

1979 WL 42746 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 9, 1979

*1 Jimmy Williams
Community Development Specialist
Waccamaw Regional Planning and Development Council
1001 Front Street
Post Office Box 419
Georgetown, South Carolina 29440

Dear Mr. Williams:

You have requested the opinion of this Office as to the authority of the Waccamaw Regional Planning and Development Council to establish a Regional Housing Authority. The Council was created pursuant to [§ 6-7-10 et seq., 1976 Code](#) of Laws, and its powers and duties are outlined in § 6-7-140. [Section 6-7-10](#), which contains the declaration of purpose for such councils, recites that their essential purpose is to coordinate local planning and development with that of the surrounding region. Among the enumerated powers listed in § 6-7-140 are such things as the power to prepare studies and make recommendations, to coordinate cooperative programs and action with and among its members, to study and make recommendations on matters affecting the public health, etc., and generally to carry on such planning activities and the development of such studies and programs as it deems to be in the interest of the area. It is the opinion of this Office that the establishment of a Regional Housing Authority by such a council would go beyond the Council's planning and development duties as authorized by statute, at least if the proposed housing authority is to carry on the usual functions of such authorities in this State. This conclusion is also to be inferred from the numerous state statutes in Title 31 of the 1976 Code of Laws which provide for the creation of municipal, county, regional and state housing authorities, except for the State Housing Authority, whenever one of the other listed authorities wishes to operate within a certain area it usually must pursue a lengthy inquiry to see whether its jurisdiction overlaps with that of any other agency. It is unlikely that the General Assembly intended that yet another agency should have the power to create housing authorities which might cause additional jurisdictional overlapping and conflict.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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