



5209 North Trenholm Road  
Forest Acres SC 29206  
803.782.9475



Frank J Brunson

Ginger P Dukes  
Curtis L Rye Jr.  
W Shell Suber Jr.  
Roy A Powell

C Lee Holloway Jr.

Mark M Williams

## 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. 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 exemption under state law.**
- 5. 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.**



1212 North Franklin Road  
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## DISCLOSURE STATEMENT

**State law requires residential construction to be done by licensed residential builders and specialty contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner to your property, to act as your own builder even though you do not have a license. You must supervise the construction yourself. You may build or improve a one-family or two-family residence. The building must be for your own use and occupancy. It may not be built for sale or rent. If you sale or rent a building you have built or renovated within two years after the construction is complete, the law will presume that you built it for sale or rent, which is a violation of this exemption. You may not hire an unlicensed person as your residential builder or specialty contractor. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.**

**I have read and understand the above statement of disclosure and the preceding owner/builder requirement conditions and do hereby agree to the terms set forth in this conditional exemption from South Carolina State statute.**

**SIGNED:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**DATE:** \_\_\_\_\_