

SC HOA & Condo Quick Reference

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A board member's plain-English cheat sheet. Condos (horizontal property regimes): Horizontal Property Act (S.C. Code Ch. 31). Subdivision HOAs: recorded declaration plus, if incorporated, the Nonprofit Corporation Act. The 2018 Homeowners Association Act is a recording-and-documents overlay, not a full planned-community code.

Recording, budget notice, documents

HOA §27-30-130

Governing documents (declaration, master deed, bylaws, amendments) must be recorded in the county to be enforceable. Rules are effective on adoption but must be recorded by January 10 of the following year to stay enforceable, and they must be accessible to members (posting, website download, email, or another method that actually reaches people).

HOA §27-30-140

Before increasing the annual budget in any single year, give homeowners at least 48 hours' notice of the meeting. This clock does not apply to an association incorporated under the Nonprofit Corporation Act — most incorporated HOAs follow Title 33 Ch. 31 notice instead.

HOA §27-30-150

Unincorporated associations still get the Nonprofit Act inspection rights (33-31-1602 through 1605) for the annual budget and the membership list. Incorporated associations already have those rights.

NP §33-31-1602

Member inspection: five business days' written notice. Articles, bylaws, and the three-year member-communication set: no reason required. Accounting records and the membership list need a good-faith proper purpose described with reasonable particularity.

Condo (Horizontal Property Act)

HPA §27-31-160

Bylaws must say how co-owners are called to assemble and that a majority of at least 51 percent of basic value is required to adopt decisions. Changing the system of administration takes co-owners representing two-thirds of total value, recorded the same way as the original bylaws.

HPA §27-31-180

Keep a chronological book of receipts and expenditures. The book and the vouchers behind the entries must be available to all co-owners at convenient hours on working days that are set and announced.

HPA §27-31-210

Unpaid common-expense assessments are a lien, junior only to tax liens and recorded mortgages. Foreclose it like a mortgage. A mortgagee who takes title at foreclosure is not liable for assessments that accrued after that mortgage was recorded and before it took title. There is no Florida-style six-month super-lien.

HPA §27-31-250

Damaged insured property must be repaired unless repair is illegal or 80 percent of the co-owners vote not to rebuild (bylaws may require more than 80 percent, not less).

Meetings, and what DCA does not do

NP §33-31-701

Incorporated associations must hold an annual members' meeting. Notice is fair and reasonable if it is given 10 to 60 days before the meeting (§33-31-704).

NP §33-31-822

Special board meetings: at least two days' notice of date, time, and place. Board quorum defaults to a majority of directors in office, and cannot be set lower than the greater of one-third or two directors (§33-31-824).

HOA §27-30-340

The Department of Consumer Affairs takes owner and association complaints, forwards them, and publishes a redacted annual report. It may not write regulations on association governance and may not serve as an arbiter. There is still no public roster of South Carolina associations.

HOA §27-30-170

Nothing in the Homeowners Association Act may be read to conflict with the Nonprofit Corporation Act. When the association is incorporated, Title 33 Ch. 31 wins the conflict.

Meeting notice & deadlines

Budget increase (unincorporated)

At least 48 hours before the meeting that raises the annual budget (§27-30-140). Does not apply if you are incorporated under Title 33 Ch. 31.

Member meeting (incorporated)

Annual meeting required. Notice 10 to 60 days (§33-31-701, §33-31-704).

Condo decisions

Bylaws must require at least 51 percent of basic value to adopt decisions (§27-31-160).

Rules remaining enforceable

Record adopted rules by January 10 of the following year (§27-30-130).

Special board meeting

At least two days' notice of date, time, and place (§33-31-822).

Official records

Condo books

Chronological receipts and expenditures, with vouchers, at convenient announced working-day hours (§27-31-180).

Nonprofit inspect

Five business days' written notice (§33-31-1602). Accounting records and the membership list need a proper purpose.

Resale statement

Condo council must issue a statement of amounts due on request; the buyer's liability is limited to that statement (§27-31-220).

DCA

Complaint intake and an annual redacted report. Not a registry. Not an arbiter (§27-30-340).

Quorum & voting

Condo (HPA)

Majority of co-owners = 51% or more of basic value (§27-31-20, §27-31-160)

Two-thirds of total value to change the system of administration, then record it

80% vote required not to rebuild after a casualty (§27-31-250)

Chronological books open on announced working days (§27-31-180)

HOA (declaration + Nonprofit Act)

Member quorum default 10% unless instruments say otherwise (§33-31-722)

Board quorum: majority of directors in office; cannot go below one-third or two (§33-31-824)

Annual members' meeting required if incorporated (§33-31-701)

48-hour budget-increase clock only if you are not incorporated (§27-30-140)