

# THE WORKABLE PROGRAM— A CHALLENGE FOR COMMUNITY IMPROVEMENT\*

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Efforts to keep pace with rapid urbanization during the twentieth century resulted in the adoption of the first comprehensive zoning ordinance in the United States in 1916<sup>1</sup> and of rapid improvements in local building codes during the past several decades.<sup>2</sup> But it has been in the last six years, since enactment of the Housing Act of 1954,<sup>3</sup> and introduction of the "Workable Program" concept, that the adoption, modernization, and enforcement of municipal codes and ordinances have been accelerated to levels which give promise of eventually ridding urban areas of slums and blight. Briefly stated, a Workable Program is an official plan of action undertaken by a locality for effectively dealing with slums and blight through the utilization of appropriate private and public resources. In the writer's opinion, the Workable Program concept is the most significant development of the past decade in the federal-municipal relationship.

## I

### HISTORY OF THE WORKABLE PROGRAM CONCEPT

The nation-wide interest in the improvement of building codes was very much stimulated in the mid-forties by an effort to reduce housing costs. The conversion from a wartime to a peacetime economy following World War II was accompanied by a sharp rise in prices; and a movement got under way to modernize building codes as a means of reducing the cost of new housing, particularly in view of the severe shortage of houses for returning veterans. Throughout the country, consideration was given to various means of encouraging the adoption of modern standards to eliminate costly requirements which did not contribute to safety or structural soundness. In this connection, the original draft of the bill that eventually became the Housing Act of 1949<sup>4</sup> contained a requirement that the Housing and Home Finance

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<sup>1</sup> See G. BURCHARD SMITH, *THE LAW AND PRACTICE OF ZONING* 2-3 (1937).

<sup>2</sup> See generally, Haar, *Zoning for Minimum Standards: the Wayne Township Case*, 66 HARV. L. REV. 1051 (1953); Nolan & Horack, *How Small A House?—Zoning for Minimum Space Requirements*, 67 HARV. L. REV. 967 (1954); *Local Government Law—A Symposium*, 8 VAND. L. REV. 8 (1955); *Municipal Housing Codes*, 69 HARV. L. REV. 69 (1956); Mandelker, *Municipal Incorporation on the Urban Fringe: Procedure for Determination and Review*, 18 LA. L. REV. 628 (1958); *Problems of Urban Growth—A Symposium*, 1959 WIS. L. REV. 3 (1959); *Urban Renewal: Problems of Eliminating and Preventing Urban Deterioration*, 72 HARV. L. REV. 504 (1959); and CHARLES A. RATHKOPF, *THE LAW OF ZONING AND PLANNING* (3d ed. 1956).

<sup>3</sup> 68 Stat. 623 (1954), 42 U.S.C. § 1451(c) (1958).

<sup>4</sup> 63 Stat. 414 (1949), as amended, 70 Stat. 1103, 42 U.S.C. § 1451(a) (1958).

Administrator, in allocating slum clearance funds, "give consideration to the extent to which appropriate local bodies" modernized their codes.

In adopting the Housing Act of 1949, Congress clearly expressed its intent to alleviate the dire shortage of housing and to provide decent living quarters for every American family.<sup>5</sup>

Section 101 of the Housing Act of 1949 also provided a stimulus for code modernization:

TITLE I—SLUM CLEARANCE AND  
COMMUNITY DEVELOPMENT AND REDEVELOPMENT

*Local Responsibilities*

Sec. 101. In extending financial assistance under this title, the Administrator shall—

(a) give consideration to the extent to which appropriate local public bodies have undertaken positive programs (1) for encouraging housing cost reductions through the adoption, improvement, and modernization of building and other local codes and regulations so as to permit the use of appropriate new materials, techniques, and methods in land and residential planning, design, and construction, the increase of efficiency in residential construction, and the elimination of restrictive practices which unnecessarily increase housing costs, and (2) for preventing the spread or recurrence, in such community, of slums and blighted areas through the adoption, improvement, and modernization of local codes and regulations relating to land use and adequate standards of health, sanitation, and safety for dwelling accommodations. . . .

This congressional declaration of policy constitutes a prologue to the Workable Program concept adopted in 1954. The problems encountered in launching the slum clearance program under Title I of the Housing Act of 1949 proved formidable enough without requiring a high level of performance under section 101(a). In most cases, it was found expedient to give the most liberal interpretation to the requirement that a municipality modernize its codes and ordinances. However, as the Title I program progressed, more attention was given to these requirements to stimulate local planning, including the adoption of modern building and housing code standards in communities having Title I projects.

