



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

WWW.RFA.SC.GOV • (803)734-3793

This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: S. 0069 Introduced on January 14, 2025
Subject: Lodging Accommodations Ejection
Requestor: Senate Judiciary
RFA Analyst(s): Bryant
Impact Date: February 6, 2025

Fiscal Impact Summary

This bill changes the Residential Landlord and Tenant Act to specify that the provisions do not apply to a rental space occupied by a vehicle or camper primarily designed as temporary living quarters. The bill also enables the owner, operator, manager, or keeper of a campground to request assistance from local law enforcement to remove a tenant for specified violations and provides for procedures regarding the disposition of possessions remaining after ejection.

Further, the bill enables a property owner or their authorized representative to request assistance from the sheriff of the county in which the property is located to remove an unauthorized person who is unlawfully occupying a residential dwelling under certain conditions. The bill specifies that the sheriff is entitled to a fee for service of the notice to immediately vacate. This bill also provides for a civil cause of action for wrongful removal.

Additionally, the bill creates two new felony offenses and one new misdemeanor offense related to the unlawful occupation of real property. As these are new offenses, there are no data to determine the number of new cases that may be heard in circuit court.

This bill may result in an increase in the number of circuit court cases, and potentially the number of incarcerations, which may increase the workload of the court system and the Commission of Indigent Defense, the Commission on Prosecution Coordination, the Department of Corrections (Corrections), and Probation, Parole, and Pardon Services (PPP). The potential increase in expenses for each agency will depend upon the increase in the number of cases and the number of incarcerations. These agencies indicate that if this bill results in a significant increase in the workload, then an increase in General Fund appropriations may be requested. For information, according to Corrections, in FY 2023-24, the annual total cost per inmate was \$40,439, of which \$36,553 was state funded.

The Revenue and Fiscal Affairs Office (RFA) contacted all county governments and the Municipal Association of South Carolina (MASC) regarding the impact of this bill and received responses from four counties and MASC. Based on the responses, we do not anticipate an expenditure impact on local governments. For reference, the responding counties indicate that the bill will have no fiscal impact. MASC indicates that the bill will have a minimal expenditure impact on cities and towns since law enforcement officers are already engaged in eviction proceedings with other classes of tenants and the prevalence of campgrounds located within

municipal limits is relatively limited. MASC further indicates that because the bill grants county sheriffs the authority to conduct evictions of residential property but does not grant this authority to municipal public safety officers, any costs arising from this provision of the bill will be borne by county sheriffs agencies and not by municipal governments. In addition, MASC reports that it does not expect the bill to result in a significant increase in the number of cases on the local municipal court docket.

As this bill creates new offenses, this may result in an increase of General Fund, Other Funds, and local fine revenue. However, as the number of such offenses and the resulting fines and fees that might occur in a given year are unknown, the revenue impact is undetermined.

Explanation of Fiscal Impact

Introduced on January 14, 2025

State Expenditure

This bill changes the Residential Landlord and Tenant Act to specify that the provisions do not apply to a rental space occupied by a vehicle or camper primarily designed as temporary living quarters. The bill also enables the owner, operator, manager, or keeper of a campground to request assistance from local law enforcement to remove a tenant for specified violations and provides for procedures regarding the disposition of possessions remaining after ejection.

Further, the bill enables a property owner or their authorized representative to request assistance from the sheriff of the county in which the property is located to remove an unauthorized person who is unlawfully occupying a residential dwelling under certain conditions. The bill specifies that the sheriff is entitled to a fee for service of the notice to immediately vacate. This bill also provides for a civil cause of action for wrongful removal and allows for the recovery of actual costs and damages incurred, statutory damages equal to triple the fair market rent of the dwelling, court costs, and reasonable attorney's fees.

Additionally, the bill creates two new felony offenses and one new misdemeanor offense related to the unlawful occupation of real property. The bill specifies that a person who unlawfully detains, occupies, or trespasses upon a residential dwelling and intentionally causes more than \$1,000 in damages is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both. A person who lists residential property for sale knowing that the seller has no legal authority and no lawful ownership in the property is also guilty of a felony. Upon conviction, the individual must be fined in the discretion of the court or imprisoned not more than five years, or both. Lastly, a person who knowingly presents a false document purporting to be a valid lease agreement, deed, or other instrument is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned for not more than one year, or both. As these are new offenses, there are no data to determine the number of new cases that may be heard in circuit court.

This bill may result in an increase in the number of circuit court cases, and potentially the number of incarcerations, which may increase the workload of the court system and the Commission of Indigent Defense, the Commission on Prosecution Coordination, Corrections,

and PPP. The potential increase in expenses for each agency will depend upon the increase in the number of cases and the number of incarcerations. These agencies indicate that if this bill results in a significant increase in the workload, then an increase in General Fund appropriations may be requested. For information, according to Corrections, in FY 2023-24, the annual total cost per inmate was \$40,439, of which \$36,553 was state funded.

State Revenue

This bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an undetermined impact to General Fund and Other Funds revenue due to the increase in fines and fees collections in court.

Local Expenditure

This bill changes the Residential Landlord and Tenant Act to specify that the provisions do not apply to a rental space occupied by a vehicle or camper primarily designed as temporary living quarters. The bill also enables the owner, operator, manager, or keeper of a campground to request assistance from local law enforcement to remove a tenant for specified violations and provides for procedures regarding the disposition of possessions remaining after ejection.

Further, the bill enables a property owner or their authorized representative to request assistance from the sheriff of the county in which the property is located to remove an unauthorized person who is unlawfully occupying a residential dwelling under certain conditions. The bill specifies that the sheriff is entitled to a fee for service of the notice to immediately vacate. This bill also provides for a civil cause of action for wrongful removal.

Additionally, the bill creates two new felony offenses and one new misdemeanor offense related to the unlawful occupation of real property. As these are new offenses, there are no data to determine the number of new cases that may be heard in circuit court.

RFA contacted all county governments and MASC regarding the fiscal impact of this bill and received responses from four counties and MASC. The responding counties indicate that the bill will have no fiscal impact. MASC indicates that the bill will have a minimal expenditure impact on municipalities, as law enforcement officers are already engaged in eviction proceedings with other classes of tenants and the prevalence of campgrounds located within municipal limits is relatively limited. MASC further indicates that because the bill grants county sheriffs the authority to conduct evictions of residential property but does not grant this authority to municipal public safety officers, any costs arising from this provision of the bill will be borne by county sheriffs agencies and not by municipal governments. In addition, MASC reports that it does not expect the bill to result in a significant increase in the number of cases on the local municipal court docket. Based upon these responses, RFA does not anticipate an expenditure impact on local governments.

Local Revenue

This bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this

bill may result in an undetermined impact to local revenue due to the increase in fines and fees collections in court.



Frank A. Rainwater, Executive Director