*** § 260. Recovery of rent for certain non-complying premises restricted during emergency period.** 1. Legislative finding. It is hereby declared that in cities of this state with a population of over one million there exists an acute shortage of dwelling accommodations available to low-income families; that many dwellings formerly occupied by them have been and are continuing to be vacated and demolished because of structural inadequacy or danger, obsolescence and dilapidation, or because owners have refused to comply with the law, or for other reasons; that the freedom of contract has been impaired in consequence thereof, and unjust, unreasonable and oppressive increases in the rents of dwelling accommodations available to such families are being and will continue to be exacted; that world war II has necessitated an almost complete paralysis of building construction; that the extent of construction of decent, safe and sanitary dwellings, conforming with the minimum standards prescribed by law, has failed to produce a sufficient number of dwellings for the accommodation of families unable to pay higher rentals; that there has been a rapid absorption of rentable vacancies in said dwellings and a sharp increase in rentals; that such communities are threatened with wholesale evictions; that an emergency exists by reason of these conditions, which constitute a menace to the health, safety, morals, welfare and comfort of the citizens of the state, undermine the standard of living of a large number thereof, tend to impair and impede the enforcement of existing statutes, cause overcrowding and congestion, foster crime, encourage the spread of vice and disease and increase the death rate; that adequate housing accommodations to relieve the hardships and suffering resulting therefrom cannot be sufficiently provided, with or without public assistance, during the period of the emergency as herein declared; and the necessity for legislative intervention, by the enactment of the provisions of this section and their application until July first, nineteen hundred forty-nine, is hereby declared as a matter of legislative determination, and the provisions of this section shall remain in force and effect only until such date.

2. For the period during which any old-law tenement or any converted dwelling shall fail to comply with the applicable provisions of article six or seven, as the case may be, no rent therefor or for any part

thereof shall be recovered by the owner, nor shall any action or special proceeding be maintainable for such rent or to recover possession of such dwelling or part thereof for non-payment of rent, except rent at such rate as shall not exceed the lowest rent charged therefor for any month between September thirtieth, nineteen hundred thirty-seven, and April first, nineteen hundred forty-three.

3. In any such action or special proceeding in which there shall be interposed a defense that the dwelling fails to comply with the applicable provisions of article six or seven or that the rent demanded exceeds the lowest rent charged for any month between September thirtieth, nineteen hundred thirty-seven, and April first, nineteen hundred forty-three, the burden of proof shall be upon the party seeking to recover rent or possession.

4. A certification by the department of the results of a search made by the department shall be admissable as presumptive evidence of the existence or non-existence of any violation of article six or seven as in such certificate specified.

* NB Expired July 1, 1949