By 1953, there were indications that slums were still being created faster than they were being eliminated and that the slum clearance program as it then existed was aiding the process of urban decay by displacing slum families and forcing them to crowd into other inadequate housing facilities. A few limited programs, such as

<sup>5</sup> *Declaration of National Housing Policy*, 63 Stat. 413, 42 U.S.C. § 1441 (1958). "The Congress hereby declares that the general welfare and security of the Nation and the health and living standards of its people require housing production and related community development sufficient to remedy the serious housing shortage, the elimination of substandard and other inadequate housing through the clearance of slums and blighted areas, and the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family . . . . The policy to be followed in attaining the national housing objective hereby established shall be: . . . (3) *appropriate local public bodies shall be encouraged and assisted to undertake positive programs of encouraging and assisting the development of well-planned, integrated residential neighborhoods, the development and redevelopment of communities, and the production, at lower costs, of housing of sound standards of design, construction, livability, and size for adequate family life. . . .*" (Emphasis added.)

the "Baltimore Plan" and the "Charlotte Plan," while definitely an ameliorating factor, were not part of a total community effort, and failed to provide a solution to the problem.

In 1953, there was established the President's Advisory Committee on Government Housing Policies and Programs. Its Subcommittee on Urban Redevelopment, Rehabilitation and Conservation quoted studies prepared by fourteen cities documenting the fact that urban slums and blighted areas are costly in terms of disease, crime, juvenile delinquency, and economic waste.<sup>6</sup> The Subcommittee gave considerable time and study to the problem of urban slums and blight and the ways in which they could be exterminated. The conclusions and recommendations of the Subcommittee were, in part, that American cities vary greatly in their abilities to finance slum clearance programs but that the object of federal assistance must be to help the cities help themselves.<sup>7</sup> In response to the questions "What Can the Cities Do?" and "What Should the Federal Government Require?," the Subcommittee stated:<sup>8</sup>

*What we hope we are doing is to help the cities help themselves. By clearing slums, removing blight, and checking the deterioration cycle, cities should be able to increase municipal revenues at the same time they are reducing the demand for services. In short, we are trying to establish the urban renewal process on an orderly basis so that over the long pull we will establish healthy cities with reduced requirements for the Federal aid which we now find mandatory. . . .*

*There is no justification for Federal assistance except to cities which will face up to the whole process of urban decay and undertake long-range programs. . . .*

Thus, in his message transmitting to Congress the recommendations now embodied in the Housing Act of 1954, the President of the United States said in part:<sup>9</sup>

<sup>6</sup> PRESIDENT'S ADVISORY COM. ON GOVERNMENT HOUSING POLICIES AND PROGRAMS, A REPORT TO THE PRESIDENT OF THE UNITED STATES BY THE SUBCOMMITTEE ON URBAN REDEVELOPMENT 109, 151-54 (1953).

<sup>7</sup> "Examination of the financial condition of American cities shows a wide disparity in their relative abilities to raise the funds required for slum elimination. Similarly, there is a great difference from city to city in the size of the slum problem and the cost of slum cure. . . .

"The objective of the Federal assistance program should be to help the cities help themselves eliminate their slums. It therefore should be geared to require cities to face up to the whole process of urban decay. It should encourage the widest possible ingenuity, initiative, and discretion at the local level, but it should require clear and certain evidence as a precondition to Federal aid that the city is realistically addressing itself to the processes by which slums are formed, and is not simply engaging in superficial, piecemeal approaches which will waste both Federal and local funds and fail to accomplish the objective.

*"The Subcommittee recommends that the extension of Federal financial assistance be conditioned upon the submission by the local community of a workable program to attack the problem of urban decay. . . .*

"This recommendation should be implemented through an amendment of Title I of the Housing Act of 1949, imposing as a condition to the obtaining of Federal assistance the submission of evidence in conformity with the recommendation.

"The Subcommittee recommends that (a) grants for renewal projects should only be made to cities which launch two-fisted occupancy code enforcement campaigns in the demolition areas." *Id.* at 113-22.

<sup>8</sup> *Id.* at 112. (Emphasis added.)

<sup>9</sup> Message from the President of the United States, *Housing Program*, H.R. Doc. No. 306, 83d Cong., 2d Sess. 2 (1954).

In order to clear our slums and blighted areas and to improve our communities, we must eliminate the causes of slums and blight. This is essentially a problem for our cities. However, Federal assistance is justified for communities which face up to the problem of neighborhood decay and undertake long-range programs directed to its prevention.

The Housing Act of 1954 amended section 101 of the Housing Act of 1949 to provide:<sup>10</sup>

(c) No contract shall be entered into for any loan or capital grant under this title, or for annual contributions or capital grants pursuant to the United States Housing Act of 1937, as amended, for any project or projects not constructed or covered by a contract for annual contributions prior to the effective date of the Housing Act of 1954, and no mortgage shall be insured, and no commitment to insure a mortgage shall be issued, under section 220 or 221 of the National Housing Act, as amended, unless (1) there is presented to the Administrator by the locality a workable program (which shall include an official plan of action, as it exists from time to time, for effectively dealing with the problem of urban slums and blight within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life) for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of, slums and urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, deteriorated, or slum areas, or to undertake such of the aforesaid activities or other feasible community activities as may be suitably employed to achieve the objectives of such a program. . . .

This amendment to section 101 of the Housing Act by Congress in 1954, establishing the Workable Program concept, marks a milestone in federal-city relations.

The 1954 Act also amended section 101(a) to read as follows:<sup>11</sup>

(a) In entering into any contract for advances for surveys, plans, and other preliminary work for projects under this title, the Administrator shall give consideration to the extent to which appropriate local public bodies have undertaken positive programs (through the adoption, modernization, administration, and enforcement of housing, zoning, building and other local laws, codes and regulations relating to land use and adequate standards of health, sanitation, and safety for buildings, including the use and occupancy of dwellings) for (1) preventing the spread or recurrence in the community of slums and blighted areas, and (2) encouraging housing cost reductions through the use of appropriate new materials, techniques, and methods in land and residential planning, design, and construction, the increase of efficiency in residential construction, and the elimination of restrictive practices which unnecessarily increase housing costs.

Thus the 1954 Act reversed the order of the congressional directives contained in the 1949 Act, and the Administrator was instructed, first, to give consideration to positive programs that aided in the prevention of slums and blighted areas, and second, to consider the effect of a municipality's code modernization on housing cost reductions. Also, the nature of a municipality's positive program was spelled out in greater detail in the 1954 Act; Congress expressly directed the Administrator to give consideration to the extent to which appropriate local public bodies had undertaken

<sup>10</sup> 68 Stat. 623, 42 U.S.C. § 1451(c) (1958).

<sup>11</sup> 68 Stat. 623, 42 U.S.C. § 1451(a) (1958).

positive programs through the adoption, modernization and enforcement of "housing, zoning, building and other local laws, codes and regulations relating to land use and adequate standards of health, sanitation, and safety for buildings, including the use and occupancy of dwellings."<sup>12</sup> In contrast, the 1949 Act had simply required that the Administrator give consideration to the extent to which appropriate local public bodies had undertaken positive programs to prevent the spread or recurrence of slums and blighted areas through the "adoption, improvement, and modernization of local codes and regulations relating to adequate standards of health, sanitation, and safety for dwelling accommodations."

## II

### PRACTICAL SIGNIFICANCE OF HAVING A WORKABLE PROGRAM

Under section 101(c) of the 1954 Housing Act, no federal loan or grant can be made for slum clearance, urban renewal, or public housing, nor can any mortgage be insured by FHA under sections 220 or 221 of the National Housing Act (authorizing especially liberal terms for mortgage loans on housing in urban renewal areas or on housing which serves families moving from urban renewal areas or displaced as a result of governmental action) unless a locality first presents an acceptable Workable Program to the Administrator.<sup>13</sup>

Delays in getting the low-rent housing program authorized in 1954 under way served to fortify the contention of local public housing agencies and others that the Workable Program requirement was serving to obstruct the low-rent housing program. The requirement with respect to low-rent housing was, therefore, eliminated in the Housing Act of 1955.<sup>14</sup> The fact of the matter was that delays in the low-rent program were caused by an entirely different provision in the 1954 Act, namely, a requirement that no additional public housing units be contracted for in excess of the number needed for the relocation of families displaced as a result of urban renewal and other governmental action in the community. As worded, this requirement was unduly onerous because in showing the need for additional units, account had to be taken of turnover in existing low-rent housing projects. A strong case

<sup>12</sup> For a further description of the Workable Program in the legislative history of the 1954 Act, see Senate Comm. on Banking and Currency, *Housing Act of 1954*, SEN. REP. No. 1472, 83d Cong., 2d Sess. 36-37 (1954); and *Hearings Before the Senate Committee on Banking and Currency on the Housing Act of 1954*, 83d Cong., 2d Sess. 220-22 (1954).

<sup>13</sup> Since the Supreme Court's decisions in *Florida v. Mellon*, 273 U.S. 12 (1927), and *Steward Machine Co. v. Davis*, 301 U.S. 548 (1937), there would seem to be little question as to the right of the federal government to attach conditions to the benefits it dispenses. In the latter case, Mr. Justice Cardozo, speaking for the majority, stated:

"The assailants of the statute say that its dominant end and aim is to drive the state legislatures under the whip of economic pressure into the enactment of unemployment compensation laws at the bidding of the central government. . . . But . . . there is confusion between promise and condition. Alabama is still free, without breach of an agreement, to change her system over night. No officer or agency of the national Government can force a compensation law upon her or keep it in existence. No officer or agency of that Government, either by suit or other means, can supervise or control the application of the payments. . . . Nowhere in our scheme of government—in the limitations express or implied of our federal constitution—do we find that she is prohibited from assenting to conditions that will assure a fair and just requital for benefits received." *Id.* at 587, 595, 598.

