COMMUNITY DEVELOPMENT COMMITTEE AGENDA

A meeting of the Community Development Committee will be held at 3:00 p.m., Thursday, April 21, 2022 at 80 Broad Street, City Hall Council Chamber and via Conference Call at 1-929-205-6099, Access Code: 759694505. The agenda will be as follows:

• Invocation

a. **Public Participation**

   *Any person who speaks at a Community Development meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and is asked to observe Section 2-28 (a) of the Code of the City of Charleston, Rules of Decorum. Violation of the Rules of Decorum may result in the forfeiture of audience before the Committee and/or removal from the meeting.*

   Citizens may request to speak in person at the meeting or can participate virtually by telephone or leave comments for the Committee by completing the form at [http://innovate.charleston-sc.gov/comments/](http://innovate.charleston-sc.gov/comments/). If requesting to speak by telephone, please provide your name and telephone number. Requests to speak at the meeting and comments must be received by 12:00 p.m., Wednesday, April 20th.

b. **Approval of Minutes**

   1. January 20, 2022

c. **New Business:**

   1. Update on Homelessness Strategy (electronic presentation)
   2. Review of the Affordable Housing Dashboard (electronic presentation)
   3. Certification of Abandoned Building Site at 11.5 St. Philip Street
   4. Requests for additional TIF funding – Lowline Housing, LP
   5. Discussion: Amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) Article 2-Land Use Regulations, Part 15-Workforce Housing Districts and Opportunity Zones: And Article 3-Site Regulations, Part 4-Off Street Parking Requirements: Small Efficiency Dwelling Unit (Micro-Unit)
   6. Ordinance to repeal and replace Chapter 16: Human Relations; Article II: Fair Housing Practices of the City of Charleston Code of Ordinances (Requested by Councilmember William Dudley Gregorie)
d. **Old Business**

1. To Amend Part 4 (Accessory Uses) of Article 2 (Land Use Regulations) of the Zoning Ordinance of the City of Charleston, by Modifying Section 54-214 (Accessory Dwelling Unit) Thereof to Clarify that the Affordability Requirements for Accessory Dwelling Units is limited to those receiving subsidy and to clarify the existing procedures and requirements for approval of accessory dwelling units.

**Miscellaneous Business**

**Adjourn**

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.
# South Carolina Abandoned Buildings Revitalization Act

**Application**

<table>
<thead>
<tr>
<th>Property Address: 11.5 St Philip Street</th>
<th>TMS Number: 4570403112</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applying for:</td>
<td></td>
</tr>
<tr>
<td>☐ Real Property Tax</td>
<td>☐ Income and Other Tax Credits</td>
</tr>
</tbody>
</table>

**Applicant Information: 85 and 87 Wentworth LLC**

<table>
<thead>
<tr>
<th>Name:</th>
<th>c/o: Robert B. Lewis</th>
<th>Daytime Phone:</th>
<th>803 978-2838</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>P.O. Box 11803</td>
<td>Email:</td>
<td><a href="mailto:rlewis@rogerslewis.com">rlewis@rogerslewis.com</a></td>
</tr>
<tr>
<td>City:</td>
<td>Columbia</td>
<td>State:</td>
<td>S.C.</td>
</tr>
<tr>
<td>Zip:</td>
<td>29211</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Owner Information (if different from Applicant):**

<table>
<thead>
<tr>
<th>Property Owner:</th>
<th>85 and 87 Wentworth</th>
<th>Daytime Phone:</th>
<th>607 227-8070</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>124 Spring Street</td>
<td>Email:</td>
<td><a href="mailto:colin@ckcpropertiesllc.com">colin@ckcpropertiesllc.com</a></td>
</tr>
<tr>
<td>City:</td>
<td>Charleston</td>
<td>State:</td>
<td>S.C.</td>
</tr>
<tr>
<td>Zip:</td>
<td>29403</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Rehabilitation Information:**

<table>
<thead>
<tr>
<th>Date Property was acquired:</th>
<th>December 2, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property acreage:</td>
<td>.08 acres (3521 S.F.)</td>
</tr>
<tr>
<td>Estimated Rehabilitation Cost:</td>
<td>$1,750,000</td>
</tr>
<tr>
<td>Number of building(s) on property that will be renovated:</td>
<td>1</td>
</tr>
</tbody>
</table>

What has the property been used for during the last 5 years? The property has been vacant for the past 5 years.

Current combined sq. footage of building(s): **3920** original square footage of buildings

Planned % increase in combined sq. footage of building(s): **5381** new square footage (37.5% increase)

Will the property be used to produce income? | Yes [ ] | No [ ]

Will there be new construction on the property? | Yes [ ] | No [ ]
Rehabilitation Information (continued):

Will the property be used for a charter school, private or parochial school, or other similar educational institution?  
Yes ☐  No ☐

Will the property be used for a single-family residence?  
Yes ☐  No ☐

Is the property on the National Register of Historic Places?  
Yes ☐  No ☐

Is the property restricted by any covenant that is contrary to, or conflicts with, or prohibits the proposed land use encompassed in this application?  
Yes ☐  No ☐

Checklist of documents to include with this form for Real Property Tax Credit OR Income & Other Tax Credits:

- Title to property.  
- Site plan, map or plat of property indicating which building(s) will be renovated.  
- Affidavit from neighbor or past property owner that at least 66% of space in building(s) has been continuously closed or nonoperational for income producing purposes for at least 5 years.  
- Affidavit from neighbor or past property owner that the preceding use of the building(s) or structure(s) was not a single-family residence.  
- Affidavit of intent that property will be used for income-producing purposes.

Disclosure and Signature

I (we) hereby make application for a tax credit under the South Carolina Abandoned Buildings Revitalization Act. I (we) have read and examined this application and know the same to be true and correct. I (we) understand that this application is subject to cancellation if any misrepresentations have been made or any changes are made which violate the South Carolina Buildings Revitalization Act requirements. I (we) understand that completing this application does not guarantee approval by Charleston City Council.

Printed Name: Robert B. Lewis  Signature: Robert B. Lewis  Date: 3/15/2022

For City Use Only Below this Point:

City Staff Recommendation:  Approve ☐  Deny ☐

City Council:  Approve ☐  Deny ☐
March 2022

Ms. Krystle Walden
Tax Research Analyst
Abandoned Building Credit Notice
Research and Forms Development
South Carolina Department of Revenue
Columbia, SC 29214-0019

RE: Notice of Intent to Rehabilitate
11.5 Saint Philip Street – Charleston, SC

Dear Sir/Madam,

I am writing on behalf of my client, CKC Properties, LLC (the “Taxpayer”), with respect to the above-noted abandoned building site in Charleston County (the “Building Site”). Pursuant to S.C. Code Sections 12-67-140(B)(1) and 12-67-120(7) and Revenue Ruling 15-7, this letter shall serve as my client’s notice of intent to rehabilitate the Building Site in a manner that qualifies for state income tax credits under the Abandoned Building Revitalization Act of 2013 (the “Act”).

The Taxpayer, or an affiliate thereof, intends to demolish the existing vacant two-story building on the Building Site and replace that building with a newly constructed building which will be a mixed-use commercial and residential rental property. The taxpayer does plan to construct a new building on the Building Site incorporating a portion of the existing building façade into the new construction.

The following specific information regarding the rehabilitation is provided pursuant to S.C. Code Section 12-67-120(7) and South Carolina Revenue Ruling 15-7:

- **Statement of Intent:** The Taxpayer intends to rehabilitate the Building Site in a manner that qualifies for state income tax credits under the Act.

- **Location:** 11.5 Saint Philip Street, Charleston, SC 29403, Charleston County Tax Map No. 460-12-02-064, as more fully shown on the attached hereto as Exhibit A.

- **New construction:** The taxpayer intends to demolish a portion of the original two-story building on the Building Site and construct a new building containing approximately 5381 square feet as part of the rehabilitation of the Building Site. **(See Exhibit B)**

1901 Main Street, Suite 1200, Columbia, SC 29201 • P.O. Box 11803 (29211)
Office: (803) 256-1268 • Fax: (803) 252-3653 • www.rogerslewis.com
• Acreage: The Building Site is substantially all of the land parcel on which the building is located, which is approximately 3,521 square feet or 0.08 acres as shown on the lat attached as Exhibit C.

• Square footage of Existing Buildings: The square footage of the original building on the building site is approximately 3,920 square feet. (See Exhibit D)

• Buildings to be Renovated: The Taxpayer intends to demolish much of the remains of existing two-story building on the Building Site and construct a new building containing approximately 5381 square feet as part of the rehabilitation of the Building Site. The taxpayer intends to incorporate the original front façade as well as other original existing elements from the existing building into the new construction.

• Estimated Rehabilitation Expenses: $1,750,000.

The taxpayer elects to receive the income tax credit in the amount of 25% of actual rehabilitation expenses allowed under S.C. Code Section 12-67-140(A)(1).

