

The State of South Carolina



Office of the Attorney General

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January 27, 1987

The Honorable Ryan C. Shealy
Member, South Carolina Senate
502 Gressette Building
Columbia, South Carolina 29202

Dear Senator Shealy:

In a letter to this Office you questioned the responsibility of a landlord in providing the written notice specified in Section 27-40-710 (b) of the Code, a provision of the recently-enacted State Residential Landlord and Tenant Act. Such provision states:

(i) if rent is unpaid when due and the tenant fails to pay rent within five days from the date due, the landlord may terminate the rental agreement provided the landlord has given the tenant written notice of nonpayment and his intention to terminate the rental agreement if the rent is not paid within that period. The landlord's obligation to provide notice under this section is satisfied for any lease term after the landlord has given one such notice to the tenant or if the notice is contained in conspicuous language in a written rental agreement.

You have questioned the number of times the written notice specified above must be given during the period covered by a particular lease. In the opinion of this Office a landlord must only provide the written notice specified in Section 27-40-710(b) once during the period covered by a lease. For instance, if a particular lease covering a six month period provides payment of rent on a week to week basis, a landlord

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would only be required to provide the written notice referenced above once during the six month period covered by the lease. The written notice would not have to be provided by the landlord each time a tenant fails to pay the rent when due during the particular lease term. Also, as specified above, such written notice is not required when the notice is conspicuously stated in the written lease.

If there is anything further, please advise.

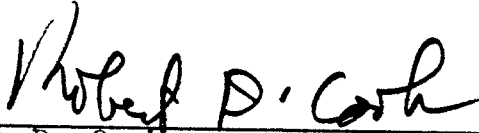
Sincerely,



Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



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cc: Mrs. Janet Rosado
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