<sup>14</sup> 69 Stat. 638 (1955).

was made by the Administrator when he testified on the 1956 legislation for reinstatement of the requirement that a locality have a Workable Program in order to receive federal low-rent housing aid. By that time, there was general understanding that it was not the Workable Program requirement that was an obstacle to the low-rent program; and the Workable Program provision with respect to that program was reinstated in the Housing Act of 1956.<sup>15</sup> Opposition to the provision seemed to vanish after 1956, and many of its former opponents became active supporters. Indeed, some mayors and city attorneys have stated that the Workable Program requirement helped them get modern codes, good planning, and community betterment accepted locally, whereas prior to the federal requirement, such things were not considered politically feasible.

### III

#### THE WORKABLE PROGRAM: WHAT IT IS

In the administration of the Workable Program concept, the Housing Agency has set forth the following seven elements as constituting a Workable Program: (1) codes and ordinances; (2) comprehensive community plan; (3) neighborhood analysis; (4) administrative organization; (5) financing; (6) housing for displaced families; and (7) citizen participation.<sup>16</sup>

1. Adequate *codes and ordinances* that assure structural strength, reasonable safety from fire, proper plumbing, electrical and heating installations, and which prescribe the minimum conditions under which a building may be lawfully occupied, if vigorously enforced, are vital keys to prevent the occurrence and spread of slums and blight. Unquestionably, the Workable Program requirements have stimulated the adoption and modernization of local ordinances. As a general rule, a municipality must adopt or make provision for early adoption of adequate building,<sup>17</sup> fire,<sup>18</sup> plumbing,<sup>19</sup> electrical,<sup>20</sup> and housing codes<sup>21</sup> before the Housing and Home Finance Administrator will certify its Workable Program. Other regulations and ordinances that are often used to aid in the elimination of blighted conditions in a municipality are those covering gas installations, air conditioning, and air pollution.<sup>22</sup>

2. The purpose of a *comprehensive community plan* is to anticipate the physical

<sup>15</sup> 70 Stat. 1103 (1956), 42 U.S.C. § 1451(c) (1958).

<sup>16</sup> See URBAN RENEWAL DIVISION, SEARS, ROEBUCK & CO., ABC'S OF URBAN RENEWAL 12-21 (1957), for a pictorial review of the Workable Program elements.

<sup>17</sup> Adoption of a building code is a valid exercise of the police power. *Euclid v. Ambler Realty Co.*, 272 U.S. 365, 388 (1926); *Welch v. Swasey*, 214 U.S. 91 (1909); 7 EUGENE MCQUILLIN, MUNICIPAL CORPORATIONS § 24.504 (1957); 9 AM. JUR. *Buildings* § 3 (1937).

<sup>18</sup> 7 MCQUILLIN, *op. cit. supra* note 17, § 24.457.

<sup>19</sup> *Id.* § 24.538.

<sup>20</sup> *Id.* § 24.537.

<sup>21</sup> Adoption of a code imposing minimum housing standards is a valid exercise of the police power. *Givner v. Maryland*, 210 Md. 484, 124 A.2d 764 (1956); *Givner v. Commissioner of Health*, 207 Md. 184, 113 A.2d 899 (1955); *Petroshansky v. Maryland*, 182 Md. 164, 32 A.2d 696 (1943); *Paquette v. Fall River*, 155 N.E.2d 775 (Mass. 1959); *Adamac v. Post*, 273 N.Y. 250, 7 N.E.2d 120 (1937); *Richards v. Columbia*, 227 S.C. 538, 88 S.E.2d 683 (1955); and *Boden v. Milwaukee*, 99 N.W.2d 156 (Wis. 1959). And see Guandolo, *Housing Codes in Urban Renewal*, 25 GEO. WASH. L. REV. 1 (1956).

<sup>22</sup> See Guandolo, *Housing Codes in Urban Renewal*, 25 GEO. WASH. L. REV. 1 (1956).

environment that will best serve the needs of the people living and working in urban areas and includes plans for land use, thoroughfares, community facilities, and public improvements, as well as zoning and subdivision<sup>23</sup> regulations.

3. *Neighborhood analysis* involves examination of the entire community and individual neighborhoods for the purpose of locating the blight and determining its extent. In addition, the analysis includes recommendations for remedial action in the particular neighborhood, such as code enforcement, public improvements, conservation, rehabilitation, clearance, and redevelopment.

