

# **Bond Case Briefs**

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## **POLITICAL SUBDIVISIONS - WEST VIRGINIA**

### **Edward S. v. Raleigh County Housing Authority**

**Supreme Court of Appeals of West Virginia - June 8, 2023 - S.E.2d - 2023 WL 3881268**

Tenant whose rent was subsidized with a Section 8 housing voucher obtained through county housing authority, as administrator of children's estates, next friend and guardian to injured child, and on his own behalf, brought action against authority and putative owners of rental house for wrongful deaths of his children and negligence after house caught fire.

The Circuit Court granted summary judgment in favor of authority on qualified immunity grounds. Tenant appealed.

The Supreme Court of Appeals held that county housing authority was "political subdivision," as defined in Tort Claims Act.

County housing authority was a "political subdivision," as defined in Tort Claims Act, although state created housing authority in county with the passage of the Housing Act; housing authority could not transact any business or exercise its powers until or unless county, by proper resolution, determined that there was need for an authority, and, when county commission passed such resolution, authority became established and authorized to transact business and exercise its powers under the Housing Act, rendering authority a public corporation established by county commission under the Housing Act and a "political subdivision," as that term was defined in Tort Claims Act.