

**RICHLAND COUNTY
DEVELOPMENT AND SERVICES
COMMITTEE**

AGENDA



TUESDAY FEBRUARY 27, 2024

5:00 PM

COUNCIL CHAMBERS



**Richland County
Development and Services Committee**

AGENDA

February 27, 2024 - 5:00 PM
2020 Hampton Street, Columbia, SC 29204

The Honorable Jason Branham	The Honorable Allison Terracio	The Honorable Gretchen Barron	The Honorable Cheryl English	The Honorable Chakisse Newton
County Council District 1	County Council District 5	County Council District 7	County Council District 10	County Council District 11

1. **CALL TO ORDER** The Honorable Chakisse Newton

2. **APPROVAL OF MINUTES** The Honorable Chakisse Newton
 - a. December 14, 2023 [\[PAGES 5-6\]](#)

3. **ADOPTION OF AGENDA** The Honorable Chakisse Newton

4. **ELECTION OF CHAIR**

5. **ITEMS FOR ACTION**
 - a. I move to direct the Administrator to review and update the illegal dumping ordinance, including raising fines up to \$5,000.00, jail time, and community service (picking up debris on roadways) [English, 06 June 2023] [\[PAGES 7-14\]](#)

 - b. Business Service Center - Short Term Rental Draft Ordinance: [\[PAGES 15-41\]](#)
 1. “Direct the Administrator to create regulations for the operation of Short-Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current Ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood.” [The Honorable Bill Malinowski, formerly of District 1, 06 December 2022]

2. “Direct the County Administrator to work with staff to ensure the proposed Short-Term Rental Ordinance requires each homeowner who wishes to provide a short-term rental to obtain a business license and pay accommodation taxes.” [The Honorable Bill Malinowski, formerly of District 1, (Terracio), 03 January 2023]

6. ITEMS PENDING ANALYSIS: NO ACTION REQUIRED

- a. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [Malinowski (Pugh; Newton), 03 January 2023] [PAGES 42-43]

7. ADJOURNMENT



Special Accommodations and Interpreter Services Citizens may be present during any of the County’s meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council’s office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



Richland County Council
DEVELOPMENT AND SERVICES COMMITTEE
MINUTES
December 14, 2023 – 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Chakisse Newton, Chair; Derrek Pugh, Gretchen Barron, and Cheryl English

NOT PRESENT: Allison Terracio

OTHERS PRESENT: Don Weaver, Michelle Onley, Ashiya Myers, Angela Weathersby, Patrick Wright, Stacey Hamm, Anette Kirylo, Lori Thomas, Michael Maloney, Shirani Fuller, Ashley Fullerton, Chelsea Bennett, Kyle Holsclaw, Jennifer Wladischkin, Michael Byrd, Dale Welch, Peter Cevallos, and John Thompson

1. **CALL TO ORDER** – Councilwoman Chakisse Newton called the meeting to order at approximately 5:00 PM.

Ms. Newton noted Ms. Terracio could not attend tonight’s meeting due to a family matter.

2. **APPROVAL OF MINUTES**

- a. **November 16, 2023** – Ms. Barron moved to approve the minutes as distributed, seconded by Mr. Pugh.

In Favor: Pugh, Barron, and Newton

Not Present: Terracio and English

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. Barron moved to adopt the agenda as published, seconded by Mr. Pugh.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

- a. **County Attorney’s Office – Road Closure Petition – Forest Glen Circle** – Ms. Barron moved to forward to Council with a recommendation to approve the petitioner’s request to close the subject road and direct the County Attorney’s Office to answer the lawsuit accordingly, seconded by Ms. English.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

- b. **Department of Public Works – Engineering Division – Comprehensive Transportation Improvement Plan Fiscal Year 2024** – The County Engineer, Ms. Shirani Fuller, stated this is an annual document that Public Works brings forth every year, so Council is aware of our plans for the coming year. The document contains technical information about the day-to-day activities of the Engineering Division. Toward the back of the document, you will see a list of capital improvements. Pavement preservation, road resurfacing, and repair are the major items in the document.

Ms. Newton requested staff to explain how the dollars are apportioned.

Ms. Fuller stated it is referred to as the pro rata and is dictated by Chapter 21 of the County's ordinance. The funds are divided based on the number of paved roads in each district compared to the total number of county-owned paved roads. Because of the way the division works, we cannot make them match every year. The goal is to ensure they are hitting those marks within a five-year period and getting the correct amount of spending to each division.

Ms. Newton inquired if we have realized any significant savings as we look at preservation versus repaving.

Ms. Fuller does not think they have officially put anything together, but the five-year mark may be a good time to do so.

Ms. English moved to forward to Council with a recommendation to approve the FY24 Comprehensive Transportation Improvement Plan (CTIP) and the proposed projects to be completed by the Department of Public Works, seconded by Ms. Barron.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

- c. Department of Public Works – Jim Hamilton – LB Owens (CUB) Airport – Airport Manual Update – Mr. Peter Cevallos, Jim Hamilton-LB Owens Airport – General Manager, stated the Airport Manual is utilized at the airport to guide the staff and airport users for safe and efficient operations. The document update is consistent with FAA grant assurances we are bound to abide by, SC Code Title 55, and Chapter 3 of the County's ordinances.

Ms. Newton inquired how comprehensive the revisions to the manual are.

Mr. Cevallos responded the changes are substantial.

Ms. Barron moved to forward to Council with a recommendation to approve the updated Airport Manual, seconded by Mr. Pugh.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

- a. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [PUGH, BARRON, and NEWTON - January 3, 2023] – No update was given.
- b. I move to direct the Administrator to review and update the illegal dumping ordinance, including raising fines up to \$5,000.00, jail time, and community service (picking up debris on roadways) [English and Terracio, June 6, 2023] – No update was given.

6. **ADJOURNMENT** – Mr. Pugh moved to adjourn the meeting, seconded by Ms. Barron.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

The meeting adjourned at approximately 5:17 PM.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Michael Maloney, PE	Title:	Director
Department:	Public Works	Division:	Special Services
Date Prepared:	January 5, 2024	Meeting Date:	February 27, 2024
Legal Review	Christopher Ziegler via email	Date:	February 20, 2024
Budget Review	Maddison Wilkerson via email	Date:	February 5, 2024
Finance Review	Stacey Hamm via email	Date:	February 5, 2024
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
Meeting/Committee	Development & Services		
Subject	Illegal Dumping Ordinance		

RECOMMENDED/REQUESTED ACTION:

Staff recommends approval of the proposed draft updated ordinance, which includes hours of community service, fines, and the potential for jail time.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

There is no anticipated fiscal impact associated with the adoption of the proposed draft.

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

To be provided under separate cover.

REGULATORY COMPLIANCE:

Richland County of Ordinances Chapter 12.

MOTION OF ORIGIN:

“I move to direct the Administrator to review and update the illegal dumping ordinance, including raising fines up to \$5,000.00, jail time, and community service (picking up debris on roadways).”

Council Member	The Honorable Cheryl English, District 10
Meeting	Development & Services
Date	June 26, 2023

STRATEGIC & GENERATIVE DISCUSSION:

The Department of Public Works staff reviewed the proposed language with that of other South Carolina counties as well as the language of County’s current ordinance. The State of South Carolina is also reviewing its statute regarding illegal dumping.

Sec. 12-5 (c) of the County’s Code of Ordinances reads:

Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be imprisoned for not more than thirty (30) days or fined not more than one thousand ninety-two and 50/100 (\$1,092.50) dollars, or both. Each day's continuing violation shall constitute a separate and distinct offense, unless otherwise specified.

Current Practices

The Special Services Division clears 15 to 25 sites per week, and it is very infrequent the materials are traceable to an individual. If materials can be traced to an individual, s/he may be subject to Magistrate Court proceeding and findings. In all cases, the Court may order the violating party to:

1. Remove the dumped litter;
2. Repair or restore the property;
3. Perform community service relating to the removal of illegally dumped litter or restoration of an area polluted by illegally dumped litter.