4. *Administrative organization* contemplates the establishment of an adequately-staffed organization, having the necessary authority and responsibility to accomplish and effectuate a total attack upon slums and blight on a community-wide basis. There must be some method to provide a regular check on the progress of the program, and there must be coordinated action regarding all seven elements.

5. *Financing* involves reviewing needs, identifying sources of funds, and providing for the financing of needed public facilities, enforcement of codes, technical assistance for comprehensive planning, neighborhood analyses, administration of zoning and subdivision regulations, and additional personnel to accomplish over-all coordination of the Workable Program.

6. Since virtually every Workable Program will involve the displacement of some families from the houses they occupy, the community must show the Housing and Home Finance Administrator that it has accepted the responsibility of providing *relocation assistance* to all families displaced as a result of code enforcement, construction of local public improvements, urban renewal, or other governmental activity.

7. *Citizen participation* means obtaining the broad support of the community. All the planning and efforts of a few men within a city will fail unless the citizens are made fully aware of the problems of urban blight and give their support to the Program for curing this cancerous city condition.

#### IV

##### HISTORICAL DEVELOPMENT OF PROCEDURAL REQUIREMENTS FOR APPROVAL OF A WORKABLE PROGRAM

Soon after passage of the 1954 Act, the Housing and Home Finance Agency issued Circular R-1, "How Localities Can Develop A Workable Program for Urban Renewal," to provide general guidance on what constituted a Workable Program and to assist in the preparation of submissions by communities. In the early days, submissions were not scrutinized too harshly. Annual recertifications were required, but not quite as much progress was demanded for recertification as is expected today.

After the Workable Program requirement was reinserted in the 1956 Housing Act

<sup>23</sup> A zoning ordinance is a valid exercise of the police power. *Euclid v. Ambler Realty Co.*, 272 U.S. 365, 388 (1926); 7 McQUELLIN, *op. cit. supra* note 17, § 2552.

Subdivision regulations are a valid exercise of the police power. *Ayres v. City Council of Los Angeles*, 34 Cal.2d 31, 207 P.2d 1 (1949); Annot., 11 A.L.R.2d 524, 532 (1950).

as a prerequisite for low-rent housing assistance, the Housing Agency issued Circular R-2, "Workable Programs for Small Communities and Rural Non-Farm Areas," which was helpful to smaller communities, ready to proceed with low-rent public housing projects and wishing to obtain a Workable Program certification with minimum implementation.

The original Workable Program procedures called for a review of the locality's submission in the HHFA Regional Office. If the submission was acceptable, a summary was prepared and a recommendation for approval was submitted to the Administrator. This was followed by a Central Office review to assure general compliance with agency policy and to follow progress. Upon development of a uniform pattern, in 1958, a greater share of the responsibility for securing compliance with legal and administrative requirements was shifted to the field. This was followed in 1960 by a streamlining of the existing procedure. However, under the specific provisions of section 101(c) of the Housing Act of 1949, the final authority to determine whether a Workable Program meets the requirements of the statute must be exercised by the Administrator, and may not be delegated. The express prohibition against delegation was undoubtedly inserted in the law in recognition of the fact that so many different forms of federal aid, affecting so many different interests, were dependent on this one certification.

With the passage of time, the localities became better geared to the Workable Program concept, and the Housing Agency began applying more realistic requirements, depending upon the conditions existing in the particular locality. Apparently the Agency was still desirous of avoiding the imposition of requirements that would be too rigid, but at the same time believed that cities were becoming increasingly more able to meet stricter requirements and to make faster progress.

Section 101(d) of the 1954 Housing Act provided for the establishment of an Urban Renewal Service, as recommended by the President's Advisory Committee. One of the duties of this Service is to give advice and assistance to communities in the development of their Workable Programs. Originally, this work was performed by the existing staff of the Housing Agency, both in the Central and Regional Offices. However, the increasing importance of the function resulted in the creation in 1959 of a top-level position, that of Special Assistant to the Administrator (Workable Programs). Correspondingly, the Housing Agency has established in each of its Regional Offices the position of Special Assistant to the Regional Administrator (Workable Programs).<sup>24</sup> In addition, Housing Administrator Norman P. Mason, on June 16, 1960, announced the appointment of two experts on government and planning in small towns to assist in making the Workable Program a more effective tool for use by towns of 2000 population or less, with a view to revising Circular R-2.

<sup>24</sup> 68 Stat. 623 (1954), 42 U.S.C. § 1451(d) (1958); HHFA, Regional Circular No. 494, May 11, 1960.