Please do not hesitate to contact me if you have any questions or need any additional information.

Sincerely,

ROGERS LEWIS JACKSON MANN & QUINN, LLC

Robert B. Lewis
Attorney at Law

cc: Mr. Colin Colbert
    Mr. Tim Colbert
EXHIBIT A
### Property Information

**Current Owner:**
85 AND 87 WENTWORTH LLC
PO BOX 451
CHARLESTON SC 29402

**Property ID:** 4570403112

**Physical Address:**
11 1/2 SAINT PHILIP ST

**Property Class:**
500 - General Commercial

**Plat Book/Page:**
/ 261169 PA69 77 Wentworth Street

**Deed Acres:**
0.0800

**Legal Description:**
Map Plat B S14 Map Plat P 0208 Subdivision Name CITY OF CHARLESTON

### Sales History

<table>
<thead>
<tr>
<th>Book Page</th>
<th>Page</th>
<th>Date</th>
<th>Grantor</th>
<th>Grantee</th>
<th>Type</th>
<th>Deed</th>
<th>Deed Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>0444</td>
<td>145</td>
<td>12/2/2014</td>
<td>11.5 ST PHILIP STREET PARTNERS LLC</td>
<td>65 AND 87 WENTWORTH LLC</td>
<td>S</td>
<td>Ge</td>
<td>$550,000</td>
</tr>
<tr>
<td>0440</td>
<td>370</td>
<td>11/11/2014</td>
<td>AMERICAN COLLEGE OF THE BUILDING ART</td>
<td>11.5 ST PHILIP STREET PARTNERS LLC</td>
<td>S</td>
<td>Ge</td>
<td>$500,000</td>
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<td>0440</td>
<td>363</td>
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<td>AMERICAN COLLEGE OF THE BUILDING ART</td>
<td>S</td>
<td>Ge</td>
<td>$200,000</td>
</tr>
</tbody>
</table>
Please clear the cache on your browser if you are seeing duplicate bills.

Account Information

Parcel Number
4570403112

Alternate Number
307676

Property Type
Real

Current Owner:
85 AND 87 WENTWORTH LLC
PO BOX 491
CHARLESTON, SC 29402

Owner Information

Physical Address:
11 SAINT PHILIP ST
CHARLESTON SC 29401

Location Information

TAG:
7-1 CITY OF CHARLESTON

Legal Description
MapPlatB S14 MapPlatP 0208 SubdivisionName CITY OF CHARLESTON

Tax Bills

<table>
<thead>
<tr>
<th>PERIOD</th>
<th>DUE DATE</th>
<th>TAX</th>
<th>PENALTY</th>
<th>INTEREST</th>
<th>FEES</th>
<th>TOTAL DUE</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>1/15/2022</td>
<td>$2,657.56</td>
<td>$0.00</td>
<td>$0.00</td>
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<td>2020</td>
<td>1/15/2021</td>
<td>$2,647.79</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$2,647.79</td>
<td>Paid</td>
</tr>
<tr>
<td>2019</td>
<td>1/15/2020</td>
<td>$2,417.30</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$2,417.30</td>
<td>Paid</td>
</tr>
<tr>
<td>2018</td>
<td>1/15/2019</td>
<td>$2,362.41</td>
<td>$354.36</td>
<td>$0.00</td>
<td>$50.00</td>
<td>$2,766.77</td>
<td>Paid</td>
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EXHIBIT B
PRELIMINARY SUBDIVISION PLAT

OF A SUBDIVISION BETWEEN No. 20 BEAUFAIN STREET AND 11-1/2 SAINT PHILIP STREET (TMS: 457-04-03-052), TO CREATE NEW LOT 11-1/2 SAINT PHILIP STREET (0.08 acres), CITY OF CHARLESTON, CHARLESTON COUNTY. PREPARED FOR THE AMERICAN SCHOOL OF THE BUILDING ARTS.

S-10-106

STATE MIGHT ARM

FOR REVIEW ONLY

ALEXANDER C. PEABODY, R.E.
PEABODY & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYING
P.O. BOX 2082, CHARLESTON, SC 29419
OFFICE 843-762-6333, MOBILE 843-974-4867

CHALSTON COUNTY
SOUTH CAROLINA
Useable office space: 3,000 SF
= 6 parking spaces

1 Story masonry
Approx. 430 SF

2 Story masonry
Approx. 1745 SF

Total 1st Floor: 2,175 SF

1 1/2 St Philip St
1st Floor - Existing
Property Information

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Physical Address: 11 1/2 SAINT PHILIP ST
Property Class: 500 - General Commercial
Neighborhood: 261169 PA69 77 Wentworth Street
Deed Acres: 0.0800

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<td>$2,647.79</td>
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<td>$0.00</td>
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<td>1/15/2019</td>
<td>$2,362.41</td>
<td>$354.36</td>
<td>$0.00</td>
<td>$50.00</td>
<td>$2,766.77</td>
<td>Paid</td>
</tr>
</tbody>
</table>
PERSONALLY APPEARED BEFORE ME, Colin Knight Colbert (the "Affiant") who being first duly sworn, deposes and says that:

1. I am the managing member of 85 & 87 Wentworth LLC, a South Carolina limited liability company.

2. 85 & 87 Wentworth, LLC (the "Buyer") purchased the building located at 11.5 Saint Philip Street, Charleston, South Carolina, Charleston County Parcel No. 4570403112 (the "Building") on December 12, 2014.

3. The Affiant has personal knowledge of the occupancy history of the Building from approximately December 2, 2014, to the present time.

4. For the period December 2, 2014, to the present time, the Building has been One Hundred (100%) Percent vacant and has been continuously closed to business and non-operational for income-producing purposes since that date.

5. The photograph attached as Affidavit Exhibit A accurately depicts the appearance and condition of the building on the date of the purchase by our LLC.

Further Your Affiant Sayeth Naught
Sworn to before me this  

11 day of March, 2022  

(L.S.)  

Notary Public for South Carolina  
My commission expires Nov 1, 2022

STEVEN FLAGLER, JR.  
Notary Public, South Carolina  
My Commission Expires November 27, 2022
To: Lowline Development Team  
Date: March 8, 2022  
Subject: Lowline Housing – Construction Cost Situation & Bond Amendment

All,

We are preparing to submit an amendment to our bond amount to SC State Housing. Our original bond amount on the approved Preliminary Bond Resolution was $7,250,000. This amount will not meet the 50% Test based on the current development budget, as discussed below.

Construction Costs

Our initial bond application in February 2021 was submitted with the following construction budget:

<table>
<thead>
<tr>
<th>Cost Category</th>
<th>Amount</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Work</td>
<td>$1,750,000</td>
<td>$31,818</td>
</tr>
<tr>
<td>Vertical Construction</td>
<td>$6,875,000</td>
<td>$125,000</td>
</tr>
<tr>
<td>General Requirements</td>
<td>$502,500</td>
<td>$9,136</td>
</tr>
<tr>
<td>Contractor Profit</td>
<td>$502,500</td>
<td>$9,136</td>
</tr>
<tr>
<td>Contractor Overhead</td>
<td>$167,500</td>
<td>$3,045</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$9,797,500</td>
<td>$178,136</td>
</tr>
</tbody>
</table>

As development plans progressed over Summer 2021 and we had a good conceptual set put together, we had Creative Builders do another construction price check in. This construction price incorporated Type III construction, which involves the addition of fire treated lumber on the exterior of the building ($550,000 cost increase in addition to the other costs increases experienced over 2021).

<table>
<thead>
<tr>
<th>November 2021</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost Category</td>
<td>Amount</td>
<td>Per Unit</td>
</tr>
<tr>
<td>Site Work</td>
<td>$2,124,732</td>
<td>$38,631</td>
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<tr>
<td>Vertical Construction</td>
<td>$9,192,912</td>
<td>$167,144</td>
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<tr>
<td>General Requirements</td>
<td>$652,643</td>
<td>$11,866</td>
</tr>
<tr>
<td>Contractor Profit</td>
<td>$652,643</td>
<td>$11,866</td>
</tr>
<tr>
<td>Contractor Overhead</td>
<td>$217,548</td>
<td>$3,955</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$12,840,479</td>
<td>$233,463</td>
</tr>
</tbody>
</table>

The construction cost increased approximately 30% over the initial application number with the Type III construction accounting for 6.5% of that increase.
Following a conversation with Tommy Johnstone at Creative Builders yesterday (March 7th), the construction number has been updated again to account for anticipated 20% increase in pricing over the November 2021 construction number.

