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AID FOR AGED—DOES NOT CONSTITUTE POOR RELIEF—  
SECTION 3391-1 ET SEQ., G. C., AM. SUB. HOUSE BILL 277, 98  
GENERAL ASSEMBLY.

## SYLLABUS:

Aid for the aged does not constitute poor relief, as that term is defined in Section 3391-1 et seq., General Code, as enacted by Amended Substitute House Bill No. 277 of the 98th General Assembly.

Columbus, Ohio, March 30, 1950

Hon. J. H. Lamneck, Director, Department of Public Welfare  
Columbus, Ohio

Dear Sir:

This will acknowledge receipt of your request for my opinion, which reads as follows:

“Section 3391-16 of the General Code, which became effective October 20, 1949, provides that legal settlement shall be acquired by residing in one county for a period of one year without receiving poor relief or relief from a private agency which maintains records of relief given.

“Section 3477, which was repealed at the same time, based legal settlement on non-receipt of relief under the provisions of law for the relief of the poor or from any charitable organization or other benevolent association.

“Attorney General opinions in the past have held that Section 3477 referred to poor relief and also to such programs as aid for aged, aid to dependent children, aid to blind, soldiers' and sailors' relief and services to crippled children. Should this same interpretation be placed on Section 3391-16 or is it possible for a person who has received a form of public aid other than poor relief, as provided in Section 3391-1, to attain a legal settlement after residing in a county for a period of one year?

“For example, can a recipient of aid for aged move from one county to another county and, while continuing to receive that form of public aid, acquire a legal settlement if he receives no poor relief under the provisions of 3391-1 and following, or relief from a private agency?”

As you are aware, the entire law relative to the administration of poor relief was revised by the recent General Assembly as the result of the enactment of Amended Substitute House Bill No. 277, 98th General Assembly. Section 339I, General Code, which formerly defined poor relief, was repealed by said House Bill. Prior to its repeal, Section 339I defined "public assistance" as including poor relief and aid for the aged.

Under the present law, the administration of poor relief is governed by Section 339I-1 et seq., of the General Code, the sections pertinent to your inquiry being Sections 339I-13, 339I-14 and 339I-16, General Code. "Poor relief" is defined in Section 339I-13, General Code, which reads as follows:

"Poor relief means food, clothing, shelter, the services of a physician or surgeon, dental care, hospitalization, and other commodities and services necessary for the maintenance of health and decency. Poor relief may be given in cash or by order or both and shall be inalienable whether by way of assignment, charge, or otherwise, and exempt from attachment, garnishment or other like process. Local relief authorities shall not disburse funds through any private organization. Poor relief may be given to persons living in their own homes or other suitable quarters, but not to persons living in a county home, city infirmary, jail, or tuberculosis sanatorium or to children who are not living with their parents, guardians or other persons standing in place of parents."

Section 339I-14 of the General Code provides that:

"Poor relief shall be given on a budgetary basis and shall be sufficient to maintain health and decency, taking into account the requirements and the income and resources of the recipient. The receipt of other forms of public assistance shall not prevent the receipt of poor relief if additional need exists."

Section 339I-16, General Code, provides in part as follows:

"Except as otherwise provided by law, legal settlement shall be acquired by residing in one county for a period of one year without receiving poor relief or relief from a private agency which maintains records of relief given. A person having a legal settlement in any county in the state shall be considered as having a legal settlement in the township or municipal corporation therein in which he has last resided continuously for three consecutive months without receiving poor relief. \* \* \*"

It is true that aid for the aged is public assistance, however, Section 3391-13, General Code, as enacted by House Bill No. 277, makes no mention of public assistance as being included within the definition of "poor relief." Further, Section 3391-15, General Code, as enacted by said House Bill, specifically states that an applicant for poor relief who is receiving aid for the aged may be accepted by the local relief director as proof of eligibility without further investigation.

Numerous Attorney General's opinions have been written interpreting former Section 3477, General Code, so as to deny individuals the right to acquire a legal settlement where they are recipients of various forms of relief, including aid for the aged. It will be observed, however, that those opinions evolve around that portion of the section which read "and supported himself or herself for twelve consecutive months." It must be noted that the legislature in enacting Section 3391-16, *supra*, failed to include that phrase in the new act. It should be further noted that the legislature, when it enacted Section 3391-14, *supra*, clearly indicated that other forms of public assistance shall not prevent the receipt of poor relief if additional need exists. In the face of that provision, I must conclude that receipt of aid for the aged is not poor relief within the meaning of Section 3391-1, *et seq.*, of the General Code.

Respectfully,

HERBERT S. DUFFY,  
Attorney General.