## V

## PRESENT PROCEDURAL REQUIREMENTS FOR APPROVAL OF A WORKABLE PROGRAM

Below are outlined the procedural steps that a municipality must follow to have its Workable Program approved by the Housing and Home Finance Administrator:

1. The Workable Program is prepared by the locality.<sup>25</sup> A municipality may call upon the appropriate HHFA regional office for technical assistance in preparing its Workable Program.

2. The Workable Program is approved by the city council or mayor, or both, as required. The governing body also adopts a declaration of policy, summarizing what the community hopes to accomplish through its Workable Program, identifying specific problems to be solved and major objectives to be attained. Such a declaration of policy constitutes a definite statement of the position local officials intend to take and the broad policies they intend to follow. The adoption of the Workable Program concept by any municipality should, in any event, be made the occasion of considerable local significance and adequate publicity should be given to its adoption to aid in the understanding of the program by residents of the municipality.

3. The plan is submitted to a Regional Office of the Housing and Home Finance Agency, together with supporting documents (such as applicable municipal codes and planning items).

4. The Regional Office reviews the municipality's submission and may call upon the locality for additional information. When the municipality's Workable Program is considered adequate, the Regional Administrator recommends that the HHFA Administrator approve the Program. Upon approval, the municipality is notified.

To keep its Workable Program in effect, the locality has it recertified by the Housing Administrator annually, upon a showing of reasonable progress.

## VI

## ACCEPTANCE OF THE WORKABLE PROGRAM

Since adoption of the Workable Program concept in the Housing Act of 1954 and through May 1, 1960, the Housing Administrator had approved Workable Programs for 1,124 localities throughout the fifty states, the District of Columbia, Puerto Rico, and the Virgin Islands. Based on 1950 census figures, over 58,000,000 people live in these 1,124 localities which have or have had Workable Programs. Only 246, or 21.8 per cent, of these localities either did not request recertification after one or more years of activity, or their progress was not considered adequate to justify recertification. There are indications that in many cases the localities continue to carry out basic community improvement objectives—if at a later date additional federal aid is sought, the locality can demonstrate its interim progress and request recertification.

<sup>25</sup> HHFA, *HOW LOCALITIES CAN DEVELOP A WORKABLE PROGRAM FOR COMMUNITY IMPROVEMENT* (rev. 1960), for a complete discussion of the requirements for a Workable Program.

Even so, over seventy-nine per cent of the communities have kept their Workable Programs current.<sup>26</sup>

## VII

### REACTION TO THE WORKABLE PROGRAM CONCEPT

In connection with the preparation of this article, inquiries were sent to various city attorneys to sample local reaction to the acceptance of the Workable Program concept throughout the country. The responses came from seventy-two cities having Workable Programs in thirty-two states and the District of Columbia.<sup>27</sup>

The opinions regarding the Workable Program concept, as expressed by the city attorneys, range from those considering it exceptionally worthwhile and valuable to those concluding that it adds little to the existing situation. For instance, the city attorney of Norfolk, Virginia, attributes the fact that his city received an award as an All-American City to the adoption of a Workable Program. In contrast, the corporation counsel of one large city stated that the approval of a Workable Program added little, because his city had already adopted and was enforcing adequate codes and ordinances, so that complying with the Workable Program requirement was merely a formality required to receive federal aid. Without questioning the validity of his conclusion for his city, it is, of course, true that the success of any legal requirement should be judged by the impact on those toward whom it is directed and not by the absence of real impact on those who have no need for it.

The city attorneys who favor the Workable Program concept regard it, irrespective of the fact that it may be a condition precedent to receipt of federal aid, as a long-range, desirable plan that is helpful in pointing out deficiencies in municipal codes and ordinances and that provides a stimulant for the improvement of local conditions.

The city attorneys who have some misgivings about the Workable Program concept fear that local initiative may be destroyed by the imposition of inflexible require-

<sup>26</sup> See Appendixes A and A<sup>2</sup>, indicating the total number of localities, and the number of localities by population, for which the Administrator has approved Workable Programs.

<sup>27</sup> The questionnaires requested the following information:

1. Date of HHFA approval of Workable Program.
2. Date of latest HHFA approval of recertification of Workable Program.
3. Whether the Workable Program was adopted pursuant to express or implied authority.
4. Whether the Workable Program was approved on behalf of the city by the mayor, city council, or both.
5. The dates of adoption and latest amendment of zoning, housing standards, subdivision control, building, plumbing, and electrical ordinances.
6. Codes and ordinances that are currently proposed for adoption.
7. The opinion of the city attorney as to whether the administrative machinery is adequate and practical for effective enforcement.
8. An indication by the city attorney as to judicial processes that have an important effect on code enforcement.
9. Date of adoption and authority for adopting a master plan.
10. The legal effect of adopting a master plan.
11. An evaluation of the Workable Program concept, including the merit of the concept and what should be done to strengthen it and make it more effective and useful.

ments not tailored to the needs of the individual city. One city attorney notes that it has been suggested that his city adopt subdivision regulations, even though it appears that there may be no more land available for subdivision or development in the city; however, this would appear to be a criticism of the particular suggestion, rather than of the Workable Program concept, which certainly does not require that futile actions be taken. Several city attorneys point out that the preparation of a Workable Program is an expensive proposition and that the added workload in drafting ordinances and prosecuting cases as a result of increased enforcement of higher code standards adds another duty to the already busy day of the city attorney and his staff. Several city attorneys also raise a question as to whether the immediate enforcement of new codes adopted under a Workable Program might not place an impossible burden on people who would have difficulty raising funds to bring their dwellings up to the new standard.

Apparent weak spots in the program, at a local level, as nearly as can be concluded from the survey, are a failure on the part of all components of the city government to work as a team and a shortage of personnel at all levels of enforcement. As to the role of the courts, most city attorneys do not complain of an excessive backlog of cases; but many indicate a weakness in enforcing various codes resulting from frequent continuances and a reluctance to assess harsh penalties.

Several attorneys suggest that legislation might be sought to permit surcharging land for demolition and compulsory repairs. Other attorneys recommend that the federal government provide some form of financial aid to assist the localities in preparing and adopting Workable Programs. Section 701 of the Housing Act of 1954<sup>28</sup> is a long step in this direction and provides for grants for urban planning assistance for municipalities, counties, and metropolitan and regional areas, the funds going to state, metropolitan, and regional planning agencies.<sup>29</sup>

The concensus among the responding city attorneys is that the Workable Program concept has contributed substantially to the adoption, modernization, and enforcement of municipal codes and ordinances.<sup>30</sup> Although it can be assumed that many of the municipalities would have adopted or amended a housing code between the years 1954 and 1960, even if Congress had not adopted the Housing Act of 1954, it is significant to note that ninety per cent of the cities having Workable Programs have adopted or amended their housing codes since 1954, or are currently considering adopting a code imposing minimum housing standards. The conclusion can also be inferred that the Workable Program concept has been a substantial influence in the adoption and modernization of master plans, building codes, electrical codes, plumbing codes, subdivision regulations, zoning ordinances, and other municipal regulations and ordinances.

<sup>28</sup> 68 Stat. 640, 73 Stat. 654, 40 U.S.C.A. § 461 (Supp. 1959).

<sup>29</sup> See Appendix B, containing a summary of the responses to questions relating to the adoption and amendment of master plans and various municipal codes.

<sup>30</sup> The forthcoming *Municipal Yearbook* states that the Housing Act of 1954 was "a major influence to the increase in the number of cities with housing codes." *Washington Post*, June 11, 1960, p. B-8.

The effect of the adoption of the Workable Program on the modernization and adoption of necessary codes and ordinances is clear.<sup>31</sup> The number of cities having adequate housing codes jumped from twenty-one to fifty-three per cent after the adoption of a Workable Program. This remarkable result in so short a period of time is certainly convincing evidence of the degree of influence that the Workable Program can have on the adoption of minimum housing standards.

A notable feature of the Workable Program concept is the fact that it does not involve, as such, the direct appropriation and outlay of federal funds. Congress has not appropriated money to be expended for aiding the municipality in preparing its Workable Program. The Housing and Home Finance Agency offers technical assistance in the field to municipal officials by having its staff assist in the preparation of Workable Programs, but there is no federal payment to cover the expenses of the locality in that connection. As indicated above, the enactment of section 701 of the Housing Act of 1954 was a step in that direction; that section provides for a program of grants "to assist State and local governments in solving planning problems resulting from increasing concentration of population in metropolitan and other urban areas, including smaller communities, to facilitate comprehensive planning for urban development by State and local governments on a continuing basis, and to encourage State and local governments to establish and develop planning staffs."<sup>32</sup>

Probably the most significant result of the adoption of the Workable Program concept is the development of a local awareness of housing problems and an enthusiasm for improving housing conditions and standards.

## VIII

### CONTEMPORARY PROBLEMS REGARDING THE WORKABLE PROGRAM

An amazingly large percentage of the city attorneys responding to the inquiries sent to them indicate that in their opinion a sufficient number of inspectors and other officers have not been hired to enforce local codes. In many instances it was reported that code enforcement was divided among several branches of the city government, with the result that several inspections under several codes at several different times were the order of the day. Certainly a universal realization of the benefits of coordinating the enforcement of all codes is vital.

