Indiana Law Journal

Volume 22 | Issue 3 Article 15

Spring 1947

Necessity of Complying with Rent Regulations

RENT CONTROL

NECESSITY OF COMPLYING WITH RENT REGULATIONS

Suit by tenant against landlord for rent-overcharge penalty. D attempted to show he had given P the required notice of increase and that the new rent was justified as not being more than P collected for the premises from subtenants. Judgment for P. Held: Affirmed. *Martino* v. *Holzworth,* 158 F.(2d) 845 (C.C.A. 8th, 1947).

This case illustrates the requirement for strict compliance with the Maximum Rent Regulations. There are a few exceptions,[1] but mere "substantial performance" is ordinarily inadequate.[2] The general rule applies to the popularly termed "rent decontrol" for transient rooms.[3] Before the landlord can possibly qualify for decontrol, he must first file a supplemental registration statement so the Rent Director can classi-

---

which could be and was held to have been waived in that case, without reference to the constitutionality of the statute.

18. The responsibility of the court seems increasingly important where the legislature has actually abandoned the procedural field and corrective measures are possible only through court rules. For a discussion of the general theories of the rule-making power, see 1 Sutherland, "Statutory Construction" (3rd ed. 1943) § 226.

1. Hotel Enterprise v. Porter, 157 F.(2d) 690 (Ct. Em. App., 1946) (illness of manager excused late application for rent adjustment); Peters v. Porter, 157 F. (2d) 186 (Ct. Em. App., 1946) (requirement of re-registration after remodeling so concealed in the language of the regulations that they were not apparent to landlord of reasonable intelligence).

2. Ambassador Ap'ts. v. Porter, 157 F.(2d) 774 (Ct. Em. App., 1946) (foreign residence and ignorance of procedural regulations of persons controlling corporate landlord held no excuse); Bowles v. Meyers, 149 F.(2d) 440 (C.C.A. 4th, 1945) mere belief that the order is invalid does not excuse).

3. Rent Regulations for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, Amend. 102, 12 Fed. Reg. 395 (Jan. 18, 1947).

fy his premises;[4] only *then* may he make the required application under the decontrol order. A landlord is not eligible to be considered for decontrol until both steps have been taken. An increase in rent without authorization is a violation of the regulations.[5]

TORTS

INDEPENDENT INTERVENING CAUSE

P was riding in an automobile driven by D when it overturned. No one was injured, and the passengers of the car immediately set about to right the car. While assisting, P cut his wrist on broken window glass, for which injury he brought suit. D was found negligent in operating the automobile and liable for P's injuries. Held: Affirmed, P's act was the normal response to the stimulus of the situation created by D's negligence and not a superseding cause which would relieve D of liability. *Hatch v. Smail,* 23 N.W. (2d) 460 (Wis. 1946).

In the principal case, D claimed that his negligence was not the proximate cause of the injury,[1] but that P's voluntary act in helping to right the car was an independent intervening force which cut off the chain of causation from D's negligence, and set in movement a new chain.[2] But the chain

4. 11 Fed. Reg. 13038 (Nov. 2, 1946). Rooms are to be classified as transient hotel, residential hotel, rooming house and motor court. Only those classed as transient hotel and motor court room are eligible for decontrol .

5. Wilfully raising rent without first qualifying may be criminal violation of the Emergency Price Control Act, 50 U.S.C.A. (App.) §901 et seq. ( ). Wilton v. U.S., 156 F.(2d) 433 (C.C.A. 4th 1946).

1. In determining proximate cause, the "substantial factor" test has been stressed in Indiana in recent years, Swanson v. Slagel, 212 Ind. 394, 8 N.E.(2d) 993 (1937); the courts often speak in terms of "material contribution", "direct cause" or "efficient cause", Earl v. Porter, 112 Ind. App. 71, 40 N.E.(2d) 381 (1942; Cousins v. Glassburn, 216 Ind. 431, 24 N.E.(2d) 1013 (1940); Columbia Creosoting Co. v. Beard, 52 Ind. App. 260, 99 N.E. 823 (1912); See Harper, "Development in the Law of Torts" (1946) .21 Ind. L.J. 447,453. Foreseeability is an essential element of proximate cause in Indiana, see Dalton Foundries v. Jeffries, 114 Ind. App. 271,283, 51 N.E.(2d) 13,18 (1943); For a discussion of the use of foreseeability in determining proximate cause, see Harper, supra at 455.

2. An intervening cause is one not produced by prior negligence, but independent of it, which interrupts the course of events so as to produce a result different from the one that could have