



Press Release

FOR IMMEDIATE RELEASE

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Homeowners Seek Removal of “Beached” Houses

HARBOR ISLAND, SC – On Thursday, November 29, the South Carolina Environmental Law Project (SCELP) filed a lawsuit on behalf of the Harbor Island Owners Association (HIOA) asking the Beaufort County Circuit Court to order the State to remove seven houses that have become located on the beach below the mean high water mark. Under South Carolina law, the State holds title to the land below the high water mark, which means that these houses are now obstructions on public property.

The houses are located in the middle section of Harbor Island, which has experienced significant erosion over the past decade. The erosion has been compounded by multiple storm events over the past two years, and now the ocean is washing underneath these houses. The houses do not have power or water lines running to them and siding, appliance fixtures, wires, and broken levels of porches are falling from the structures onto the beach. In fact, Lady’s Island St. Helena Fire District has declared the houses uninhabitable due to access issues, structural deterioration, sanitary issues, hazards of fire and accidents.

The lawsuit asserts that under the public trust doctrine the public has the right to enjoyment of public trust land (i.e., the beach) free from obstruction or interference of private properties. When such obstruction occurs, the doctrine requires the State to act to protect the public’s inalienable right to recreate on the shoreline of the Atlantic Ocean below the mean high water mark.

Harbor Island Owners Association President Ed Neunlist said “these houses pose serious hazards to our residents and visitors using the beach, as well as marine life, as these structures begin falling into the ocean. In addition, houses sitting on the beach prevent access and cause an eyesore for the community, which decreases our members’ property values.”

Amy Armstrong, Executive Director of SCELP explained that “South Carolina law places great value on the public’s ability to access and use our public trust lands, and specifically the beach where these houses are located. Under our laws, the State has an obligation to maintain and protect that public access and use and should remove the houses.”

SCELP, on behalf of HIOA, filed a notice letter to S.C. Attorney General Alan Wilson asking it to use its authority under the Public Waters Nuisance Abatement Act to remove these houses on September 21. The Act authorizes the Attorney General to remove structures

located on the public waters of the State which are used as places of temporary or permanent residence. The law allows the HIOA to initiate an additional cause of action for removal if State fails to act within 90 days. The State notified HIOA that it did not intend to take action on November 28, 2019. Armstrong added “the State clearly has authority to remedy this problem under both the public trust doctrine and the Public Waters Nuisance Abatement Act and if it does not step up to protect public property and our beaches we will.”

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The **South Carolina Environmental Law Project (SCELP)** is a nonprofit public interest law firm, dedicated to the protection of the South Carolina's environment. Its mission is to protect the natural environment of South Carolina by providing legal services and advice to environmental organizations and concerned citizens and by improving the state's system of environmental regulation.