

4183.

INDIGENT—DIRECT HOUSING RELIEF ALLOWANCE ON APARTMENTS
AND HOUSES DISCUSSED.

SYLLABUS:

Under the provisions of section 1 of Amended House Bill No. 21 of the 91st General Assembly, relating to direct housing relief to indigent persons:

1. *In a case where one suite of a two family house is occupied by an indigent person, the annual tax on which building is \$84.00, the maximum amount which may be allowed monthly is \$7.00.*

2. *In a case where one suite of an apartment having four five room suites, the annual tax on which is \$120.00, is occupied by an indigent person, there may be allowed monthly the sum of \$10.00.*

3. *In a case where ten suites of an apartment having twenty suites, the annual tax on which is \$1200.00, are occupied by indigent persons, there may be allowed monthly for each suite the sum of \$10.00, or a total of \$100.00 monthly for the ten suites so occupied.*

COLUMBUS, OHIO, April 25, 1935.

HON. FRANK T. CULLITAN, *Prosecuting Attorney, Cleveland, Ohio.*

DEAR SIR:—Your letter is as follows:

“Section 1 of Amended House Bill No. 21 of the 91st General Assembly upon the subject of direct housing relief to indigent persons, provides among other things as follows:

‘The clerk or authorized person or persons, may issue a voucher to the auditor of the county each month toward the rent of any indigent person, whom he finds is entitled to such relief and such voucher shall in no case be for more than one-twelfth of the tax of the calendar year immediately preceding the issuance thereof, and in no event to exceed the sum of ten dollars, without including special assessments, upon the premises or portion of the premises occupied by such indigent person.’

The Cuyahoga County Relief Administration addresses the following questions upon which they desire to have your opinion:

1. Assume a situation in which a landlord owns a two family house, one suite being occupied by a C. C. R. A. client. The annual tax on the building is \$84.00.

Question: May the tenant be allowed the sum of \$7.00, which is equal to 1-12 of the general tax and does not exceed the sum of \$10.00?

2. Assume a situation in which a landlord owns an apartment having four five room suites, one suite being occupied by a C. C. R. A. client. The annual tax on the building is \$120.00.

Question: May the tenant be allowed the sum of \$10.00, which is equal to one-twelfth of the general tax, and not to exceed the maximum?

3. Assume a situation in which a landlord owns an apartment having 20 suites, 10 of which are occupied by C. C. R. A. clients. The annual tax on the building is \$1200.00 a year.

Question: May the tenant be allowed the sum of \$10.00 each, or total of \$100.00 a month to the landlord, which equals one-twelfth of the general

tax, and each individual tax warrant does not exceed the maximum of \$10.00?"

Section 1 of Amended House Bill No. 21 of the 91st General Assembly, so far as pertinent to your inquiry, reads as follows:

"The clerk or authorized person or persons, may issue a voucher to the auditor of the county each month toward the rent of any indigent person whom he finds is entitled to such relief and such voucher shall in no case be for more than one-twelfth of the tax for the calendar year immediately preceding the issuance thereof and in no event to exceed the sum of ten dollars without including special assessments, upon the promises or portion of the premises occupied by such indigent person."

In my Opinion No. 3955, dated February 11, 1935, dealing with the question which is presented in your inquiry, it was stated that the maximum amount which may be allowed monthly for any suite or single house is \$10.00 unless the annual tax upon the property is less than \$120.00, in which event there may be allowed each month a sum equal to one-twelfth of the annual tax. It is also stated therein that if a suite in an apartment house, the annual tax on which is \$120.00, is the only one occupied by a tenant receiving direct housing relief there may be allowed for such suite each month the sum of \$10.00. If, however, two or more of such suites in said apartment are so occupied, the maximum amount which may be allowed for all of such suites is \$10.00.

In considering the question presented by your inquiry, it must be borne in mind that the act in question was passed to meet an emergency situation and that its obvious purpose was to insure a landlord who permitted indigent tenants to remain in his property that the taxes on such property would be paid. Moreover, the words of the above act which are clear in meaning, make it apparent that one-twelfth of the annual tax, not to exceed \$10.00, may be allowed each month either upon the entire premises or any portion of the premises occupied by an indigent person. It will be noted that the language of the statute is as follows: "upon the premises or portion of the premises occupied by such indigent person". In view of the fact that the word "person" is used in the singular, it would therefore appear that the words "portion of the premises" would mean each portion of the premises occupied by each indigent person.

It is therefore my opinion in specific answer to your hypothetical questions that:

1. In a case where one suite of a two family house is occupied by an indigent person, the annual tax on which building is \$84.00, the maximum amount which may be allowed monthly is \$7.00.

2. In a case where one suite of an apartment having four five room suites, the annual tax on which is \$120.00, is occupied by an indigent person, there may be allowed monthly the sum of \$10.00.

3. In a case where ten suites of an apartment having twenty suites, the annual tax on which is \$1200.00, are occupied by indigent persons, there may be allowed monthly for each suite the sum of \$10.00, or a total of \$100.00 monthly for the ten suites so occupied.

Respectfully,
JOHN W. BRICKER,
Attorney General.