROVIDE THAT THE HOUSING AUTHORITY SHALL PREPARE A COMPREHENSIVE FIVE-YEAR STATE HOUSING STRATEGY PLAN.

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

SECTION 1. Chapter 3, Title 31 of the 1976 Code is amended by adding:

“Article 17

Housing Attainability Protection

Section 31‑3‑1910. As used in this article:

(1) ‘Housing costs’ for housing occupied by the owner means:

(a) the principal and interest on a mortgage loan that finances the purchase of the housing;

(b) closing costs and other costs associated with a mortgage loan;

(c) mortgage insurance;

(d) property insurance;

(e) utility‑related costs;

(f) property taxes; and

(g) if the housing is owned and occupied by members of a cooperative or an unincorporated cooperative association, fees paid to a person for managing the housing.

(2) ‘Housing costs’ for rented housing means:

(a) rent; and

(b) utility‑related costs, if not included in the rent.

(3) ‘Ordinance’ means any ordinance or ordinance, including:

(a) zoning or land use; and

(b) general or specific planning that is proposed for adoption by a unit.

(4) ‘Unit’ means a county or a municipality.

(5) ‘Utility‑related costs’ means costs related to power, heat, gas, light, water, and sewage.

Section 31‑3‑1920. (A) If a unit intends to adopt an ordinance that may increase or decrease, either directly or indirectly, the cost of the development, construction, financing, purchasing, sale, ownership, or availability of housing in the unit, the unit shall prepare a housing impact analysis before the ordinance is submitted to the legislative body of the unit for consideration.

(B) The analysis required by subsection (A) must include:

(1) information about the effect of the ordinance on housing in the unit, including the effect of the ordinance on each of the following:

(a) the cost of developing, constructing, rehabilitating, improving, maintaining, or owning single family or multifamily dwellings;

(b) the purchase price of new homes or the fair market value of existing homes;

(c) the cost and availability of financing to purchase or develop housing;

(d) housing costs; and

(e) the density, location, setback, size, or height development on a lot, parcel, land division, or subdivision; and

(2) an analysis of the relative impact of the ordinance on low‑ and moderate‑income households.

(C) The following applies to information on housing costs required to be included in the analysis conducted pursuant to subsection (B)(1)(d):

(1) the analysis must include reasonable estimates of the effect of the ordinance on housing costs, expressed in dollar amounts. The unit shall include a brief summary of, or worksheet demonstrating, the computations used in determining the dollar amounts. However, if the unit determines that it is not possible to make an estimate expressed in dollar amounts, the analysis must include a statement setting forth the reasons for the unit’s determination; and

(2) the analysis must include descriptions of both the immediate effect and, to the extent ascertainable, the long‑term effect of the ordinance on housing costs.

(D) Except as otherwise provided in this section, a housing impact analysis required pursuant to this section must be based on costs associated with the development, construction, financing, purchasing, sale, ownership, or availability of a median‑priced single‑family residence. However, the analysis may include estimates for larger developments as part of an analysis of the long term effect of the ordinance.

(E) A unit may request information from any state agencies, local units of government, universities or colleges, organizations, or individuals as necessary to prepare a housing impact analysis pursuant to this section.

(F) The unit shall provide the housing impact analysis for an ordinance to the members of the legislative body of the unit before the ordinance is considered by the legislative body.

Section 31‑3‑1930. (A) If a state agency intends to promulgate a regulation that may increase or decrease, either directly or indirectly, the cost of the development, construction, financing, purchasing, sale, ownership, or availability of housing in South Carolina, the agency shall prepare a housing impact analysis for the regulation. The agency shall comply with the requirements of Chapter 23, Title 1.

(B) The analysis required by subsection (A) must include:

(1) information about the effect of the regulation on housing in South Carolina, including the effect of the regulation on each of the following:

(a) the cost of developing, constructing, rehabilitating, improving, maintaining, or owning single family or multifamily dwellings;

(b) the purchase price of new homes or the fair market value of existing homes;

(c) the cost and availability of financing to purchase or develop housing;

(d) housing costs; and

(e) the density, location, setback, size, or height development on a lot, parcel, land division, or subdivision; and

(2) an analysis of the relative impact of the regulation on low‑ and moderate‑income households.

(C) The following applies to information on housing costs required to be included in the analysis conducted pursuant to subsection (B)(1)(d):

(1) the analysis must include reasonable estimates of the effect of the regulation on housing costs, expressed in dollar amounts. The agency shall include a brief summary of, or worksheet demonstrating, the computations used in determining the dollar amounts. However, if the agency determines that it is not possible to make an estimate expressed in dollar amounts, the analysis must include a statement setting forth the reasons for the agency’s determination.

(2) the analysis must include descriptions of the immediate effect and, to the extent ascertainable, the long‑term effect of the regulation on housing costs.

(D) Except as otherwise provided in this section, a housing impact analysis required pursuant to this section must be based on costs associated with the development, construction, financing, purchasing, sale, ownership, or availability of a median‑priced single‑family residence. However, the analysis may include estimates for larger developments as part of an analysis of the long‑term effect of the regulation.

