

1975 S.C. Op. Atty. Gen. 247 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4199, 1975 WL 22496

Office of the Attorney General

State of South Carolina

Opinion No. 4199

November 21, 1975

*1 William J. McLeod
Representative
P. O. Drawer 1027
Dillon, South Carolina 29536

Dear Representative McLeod:

On October 30, 1975, I advised you that Sections 25–181, et seq., CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended, impose no responsibility upon the Dillon City-County Building Commission to a commercial renter-occupant of a Dillon County-owned building scheduled to be demolished in order to construct a Dillon City-County building.

Upon further study, however, I have concluded that my original opinion was in error and that the Commission is responsible for relocation assistance payments pursuant to those statutes. My original conclusion was based in large part upon the opinion of the Office of Revenue Sharing, Office of the Secretary of the Treasury, to the effect that the Federal Relocation Assistance Act (P.L. 91–646) is inapplicable to revenue sharing funds. While the Federal Act may be inapplicable to revenue sharing funds, Section 25–181 of our State Code requires all State and local agencies and political subdivisions of the State to provide relocation assistance to displaced persons without regard to the source of revenues used, to wit:

. . . State agencies . . . are required to make such payments to such displaced persons . . . whether the program or project is federally aided or not, . . . [Emphasis added.]

Moreover, relocation assistance must be provided to persons whose businesses are displaced to the extent required by P. L. 91–646.

I apologize for any inconvenience which my letter of October 30, 1975, may have caused.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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