

SESSION LAWS
of the
STATE OF MINNESOTA
PASSED DURING THE FIFTY-FIFTH
SESSION OF THE STATE LEGISLATURE
COMMENCING JANUARY 7, 1947

CHAPTER 1—H. F. No. 6
[Not Coded]

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:

Section 1. Emergency exists. 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.

Sec. 2. Definitions. Subdivision 1. **Housing accommodation.** "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."** "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.

Sec. 3. Petition for stay; hearing; order; vacation. 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 to a date not later than April 15, 1947, 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.

Sec. 4. Veterans preference. The legislature finds that the shortage in housing accommodations referred to in section 1 has caused particular hardship in the case of veterans of World War II. Therefore, if the plaintiff in an action for unlawful detainer is a veteran of World War II and seeks to recover possession of housing accommodations which he has purchased and there has been issued to him by the appropriate federal officer or agency under regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, a certificate by the terms of which he is authorized to commence that action, and if he has an immediate, compelling necessity to recover possession of those housing accommodations for use and occupancy as a dwelling by himself, and if the tenant is not himself a veteran of World War II, the provisions of section 3 shall not be applicable. If the other conditions stated in this section exist but the tenant is a veteran of World War II, the court in passing upon an application for a stay shall apply the tests set forth in section 3.

Sec. 5. Limitations. An application for or the granting of a stay pursuant to the terms of this act shall not 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 appli-

cation to a stay granted pursuant to the provisions of section 3 of this act.

Sec. 6. **Effective date.** This act shall remain in effect up to and including April 15, 1947.

Approved January 29, 1947.

CHAPTER 2—S. F. No. 36

An act increasing the revolving fund in the office of the state treasurer and appropriating \$60,000 for the operation of the same and amending Minnesota Statutes 1945, Sections 7.17 and 7.18

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

Section 1. Minnesota Statutes 1945, Section 7.17, is amended to read:

7.17. **Revolving fund.** A revolving fund of \$60,000 is created, to be kept in the state treasurer's office for the purpose of cashing drafts, checks, and state warrants, which shall be cleared from day to day in the usual manner.

Sec. 2. Minnesota Statutes 1945, Section 7.18, is amended to read:

7.18. **Appropriation.** There is hereby appropriated the sum of \$40,000 from the revenue fund of the state, not otherwise appropriated, *which, added to the \$20,000 heretofore authorized, makes a total sum of \$60,000*, and the state auditor is hereby authorized and directed to issue a state warrant on the state revenue fund, payable to the state treasurer, in the amount of \$40,000 and the state treasurer is authorized and directed to procure cash on this warrant for the purpose of carrying out the use thereof as outlined in section 7.17. The state treasurer shall, at all times, be liable to the state under his bond for the full amount of this \$60,000

Approved February 3, 1947.