**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3180**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rutherford and Kilmartin

Companion/Similar bill(s): 1085

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Introduced in the House on January 10, 2023

Introduced in the Senate on April 10, 2024

Last Amended on March 28, 2024

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

Summary: Property exempt from attachment, levy or sale

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/8/2022 House Prefiled

 12/8/2022 House Referred to Committee on **Labor, Commerce and Industry**

 1/10/2023 House Introduced and read first time (House Journal‑page 87)

 1/10/2023 House Referred to Committee on **Labor, Commerce and Industry** (House Journal‑page 87)

 3/6/2024 House Member(s) request name added as sponsor: Taylor

 3/27/2024 House Committee report: Favorable with amendment **Labor, Commerce and Industry** (House Journal‑page 2)

 3/28/2024 House Amended (House Journal‑page 24)

 3/28/2024 House Member(s) request name removed as sponsor: Taylor

 4/9/2024 House Read second time (House Journal‑page 40)

 4/9/2024 House Roll call Yeas-99 Nays-0 (House Journal‑page 42)

 4/10/2024 House Read third time and sent to Senate (House Journal‑page 11)

 4/10/2024 Senate Introduced and read first time (Senate Journal‑page 2)

 4/10/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 2)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3180&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3180_20221208.docx)

[03/27/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3180_20240327.docx)

[03/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3180_20240328.docx)

[04/09/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3180_20240409.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

April 09, 2024

H. 3180

Introduced by Reps. Rutherford and Kilmartin

S. Printed 04/09/24--H.

Read the first time January 10, 2023

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A bill

TO AMEND the south carolina code of laws by amending SECTION 15-41-30, RELATING TO PROPERTY EXEMPT FROM ATTACHMENT, LEVY, AND SALE, SO AS TO PROVIDE THAT A DEBTOR’S INTEREST IN REAL PROPERTY USED AS A PRIMARY RESIDENCE MAY NOT BE SOLD IF THE ACTION WAS INSTITUTED BY A HOMEOWNERS ASSOCIATION ATTEMPTING TO COLLECT UNPAID DUES, FEES, OR FINES; by amending SECTION 27-30-130, RELATING TO THE ENFORCEABILITY OF A HOMEOWNERS ASSOCIATION’S GOVERNING DOCUMENTS, SO AS TO PROHIBIT THE ENFORCEABILITY OF A PROVISION GRANTING A HOMEOWNERS ASSOCIATION THE AUTHORITY TO FORECLOSE ON PROPERTY; AND BY ADDING SECTION 29-3-810 SO AS TO PROHIBIT A FORECLOSURE ACTION NOT AUTHORIZED BY STATUTE.

 Amend Title To Conform

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

SECTION 1. Section 27‑30‑130 of the S.C. Code is amended to read:

 Section 27‑30‑130. (A)(1) Except as otherwise provided in this section, in order to be enforceable, a homeowners association’s governing documents must be recorded in the clerk of court’s, Register of Mesne Conveyance (RMC), or register of deeds office in the county where the property is located.

 (2) To continue to be enforceable, any governing document not recorded prior to the effective date of this section must be recorded by January tenth of the year following the effective date of this section in the clerk of court’s, Register of Mesne Conveyance (RMC), or register of deeds office in the county where the property is located.

 (B)(1) Rules, regulations, and amendments to rules and regulations:

 (a) are effective upon passage or adoption; and

 (b) must be made accessible to a homeowners association member upon the request of that member of the homeowners association, and, at the option of the homeowners association, via electronic mail or through methods provided by the homeowners association’s bylaws that ensure actual notice, unless they are:

 (i) posted in a conspicuous place in a common area in the community; or

 (ii) available on an Internet website maintained by the homeowners association, where they may be downloaded by the homeowner.

 (2) In order to remain enforceable, a homeowners association’s rules, regulations, and amendments to rules and regulations must be recorded in the clerk of court’s, Register of Mesne Conveyance (RMC), or register of deeds office in the county in which the property is located by January tenth of eachthe year following their adoption or amendment.

 (C) Homeowners associations in existence on the effective date of this section must record the documents required by subsections (A)(1) and (B)(2) by January tenth following the effective date of this section.

 (D) Effective January 1, 2025, any provision in a homeowners association's governing documents granting the homeowners association the authority to foreclose on the property of a homeowners association member must adhere to the requirements of Section 29-3-810.

 (E) The recording of the rules, regulations, bylaws, and amendments to rules and regulations are not subject to the requirements of witnesses and acknowledgements required under Section 30‑5‑30.

SECTION 2. Article 7, Chapter 3, Title 29 of the S.C. Code is amended by adding:

 Section 29‑3‑810. Effective January 1, 2025, any homeowners association with the authority granted in its governing documents to foreclose on the property of a homeowners association member must in the case of a default by a defendant property owner make application for a rule to show cause to be issued to the defendant property owner. No foreclosure sale may be noticed prior to the issuance of the rule to show cause.

SECTION 3. This act takes effect upon approval by the Governor.

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