<table>
<thead>
<tr>
<th>Cost Category</th>
<th>Amount</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Work</td>
<td>$2,549,679</td>
<td>$46,358</td>
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<tr>
<td>Vertical Construction</td>
<td>$11,031,495</td>
<td>$200,573</td>
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<tr>
<td>General Requirements</td>
<td>$783,172</td>
<td>$14,239</td>
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<tr>
<td>Contractor Profit</td>
<td>$783,172</td>
<td>$14,239</td>
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<tr>
<td>Contractor Overhead</td>
<td>$261,058</td>
<td>$4,747</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$15,408,574</strong></td>
<td><strong>$280,156</strong></td>
</tr>
</tbody>
</table>

At this current construction price, our total development budget and eligible basis has increased substantially to the point that we are no longer meeting the 50% test with the original bond amount.

<table>
<thead>
<tr>
<th>Cost Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Development Cost</td>
<td>$22,424,463</td>
</tr>
<tr>
<td>Eligible Basis</td>
<td>$21,170,387</td>
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<tr>
<td>Bond Amount</td>
<td>$7,250,000</td>
</tr>
<tr>
<td>50% Test</td>
<td>34.25%</td>
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</tbody>
</table>

An amendment to our Bond Amount is necessary in order to meet the 50% Test. An amended amount of $11,000,000 would meet the test.

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Total Development Cost</td>
<td>$22,424,463</td>
</tr>
<tr>
<td>Eligible Basis</td>
<td>$21,170,387</td>
</tr>
<tr>
<td>Bond Amount</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>50% Test</td>
<td>51.96%</td>
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</table>

-CONTINUED-
Underwriting Solutions

At the current construction price, the project does not work without some additional funding from City of Charleston or other sources.

Current Sources and Uses

<table>
<thead>
<tr>
<th>Lowline - Summary Sources &amp; Uses of Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>4% LIHTC - Family</td>
</tr>
<tr>
<td><strong>55 Units</strong></td>
</tr>
<tr>
<td><strong>per unit</strong></td>
</tr>
<tr>
<td>% of total</td>
</tr>
<tr>
<td>Acquisition</td>
</tr>
<tr>
<td>Hard Construction Costs</td>
</tr>
<tr>
<td>Construction Contingency</td>
</tr>
<tr>
<td>Architect and Engineering</td>
</tr>
<tr>
<td>Soft Costs</td>
</tr>
<tr>
<td>Financing/Interest</td>
</tr>
<tr>
<td>Reserves</td>
</tr>
<tr>
<td>Developer Fee</td>
</tr>
<tr>
<td><strong>Total Sources</strong></td>
</tr>
<tr>
<td><strong>Federal LIHTC</strong></td>
</tr>
<tr>
<td><strong>First Mortgage Loan</strong></td>
</tr>
<tr>
<td><strong>State LIHTC</strong></td>
</tr>
<tr>
<td><strong>Affordable Housing Bonds</strong></td>
</tr>
<tr>
<td><strong>TIF Funds</strong></td>
</tr>
<tr>
<td><strong>Deferred Development Fee</strong></td>
</tr>
<tr>
<td><strong>Total Sources</strong></td>
</tr>
<tr>
<td><strong>Paid Fee</strong></td>
</tr>
</tbody>
</table>

Based on the current committed funds from the City of Charleston, we are deferring approximately 58% of our fee. This development budget would fail SC Housing’s underwriting standards, which requires deferred developer fee to be 50% or less. If we are able to get the City of Charleston to commit an additional $500,000 in Affordable Housing Bonds then we able to get the deferred fee under 50%. See updated Sources and Uses on the next page.
<table>
<thead>
<tr>
<th>Source</th>
<th>55 Units</th>
<th>per unit</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquisition</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Hard Construction Costs</td>
<td>15,407,100</td>
<td>280,129</td>
<td>69%</td>
</tr>
<tr>
<td>Construction Contingency</td>
<td>770,355</td>
<td>14,006</td>
<td>3%</td>
</tr>
<tr>
<td>Architect and Engineering</td>
<td>625,000</td>
<td>11,364</td>
<td>3%</td>
</tr>
<tr>
<td>Soft Costs</td>
<td>1,102,810</td>
<td>20,051</td>
<td>5%</td>
</tr>
<tr>
<td>Financing/Interest</td>
<td>1,368,836</td>
<td>24,888</td>
<td>6%</td>
</tr>
<tr>
<td>Reserves</td>
<td>260,904</td>
<td>4,744</td>
<td>1%</td>
</tr>
<tr>
<td>Developer Fee</td>
<td>2,890,000</td>
<td>52,545</td>
<td>13%</td>
</tr>
<tr>
<td><strong>Total Sources</strong></td>
<td><strong>22,425,006</strong></td>
<td><strong>407,727</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Federal LIHTC: 9,906,000 (44%)
First Mortgage Loan: 2,816,642 (13%)
State LIHTC: 6,055,000 (27%)
Affordable Housing Bonds: 1,400,000 (6%)
TIF Funds: 925,000 (4%)
Deferred Development Fee: 1,322,364 (6%)

**Total Sources:** 22,425,006 (100%)

Paid Fee: 1,567,636 (54.2%)
AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) ARTICLE 2-LAND USE REGULATIONS, PART 15-WORKFORCE HOUSING DISTRICTS AND OPPORTUNITY ZONES; AND ARTICLE 3- SITE REGULATIONS, PART 4-OFF-STREET PARKING REQUIREMENTS

THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS IN CITYCOUNCIL ASSEMBLED:

Section 1. That Article 2-Land Use Regulations, Part 15-Workforce Housing Districts and Opportunity Zones, Section 54-299.1-Definitions; be amended by inserting the following:

"v. Small Efficiency Dwelling Unit (Micro-Unit): A Dwelling Unit no smaller than 250 square feet and no larger than 375 square feet but still containing cooking, living, sanitary and sleeping facilities that are not shared with any other Dwelling Unit. Any unit larger than 375 square feet does not qualify as a Small Efficiency Dwelling Unit.

w. Full-service Supermarket/Grocery Store: A licensed retail establishment with a minimum contiguous size of 10,000 square feet that carries a variety of food and grocery items for sale including, but not limited to, fresh produce and meats, prepared meals, canned and boxed food, bread and dairy, and household items. A Full-service Supermarket/Grocery shall also provide parking within 600 feet, measured from the closest point of the grocery store space to the closest point of the parking lot or structure."

Section 2. That Article 2-Land Use Regulations, Part 15-Workforce Housing Districts and Opportunity Zones; be amended by inserting the following:

"Sec. 54-299.8. — Small efficiency dwelling units.

Small Efficiency Dwelling Units shall be permitted in MU-1/WH and MU-2/WH districts if the plans satisfy the following requirements:

a. Buildings with Small Efficiency Dwelling Units shall not contain any other Dwelling Unit Type unless specifically allowed by this section.

b. Buildings with Small Efficiency Dwelling Units must conform to the provisions of Sec. 54-299.2

c. Developments utilizing the reduced parking requirement for Small Efficiency Dwelling Units shall satisfy all requirements of this Section and contain a minimum of fifteen (15) Small Efficiency Dwelling Units.

d. Small Efficiency Dwelling Units shall be located within the following distances measured in a straight line from the closest point of the small efficiency dwelling property to the grocery store space or transit stop:

I. 1/4 mile of a full-service, supermarket/grocery store, as defined herein; and
II. 1/4 mile or less from a public transit stop (bus, BRT).

e. Buildings with Small Efficiency Dwelling Units shall provide an onsite enclosed and covered bicycle parking room that is secure and ventilated and which can accommodate one (1) bicycle parking space per three small efficiency dwelling units, rounded up to the next whole number. The building shall include a bicycle work stand, a basic set of bicycle repair tools, and an air pump in close proximity to the bicycle parking room. The use of security cameras and/or security personnel is encouraged. Spaces within dwelling units do not count toward the bicycle parking requirement.

General requirements for all bicycle parking rooms:

i. Bicycle rack selection criteria.

   (a) Provide at least two (2) points of contact for a standard bicycle frame (racks that are designed to support a bicycle primarily by a wheel are not allowed).

   (b) Have rounded surfaces and corners.

   (c) Be coated in a material that will not damage the bicycle.

   (d) Be securely anchored or fastened to a landscape surface.

ii. Bicycle parking space dimensions:

   (a) Parking spaces shall accommodate a wide range of bicycle frame types and provide adequate space between bikes, especially those with wider handlebar stems. Each bicycle parking space shall be sufficient to accommodate a bicycle at least six (6) feet in length and two (2) feet wide.

   (b) An aisle or other space shall be provided for bicycles to enter and leave the facility.

iii. Lighting and site materials:

   (a) Lighting shall be provided such that all bicycle parking facilities are thoroughly illuminated and visible from adjacent sidewalks, parking lots or buildings during hours of use.

   (b) Bicycle parking shall be located on a hard surface material such as concrete, asphalt, brick or other stable surface the rack can be securely fastened to.

   (c) Signage shall demarcate the bicycle parking and be placed in a visible and highly used location to inform users of the system in place.
iv. Proximity to building entrances.

