

ACC

10000/142/719

EXTENSION OF PROVISI  
MAR. - AUG. 1944

10000/142/719

EXTENSION OF PROVISIONS OF LAW ON HOTEL TENANCIES  
MAR. - AUG. 1944

FILE CLOSED 4 August 1944

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HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

Tel. No. 563  
ACC/4104/1/L

RHW/ap  
4 Aug 44

SUBJECT : Control of Civil Communications.  
TO : Communications Sub-Commission (Maj. HEAD).

1. Enclosed a copy of a letter directed by this Subcommittee to HQ AAI and referring to letter AAI/1401/10/GSI/(B) of 22 June 1944 addressed to this Sub-Commission and to you.

11.  
R. H. WILMER,  
COL. CAC.  
Acting Chief Legal Officer.

HEAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

CGH/emf

ACC/4104/1/L

7 April 1944.

SUBJECT: Hotel Leases (Extension of Laws re).

TO : RLO Region 3 (thru RC).

1. You will find enclosed a translated copy of the Minutes of a meeting with the Ministry of Justice dealing with this matter.

2. It is stressed by the Minister that the contemplated legislation should not be promulgated, if at all, until such time as the RDL in respect of leases in general has appeared in the Gazzetta Ufficiale.

G. G. HANNAFORD, Major  
Officer i/c Italian Section  
for Chief Legal Officer.

Enclosed: 1 copy of Minutes.

Acc/4013/3/L REPORT OF MEETING HELD ON APRIL 2, 1944

Present: For the Minister of Pardon and Justice,  
Comm. SPINELLI - Lt. CIVILI (interpreter).  
For the Allied Control Commission,  
Major Hanneford.

Modification of Article 3, Royal Decree-Law dated 11 Feb 1944, No. 31.

Major HANNEFORD requests an urgent publication in the Gazzetta Ufficiale of the decree bearing modifications to Art. 3 of the Royal Decree Law date 11 Feb. 1944, No. 31, in as much Lt. Col. CONZIS of Region II has referred to have had difficulties in transferring over to the Italian Tribunal cases which in view of the aforesaid modified decree should come under their jurisdiction.

Comm. SPINELLI assures he will take deep interest in seeing that the provision will be formally enacted as soon as possible, but adds that the decree, in the meanwhile, should have already been received by all the Procuratori Generali of Sicily, so that the difficulties met by Ten. Col. CONZIS should no longer exist.

Order to be issued by the Allies concerning an extension of time on Royal Decrees dated 24 July 1936 and 16 June 1938.

Provisions to be issued with the purpose to control lease contracts of hotels.

Major HANNEFORD informs that Region III, whose authorities were informed of the contemplated legislation to be promulgated by this Ministry and of Article 10 of the law on leases, have pointed out that such provisions had no connection with the request made to grant, at the end of the war, thru Allied Proclamation, an extension of time on the limits fixed by Royal Decrees dated 24 July 1936 No. 1692, and 16 June 1938, No. 1280, which control sale and lease of unmovable property used as hotels, expiring on 31 December 1943.

Comm. SPINELLI, having received exact information of the request made by Region III, points out, that at present although the purposes (touristic activities) which led to the issuing of the above mentioned provisions no longer exist, the extension, if the Government think fit, may not be altogether untimely, because it would prevent the further dislocation of the important interests of the hotelkeepers, and would remove all difficulties in connection with hotels now largely used by the Allied authorities, upon requisition, as lodgings, messes and offices.

Upon request he promises to bring the question to the immediate attention of H.E. the Minister, because the provision is of general interest, as was already stated to Major Hanneford. In the first place, however, it is necessary to resolve the price blocking problem of leases, which must be faced both for the hotels and proprietors of establishments in general, who still carry the burden of a fascist injustice perpetrated to their prejudice in 1934; the effects of which have grown to such an extent that are now to be considered as an economic absurdity. The rents are always the same, as when reduced from 1934 to 1944, by the terms of the Royal Decree of 1934, while the cost of

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The 1934 law could be justified because of the stabilization of the currency, which we do not want to discuss, an aim which at present does not exist.

Further extension of time on legislation fixing the freezing of rents were only granted for demagogic reasons. They were by all means anti-economic and were issued only to be in keeping with the fascist price blocking legislation

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which turned out to be a complete fiasco because it imposed fixation of prices and salaries only exteriorly while no consideration was given to the actual situation which undermined with growing harshness the life of those social categories of persons who lived on fixed incomes.

