

Fraser Law Firm Responds to Pending SC Unlawful Occupant Bill (H.3387) as Property Dispute Litigation Takes Center Stage

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Following the South Carolina House?s passage as of October 2025 of H.3387?legislation proposing an expedited judicial procedure for removing alleged unlawful occupants, which has passed the South Carolina House of Representatives and is presently under review by the Senate Judiciary Committee?The Fraser Law Firm, LLC, cautions that the proposed bill could, in some cases, contribute to an increase in property dispute litigation.

Attorney Denny Fraser, who has practiced real estate law in South Carolina since 2000, says the legislation?which has passed the House and is currently pending in the Senate Judiciary Committee?proposes an expedited petition-based process for removing individuals allegedly occupying residential dwellings unlawfully, supplementing existing provisions of the South Carolina Residential Landlord and Tenant Act (Title 27, Chapter 40, SC Code). While intended to combat squatting, Fraser cautions that the bill?s broad language could, in his view, invite misuse or contribute to additional litigation between parties with competing claims to possession.

"This legislation is well-intentioned and addresses a real problem facing property owners," Denny Fraser stated. "However, the streamlined process it creates could become a weapon in property dispute litigation. We're already anticipating cases where the line between an 'unlawful occupant' and someone with a legitimate claim to possession becomes contested."

The proposed law allows residential property owners to file a verified petition with the magistrate court clerk to seek a removal order from a magistrate judge against individuals determined, after notice and hearing, to be unlawfully occupying residential property. Unlike traditional eviction proceedings, which include specific tenant protections, this process moves significantly faster and applies to non-tenant occupants.

Attorney Denny Fraser points to several scenarios where the legislation could complicate existing property disputes. Family members involved in estate disputes, co-owners engaged in partition actions, and individuals with verbal lease agreements (which, under South Carolina?s Statute of Frauds - South Carolina Code §27?35?20, may be enforceable if they do not exceed one year in duration) and parties asserting adverse possession rights could all fall within the statute?s scope. In each case, the person facing removal may have colorable legal grounds to occupy the property, setting the stage for property dispute litigation.

The Fraser Law Firm, LLC is prepared to advise and represent South Carolina property owners seeking to understand or assert their rights under the proposed statute and individuals contesting removal proceedings through appropriate legal channels. Denny Fraser emphasizes that property dispute litigation arising from H.3387 will require careful analysis of underlying ownership claims, easement rights, lease agreements, and the adverse possession doctrine.

Of particular concern are situations involving inherited property where multiple family members claim ownership rights, properties categorized as heirs? property?land passed down without a clear title among descendants?common in South Carolina?s coastal regions and properties acquired through tax sales, where prior occupants may assert redemption rights, or through foreclosure proceedings, where title is subject to judicial finality.

The Fraser Law Firm recommends that property owners seek guidance from qualified real estate counsel to confirm compliance with statutory notice and filing requirements before initiating removal proceedings under H.3387. A thorough title examination and review of any potential claims to the property can help minimize costs and delays associated with property dispute litigation.

As South Carolina?s coastal counties continue to experience population growth and real estate development, property dispute litigation may continue to increase regardless of H.3387?s passage, depending on broader

market and population trends. Denny Fraser notes that the bill may shift some disputes into an expedited framework, potentially creating additional procedural complexity in certain cases.

The Fraser Law Firm, LLC provides comprehensive representation in property dispute litigation, including quiet title actions, boundary disputes, easement conflicts, adverse possession claims, partition actions, and related real-estate litigation throughout the South Carolina Lowcountry.

Denny Fraser advises seeking prompt legal consultation for anyone served with a petition under the procedures proposed in H.3387, depending on judicial interpretation of H.3387 once enacted. Individuals seeking more information may contact The Fraser Law Firm at (843) 681-9111 or submit a contact form at https://hiltonheadislandlaw.com.

About The Fraser Law Firm, LLC

Founded in 2015 by attorney Denny Fraser, The Fraser Law Firm, LLC serves individuals and businesses throughout Hilton Head Island, Bluffton, and Beaufort County in real estate law, construction law, contract disputes, estate planning, business formation, and debt collection. Fraser has been a member of the South Carolina Bar since 2000.

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Fraser Law Firm, LLC

The Fraser Law Firm, LLC enjoys a broad private and corporate practice with focus on real estate transactions, construction law, estate planning, employment law, credit relations law, property owner?s association law and general litigation.

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