(a) Bicycle parking shall be located within close proximity to, or inside, the main building. Bicycle parking shall be located no further from the building's main or secondary entrance than the closest automobile parking space to that entrance or no more than fifty (50) feet away, whichever is closer.

(b) If required bicycle parking is not clearly visible from the main entrance of the building, wayfinding signs shall be posted at the primary entrances indicating the location of the parking.

f. Any resident of a Small Efficiency Dwelling Unit shall not be eligible for a "neighborhood parking decal" (if located in such a District where they would ordinarily be eligible) and acknowledge that exclusion within the lease documentation or a separate ride.

Section 3. That Article 3-Site Regulations, Part 4-Off-Street Parking Requirements, Section 54-317-Required Number of Off-Street Parking Spaces By Land Use, Table 3.3: Off-Street Parking Requirements, be amended by inserting the following requirement under the "Residential" subcategory of the table:

<table>
<thead>
<tr>
<th>Residential:</th>
<th>Number of Spaces Required:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small efficiency dwelling unit (Micro-unit)</td>
<td>1 per 3 dwelling units, or fraction thereof</td>
</tr>
</tbody>
</table>

Section 4. That these amendments adopted hereby shall take effect and be in full force and effect immediately upon ratification.

Ratified in City Council this ___ day of _____ in the Year of Our Lord, 2022 in the ___ Year of Independence of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

Jennifer Cook
Clerk of Council
Planning Commission Meeting 10-22-21
City of Charleston

Proposed Amendment to the Zoning Ordinance of the City of Charleston to Promote the Development of Small Efficiency Dwelling Units

Prepared by JJR Development, LLC
September 21, 2021

Jeffrey Roberts, Managing Member
Patrick Head, Director of Development
As we all know, housing availability and affordability is one of the greatest challenges in the City of Charleston. As stated in the updated City Comprehensive Plan, new housing stock has been added at about 2% annually while median rent has increased about 51% over the past decade, far outpacing incomes. The city has identified housing as one of its main priorities over the next decade and it needs to produce far more new housing across the price and type spectrum than it is now producing to have any meaningful impact. To do this, the city will need solutions to come from a number of different sources as no single solution will solve this problem.

One such solution that has been successfully implemented in other cities is “Small Efficiency Dwelling Units” also known as Micro Units. These small apartments have found success in many high density urban centers around the country including Seattle, Austin, and New York. These projects provide a price-approachable housing option for those wanting to be close to urban job centers, allowing people to live and work in close proximity to each other and nearby to other city amenities. Those that opt for a Small Efficiency Dwelling Unit choose location and value over size of living space. While not a silver bullet, it offers a solution that can provide sorely needed “Price-Approachable” housing in our city.

To paraphrase a ULI study specific to this topic, “Although micro-unit has no standard definition, a working definition is a small studio apartment, typically less than 350 square feet, with a fully functioning and accessibility compliant kitchen and bathroom. Under this definition, a 160 square foot single-room occupancy (SRO) unit that relies upon communal kitchen or bathroom facilities does not qualify as a true micro-unit.”

In comparing a 350 square foot micro-unit to other conventional offerings, a prototypical studio apartment in a new building on the Peninsula is between 550 to 650 square feet (with rents of $1,800-$2,100/month), and one bedroom offerings being between 600 to 825 square feet (with rents of $2,100 to $2,300/month).

Any Charleston Peninsula micro-unit development should be exquisitely sensitive to location and not applicable citywide for a variety of reasons including the need for it to be walkable to an employment zone, in close proximity to public transit and within walking distance of a grocery store and other services. In presenting this Charleston Peninsula Micro-Unit Briefing, the City’s new Comprehensive Plan that is currently under refinement has been carefully studied, and what is contained herein is completely consistent with what is being currently promulgated.

In the new Comprehensive Plan, the first section of “Transportation and Housing” states: ...“Where someone lives determines how they get around, how far they have to go, and
how much they pay to get there. This analysis highlights the important connection between housing and transportation and further supports the need for a wider range of mobility options, affordable housing in all areas of the city, and for more housing to be located near where people work... Micro-Units do just that by allowing people to live close by to where they work without spending hours per day in a car on the highway.

The micro-unit concept uniquely works on the Charleston Peninsula with a limited number of properties located in areas with very select characteristics. They are as follows:

- Located in MU District. Prevailing MU Affordable Housing Fee-In-Lieu requirement calculations still apply.
- Walkable to major job centers within 1/2 mile
- Within 3/4 mile of a full-service, multi-department supermarket
- Within 1/4 mile or less from public transit bus stop(s)
- Have sufficient (covered) bicycle parking for residents
- A micro-unit shall be defined as a self-contained dwelling unit that has an internal (non-shared) kitchen and bathroom within, and the size shall be no less than 250 square feet nor larger than 375 square feet. All residential units in the building shall be within these minimum-maximum size ranges, as evidenced by a stamped and sealed drawing from an SC Licensed Architect. Commercial activation (non-residential) is excluded from these size requirements specifically promulgated for residences.
- Any resident of the micro-unit would be ineligible for a "neighborhood parking decal" (if in such a District where they would ordinarily exist) and acknowledge that exclusion within the lease documentation or a separate rider.
Counts and Density of All Jobs in Work Selection Area in 2018
All Workers

Map Legend

<table>
<thead>
<tr>
<th>Job Density [Jobs/Sq. Mile]</th>
<th>Job Count [Jobs/Census Block]</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 - 2,063</td>
<td>1 - 23</td>
</tr>
<tr>
<td>2,064 - 8,238</td>
<td>24 - 353</td>
</tr>
<tr>
<td>8,239 - 18,530</td>
<td>354 - 1,786</td>
</tr>
<tr>
<td>18,531 - 32,939</td>
<td>1,787 - 5,643</td>
</tr>
<tr>
<td>32,940 - 51,465</td>
<td>5,644 - 13,776</td>
</tr>
</tbody>
</table>
Based on the well documented and varied, diverse demographic cohorts that would inhabit the micro-unit project, the need for an automobile is minimized if not wholly eliminated in most cases. To give several examples, we see this micro-unit paradigm having great appeal to a medical tech worker who may be making 80% of AMI ($40,000 per year), most of whom are priced out of living Downtown, and who have to make long commutes over one hour each way on I-26, take a shuttle bus from a parking lot; and then repeat the process when work is done. Effectively, this is 3 hours out of their life, plus an estimated $400 per month car payment, plus gas, insurance, and maintenance. Additionally, we see tech workers, young medical doctors in residency, and even single senior citizens as tenants who want to be in this type of smaller yet carefully planned and constructed dwelling unit.

Clearly, while some parking would be required for any project's overall economic viability, old notions of trying to deliver good urban planning and provide density in Charleston's urban core while parking 1 to 2 cars per dwelling unit are outdated and obsolete in certain circumstances, and actually counterproductive to those ends, without acknowledging special and unique situations.

We can quickly collaborate with City Planning to readily create a "Job Map" of the Peninsula, but the existing job density data is illustrative. (See U.S. Census map below)
Currently, the parking requirements are 1 to 1 in MU districts (with 4-bedroom units having the same parking ratio requirement as a micro-unit). A hotel can have 2 spots for every 3 rooms, and MU-WF designated/subsidized housing can have 1 spot per 4 units (regardless of bedroom count).

After careful study, we recommend an adjustment to the City’s current Parking Ordinance to be restructured to be 1 parking spot for 3 micro-units.

The table below is taken from an NYU Furman study on micro-units and lists the minimum parking requirements from their study cities. These parking regulations are not specific to micro-units but are specific to the location, which in each case would be a central business district supporting the highest density. These locations would also be very walkable and close to public transportation. In Denver, the off-street parking requirement is 0 cars, in Austin it is 3 cars for 5 dwelling units but is reduced to 0 cars in its most dense zoning districts, in Washington D.C. it is 1 per 4, in Seattle it is 0 and in New York City it is 0. Additionally, the recent Micro-Unit Ordinance in Austin sets the parking requirement at 1 per 4 for Micro-Unit projects.

Figure 8. Least-Restrictive Minimum Parking Requirements, by City

<table>
<thead>
<tr>
<th>Unit of Measurement</th>
<th>Denver, CO&lt;sup&gt;a&lt;/sup&gt;</th>
<th>Austin, TX&lt;sup&gt;c&lt;/sup&gt;</th>
<th>Washington, D.C.</th>
<th>Seattle, WA&lt;sup&gt;b&lt;/sup&gt;</th>
<th>New York City, NY&lt;sup&gt;a&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Space per Unit(s)&lt;sup&gt;a&lt;/sup&gt;</td>
<td>0 spaces per unit</td>
<td>3 spaces per 5 units</td>
<td>1 space per 4 units</td>
<td>0 spaces per unit</td>
<td>0 spaces per unit</td>
</tr>
</tbody>
</table>

<sup>a</sup> Percentages provided for densest districts where micro-unit development is most likely.

