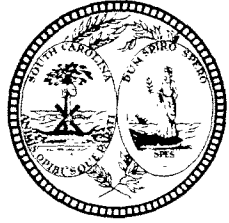


05-5843
February



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

February 5, 1996

Sandra S. Bradford, Executive Director
North Charleston Housing Authority
Post Office Box 70987
North Charleston, South Carolina 29415-0987

RE: Informal Opinion

Dear Ms. Bradford:

By your letter of January 25, 1996, to the Office of Attorney General Condon, you had sought an opinion as to whether a South Carolina Housing Authority, specifically a city housing authority, would be considered a subdivision of the State of South Carolina as it relates to S.C. Code Ann. §25-1-2250.

Section 25-1-2250 provides for leaves of absence for military duty for certain officers and employees, as follows:

Officers and employees of the State of South Carolina, and departments and subdivisions thereof, shall be entitled to military leave without loss of pay, seniority or efficiency rating, when attending National Guard encampments or schools for training, under proper authority, and on all other occasions when ordered to active duty, in the service of the State of South Carolina.

If a city housing authority should be considered a subdivision of the State of South Carolina, the employees of such housing authority would be entitled to the benefits of §25-1-2250.

City housing authorities are established pursuant to S.C. Code Ann. §31-3-310 et seq. (1976). This Office has concluded on a number of occasions that a city housing

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authority would be considered a political subdivision of the State of South Carolina for a variety of purposes. Enclosed are copies of opinions dated September 11, 1984; March 5, 1982; August 13, 1975; October 11, 1973; and September 27, 1966, as examples; I have highlighted the conclusions therein. I see no reason to reach a different conclusion as to city housing authorities being political subdivisions of the State for purposes of application of §25-1-2250.

In conclusion, I am of the opinion that a city housing authority would be a political subdivision of the State of South Carolina for purposes of application of §25-1-2250.

This letter is an informal opinion only. It has been written by a designated Senior Assistant Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Senior Assistant Attorney General

Enclosures