

1978 WL 34737 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 2, 1978

\*1 Mr. L. Steve Mayfield  
South Carolina State Housing Authority  
2221 Devine Street  
Room 540  
Columbia, South Carolina 29205

Dear Mr. Mayfield:

You have asked the opinion of this office on the following question:

‘Can the Housing Authority of the Town of Marion act as an acceptable owner/sponsor on behalf of Dillon County to own, sponsor, and manage a Federally-assisted and funded multifamily housing development for low and moderate income citizens within the jurisdictional area of Dillon County?’

[§ 31-3-450, 1976 Code](#) of Laws indicates that a city housing authority such as the Marion Housing Authority, may act only in areas into which its jurisdiction has been extended. The Marion Housing Authority, a city housing authority, may, by statute, extend its jurisdiction in two situations: [§ 31-3-390, 1976 Code](#) of Laws permits extensions into areas contiguous to that of the authority, and § 31-3-400 permits extensions into the boundaries of any other municipality. Unfortunately, the site proposed in this instance is not contiguous to the territory in which the Marion Housing Authority operates. It is therefore the opinion of this Office that the Marion Housing Authority, lacks authority to sponsor the aforesaid project.

You have also asked whether §§ 31-5-10 et.seq., the State Housing Co-operation law, provides authority for the proposal in question. This act, which is Act No. 210 of 1939, as amended, was enacted to enable any city or county ‘to aid any housing authority operating within its boundaries or any housing project located therein . . .’ (Act No. 210 of 1939, § 2). Since a housing authority can only operate in an area into which its jurisdiction has been extended, it must be concluded that this act does not apply.

Sincerely yours,

Kenneth P. Woodington  
Assistant Attorney General

**ATTACHMENT**

P.S. If the Marion Housing Authority's jurisdiction included all of Marion County and the proposal were to extend its jurisdiction into adjacent parts of Dillon County, the contiguity requirement might be met. Approval by the State Development Board would also be required in that event.

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