Richland County presently administers community service to those found guilty of illegal dumping by Court proceedings. This is an option in lieu of jail time or a fine. Currently, the fine for any offense is \$1,092.50.

The State statute fine is based on weight.

- a. Less than 15 lbs. – not more than \$100, not more than 30 days imprisonment, plus 8 hrs. of community service.
- b. 15 lbs. to 500 lbs. – not more than \$500, not more than 30 days imprisonment, plus 16 hrs. of community service growing to a maximum 32 hours of community service on third violation.
- c. More than 500 lbs. – not more than \$1,000, not more than one-year of imprisonment

The Richland County ordinance presently exceeds the fines of the State statute; however, the State statute has considerably more imprisonment time when littering over 500 lbs.

The State Statute addresses the motion's proposed community service component, so staff also recommends adding the same to the County Ordinance.

Staff Recommendations

Staff recommends adding community service as a required judgement in addition to a fine for those found guilty of illegal dumping. The minimum time is 30 hours for the first offense and 50 hours for the second offense and beyond. Staff also recommends a minimum of 14 days in jail after the first offense. Though this is currently an option to the Magistrates, no minimum time is given, though the maximum is 30 days.

Staff also recommends doubling the fine of \$1,092.50 to \$2,185.00 on the second offense and beyond.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:

- Goal 1 – Foster Good governance
 - Establish programmatic plan for review of countywide policies and procedures to ensure alignment with best practices.

ATTACHMENTS:

1. Draft Ordinance

ARTICLE VIII. ENFORCEMENT

Sec. 12-58. In General.

The Director of Public Works shall maintain a Refuse Control Section composed of duly appointed Codes Enforcement Officers who shall enforce the provisions of this Chapter.

Sec. 12-59. Littering.

It shall be unlawful for any person to discharge litter, in any quantity, from their person, vehicle, property, or any other conveyance.

Sec. 12-60. Illegal Dumping.

- (A) It shall be unlawful for any person to dump, allow another person to dump, or cause to be dumped any garbage, debris, household trash, litter, junk, appliances, equipment, cans, bottles, paper, trees, tree limbs, tree stumps, brush or parts thereof, or any other solid waste, anywhere in the unincorporated area of the county, except at an SCDHEC approved landfill. Failure of the owner to sufficiently limit access to the property where dumping is occurring shall be considered to be allowing another person to dump, thus would be unlawful.
- (B) The above provisions shall not apply to the dumping on private property, with the owner's written permission of sand, dirt, and stone for use as a fill to raise the elevation of land; provided, the same is not maintained in an unsightly condition and, further provided, the owner of the property on which such material is dumped agrees to level such dumped material with appropriate grading equipment to ensure compliance with best management practices for storm water management.

Sec. 12-61. Covering vehicle loads.

It shall be unlawful for vehicles of any kind, transporting solid waste in any quantity, to fail in ensuring that said waste is contained therein by maintaining an adequate cover and containment throughout transit.

Sec. 12-62. Debris on Lots.

- (A) Declaration of nuisance. Debris allowed to accumulate and remain on any lot or parcel of land in a developed residential area within the county may be deemed and declared a nuisance in the judgement of the County Director of Public Works. For the purpose of this action, "residential area" is defined as property zoned for a residential use, platted for residential use with a plat having been begun, installation of utilities having been begun and construction of residential units being commenced.
- (B) Duty of owner, etc., to remove. It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any lot or parcel of land in a developed residential area within the county to remove such debris as often as may be necessary to prevent the accumulation of such debris
- (C) Notice to owner, etc., to remove. Whenever the Director of Public Works shall find that debris has been allowed to accumulate and remain upon any lot or parcel of land in a developed residential area within the county in such a manner as to constitute a nuisance, he may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the owner of such land having control thereof to comply with the provisions of this section. It shall be sufficient notification to deliver the notice to the person to whom it is addressed or to deposit a copy of such in the United States mail, properly stamped, certified, and directed to the person to whom the notice is addressed, or to post a copy of the notice upon such premises.
- (D) Failure to comply with notice. If the person to whom the notice is directed, under the provisions of the preceding subsection fails, or neglects to cause such debris to be removed from any such premises within ten (10) days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of this chapter.
- (E) Removal by County. In the event any property is determined to be a nuisance, and twenty(20) days has elapsed after such notice has been served, deposited in the United States mail, or posted upon the premises, then the Department of Public Works or its duly authorized agent or representative may enter upon any such lands and abate such nuisance by removing the debris, and the cost of doing so may become a charge to the property owner, or may be recovered by the county through judgment proceedings initiated in a court of competent jurisdiction.

Sec. 12-63. Scavenging.

It shall be unlawful for any person to rummage through, take or gather items from County-owned or privately owned solid waste management facilities or any County-owned or privately owned solid waste management containers, including, but not limited to, bags, roll carts for garbage or recycling, bins, roll-off containers, or dumpsters.

Sec. 12-64. Evictions.

The placement of household goods and contents from a lawful eviction process, may, if necessary, be addressed in the same manner of the provision of Debris on a Lot (Sec. 12-62. above). Debris resulting from the lawful eviction process is assumed to be a mixed pile and therefore ineligible for collection under the Residential/Small Business Curbside Collection Program.

Sec. 12-65. Collected Solid Waste is County Property.

Once picked up for collection from the Residential/ Business Curbside Collection Program, or disposed of in any County Solid Waste Management Facility, all Solid Waste is County Property whose disposition is the responsibility of the County.

Sec. 12-66. Penalties.

- (A) If any of the matter or material dumped in violation of this Chapter can be identified as having last belonged to, been in the possession of, sent to, or received by, or to have been the property of any person, firm, or corporation prior to its being dumped as prohibited herein, such identification shall be presumed to be *prima facie* evidence that such owner dumped or caused to be dumped such matter or material in violation of this Chapter.
- (B) Appointed Refuse Control Officers shall have the authority to enforce all the provisions of this chapter and shall issue summons to violators of any provision to appear in the Magistrate's Court of the County to answer to the charge of violation of the appropriate section of this chapter.
- (C) Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be imprisoned for not more than thirty (30) days required to complete 30 hours of community service or and fined not more than one thousand ninety two dollars and fifty cents (\$1,092.50) dollars, or both. Each day's continuing violation shall constitute a separate and distinct offense, unless otherwise specified.
- (D) For a second distinct offense or more, the community service shall be 50 hours and fine shall double; the minimum jail time is fourteen (14) days, not to exceed thirty (30) days.

Sec. 12-67. Miscellaneous Enforcement Provisions.

- (A) Appointed Code Enforcement Officers (hereinafter "Refuse Control Officers") shall have the authority to enforce all the provisions of this chapter and may issue warning letters, warning tickets, and citations for violations of those provisions. The violator may either appear in the designated magistrate's court of the County on a date determined by the court to answer to the charged violation(s) of the appropriate article and section of this chapter or may pay the fine and associated court costs at the magistrate court office prior to the court hearing.

