pointment, which notification is received on the same day as
the meeting of the approving board, is sufficient justification
to delay action, for investigation at least, until the next
regular meeting.

Your third question has been answered by my answer to
your second question. The new appointee cannot qualify and
take over the records, property and jurisdiction of such an
officer until his appointment has been approved by the State
Board of Health and in the meantime his predecessor will hold
over in such office until such approval is given and the ap-
pointee qualified.

OFFICIAL OPINION NO. 11
February 14, 1950.

Hon. P. E. Middleton,
Indiana Economic Council,
140 North Senate Avenue,
Indianapolis 4, Indiana.

Dear Sir:

I have your letter requesting my opinion which reads in
part as follows:

"A question of great importance to Indiana com-
munities has arisen with respect to interpretation of
legislative interest in certain provisions of the Indiana
Housing Act of 1937, as amended by Chapter 374, Acts
of 1947.

Section 48-8108 (b), Burns Indiana Statutes, Act of
1933, 1947 Supplement reads as follows:

'(b) Within its area of operations: To prepare,
carry out, acquire, lease and operate housing projects;
to provide for the construction, reconstruction, im-
provement, alteration or repair of any housing project
or any part thereof; Provided, however, That no
housing project shall be built if the average construc-
tion cost is more than one thousand five hundred dollars
($1,500.00) per room, exclusive of the cost of land,
demolition and nondwelling facilities: Provided further, all contracts shall be awarded in accordance with the provisions of laws governing, purchasing and letting of contracts by cities of the second class.’

The question on which we would appreciate your official opinion is whether or not under the Indiana Statute the cost limitation of $1,500.00 per room is intended to apply to a bathroom the same as any other room or whether such cost limitation would exclude the bathroom, thus reducing the total permissible cost of any given housing unit.”

It is necessary in answer to your question, to determine the meaning of the word “room” as used in the above quoted sub-section.

It is a settled rule of statutory interpretation that if the language is clear and definite the plain ordinary meaning thereof must be accepted unless a contrary purpose is clearly manifest.

Chelf v. State, 223 Ind. 70;
Porter v. State ex rel. Hayes, 208 Ind. 410;

It is also well established that if the language is clear and unambiguous it should be given a literal interpretation.

Tucker, Sec. of State v. Muesing, 219 Ind. 527;
Taelman v. Board of Finance of School City of South Bend, 212 Ind. 26.

With these rules in mind, what is the plain import of the word “room”? Webster’s Dictionary defines this word as being “space enclosed or set apart by a partition; an apartment or chamber—often in combination; as a bed-room; living-room; bath-room;”. Note is made of the fact that “room” is generally used with a prefix such as dining-room, bath-room, lunch-room, etc. The note then lists about seventy-five examples of the use of that word in such combinations.

I find that the word “room” has been judicially interpreted in many jurisdictions and some of the definitions are as follows:

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"A 'room' whether it be a concert-room or other room is a subdivision of a building, or the building itself, where the structure contains but one room."

"In the broadest sense a room is any space or apartment separated from others by partitions, and in this sense any closet or small apartment would be a room, but, as commonly used, the rooms of a dwelling are adapted, with more or less convenience, to personal occupation."

"A 'room' is a space for occupancy or use enclosed on all sides as in a building; an apartment; frequently named for the use to which it is put, as a bed-room, engine-room, tool-room."

See Words and Phrases, Vol. 37, pp. 797, 798.

The word "bath-room" in its ordinary sense is definitely a room and particularly such when considered in the light of construction costs. Thus by the standard of usual and ordinary meaning a bath-room must be considered as a "room" of a dwelling and should be, in my opinion included by the language of the sub-section above referred to.

However, although words should be given a plain usual meaning, this can be overcome if the act itself compels a different meaning, and this is clearly shown. To determine whether or not a different meaning should be given to the word in question, one must consider the Housing Authorities Act as a whole and the evils that were to be remedied thereby.

Zoercher v. Indiana Assoc. Telephone Corp., 211 Ind. 447;
City of Indianapolis v. Evans, 216 Ind. 555.

The heading of section 48-8108 in which this subsection appears reads as follows:

"An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted."
The principal purpose of our "Housing Authorities Act" as declared by our Supreme Court is to replace unsanitary, unsafe, and unhealthy dwellings which are a menace to the community.


The declaration of public policy is made in Section 2, of the Act (48-8102) and in that section it is declared that there exists in the state unsanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in such unsanitary or unsafe accommodations. It is also declared that such conditions cause an increase in the spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the State. It is further declared that such slum areas should be demolished or reconstructed with the view of correcting such conditions and for the purpose of providing safe and sanitary dwelling accommodations. A "slum" and a "Housing Project" are defined in subsections i and j of Section 48-8102 as follows:

"(i) 'Slum' shall mean any area where dwelling predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals."

"(j) 'Housing project' shall mean any work or undertaking: (1) To demolish, clear or remove buildings from any slum area; or (2) To provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; or (3) To accomplish a combination of the foregoing. The term 'housing project' also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith."

There is certainly no language in the act to show that a "room" should not be given the ordinary accepted meaning, nor is there any indication that the word should not include a
bath-room. On the contrary the intention of the Legislature as expressed in the Act as a whole clearly shows the necessity of including a bath-room in this type of construction and in view of the purpose declared by the Act it is certainly an essential living facility leading to healthful and sanitary dwellings.

I can not impute to the Legislature that they failed to consider the necessity for construction and installation of bath-rooms in the type of dwellings being considered when they enacted this law. Such installations are not only essential to healthful living in congested areas, but also in the city of Indianapolis, as well as other large urban centers, the building and health codes mandate the installation of inside toilet facilities in new structures wherever water and sewerage connections are available. The construction cost of a bath-room is much greater in proportion to the total construction cost than for any other room of a dwelling. As the legislature must have considered this matter, it is important to note that "bath-rooms" were not specifically excluded in the language of subsection (b), which could easily have been done if it had been the intention so to do.

Therefore, it is my opinion, that to effectuate the intention of the Legislature and the declared purpose of the Housing Authorities Act, that a bath-room is included in the language of Section 48-8108, sub-section (b) and is a "room" for the purpose of figuring and arriving at the construction cost of a Housing Project.

OFFICIAL OPINION NO. 12

February 15, 1950.

Dr. R. W. Elrod,
Indiana State Veterinarian,
209 State House,
Indianapolis, Indiana.

Dear Dr. Elrod:

I have your letter requesting my opinion which reads as follows:

"I will appreciate very much if you can give this office an official opinion relative to whether Chapter