**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5010**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Kilmartin and McCabe

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Introduced in the House on February 1, 2024

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

Summary: Eminent Domain and Continued Public Use Requirement

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/1/2024 House Introduced and read first time ([House Journal‑page 10](h:\hj\20240201.docx))

2/1/2024 House Referred to Committee on **Judiciary** ([House Journal‑page 10](h:\hj\20240201.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5010&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5010_20240201.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 28‑2‑520 SO AS TO REQUIRE A CONDEMNOR TO UTILIZE PROPERTY OBTAINED BY EMINENT DOMAIN TO BE USED FOR THE PUBLIC PURPOSE IDENTIFIED AS THE REASON FOR THE USE OF EMINENT DOMAIN; TO REQUIRE AN ANNUAL INDEPENDENT AUDIT TO DETERMINE IF EACH PROPERTY OBTAINED BY EMINENT DOMAIN IS UTILIZED FOR THE SPECIFIED PUBLIC PURPOSE; TO REQUIRE A CONDEMNOR THAT NO LONGER UTILIZES PROPERTY FOR THE PUBLIC PURPOSE IDENTIFIED AS THE REASON FOR THE USE OF EMINENT DOMAIN WITHIN TEN YEARS AFTER OBTAINING THE PROPERTY TO GIVE THE PREVIOUS LANDOWNER THE OPTION TO PURCHASE THE PROPERTY; AND TO ESTABLISH RELATED REQUIREMENTS.

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

SECTION 1. Article 4, Chapter 2, Title 28 of the S.C. Code is amended by adding:

Section 28‑2‑520. (A) Property obtained by eminent domain must continue to be utilized for the public purpose identified by the condemnor as the reason for the use of eminent domain. A condemnor that obtains property pursuant to eminent domain must have an annual audit conducted by an independent audit firm to determine if each property obtained by the condemnor through eminent domain is utilized for the public purpose for which the property was obtained.

(B)(1) If a condemnor no longer utilizes property for the public purpose identified as the reason for the use of eminent domain, as determined by either the condemnor or the annual audit described in subsection (A), within ten years from the date the condemnor obtained the property, the previous landowner must be given the option to purchase the property from the condemnor for the price which the condemnor paid the previous landowner for the property. If the previous landowner is deceased, this option must be given to his heirs.

(2) Within ninety days of identifying that the property is not used for the public purpose identified as the reason for the use of eminent domain, the condemnor must notify the previous landowner by first‑class certified mail with return receipt requested, of the landowner’s option to purchase the property as described in item (1). The previous landowner has one‑hundred twenty days after receipt of the notice to respond to the condemnor. If the previous landowner fails to respond within one‑hundred twenty days, the option to purchase is considered rejected.

(C) This section applies to property obtained through a condemnation action, and includes an agreement between the condemnor and the landowner to resolve an eminent domain claim before the filing of a condemnation action.

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

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