Among these must be included the small owners of dwellings and real estate (who are many in Southern Italy where real estate companies are very scarce). These owners have seen their incomes reduced in some cases by 96%.

The fact that it was deemed necessary by issuing recent legislation to increase salaries, demonstrated the injustice done to those persons who receive a fixed income from real estate.

The bill which is now being drafted, takes in full consideration the inopportunity to cut down the standard of life of the working people and intellectual classes by increasing the prices of rents, but it must also be considered that the traders, merchants and laborers have gained from the present situation while the employees received an increase in salary which although inadequate, permits an increase of rent which they can easily support because the new rate does not effect their salaries by more than 5%.

In fact the bill is intended to eliminate the injustice made to the proprietors of establishments and it contemplates, only for the present year, abolishment of reductions on leases, and slight increases for the following years.

Major HANAUER takes notice of the above mentioned report and reserves to contest also the economic subcommission on the question.

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Major HANNAFORD takes notice of the above mentioned report and reserves to contact also the economic subcommittee on the question.

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HEADQUARTERS  
REGION 3, ALLIED CONTROL COMMISSION  
LEGAL DIVISION  
APO 394, U.S. Army

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✓  
GAB/cm  
3/6105/L

28 March 1944

Subject: Extension of the provisions of the Law on  
Tenancy of Hotel Premises.

To : Chief Legal Officer, Legal Sub-Commission A.C.C.

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1. Reference is made to your letter dated 22 March  
1944 (Ref. ACC/4104/I/L) on the above subject.

2. The proposed decree of the Italian Government,  
so far as quoted in the enclosure to the above mentioned  
letter, does not appear to deal at all with the matters  
mentioned in the Laws of 24 July 1936 and 16 June 1938  
referred to in the draft Regional Order submitted to your  
headquarters.

3. May authority now be given to the making of the  
Regional Order or alternatively may I be advised that the  
Italian Government has amended its proposed decree to  
cover the matters dealt with in the Regional Order.

*John W. Chapman*  
JOHN W. CHAPMAN,  
Lt. Col., J.A.G.D.,  
Reg. Legal Officer.

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

GGH/gmf

ACC/4104/1/L ✓

22 March 1944.

SUBJECT: Extension of the provisions of the Law on Tenancy of Hotel Premises.

TO : RLO (thru RC) Region 3.

1. The Italian Government has prepared a draft decree dealing with all types of contract between landlord and tenant. Article 10 (enclosed) refers to Hotel premises.

2. Would you please inform this subcommission whether you are of opinion that its provisions cover the requirements of Region 3 in this connection or not.

G. G. HANNAPURD, Major  
Officer i/c Italian Section  
for Chief Legal Officer.

4104/1 (5)



MINISTERO DI GRAZIA E GIUSTIZIA  
GABINETTO

Salerno, 21 marzo 1944

Protoc. N. 3319/Gab.  
Risp. al foglio N. 1  
del \_\_\_\_\_

OGGETTO: Schema di R.decreto-legge contenente disposizioni per le locazioni degli immobili urbani e rustici.

ALLA COMMISSIONE ALIATA DI CONTROLLO  
Sottocommissione Legale

S A L E R N O

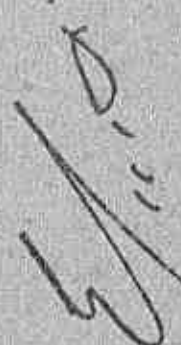
In conformità degli accordi presi nella riunione odierna, si trascrive qui di seguito il contenuto dell'art.10 dello schema di R.decreto-legge in oggetto, attualmente in elaborazione presso questo Ministero:

"I conduttori di locali per esercizi di alberghi e loro dipendenza, che abbiano usufruito della sospensione del 50% del pagamento delle pigioni, ai sensi della legge 2 ottobre 1940, n.1452, sono tenuti, dal primo giorno del mese successivo alla pubblicazione del presente decreto, a corrispondere ai locatori l'intera pigione.

Restano ferme le disposizioni della legge 2 ottobre 1940, n.1452, per quanto riguarda il pagamento delle quote di pigioni non pagate anteriormente all'entrata in vigore del presente decreto.

Nel caso che il locale sia stato requisito per esigenze belliche, il pagamento dell'intera pigione, eventualmente maggiorato ai sensi dell'articolo che precede, deve decorrere dalla data della effettiva liquidazione delle indennità di requisizione."

IL MINISTRO



OGGETTO: Schema di R.decreto-legge contenente disposizioni per le locazioni degli immobili urbani e rustici.

