

The State of South Carolina



Office of the Attorney General

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January 27, 1987

The Honorable William P. Steele, Jr.
Anderson County Magistrate
Anderson County Courthouse
Anderson, South Carolina 29624

Dear Magistrate Steele:

In a letter to this Office you questioned the jurisdiction of the magistrate's court as to cases brought pursuant to the recently-enacted State Residential Landlord and Tenant Act (hereafter "the Act") which has been codified as Sections 27-40-10 et seq. of the Code. You specifically asked whether the grant of concurrent jurisdiction in Section 27-40-130 authorizes magistrates to hear cases brought pursuant to the Act which seek damages or attorney's fees which exceed one thousand dollars.

Section 27-40-130 (a) states in part:

(t)he circuit courts and magistrate courts of this State shall exercise concurrent jurisdiction over any landlord with respect to any conduct in this State governed by this chapter or with respect to any claim arising from a transaction subject to this chapter.

As stated above, the magistrate courts have concurrent jurisdiction with the circuit courts over a landlord as to any conduct governed by the Act or as to any claim arising from a transaction subject to the Act. This would include those cases brought pursuant to the Act where damages or attorney's fees may exceed the typical one thousand dollar jurisdictional limit established by Section 22-3-10 of the Code. For instance, pursuant to Section 27-40-660 if a landlord unlawfully removes or excludes a tenant from the leased premises, the tenant

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may recover possession or terminate the rental agreement and, in either case, recover an amount equal to three months' rent or twice the actual damages sustained by him, whichever is greater, plus reasonable attorney's fees. Such a case could be heard by a magistrate even though the damages and attorney's fees may exceed one thousand dollars. However, a magistrate would not be authorized to hear a case where a party seeks to recover damages not based on a statutory remedy provided by the Act where the damages exceed one thousand dollars. Section 22-3-10 would typically limit the authority of a magistrate to hear and award damages in such a case.

If there is anything further, please advise.

Sincerely,



Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions