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HOUSING FOR DISPLACED FAMILIES

BERNARD P. MALOY
WASHINGTON, D.C.

AN AMENDMENT TO SECTION 5-707 (a) OF THE DISTRICT OF COLUMBIA CODE:
HOUSING FOR DISPLACED FAMILIES UNDER THE DISTRICT OF COLUMBIA
REDEVELOPMENT ACT OF 1945.

Section 5-707 (a) Housing for Displaced Families

Prior to approval by the District Commissioners, pursuant to subparagraph (2) of section 5-705 (b), of any redevelopment plan, the District Commissioners shall satisfy themselves (and shall so state at the public hearing required by such subparagraph) that decent, safe, and sanitary housing, substantially equal in quantity to the number of substandard dwelling units to be removed or demolished within the project area, under the proposed redevelopment plan, is available or will be provided (by construction pursuant to the redevelopment plan, or otherwise) in localities, at rents or prices within the reach of the low income families displaced or to be displaced, pursuant to the redevelopment plan, from the project area.

To Amend: Strike out on line 5 from the word "substantially" to line 7, the word "area"; and, insert the following:
"with dwelling units equal in quantity to the exact number of low income families displaced or to be displaced in the project area."

Amend: Strike out on line 9 from the word "at" to line 11, the word "pursuant"; and, insert the following:
"at rents and prices based on specified uniform rates (according to a ratio or percentage of income) for low income families displaced or to be displaced."

COMMENT

BERNARD P. MALOY

Under the District of Columbia Redevelopment Act of 1945, the District of Columbia Land Redevelopment Agency was set up to provide the planning and implementation of urban redevelopment programs in Washington, D.C. This Agency, organized under the Congress of the United States,¹ has the delegated authority from Congress of police

¹ Note that under Article 1, Section 8, Clause 17 of the Constitution, Congress has sole and plenary legislative power over the District of Columbia, thus possessing complete jurisdiction of both a political and municipal nature over the District, and may make local regulations on such subjects as are usually regulated by municipal ordinances.

power and eminent domain in the District. Using the broad notion of a public interest policy, the District of Columbia Land Redevelopment Agency functions to eradicate those "blighted" areas of the District. Though a valid purpose, the techniques granted and employed for redevelopment programs sometimes fail to recognize two distinct aspects in this area. These are the economic considerations and the human needs involved in redevelopment which usually are swept up into one policy, with the economic aspect pervading.

Granting that the quantity and quality of urban land is becoming more valuable, we must begin to recognize that those persons inhabiting that land cannot be treated by generalized concepts which tend to seek only the end, disregarding the means. The author does not call for a general attack on redevelopment agencies but pleads for a more intense recognition of basic human needs.

Under Section 5-707 (a) of the District of Columbia Code, Housing for Displaced Families, the District Commissioners must satisfy themselves, prior to their approval of a redevelopment plan, that decent, safe, and sanitary housing, "substantially equal in number to the number of dwelling units" to be demolished, is or will be available to low income families displaced in the redevelopment area. Such a program, especially when aimed at a slum or blighted area, fails to recognize a problem most acute in that type area, that is, overcrowded housing and the unsanitary and unsafe conditions these areas breed. In effect, under this section, the District of Columbia Land Redevelopment Agency, with approval, may transplant overcrowded housing in one area to another. The result is the redevelopment of one area with the creation of another new "blighted" area. And, no real solution to either urban blight or its social ills.

It is also provided that the housing that is made available to low income families is to be provided at rents and prices within the financial reach of those displaced families. A most interesting aspect which specifies no basis of a price or rent policy, and fails to see low income families as that -- low income families.

It is perhaps ironic, that Congress stipulates a more humanitarian approach in its Federal Housing laws, while not giving the same consideration to its own jurisdiction.

The Housing Act of 1949, 42 U.S.C. §1455 (c)(1), provides:

There shall be a feasible method for the temporary relocation of individuals and families displaced from the urban renewal area, and there are or are being provided, in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the individuals and families displaced from the urban renewal area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced individuals and families and reasonably accessible to their places of employment.

Wisdom or accuracy of decisions made by agencies set up by Congress to accomplish urban renewal are, for the most part, beyond the scope of judicial review.

However, in a decision relating to Section 305 (c) of the Housing Act, Norwalk Core v. Norwalk Redevelopment Agency, 395 F. 2d. 920 (2d Cir., 1968), the Court said displacees may seek equitable relief in federal courts, when government efforts to assure their relocation have not been adequate. Hence, injunctive relief for persons displaced by urban renewal projects is now available, but, unfortunately, the same is not true for displacees under the District of Columbia Act.

It can be validly argued that in order to effectuate the policies of the District of Columbia Redevelopment Agency Act, we cannot burden the Agency with frivolous claims in Court. That broad powers are necessary in order for renewal projects to be accomplished. However, it is the author's contention that, with the law as it stands now, judicial review is the only tool available to displaced low income families. With that tool expressly taken away from them, the displacees face as great, if not greater, hardships through relocation under Section 5-707 (a), than if they weren't to be relocated at all.

Note that the rent and price policies of §305 (c) of the Housing Act are based on a policy within the financial means of those displaced. Under the District of Columbia Redevelopment Act the basis is generalized as within "the financial means". The author seeks to specify the rent and price policy for those relocated. Seemingly, this is not a difficult task as the government, under the Federal Housing Act, bases ability to pay standards as a ratio of income to gross rent (including fuel and utilities) or as a percentage of income available to shelter.

The proposed amendment seeks to specify the obligations of the District of Columbia Land Redevelopment Agency, so that questions of judicial review never rear their heads; so that the District of Columbia Land Redevelopment Land Agency may continue to plan and bring about an orderly, practical, and successful program of urban redevelopment; and, so that the obligations owed to displacees are sufficiently spelled out to the benefit of such displacees, and the District of Columbia Land Redevelopment Agency.

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