- (B) If any solid waste improperly or illegally disposed of in violation of this chapter can be identified as having last belonged to, been in the possession of, sent to, or received by, or to have been the property of any person prior to its being disposed of as prohibited herein, such identification shall be presumed to be *prima facie* evidence that such person disposed of or caused to be disposed of such solid waste in violation of this chapter.
- (C) Solid waste placed at curbside for collection shall be considered property of Richland County unless reclaimed by the generator of the waste. Solid waste delivered to any county owned solid waste management facility shall be considered property of Richland County. It shall be unlawful for anyone to take solid waste belonging to Richland County without prior written authorization of Richland County.
- (D) Proof of means used for proper disposal of solid wastes at businesses and commercial enterprises shall be presented to a County Refuse Control Officer when requested. This includes, but is not limited to, businesses engaged in lawn maintenance, landscaping, tree trimming/ removal, and transporting of any solid waste in Richland County.
- (E) Refuse Control Officers shall use Form S-438 when issuing citations unless approved otherwise in writing by the County Administrator. These Officers may, when they deem appropriate, issue a warning letter or a warning tickets for violations of this chapter. The warning ticket shall be of a design and content approved by the County Administrator.
- (F) If a non-compliant solid waste pile or roll cart, placed at curbside as part of the Residential / Small Business Curbside Collection Program, is not, in whole, brought into compliance for collection within a 15-day period following notification of non-compliance by the County, it shall be deemed to be an Illegal Pile and considered Illegal Dumping.
- (G) Preparation and storage of residential and/or small business solid waste for collection. It shall be the duty of the occupant or owner of any residential premises, or the owner or operator of any small business, to store all garbage properly, pending collection and disposal. Residential excess garbage beyond that which can be placed in the roll cart shall be neatly placed in sealed plastic bags alongside carts on designated collection days.
- (H) All garbage receptacles except single-use paper or plastic bags and cardboard boxes shall be kept clean and free of accumulated waste and shall be treated with an effective insecticide, if necessary, to prevent nuisance.
- (I) Each property owner shall prevent the continued, excessive and unsightly accumulation of refuse upon the property occupied by him (or her) or on a public thoroughfare adjoining his or her property.
- (J) It shall be a violation of this article to place or cause to be placed in any dumpster, solid waste receptacle, or bulk container for collection any acid, explosive material, flammable liquids or dangerous or corrosive material of any kind, or any other hazardous waste.

- (K)** No person other than the owner thereof, his or her agents or employees, or employees of contractors of the county for the collection of solid waste shall tamper or meddle with any garbage container or the contents thereof, or remove the contents of the container from the location where the same shall have been placed by the owner thereof or his agents.
- (L)** Property owners shall be prohibited from receiving for deposit in their refuse containers any type refuse that originates outside their designated collection area
- (M)** Property owners shall be responsible for policing any strewn refuse resulting from broken bags, garbage not properly prepared for collection or from any other cause other than contractor mishandling.
- (N)** It shall be unlawful for a Resident / Small Business Owner to repeatedly leave Roll Carts at curbside in residential areas beyond the prescribed daily period for collection.



Agenda Briefing

Prepared by:	Zach Cavanaugh	Title:	Division Manager
Department:	Community Planning & Development	Division:	Business Service Center
Date Prepared:	February 6, 2024	Meeting Date:	February 27, 2024
Legal Review	Christopher Ziegler via email	Date:	February 12, 2024
Budget Review	Maddison Wilkerson via email	Date:	February 9, 2024
Finance Review	Stacey Hamm via email	Date:	February 9, 2024
Approved for consideration:	Assistant County Administrator	Aric A Jensen, AICP	
Meeting/Committee	Development & Services		
Subject	Short Term Rental Draft Ordinance		

RECOMMENDED/REQUESTED ACTION:

Staff recommends approval of the attached short-term rental (STR) ordinance to ensure proper regulation practices are conducted for this industry type.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

Currently, adoption of the proposed licensing regulations can be implemented with existing staffing levels because it is anticipated that a relatively small number of STRs will be permitted once the revised County Land Development Code (LDC) goes into effect on March 01, 2024. If the County LDC were modified to allow STRs in more zoning districts, or if State Legislators were to pass a bill preventing local government land use ordinances from proscribing STRs, then additional staffing would be necessary (see estimated cost below).

There are at least three bills before the South Carolina Legislature that, if adopted, would significantly restrict the County's ability to limit short-term rentals. There is no indication that any will pass in the immediate future; but if they did, it is estimated that the Business Service Center would need two additional staff members to implement and manage the Short-Term Rental Licensing program for Richland County. One staff member would be responsible for the in-office needs of the STR ordinance while the second staff member would handle the field compliance aspect thereof.

Estimated Cost if STRs were allowed County-wide:

Assuming two new positions, the first year would cost approximately \$136,000, and subsequent years would start at approximately \$102,000 (see detailed cost breakout below).

Salaries	\$78,669.30 - \$125,820.88
FICA Employer's Share	\$6,018.20
SC Regular Retirement	\$14,601.02
Vehicle	\$27,475
Computers	\$2,800
Monitors	\$1,000
Mobile Devices	\$1,122.72
Membership & Dues	\$200
Training	\$1,000
Desk Phones	\$400
Desk/Chairs	\$2,000
Uniforms and Equipment	\$500
Office Supplies	\$500
Minimum Start-Up Cost Total	\$136,286.24

Cost Breakdown Annual Cost

Salaries	\$78,669.30 - \$125,820.88
FICA Employer's Share	\$6,018.20
SC Regular Retirement	\$14,601.02
Mobile Devices	\$622.72
Membership & Dues	\$200
Training	\$1,000
Uniforms and Equipment	\$500
Office Supplies	\$500
Minimum Annual Cost Total	\$102,111.24

Applicable department/grant key and object codes:

- 1100174000-511100- Salaries & Wages
- 1100174000-512200 - FICA Employer's Share
- 1100174000-513100 - SC Regular Retirement
- 1100174000-531300- Automotive Equipment
- 1100174000-521000- Office Supplies
- 1100174000-529500- Non-Capital Assets Under \$5,000
- 1100174000-526200- Beepers/Cell Phones/Pagers
- 1100174000-521400- Membership & Dues
- 1100174000-526400- Employee Training
- 1100174000-524100- Uniforms & Equipment

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

The legislation proposed by the House would prohibit the County from enforcing an ordinance, regulation, or resolution that would prohibit the rental of a residential dwelling to a short-term guest. If passed, this would not prohibit the establishment of certain requirements to operate a short-term rental so long as an ordinance would not expressly prohibit short-term rentals.

The legislation proposed by the Senate adopts a broader approach by banning the County from prohibiting or *effectively prohibiting* short-term rentals. The language of the bill would only allow the regulation of a short-term rental under certain circumstances. This bill is currently in committee and currently there is no sign of it being called to the floor in the near future. However, if this changes, it would be in the best interest of the County to reassess the ordinance to ensure that any actions undertaken would not conflict with State statutes.

REGULATORY COMPLIANCE:

The 2021 Richland County Land Development Code (LDC) allows short-term rentals (STR) in certain limited zoning designations. Council previously provided direction to have a business license ordinance in place to assure that STRs met basic safety and operational standards, and so that appropriate licensing fees were collected. This ordinance was previously considered and deferred by the Committee until current bills before the State Legislature were completed or it was determined that they would not conflict with this proposed ordinance. As previously stated, there are three bills introduced at the State Legislature that could affect how STRs are regulated. All three would effectively prevent the County from proscribing STRs, but none of them as drafted would prevent the County from licensing them and assessing a reasonable licensing tax.

The proposed STR ordinance has been prepared in consultation with the County Attorney's Office, the Building Inspections Department, and the Emergency Services Department to assure compliance with applicable State statutes, building codes, and life-safety codes. The Committee may request an opinion from the County Attorney if it has any concerns regarding potential legal conflicts.

MOTIONS OF ORIGIN:

1. "Direct the Administrator to create regulations for the operation of Short-Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current Ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood." [The Honorable Bill Malinowski, formerly of District 1, 06 December 2022]
2. "Direct the County Administrator to work with staff to ensure the proposed Short-Term Rental Ordinance requires each homeowner who wishes to provide a short-term rental to obtain a business license and pay accommodation taxes." [The Honorable Bill Malinowski, formerly of District 1, (Terracio), 03 January 2023]

Council Member	The Honorable Bill Malinowski, Formerly of District 1, and the Honorable Allison Terracio, District 5
Meeting	Regular Session
Date	January 3, 2023

STRATEGIC & GENERATIVE DISCUSSION:

The Richland County Short-Term Rental (STR) ordinance draft is a combination of the City of Columbia's newly adopted ordinance and the time-tested Hilton Head Islands ordinance. Sections from both ordinances were used to create Richland County's ordinance which aligns with the current capabilities within the Business Service Center along with the STR business community.

By adopting a STR ordinance, Richland County would gain the ability to collect revenue and oversee the operation of STRs within unincorporated Richland County. This will ensure Richland County is promoting public safety by mitigating, to certain extent, public nuisance complaints and other issues resulting from STR operations. The STR ordinance as drafted would specifically generate business license tax and local accommodation tax revenue.

The proposed STR ordinance would require owners and operators of an STR to obtain a Richland County business license if the STR unit is located within unincorporated Richland County, along with the collection and remittance of Local Accommodation Tax (3%) each month. This is the same requirement already in place for hotel/motels operating in unincorporated Richland County.

The increased business license tax revenue from the STR program is projected to be \$70,800 annually if 500 short term rentals are licensed with an annual gross revenue of \$100,000.

The increased revenue from local accommodation taxes from 500 licensed STRs with an annual gross revenue of \$100,000 is projected to be \$1,500,000.

If Richland County does not pass a STR ordinance, it would forego the annual collection of business license tax revenue and monthly local accommodation tax revenue, and the County's ability to regulate and ameliorate nuisance complaints would be curtailed.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

Objective 1.5 - Collaborate with other governments: Richland County collaborated with multiple governmental agencies who already have and operate STR programs to develop the proposed ordinance draft.

Objective 3.1 - Align budget to priorities and seek alternative revenue sources: Adopting a STR ordinance would allow Richland County to collect additional business license and local accommodation tax revenue.

ATTACHMENTS:

1. Richland County Short-Term Rental (STR) Ordinance Draft
2. House Bill 3253
3. House Bill 4573
4. Senate Bill 953

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-23HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; BY ADDING ARTICLE VII ENTITLED "SHORT-TERM RENTALS" SO AS TO ESTABLISH CERTAIN REQUIREMENTS FOR PROPERTIES BEING USED AS SHORT-TERM RENTALS, TO DEFINE NECESSARY TERMS, AND TO PROVIDE PENALTIES.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances, Chapter 16, is hereby amended by adding:

ARTICLE VII. SHORT-TERM RENTALS

Section 16-80. Unless otherwise specified, the requirements and provisions of this article shall apply to owner-occupied and non-owner-occupied short-term rentals (collectively called "short-term rentals") made available to occupants for periods of less than 30 consecutive days in the unincorporated area of Richland County. This article does not apply to rentals rented for a period of more than thirty (30) days or hotels, motels, bed and breakfast establishments, or inns that are subject to and compliant with the County's business license and other applicable Code requirements.

Section 16-81. (a) Unless otherwise expressly stated, the following terms shall, for the purposes of this article, mean:

- (1) Citation means a charge or formal written accusation of violation of a county, state or federal law, regulation or ordinance.
- (2) Guest means any person who occupies a short-term rental.
- (3) Overnight occupancy means the occupancy of a premises between the hours of 12:00 am and 7:00 am.

- (4) Owner-occupied means a property that is lawfully classified as owner-occupied by the Richland County Assessor's Office and is receiving the four percent special assessment ratio.
- (5) Non-owner occupied means a property that is not classified as owner-occupied by the Richland County Assessor's Office and is primarily used for rent for transient occupancy by guests.
- (6) Responsible local representative means a person having his or her place of residence or business office within 45 miles of the short-term rental property and designated by the property owner as the agent responsible for operating such property or portion of property in compliance with the county's ordinances and having been authorized by appointment to accept service of process on behalf of the owner pursuant to Rule 4(d)(1) of the South Carolina Rules of Civil Procedure.
- (7) Short-term rental means leasing of a short-term rental property or permitting the occupancy of a short-term rental property or other property by a lease or any other form of agreement. Hotels, motels, bed and breakfast establishments, and inns are excluded from this definition.
- (8) Short-term rental property means any residential property, either owner occupied or non-owner occupied, in the unincorporated area of Richland County that, in whole or in part, is offered for lease or occupancy under a lease or any other form of agreement for periods of less than thirty (30) days.
- (9) Transient occupancy means the lease or occupancy of a guest for a period of not more than thirty (30) consecutive days.

Section 16-82. The following regulations apply to all properties being used as a short-term rental in the unincorporated area of Richland County:

- (a) Any advertisement for a short-term rental by the owner or responsible local representative is deemed sufficient to determine that a property or portion of a property is being offered as a short-term rental.
- (b) The owner or responsible local representative offering a property or portion of a property as a short-term rental shall obtain a business license and comply with all

business license and revenue collection laws of the Richland County and State of South Carolina.

- (c) The owner or responsible local representative of a permitted short-term rental shall ensure the short-term rental property complies with all County ordinances at all times
- (d) A safety inspection to ensure compliance with the provisions of this Article may be performed by the County or its designated third-party as deemed necessary by the County. The County must provide the owner or responsible local representative with 24-hour notice unless a serious violation of a county, state or federal law, regulation or ordinance exists and immediate remediation is necessary to protect the health, safety, and welfare of the immediate area.
- (e) The property owner or responsible local representative shall maintain the following which shall be made available to the County upon request:
 - (1) For a period of two years, records demonstrating compliance with these provisions, including but not limited to, information demonstrating residency, if required, and the number of days per calendar year the residential unit has been rented as a short-term rental; and
 - (2) The name and phone number of each short-term guest that booked the short-term rental for the previous two years.
- (f) The property owner or responsible local representative must be willing to take phone calls at all times to address issues with the short-term rental. The responsible local representative must be authorized to accept service of process on behalf of the owner.
- (g) The guest making the booking or reservation for a short-term rental shall be at least 18 years of age.
- (h) The short-term rental shall not be available for occupancy for a period of less than one night.
- (i) At a minimum, the following shall be made available in written form to each short-term guest:
 - (1) Emergency contact numbers

- (2) The name and contact information for the owner or responsible local representative;
 - (3) Instructions or a diagram of the designated parking spaces; and
 - (4) All short-term rental property rules imposed on guests by the owner.
- (j) Two parking spaces per short-term rental property must be made available and designated. Guests must be notified of the parking plan and the maximum number of vehicles allowed.
 - (k) The maximum overnight occupancy of a short-term rental shall not exceed two persons, excluding minor children, per bedroom, as defined in the International Building Code, plus two additional people per dwelling unit.
 - (l) The owner or responsible local representative shall be responsible for determining that any guest occupying the short-term rental is listed in the booking or reservation for the short-term rental.

Section 16-83. Violations

- (a) It is a violation of this Article to:
 - (1) lease or advertise a property or portion of a property as a short-term rental without first complying with the requirements of this Article; or
 - (2) otherwise fail to comply with a requirement of this Article.
- (b) In addition to appropriate civil and equitable remedies for the enforcement of this Article, an owner or responsible local representative who violates the provisions of this Article is deemed guilty of an infraction. An infraction is subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances. Each day of violation is considered a separate offense.

SECTION II. Effective Date. This ordinance shall be enforced from and after _____
_____.

RICHLAND COUNTY COUNCIL

By: _____
Overture Walker, Chair

Attest this _____ day of
_____, 2023.

Anette Kirylo
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

First Reading:
Second Reading:
Public Hearing:
Third Reading:

South Carolina General Assembly
125th Session, 2023-2024

H. 3253**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hewitt, Oremus, Kilmartin, May, Atkinson, Hayes, Connell, Hager, Kirby, Bailey, Schuessler, Haddon and Robbins

Document Path: LC-0082PH23.docx

Introduced in the House on January 10, 2023

Currently residing in the House

Summary: Short-term rentals

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 Medical, Military, Public and Municipal Affairs
1/10/2023	House	Introduced and read first time (House Journal-page 110)
1/10/2023	House	Referred to Committee on Medical, Military, Public and Municipal Affairs (House Journal-page 110)
2/1/2023	House	Member(s) request name added as sponsor: J. Moore
2/16/2023	House	Member(s) request name added as sponsor: May, Atkinson, Hayes, Connell, Hager, Kirby, Bailey, Schuessler
2/21/2023	House	Member(s) request name removed as sponsor: J. Moore
3/1/2023	House	Member(s) request name added as sponsor: Haddon
3/29/2023	House	Member(s) request name added as sponsor: Robbins

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VERSIONS OF THIS BILL

12/08/2022

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A BILL

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-1-195 SO AS
12 TO PROHIBIT A GOVERNING BODY OF A MUNICIPALITY, COUNTY, OR OTHER
13 POLITICAL SUBDIVISION OF THE STATE FROM ENACTING OR ENFORCING AN
14 ORDINANCE, RESOLUTION, OR REGULATION THAT PROHIBITS THE RENTAL OF A
15 RESIDENTIAL DWELLING TO A SHORT-TERM GUEST, TO PROVIDE PENALTIES, AND TO
16 DEFINE TERMS.

