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VETERANS HOUSING ACT—SECTIONS 1078-62 THROUGH 1078-71 G. C.—ALL RENTS ACCUMULATED FROM OPERATION OF EMERGENCY HOUSING PROJECTS UNDER ACT CONSTITUTE PART OF “COUNTY VETERANS HOUSING FUND”—ANY REMAINDER ON DECEMBER 31, 1949 IS REQUIRED TO BE PAID TO TREASURER OF STATE AND PLACED IN GENERAL REVENUE FUND OF STATE OF OHIO.

SYLLABUS:

Under the Veterans Housing Act (Sections 1078-62 through 1078-71, General Code) all rents accumulated from the operation of emergency housing projects under said act constitute part of the “county veterans housing fund” and the balance therein on December 31, 1949, is required to be paid to the Treasurer of State and placed in the general revenue fund of the State of Ohio.

Columbus, Ohio, December 15, 1949

Hon. John Rossetti, Prosecuting Attorney
Stark County, Canton, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“Stark County has expended all of its original grant under the Veterans’ Housing Act, No. 1078-62, to acquire housing facilities. As rents accumulated in the housing fund, the county used the funds not necessary to maintain the houses to acquire additional houses. The only funds that will remain on December 31, 1949, in the veterans’ housing fund, will be those derived from rentals. Should those funds be turned over to the State Treasurer on December 31, 1949, under Section 1078-70, or may they be retained by the county?”

I believe the answer to your question may be found in the language of the Veterans Housing Act (Sections 1078-62 through 1078-71 of the General Code) to which you refer in your letter.

You suggest the possibility that rentals which have accrued from the operation of veterans emergency housing units may be retained by the county under Section 1078-70 of the General Code. Said section reads as follows:

“The county commissioners of any county which has acquired property in accordance with provisions of this act may sell any or all of said property so acquired and deposit the proceeds of such sale in the general revenue fund of the county.”

It is reasonably clear that this section applies only to the funds derived from the sale of property which the county has acquired in accordance with the Veterans Housing Act. It was so indicated in 1948 Opinions of the Attorney General, pages 407, 410. Also, a previous Attorney General has held that the authorization found in said section is only for the purpose of liquidating the housing projects concerned. See paragraph 5 of the syllabus of the opinion reported in 1946 Opinions of the Attorney General, page 660, which reads as follows:

“The authority given by Section 9 of said act (sec. 1078-70, G. C.) to sell properties acquired pursuant to its provisions is to be exercised only for the purpose of liquidation after the shortage of housing for veterans has been relieved and the purposes of the act accomplished.” (Paranthesis, the writer's.)

Separate provision is made for the disposition of rentals derived from the emergency housing projects. Section 1078-66 of the General Code provides in part that all the rents collected from veterans emergency housing units shall be deposited in the “county veterans housing fund.” Section 1078-71 General Code specifically requires that the balance remaining in such fund on December 31, 1949, shall be paid to the Treasurer of State and placed in the general revenue fund of the State of Ohio. This section reads as follows:

“Any sum remaining to the credit of the county veterans housing fund of a county on the thirty-first day of December, 1949, shall be paid to the treasurer of state and placed in the general revenue fund.”

Therefore, in specific answer to your question, I am of the opinion that under the Veterans Housing Act (Sections 1078-62 through 1078-71

General Code) all rents accumulated from the operation of emergency housing projects under said act constitute part of the "county veterans housing fund" and the balance therein on December 31, 1949 is required to be paid to the Treasurer of State and placed in the general revenue fund of the State of Ohio.

Respectfully,

HERBERT S. DUFFY,
Attorney General.