

sions of Section 2 shall be kept in a fund to be designated "Sheriff Radio and Maintenance Fund," shall not be transferred or apportioned to any other fund, and shall be used for no other purpose than the purchase of radio equipment and maintenance of radio equipment and apparatus.

Approved March 31, 1949

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CHAPTER 224—S. F. No. 636

[Coded as Sections 566.18, 566.19, 566.20, 566.21]

*An act relating to unlawful detainer actions and to the issuance of writs of restitution therein in certain cases during an emergency declared to exist.*

Be it enacted by the Legislature of the State of Minnesota :

[566.18] Section 1. **Declaration of emergency involving housing accommodations; stay of issuance of writ of restitution in unlawful detainer actions.** The legislature hereby finds that a serious public emergency exists in the housing of a considerable number of persons in the State of Minnesota, which emergency has been created by the recent wars, the effects of those wars, and the aftermath of hostilities; that this emergency has produced an acute shortage in housing accommodations; that, while a measure of protection is furnished to tenants of housing accommodations by existing federal laws and regulations, a large number of evictions have been and are taking place which are lawful under those federal laws and regulations but which have caused and are causing extreme hardship in numerous cases by reason of the fact that the persons so evicted are unable to secure other housing accommodations and the lives and health of those persons are imperiled by exposure to the conditions of winter; that this condition will continue during the next several months; that the present laws relating to unlawful detainer permit the immediate issuance and execution of writs of restitution except in cases of appeal; that the remedy by appeal is not sufficient because in many cases the evicted person is unable to furnish bond, or, if able to furnish bond, is required, in order to secure a stay, to take an appeal which may be groundless, thereby burdening the courts and causing needless expense to the public; that, by reason of the foregoing, the public health, safety and

welfare are imperiled, and action by the legislature under the police power of the state is imperative; and that the provisions of this act are, therefore, necessary and designed to protect the public health, safety and general welfare.

[566.19] Sec. 2. **“Housing accommodation” and “court” defined.** Subdivision 1. “Housing accommodation” means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishing, furniture, equipment, facilities, and improvements connected with the use or occupancy of such property, but does not include resort property, farm tenant houses, and dwellings situate on farm lands containing 25 acres or more, a hospital, convent, monastery, asylum, public institution, or college or school dormitory.

Subd. 2. “Court” or “the court” means a justice court or a municipal court and includes a justice of the peace and a judge of the municipal court.

[566.20] Sec. 3. **Stay of issuance of writ of restitution upon ground of undue hardship; vacation of stay.** Notwithstanding the provisions of Minnesota Statutes 1945, Chapter 566, or any laws relating to municipal courts, whenever a judgment for restitution of any housing accommodation in an action for an unlawful detainer only is entered by any court, if the party against whom the judgment is rendered or his attorney states to the court that he desires to apply for a stay of issuance of a writ of restitution upon the ground that undue hardship will result to that party or his family if such a writ is immediately issued, the court shall set a time for hearing the application for a stay, which may be oral, within 24 hours, during which time a writ of restitution shall not issue. If, after a hearing on the application for stay, the court finds that the immediate issuance of a writ of restitution will result in undue hardship to the party against whom the judgment for restitution has been rendered, or his family, that the granting of a stay is just and proper and in accordance with the purposes of this act, and that any detriment which may result to the plaintiff by reason of the granting of a stay is not commensurate with the hardships which will result to the party against whom judgment has been rendered or his family, that court may stay the issuance of a writ of restitution for such period, not more than two months, as the court in its discretion may deem proper and upon such terms and conditions as

he may prescribe, among which terms and conditions shall be one that the party to whom the stay is granted shall pay any rents in arrears and the regular rental for the housing accommodations in question during the period of the stay, at such times and in such installments as the court may direct. The order for stay shall also provide that the party to whom it is granted shall not commit or permit any nuisance upon the premises or damage them, or permit them to be damaged, or use, or permit use thereof, for any immoral or illegal purpose. The stay may be vacated by the court by which it is granted at any time thereafter if he finds after a hearing, upon notice, that any of the terms or conditions of the stay have been violated.

[566.21] **Sec. 4. Limitation on right to appeal from judgment of restitution.** An application for or the granting of a stay pursuant to the terms of this act shall bar the party against whom judgment for restitution has been rendered from any right of appeal now provided for by law. The provisions of Minnesota Statutes 1945, Sections 566.11 and 566.12, granting to a plaintiff the right to an immediate writ of restitution upon the giving of a bond shall have no application to stay granted pursuant to the provisions of section 3 of this act.

**Sec. 5. Expires April 15, 1951.** This act shall remain in effect up to and including April 15, 1951.

Approved March 31, 1949.

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CHAPTER 225—S. F. No. 808

[Not Coded]

*An act declaring certain county agricultural societies to be corporations de jure and legalizing and validating certain acts thereof.*

Be it enacted by the Legislature of the State of Minnesota :

**Section 1. County agricultural society; renewal of corporate existence.** Any county agricultural society, which is a member of the State Agricultural Society of the State, whose