

1978 S.C. Op. Atty. Gen. 188 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-155, 1978 WL 22623

Office of the Attorney General

State of South Carolina

Opinion No. 78-155

September 1, 1978

***1 SUBJECT: Property Tax—Valuation**

Real property, such as single family dwellings that have recently been zoned commercial, are to be taxed at the prescribed percentage of such property's fair market value. That value is defined by § 12–37–930 to be the price the property would bring following reasonable exposure to the market, where both seller and buyer are willing, not acting under compulsion and reasonably informed as to the uses and purposes to which the property is adapted and for which it is capable of being used.

TO: Honorable Norma C. Russell
Representative
District No. 90

QUESTION:

Is real property, such as a single family dwelling which has recently been zoned commercial, to be assessed at its actual use value or at its potential current market value?

APPLICABLE LAW:

[Article X, § 1 of the South Carolina Constitution](#); §§ [12–43–220](#) and [12–37–930 of the 1976 Code of Laws](#).

DISCUSSION:

The property is to be valued at its actual or true value and assessed in proportion to such value. [Article X, § 1 of the Constitution](#) provides in part that:

'The General Assembly may provide for the ad valorem taxation by the State or any of its subdivisions of all real and personal property. The assessment of all property shall be equal and uniform in the following classifications:

(3) The legal residence and not more than five acres contiguous thereto shall be taxed on an assessment equal to four percent of the fair market value of such property.

(5) All other real property not herein provided for shall be taxed on an assessment equal to six percent of the fair market value of such property.' (Emphasis added)

The language of § [12–43–220](#) implements the above and the property is to be taxed upon the prescribed percentage of actual value. [Section 12–37–930](#) defines that value as follows:

'All property shall be valued for taxation at its true value in money which in all cases shall be held to be the price which the property would bring following reasonable exposure to the market, where both the seller and the buyer are willing,

are not acting under compulsion, and are reasonably well informed as to the uses and purposes for which it is adapted and for which it is capable of being used. * * *.’

Only certain agricultural lands are to be taxed upon a percentage of value determined by use.

CONCLUSION:

Real property, such as single family dwellings that have recently been zoned commercial, are to be taxed at the prescribed percentage of such property's fair market value. That value is defined by § 12-37-930 to be the price the property would bring following reasonable exposure to the market, where both seller and buyer are willing, not acting under compulsion and reasonably informed as to the uses and purposes to which the property is adapted and for which it is capable of being used.

Joe L. Allen, Jr.
Deputy Attorney General

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