ALLA COMMISSIONE ALLEATA DI CONTROLLO  
Sottocommissione Legale

S A L E R N O

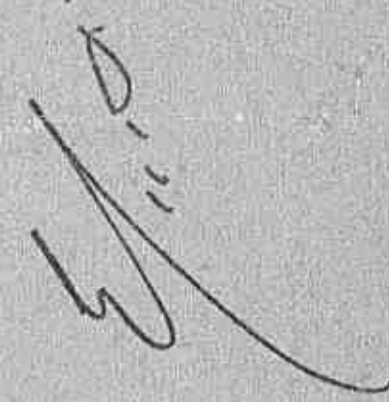
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IL MINISTRO



HEADQUARTERS  
ALLIED CONTROL COMMISSION  
R.C. & M.G. Section  
APO 394

18 March 1944

Ref/293/11/CA.

SUBJECT: Laws Concerning Hotels.

TO : V.P. Administrative Section.

1. Reference yours 013/1/AS 10 March 1944.
2. The Economic Section has considered the question raised, and recommends adoption of such legislation, if same is not covered by R.D. Law No. 142 of 14 March 1942.
3. It is suggested the matter be referred to the Legal Sub-Commission and it is recommended the procedure suggested in par 3a of the Legal Sub-Commission memorandum of 9 March 1944 be adopted; if the Legal Sub-Commission is of the opinion R.D. Law No. 142 of 14 March 1942 does not now apply.
4. See par. 3 of Ind. 1 ref. ours 293/10/CA 13 March 1944.

*Superior*  
*captain*  
for  
NORMAN E. FISKE  
Colonel, Cavalry  
Deputy Executive  
Commissioner.

*Major Hamford*

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005 *Slur* (3)

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
APO 394  
Administrative Section

013/1/AS

10 Mar 44

Subject: Laws Concerning Hotels.

To : ~~Legal Sec.~~

1 The attached papers are passed to you as they appear to have strayed from the correct channel. The message center having (owing to the manner in which 3/6034/1 of 2 Mar was addressed) thought the Legal Sub Comm would be the appropriate branch to deal with the legal points raised.

2 We attach Legal's Comments on the case. In this connection we presume that if these powers are sought it will be from the point of view of keeping "trade" going. It would appear therefore that the Econ Section will desire to consider para 2b before deciding whether these powers are generally desirable.

3 If such legislation is required the procedure suggested at 2a would appear to be correct. Enquiry has been made of the Italian Government and it appears that they will if requested be prepared to continue the application of these laws for the duration of the war.

4 We presume that one of the Economic Sub Commissions would approach The Italian Government as the matter does not appear to concern any of the Admin Sub Commissions.

*✓*  
R. H. BURTON  
Lt. Colonel  
for VP Admin Sec.

*✓*  
Copy to: Legal Sec memo dated 9 Mar 44 refers.

(45)

HEAD HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

GGH/vlp.  
9 March 1944.

MEMORANDUM

Reference ACC/4005/L

SUBJECT : Law concerning Hotels (Region III).

TO : VF, Administrative Division.

1. Reference letter 3/6081/L of Hq Region 5, AMG dated 2 March 1944, addressed to the Chief Commissioner.

2. The following points should be taken into consideration:

- a. This type of legislation affecting the interests of all Italians should not be confined to one Region, but promulgated in all territories at the same time. The simplest method would be for the Italian Government to issue a RDL, which AMG would render operative in AMG areas. In any case the Italian Government should be consulted (Ministry of Popular Culture now abolished by Ministry of Education).
- b. As to the urgency of the law, the following remarks may be made:
  - (1) This legislation was devised to help Italian touristic activities. These no longer exist.
  - (2) How many tenants would be affected by the expiration of the 1936-1938 legislation?
  - (3) Rents calculated in pre-war Lires, should be easier to pay in occupation currency considering the new rate of exchange and the rise in prices.

G. G. HANNAFORD,  
Major,  
Officer i/c Italian Section,  
for Chief Legal Officer.

9 March 1944

To: Maj. G. G. Harmanford <sup>(1)</sup>

Subject law concerning  
hotels

1. I spoke to officials of the Italian govt. about this matter which is the concern of the proposed ministry of Information (Popular Culture), now in the ministry of Education. Dott. Giuseppe D'Elia (Teleph. 1150) is the person to see there.

2. These Govt. officials agree that a RD applicable to all Italy be issued with Acc approval.

Ralph R. Temple  
Capt.

INTERIOR SUB-Comm.

