



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*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.*

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**Bill Number:** H. 4158    Introduced on March 15, 2023  
**Author:** Pendarvis  
**Subject:** Domestic Violence in Rental Properties  
**Requestor:** House Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** April 19, 2023

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### **Fiscal Impact Summary**

This bill allows a victim of domestic violence to terminate a rental agreement within sixty days of the documented incident without being held liable for early termination penalties or fees.

Judicial reports that the bill may result in an increase in magistrate court civil caseloads for actions brought by a tenant against a non-compliant landlord due to this bill. However, Judicial will use existing staff and appropriations to manage any such increase. Therefore, the bill will have no expenditure for Judicial.

This bill may increase magistrate court civil caseloads, in that it allows a rental applicant to bring a case against a non-compliant landlord. Court fines and fees are distributed to the General Fund, Other Funds, and local governments. As such, this bill may increase General Fund, Other Funds, and local revenue due to the potential increase in court fees. However, as the total amount of court fees that may be collected in a given year is unknown, the impact on the General Fund, Other Funds, and local revenue is undetermined.

### **Explanation of Fiscal Impact**

#### **Introduced on March 15, 2023**

#### **State Expenditure**

This bill enables a residential tenant who is victim of domestic violence, dating violence, sexual assault, stalking, or other criminal sexual assault to terminate his or her rental agreement. The victim will not be held liable for penalties or fees imposed for early termination under certain circumstances. A tenant who is a victim must provide the landlord with written notice of the intent to terminate obligations under the rental agreement within sixty days of the incident. Cotenants will remain responsible for the rent for the balance of the term of the rental agreement, provided they are not perpetrators of the violence. When any perpetrator remains as the sole tenant of a rental property, the landlord may terminate the rental agreement and collect actual damages from the perpetrator.

The bill also prohibits a landlord from requiring or forcing a domestic violent victim to vacate the residence before the expiration of the sixty days allowed for by this bill but may enter into an alternate rental agreement with the victim. In addition, the bill prohibits a landlord from taking

retaliatory action against the victim in response to the early termination of the tenant's obligations under a rental agreement. A landlord is entitled to all remedies available when there is destruction or damage of the rental unit caused or permitted by the tenant. A landlord must also consider evidence of an applicant's status as a victim of domestic violence to alleviate any adverse effect of an otherwise qualified applicant's low credit score. A rental applicant may corroborate his or her status as a victim by providing the landlord with appropriate proof. In the instance that a landlord fails to comply with this section, an applicant may recover actual damages and attorney fees.

This bill may increase magistrate court civil caseloads for newly created actions brought by a rental applicant against a non-compliant landlord. Judicial intends to use existing staff and appropriations to manage any increase in caseloads. Therefore, the bill will have no expenditure for Judicial.

### **State Revenue**

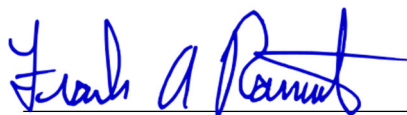
This bill may increase magistrate court civil caseloads, and thereby, increase court fines and fees. Court fines and fees are distributed to the General Fund, Other Funds, and local governments. As such, this bill may increase General Fund and Other Funds revenue due to the potential increase in court fees. However, as the increase of court fees collected is unknown, the impact on the General Fund and Other Funds revenue is undetermined.

### **Local Expenditure**

N/A

### **Local Revenue**

This bill may increase magistrate court civil caseloads, and thereby, court fines and fees. Court fines and fees are distributed to the General Fund, Other Funds, and local governments. As such, this bill has the potential to increase local revenue due to the potential increase in court fees. However, as the total increase in court fees is unknown, the impact on local revenue is undetermined.



Frank A. Rainwater, Executive Director