

OPINION NO. 72-048

Syllabus:

Where the State, in cooperation with Federal programs of urban renewal and development, has acquired property, or has demolished buildings or rehabilitated them in accordance with modern building codes, any person who is displaced as a result of such activities is entitled to relocation payments and assistance under Sections 163.51 through 163.62, Revised Code.

To: David C. Sweet, Director, Department of Development, Columbus, Ohio
By: William J. Brown, Attorney General, June 2, 1972

Your request for my opinion reads in pertinent part as follows:

"There appears to be a question outstanding as to the full compliance under the Uniform Relocation Assistance and Policies Acquisition Act of 1970 by State Agencies in Ohio under recently enacted Ohio legislation.

"The Federal Relocation Act requires that certain assistance be given to persons displaced as a result of any project undertaken with Federal assistance. Ohio has sought to comply with

the Federal requirements by enactments of Ohio Revised Code Section 163.51 through 163.62. The Ohio statutes clearly authorize such assistance to persons displaced by acquisition.

"My specific question is: Do Ohio Revised Code Sections 163.51 through 163.62 authorize relocation payments and assistance to persons displaced as a result of code enforcement, rehabilitation, and demolition activities?"

You have, in addition, informed me that "code enforcement, rehabilitation, and demolition activities", mean, respectively, (a) necessary repairs to meet building code requirement; (b) reconstruction of buildings to fit into an urban renewal plan, with emphasis on aesthetic values; and (c) the complete removal of structures to improve land use.

Section 201 of Title II of the Federal Relocation Act of 1970 provides that:

"The purpose of this title is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole."

Section 221 of the same Title provides that all states must comply with the Act by July 1, 1972. The General Assembly, in an attempt to bring Ohio into full compliance with the Federal requirements, has enacted Sections 163.51 through 163.62, Revised Code, which became effective on June 11, 1971.

Section 201 of the Federal Relocation Act, *supra*, makes clear that to the extent that State property acquisition, demolition and rehabilitation activities are Federally assisted, the requirements of the Act are applicable. The purpose of the Act is to assure assistance to persons displaced by Federal and Federally assisted programs. A "displaced person" is defined in Section 191 (6) of the Act as follows:

The term 'displaced person' means any person who, on or after the effective date of this Act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance;
* * *"

The word "acquisition", as used in the definition of "displaced person", is not itself specifically defined. However, Section 217 of the Federal Relocation Act, makes clear the intent of Congress as to its meaning. That Section provides:

"A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective

ive date of this Act, as a direct result of any project or program which receives Federal financial assistance under Title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under Title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this Title, be deemed to have been displaced as the result of the acquisition of real property."

It seems clear that this means that the word "acquisition" is used in a very broad sense, and that anyone who moves as a result of Federally assisted programs which involve acquisition, demolition, or rehabilitation of buildings in accordance with modern building codes, is a displaced person within the terms of the Federal Act.

Section 163.51 (F), Revised Code, defines "displaced person" in exactly the same way as does Section 101 (6) of the Federal Relocation Act. And the Revised Code is even more specific than is Section 217 of the Federal Act in explaining the type of "acquisition" which will produce a "displaced person". Section 163.56, Revised Code reads in pertinent part as follows:

"(A) * * * If such agency head determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under such program.

"(B) Each relocation assistance advisory program required by Division (A) of this Section shall include such measures, facilities, or services as may be necessary or appropriate in order to:

(1) Determine the need, if any of displaced persons, for relocation assistance: * * *." (Emphasis added.)

This parallel between the Relocation Act and the Revised Code leads me to conclude that the meaning of the word "acquisition", in Section 163.51 (F), *supra*, is intended to be the same as in Sections 101 (6) and 217 of the Act. Obviously, popular words may bear a technical meaning. "Acquisition" is a popular word which is given a technical meaning by Section 217 of the Federal Relocation Act, *supra*. Since the General Assembly enacted Section 163.51 (F), *supra*, in response to the Relocation Act, it must be concluded that the technical meaning of "acquisition" was adopted as well. This is bolstered by the wording of Section 3 of Amended House Bill No. 295, declaring the Ohio legislation an emergency act. It reads in part as follows:

"* * * The reason for such necessity is that its enactment into law at the earliest possible time will enable persons displaced by public improvements to immediately receive the benefits provided by this act and for which the state is to be reimbursed under the provisions of the Federal

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Therefore this act shall go into immediate effect."

Statutory language should be construed in the light of the evident intention of the legislature to make the statute fully operative. The clear intent of the General Assembly here was to comply fully with the Relocation Act.

In specific answer to your question it is, therefore, my opinion, and you are so advised, that where the State, in cooperation with the Federal programs of urban renewal and development, has acquired property, or has demolished buildings or rehabilitated them in accordance with modern building codes, any person who is displaced as a result of such activities is entitled to relocation payments and assistance under Sections 163.51 through 163.62, Revised Code.