**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4158**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pendarvis, M.M. Smith, Bauer, King, Henderson-Myers, Gilliard, Rivers, Jefferson, Henegan and Williams

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Introduced in the House on March 15, 2023

Introduced in the Senate on April 2, 2024

Last Amended on March 28, 2024

Currently residing in the House

Summary: Domestic violence in rental properties

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/15/2023 House Introduced and read first time ([House Journal‑page 9](h:\hj\20230315.docx))

3/15/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 9](h:\hj\20230315.docx))

2/14/2024 House Member(s) request name added as sponsor: Bauer

2/28/2024 House Member(s) request name added as sponsor: King

2/28/2024 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 11](h:\hj\20240228.docx))

2/29/2024 House Member(s) request name added as sponsor:
Henderson-Myers

3/1/2024 Scrivener's error corrected

3/5/2024 House Member(s) request name added as sponsor: Gilliard

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

3/6/2024 House Requests for debate-Rep(s). Rutherford, Calhoon, Bernstein, Pendarvis, Dillard, Robbins, Weeks, Wheeler, McCabe, Murphy, Gibson, JL Johnson, Rivers, Hosey, Davis, BL Cox, Cromer, Thayer, Chapman ([House Journal‑page 51](h:\hj\20240306.docx))

3/13/2024 Scrivener's error corrected

3/20/2024 House Member(s) request name added as sponsor: Jefferson

3/20/2024 House Debate adjourned ([House Journal‑page 83](h:\hj\20240320.docx))

3/21/2024 House Debate adjourned ([House Journal‑page 53](h:\hj\20240321.docx))

3/27/2024 House Debate adjourned ([House Journal‑page 39](h:\hj\20240327.docx))

3/28/2024 House Member(s) request name added as sponsor: Henegan,
Williams

3/28/2024 House Amended ([House Journal‑page 85](h:\hj\20240328.docx))

3/28/2024 House Read second time ([House Journal‑page 85](h:\hj\20240328.docx))

3/28/2024 House Roll call Yeas-98 Nays-10 ([House Journal‑page 88](h:\hj\20240328.docx))

3/28/2024 House Unanimous consent for third reading on next legislative day ([House Journal‑page 89](h:\hj\20240328.docx))

3/29/2024 House Read third time and sent to Senate ([House Journal‑page 6](h:\hj\20240329.docx))

4/2/2024 Senate Introduced and read first time ([Senate Journal‑page 11](h:\sj\20240402.docx))

4/2/2024 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 11](h:\sj\20240402.docx))

4/2/2024 Scrivener's error corrected

4/25/2024 Senate Referred to Subcommittee: Hutto (ch), Adams,
Garrett, Gustafson, Tedder

5/1/2024 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 8](h:\sj\20240501.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4158&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/15/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4158_20230315.docx)

[02/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4158_20240228.docx)

[03/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4158_20240301.docx)

[03/13/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4158_20240313.docx)

[03/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4158_20240328.docx)

[04/02/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4158_20240402.docx)

[05/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4158_20240501.docx)

Committee Report

May 01, 2024

H. 4158

Introduced by Reps. Pendarvis, M.M. Smith, Bauer, King, Henderson-Myers, Gilliard, Rivers, Jefferson, Henegan and Williams

S. Printed 05/01/24--S.

Read the first time April 02, 2024

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The committee on Senate Judiciary

To whom was referred a Bill (H. 4158) to amend the South Carolina Code of Laws by adding Section 27‑40‑350 so as to provide that residential tenants who are victims of certain domestic violence may terminate, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 2, by striking Section 27-40-210(20) and inserting:

(20) “qualifying incident” means domestic abuse or violence as defined by Chapter 4 of Title 20 or Chapter 25 of Title 16 wherein both the victim and the perpetrator are leaseholders on the same property and the domestic abuse or violence is documented by a restraining order or an order of protection or the perpetrator has been convicted of the domestic violence or abuse

Renumber sections to conform.

Amend title to conform.

LUKE RANKIN for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill enables a residential tenant who is victim of domestic violence, dating violence, sexual assault, stalking, or other criminal sexual assault to terminate his or her rental agreement. The victim will not be held liable for penalties or fees imposed for early termination under certain circumstances. A tenant who is a victim must provide the landlord with written notice of the intent to terminate obligations under the rental agreement within sixty days of the incident. Cotenants will remain responsible for the rent for the balance of the term of the rental agreement, provided they are not perpetrators of the violence. When any perpetrator remains as the sole tenant of a rental property, the landlord may terminate the rental agreement and collect actual damages from the perpetrator.

