

1980 WL 120644 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 31, 1980

\*1 Mr. John T. Watkins  
Director  
S. C. Residential Home Builders Commission  
2221 Devine Street  
Columbia, South Carolina 29205

Dear John:

In a letter to this Office you asked whether an individual who contracts with another individual to provide the labor and supervise the construction of a residential home for the latter is a 'residential home builder' as defined by [Section 40-59-10, Code of Laws of South Carolina](#), 1976, and thus is subject to regulation by the South Carolina Residential Home Builders Commission. You indicated you are referencing a situation where typically the homeowner for the most part performs all other building related tasks such as obtaining a building permit and purchasing materials.

As you are aware, by definition a residential home builder is:

'... one who constructs a residential building or structure for sale or who, for a fixed price, commission, fee or wage, undertakes or offers to undertake the construction, or superintending of the construction, of any building or structure which is not over three floors in height and which does not have more than sixteen units in the apartment complex, or the repair, improvement or reimprovement thereof, to be used by another as a residence when the cost of the undertaking exceeds ten thousand dollars.' [Section 40-59-10, Code of Laws of South Carolina](#), 1976.

As to your situation as described above, it would appear that even if an individual's function is limited to providing the labor and supervising the construction of a residential home, with other building-related functions being performed by the homeowner or someone else, he would still come within the definition of a residential home builder and thus by [Section 40-59-70, Code of Laws of South Carolina](#), 1976, be required to be licensed as a residential home builder by the Commission. As a result, it would be appropriate for the Commission to consider any complaints made against such a builder by a homeowner in the above-referenced situation.

If there is anything further, please contact me.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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