17
18 Be it enacted by the General Assembly of the State of South Carolina:

19
20 SECTION 1. Article 1, Chapter 1, Title 6 of the S.C. Code is amended by adding:

21
22 Section 6-1-195. (A) Notwithstanding another provision of law, a governing body of a
23 municipality, county, or other political subdivision of the State may not enact or enforce an ordinance,
24 resolution, or regulation that prohibits the rental of a residential dwelling to a short-term guest.

25 (B) A municipality, county, or other political subdivision of the State that enacts or enforces an
26 ordinance, resolution, or regulation that violates the provisions of subsection (A) may not:

27 (1) assess or collect the six percent property assessment ratio for qualifying real property pursuant
28 to Section 12-43-220(e); and

29 (2)(a) receive any distributions from the Local Government Fund pursuant to Chapter 27, Title 6;
30 and

31 (b) the Office of the State Treasurer shall withhold the municipality's, county's, or political
32 subdivision's State Aid to Subdivisions Act distribution until the ordinance, resolution, or regulation
33 in violation of subsection (A) is repealed.

34 (C) This section supersedes and preempts any ordinance, resolution, or regulation enacted by a
35 municipality, county, or other political subdivision of the State that purports to prohibit the rental of a
36 residential dwelling to a short-term guest.

37 (D) For purposes of this section:

38 (1) "Residential dwelling" means any building, structure, or part of the building or structure, that
39 is used or intended to be used as a home, residence, or sleeping place by one or more persons to the
40 exclusion of all others.

41 (2) "Short term rental" means a residential dwelling that is offered for rent for a fee and for fewer

1 than twenty-nine consecutive days.

2 (3) “Short term guest” means a person who rents a short-term rental.

3

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

5

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South Carolina General Assembly
125th Session, 2023-2024

H. 4573

STATUS INFORMATION

General Bill
Sponsors: Reps. Hewitt and Clyburn
Document Path: LC-0447WAB24.docx

Introduced in the House on January 9, 2024
Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: The Private Property Protection Act of 2024

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
11/16/2023	House	Prefiled
11/16/2023	House	Referred to Committee on Medical, Military, Public and Municipal Affairs
1/9/2024	House	Introduced and read first time (House Journal-page 86)
1/9/2024	House	Referred to Committee on Medical, Military, Public and Municipal Affairs (House Journal-page 86)

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VERSIONS OF THIS BILL

11/16/2023

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A BILL

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “PRIVATE
12 PROPERTY PROTECTION ACT OF 2024”; AND BY ADDING SECTION 6-1-195 SO AS TO
13 PROHIBIT A GOVERNING BODY OF A MUNICIPALITY, COUNTY, OR OTHER POLITICAL
14 SUBDIVISION OF THE STATE FROM ENACTING OR ENFORCING AN ORDINANCE,
15 RESOLUTION, OR REGULATION THAT PROHIBITS THE RENTAL OF A RESIDENTIAL
16 DWELLING TO A SHORT-TERM GUEST, TO PROVIDE PENALTIES, AND TO DEFINE
17 TERMS.
18

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

20
21 SECTION 1. This act may be cited as the “Private Property Protection Act of 2024”.

22
23 SECTION 2. Article 1, Chapter 1, Title 6 of the S.C. Code is amended by adding:

24
25 Section 6-1-195.(A) Notwithstanding another provision of law, a governing body of a municipality,
26 county, or other political subdivision of the State may not enact or enforce an ordinance, resolution, or
27 regulation that prohibits the rental of a residential dwelling to a short-term guest.

28 (B) A municipality, county, or other political subdivision of the State that enacts or enforces an
29 ordinance, resolution, or regulation that violates the provisions of subsection (A) may not:

30 (1) assess or collect the six percent property assessment ratio for qualifying real property pursuant
31 to Section 12-43-220(e); and

32 (2)(a) receive any distributions from the Local Government Fund pursuant to Chapter 27, Title 6;
33 and

34 (b) the Office of the State Treasurer shall withhold the municipality’s, county’s, or political
35 subdivision’s State Aid to Subdivisions Act distribution until the ordinance, resolution, or regulation
36 in violation of subsection (A) is repealed.

37 (C) This section supersedes and preempts any ordinance, resolution, or regulation enacted by a
38 municipality, county, or other political subdivision of the State that purports to prohibit the rental of a
39 residential dwelling to a short-term guest.

40 (D) For purposes of this section:

41 (1) “Residential dwelling” means any building, structure, or part of the building or structure, that

1 is used or intended to be used as a home, residence, or sleeping place by one or more persons to the
2 exclusion of all others.

3 (2) "Short-term rental" means a residential dwelling that is offered for rent for a fee and for fewer
4 than twenty-nine consecutive days.

5 (3) "Short-term guest" means a person who rents a short-term rental.

6

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

8

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South Carolina General Assembly
125th Session, 2023-2024

S. 953

STATUS INFORMATION

General Bill

Sponsors: Senators Adams, Hutto, Senn, Reichenbach, Kimbrell and Talley

Document Path: SR-0457KM23.docx

Introduced in the Senate on January 11, 2024

Currently residing in the Senate

Summary: Short-Term Rentals

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
1/11/2024	Senate	Introduced and read first time (Senate Journal-page 4)
1/11/2024	Senate	Referred to Committee on Judiciary (Senate Journal-page 4)
1/16/2024		Scrivener's error corrected

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VERSIONS OF THIS BILL

01/11/2024

01/16/2024

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A BILL

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-1-2100 SO AS
12 TO PROVIDE DEFINITIONS RELATED TO LODGING MARKETPLACES; BY ADDING
13 SECTION 6-1-2110 SO AS TO PROHIBIT A GOVERNING BODY FROM PROHIBITING
14 SHORT-TERM RENTALS EXCEPT UNDER CERTAIN CIRCUMSTANCES; BY AMENDING
15 SECTION 6-1-510, RELATING TO DEFINITIONS CONCERNING LOCAL
16 ACCOMMODATIONS TAXES, SO AS TO INCLUDE OPERATORS OF LODGING
17 MARKETPLACES IN THE DEFINITION OF LOCAL ACCOMMODATIONS TAX; BY
18 AMENDING SECTION 6-1-520, RELATING TO THE IMPOSITION OF LOCAL
19 ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT LOCAL GOVERNING BODIES
20 IMPOSING A LOCAL ACCOMMODATIONS TAX MUST NOTIFY THE DEPARTMENT OF
21 REVENUE AND THE STATE TREASURER; BY AMENDING SECTION 6-1-570, RELATING TO
22 REMITTING TAX TO A LOCAL GOVERNING BODY, SO AS TO PROVIDE THAT LOCAL
23 ACCOMMODATIONS TAXES MUST BE COLLECTED, REMITTED, AND ADMINISTERED IN
24 THE SAME MANNER AS IN SECTION 12-36-920; BY AMENDING SECTION 6-1-620,
25 RELATING TO DEFINITIONS RELATED TO THE BEACH PRESERVATION ACT, SO AS TO
26 INCLUDE RENTALS FACILITATED BY A LODGING MARKETPLACE IN THE DEFINITION
27 OF BEACH PRESERVATION FEE; BY AMENDING SECTION 6-1-630, RELATING TO BEACH
28 PRESERVATION FEES, SO AS TO PROVIDE THAT THE LOCAL GOVERNING BODY
29 ISSUING A TAX PURSUANT TO THIS SECTION MUST NOTIFY THE DEPARTMENT OF
30 REVENUE AND THE STATE TREASURER; BY AMENDING SECTION 6-1-650, RELATING TO
31 NOTICE OF DROPPED RENTAL PROPERTY, SO AS TO EXEMPT LODGING
32 MARKETPLACES; BY AMENDING SECTION 5-7-30, RELATING TO POWERS CONFERRED
33 UPON MUNICIPALITIES, SO AS TO PROVIDE THAT ANY TAXES IMPOSED UPON
34 LODGING ACCOMMODATIONS BE COLLECTED AND ADMINISTERED BY THE
35 DEPARTMENT OF REVENUE IN THE SAME MANNER AS IN SECTION 12-36-920; BY
36 AMENDING SECTION 12-36-70, RELATING TO THE DEFINITION OF “RETAILER” AND
37 “SELLER”, SO AS TO PROVIDE THAT A PERSON OPERATING AS A LODGING
38 MARKETPLACE BE CONSIDERED A “RETAILER” OR “SELLER”; BY ADDING SECTION
39 12-36-72 SO AS TO PROVIDE A DEFINITION FOR A LODGING MARKETPLACE; BY
40 AMENDING SECTION 12-36-920, RELATING TO THE TAX ON ACCOMMODATIONS FOR
41 TRANSIENTS, SO AS TO PROVIDE THAT TRANSACTIONS BY LODGING MARKETPLACES
42 ARE SUBJECT TO THE SEVEN PERCENT SALES TAX; AND BY REPEALING SECTION
43 12-36-922 RELATING TO ACCOMMODATIONS TAX RETURN INFORMATION.
44

