

POLICE POWER

CHAPTER 460

HOUSING ACT

GENERAL PROVISIONS

460.01 CITATION OF LAW; CITIES TO WHICH LAW APPLIES.

NOTE: The provisions of chapter 460 now apply to the city of Minneapolis only.

Canons of construction are not the masters of courts but merely the servants to aid them in ascertaining legislative intent; and when such intent is ascertained, the statute must be so construed as to give it effect, and in construing a statute courts should be careful not to apply such a rigid and literal reading as would defeat the object of the law. Imperfect punctuation is not of controlling importance in construing a statute nor will bad grammar vitiate it. The word "owner" is not necessarily one owning the fee title since there may be different estates in the same property vested in different persons, and as in the instant case each is the owner of his separate estate. *Judd v Landin*, 211 M 465, 1 NW(2d) 861.

The Minneapolis building code, adopted in 1934, provided that existing buildings may be maintained in their present condition and occupancy. An action cannot be maintained ten years later for an alleged violation existent at the passage of the code. *State v Simms*, 221 M 316, 22 NW(2d) 18.

Law of public housing. 23 MLR 879.

Validity of state housing act. 26 MLR 81.

460.02 DEFINITIONS.

Unilateral, palpable, and impalpable mistake in construction contracts. 16 MLR 137.

460.04 ALTERATIONS AND CHANGE IN OCCUPANCY.

The maintenance of existing buildings in their "present condition and occupancy" is permitted by the housing code except where a change becomes necessary for safety and is ordered by the inspector of buildings. *Pangolas v Calvet*, 210 M 249, 297 NW 741.

Where a building constructed before the enactment of the housing act was, subsequent to the passage of the act, altered in such a manner that the jury could find there was a violation of the provision that there shall be "at least two independent ways of egress which shall be located remote from each other," the question as to whether or not there was a violation was properly submitted to the jury. *Briggs v Minnesota Delta Upsilon Club*, 212 M 14, 2 NW(2d) 151.

DWELLINGS HEREAFTER ERECTED; LIGHT AND VENTILATION

460.10 NEW DWELLINGS.

Building contracts; intervening impossibility. 14 MLR 51.

Liability for loss caused by defects in plans and specifications. 21 MLR 70.

The law of public housing. 23 MLR 879.

MINNESOTA STATUTES 1947 ANNOTATIONS

460.16 HOUSING ACT

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460.16 BUILDINGS ON SAME LOT WITH A DWELLING.

Where in section 460.16 the legislature declares an offense in terms so indefinite that they may embrace, not only acts commonly recognized as reprehensible, but also others which it is unreasonable to believe were intended to be made lawful, the statute is void for uncertainty. *State v Parker*, 183 M 588, 237 NW 409.

460.17 ROOMS; LIGHTING, VENTILATION, WINDOW AREA.

Amended by L. 1947 c. 135 s. 1.

460.19 HEIGHT OF ROOMS.

Amended by L. 1947 c. 146 s. 1.

460.21 ROOMS, WATER-CLOSETS, AND BATHROOMS; ACCESS TO, LIGHTING, AND VENTILATION.

Landlord's duty to light common passageways. 17 MLR 819.

SANITATION

460.24 CELLAR OR BASEMENT ROOMS.

Amended by L. 1947 c. 254 s. 1.

FIRE PROTECTION

460.34 MEANS OF EGRESS.

Where in an action to recover unpaid rent the defendant pleaded as an affirmative defense that the property was so untenable as to constitute a violation of the housing act, the trial court erred in holding there was such a violation. *Miller v Pouliot*, 199 M 331, 271 NW 818.

See, *Briggs v Minnesota Delta Upsilon Club*, 212 M 14, 2 NW(2d) 151, noted under section 460.04.

460.40 WOODEN MULTIPLE-DWELLING; HEIGHT OF.

Amended by L. 1947 c. 352 s. 1.

ALTERATIONS

460.47 FIRE-PROOF DWELLINGS; FIRE-ESCAPES, ROOF STAIRS, BULKHEADS, PENTHOUSES, STAIRWAYS, DUMB-WAITERS, ELEVATORS, AND SHAFTS.

See, *Pangolas v Calvet*, 210 M 249, 297 NW 741, noted under section 460.04.

MAINTENANCE

460.50 PUBLIC HALLS; LIGHTING..

Where premises are leased for a public or semi-public purpose and the lessor knows at the time of leasing that a dangerous condition exists thereon which renders the premises unsafe for the use intended, the lessor is liable for injuries sustained by patrons of such lessee who, upon invitation, express or implied, are admitted to such demised premises to make use thereof for the particular purpose for which they were leased. *Wood v Prudential Ins. Co.* 212 M 551, 4 NW(2d) 617.

IMPROVEMENTS

460.70 EGRESS; SCUTTLES, BULKHEADS, LADDERS, AND STAIRS.

See, *Miller v Pouliot*, 199 M 331, 271 NW 818, noted under section 460.34; and *Briggs v Minnesota Delta Upsilon Club*, 212 M 14, 2 NW(2d) 151, noted under section 460.04.

REQUIREMENTS AND REMEDIES

460.71 PERMIT TO COMMENCE BUILDING.

Except as they may be disclosed on the face of the particular acts in question or by reference to general existing conditions or other legislative acts, the court cannot inquire into motives of the city council. *State ex rel v Clousing*, 198 M 36, 268 NW 844.

One operating a small automobile repair shop at the rear of his home in a residential district and who had obtained a special permit from the city council as authorized by the zoning ordinance was under the circumstances not guilty of the offense charged. *State v Gunderson*, 198 M 51, 268 NW 850.