



2021-2020 End of Session Report

CAI's South Carolina Legislative Action Committee (SC LAC) had a very active legislative session related to the community association industry. The 18-member committee volunteered hundreds of collective hours to review bills, draft testimony, meet with legislators and other decision-makers, and testify for or against bills. There were more than 2,100 bills introduced, and the SC LAC closely monitored about 10 bills that would have directly affected community associations. Below is a brief overview of where legislation impacting community association stands now that the first year of a two-year session has adjourned until it reconvenes in January 2022:

H 3068, Homeowners Association Financial Disclosure Requirements. SC LAC monitored this bill which would establish certain financial disclosure requirements by an association, as well as, prohibiting an association from paying utility bills on behalf of a homeowner. This bill would also require an association to provide notice to homeowners before it may take action to spend funds not provided for in the budget and would require a quorum of homeowners to be present at the meeting to approve expenditure.

Status: PENDING IN COMMITTEE

H 3075, Property Exempt from Attachment, Levy or Sale. SC LAC monitored this bill, which relates to the enforceability of a homeowners association's governing documents, as to prohibit the enforceability of a provision granting a homeowners association the authority to foreclose on a property.

Status: PENDING IN COMMITTEE

H 3310, Political Signs on Property. SC LAC monitored this bill which would authorize a homeowner or tenant to display a political sign within a certain time frame and allow an association to establish certain rules for political signs. These rules would include the association's ability to restrict the size, quantity, location, and placement of a political sign.

Status: PENDING IN COMMITTEE

H 3312, Homeowners Association Annual Operating Budgets. SC LAC monitored this bill which establishes certain requirements for a homeowners association regarding the annual operating budget, the association's operating expenses, the allocation of funds collected as fines by the association's board, and the submission of the annual operating budget to the Department of Consumer Affairs.

Status: PENDING IN COMMITTEE

H 3313, Homeowners Association Regime Fee Fairness to Deployed Service Members Act. SC LAC supports this bill, which was introduced to enact the "Homeowners Association Regime Fee Fairness to Deployed Service Members Act." If passed, this bill will require a service member who belongs to a homeowners association to notify the association of orders of employment and will then prohibit the association from enforcing a lien or imposing a penalty for regime fees not paid during the time period that the homeowner is deployed or mobilized outside of the United States.

Status: PENDING IN COMMITTEE

H 3537, Flag, Homeowners' Rights to Fly United States Flag. SC LAC monitored this bill, which relates to the rights of homeowners or tenants to fly the United States flag at their premises, however this allowance would not withstand the provisions of any homeowners' association governing documents, contractual provisions or deed covenants to the contrary. Any regulations should still include the right to display the flag on a flagpole installed at the premises for this purpose.

Status: **PENDING IN COMMITTEE**

H 3893, Uniform Unincorporated Nonprofit Association. SC LAC monitored this bill, which would define terms, specify applicability, set forth powers of unincorporated nonprofit associations, specify liability, and set forth the process by which a legal action against an association is adjudicated.

Status: **PENDING IN COMMITTEE**

H 3979, Homeowners Associations – Solar Panels. SC LAC actively opposed this legislation, which would have rendered a deed restriction, covenants, or a homeowners association document intended to prohibit the installation of a solar energy system void and unenforceable.

Status: **PENDING IN COMMITTEE and 7 SPONSORS HAVE REQUESTED THEIR NAME BE REMOVED**

H 4232, Removal of Restrictive Covenants. SC LAC monitored this bill, which would provide that certain individuals may record a new instrument to remove certain restrictive covenants containing a conveyance encumbering the transfer of sale of real property.

Status: **PENDING IN COMMITTEE**

S 147, SC COVID-19 Liability Safe Harbor Act. This bill was signed into law by Governor McMaster on March 28th and is retroactively effective from March 13, 2021 to 180 days after the final state of emergency is lifted for COVID-19 in South Carolina. This law provides community associations and association agents with protection from lawsuits regarding COVID-19 claims, as common areas and community facilities reopen for communities that act in good faith and comply with local, state and CDC guidelines. The South Carolina LAC engage CAI grassroots advocates to successfully pass this bill, more than 1,500 advocates sent more than 38,750 emails to South Carolina state legislators urging support of this legislation.

Status: **SUCCESSFULLY PASSED**

S 180, Homeowners Association Assessments. SC LAC monitored this bill, which would require a homeowners association to provide a statement of unpaid assessments and other charges against a unit to a unit owner upon request.

Status: **PENDING IN COMMITTEE**

South Carolina Contact Information

- Community Associations Institute South Carolina Legislative Action Committee:
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- [Community Associations Institute South Carolina State Chapter](#)

Your Assistance is Needed

Expenses incurred by the LAC are paid for with donations and by Advocacy Fund fees. Corporate contributions are allowed and appreciated. Most community association boards can legally allocate money to support the SC LAC. Please visit www.caionline.org/lacdonate/ and donate to "South Carolina" to support our continued efforts.

For more information visit www.caionline.org/SCLAC.