Qualifications for special assessment ratio, apportionment of special assessment ratio

SECTION 3. A. Section 12-43-220(c)(2)(ii) of the 1976 Code, as last amended by Act 76 of 2009, is further amended to read:

"(ii) This item does not apply unless the owner of the property or the owner's agent applies for the four percent assessment ratio before the first penalty date for the payment of taxes for the tax year for which the owner first claims eligibility for this assessment ratio. In the application the owner or his agent shall provide all information required in the application, and shall certify to the following statement:

'Under penalty of perjury I certify that:

(A) the residence which is the subject of this application is my legal residence and where I am domiciled at the time of this application and that neither I, nor any member of my household, claim to be a legal resident of a jurisdiction other than South Carolina for any purpose; and

(B) that neither I, nor a member of my household, claim the special assessment ratio allowed by this section on another residence.'"

B. Section 12-43-220(c) of the 1976 Code, as last amended by Act 76 of 2009, is further amended by adding a subitem at the end to read:

"(8)(i) For ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, when the individual claiming the special four percent assessment ratio allowed by this item has an ownership interest in the residence that is less than fifty percent ownership in fee simple, then the value of the residence allowed the special four percent assessment ratio is a percentage of that value equal to the individual's ownership interest in the residence, but not less than the amount provided pursuant to subitem (4) of this item. This subitem (8) does not apply in the case of a residence otherwise eligible for the special four percent assessment ratio when occupied jointly by a married couple or which remains occupied by a spouse legally separated from a spouse who has abandoned the residence. If the special four percent assessment ratio allowed by this item applies to only a fraction of the value of residence, then the exemption allowed pursuant to Section 12-37-220(B)(47) applies only to value attributable to the taxpayer's ownership interest.

(ii) Notwithstanding subitem (i), for ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, an applicant may qualify for the four percent assessment ratio on the entire value of the property if the applicant:

(A) owns at least a twenty-five percent interest in the subject property with immediate family members;

(B) is not a member of a household currently receiving the four percent assessment ratio on another property; and

(C) otherwise qualifies for the four percent assessment ratio.

For purposes of this subitem, 'immediate family member' means a parent, child, or sibling."

Transfers between family members

SECTION 4. Section 12-37-3150(B) of the 1976 Code, as last amended by Act 275 of 2010, is further amended by adding an appropriately numbered item at the end to read:

"( ) a transfer of a fractional interest between family members for zero monetary consideration, or a de minimis monetary consideration, whereby both the grantor and the grantee owned an interest in the property prior to the transfer. For purposes of this item, a family member includes a spouse, parent, brother, sister, child, grandparent, or grandchild."

Time effective

SECTION 5. This act takes effect upon approval by the Governor and applies to property tax years beginning after 2011.

Ratified the 23rd day of May, 2012.

Approved the 25th day of May, 2012.

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5/16/2012  Senate  Read third time and returned to House with amendments
                     (Senate Journal-page 14)
   5/22/2012  House   Concurred in Senate amendment and enrolled
                     (House Journal-page 18)
   5/22/2012  House   Roll call Yeas-98  Nays-0 (House Journal-page 18)
   5/23/2012          Ratified R 207
   5/25/2012          Signed By Governor
   5/31/2012          Effective date See Act for Effective Date
    6/1/2012          Act No. 179
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