

1978 WL 35223 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 16, 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 concerning the effect of the federal Equal Credit Opportunity Act ([15 U.S.C. § 1691 et seq.](#)) on the Housing Authority's Single Family Mortgage Purchase Program. In the usual case the ECOA provides that, for instance, if a husband applies for a loan, the wife's income may not be considered in determining the husband's eligibility for the loan if he does not want her income considered. The Housing Authority program is intended to aid persons with low and moderate income in purchasing housing; in order to determine the eligibility for individuals for participation in the program, the entire income of the household must be considered by the Housing Authority. This specific situation is covered by [§ 1691\(c\)\(1\)](#) which provides:

'It is not a violation of this section for a creditor to refuse to extend credit offered pursuant to—

(1) any credit assistance program expressly authorized by law for an economically disadvantaged class of persons;'

It is therefore the opinion of this Office that the literal language of the ECOA exempts such programs as that administered by the Housing Authority. It should also be pointed out that this same result and rationale have been used in Georgia where a similar question has arisen.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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