South Carolina's Notice and Opportunity to Repair Construction Defects

- "Dwelling" includes single-family house, duplex, or a multifamily unit not to exceed sixteen units and not to exceed three stories in height and which is intended for residential use – 40-59-820(4)
- If claimant files action before first complying with these requirements, court shall stay the action until the claimant has complied with the requirements – 40-59-830
- Does not apply to any actions arising out of claims for personal injury, death or both – 40-59-860(A)
- Any offers of settlement, repair or remedy are not admissible in an action – 40-59-850(D)

	Claimant	Contractor/Subcontractor (C/S)
Notice of claim	Shall serve notice of claim on C/S no later than 90 days before filing an action – 40-59-840(A) Must contain: statement asserting defect; reasonably detailed description of defect; and description of result of defect	Shall advise claimant within 15 days of receipt of notice of claim if defect description needs clarification – 40-59-840
C/S response	Must serve response to C/S offer within 10 days of receipt of offer – 40-59-850(B)	Within 30 days of notice of claim, C/S must serve written notice to inspect dwelling, offer to remedy, offer to settle or deny claim – 40-59-850(A) If C/S does not respond within 30 days, C/S is deemed to have denied the claim – 40-59-850(A)
Claimant allows inspection	Must decide on agreeable time for C/S inspection – 40-59-850(A) Must give C/S reasonable access to dwelling – 40-59-850(A)	
Parties cannot settle dispute	May proceed with civil action or other remedy – 40-59-850(C)	

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