<sup>b</sup> As noted above, Denver, Seattle and New York all have districts within the city that are not subject to any parking requirements.

<sup>c</sup> In Austin the Central Business District (CBD) and the Downtown Mixed Use (DMU) and certain Public (P) zoning districts have no requirement for off-street parking.

Excerpt from NYU Furman Study on Micro-Units
ORDINANCE NO. 20141211-228

AN ORDINANCE AMENDING CITY CODE TITLE 25 RELATING TO MULTIFAMILY RESIDENTIAL USE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 25-2-780 (Multifamily Residential Use) is amended to add a new Subsection (C) to read as follows:

(C) This subsection applies to a multifamily use that is located in a transit-oriented development district or on a core transit corridor or future core transit corridor and that complies with the requirements in Subsection (C)(3).

(1) The following site area and parking requirements apply to a dwelling unit that contains 500 square feet or less.

(a) the minimum site area requirement is zero;

(b) the minimum off-street parking requirement is .25; and

(c) parking is to be leased separately.

Excerpt from City of Austin Micro-Unit Ordinance

As noted earlier, the micro-unit plan and suggested corollary modification to the City’s existing “Parking Ordinance” is completely consistent with the goals and core objectives of the new Master Plan, and is further exemplified by the selected portions already embedded in the Plan.

Community Facilities and Priority Investment

Advance racial and economic equity.
Increase the amount of permanent affordable and attainable housing for all income levels.

Prevent displacement of vulnerable communities.

Improve mobility for all modes of travel, especially pedestrians, cyclists

Housing

Beyond Affordability

Understanding the affordability of existing housing stock is necessary to addressing Charleston’s housing challenge, but it does not account for nuances that factor into individual housing choices including, but not limited to:

Availability: Is the unit currently open for someone looking for housing?
Size and number of bedrooms: Is the unit the right size for a household’s lifestyle?
Location: Is the housing unit in close proximity to friends and family, work, school, grocery stores, and other amenities that a household may need?

Each of these factors vary by family and can further constrain the choices of housing units available to someone looking for a place to live. When these lifestyle and availability factors are combined with cost considerations, many households are forced to reach above the 30% affordability threshold to meet their needs.

Land Use Recommendations

Make the best use of the highest land around the city for residential, commercial and mixed use development, especially areas around current or future public transit corridors.
Conclusions:

The aforementioned Micro-Unit plan is tailored for very specific areas of the City that are the most walkable near the highest density of jobs. It is a “time has come” solution whereby we can provide sensible urban density and diversity of “price-approachable” housing that will be a benefit at large for all citizens of Charleston. In order to fulfill the goals and objectives set forth in the City’s new Master Plan, innovative solutions that are a result of public-private collaboration will efficiently address a market segment that is not currently being served. In order to do that, a change in the City’s Parking Ordinance must take place as noted earlier. The proposed changes to the City’s ordinance follow this document.
AN ORDINANCE


BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

Section 1. Section 16-18 is hereby deleted in its entirety and is replaced with new language, which shall read in its entirety:

"Sec. 16-18. DEFINITIONS.

Except where the context clearly indicates otherwise, the following terms, as used in this article, shall have the following meanings:

(1) ACCESSIBLE means that an area of a housing accommodation can be approached, entered, and used by a person with a physical handicap.

(2) ACCESSIBLE ROUTE means a continuous unobstructed path connecting accessible elements and spaces in a housing accommodation that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by a person with other disabilities.

(3) AGGRIEVED PERSON means a person claiming to be injured by a discriminatory housing practice.

(4) BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE means an accessible entrance to a covered multi-family dwelling that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to the public streets or sidewalks, if available.

(5) COMMISSION means the City of Charleston Human Affairs and Racial Conciliation Commission.

(6) COMMISSIONER means the Commissioner of the City of Charleston Human Affairs and Racial Conciliation Commission.

(7) COMPLAINANT means a person who files a complaint under Section 16-24.04.

(8) COVERED MULTI-FAMILY DWELLING means: a building consisting of four or more


dwelling units if the building has one or more elevators; and a ground floor dwelling unit in any other building consisting of four or more dwelling units.

(9) DEFENSE means a defense to criminal prosecution in municipal court as explained in the South Carolina Code. Defense also means, where specifically provided, an exemption from a civil action.

(10) DISCRIMINATORY HOUSING PRACTICE means conduct that is an offense under Section 16-20 of this chapter.

(11) DWELLING UNIT means a single unit of residence for a family.

(12) FAMILIAL STATUS means the status of a person resulting from being: pregnant; domiciled with an individual younger than 18 years of age in regard to whom the person: is the parent or legal custodian; or has the written permission of the parent or legal custodian for domicile with the individual; or in the process of obtaining legal custody of an individual younger than 18 years of age.

(13) FAMILY includes a minimum of one person.

(14) DISABILITY means: a physical or mental impairment that substantially limits one or more major life activities; a record of an impairment described in Subparagraph (i) of this paragraph; or being regarded as having an impairment described in Subparagraph (i) of this paragraph; and does not mean a current, illegal use of or addiction to a drug or illegal or federally-controlled substance.

(15) HOUSING ACCOMMODATION means: any building, structure, or part of a building or structure that is occupied, or designed or intended for occupancy, as a residence for one or more families; and any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by Paragraph (A) of this subsection.

(16) LENDING INSTITUTION OR FINANCIAL INSTITUTION includes any person, as defined herein, engaged in the business of lending money or guaranteeing loans.

(17) OWNER includes a lessee, sublessee, co-tenant, assignee, managing agent, or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

(18) PERSON means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, receiver, or fiduciary or any employee, representative, or agent of the person.

(19) REAL ESTATE BROKER OR REAL ESTATE SALESMAN includes any individual, who for a fee, commission, salary or for other valuable consideration, who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon or who negotiates or attempts to negotiate such activities; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

(20) REAL PROPERTY includes buildings, structures, or portions thereof which is occupied as, or designated or intended for occupancy, as a residence by one (1) or more families, lands, mobile homes, tenements, leaseholds, cooperatives and condominiums or any interest in the above.

(21) RENT means lease, sublease, or otherwise grant for a consideration the right to occupy premises that are not owned by the occupant.

(22) RESIDENCE does not include a hotel, motel, or similar public accommodation
where occupancy is available exclusively on a temporary, day-to-day basis.

(23) RESIDENTIAL REAL ESTATE-RELATED TRANSACTION means: the making or purchasing of loans or the providing of other financial assistance: for purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or secured by residential real estate; or the selling, brokering, or appraising of residential real property.

(24) RESPONDENT means a person identified in a complaint or charge as having committed a discriminatory housing practice under this chapter.

(25) SEXUAL ORIENTATION means a person's real or perceived heterosexuality, homosexuality or bisexuality or gender identity or expression."

Section 2. Section 16-20 is hereby deleted in its entirety and is replaced with new language, which shall read in its entirety:

"Section 16-20. DISCRIMINATORY HOUSING PRACTICES.

(a) A person commits an offense if he, because of race, color, sex, sexual orientation, age, disability, religion, familial status, or national origin:

(1) refuses to negotiate with a person for the sale or rental of a housing accommodation or otherwise denies or makes unavailable a housing accommodation to a person;

(2) refuses to sell or rent, or otherwise makes unavailable, a housing accommodation to another person after the other person makes an offer to buy or rent the accommodation; or

(3) discriminates against a person in the terms, conditions, or privileges of, or in providing a service or facility in connection with, the sale or rental of a housing accommodation.

(b) A person commits an offense if he, because of race, color, sex, sexual orientation, age, disability, religion, familial status, or national origin:

(1) represents to a person that a housing accommodation is not available for inspection, sale, or rental if the accommodation is available;

(2) discriminates against a prospective buyer or renter in connection with the showing of a housing accommodation; or

(3) with respect to a multiple listing service, real estate brokers' organization or other business relating to selling or renting housing accommodations:

(A) denies a person access to or membership in the business; or

(B) discriminates against a person in the terms or conditions of access to or membership in the business.

(c) A person commits an offense if he:

(1) for profit, induces or attempts to induce another person to sell or rent a housing accommodation by a representation that a person of a particular race, color, sex, sexual orientation, age, disability, religion, familial status, or national origin is in proximity to, is present in, or may enter into the neighborhood in which the housing accommodation is located;

(2) makes an oral or written statement indicating a policy of the respondent or a person represented by the respondent to discriminate on the basis of race, color, sex, sexual orientation, age, disability, religion, familial status, or national origin in the selling or renting of a housing accommodation; or
(3) prints or publicizes or causes to be printed or publicized an advertisement that expresses a preference or policy of discrimination based on race, color, sex, sexual orientation, age, disability, religion, familial status, or national origin in the selling or renting of a housing accommodation.

(d) A person who engages in a residential real estate-related transaction commits an offense if he, because of race, color, sex, sexual orientation, age, disability, religion, familial status, or national origin, discriminates against a person:
   (1) In making a residential real estate–related transaction available; or
   (2) In the terms of conditions of a residential real estate-related transaction.

