

1979 WL 42862 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 13, 1979

\*1 Mr. Michael Grant LeFever  
Deputy Director  
Juvenile Placement And Aftercare  
P. O. Box 5535  
Columbia, S. C. 29250

Dear Mike:

You have recently made inquiry as to whether Lancaster County is required to provide in addition to office space—utilities, janitorial services and incidental renovations for the operation of juvenile intake and probation.

Each county is required to provide a 'sufficient physical facility' for the operation of the statewide family court system in that county. [Section 14-21-480, South Carolina Code](#) of Laws (Supp. 1978). As a general proposition in a landlord and tenant relationship, a landlord is under no obligation to furnish services such as water, light, heat, or power to a tenant unless the same is part of a contractual or statutory requirement. 51C, CJS, Landlord and Tenant, Section 297. Whether the term 'sufficient physical facility' is broad enough to encompass an obligation to provide such services is debatable. Based on everyday experiences and common usage, there is persuasive argument that the term connotes nothing more than office space and absent some specific mention of services, such are not included. However, the Legislature must have contemplated in using the term 'sufficient physical facility,' that each county would continue to provide space in its courthouse or county office building and would, as had been the general practice, continue to provide heat, lights, janitorial, and other services common to all occupants of the building. In effect, the new statute removed only the supervision of juvenile intake and probation from the counties, but the responsibility for providing space and the incidents thereto remained in the county. In an analogous situation, the counties throughout the state have always provided not only office space but utilities and janitorial services for the operation of adult probation. [Section 24-21-270, South Carolina Code](#) of Laws, 1976, as amended, requires the counties to provide 'suitable office space.' In that same spirit, the Legislature enacted [Section 14-21-480](#), contemplating that services such as utilities and janitorial services would be included. Therefore, it is the opinion of this office that Lancaster County must provide not only office space but also utilities and janitorial services under the language of [Section 14-21-480](#).

As to the question of incidental renovations, the answer is dependent upon whether the renovation is an integral and essential factor in making the area habitable. It is the opinion of this office that renovations of an incidental and strictly cosmetic nature were not contemplated as part of a sufficient physical facility. It is unclear from your letter into which category the renovations you mention would fall.

Sincerely,

B. J. Willoughby  
Staff Attorney

1979 WL 42862 (S.C.A.G.)