

1975 WL 28958 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 26, 1975

*1 The State Human Affairs Commission has no authority to provide legal services to elderly and low income people.

Executive Assistant for Legal Affairs

QUESTION PRESENTED:

Whether the South Carolina Human Affairs Commission has the statutory authority to provide legal services to elderly and low income persons in consumer, real property, tax and estate matters.

STATUTES, CASES, ETC., INVOLVED

The powers and duties of the Human Affairs Commission are set forth in Sections 1-360.21 et seq., CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. 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 OF ISSUE

While the Commission has the authority to employ attorneys [Cum. Supp. § 1-360.25(c)], those attorneys may only assist the Commission in the discharge of its authorized duties. Those duties, in our opinion, do not include, either expressly or impliedly, the furnishing of legal services such as writing wills or interpreting leases and contracts for elderly or low income persons. In creating the State Human Affairs Commission, we think that the intent of the General Assembly was to eliminate and prevent discrimination and not to establish an agency that was to provide free legal services in competition with existing legal aid organizations and private legal practitioners.

CONCLUSION

Absent a statute expressly or impliedly conferring upon the Commission the power to provide legal services to elderly and to low income people, it has no authority to provide such services. The Commission's powers do not now include that authority.

Karen LeCraft Henderson

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