

# The State of South Carolina



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July 21, 1994

The Honorable Harold G. Worley  
Member, House of Representatives  
P. O. Box 296  
N. Myrtle Beach, SC 29597-0296

Dear Representative Worley:

In your letter and attachments of June 24, 1994, you asked whether a Home/Property Owners Association, organized as a nonprofit corporation under § 33-31-10, et seq., S. C. Code of Laws, Ann., 1990, could provide their Board of Directors with additional powers through the enactment of corporate by-laws. Section 33-31-100 enumerates ten (10) specific powers possessed by every corporation chartered under that article. Specifically, these corporations have the power to:

[M]ake bylaws not inconsistent with any existing law for the management of its property or the regulation of its affairs.

S. C. Code, § 33-31-100(10).

Therefore, the Association can provide its Board of Directors with powers other than those enumerated in § 33-31-100 through the enactment of bylaws provided (1) the purpose of the bylaw is the management of the corporation's property or the regulation of its affairs and (2) the bylaw is not inconsistent with any existing law.

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I trust that this answers your question.

Sincerely,



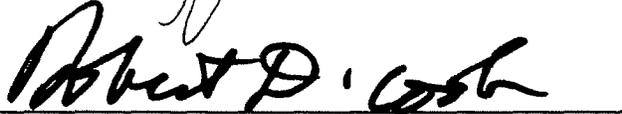
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