

1981 WL 158192 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 17, 1981

*1 Joseph M. Jenkins, Jr., Esquire
Post Office Box 10167 F.S.
Greenville, South Carolina 29603

Dear Mr. Jenkins:

You have requested an opinion as to whether the Housing Authority of the City of Greenville may form a non-profit corporation for the purpose of financing public housing.

As you point out, this is a similar question to the one set forth in opinion No. 77-64. There it was concluded that the State Housing Authority could validly create a nonprofit corporation to finance public housing. Under § 31-3-140, the powers of the State Housing Authority are derived from the statutes which enumerate the powers of city and county housing authorities. By reference to § 31-3-450(10), it can be seen that city housing authorities have broad powers including 'all powers necessary, proper, incidental or useful to carrying out any of the purposes or intendments of this chapter . . .'. For this reason, it is the opinion of this Office that the Greenville City Housing Authority possesses the power to create a non-profit corporation to finance public housing.

As in the case of this Office's earlier opinion, however, we express no opinion as to whether any particular proposal for the issuance of bonds by the not-for-profit corporation would constitute a public purpose.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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