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

46

47 SECTION 1. Chapter 1, Title 6 of the S.C. Code is amended by adding:

48

49

Article 10

50

Lodging Marketplaces

Section 6-1-2100. For purposes of this article:

(1) “Effectively prohibit” means the local governing body acts or fails to act in a manner that results in the property owner, lodging operator, or tenant being prevented from using the owner’s property as a short-term rental unit after reasonable compliance with generally applicable laws.

(2) “Local governing body” means the governing body of a city, municipality, county, or other political subdivision of this State that has authority to enact a zoning ordinance, resolution, regulation, rule, or other requirement of any type regarding land use in its jurisdiction.

(3) “Lodging marketplace” means a person or entity that:

(a) provides for consideration, regardless of whether the consideration is deducted as a fee from the transaction, an online application, software, website, system, or other medium, through which short term rentals in this state are advertised or offered to the public as available; and

(b) directly or indirectly provides or maintains a platform for goods or services by providing a payment system that facilitates a transaction between two platform users.

(4) “Lodging accommodations” means any dwelling unit, room, campground space, lodging, or sleeping accommodation furnished to transient guests for consideration.

(5) “Lodging operator” means a person who rents to an occupant any lodging accommodation offered through a lodging marketplace.

(6) “Lodging transaction” means a charge to an occupant by a lodging operator for the occupancy of any lodging accommodation.

(7) “Unaffiliated third party” means a person who is not owned or controlled, directly or indirectly, by the same interests.

(8) “Short-term rental” means any single-family house, dwelling unit, room, or any unit or group of units in a condominium, cooperative or timeshare, or home that is offered for a fee and for less than thirty consecutive days. Short-term rentals do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center, or another similar use.

Section 6-1-2110. (A) A local governing body shall not prohibit or effectively prohibit short-term rentals within its jurisdictional boundaries.

(B) A local governing body may not:

(1) restrict the use of or regulate short-term rentals based on their classification, use, frequency, or duration; or

(2) enact or enforce a law, ordinance, regulation, or plan that regulates or prohibits short-term rentals unless the law, ordinance, regulation, or plan is enacted to:

(1) protect the public's health and safety, including rules and regulations related to residential fire

1 and building codes, health and sanitation, transportation or traffic control, noise levels, solid or
2 hazardous waste and pollution control, and designation of an emergency point of contact, if the local
3 governing body demonstrates that the rule or regulation is for the primary purpose of protecting the
4 public's health and safety, provided that enforcement would not expressly or effectively prohibit or
5 limit the use of a property as a short-term rental, and provided that the regulation is enforced by the
6 local governing body in the same manner as for similar properties that are not short-term rentals;

7 (2) require the registration of a short-term rental with the local governing body prior to the
8 commencement of operations. Local governing bodies may impose a fine for failure to register under
9 the registration program; or

10 (3) limit or prohibit the use of short-term rentals for the purposes of housing sex offenders,
11 operating or maintaining a structured, sober-living home, selling illegal drugs, liquor control, or
12 pornography, obscenity, nude or topless dancing, and other adult-oriented businesses.

13 (C) The local governing body shall not:

14 (1) regulate the operation of a lodging marketplace; or

15 (2) require a lodging marketplace to provide personally identifiable information of users without
16 an administrative subpoena or court order.

17 (D) This section does not apply to private entities or homeowners' associations.

18
19 SECTION 2. Section 6-1-510 of the S.C. Code is amended to read:

20
21 Section 6-1-510. As used in this article:

22 (1) "Local accommodations tax" means a tax on the gross proceeds derived from the rental or charges
23 for accommodations furnished to transients as provided in Section 12-36-920(A) and which is imposed
24 on every person engaged or continuing within the jurisdiction of the imposing local governmental body
25 in the business of furnishing accommodations to transients for consideration-, including persons
26 operating as a lodging marketplace as defined in Section 12-36-72.

27 (2) "Local governing body" means the governing body of a county or municipality.

28 (3) "Positive majority" means a vote for adoption by the majority of the members of the entire
29 governing body, whether present or not. However, if there is a vacancy in the membership of the
30 governing body, a positive majority vote of the entire governing body as constituted on the date of the
31 final vote on the imposition is required.

32 (4) "Workforce housing" means residential housing for rent or sale that is reasonably and
33 appropriately priced for rent or sale to a person or family whose income falls within thirty percent and
34 one hundred twenty percent of the median income for the local area, with adjustments for household
35 size, according to the latest figures available from the United States Department of Housing and Urban
36 Development (HUD).

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SECTION 3. Section 6-1-520 of the S.C. Code is amended to read:

Section 6-1-520.(A) A local governing body may impose, by ordinance, a local accommodations tax, not to exceed three percent. However, an ordinance imposing the local accommodations tax must be adopted by a positive majority vote. The governing body of a county may not impose a local accommodations tax in excess of one and one-half percent within the boundaries of a municipality without the consent, by resolution, of the appropriate municipal governing body.

(B) A local governing body that imposes a local accommodations tax shall notify the Department of Revenue and the State Treasurer through delivery of a certified copy of the ordinance adopted by the local governing body imposing the tax at least sixty days prior to the effective date of the ordinance.

(C) All proceeds from a local accommodations tax must be kept in a separate fund segregated from the imposing entity's general fund. All interest generated by the local accommodations tax fund must be credited to the local accommodations tax fund.

SECTION 4. Section 6-1-570 of the S.C. Code is amended to read:

Section 6-1-570. The tax provided for in this article must be collected, remitted, and administered in the same manner as the tax imposed by Section 12-36-920. ~~to the local governing body on a monthly basis when the estimated amount of average tax is more than fifty dollars a month, on a quarterly basis when the estimated amount of average tax is twenty five dollars to fifty dollars a month, and on an annual basis when the estimated amount of average tax is less than twenty five dollars a month.~~

SECTION 5. Section 6-1-620 of the S.C. Code is amended to read:

Section 6-1-620. As used in this article:

(1) "Beach preservation fee" means a fee imposed on the gross proceeds derived from the rental or charges for accommodations furnished to transients for consideration within the jurisdiction of the governing body which are subject to the tax imposed pursuant to Section 12-36-920(A), including rentals facilitated by a lodging marketplace, as defined in Section 12-36-72.

(2) "Governing body" means the governing body of a qualified coastal municipality.

