

1973 S.C. Op. Atty. Gen. 332 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3648, 1973 WL 21099

Office of the Attorney General

State of South Carolina

Opinion No. 3648

October 23, 1973

**\*1 1. The tax value of personal property that is assessed by the tax assessor in Florence County should be determined by applying a ratio of 9.5% to the fair market value thereof.**

**2. Furniture in a mobile home is not subject to taxation when the same is the property of the person residing in the mobile home, however, if not the property of such person, the furniture is taxable.**

Florence County Tax Assessor

Reference is made to your letter of October 10, 1973, and to the request for the opinion of this office concerning two questions, the first of which is:

‘Are we required to assess Business Personal Property at the same rate as Real Estate, or 9.5 per cent as Commission does?’

We find no statute that fixes the ratio that your office is to use to apply to the fair market value of the above described property to determine the assessed value thereof. Act 1266, Acts of 1972, does, however, provide for the ratio to be applied by the South Carolina Tax Commission to the fair market value of the property that is assessed by the South Carolina Tax Commission. That ratio is 9.5% and as to the personal property this is the ratio used by the South Carolina Tax Commission. The Commission likewise assesses or makes mandatory the use of published valuations of almost all personal property that is taxed in this State.

Based upon the above and in the light of the equal and uniform requirements of the Constitution, it is suggested that you use a 9.5% ratio to determine the assessed value of the above-described personal property.

Your second question is as follows:

‘Is the furniture taxable as Personal Property in a rental mobile home, on the same basis as furniture in a rental apartment?’

Section 65–1522 provides as follows:

‘The following property shall be exempt from taxation, to wit:

(32) Household goods used in home of owner.—All household goods and furniture used in the home of the owner of such goods and furniture, but this exemption shall not apply to household goods and furniture used in hotels, rooming houses, apartments or other places of business;’

Under the terms of the above statute, the household goods and furniture located within a rented mobile home, and not the property of the person who makes his home therein, is subject to taxation. The furniture and household goods of the person that has his ‘home’ in the rented mobile home is, however, exempt from taxation.

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