

## SOUTH CAROLINA HOMEOWNERS ASSOCIATION ACT

1. Homeowners must disclose whether property is subject to governance of a homeowners association
2. **Must record governing documents**
  - a. Master deed, declaration, or bylaws, and any amendments
  - b. To remain enforceable must be recorded by January 10<sup>th</sup> of year following
  - c. Bylaws don't require witnesses or acknowledgments like other recorded documents
3. **Must record rules and regulations**
  - a. What is included?
    - i. Handbooks, architectural guidelines, policies, etc.
  - b. Effective upon adoption
  - c. To remain enforceable must be recorded by January 10<sup>th</sup> of year following
  - d. Does not require witnesses or acknowledgments like other recorded documents
  - e. Must be made accessible unless:
    - i. Posted in a conspicuous place in common area or
    - ii. Available for download on website maintained by the HOA
4. Budget increase procedures for HOAs not incorporated under the SC Nonprofit Act
  - a. At least 48-hour notice before the HOA can increase the budget
  - b. Notice must be:
    - i. Posted in a conspicuous place in a common area, or
    - ii. On a website maintained by the HOA, or
    - iii. By email, or
    - iv. By "methods provided in the association's bylaws that ensure actual notice."
5. Any HOA not incorporated under the SC Nonprofit Act are still subject to that Act's rules about inspecting and copying annual budget and membership lists
6. HOA monetary disputes of up to \$7,500 may be decided by the Magistrate Courts
7. The Department of Consumer Affairs, with regard to HOAs & homeowners:
  - a. May receive complaints for reporting and informational purposes
  - b. Maintain website
  - c. Produce educational materials
  - d. Not promulgating regulations or issuing guidance or serving as arbiter in disputes