The bill also prohibits a landlord from requiring or forcing a domestic violent victim to vacate the residence before the expiration of the sixty days allowed for by this bill but may enter into an alternate rental agreement with the victim. In addition, the bill prohibits a landlord from taking retaliatory action against the victim in response to the early termination of the tenant’s obligations under a rental agreement. A landlord is entitled to all remedies available when there is destruction or damage of the rental unit caused or permitted by the tenant. A landlord must also consider evidence of an applicant’s status as a victim of domestic violence to alleviate any adverse effect of an otherwise qualified applicant’s low credit score. A rental applicant may corroborate his or her status as a victim by providing the landlord with appropriate proof. In the instance that a landlord fails to comply with this section, an applicant may recover actual damages and attorney fees.

This bill may increase magistrate court civil caseloads for newly created actions brought by a rental applicant against a non-compliant landlord. Judicial intends to use existing staff and appropriations to manage any increase in caseloads. Therefore, the bill will have no expenditure for Judicial.

State Revenue

This bill may increase magistrate court civil caseloads, and thereby, increase court fines and fees. Court fines and fees are distributed to the General Fund, Other Funds, and local governments. As such, this bill may increase General Fund and Other Funds revenue due to the potential increase in court fees. However, as the increase of court fees collected is unknown, the impact on the General Fund and Other Funds revenue is undetermined.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 27‑40‑350 SO AS TO PROVIDE THAT RESIDENTIAL TENANTS WHO ARE VICTIMS OF CERTAIN DOMESTIC VIOLENCE MAY TERMINATE A RENTAL AGREEMENT AND TO PROVIDE FOR NECESSARY REQUIREMENTS.

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

SECTION 1. Article 1, Subarticle IV, Chapter 40, Title 27 of the S.C. Code is amended by adding:

Section 27‑40‑350. (A) If a residential tenant is a protected tenant, the tenant may:

(1) terminate the protected tenant’s obligations under a rental agreement within sixty days of the date of the documented qualifying incident; and

(2) not be held liable for penalties or fees that might otherwise be imposed for the termination of the protected tenant’s obligations under a rental agreement within sixty days of the documented qualifying incident.

(B) A protected tenant shall provide the landlord with written notice of the intent to terminate the protected tenant’s obligations under a rental agreement within sixty days after the documented qualifying incident provided the protected tenant relinquishes all legal rights of possession to the premises. The protected tenant is still responsible for paying rent and other amounts owed, other than any fees imposed for early termination of the rental agreement.

(C) The protected tenant’s obligations as a tenant must continue through the effective date of the termination. Any cotenants on the lease with the protected tenant shall remain responsible for the rent for the balance of the term of the rental agreement. If the perpetrator is the remaining sole tenant obligated on the rental agreement, the landlord may terminate the rental agreement with five days’ written notice and collect actual damages for such termination against the perpetrator.

(D) A landlord:

(1) may not require or force the protected tenant to vacate the residence before the expiration of the thirty days authorized by this section, but may enter into an agreement with the protected tenant to terminate the protected tenant’s obligations under a rental agreement earlier than what is required pursuant to this section; and

(2) is entitled to all remedies available arising from the destruction or damage of the rental unit caused by the protected tenant or permitted by the protected tenant while on the premises with the protected tenant’s permission.

(E) A landlord may not take any retaliatory action against a protected tenant in response to the early termination of the protected tenant’s obligations under a rental agreement pursuant to this section.

(F) A landlord may not terminate a tenancy, fail to renew a tenancy, refuse to enter into a rental agreement, or otherwise retaliate in the rental of a dwelling based substantially on:

(1) the tenant, applicant, or a household member's status as a protected tenant; or

(2) the tenant or applicant having terminated a rental agreement under Section 27-40-350.

SECTION 2. Section 27-40-210 of the S.C. Code is amended by adding:

(19) “protected tenant” means a tenant or household member who is a victim of a qualifying incident;

(20) “qualifying incident” means domestic abuse or violence as defined by Chapter 4 of Title 20 or Chapter 25 of Title 16 wherein both the victim and the perpetrator are leaseholders on the same property and the domestic abuse or violence is document by a restraining order or an order of protection or the perpetrator has been convicted of the domestic violence or abuse.

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

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