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VETERANS — EMERGENCY HOUSING — ALL OR ANY PART OF RENTALS ARISING FROM SUCH HOUSING FACILITIES MAY BE USED TO PURCHASE OR CONSTRUCT ADDITIONAL HOUSES FOR VETERANS — PROVISIO, RENTALS NOT NEEDED FOR MAINTENANCE AND OPERATION—SECTIONS 1078-62 THROUGH 1078-71 G. C.

SYLLABUS:

Under the provisions of Sections 1078-62 to 1078-71, inclusive, of the General Code, relating to emergency housing for veterans, all or any part of the rentals arising from such housing facilities, in so far as they are not needed for maintenance and operation of the same, may be used for the purchase or construction of additional houses for veterans.

Columbus, Ohio, November 19, 1947

Hon. Ralph J. Bartlett, Prosecuting Attorney, Franklin County
Columbus, Ohio

Dear Sir:

I have before me your communication requesting my opinion and reading as follows:

“General Code Section 1078-66 provides in part as follows:

‘* * * The county commissioners shall provide for the maintenance and management of the property acquired hereunder, shall make and publish rules governing the letting of the premises to veterans subject to this act, and shall fix and collect rents from tenants which said rents shall be fair and equitable considering the services provided, the type of housing, and its condition and location. All rents collected hereunder shall be deposited in the “county veterans housing fund” and not to exceed ninety per centum of such rents collected may be used for the maintenance and operation of the property.’

We would like to have your opinion whether all or any part of the rentals collected by the county can be used for the purchase or construction of additional houses for veterans.”

The section to which you refer, is a part of an act effective August 28, 1946, codified as Sections 1078-62 to 1078-71, inclusive, of the General Code.

By the terms of this act there was appropriated by the General Assembly the sum of \$6,000,000 for the purpose of providing financial assistance to the political subdivisions of the state to provide immediate temporary emergency housing for veterans of World War II. The sum thus appropriated was to be distributed to the several counties of the state in the ratio of the total population of each county to the total population of the state. Section 1078-62 concludes with the following provision:

“All moneys allocated to a county pursuant to the provisions of this act shall be placed in a special fund in the treasury of the county to be known as the county veterans housing fund. The moneys allocated to the county veterans housing fund shall be expended only as provided in this act.”

Section 1078-66 from which you quote, provides that all rents collected hereunder shall be deposited in the “county veterans housing fund”, which is the same fund set up as above stated in Section 1078-62.

Section 1078-64 authorizes the county commissioners to accept contributions from any political subdivision and from the federal government and from persons, corporations and associations for the purpose of supplementing the “county veterans Housing fund.”

Section 1078-65 expressly authorizes all political subdivisions of the county to contribute funds to the “county veterans housing fund.”

Section 1078-63 provides in part as follows:

“The county commissioners of each county are hereby authorized to expend *all or any part* of their county veterans housing fund for the purpose of providing immediate temporary emergency housing facilities” etc. (Emphasis added.)

It will be observed that the act puts into the same fund the moneys appropriated by the legislature, any sums contributed by any political subdivision, and all rents arising from the operation of the housing facilities and then by the provisions of Section 1078-63, authorizes the county commissioners to spend “all or any part” of that fund for the purpose of providing immediate temporary housing facilities.

Obviously, when all of these rentals have been placed in that fund, they lose their identity and become a part of the aggregate fund which by the terms of the law is subject to expenditure for housing facilities. There is, however, the requirement that the county commissioners shall provide for the maintenance and operation of the properties acquired, and that not more than ninety percent of the rentals collected may be used for such maintenance and operation.

This provision as to the use of rentals for operation and maintenance does not in any sense require that ninety percent of the rentals so collected be used for that purpose. If the county commissioners by economical management or by donated services are able to reduce the cost of operation and maintenance to a nominal percentage of the rentals, there is certainly no reason why the county commissioners should abstain from using the balance of such rentals for the authorized purpose of providing housing facilities.

Accordingly, in specific answer to your question it is my opinion that so much of the proceeds of the rentals collected from the operation of these housing facilities as are not needed for maintenance and repair may be lawfully expended by the county commissioners in the purchase of additional housing for veterans.

Respectfully,

HUGH S. JENKINS,
Attorney General.