CHAPTER 45

Community Economic Opportunity Act of 1983

CROSS REFERENCES

State Energy Office, distribution of federal funds, plans for use of funds, Energy Advisory Council, report, see Section 48‑52‑440.

**SECTION 43‑45‑10.** Citation of chapter.

This chapter is known and may be cited as “The Community Economic Opportunity Act of 1983”.

HISTORY: 1983 Act No. 143 Section 1.

CROSS REFERENCES

Joint county economic opportunity commissions, generally, see Section 4‑31‑10 et seq.

**SECTION 43‑45‑20.** Legislative findings and purpose.

The General Assembly finds that:

A. Poverty continues to be the lot of a substantial number of South Carolinians.

B. Rising energy costs, coupled with high unemployment, inflation, and high interest rates, have reduced significantly the real purchasing power of low‑income and nearly poor individuals and families, particularly elderly handicapped individuals, to such levels that they are unable to acquire necessities of life.

C. The real income of households receiving public assistance payments as a primary source of income has diminished in proportion to the real incomes of other households in South Carolina.

D. Low‑income households need a variety of forms of assistance to break the poverty cycle including financial support, equal access to health, education, housing, job training, and energy conservation services.

E. South Carolina can achieve full economic and social potential only if all individuals have the opportunity to contribute to the full extent of their capabilities and to participate in the workings of our society.

Therefore, it is the policy of South Carolina to provide an organizational framework through which a wide range of opportunities can be made available to assist low‑income individuals in becoming self‑sufficient so that they will be able to live in decency and dignity. It is the purpose of this chapter to insure that effective mechanisms are established at the local level to efficiently administer such federal funds as may be allocated to South Carolina for the purposes of carrying out Title VI of U.S. Public Law 97‑35.

HISTORY: 1983 Act No. 143 Section 2.

**SECTION 43‑45‑30.** Administering agency; designation; duties and functions.

The Governor must designate a state administering agency to be responsible for the receipt and distribution of the federal funds as allocated to South Carolina for the implementation of Title VI, Public Law 97‑35. The state administering agency shall develop and implement administrative procedures for carrying out the purposes of this chapter. The duties and responsibilities include, but are not limited to:

(A) Prescribing the procedures to be used in the selection of a community‑based organization for each geographical service area identified herein.

(B) Reviewing and recommending for approval all work programs submitted by the selected community‑based organizations.

(C) Recommending distribution formulas for funds made available to carry out the purposes of this chapter.

(D) Monitoring and evaluating community‑based organizations with respect to goals, priorities, program performance, and fiscal activities.

HISTORY: 1983 Act No. 143 Section 3; 1994 Act No. 428, Section 1, eff May 30, 1994 (became law without the signature of the Governor).

Library References

Public Assistance 15.

Westlaw Topic No. 316E.

C.J.S. Social Security and Public Welfare Sections 12 to 19, 26 to 27, 34, 42 to 49.

**SECTION 43‑45‑40.** Geographical service areas.

For the federal fiscal year 1984, the geographic service areas must conform to the service areas of community‑based organizations designated by the State to administer fiscal year 1983 funds under Title VI of U.S. Public Law 97‑35. The community‑based organizations so designated are exclusively eligible to administer the funds in fiscal year 1984, provided that the funds are at a sufficient level to permit the community‑based organization to maintain the capacity to support projects which have a measurable impact on the causes of poverty in the service area. In subsequent federal fiscal years after 1984, the geographic service areas shall be those as are designated by the Governor and the Joint Appropriations Review Committee.

HISTORY: 1983 Act No. 143 Section 4.

Editor’s Note

1996 Act No. 458, Part II, Section 35D, eff July 1, 1996, provides the following:

“The term ‘Joint Appropriations Review Committee’ wherever it may appear in any provision of law must be construed to mean the Office of the Governor effective January 1, 1997.”

**SECTION 43‑45‑50.** Community‑based organization boards; composition; rules and procedures.

Each community‑based organization shall administer any programs through a board of directors. The board is composed as follows:

A. One‑third of the members of the board must be elected public officials currently holding office, or their designees, except that if the number of elected officials reasonably available and willing to serve is less than one‑third of the membership of the board, membership on the board of appointive public officials may be counted in meeting the one‑third requirement.

