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# Urban Renewal--Essentials of the Federal Program

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URBAN RENEWAL—ESSENTIALS OF THE  
FEDERAL PROGRAM

The average American city today is experiencing an extraordinary growth in its outer limits. At the same time, unfortunately, its heart is suffering from a cancerous growth of blight.<sup>1</sup> Such deterioration of the once fine areas in and near the central business district is becoming characteristic of our urban growth, and is a major cause of the related problem of urban sprawl.<sup>2</sup>

Our cities are beginning to recognize that these blighted areas are an expensive luxury they can no longer afford.<sup>3</sup> In addition to the much written about and well-documented social consequences in the form of crime, disease, and juvenile delinquency, blighted areas are expensive in terms of municipal finance. On the basis of various studies in recent years, it has been determined that municipal services for such areas, on a per capita basis, often cost fifty to seventy-five percent more than for well-maintained residential areas.<sup>4</sup> Tax revenues range from one-half to one-tenth of their potential.<sup>5</sup> In these days of crisis in municipal finance, such extravagances often result in inadequate school budgets and insufficient funds for the improvement of such municipal services as garbage collection, street cleaning, lighting and maintenance,<sup>6</sup> and perhaps housing code enforcement. In turn, low standards for these services contribute to the spread of blight to other areas.

After a brief recital of the history of legislative efforts to combat urban decay, this note will discuss the federal assistance available to cities under the federal urban renewal program and the federal and Kentucky requirements for obtaining such assistance. It will then outline the basic steps in the initiation of a renewal program and attempt an evaluation of the program's effectiveness in Kentucky to date.

<sup>1</sup> Blight includes slums and deteriorated or deteriorating areas which may be residential, commercial, or industrial. U.S. Chamber of Commerce, *Urban Development Guidebook 3* (1955).

<sup>2</sup> A leading authority on urban redevelopment has singled out blight and congestion as the principal causes of the movement to the suburbs. See Woodbury, *The Future of Cities and Urban Redevelopment* 630-32 (1953).

<sup>3</sup> It should be noted that while the slums account for 33% of the population of the average city it accounts for 45% of the major crimes, 55% of the juvenile delinquency, 50% of the arrests and disease, and 45% of the total city service costs, while producing only 6% of the tax revenues. Urban Renewal Division, *Sears Roebuck & Co., a.b.c.'s of Urban Renewal* 7 (1957).

<sup>4</sup> U.S. Chamber of Commerce, *op. cit. supra* note 1 at 4.

<sup>5</sup> *Id.* at 27-28.

<sup>6</sup> *Id.* at 4.

## EARLY EFFORTS TO CONTROL URBAN BLIGHT

Through the years there have been sporadic, often unplanned and poorly organized, efforts by cities to root out the decay in their vitals and repair or replace it with healthy, revenue-producing properties. Such efforts have been both public and private, but thus far the fight against substandardness has been a losing battle. Properties have continued to deteriorate much more rapidly than others are rebuilt or rehabilitated.

Early attempts by local governments to deal with urban blight included efforts to control the use of land through city planning and zoning ordinances and the enactment of building and housing codes.<sup>7</sup>

The depression of the early 1930's and its attendant mass unemployment prompted the federal government to take an active part in the improvement of low-income housing and the clearance of slums. The public housing program<sup>8</sup> was instituted under the National Industrial Recovery Act with the three-fold objective of increasing employment, clearing slums, and improving low-income housing. Until 1937 the program was carried out by the Public Works Administration which built and operated public housing largely without state or local participation.<sup>9</sup>

Partly because of certain judicial decisions, holding that the federal government could not use the power of eminent domain to take land for slum clearance and public housing purposes,<sup>10</sup> there was a major shift in federal public housing policy in the passage of the Housing Act of 1937.<sup>11</sup> The avowed purpose of the 1937 act was to lend financial aid to cities and towns seeking to substitute low-cost housing for their slum areas. Federal assistance under the Act took its present form of loans and grants-in-aid to local public housing authorities which were created under enabling legislation<sup>12</sup> in practically all of the states. The federal public housing program has been administered by the Public Housing Administration since 1947<sup>13</sup> and continues to play an important part in slum clearance and housing improvement. But the emphasis of federal legislation began to shift to a more direct

<sup>7</sup> Johnstone, *The Federal Urban Renewal Program*, 25 U. Chi. L. Rev. 301, 305 (1958); Note, 72 Harv. L. Rev. 504 (1959).