(e) A person commits an offense if he:
   (1) discriminates in the sale or rental of a housing accommodation to any buyer or renter because of a handicap of:
       a. that buyer or renter;
       b. a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or
       c. any person associated with that buyer or renter; or
   (2) discriminates against any person in the terms, conditions, or privileges of sale or rental of a housing accommodation, or in the provision of services or facilities in connection with the housing accommodation, because of a handicap of:
       a. that person;
       b. a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or
       c. any person associated with that person.

(f) A person commits an offense if he:
   (1) refuses to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by the handicapped person, if the modifications may be necessary to afford the handicapped person full use of the premises; except that, in the case of a rental, the landlord may, where reasonable to do so, condition permission for modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
   (2) refuses to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a housing accommodation;
   (3) fails to design or construct a covered multi-family dwelling to have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; or
   (4) fails to design and construct a covered multi-family dwelling that has a building entrance on an accessible route in such a manner that:
       a. the public and common use areas of the dwelling are readily accessible to and usable by a handicapped person;
       b. all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by a handicapped person in a wheelchair; and
       c. all premises within a dwelling unit contain the following
features of adaptive design:
  i. an accessible route into and through the dwelling unit;
  ii. light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
  iii. reinforcements in the bathroom walls to allow later installation of grab bars;
  iv. usable kitchens and bathrooms that allow a person in a wheelchair to maneuver about the space.

(g) A person commits an offense if he coerces, intimidates, threatens, or otherwise interferes with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(h) A person commits an offense if he retaliates against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under this chapter."

Section 3. Section 16-22 is hereby deleted in its entirety and replaced with new language, which shall read in its entirety:

"Section 16-22. DEFENSES TO CRIMINAL PROSECUTION AND CIVIL ACTION.

(a) It is a defense to criminal prosecution or civil action under Section 16-24.04 that:
  (1) a single-family dwelling owned by the respondent; except that, this defense is not available if the respondent:
    (a) owns an interest or title in more than three single-family dwellings, whether or not located inside the city, at the time the offense is committed;
    (b) has not resided in the dwelling within the preceding 24 months before the offense is committed; or
    (c) uses the services or facilities of a real estate agent, or any other person in the business of selling or renting real estate, in connection with a sale or rental involved in the offense; or
  (b) It is a defense to criminal prosecution or civil action under Section 16-20 as it relates to familial status that the housing accommodation is:
    (1) provided under a state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program;
    (2) intended for, and solely occupied by, a person at least 62 years of age, except that:
      a. an employee of the housing accommodation who performs substantial duties directly related to the management or maintenance of the housing accommodation may occupy a dwelling unit, with family members in the same unit; and
      b. a person under age 62 years residing in the housing accommodation on September 13, 1988 may occupy a dwelling unit, provided that all new occupants following that date are persons at least 62 years of age; and
      c. all vacant units are reserved for occupancy by persons at least
62 years of age; or
(3) intended and operated for occupancy by at least one person 55 years of age or older per dwelling unit, provided that:

a. the housing accommodation has significant facilities and services specifically designed to meet the physical and social needs of an older person or, if it is not practicable to provide such facilities and services, the housing accommodation is necessary to provide important housing opportunities for an older person;

b. at least 80 percent of the dwelling units in the housing accommodation are occupied by at least one person 55 years of age or older per dwelling unit; except that a newly constructed housing accommodation need not comply with this requirement until 25 percent of the dwelling units in the housing accommodation are occupied; and

c. the owner or manager of the housing accommodation publishes and adheres to policies and procedures that demonstrate an intent by the owner or manager to provide housing to persons at least 55 years of age.

(4) It is a defense to criminal prosecution or civil action under Section 16-20 that the person, in the purchasing of loans, considered factors that were justified by business necessity and related to the transaction’s financial security or the protection against default or reduction in the value of the security, but were unrelated to race, color, sex, sexual orientation, age, disability, religion, familial status, or national origin."

Section 4. Section 16-23 is hereby deleted in its entirety and replaced with new language, which shall read in its entirety:

"Section 16-23. INTERFERENCE WITH THE EXERCISE OF ANY RIGHT UNDER THIS CHAPTER.

It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise of, or on account of his having aided or encouraged any other person in the exercise of, any right granted under this chapter."

Section 5. Section 16-24 is hereby deleted in its entirety and replaced with new language, which shall read in its entirety:

"Section 16-24. ADMINISTRATION OF CHAPTER.

The City of Charleston Human Affairs Office is hereby created to work in conjunction with the Human Affairs and Racial Conciliation Commission (“HARCC”). The Office shall be headed by an Administrator who shall be appointed by the Mayor and approved by City Council.

The HARCC and the Administrator shall administer the provisions of this chapter.

The Administrator and HARCC may each delegate any functions, duties, and powers to their employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as
to any work, business, or matter under this chapter."

Section 6. Section 16-24.01 is hereby created, which shall read in its entirety:

"Section 16-24.01. POWERS OF HARCC UNDER THIS CHAPTER.

The HARCC has the power to:

(1) promulgate regulations necessary for the enforcement of this chapter which may not exceed the requirements of the Federal Fair Housing Act and the South Carolina Fair Housing Act and any subsequent amendments thereto;
(2) make studies with respect to the nature and extent of discriminatory housing practices in representative urban, suburban, and rural communities throughout the State;
(3) publish and disseminate reports, recommendations and information derived from such studies;
(4) cooperate with and render technical assistance to public or private agencies, organizations, and institutions within the City which are formulating or carrying out programs to prevent or eliminate discriminatory housing practices;
(5) cooperate with the United States Department of Housing and Urban Development to achieve the purposes of that department and with other federal, state, and local agencies and departments;
(6) accept reimbursement pursuant to Title 42, United States Code, Section 3616 for services rendered to the United States Department of Housing and Urban Development;
(7) accept gifts or bequests, grants, or other donations, public or private;
(8) institute proceedings in a court of competent jurisdiction for cause shown, to seek appropriate temporary or preliminary injunctive relief pending final administrative disposition of a complaint;
(9) contract with persons and organizations to perform services as it may consider reasonably necessary to effectuate the purposes of this chapter and to accept reimbursement for services rendered pursuant to contract. However, the HARCC shall not delegate its decision-making authority to a nongovernmental agency. This decision-making authority includes acceptance of complaints, approval of conciliation agreements, dismissal of complaints, final disposition of complaints, or other enforcement powers granted by this chapter;
(10) make contractual agreements within the scope and authority of this chapter with any agency of the federal or state government. An agreement with the Department of Housing and Urban Development may include provisions under which the department shall refrain from processing a charge in this City in any class specified in such agreement;
(11) administer the programs and activities relating to housing in a manner affirmatively to further the policies of this chapter."

Section 7. Section 16-24.02 is hereby created, which shall read in its entirety:

"Section 16-24.02. ADMINISTRATOR'S REPORT AND RECOMMENDATION; DISMISSAL OF OR HEARING ON COMPLAINT; CIVIL ACTION; AMENDING OF COMPLAINT; SUBPOENAS; HEARING BY HARCC; OPINION AND ORDER; REVIEW; COURT APPEALS; ENFORCEMENT ORDERS."
(A) If authorized by the HARCC, the Administrator shall conduct an investigation to determine whether probable cause exists that a discriminatory housing practice has occurred. In conducting an investigation, the Administrator shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy the materials and take and record the testimony or statements of persons as are reasonably necessary for the furtherance of the investigation, provided the Administrator first complies with the provisions of the State Constitution relating to unreasonable searches and seizures. The Administrator may issue subpoenas to compel its access to or the production of the materials or the appearance of the persons and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in court. The Administrator may administer oaths. Any examination, recording, copying of materials, and the taking and recording of testimony or statements of persons as reasonably are necessary for the furtherance of the investigation must be solely related to the complaint for which the subpoena was issued. If not sooner resolved, the Administrator, upon completion of his investigation, shall submit to the HARCC a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that a panel of HARCC members be designated to hear the complaint. The HARCC may follow the recommendation of the Administrator and shall issue an order either of dismissal or for a hearing, which is not subject to judicial or other further review.

(B) If the order is for dismissal, the HARCC shall mail a copy of the order to the complainant and the respondent at their last known addresses. The complainant may bring an action against the respondent in circuit court within ninety days of the date of the dismissal or within one year from the date of the violation alleged, whichever occurs later, to enforce the rights granted or protected by this chapter and to seek relief as provided for in Section 16-24.06.

(C) If the order is for a hearing, the HARCC shall attach to it a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(D) At any time before a hearing, a complaint may be amended by the HARCC upon the request of the Administrator or of the complainant or of the respondent. Complaints may be amended during a hearing only upon a majority vote of the panel of HARCC members for the hearing.

