

1978 WL 34899 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 5, 1978

\*1 L. Steve Mayfield  
Executive Director  
S.C. State Housing Authority  
2221 Devine Street, Suite 540  
Columbia, South Carolina 29205

Dear Mr. Mayfield:

You have requested an opinion as to the power of the State Housing Authority to provide low cost rental housing within the Town of Ridgeland. The Town Council has twice passed resolutions (one on June 16, 1976 and the other on March 22, 1977) agreeing to the operation of such a project by the Authority within the Town.

The Authority's power in this regard is derived from [§ 31-3-150, 1976 Code](#), which provides among other things that the Authority may conduct its operations within a municipality if the governing body of the municipality approves in writing. Approval by the governing body of the county is not necessary for Authority operations within a municipality; the statute provides that county or municipal approval is necessary, depending on the location of the project. [§ 31-3-150](#) does provide that if an existing housing authority is operating in a county in which the SHA wishes to operate, the SHA must follow certain procedures before it takes any action within that county. However, assuming that SHA must also follow these procedures if it wishes to operate within a municipality which lies within a county in which another housing authority is operating, this provision of the statute is nevertheless inapplicable here. We are informed that no other housing authority was operating within Jasper County as of the date of either resolution by the Town of Ridgeland (see Op. No. 324, 1972 Ops. Atty. Gen. for a definition of 'is operating' under [§ 31-3-150](#)), and in fact one may not be operating even now. The statute obviously only requires the SHA to follow the above-referenced procedure when the other housing authority is operating prior to the entry of the State Housing Authority.

In summary, then, it is the opinion of this Office that the SHA may provide low cost rental housing within the Town of Ridgeland because the Town has duly requested it in writing and because such request is the only statutory prerequisite, under the circumstances of this case, to this operation by the SHA.

Sincerely yours,

Kenneth P. Woodington  
Assistant Attorney General

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