<sup>8</sup> 48 Stat. 201 (1933).

<sup>9</sup> Most of these units have since been transferred to local housing authorities. Johnstone, *supra* note 7, at 310 & n. 40.

<sup>10</sup> See, e.g., *United States v. Certain Lands in the City of Louisville*, 78 F.2d 684 (6th Cir. 1935).

<sup>11</sup> 50 Stat. 888 (1937), as amended, 42 U.S.C. §§ 1401-35 (Supp. V, 1958).

<sup>12</sup> See, e.g., Ky. Acts 1934, ch. 113.

<sup>13</sup> For discussions of the history of federal and state public housing legislation during the period 1932-37, see Annot., 130 A.L.R. 1069 (1941); Johnstone, *supra* note 7, at 310-11; Note, 7 Geo. Wash. L. Rev. 520, 524-27 (1939).

attack on existing substandard housing with the passage of the Housing Act of 1949.<sup>14</sup>

## THE FEDERAL URBAN RENEWAL PROGRAM

### *Statutory Framework*

Under the Housing Act of 1949 the housing program was expanded, and a federal urban redevelopment program was initiated. This program provided for federal aid to local public agencies undertaking redevelopment of substandard areas for residential purposes.<sup>15</sup>

The Housing Act of 1954<sup>16</sup> amended the 1949 act in such a way as to reorient the federal philosophy of urban renewal. The act extended to conservation and rehabilitation programs the same assistance previously offered in connection with redevelopment.<sup>17</sup> The 1954 act, as subsequently amended, now treats redevelopment, public housing, rehabilitation, conservation, local planning, and code enforcement as interrelated components of a unified scheme for renewal.<sup>18</sup>

Congress has authorized the Administrator of the Housing and Home Finance Agency<sup>19</sup> to carry out the major features of the federal government's functions under the program. Most of these functions have been delegated to the Urban Renewal Administration which is headed by a commissioner. Most local public agencies deal with the HHFA field offices in urban renewal matters.<sup>20</sup>

Before local public agencies can participate in the urban renewal program, state law must authorize them to do so. All but eight states now have statutes or constitutional provisions enabling public agencies to exercise the powers necessary for participation.<sup>21</sup> Kentucky's

<sup>14</sup> 63 Stat. 413 (1949), as amended, 42 U.S.C. §§ 1441-83 (Supp. V, 1958).

<sup>15</sup> Urban renewal is a broad term covering all the community's activities to eliminate and prevent the spread of blight and slums. Thus an urban renewal program might include a redevelopment, rehabilitation, or conservation project or any combination thereof.

*Redevelopment* is a more limited term and involves the total clearance of an area which cannot be rehabilitated and the erection of new structures thereon.

*Rehabilitation* involves the remodeling or renovation of existing structures in a substandard area to conform to certain standards such as those of a minimum housing code.

*Conservation* is a program directed at maintaining the economic and social values of a neighborhood. See I Slayton, *Conservation of Existing Housing*, 26 *Law & Contemp. Prob.* 436-39 (1955).

<sup>16</sup> 68 Stat. 590 (1954), as amended, 42 U.S.C. §§ 1441-83 (Supp. V, 1958).

<sup>17</sup> 68 Stat. 622 (1954), as amended, 42 U.S.C. §§ 1450-62 (Supp. V, 1958).

<sup>18</sup> Hillman, "Public Housing, Planning, and Conservation," 1954 *Ann. Survey Am. L.* 379 (1955).

<sup>19</sup> Hereinafter referred to as HHFA.

<sup>20</sup> The regional office for the Kentucky area is in Atlanta, Georgia.

<sup>21</sup> Enabling legislation has sometimes been attacked on the constitutional ground that it authorizes a taking of private property for other than public

statute,<sup>22</sup> as regards the powers granted to the agency, is fairly typical. Under this statute, a city or county "slum clearance and development agency" is authorized to do whatever is necessary to participate in the federal urban renewal program, and some of the federal requirements are imposed by this statute as prerequisites to the acquisition of title to land.<sup>23</sup>

### *Nature and Extent of Federal Assistance*

Urban renewal is essentially a grant-in-aid program under which capital grants and loans are made to local public agencies under conditions imposed by the federal government. The actual renewal work is done, or arranged for, by the local public agency. Under the program, financial aid is available for all phases of renewal and includes: urban planning assistance grants; grants and loans for redevelopment, rehabilitation, and conservation projects; demonstration grants; mortgage insurance; and grants for public housing.

*Urban planning assistance grants* are available on a fifty-fifty matching basis for planning four types of urban areas: (1) cities of less than 25,000 population, (2) metropolitan or regional areas, (3) disaster areas, and (4) areas threatened with rapid urbanization as a result of federal installations.<sup>24</sup>

*Capital grants* are available to local public agencies in connection with urban renewal projects which do not involve open land.<sup>25</sup> To qualify, project areas must be predominately residential either before or after renewal,<sup>26</sup> and the local agency must match the federal grant with a local grant-in-aid of one-third of the net project cost.<sup>27</sup> Fed-

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use or purpose. Florida and South Carolina statutes were invalidated on this ground. See *Adams v. Housing Authority*, 60 So.2d 663 (Fla. 1952); *Edens v. City of Columbia*, 228 S.C. 563, 91 S.E.2d 280 (1956). Generally, however, the constitutionality of such enabling legislation has been upheld on the ground that the public use or public purpose is legitimately served by the legislative objective of eliminating slums and blight and that any benefit to private redevelopers is merely incidental to the legislative purpose. See Annot., 44 A.L.R. 2d 1414 (1955).

The validity of the Kentucky statute was recently upheld in *Miller v. City of Louisville*, 321 S.W.2d 237 (Ky. 1959).

<sup>22</sup> Ky. Rev. Stat. ch. 99 (1959).

<sup>23</sup> Ky. Rev. Stat. § 99.370 (1959).

<sup>24</sup> 68 Stat. 640 (1954), as amended, 40 U.S.C. § 461 (Supp. V, 1958).

<sup>25</sup> 63 Stat. 416 (1949), as amended, 42 U.S.C. § 1453 (Supp. V, 1958).

<sup>26</sup> Thus, present commercial or industrial areas may be the subject of a renewal project if they are to be predominately residential after renewal. Similarly, predominately residential areas may be redeveloped for commercial or industrial use. See 63 Stat. 420 (1949), as amended, 42 U.S.C. § 1460(c)(6) (Supp. V, 1958.)

An area is considered by HHFA to be predominately residential if over one-half of it is residential in character. Johnstone, *supra* note 7, at 321 & n. 111.

<sup>27</sup> See 63 Stat. 416 (1949), as amended, 42 U.S.C. § 1454 (Supp. V, 1958). Or in certain cases one-fourth of the cost. See 63 Stat. 416 (1949), as amended, 42 U.S.C. § 1453(a) (Supp. V, 1958).

eral capital grants in connection with a renewal project may be increased by an amount necessary for relocation payments. Such relocation payments may be made in amounts up to \$100 in the case of an individual or a family and up to \$2,500 in the case of a business displaced by an urban renewal project. There is no requirement for a matching local grant-in-aid in connection with such payments.<sup>28</sup>

*Loans* are available "for the undertaking of" urban renewal projects with the amounts limited to the estimated gross expenditures.<sup>29</sup>

*Advances* are available for surveys and planning in the preliminary stages of a renewal program. They may be required to be repaid out of any subsequent loan or grant in connection with a project growing out of such planning.<sup>30</sup>

*Demonstration grants* are authorized on a two-to-one matching basis in connection with research on slum and blight elimination. The declared purpose of such grants is ". . . to assist them [public bodies] in developing, testing, and reporting methods and techniques, and carrying out demonstrations . . . for the prevention and the elimination of slums and urban blight."<sup>31</sup>

*Mortgage insurance* is made available to assist in financing: (1) rehabilitation of existing dwellings and construction of new dwellings in renewal areas,<sup>32</sup> and (2) relocation housing for families displaced by urban renewal and related governmental activity.<sup>33</sup>

*Public housing* provisions of the present law are related to urban renewal in two ways: (1) families that are to be displaced from a renewal project area are given a preference as applicants for occupancy of federally supported public housing,<sup>34</sup> and (2) the construction of new public housing with federal assistance is authorized *only* in communities that have a workable program approved by HHFA.<sup>35</sup> A community that qualifies for federal assistance in public housing is eligible for loans of up to ninety percent of the cost of the housing<sup>36</sup> and annual contributions or capital grants.<sup>37</sup>

<sup>28</sup> 70 Stat. 1100 (1956), as amended, 42 U.S.C. § 1456 (f) (Supp. V, 1958).

<sup>29</sup> Loans may be temporary (for ten year maximum) or definitive (forty year maximum) except that only temporary loans can be had in connection with open land. 63 Stat. 414 (1949), as amended, 42 U.S.C. § 1452 (a)-(b) Supp. V, 1958.

<sup>30</sup> 63 Stat. 414 (1949), as amended, 42 U.S.C. § 1452(d) (Supp. V, 1958).

<sup>31</sup> 68 Stat. 629 (1954), 42 U.S.C. § 1452a (Supp. V, 1958).

<sup>32</sup> Section 220 Housing Insurance Fund. 68 Stat. 596 (1954), as amended, 12 U.S.C. § 1715k (Supp. V, 1958).

<sup>33</sup> Section 221 Housing Insurance Fund. 68 Stat. 596 (1954), as amended, 12 U.S.C. § 1715i (Supp. V, 1958).

<sup>34</sup> 63 Stat. 423 (1949), as amended, 42 U.S.C. § 1410(g) (Supp. V, 1958).

<sup>35</sup> 68 Stat. 630 (1954), as amended, 42 U.S.C. § 1410(i) (Supp. V, 1958).

<sup>36</sup> 50 Stat. 891 (1937), as amended, 42 U.S.C. § 1409 (1952).

<sup>37</sup> 50 Stat. 891, 893 (1937), as amended, 42 U.S.C. §§ 1410, 1411 (Supp. V, 1958).

*Federal Requirements*

To qualify for federal grants or loans in connection with an urban renewal project, a community must:

(1) Have a general plan for the development of the community as a whole.<sup>38</sup>

(2) Have an urban renewal plan for the area approved by the governing body of the community. Such approval must include findings:

(a) that the federal financial aid is necessary to enable the project to be undertaken in accordance with the renewal plan.

(b) that the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the community, for the rehabilitation or redevelopment of the area by private enterprise.

(c) that the urban renewal plan conforms to a general plan for the development of the locality as a whole.<sup>39</sup>

(3) Prior to the acquisition of any land, hold public hearings in connection therewith after notice of the date, time, place, and purpose of such hearing.<sup>40</sup>

(4) Have a feasible method for the temporary relocation of families displaced from the renewal area. The community must insure that there are or being provided, decent, safe, and sanitary dwellings equal in number, and available to, the displaced families and reasonably accessible to their place of employment. Such dwellings may be either in the renewal area, or in other areas not less desirable in regard to public utilities and facilities and must be at rents or prices within the financial means of the displaced families.<sup>41</sup>

(5) Have a workable program for utilizing private and public resources in the community to eliminate and prevent the development or spread of slums and urban blight. The program must also encourage needed urban rehabilitation and provide for the redevelopment of blighted, deteriorated, or slum areas.<sup>42</sup> By administrative regulation, the essential requirements of a workable program are:

(a) adequate local codes and ordinances, effectively enforced to assure minimum standards of health, sanitation, and safety in housing.

(b) a comprehensive general plan for the development of the

<sup>38</sup> 63 Stat. 416 (1949), as amended, 42 U.S.C. § 1455(a) (Supp. V, 1958).

<sup>39</sup> 63 Stat. 416 (1949), as amended, 42 U.S.C. § 1455(a) (Supp. V, 1958).

<sup>40</sup> 63 Stat. 416 (1949), 42 U.S.C. § 1455(d) (1952). In Kentucky, federal requirements (1)-(4), inclusive, are made conditions precedent to the right to acquire land. Ky. Rev. Stat. § 99.370 (1959).

<sup>41</sup> 63 Stat. 416 (1949), as amended, 42 U.S.C. § 1455(c) (Supp. V, 1958).

<sup>42</sup> 68 Stat. 623 (1954), as amended, 42 U.S.C. § 1451(c) (Supp. V, 1958).

community as a whole. This requirement is met if federal requirement (1), *supra*, is satisfied. *Minimum* requirements of the general plan, as required for the workable program, are: a program for physical development including land use, thoroughfare, and community facilities plans; a public improvement program; a zoning ordinance; and subdivision regulations.

(c) analysis of neighborhood characteristics to determine the extent and causes of blight in the community and the means of correction.

(d) an adequate administrative organization including personnel, program, and legal authority for carrying out the programs and for contracting with the federal government.

(e) a showing of financial capacity to carry out the community's workable program and to bear its share of the cost of the renewal project.

(f) ability to rehouse displaced families in decent, safe, and sanitary quarters.

(g) citizen participation both in the community as a whole and in the project areas.<sup>43</sup>

Each of the foregoing requirements of the workable program is a desirable one, but strict enforcement of them as prerequisites for approval of a renewal plan might prevent many of the smaller cities from participating in the program. Consequently, a mere showing of progress toward achieving a workable program has often been enough for HHFA approval.<sup>43a</sup> To encourage continuing progress, agency approval is given on a year to year basis with some showing of progress being necessary for recertification.<sup>44</sup>

Undoubtedly, such lenient administration of the program is in accord with the legislative objective of wide participation, but a stricter enforcement of the requirements might have a greater impact on land use planning in the smaller cities.

#### INITIATING AN URBAN RENEWAL PROGRAM

A Kentucky community interested in launching an urban renewal program faces the problem of how it should begin. The first step would seem to be for the city council, by resolution, to make the findings and declarations required by Kentucky Revised Statutes<sup>45</sup> section 99.350 (1959). Such council action, by operation of the

<sup>43</sup> HHFA, How Localities Can Develop a Workable Program for Urban Renewal 5-11 (Rev. ed. 1956).

<sup>43a</sup> See note 54 *infra*.

<sup>44</sup> Johnstone, *supra* note 7, at 339-41.

<sup>45</sup> Hereinafter referred to as KRS.

statute, brings into existence a "slum clearance and development agency" of the city and confers upon it all the powers necessary to act as a "local public agency" under the urban renewal program.<sup>46</sup>

If the city does not have a general or master plan it must adopt one<sup>47</sup> in accordance with chapter 100 of KRS. If the city has a planner he will probably do the preliminary surveys, studies, and other planning groundwork himself. Cities not having a professional planner can obtain planning services from the Division of Planning and Zoning of the State Department of Economic Development. The division has eleven full time planners and furnishes planning services to Kentucky communities on a fee basis.<sup>48</sup> The division will do the professional planning for the community in its preparation of a master plan if desired, or it will render only such assistance as is needed to meet the minimum requirements of a workable program.<sup>48a</sup> Whether the general plan is developed by the city planner or the Division of Planning, it can be financed with advances against future grants.

Having its general plan, the community must next develop its urban renewal plan which must conform to the general plan for community development. The Kentucky statute permits the development (renewal) plan for the area to be prepared by the planning commission at the request of the agency or at the direction of the city council.<sup>49</sup> The necessity for exact coordination of all components of city planning would seem to require that those persons who prepare the plans for the community as a whole also prepare the plan fitting a portion of the community into the whole. It would seem, then, that the agency or person who prepares the general plan should also prepare the urban renewal plan. The planning commission and the slum clearance and development agency should exercise supervisory control over the actual planning.

If the city obtains the services of the Division of Planning and Zoning, it will thereby acquire the administrative assistance it will need in perfecting its renewal program. If the city planner does the necessary planning, it may be that the community will have no one who is familiar with the administrative details involved in the preparation and processing of the necessary applications, contracts, and related paper work. In such case the agency should contact the HHFA regional office in Atlanta for this administrative assistance.

<sup>46</sup> The wisdom of creating a separate agency for the administration of urban renewal is questioned and an alternate arrangement is suggested at p. 272 *infra*.

<sup>47</sup> Ky. Rev. Stat. § 99.370 (1) (1959).

<sup>48</sup> Fees are computed at 10 cents per capita per year with a \$400 per year minimum. Interview with Director, Division of Planning and Zoning, Department of Economic Development of Kentucky.

<sup>48a</sup> See note 54 *infra*.

<sup>49</sup> Ky. Rev. Stat. § 99.370(2) (1959).

HHFA will furnish the agency the necessary guides for the formulation of its renewal plan for the area<sup>50</sup> and its workable program.<sup>51</sup>

The renewal planning should not overlook the importance of conservation and rehabilitation programs. Voluntary programs can be extremely beneficial in improving blighted areas.<sup>52</sup> The city can make the first move by dressing up public areas such as streets and parks. Compulsory renewal and rehabilitation contemplate strict enforcement of municipal housing, sanitation, fire, and related codes, and where necessary includes compelling the repairs and modifications necessary to satisfy minimum standards.

One of the most perplexing problems which the agency will face in satisfying the federal requirements will be that of rehousing the families to be displaced by the renewal project. There are no pat solutions here. The mandatory priorities in existing federally supported public housing may be of some help, but it will not solve the problem. It may be necessary to build new public housing. Or it might be possible, by enlisting the cooperation of private builders, to find a better solution. At least two Kentucky cities (Frankfort and Paris) have made use of section 221 mortgage insurance<sup>53</sup> to encourage the financing of subdivisions for Negro families.<sup>54</sup> There are other section 221 insured projects in Covington, Louisville, Lyon County, and Newport.<sup>55</sup>

HHFA has imposed detailed requirements for local agency relocation plans and their execution,<sup>56</sup> and an acceptable plan is a requirement of the workable program.

Citizen participation is the final requirement of the workable program, and it is one of the most important in terms of success or failure. A well-informed citizenry will realize that slums and blight are a financial burden on the community as well as a source of poor health, and worse citizenship. The service clubs, chambers of commerce, Leagues of Women Voters, and similar groups are fertile areas

<sup>50</sup> HHFA, Local Public Agency Manual, pt. 2, ch. 5, § 2 (1955), specifies what the plan must include and the supporting documents which must be furnished.

<sup>51</sup> HHFA, How Localities Can Develop a Workable Program for Urban Renewal (Rev. ed. 1956), and other useful publications can be obtained at nominal cost from Urban Renewal Administration, Housing and Home Finance Agency, 851 Lafayette Building, Washington 25, D.C.

<sup>52</sup> The American Council to Improve Our Neighborhoods (ACTION), Box 462, Radio City Station, New York 20, New York, offers useful pamphlet materials on voluntary programs.

<sup>53</sup> See note 32 *supra* and accompanying text.

<sup>54</sup> Interview with Walter Shouse, Director, Division of Planning and Zoning, Department of Economic Development, Frankfort, Kentucky.

<sup>55</sup> Letter from Walter E. Keyes, Regional Administrator HHFA, Atlanta, to Acting Director, Research Division, Department of Economic Development, Frankfort, Kentucky.

<sup>56</sup> HHFA, *op. cit. supra* note 50, at pt. 2, ch. 6, & pt. 3, ch. 4.

for the planting of the seeds of renewal. Too, the use of volunteer advisory committees representing the various interests should not be overlooked. Those who feel they have helped to formulate the plans will be certain to support them.

#### PROGRESS OF THE PROGRAM IN KENTUCKY

The urban renewal program has made great strides in Kentucky during the past year. One year ago only eight communities had a workable program, and none of them were engaged in clearance and redevelopment. Today there are thirty-one cities with workable programs. Of these, eight have current redevelopment. Much of the credit for the recent growth of interest in the program is due the Division of Planning and Zoning for its program of educating community leaders in the opportunities offered by the federal program.

Encouraging as progress has been, however, there is some reason for discouragement in the fact that some of the cities needing it most have not yet launched a satisfactory program. For example Louisville is apparently taking a piecemeal approach in undertaking a downtown project and proposing a waterfront project, with no visible coordination between them and overall city planning.<sup>57</sup> It will be unfortunate if Louisville forgets that a city is a single organism which can be likened unto the human body in demonstrating that the component parts are interrelated and interdependent.<sup>58</sup>

Lexington also has failed to take advantage of the program thus far, notwithstanding the fact that the Negro housing situation has often been criticized. However, the latest criticism by the Fayette County grand jury, has brought encouraging reverberations from city hall.<sup>59</sup> Present indications are that Lexington will probably initiate a renewal program in the near future.

Overall, though, progress is gratifying. The program is new and is gaining momentum; and the next few years should see most of Kentucky's older communities participating.

#### SUMMARY

The federal urban renewal program is a golden opportunity for the city with a slum or blight problem, and its lenient administration

<sup>57</sup> Interview with Walter Shouse, Director, Division of Planning and Zoning, Department of Economic Development, Frankfort, Kentucky.

<sup>58</sup> Lecture of Maurice E. H. Rotival to Land Planning and Development Seminar, College of Law, University of Kentucky, Lexington, Kentucky, April 30, 1959.

<sup>59</sup> Lexington (Ky.) *Herald*, April 30, 1959, p. 1, col. 3, and May 2, 1959, p. 1, col. 5.

further the legislative objective of a decent home for every American family.

Kentucky has the necessary legislation to enable communities to avail themselves of the advantages of the program. It also has the technical machinery, in the Division of Planning and Zoning, to assist those communities that do not have professional planners.

The Kentucky statute has certain defects, however. Its piecemeal enactment without amendment of earlier sections requires a complete and close reading in order to ascertain the extent of an agency's authority. But the major defect of the statute is its creation of a separate agency of local government for the planning and administration of urban renewal.

Both the federal program and basic planning technique require that the city's renewal plans conform with its general plan. Under chapter 100 of KRS, the general planning of the city is the responsibility of its planning and zoning commission. If this commission is to discharge its function properly, it must have supervisory control over *all* planning including that involved in urban renewal. Thus it would seem that the slum clearance and development agency should be placed under the supervisory control of the planning and zoning commission. Proper integration of planning also dictates that the planning and zoning commission should have supervision of the planning functions of the housing commission which is authorized by chapter 80 of KRS.

Accordingly, it is suggested that chapters 80, 99, and 100 of KRS should be amended in such manner as to provide that the planning and zoning commission shall supervise the planning activities of the housing commission and those of the slum clearance and development agency, in order to more effectively coordinate their activities with its own. Only in this way can the city achieve that degree of integration of renewal and housing plans with its master plan which is so essential to orderly community growth.

*Robert E. Adams*