(E) An agency may request information from other state agencies, local units of government, universities or colleges, organizations, or individuals as necessary to prepare a housing impact analysis pursuant to this section.

Section 31‑3‑1940. (A) Beginning in 2020, a unit shall prepare, before February first of each year, a report concerning the unit’s implementation during the immediately preceding calendar year of the housing plans included in the unit’s comprehensive plan.

(B) The report prepared pursuant to subsection (A) must include:

(1) the number of subdivision plats, certified survey maps, multifamily plats, and building permit applications approved in the immediately preceding calendar year;

(2) the total number of new residential dwelling units proposed in all subdivision plats, certified survey maps, multifamily plats, and building permit applications that were approved by the unit in the immediately preceding calendar year;

(3) a list and map of undeveloped parcels in the unit that are zoned for residential development;

(4) a list of all undeveloped parcels in the unit that are suitable for, but not zoned for, residential development, including vacant sites and sites that have potential for redevelopment;

(5) a description of the zoning requirements and availability of public facilities and services for each property listed in item (4); and

(6) an analysis of the unit’s residential development ordinances, such as land use controls, site improvement requirements, fees and land dedication requirements, and permit procedures. The analysis pursuant to this item must:

(a) include a calculation of the financial impact that each ordinance has on the cost of each new subdivision; and

(b) identify ways in which the unit can modify its construction and development ordinances, lot sizes, approval processes, and related fees to meet existing and forecasted housing demand and reduce, by at least twenty percent, the time and cost necessary to approve and develop a new residential subdivision in the unit.

(C) Except as provided in subsection (D), the unit shall post the report prepared or updated by the unit pursuant to this section on the unit’s website on a web page dedicated only to the report and titled ‘Housing Affordability and Attainability Analysis.’

Section 31‑3‑1950. (A) Beginning in 2020, a unit shall prepare, before February first of each year, a report concerning the unit’s residential development fees imposed during the immediately preceding calendar year for purposes related to residential construction, remodeling, or development.

(B) The report required by subsection (A) must include the following:

(1) requirements for purposes related to residential construction, remodeling, or development and information on whether the unit imposes any of the following fees, and if so the amount of each fee:

(a) building permit fee;

(b) impact fee;

(c) park fee;

(d) land dedication requirement or fee in lieu of land dedication requirement;

(e) plat approval fee;

(f) storm water management fee;

(g) water or sewer hook up fee; and

(h) any other fee or requirement;

(2) the total amount of fees described in item (1) that the unit imposed in the immediately preceding calendar year for purposes related to residential construction, remodeling, or development; and

(3) the calculation of an amount that equals the total amount of fees that the unit imposed as described in item (1) divided by the number of new residential dwelling units approved in the unit in the immediately preceding calendar year.

(C) Except as provided in subsection (D), the unit shall post the report prepared by the unit pursuant to this section on the unit’s website on a web page dedicated only to the report and titled ‘New Housing Fee Report’.

(D) A unit shall provide a copy of the report to each member of the legislative body of the unit.

(E) Notwithstanding any other provision of law, if the unit does not include in the unit’s report a fee described in subsection (B)(1) and the amount of the fee or post the report with the fee and amount of the fee on the unit’s website, pursuant to subsection (C) or the county’s website pursuant to subsection (D), the unit may not impose the fee.

Section 31‑3‑1960. (A) As used in this section, ‘plan’ refers to the comprehensive state housing strategy plan developed pursuant to subsection (B).

(B) The authority shall prepare a comprehensive five‑year state housing strategy plan.

(C) The plan must include the following:

(1) a statement by the authority of housing policies and recommendations;

(2) an evaluation and summary of housing conditions and trends in South Carolina, including:

(a) housing stock and housing costs analyses;

(b) general population and household composition demographic analyses; and

(c) housing and demographic forecasts;

(3) an evaluation of housing assistance needs that is based in part on the evaluation described in item (2);

(4) a discussion of major housing issues, including:

(a) housing production;

(b) housing and neighborhood conservation;

(c) housing for persons with special needs;

(d) fair housing and accessibility; and

(e) housing affordability;

(5) housing policies that establish the general framework for the state’s housing efforts;

(6) strategies for using federal funding and for coordinating federal and state housing efforts;

(7) specific recommendations for public and private action that will contribute to the attainment of housing policies pursuant to the plan; and

(8) strategies and specific recommendations for public and private action that will facilitate the inclusion of bicycle‑ and pedestrian‑oriented design in residential developments and mixed‑use developments that include residential elements.

(D) In preparing the plan, the authority may obtain input from housing authorities, community‑based organizations, the private housing industry, and other persons interested in housing assistance and development.

(E) The authority annually shall update the plan.

(F) Beginning in 2020, before October first of each year, the authority shall submit the plan to the Governor and the General Assembly.”

SECTION 2. This act takes effect on July 1, 2019.

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