B. At least one‑third of the members of the board must be persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served.

C. The remainder of the members of the board must be officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community.

D. No board may consist of less than nine members nor more than twenty‑one members, and the total membership of each board must be divisible by three. Each member of the board selected to represent a specific geographic area within a community must reside in that area.

Rules governing elections and administrative procedures for selection of boards must be incorporated in the bylaws of the community‑based organization and approved by the state administering agency.

HISTORY: 1983 Act No. 143 Section 5.

**SECTION 43‑45‑60.** Capabilities required of community‑based organizations.

Each community‑based organization must have the capability, as determined by the state administering agency, of carrying out:

A. Strengthening community capabilities for planning and coordinating federal, state, and other assistance through the efforts of local officials, organizations, and interested and affected citizens who are more responsive to local needs and conditions.

B. Better organization of services related to the needs of the poor so that these services may be made more effective in helping families and individuals.

C. Greater use subject to adequate evaluation of new types of services and innovative approaches in attacking causes of poverty so as to develop increasingly effective methods of employing available resources.

D. Development and implementation of all programs and projects designed to serve the poor or low‑income areas with the maximum feasible participation of residents of the areas and members of groups served so as to best stimulate and take full advantage of capabilities for self‑development and assure that those programs and projects are meaningful and utilized by intended beneficiaries.

E. Broadening of the resource‑based programs directed to the amelioration of poverty so as to secure, in addition to the services and assistance of public officials, private, religious, charitable, and neighborhood organizations, and individual citizens, a more active role for business, labor, and professional groups in order to provide employment opportunities and otherwise influence the quantity and quality of services of concern to the poor.

F. Conform to such supplementary criteria as a state administering agency may prescribe to carry out the provisions of this chapter.

HISTORY: 1983 Act No. 143 Section 6.

**SECTION 43‑45‑70.** Authority of community‑based organizations.

A community‑based organization has authority under this chapter to receive and administer funds, to receive funds and contributions from private or local public sources to be used in support of a community‑based program, and funds received under any federal or state assistance program. A community‑based organization is empowered to transfer funds so received and to delegate powers to other agencies, subject to approval by and under such conditions as may be prescribed by the state administering agency.

HISTORY: 1983 Act No. 143 Section 7.

Library References

Public Assistance 22(3).

Westlaw Topic No. 316E.

C.J.S. Social Security and Public Welfare Sections 20 to 27.

**SECTION 43‑45‑80.** Purposes for which funds may be utilized.

Each community‑based organization which receives funds pursuant to this chapter must utilize the funds in the planning, administration, and evaluation of antipoverty programs designed to assist participants including, but not limited to, elderly and poor, to:

A. Secure and retain meaningful employment.

B. Attain an adequate education.

C. Make better use of available income.

D. Obtain and maintain adequate housing and a suitable living environment.

E. Obtain emergency assistance through loans or guarantees to meet the immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, employment‑related assistance, and energy assistance.

F. Remove obstacles and solve family problems which block the achievement of self‑sufficiency.

G. Achieve greater participation in the affairs of the community.

H. Make more effective use of other programs related to the purposes of this chapter.

HISTORY: 1983 Act No. 143 Section 8.

Library References

Public Assistance 14, 22, 27.

Westlaw Topic No. 316E.

C.J.S. Social Security and Public Welfare Sections 12 to 29.

RESEARCH REFERENCES

ALR Library

113 ALR 5th 431 , Validity, Construction, and Application of State Civil and Criminal Elder Abuse Laws.

**SECTION 43‑45‑90.** Definitions to be in conformity with federal guidelines.

The definition of low‑income individuals and households must be in accord with the federal poverty guidelines as may be modified by the state administering agency.

HISTORY: 1983 Act No. 143 Section 9.

Library References

Public Assistance 16.

Westlaw Topic No. 316E.

C.J.S. Social Security and Public Welfare Sections 26 to 27.