(E) Upon request by any party, the HARCC shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be present at the hearing, or at prehearing depositions, unless the commissioner determines that issuance of the subpoenas or subpoenas duces tecum would be unreasonable or unduly burdensome.

(F) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his deposition taken, refused to answer interrogatories, or otherwise refused to allow discovery, the HARCC, upon notice to the party or witness, shall apply to a court of competent jurisdiction for an order requiring discovery and other good-faith compliance unless the HARCC determines that the discovery would be unreasonably or unduly burdensome.
(G) Upon request by the HARCC, the chairman of the HARCC shall designate a panel of three members of the HARCC to sit as the commission to hear the complaint. The HARCC may also conduct an investigation to determine whether probable cause exists that a discriminatory housing practice has occurred. In conducting an investigation, the HARCC shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy the materials and take and record the testimony or statements of persons as are reasonably necessary for the furtherance of the investigation, provided the HARCC first complies with the provisions of the State Constitution relating to unreasonable searches and seizures. The HARCC may issue subpoenas to compel its access to or the production of the materials or the appearance of the persons and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in court. The Commissioner may administer oaths. Any examination, recording, copying of materials, and the taking and recording of testimony or statements of persons as reasonably are necessary for the furtherance of the investigation must be solely related to the complaint for which the subpoena was issued.

(H) At any hearing held pursuant to this section, the case in support of the complaint must be presented before the panel by one or more of the HARCC's employees or agents or by legal representatives of the complaining party.

Endeavors at conciliation by the Administrator may not be received into evidence nor otherwise made known to the members of the panel.

(I) The respondent shall submit a written answer to the complaint and appear at the hearing in person or by counsel and may submit evidence. The respondent may amend his answer reasonably and fairly.

(J) The complainant must be permitted to be present and submit evidence.

(K) Proceedings under this section are subject to the provisions of Chapter 23 of Title 1 (Administrative Procedures Act) and, in the case of conflict between the provisions of this chapter and Chapter 23 of Title 1, the provisions of Chapter 23 of Title 1 shall govern. A recording of the proceedings must be made, which may be transcribed subsequently upon request and payment of a reasonable fee by the complainant or the respondent. The fee must be set by the HARCC or upon motion of the panel, in which case copies of the transcription must be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the commission.

(L) If, upon all the evidence at the hearing, the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the complainant and the respondent in the name of the HARCC an opinion and order for appropriate relief which may include that the unlawful discriminatory practice be discontinued, actual damages, civil penalties which may not be greater than civil penalties established by the federal Fair Housing Act in Section 3612, and reasonable attorney's fees. The HARCC may retain jurisdiction of the case until it is satisfied of compliance by the respondent of its order. Such order may, to vindicate the public interest, assess a civil penalty against the respondent –

i. in an amount not exceeding $10,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;
ii. in an amount not exceeding $25,000 if the respondent has been adjudged to have committed one other discriminatory housing practice during the 5-year period ending on the date of the filing of this charge; and

iii. in an amount not exceeding $50,000 if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this charge; except that if the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in subparagraphs (B) and (C) may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

(M) If, upon all the evidence at the hearing, the panel finds that the respondent has not engaged in any unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent. A prevailing respondent may apply to the HARCC for an award of reasonable attorney's fees and costs.

(N) A copy of the opinion and order of the HARCC must be delivered in all cases to the Attorney General and to such other public officers as the commission considers proper. Copies of the opinion and order must be available to the public for inspection upon request, and copies must be made available to any person upon payment of a reasonable fee by the commission.

(O) (1) If an application for review is made to the HARCC within fourteen days from the date of the order of the HARCC, the HARCC, for good cause shown, shall review the order and evidence, receive further evidence, rehear the parties or their representatives, and, if proper, amend the order.

(2) The order of the HARCC, as provided in subsection (L), if not reviewed in due time, or an order of the HARCC upon the review, as provided for in item (1), is conclusive and binding as to all questions of fact unless clearly erroneous in view of the reliable, probative, and substantive evidence in the whole record. Either party to the dispute, within thirty days after receipt of notice to be sent by registered mail of the order, but not after that time, may appeal from the decision of the HARCC to the Administrative Law Court as provided in Sections 1-23-380(B) and 1-23-600(D). In case of an appeal from the decision of the HARCC, the appeal operates as a supersedeas for thirty days only, unless otherwise ordered by the administrative law judge, and after that the respondent is required to comply with the order involved in the appeal or certification until the questions at issue in it are determined fully in accordance with the provisions of this chapter.

(3) The HARCC may institute a proceeding for enforcement of its order of subsection (L), or its amended order of item (1) after thirty days from the date of the order, by filing a petition in the court of common pleas of the county in which the hearing occurred, or where a person against whom the order is entered resides or transacts business.

(4) If no appeal pursuant to item (2) is initiated, the HARCC may obtain a decree of the court for enforcement of its order upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the HARCC's order.
(P) Election of judicial determination:

When a charge is filed under Section 16-20 or as otherwise provided in this chapter, a complainant, a respondent or an aggrieved person on whose behalf the complaint was filed, may elect to have the claims asserted in that charge decided in a civil action in lieu of a hearing as provided herein. The election must be made not later than 20 days after the receipt by the electing person of service of such complaint. The person making such election shall give notice of doing so the Administrator and to all other complainants and respondents to whom the charge relates.

(Q) Whenever an action filed by an individual in court pursuant to this section comes to trial, the commission shall terminate all efforts to obtain voluntary compliance."

Section 8. Section 16-24.03 is hereby created, which shall read in its entirety:

"Section 16-24.03. INVESTIGATIONS BY HARCC; SUBPOENAS.

(A) In conducting an investigation, the HARCC shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy the materials and take and record the testimony or statements of persons as are reasonably necessary for the furtherance of the investigation, provided the HARCC first complies with the provisions of the State Constitution relating to unreasonable searches and seizures. The HARCC may issue subpoenas to compel its access to or the production of the materials or the appearance of the persons and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in court. The HARCC may administer oaths. Any examination, recording, copying of materials, and the taking and recording of testimony or statements of persons as reasonably are necessary for the furtherance of the investigation must be solely related to the complaint for which the subpoena was issued.

(B) Upon written application to the commission, a respondent is entitled to the issuance of a reasonable number of subpoenas by and in the name of the HARCC to the same extent and subject to the same limitations as subpoenas issued by the HARCC itself. A subpoena issued at the request of a respondent shall show on its face the name and address of the respondent and shall state that it was issued at his request.

(C) Within five days after service of a subpoena upon any person, the person may petition the HARCC to revoke or modify the subpoena. The HARCC shall grant the petition if it finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, or that compliance would be unduly onerous or for other good reason.

(D) In case of refusal to obey a subpoena, the HARCC or the person at whose request the subpoena was issued may petition for its enforcement in the circuit court for the county in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(E) Witnesses summoned by a subpoena under this chapter are entitled to the same witness and mileage fees as witnesses in proceedings in court. Fees payable to a witness summoned by a subpoena issued at the request of a party must be paid by that party or,
where a party is unable to pay the fees, by the HARCC."

Section 9. Section 16-24.04 is hereby created, which shall read in its entirety:

"Section 16-24.04. TEMPORARY OR PRELIMINARY RELIEF.

(a) If at any time following the filing of a complaint the Administrator or HARCC concludes that prompt judicial action is necessary to carry out the purposes of this chapter, the Administrator or HARCC may request the city attorney to initiate a civil action in the federal district court for Charleston County, South Carolina for appropriate temporary or preliminary relief pending final disposition of the complaint.
(b) On receipt of the Administrator or HARCC's request, the city attorney shall promptly file the action in such federal district court. Venue shall lie in Charleston County, South Carolina.
(c) A temporary restraining order or other order granting preliminary or temporary relief under this section is governed by the applicable Federal Rules of Civil Procedure."

Section 10. Section 16-24.05 is hereby created, which shall read in its entirety:

"Section 16-24.05. COMPLAINTS: PROCESS AND HANDLING: CONCILIATION; EFFECT OF LOCAL LAWS; CIVIL ACTION.

(A) A person who claims to have been injured by a discriminatory housing practice or who believes that he may be injured by a discriminatory housing practice that is about to occur may file a complaint with the commission. Complaints must be in writing and shall contain information and be in a form required by the commission. Upon receipt of a complaint, the commission shall serve notice upon the aggrieved person of the time limits and choices of forums provided under this chapter and shall furnish a copy to the person who allegedly committed the discriminatory housing practice or is about to commit the alleged discriminatory housing practice and advise him of the procedural rights and obligations under the law. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (C), the commission shall investigate the complaint and give notice in writing to the person aggrieved whether it intends to resolve it. If the commission decides to resolve the complaint, it shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. If practicable, conciliation meetings must be held in the cities or other localities where the discriminatory housing practices allegedly occurred. Nothing said or done in the course of the informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. An employee of the commission who makes public any information in violation of this provision is guilty of a misdemeanor punishable by a fine of not more than two hundred dollars or imprisoned for not more than thirty days.

