

1980 WL 120974 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 19, 1980

*1 Honorable David O. Hawkins
Member
House of Representatives
23 Independence Drive
Roebuck, South Carolina 29376

Dear Representative Hawkins:

Your letter of November 13, 1980, has been referred to me for reply. You have asked whether a City Housing Authority may exercise its powers outside the city which created it.

Chapter 3 of Title 31 of the 1976 Code of Laws of South Carolina provides for the creation of, among others, city, county and regional housing authorities. The same chapter specifies that jurisdictional conflicts or overlapping among these authorities is to be resolved by the State Development Board. However, with the Board's permission, some extensions of authority are permitted. Thus, for example, § 31-3-390 provides that a city housing authority may, with the Board's permission, extend its territorial jurisdiction over territory contiguous to that of the housing authority (i.e., abutting the city limits) if such extension does not conflict with any other housing authority. In addition, § 31-3-400 provides that a housing authority of one city may exercise its powers within the boundaries of another city provided certain requirements spelled out in that section are met.

It therefore appears that in some cases a municipal Housing Authority may exercise its powers outside its boundaries. If I may render further assistance in this matter, please let me know and I will be glad to try to help.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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