



SCREC News

NEWS AND UPDATES FROM THE SOUTH CAROLINA REAL ESTATE COMMISSION

2026 Legislative Updates

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Do you use drones for your business? Check this article for guidance.

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New laws are in effect regarding unauthorized occupants.



Board Executive's Message

This year's legislative session concluded with the passage of several key bills that impacts real estate in our state and you as a licensee. The South Carolina Real Estate Commission is committed to protecting the public's interests in real estate transactions, and this commitment includes keeping licensees informed on important changes. Please take a moment to review a brief summary of these seven legislative actions, and click on the hyperlink of each to read the full text.

■ *Erica Wade, Board Executive*



Key Enacted Legislation

To review a brief summary of legislative actions, click on the hyperlink below.

Bill/Doc	Description	Effective Date
H.5111	Public water systems connection	May 15, 2026
H.3569	Rental agreement termination	May 18, 2026
H.5113	Manufactured home nonconforming use	May 19, 2026
H.428	Expungement of multiple convictions for fraudulent checks	June 25, 2026
H.3387	Ejectment of Unlawful Occupants	June 30, 2026
H.4679	SC Drone Regulation and Public Safety Act	January 1, 2027
H.4270	Removal of public records	January 1, 2027
#5347	SCREC Regulations Document	May 22, 2026

Special Bulletin

Flying Drones

Are you a real estate agent or property manager in South Carolina that uses drones for your business, such as to showcase property boundaries, neighborhood amenities, and scenic features?

The South Carolina Drone Regulation and Public Safety Act ([S.4679](#)) was passed in May of this year, and takes effect on January 1, 2027. This act requires any person operating a drone to comply with FAA regulations and other applicable federal aviation requirements.

Some FAA regulations include:

- ▶ Registering drones when required;
- ▶ Operating under applicable FAA UAS regulations;
- ▶ Successfully passing the FAA Recreational UAS Safety Test (TRUST) for hobbyist operations when required; and
- ▶ Adhering to airspace restrictions including temporary flight restrictions and obtaining necessary FAA authorizations or other approvals before operations in controlled airspace.

It is against the law to intentionally or knowingly operate, take off, or land a drone:

- ▶ Above or within any controlled airspace designated by the FAA unless the operation is conducted in compliance with all applicable FAA authorization requirements;
- ▶ Above or within 1,500 feet from the outermost boundary of any federal, state, county, or municipal correctional or detention facility or any military installation unless given express permission to do so in writing by the facility;
- ▶ With intent to transport or attempt to deliver contraband into any federal, state, country, or other municipal correctional or detention facility;
- ▶ With intent to surveil, photograph, map, monitor, or otherwise collect visual, photographic, video, geospatial, thermal, or other sensory information regarding a military installation or a correctional or detention facility;
- ▶ With intent to Weaponize the drone or threaten, harm, or attempt to harm another person or property;
- ▶ That is required to be registered with the FAA, but that has not been registered; and that is not in compliance with the requirements of S.C. Code §55-1-210(A) and:
 - Fails to display the required FAA registration number on the drone, if required;
 - Knowingly provides false or misleading registration information to the FAA; and
 - Knowingly operates an unregistered drone for commercial purposes or in controlled airspace without proper authorization.

Commercial drone operator: *any person operating, landing, or taking off a drone for business purposes in compliance with FAA regulations including, but not limited to, 14 CFR Part 107, or any successor statute or regulation.*

Drone or “unmanned aircraft system (UAS)”: *any aircraft defined by the Federal Aviation Administration (FAA) regulations or any unmanned aerial vehicle (UAV) operated remotely without a pilot onboard.*

Check With Your Local Government

In addition to federal and state requirements, be sure to check the rules of your local government! Municipalities, counties, and other political subdivisions may pass ordinances that impose reasonable additional restrictions on the takeoff, landing, and operation of drones on or above public property within their jurisdictions.

Personal Records

A Clean Slate

Good news! This year, South Carolina passed legislation that gives residents new opportunities to move forward with a clean slate in two important ways.

Expanded Expungement Eligibility

If you or someone you know has multiple misdemeanor convictions for fraudulent checks (this does not apply to felony fraudulent check convictions) that occurred within a three-year period, [H.428](#) now allows for a one-time expungement, provided that:

- ▶ The conviction is 10 or more years old;
- ▶ The defendant receives no other convictions during the 10-year period; and
- ▶ Full restitution has been made on all checks resulting in convictions.

Removal of Eviction Records

Additionally, H.4270, set to take effect January 1, 2027 mandates that eviction filings and records must be removed from the public index and any publicly accessible files seven years after the final disposition or final filing.



Residential Matters

Domestic Violence in Rentals

When domestic violence occurs in a rental property, [H.3569](#), signed into law in May 2026, states that a protected tenant may terminate the rental agreement early without liability for any penalties or fees that might otherwise have been imposed for early termination. However, a protected tenant may still be liable for any damage caused prior to the termination, and if a security deposit is owed, it is not required to be returned until the end of the lease.

To terminate a residential lease in this case:

- ▶ The protected tenant must provide the landlord with written notice within 60 days after a documented qualifying incident;
- ▶ The written notice must include documentation of the qualifying incident such as a copy of the restraining order, the order of protection, or documentation showing the conviction for domestic violence or abuse;
- ▶ The effective termination date must be at least 30 days after the landlord's receipt of the notice, unless the landlord consents in writing to an earlier date;
- ▶ If there are other tenants, they are still responsible for the balance of the lease;
- ▶ If the perpetrator is the sole remaining tenant, the landlord may terminate the rental agreement with 5 days written notice and may collect actual damages for such termination against the perpetrator.

Protected tenants: victims of domestic abuse or violence where both the victim and the perpetrator are leaseholders on the same property and the domestic abuse or violence is documented by a restraining order or an order of protection or the perpetrator has been convicted of the domestic violence or abuse.

Manufactured Home Replacements

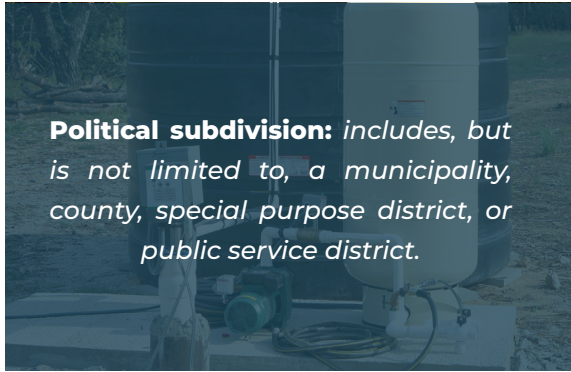
As of May 19, 2026, [H.5113](#) allows owners of older manufactured homes to replace them with a newer model (no older than five years) under the same regulations, restrictions, and conditions of the previous home within the community or other residential land on which it existed. Local governments cannot add new zoning restrictions or special conditions on the new home or its property that were not in effect for the previous home unless:

- ▶ required by federal, state, or local laws or regulations for ALL dwelling types;
- ▶ the replacement is in a designated flood zone and fails to meet current federal and local flood elevation standards and building codes;
- ▶ necessary for the safety of life or property;
- ▶ the nonconforming use has been discontinued for a period of at least 12 months, as established by ordinance, unless the discontinuance is caused by circumstances outside the control of the property owner;
- ▶ the replacement home would result in a change from use as a single-family dwelling to another type of dwelling;
- ▶ the replacement home results in an obstruction to a shared driveway or sidewalk, unless the property owner makes modifications to overcome the obstruction;
- ▶ the owner of the real property where the manufactured home is located does not consent to the replacement home.

Manufactured home: a structure, not including a modular home, designed for temporary or permanent habitation and constructed to permit its transport on wheels, temporarily or permanently attached to its frame, from its place of construction or sale to a location where it is intended to be installed. The term includes a "manufactured home" as defined in 42 U.S.C. Section 5402(6) as amended

Water Wells on Private Property

H.5111 protects the use of private water wells on a minimum half-acre single-family residential property or agricultural property (e.g., farming, raising livestock, growing crops). Political subdivisions cannot unreasonably restrict the installation and use of these wells, but keep in mind the following:



- ▶ Property owners utilizing a well while connected to a water system must install necessary backflow prevention devices inspected and approved by the water provider, or pay the inspection costs for a third-party;
- ▶ If water service is available from a political subdivision at the time of well installation, the property owner is subject to any base charges, fees, or assessments regardless of the amount of water consumed from the water system.
- ▶ Property owners must register the well with political subdivisions operating a water system;
- ▶ Political subdivisions cannot require connection to a water system if the system is unable to provide service to that property.

Unauthorized Occupants

H.3387 was amended to include an expedited process for the removal of unauthorized occupants of a residential property, and new criminal penalties for those individuals.

Process for the Removal of Unauthorized Occupants

- ▶ Property owners, or a representative (in cases of probate proceedings), must obtain an order of removal/protection by the Court by filing a verified complaint with the Clerk of Court or Chief Magistrate of the County in which the property is located.
- ▶ Once an order has been issued, authorized enforcement officials will remove the unlawful occupants from the property and may, if appropriate, arrest any persons found in the dwelling for trespass, outstanding warrants, and any other legal cause.
- ▶ The property owner or representative may request the authorized enforcement official stand by to keep the peace while the locks are changed and/or personal property is removed from the premises and the authorized enforcement official may charge a reasonable hourly rate for that service.

Penalties for Unauthorized Occupancy

- ▶ Violation of an order of removal/protection: **felony punishable by imprisonment for up to 3 years and/or fined up to \$3,000.**
- ▶ Detaining, occupying, or trespassing upon a residential dwelling causing intentional damage of \$1,000 or more: **felony punishable of imprisonment for up to 5 years and/or fined.**
- ▶ Listing or advertising residential property for sale knowing the purported seller has no legal title or authority to sell the property, or renting or leasing a residential property knowing the lessor has no lawful ownership or leasehold interest in the property: **misdemeanor punishable by imprisonment for up to 30 days and/or fined up to \$1,000.**
- ▶ Intentionally detaining or remaining on property, and knowingly and willfully presenting a false lease agreement, deed, or other instrument conveying real property rights: **misdemeanor punishable by imprisonment for up to one year and/or fined.**





About the Commission

The Real Estate Commission regulates real estate brokers, associates, and property managers. The Commission also administers the registration of timeshare projects and out-of-state subdivided land sales being marketed in South Carolina.

SC LLR can assist you with examination information and materials, continuing education requirements and opportunities, licensure applications and renewals, Commission information, and more.

[COMMISSION HOME PAGE](#)

COMMISSION GUIDANCE

→ [Abandoned \(Not Disputed\) Trust Funds](#)

→ [Confirmation of Delivery of Trust Funds](#)

→ [Limited-Service Brokerage Practices](#)

→ [Read all REC Guidance Here!](#)

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