



**SOUTH CAROLINA
ASSOCIATION OF COUNTIES**

Johnnie Wright Sr., President
Orangeburg County

Timothy C. Winslow
Executive Director

June 29, 2021

REGULATION AND CASE LAW UPDATE

To: Chief Administrative Officer; County Attorney
From: SCAC Legal Staff

SCAC legal staff compiles a monthly update of agency regulations and appellate court opinions impacting county government operations. CAOs/Attorneys are encouraged to forward this update to impacted county departments.

REGULATIONS

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
NOTICE OF GENERAL PUBLIC INTEREST
NOTICE OF PUBLIC HEARING**

The South Carolina Department of Labor, Licensing and Regulation and the Building Codes Council do hereby give notice under Section 6-9-40(A)(3) and (4), of the South Carolina Code of Laws, as amended, that a public hearing will be held on **July 27, 2021**, at the South Carolina Fire Academy in the Denny Auditorium, 141 Monticello Trail, Columbia, SC 29203, at **10:30 A.M.**, at which time interested persons will be given the opportunity to appear and present views to the Council's appointed Study Committee on the following building codes for use in the State of South Carolina. Mandatory codes include the:

2021 Edition of the International Building Code;
2021 Edition of the International Residential Code;
2021 Edition of the International Fire Code;
2021 Edition of the International Plumbing Code;
2021 Edition of the International Mechanical Code;
2021 Edition of the International Fuel Gas Code;
2020 Edition of the National Electrical Code.

Additional meetings, if needed, will be held **August 19, 2021**, and **September 28, 2021**, at the South Carolina Fire Academy in the Denny Auditorium, 141 Monticello Trail, Columbia, SC 29203, at 10:30 A.M.

Any person who wishes to appear before or provide evidence or comments to the committee, or both, must submit a written notice of his or her intention to appear before the Study Committee to: Molly F. Price, Administrator of the Building Codes Council, at the physical address stated below, or to the email address also provided below, **by or before Friday, July 23, 2021, at 5:00 p.m.**

Molly F. Price
S.C. Building Codes Council
SC Department of Labor, Licensing and Regulation
PO Box 11329 Columbia, SC 29211-1329
Molly.Price@llr.sc.gov

If any person chooses not to attend the hearing but wishes to submit evidence or comments for the Committee's consideration, the evidence or comments should be sent to the same addresses provided above by or before **Friday, July 23, 2021, at 5:00 p.m.**

COURT UPDATE

South Carolina Court of Appeals

Charleston Development Co., LLC. et al. v. Younesse Alami, et al., Appellate Case No. 2018-001766. June 23, 2021

Areas of Law: Zoning, Standing, Adjacent/Neighboring property owner.

In this zoning appeal owners of licensed rental properties filed an injunctive action against numerous unlicensed short-term rental property owners alleging violations of the City of Charleston's short-term rental ordinance. The ordinance only allowed short-term rentals by license in certain areas of the city. The Plaintiffs claimed that owners of unlicensed short-term rentals damaged the value of the Plaintiffs' lawful business, as well as displacing residents and driving up the cost of housing in the city. The circuit court found that among other defects the Plaintiffs lacked standing to sue under the zoning ordinance because they did not allege special damages and that none of the Plaintiffs were adjacent or neighboring property owners.

The Court of Appeals held that the city's zoning ordinance, pursuant to provisions of the S.C. *Local Government Comprehensive Land Use Planning Act* (SC Code Section 6-29-950), required that actions for injunctions for violations of a zoning ordinance had to be filed by "an adjacent or neighboring property owner" that were specially damaged by the violation. The court found that the Plaintiffs' witnesses failed to provide evidence that the Plaintiffs were specially damaged, meaning damages that were particular to the Plaintiffs and greater than the general public. There was no evidence that the Plaintiffs suffered any damage beyond those potentially suffered by other property owners, or the hospitality industry generally. In addition, the Plaintiffs' own

evidence showed that none of the Plaintiff properties were directly adjacent to, or within 100 yards of any of the Defendants' properties. Both the lower and appellate courts rejected the Plaintiffs' argument that the term neighboring property should be broadly read to encompass most of the historic downtown area.

The full opinion can be found here: <https://www.sccourts.org/opinions/HTMLFiles/COA/5826.pdf>