

THE STATE OF SOUTH CAROLINA
OFFICE OF THE ATTORNEY GENERAL
COLUMBIA

OPINION NO. _____

November 15, 1989

SUBJECT: Taxation and Revenue - Requirement for Mobile Home Permits for Homes Owned by the Federal Emergency Management Agency.

SYLLABUS: Mobile homes owned by the Federal Emergency Management Agency and provided as housing in this State by reason of a national emergency are not subject to the licensing requirements of Section 31-17-320 of the Code of Laws of South Carolina, 1976.

TO: Honorable Barbara Sylvester
Florence County Assessor's Office

FROM: Joe L. Allen, Jr. *JLA*
Chief Deputy Attorney General

QUESTION: Is the Federal Emergency Management Agency required to obtain permits for mobile homes it owns and provides within the State to disaster victims?

APPLICABLE LAW: 50 U.S.C.A. App. 2251, et seq. and Section 31-17-320, Code of Laws of South Carolina, 1976.

DISCUSSION:

Section 31-17-320 of the Code of Laws of South Carolina, 1976, provides that:

"Within fifteen days after bringing a mobile home into this State, or the purchase of a mobile home in this State, for dwelling purposes, the owner, rental agent or person in possession shall obtain a license from the governing body of the county or its designated agent hereinafter referred to as licensing agent, in which such mobile home is located."

Honorable Barbara Sylvester
Page Two

November 15, 1989

As understood, the mobile homes are the property of the Federal Government and provided as housing to designated persons because of a national disaster, in this case Hurricane Hugo.

Under such circumstance, the mobile homes are not subject to the license statute or regulations of a state.

"By reason of supremacy clause, state is without power to provide conditions on which federal government will effectuate its policies." United States v. Georgia Public Service Commission, 83 S.Ct. 397, 371 U.S. 285, 9 L.Ed.2d 317. (For other cases see 73 F.P.D., States, Key 4.7, et seq.)

We find no consent by Congress for the agency to license the mobile homes and in the absence of the same, Section 31-17-320 is not applicable to the mobile homes.

CONCLUSION:

Mobile homes owned by the Federal Emergency Management Agency and provided as housing in this State by reason of a national emergency are not subject to the licensing requirements of Section 31-17-320 of the Code of Laws of South Carolina, 1976.

JLAJr:wcg