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The State of South Carolina



Office of the Attorney General

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May 9, 1989

The Honorable E. B. McLeod, Jr.
Member, House of Representatives
Route 1, Box 28
Pinewood, South Carolina 29125

Dear Representative McLeod:

You have questioned whether, as a member of the House of Representatives from Sumter County, there would be a conflict of interest if you were to permit a trailer owned by you to be rented by the Sumter Housing Authority 1/ under Section 8 of the Federal Housing Act. Section 8 is presently codified at 42 U.S.C. § 1437(f).

This Office has opined previously, by an opinion dated October 11, 1988 (enclosed), that a member of the House of Representatives from Charleston County would have no conflict of interest if a house owned by him were to be rented by the Sumter Housing Authority under Section 8 of the Federal Housing Act. We identified no prohibitions in the state housing laws against such a rental. It was also presumed that a legislator from Charleston County would have no control over actions by the Sumter Housing Authority.

Whether a member of the Sumter County legislative delegation would have any control over the actions of the Sumter Housing Authority must be examined. A review of Article 5 (City Housing Authorities) and Article 7 (County Housing Authorities) of Chapter 3 of Title 31, South Carolina Code of Laws (1976, as amended), reveals no actions to be taken by the county legislative delegation as to a city housing authority. A county legislative delegation is given certain powers as to a county housing authority, particularly in the

1/ It is our understanding that the Sumter Housing Authority's jurisdiction was formerly only the City of Sumter but now includes Sumter County.

The Honorable E. B. McLeod, Jr.
Page 2
May 9, 1989

creation of a county housing authority. The legislative delegation as an entity and the individual members do not appear, by virtue of state law, to have any control over the day-to-day operations and decision-making of either a city or a county housing authority, including rental decisions in the Section 8 rental program.

As advised in the opinion of October 11, 1988, a legislator contemplating such an arrangement with a housing authority should be aware of the provisions of the State Ethics Act, Section 8-13-410 et seq. of the Code, as specified in that opinion.

Based on the foregoing, it is the opinion of this Office that a member of the House of Representatives from Sumter County would not appear to play any part in the decision-making relative to the Section 8 rental program of the Sumter Housing Authority.

With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP/an

Enclosure

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
Executive Assistant for Opinions

cc: Sumter Housing Authority