



## Ford legislation asks for compassion

Measure would give evicted tenants more time to claim their property

By Tenisha Waldo  
The Post and Courier  
Thursday, February 7, 2008

Ousted tenants' property wouldn't be left on the nearest curb for anyone passing by to take if state Sen. Robert Ford has his way.

Ford, D-Charleston, wants legislators to revise South Carolina's Residential Landlord-Tenant Act to give evicted people more time to claim their personal items. His new bill calls for county magistrates to be more compassionate, because he said the current laws are anti-human and anti-Christian.

"Something needs to take place where the people's stuff doesn't end up in the streets, especially when they're not home," Ford said, and that "their stuff could wind up in the streets. ... That's just mean and hateful."

State law requires landlords to give tenants a written notice of 30 days to vacate, and magistrate court issues notice as well. After that, the Sheriff's Office oversees tenants' dispossession. Landlords can then do whatever they please with the leftovers.

That often means that ousted tenants' property is sold or tossed to the curb.

Ford would like tenants to be allowed at least seven days from a magistrate's ruling to claim their belongings, and his proposed legislation would require landlords or housing authorities to store tenants' possessions for 30 days before putting the items on the street.

While the senator had been working on a draft of his new bill for a while, he introduced a polished version to the Senate on Wednesday.

Ford said he never realized how evicted people's possessions were being piled along curbsides until Charleston City

Councilman Wendell Gilliard told him about the Gadsden Green families facing eviction from the Charleston Housing Authority.

Five single mothers and their children were faced with eviction from the public housing complex because of armed robbery charges filed against teenage sons from each family. At issue is a controversial zero-tolerance policy that says that the tenants can be thrown out because of the boys' alleged involvement in criminal activity. One woman could get a reprieve, while two others are still being targeted for removal. The remaining two women already have left.

Last month City Council passed a resolution, which Gilliard introduced, calling on the Housing

Authority to provide quarterly updates on evictions, though it offered no direct assistance to the five Gadsden Green families in jeopardy.

Gilliard said the resolution also called for the state Legislature to reconsider how evicted tenants' possessions are handled.

"We're not trying to change the law, we're trying to make sure the law is applied in a fair and just manner," he said.

Gilliard said he hopes that an adjustment in state laws could lead to scrutiny of zero-tolerance federal housing regulations. He alluded to the Gadsden Green situation where the women have argued that they did not "permit" their children to engage in any illegal behavior.

Ford's proposed legislation would apply to all renters, not just tenants in public housing.

The senator said ousted tenants would be responsible for paying any expenses incurred to store their property. Asked what would happen if the tenant doesn't pay for storage, Ford conceded, "Now that's a problem. That's why I want to find out what other states do."

Neighboring states have laws on the books that are similar to South Carolina's.

Tim Cook, an Atlanta bankruptcy attorney, said Georgia is landlord-friendly and that the legal time lines for dispossession vary by county. Oftentimes, he said, "the stuff is just left there. Then it's subject to whoever picks it up."

Bill Rowe of the North Carolina Justice Center said landlords can throw away or sell evicted persons' property after gaining clearance from the courts, and if tenants don't make arrangements to retrieve their stuff within the 10 days, they are locked out of their apartment by the sheriff.

*Reach **Tenisha Waldo** at 937-5744 or [twaldo@postandcourier.com](mailto:twaldo@postandcourier.com).*

Copyright © 1997 - 2007 the Evening Post Publishing Co.