

1975 WL 29113 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 2, 1975

***1 In Re: City of Columbia Housing Authority, Extension of Jurisdiction**

Mr. W. Milton Folds
Director
South Carolina State
Development Board
Post Office Box 927
Columbia, South Carolina 29202

Dear Mr. Folds:

You have inquired as to lawful procedures to be followed by the Board in the event request is received from the Columbia Housing Authority to extend its jurisdiction throughout Richland County.

Section 36-120 provides for extension of the jurisdiction of a city housing authority by the Board in this language: 'The Board [State Development Board] may extend the territorial jurisdiction of any housing authority over territory contiguous to that of the housing authority if such extension does not conflict with any other housing authority.'

It is a question of fact to be determined by the Board as to whether or not extension of the territorial jurisdiction of the Columbia Housing Authority will 'conflict with any other housing authority'. If another housing authority with jurisdiction in Richland County [outside municipal limits] exists, it is advised that such housing authority be given notice of the request of the Columbia Housing Authority and such other authority be requested to inform the Board as to whether or not conflict will be created by the requested extension. In the event it appears that no conflict will result, there is not requirement that a hearing be held by the Board insofar as such additional County territory [outside municipal limits] is concerned.

On the other hand, if there should exist another housing authority [outside municipal limits] with jurisdiction in Richland County and that housing authority does not agree that no conflict will be created by the Columbia Housing Authority's requested extension, you are advised to set the matter for public hearing with notice to all affected housing authorities so that the Board can receive testimony and other evidence on the question and, thereafter, make a determination of fact as to whether or not Section 36-120 conflict exists.

With respect to jurisdiction of territory within another municipality by the Columbia Housing Authority, requirements of Section 36-121, dealing with extraterritorial powers of city housing authorities, should be followed. In view of the provisions of Section 36-111, giving to each city the statutory right to create its own housing authority, it is the opinion of this Office that the Board could not lawfully extend permanent jurisdiction of the Columbia Housing Authority over such territory.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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