

1980 WL 120969 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 14, 1980

*1 Mr. John T. Watkins

Director

S.C. Residential Home Builders Commission

2221 Devine Street, Suite 312

Columbia, South Carolina 29205

Dear John:

In a letter to this Office you questioned whether the South Carolina Residential Home Builders Commission is authorized to enforce Act No. 156 of 1979, the South Carolina Building Energy Efficiency Standard Act. Such Act has been codified as [Sections 6-10-10 et al., Code of Laws of South Carolina, 1976](#), as amended.

Please be advised that a review of such Act indicates that the General Assembly intended that the administration and enforcement of the requirements of the Act be a matter within the jurisdiction of 'the appropriate local enforcement agency'. The term 'local enforcement agency' was defined as:

' . . . the agency of local government with authority to make energy related inspections of buildings and to enforce the laws, ordinances, and regulations enacted by the State and the local government which establish standards and requirements applicable to the construction, alteration, repair and occupancy of buildings.' Section 6-10-20(4), [supra](#).¹

Section 6 of the Act, codified as Section 6-10-50, [supra](#)., reiterates the responsibility of local enforcement officials, e.g., local building code enforcement officials, local engineers, directors of public works, or chief fire inspectors, depending on the circumstances, to enforce the provisions of the Act. I found no provision indicating that the South Carolina Residential Home Builders Commission was responsible for enforcing the requirements of the Act.

If there are any questions, do not hesitate to contact me.

Sincerely,

Charles H. Richardson

Assistant Attorney General

Footnotes

¹ The term 'local government' was defined in the Act as ' . . . any county, city, municipal corporation, or other political subdivision of this State and state agencies with authority to establish energy standards and requirements applicable to the construction, alteration, repair and occupancy of buildings.' Section 6-10-20(5), [supra](#).

In light of the reference to 'state agencies', I checked with the House Committee responsible for Act No. 156 of 1979 for clarification as to what state agencies were intended to be included in such reference. I was informed that originally the South Carolina Building Code Council was to be more responsible for enforcing the provisions of the Act, However, their authority was changed in the final draft of the Act. The definition of 'local government', which was drafted with the Building Code Council in mind remained. I was assured that there were no intentions that the Act be construed to make enforcement of the Act a responsibility of the Residential Home Builders Commission.

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