

# City of Forest Acres

5205 North Trenholm Road FOREST ACRES, SC 29206-4807 Phone 803/782-9475

Frank J. Brunson  
Mayor

Council  
Ginger P. Dukes  
Charles W. Fetner  
Curtis L. Rye, Jr.  
W. Shell Suber, Jr.

C. Lee Holloway, Jr.  
City Attorney



## **STATE LAW REQUIREMENTS FOR OWNER/BUILDER EXEMPTION**

### Section 40-59-260 of South Carolina State Statute

1. The owner does the work him/herself, with his own employees, or with licensed contractors or registered entities or individuals.
2. The structure, group of structures, or appurtenances, including the improvements, are intended for the owner's sole occupancy or occupancy by the owner's family and are not intended for sale or rent.
3. The general public does not have access to this structure. In an action brought under the law, proof of sale or rent or the offering for sale or rent of the structure by the owner-builder within 2 years after completion or issuance of a certificate of occupancy is prima facie evidence that the project was undertaken for the purpose of sale or rent, unless otherwise approved by the SC Residential Builder's Commission, and is subject to severe penalties enforceable by the State of South Carolina Department of Labor Licensing and Regulation. "Sale" or "Rent" includes an arrangement by which owner receives compensation in money, provisions, chattel, or labor from the occupancy, or the transfer of the property or the structures on the property. This section does not exempt a person that is employed by the owner and who acts in the capacity of a builder or a specialty contractor from complying with local municipal or county ordinances regarding the registering of personal business entities.
4. All Electrical, Plumbing, and Mechanical work require separate permits to be filed and recorded with the City of Forest Acres. Only those persons properly licensed as "master" by the State of South Carolina may apply and receive their respective permits.
5. If a residential building or structure has been constructed or substantially improved by an owner, the owner must file as a matter of public record a notice with the registrar of deeds, indexed under the owner's name in the grantor's index, stating that the residential building or structure was constructed by the owner as an unlicensed builder. Failure to do so revokes this permit and the statutory exemption under state law.
6. Nothing in this statement of disclosure may be construed to authorize an owner of a residential building or structure to hire a person or entity that is not licensed and registered in accordance with local and state laws.