

1975 S.C. Op. Atty. Gen. 20 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 3941, 1975 WL 22239

Office of the Attorney General

State of South Carolina

Opinion No. 3941

January 23, 1975

***1** Proof of blindness as defined by Act 958 of 1966 is a condition precedent for the homestead exemption. The proof may be by the statement of the South Carolina Commission for the Blind or the statement of an approved ophthalmologist accompanied by evidence of his approval.

Mr. Donald C. Capps
First Vice President
The South Carolina Aurora Club of The Blind, Inc.
1829 Belmont Drive
Columbia, South Carolina 29206

Dear Mr. Capps:

Mr. McLeod has handed this writer your letter of January 20, 1975, for attention and reply. You advise that some county auditors require an applicant for the Homestead Exemption to secure a statement from the South Carolina Commission for the Blind as a condition for the exemption and request the opinion of this office of whether such is necessary.

The Homestead Exemption is found in Section 65-1522.1 and is applicable to 'any person who is legally blind as defined in Act 958 of 1966, preceding the tax year * * *.'

The 1966 Act, in Section 2, defines blindness and requires that 'the determination of degree of vision will be by means of eye examinations by an approved ophthalmologist.' Section 4 of the Act requires the Commission to 'designate the procedure to be followed and to establish a register of ophthalmologists from which the applicant may select one to conduct a competent medical examination for determining the extent of his visual handicap.'

The Homestead Exemption requires an application for the exemption and it is necessary to ascertain whether the applicant qualifies for the exemption. The proof of blindness must be upon examination by an ophthalmologist approved by the Commission.

It appears that the best evidence of qualification for the exemption would be a statement of such by the South Carolina Commission for the Blind, however, the applicant may also satisfy the proof by the statement of an ophthalmologist approved by the Commission to make the determination. Under this procedure, the certificate of blindness by the ophthalmologist and the approval of the ophthalmologist by the Commission must be submitted with the application.

Yours very truly,

Joe L. Allen, Jr.
Assistant Attorney General

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