

**OPINION NO. 66-164****Syllabus:**

1. The Mt. Airy Welfare Center is a type of public shelter and qualifies as a kind of poor relief as is specified in Section 5113.01, Revised Code.

2. As expressed in Section 5113.09, Revised Code, the kind and amount of poor relief upon which state reimbursement will be based is to be determined by the department of public welfare.

3. Any reimbursements from the department of public welfare should be computed on the costs remaining after deducting all appropriate sums paid by the Highway Department for the cost of such moving and connections.

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**To: Denver L. White, Dept. of Public Welfare, Columbus, Ohio**  
**By: William B. Saxbe, Attorney General, October 4, 1966**

I have your request for my opinion which reads as follows:

"The Mt. Airy Welfare Center is a shelter for homeless and transient men and operated by the county welfare department in Cincinnati. The cost of operating the shelter, including normal maintenance of the buildings, has been paid from poor relief funds and reimbursed on the same basis as other relief expenditures on the basis of the language in Section 5113.01 of the Revised Code.

"This center must now be moved because an expressway is being built through the grounds. Arrangements have been made for the center to be located on other property not far from the present location. The cost of moving the building and making the necessary connections with electrical and plumbing lines has been estimated at \$75,000.

"We are requesting your opinion as to whether an expenditure of this kind could be construed as a part of the cost of operating a poor relief shelter and therefore subject to reimbursement from state relief funds. Your advice in this matter would be appreciated."

Section 5113.01, Revised Code, defines poor relief; it reads in part:

"'Poor relief' means food, clothing, public or private 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 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."

In Opinion No. 2962, Opinions of the Attorney General for 1962, page 312, the then Attorney General stated at page 313 as follows:

"It should be noted that the phrase 'public' or 'private' was added by an amendment in 1959 (128 Ohio Laws, 1106), the sole purpose of the amendment being to specifically include public shelter under poor relief."

It is therefore evident that the Mt. Airy Welfare Center falls within the definition of poor relief as defined in Section 5113.01, Revised Code.

Finally, I direct your attention to Section 5113.09, Revised Code, reading in part:

"The department of public welfare shall:

"\* \* \* \* \*"

"(D) Determine the kinds and amounts of obligations for poor relief and the administration thereof on which state reimbursement will be based;

"\* \* \* \* \*"

The preceding provision vests in the department of welfare the authority to determine the kind and amount of poor relief upon which state reimbursement will be based. Public shelter is a kind of poor relief and reimbursements for expenditures in this area are therefore at the discretion of the department of public welfare.

These reimbursements, if any, are subject to any compensation which the Mt. Airy Welfare Center receives from the Department of Highways. Any amount paid by the Highway Department for relocation of the buildings, adjustment of water and sewer lines, and other similar expenditures must necessarily be deducted from the total cost of relocating the Center. The cost remaining after the above mentioned deductions, is the base upon which any reimbursements from the Department of Public Welfare will be administered.

Accordingly, it is my opinion and you are advised:

1. The Mt. Airy Welfare Center is a type of public shelter and qualifies as a kind of poor relief as is specified in Section 5113.01, Revised Code.
2. As expressed in Section 5113.09, Revised Code, the kind and amount of poor relief upon which state reimbursement will be based is to be determined by the department of public welfare.
3. Any reimbursements from the Department of Public Welfare should be computed on the costs remaining after deducting all appropriate sums paid by the Highway Department for the cost of such moving and connections.