(3) "Qualified coastal municipality" means a municipality bordering on the Atlantic Ocean that has a public beach within its corporate limits and which imposes a local accommodations tax pursuant to Section 6-1-520 that does not exceed one and one-half percent pursuant to the limitations imposed pursuant to Section 6-1-540.

1 SECTION 6. Section 6-1-630 of the S.C. Code is amended to read:

2
3 Section 6-1-630.(A) The governing body of a qualified coastal municipality by ordinance, subject
4 to a referendum, may impose a beach preservation fee not to exceed one percent.

5 (B) Upon the adoption of an ordinance calling for a referendum, the county election commission
6 shall conduct a referendum at the time specified in the ordinance on the question of implementing a
7 one percent beach preservation fee. The state election laws apply to the referendum, mutatis mutandis.
8 The county election commission shall publish the results of the referendum to certify them to the
9 governing body. The beach preservation fee must not be imposed unless a majority of the qualified
10 electors residing in the municipality voting in the referendum vote in favor of the referendum.

11 (C)(1) The ballot must read substantially as follows:

12 “Must an additional one percent beach preservation fee be added to the accommodations tax for the
13 purpose of nourishment, renourishment, maintenance, erosion mitigation, and monitoring of beaches,
14 dune restoration and maintenance, including planting of grass, sea oats, or other vegetation useful in
15 preserving the dune system, and maintenance of public beach accesses within the corporate limits of
16 _____.

17 Yes ____

18 No ____

19 (2) If the question is not approved at the initial referendum, the governing body may, by an
20 ordinance meeting the requirements of this section, call for another referendum on the question.
21 However, following the initial referendum, a referendum for this purpose must not be held more often
22 than once in a twenty-four month period on the Tuesday following the first Monday in November in
23 even-numbered years.

24 (3) Once a week for the four weeks immediately preceding the referendum, the governing body
25 of the municipality shall publish notice in a newspaper of general circulation within the jurisdiction a
26 description of and the specific uses for the beach preservation fee. The governing body also must
27 publish notice on its website in the same manner.

28 ~~(D) The fee authorized by this article is in addition to all other local accommodations taxes imposed~~
29 ~~pursuant to Section 6-1-520 and must not be deemed cumulative with the local accommodations tax or~~
30 ~~fee rate for the purposes of Section 6-1-540.~~ The governing body of a qualified coastal municipality that
31 imposes a beach preservation fee shall notify the Department of Revenue and the State Treasurer
32 through delivery of a certified copy of the ordinance adopted imposing the fee at least sixty days prior
33 to the effective date of the ordinance.

34 (E) The fee authorized by this article is in addition to all other local accommodations taxes imposed
35 pursuant to Section 6-1-520, shall be collected, remitted, and administered in the same manner as the
36 tax imposed by Section 12-36-920, and must be deemed cumulative with the local accommodations tax

1 or fee rate for the purposes of Section 6-1-540.

2 ~~(E)~~(F) All proceeds from the beach preservation fee must be kept in a separate fund segregated from
3 the governing body's general fund. All interest generated by the beach preservation fee fund must be
4 credited to the beach preservation fee fund.

5
6 SECTION 7. Section 6-1-650 of the S.C. Code is amended to read:

7
8 Section 6-1-650. Real estate agents, brokers, corporations, or listing services required to remit fees
9 under this section must notify the appropriate governing body if rental property, previously listed by
10 them, is dropped from their listings. A lodging marketplace, as defined in Section 12-36-72, shall not
11 be subject to this requirement.

12
13 SECTION 8. Section 5-7-30 of the S.C. Code is amended to read:

14
15 Section 5-7-30. (A) Each municipality of the State, in addition to the powers conferred to its specific
16 form of government, may enact regulations, resolutions, and ordinances, not inconsistent with the
17 Constitution and general law of this State, including the exercise of powers in relation to roads, streets,
18 markets, law enforcement, health, and order in the municipality or respecting any subject which appears
19 to it necessary and proper for the security, general welfare, and convenience of the municipality or for
20 preserving health, peace, order, and good government in it, including the authority to levy and collect
21 taxes on real and personal property and as otherwise authorized in this section, make assessments, and
22 establish uniform service charges relating to them, provided that any taxes or surcharges imposed on
23 the rental of accommodations, including, but not limited to taxes or surcharges imposed on the rental
24 of any rooms, campground spaces, lodgings, or sleeping accommodations shall be collected and
25 administered by the South Carolina Department of Revenue in the same manner as the tax imposed by
26 Section 12-36-920; the authority to abate nuisances; the authority to provide police protection in
27 contiguous municipalities and in unincorporated areas located not more than three miles from the
28 municipal limits upon the request and agreement of the governing body of such contiguous municipality
29 or the county, including agreement as to the boundaries of such police jurisdictional areas, in which
30 case the municipal law enforcement officers shall have the full jurisdiction, authority, rights, privileges,
31 and immunities, including coverage under the workers' compensation law, which they have in the
32 municipality, including the authority to make arrests, and to execute criminal process within the
33 extended jurisdictional area; provided, however, that this shall not extend the effect of the laws of the
34 municipality beyond its corporate boundaries; grant franchises for the use of public streets and make
35 charges for them; grant franchises and make charges for the use of public beaches; engage in the
36 recreation function; levy a business license tax on gross income, but a wholesaler delivering goods to

1 retailers in a municipality is not subject to the business license tax unless he maintains within the
2 corporate limits of the municipality a warehouse or mercantile establishment for the distribution of
3 wholesale goods; and a business engaged in making loans secured by real estate is not subject to the
4 business license tax unless it has premises located within the corporate limits of the municipality and
5 no entity which is exempt from the license tax under another law nor a subsidiary or affiliate of an
6 exempt entity is subject to the business license tax; and a business engaged in operating a professional
7 sports team as defined in Section 12-6-3360(M)(17) is not subject to the business license tax; borrow
8 in anticipation of taxes; and pledge revenues to be collected and the full faith and credit of the
9 municipality against its note and conduct advisory referenda. The municipal governing body may fix
10 fines and penalties for the violation of municipal ordinances and regulations not exceeding five hundred
11 dollars or imprisonment not exceeding thirty days, or both. If the person or business taxed pays a
12 business license tax to a county or to another municipality where the income is earned, the gross income
13 for the purpose of computing the tax must be reduced by the amount of gross income taxed in the other
14 county or municipality.

15 (B) For the purpose of providing and maintaining parking for the benefit of a downtown commercial
16 area, a municipality may levy a surtax upon the business license of a person doing business in a
17 designated area in an amount not to exceed fifty percent of the current yearly business license tax upon
18 terms and conditions fixed by ordinance of the municipal council. The area must be designated by
19 council only after a petition is submitted by not less than two-thirds of the persons paying a business
20 license tax in the area and who paid not less than one-half of the total business license tax collected for
21 the preceding calendar year requesting the designation of the area. The business within the designated
22 area which is providing twenty-five or more parking spaces for customer use is required to pay not
23 more than twenty-five percent of a surtax levied pursuant to the provisions of this paragraph.

24 (C) If a local governing body imposes a tax authorized pursuant to this Section, it must notify the
25 Department of Revenue and the State Treasurer through delivery of a certified copy of the ordinance
26 adopted by the local governing body at least sixty days prior to the effective date of the ordinance.

27
28 SECTION 9. Section 12-36-70 of the S.C. Code is amended to read:

29
30 Section 12-36-70. "Retailer" and "seller" include every person:

- 31 (1)(a) selling or auctioning tangible personal property whether owned by the person or others;
32 (b) furnishing accommodations to transients for a consideration, ~~except an individual furnishing~~
33 ~~accommodations of less than six sleeping rooms on the same premises, which is the individual's place~~
34 ~~of abode;~~
35 (c) renting, leasing, or otherwise furnishing tangible personal property for a consideration;
36 (d) operating a laundry, cleaning, dyeing, or pressing establishment for a consideration;

1 (e) selling electric power or energy;

2 (f) selling or furnishing the ways or means for the transmission of the voice or of messages
3 between persons in this State for a consideration. A person engaged in the business of selling or
4 furnishing the ways or means for the transmission of the voice or messages as used in this subitem (f)
5 is not considered a processor or manufacturer;

6 (2)(a) maintaining a place of business or qualifying to do business in this State; ~~or~~

7 (b) not maintaining an office or location in this State but soliciting business by direct or indirect
8 representatives, manufacturers agents, distribution of catalogs, or other advertising matter or by any
9 other means, and by reason thereof receives orders for tangible personal property or for storage, use,
10 consumption, or distribution in this State;

11 (3) operating as a marketplace facilitator, as defined in Section 12-36-71; or

12 (4) operating as a lodging marketplace, as defined in Section 12-36-72.

