

1975 WL 29434 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 28, 1975

***1 Re: P.L. 93-383**

Mr. Joe Wickel
Assistant Director
Division of Administration
Edgar A. Brown Office Building
Columbia, SC 29201

Dear Mr. Wickel:

On December 9, 1974, I wrote an opinion in response to your letter of November 6, 1974. The December opinion set forth the powers of various local, regional and State agencies with regard to P.L. 93-383 codified as [42 USC §§ 5301](#), et seq. This letter is an amendment to and correction of the December letter.

As stated earlier, unless the electors of a specific local government have voted to condone urban renewal through the use of public funds, the local government unit in question cannot condemn property for the elimination or prevention of slums, blight, and deterioration, as defined in P.L. 93-383. Article 14, Section 5 of the Constitution provides for slum clearance in certain counties including Spartanburg, York, Florence, Greenville, Charleston, Richland, and Laurens. Furthermore, Article 1, Section 17 provides for slum clearance in Sumter and Cherokee counties. Finally, Section 36-656, CODE OF LAWS OF SOUTH CAROLINA (1962) (as amended), 57 STAT. 3104 (1972), provides for slum clearance in Pickens County.

However, Section 36-656 limits the municipalities and/or agencies in Pickens County to the authority provided in Chapters 2, 3, and 4 in Title 36 of the 1962 Code. The Housing Authority Act, however, does not authorize slum clearance within the meaning of P.L. 93-383. Consequently, the nine (9) counties listed above, exclusive of Pickens County, may avail themselves of the opportunities presented in P.L. 93-383.

Yours very truly,

M. Elizabeth Crum
Assistant Attorney General

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