

1975 S.C. Op. Atty. Gen. 145 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4067, 1975 WL 22364

Office of the Attorney General

State of South Carolina

Opinion No. 4067

August 1, 1975

*1 The State Human Affairs Commission has authority to contract with legal aid agencies to provide legal services to the elderly poor in civil cases involving the existence of or potential for discrimination.

TO: James E. Clyburn
Commissioner for Human Affairs Commission

QUESTION PRESENTED:

Whether the South Carolina Human Affairs Commission has the statutory authority to contract with legal aid agencies to provide legal services to the elderly poor in civil cases.

STATUTES, CASES, ETC., INVOLVED:

The powers and duties of the Human Affairs Commission are set forth in Section 1-360.21 et seq., Code of Laws of South Carolina, 1962, as amended (Cu. Supp.).

Executive and administrative officers, boards, departments and commissions have no powers beyond those granted by express provision or necessary implication. See, 81 C.J.S. States § 58 at 978.

DISCUSSION:

The purpose for which the South Carolina State Human Affairs Commission was established is to eliminate and prevent discrimination against the statutorily protected classes. One such class is the elderly. While there is no express authority by which the Commission can provide legal assistance to the elderly poor, it is empowered to contract with ‘agencies . . . which are dedicated to the promotion of human rights and affairs.’ [See § 1-360.27(g) 1962 Code of Laws of South Carolina (as amended)]. There can be no question that legal aid agencies are dedicated to such ideals. It seems well within the statutory guidelines for the State Human Affairs Commission to enter into agreement with legal aid agencies whereby such agencies will provide legal services for the elderly who qualify in return for financial support and administration provided by the Human Affairs Commission. This agreement should extend only to those cases which will result in the encouragement of fair treatment for, and the elimination and prevention of discrimination against the elderly poor.

CONCLUSION:

The State Human Affairs Commission has authority to contract with legal aid agencies to provide legal services to the elderly poor in civil cases. The State Human Affairs Commission has authority to contract with legal aid agencies to provide legal services to the elderly poor in civil cases involving the existence of or potential for discrimination.

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