(B) A complaint under subsection (A) must be filed within one hundred eighty days after the alleged discriminatory housing practice occurred. The complaint must be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. A complaint may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him, not later than ten days after receipt of notice, and may be amended reasonably and fairly by the respondent at any time. Both complaint and answer must be verified.

(C) Any conciliation agreement arising out of conciliation efforts by the commission must be an agreement between the respondent and the complainant and shall be subject to the approval of the commission. Each conciliation agreement must be made public unless the complainant and respondent otherwise agree and the commission determines that disclosure is not required to further the purposes of this chapter."
(D) The investigation must be completed in no more than one hundred days after receipt of the complaint. If the commission is unable to complete the investigation within one hundred days, it shall notify the complainant and respondent in writing of the reasons for not doing so.

(E) The commission shall make final administrative disposition of a complaint within one year of the date of receipt of a complaint unless it is impractical to do so. If the commission is unable to do so, it shall notify the complainant and respondent, in writing, of the reasons for not doing so.

(F) In any proceeding brought pursuant to this section, the burden of proof is on the complainant."

Section 11. Section 16-24.06 is hereby created, which shall read in its entirety:

"Section 16-24.06. CIVIL ACTION; DAMAGES.

(A) A civil action must be commenced within one year after the alleged discriminatory housing practice has occurred. However, the court shall continue a civil case brought pursuant to this section from time to time before bringing it to trial if the court believes that the conciliation efforts of the commission or local agency are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the commission and which practice forms the basis for the action in court. Any sale, encumbrance, or rental consummated before the issuance of any court order issued under the authority of this chapter and involving a bona fide purchaser, encumbrances, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter are not affected. A civil action may be commenced by an aggrieved person whether or not a complaint has been filed with the commission.

(B) The court may grant as relief, as it considers appropriate, any permanent or temporary injunction, temporary restraining order, or other order and may award the plaintiff actual damages, and punitive damages, together with court costs and reasonable attorney's fees in the case of a prevailing party, if the prevailing party in the opinion of the court is not financially able to assume the attorney's fees."

Section 12. Section 16-24.07 is hereby created, which shall read in its entirety:

"Section 16-24.07. EFFECT OF CIVIL ACTION ON CERTAIN CONTRACTS.

Relief granted under Section 16-24.06 does not affect a contract, sale, encumbrance, or lease that:
(1) was consummated before the granting of the relief; and
(2) involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the filing of a complaint under this chapter or a civil action under Section 16-24.09."

Section 13. Section 16-24.08 is hereby created, which shall read in its entirety:

"Section 16-24.08. SERVICE OF NOTICE AND COMPUTATION OF TIME.

(a) For purposes of this chapter, any notice, paper, or document required to be served on any person under this chapter may be served in person or by United States mail to the person's last known address.

(b) When service is by mail, three days will be added to the prescribed time period allowed under this chapter for timely filing.

(c) Service is complete and time periods begin to run at the time the required notice, paper, or document is delivered in person or deposited in a United States postal receptacle."
Section 14. Section 16-24.09 is hereby created, which shall read in its entirety:

"Section 16-24.09. ADDITIONAL REMEDIES.

The procedures prescribed by this chapter do not constitute an administrative prerequisite to another action or remedy available to the city or to an aggrieved person under federal or state law."

Section 15. Section 16-24.10 is hereby created, which shall read in its entirety:

"Section 16-24.10. EFFECT ON OTHER LAW.

This ordinance does not affect any local, state, or federal restriction:
(1) on the maximum number of occupants permitted to occupy a dwelling unit; or
(2) relating to health or safety standards."

Section 16. Section 16-24.11 is hereby created, which shall read in its entirety:

"Section 16-24.11. CRIMINAL PENALTIES FOR VIOLATION.

(a) A person who violates a provision of Section 16-20 of this chapter commits a criminal offense. A person is guilty of a separate criminal offense for each day or part of a day during which a violation is committed, continued, or permitted.
(b) A criminal offense under this chapter is punishable in municipal court by a fine not exceeding $500 or imprisonment not exceeding 30 days in jail, or both."

Section 17. This Ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of _____________________ in the Year of Our Lord, 2022, and in the ___ th Year of the Independence of the United States of America.

________________________________________
John J. Tecklenburg, Mayor

ATTEST:

Jennifer Cook
Clerk of Council
AN ORDINANCE

TO AMEND PART 4 (ACCESSORY USES) OF ARTICLE 2 (LAND USE REGULATIONS) OF THE ZONING ORDINANCE OF THE CITY OF CHARLESTON, BY MODIFYING SEC. 54-214 (ACCESSORY DWELLING UNIT) THEREOF TO LIMIT THE AFFORDABILITY REQUIREMENT ON ACCESSORY DWELLING UNITS TO THOSE ONLY THOSE OWNERS RECEIVING A SUBSIDY TO BUILD THE STRUCTURE AND TO CLARIFY THE EXISTING PROCEDURES AND REQUIREMENTS FOR APPROVAL OF ACCESSORY DWELLING UNITS.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That section 54-214 (Accessory Dwelling Unit) of the Code of the City of Charleston, South Carolina, is hereby amended to read as follows:

Sec. 54-214. – Accessory Dwelling Unit.

In all base zoning districts, an accessory dwelling unit (ADU) may be approved by the Zoning Administrator as an accessory use to a principal single-family dwelling unit, if the Zoning Administrator finds the following conditions have been met:

a. The Department of Planning, Preservation, and Sustainability (“Planning”) shall prepare a site plan checklist and application for use by applicants. The application shall include, without limitation, a statement, signed by the applicant, certifying that no covenants exist prohibiting the construction or use of an ADU on the lot. In addition to other items required by the application, the applicant shall submit the following to Planning with the signed application:

1. A scaled site plan showing all information required in the site plan checklist; and

2. A draft Declaration of Covenants and Restrictions (“DCR”), which must be approved by the Department of Housing and Community Development (“Housing”) Planning (“Planning”) and the Office of Corporation Counsel (“Legal”), including the terms, conditions, and provisions set forth in Sec. 54-214.g. The DCR must be executed by the owner(s) of the lot, in a form sufficient for recording with the applicable Register of Deeds Office. A certificate of occupancy/completion shall not be issued for the ADU until the applicant provides a recorded copy of the DCR that is approved by Planning and Legal. If the ADU receives financial subsidy from the City of Charleston under the provisions set forth in Sec. 54-214.g(3), the Department of Housing and Community Development (“Housing”) must provide approval prior to review by Planning and Legal.

c. There shall be a limit of one (1) ADU per lot.
d. The total number of dwelling units, including the ADU, shall not exceed two (2) dwelling units per lot. The ADU may be separately metered for electricity, gas, and water.

e. The ADU may include no more than 850 square feet of conditioned floor area; provided, however, for ADU’s within an accessory building approved utilizing the setback exceptions in Sec. 54-506.f, the maximum building footprint shall be 600 square feet.

f. One (1) off street parking space shall be provided for the ADU on the lot, in addition to providing, on the lot, required off street parking for existing uses thereon. The off street parking space provided for the ADU may be situated in tandem with the required spaces for other uses on the lot.

g. The DCR shall include the following terms, conditions, and provisions:

1. Either the principal dwelling unit or the ADU must be owner-occupied and serve as the primary dwelling unit for the owner of the lot. If neither dwelling unit is owner-occupied, the ADU may not be rented separately from the principal dwelling unit.

2. No subleases of the ADU shall be permitted.

3. If the applicant receives financial subsidy from the City of Charleston and the ADU is rented for remuneration, the ADU must meet affordable housing income and rental thresholds, as defined in Sec. 54-120, where the occupants have, in the aggregate, a household income of less than or equal to eighty percent (80%) of AMI, and the owner shall provide proof of affordability to the City of Charleston Department of Housing and Community Development, or its successor, on an annual basis during the affordability period.

4. For applicants receiving financial subsidy under Sec. 54-214.g(3), the affordability period shall be at least thirty (30) years, beginning upon receipt of a certificate of occupancy/completion for the ADU.

5. Occupancy of an ADU shall be limited to no more than two (2) adults, with “adult” defined as any person eighteen years of age or older.

6. Under no circumstances shall the property be converted to a horizontal property regime.

7. Neither the principal dwelling unit nor the ADU shall be utilized for a short term rental.

8. The covenants shall accord the City, or its assignee, rights to enforcement by any legal and/or equitable means, including the revocation of a certificate of occupancy.

Section 2. That this Ordinance shall become effective immediately upon ratification.
Ratified in City Council this ___ day of
______________ in the Year of Our Lord, 2022,
and in the ___ Year of the Independence of
the United States of America

________________________________________
John J. Tecklenburg, Mayor

ATTEST:

________________________________________
Jennifer Cook
Clerk of Council