13 The department, when necessary for the efficient administration of this chapter, may treat any
14 salesman, representative, trucker, peddler, or canvasser as the agent of the dealer, distributor,
15 supervisor, employer, or other person under whom they operate or from whom they obtain the tangible
16 personal property sold by them, regardless of whether they are making sales on their own behalf or on
17 behalf of the dealer, distributor, supervisor, employer, or other person. The department may also treat
18 the dealer, distributor, supervisor, employer, or other person as a retailer for purposes of this chapter.

19
20 SECTION 10. Chapter 36, Title 12 of the S.C. Code is amended by adding:

21
22 Section 12-36-72. (A) “Lodging marketplace” means a person or entity who:

23 (1) provides for consideration, regardless of whether the consideration is deducted as a fee from
24 the transaction, an online application, software, website, system, or other medium through which
25 short-term rentals a good or service in this State is advertised or offered to the public as available; and

26 (2) directly or indirectly provides or maintains a platform for goods or services by providing a
27 payment system that facilitates a transaction between two platform users.

28 (B) For purposes of this section, a person “facilitates” a rental by brokering, coordinating, or in any
29 other way arranging for the purchase of the right to use accommodations through a transaction directly,
30 including through the use of one or more payment processors, between a customer and an
31 accommodations provider.

32
33 SECTION 11. Section 12-36-920 of the S.C. Code is amended to read:

34
35 Section 12-36-920.(A) A sales tax equal to seven percent is imposed on the gross proceeds derived
36 from the rental or charges for any rooms, campground spaces, lodgings, or sleeping accommodations

1 furnished to transients by any hotel, inn, tourist court, tourist camp, motel, campground, residence, or
2 any place in which rooms, lodgings, or sleeping accommodations are furnished to transients for a
3 consideration-, or through a lodging marketplace facilitating the rental of an accommodation. This tax
4 does not apply:

5 ~~— (1) where the facilities consist of less than six sleeping rooms, contained on the same premises,
6 which is used as the individual's place of abode; or~~

7 ~~— (2) to gross proceeds from rental income wholly excluded from the gross income of the taxpayer
8 pursuant to Internal Revenue Code Section 280A(g) as that code is defined in Section 12-6-40(A).~~

9 The gross proceeds derived from the lease or rental of sleeping accommodations supplied to the same
10 person for a period of ninety continuous days are not considered proceeds from transients. The tax
11 imposed by this subsection (A) does not apply to additional guest charges as defined in subsection (B)
12 or separately stated optional charges on a bill to a customer for amenities, entertainment, special items
13 in promotional tourist packages, and other guest services. This tax applies to any charge by a lodging
14 marketplace, as defined in Section 12-36-72, to a transient.

15 (B) A sales tax of five percent is imposed on additional guest charges at any place where rooms,
16 lodgings, or accommodations are furnished to transients for a consideration, unless otherwise taxed
17 under this chapter. For purposes of this subsection, additional guest charges are limited to charges for:

18 (1) room service;

19 (2) laundering and dry cleaning services;

20 (3) in-room movies;

21 (4) telephone service; and

22 (5) rentals of meeting rooms.

23 (C) Real estate agents, brokers, corporations, or listing services required to remit taxes under this
24 section shall notify the department if rental property, previously listed by them, is dropped from their
25 listings. A lodging marketplace, as defined in Section 12-36-72, shall not be subject to this requirement.

26 (D) When any business is subject to the sales tax on accommodations and the business has more than
27 one place of business in the State, the licensee shall report separately in his sales tax return the total
28 gross proceeds derived from business done within and without the corporate limits of municipalities.
29 A taxpayer who owns or manages rental units in more than one county or municipality shall report
30 separately in his sales tax return the total gross proceeds from business done in each county or
31 municipality.

32 (E) The taxes imposed by this section are imposed on every person engaged or continuing within
33 this State in the business of furnishing accommodations to transients for consideration or acting as a
34 lodging marketplace, as defined in Section 12-36-72.

35 (F) The Department of Revenue shall annually publish the applicable tax rate, fees or surcharges
36 imposed on accommodations by any state or local governing body, including, but not limited to, the

1 taxes, fees, or surcharges imposed pursuant to Chapters 10 and 37 of Title 4, Chapter 1 of Title 6, and
2 Chapter 7 of Title 5. If a local governing body enacts a new tax, fee, or surcharge or increases the rate
3 of an existing tax, fee, or surcharge, the Department of Revenue shall notify accommodations
4 intermediaries of the new tax, fee, or surcharge at least sixty days prior to the enforcement of subsection
5 (G).

6 (G) Subject to the restrictions in subsection (F), when a lodging marketplace, as defined in 12-36-72,
7 facilitates the rental of an accommodation subject to the tax imposed by this section, the lodging
8 marketplace shall be solely responsible for collecting and remitting the tax. Subject to applicable laws,
9 the uniform provisions for the collection and enforcement of taxes assessed by the Department of
10 Revenue pursuant to Chapter 54 of Title 12 shall apply to a lodging marketplace.

11
12 SECTION 12. Section 12-36-922 of the S.C. Code is repealed.

13
14 SECTION 13. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of
15 this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the
16 constitutionality or validity of the remaining portions of this act, the General Assembly hereby
17 declaring that it would have passed this act, and each and every section, subsection, paragraph,
18 subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more
19 other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof
20 may be declared to be unconstitutional, invalid, or otherwise ineffective.

21
22 SECTION 14. This act takes effect upon approval by the Governor.

23 -----XX-----



Project Update

Prepared by:	Aric Jensen, AICP	Title:	Assistant County Administrator
Department:	Administration	Division:	
Date Prepared:	February 16, 2024	Meeting Date:	February 27, 2024
Approved for Consideration:	County Administrator	Leonardo Brown, MBA, CPM	
Committee:	Development & Services		
Agenda Item/Council Motion:	Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [Malinowski (Pugh; Newton), 03 January 2023]		

EXECUTIVE SUMMARY (NARRATIVE STATUS):

Staff submitted a Request for Proposals (RFP) for professional services to prepare an analysis of the current conditions and potential options to Procurement in October 2023. Procurement received two responsive submissions which were evaluated by a panel of employees appointed by the County Administrator. The highest ranked vendor was selected.

Procurement has issued the “Notice to Intent to Award,” and following successful negotiations and contract award, the vendor can begin its study. Staff is hopeful it is on schedule to present preliminary findings to the Committee at its April 2024 meeting.

As a reminder, the initial analysis suggests there are limited opportunities for impact fee collections in Richland County because such fees in South Carolina must fund new facilities for school districts, recreation districts, and utilities, and cannot be used for ongoing operations. The purpose of the study is to determine what opportunities exist and to provide the Council enough information to determine if it wants to create an impact fee ordinance and program.

KEY ACCOMPLISHMENTS/MILESTONES:

November 21, 2023	RFP submitted to Procurement
December 5, 2023	RFP issued
January 9-31, 2024	Submissions evaluated and ranked
February 1, 2024	Administration notified of results
February 6, 2024	Notice of Intent to Award issued, protest period starts
February 20, 2024	Agreement negotiated with awardee, pending Legal review
April 2024	Presentation to Committee

PENDING ACTIONS/DELIVERABLES AND ANTICIPATED COMPLETION DATES:

March/April 2024	Presentation to Committee
April/May 2024	Council Work Session
May/June 2024	Council Action/Motion