It appears that some local officials treat the Workable Program as a mere formality or prerequisite to receiving federal aid, with the result that once a Program is adopted and the aid received, it is forgotten; and that others proceed on the assumption that the Workable Program is an obstacle to be overcome, rather than the opportunity for community improvement that it is. The cure for this lack of perspicacity and understanding of what the Workable Program is and what it can accomplish is a complete re-evaluation of the merits of the program. As Dr. Ernest M. Fisher said, local and federal officials both should think in broader terms, set out longer-range

<sup>31</sup> See Appendix C, summarizing the effects experienced in 142 municipalities throughout the country.

<sup>32</sup> § 701 of the Housing Act of 1954, as amended by § 419 of the Housing Act of 1959, 68 Stat. 640, 73 Stat. 654, 678, 40 U.S.C.A. § 461 (Supp. 1959).

objectives, and evolve a single, integrated Workable Program rather than think on a project-by-project basis that results in obtaining a share of federal funds but bypassing the potential benefits of the Workable Program.<sup>33</sup>

It appears that local officials readily comprehend and appreciate the significance of the first requirement of a Workable Program, namely, the adoption or modernization of adequate building, electrical, plumbing, and housing codes, but that the other six elements are more intangible and less understood. It is submitted that there is a need for further emphasis of adequate administrative organization, detailed neighborhood analyses, broad citizen participation, the provision of vitally-needed housing for displaced families, and comprehensive community planning. The HHFA is interested in making clear the extent and importance of these elements, and it appears that the more definitive discussions contained in HHFA's revised, *How Localities Can Develop a Workable Program For Community Improvement*, issued in May 1960, together with organizational changes in HHFA, are a good start in this direction.

Greater attention should be devoted to the *enforcement* of codes adopted as part of a Workable Program. Many of the city attorneys who responded to the survey indicated that the city councils have not provided the additional staff needed to perform the added work involved in modernizing and drafting new codes and litigating the numerous cases that result from efficient enforcement of the codes. Many of the attorneys who responded, and many people who had already surveyed the operations of the Workable Program, have noted that the preparation of a Workable Program generally results in additional expense. It has been suggested that the federal government should provide some form of financial assistance to aid the municipality in the preparation of a Workable Program.

Of course, there can never be a federal cure for lack of local initiative. Workable Program progress is up to the leaders of our cities, including the city attorneys, who must inform the public about the benefits of a Workable Program and otherwise provide leadership.

Some city attorneys feel that the requirements suggested by HHFA for a locality's Workable Program might prove to be inflexible, stereotyped, not tailored to individual city needs, it has been noted, and might result in destroying local initiative and independence. The HHFA should avoid permitting such a result to develop. Certainly, it was the intent of Congress (as evidenced by the legislative history quoted above) to adopt a concept that by its inherent nature was flexible enough to be adapted to each individual locality's needs and problems.

HHFA should also avoid requiring too much paperwork and red tape in connection with the development of the Workable Program requirements. Instead, the HHFA field staff should work closely and informally with the communities having Workable Programs, not only to provide technical assistance, but also to keep abreast of local developments. Consideration might be given to the possibility

<sup>33</sup> HHFA, *A STUDY OF HOUSING PROGRAMS AND POLICIES* (1960).

of establishing longer recertification periods; on the other hand, it should be recognized that there are benefits to be derived from fairly frequent periodic reevaluation. One of the city attorneys responding to the survey indicated that one of the outstanding benefits his community has derived from adopting a Workable Program is the fact that annually it has a deadline for making an inventory and determining how much progress it has made during the year. The changes in HHFA organization and procedures, discussed above, show that the Workable Program concept is being given added importance at the Washington level. The writer looks for a corresponding increase in emphasis on the local level.

## IX

### CONTEMPORARY LEGAL PROBLEMS CONSIDERED

While the central cities in urban areas adopt Workable Programs and clean house, many slum and potentially blighted areas are being created in other sections. Until 1959, HHFA was limited in the efforts it could extend to encourage renewal and development planning on a regional or metropolitan area basis. The Workable Program concept relies primarily on powers exercised by municipalities within their boundaries. However, the Housing Act of 1959 amended section 101(b) of the Housing Act of 1949,<sup>34</sup> to provide as follows:

In the administration of this title, the Administrator shall encourage the operation of such local public agencies as are established on a State, or regional (within a State), or unified metropolitan basis or as are established on such other basis as permits such agencies to contribute effectively toward the solution of community development or redevelopment problems by the State, or regional (within a State), or unified metropolitan basis. The Administrator shall particularly encourage the utilization of local public agencies established by the State to operate on a statewide basis on behalf of smaller communities within the State which are willing to undertake or propose to undertake urban renewal programs whenever that arrangement facilitates the undertaking of an urban renewal program by any such community, or provides an effective solution to community development or redevelopment problems in such communities, and is approved by resolution or ordinance of the governing body of the affected communities.

This section is a small beginning to the solution of a large problem. The power and authority of a municipality to enter into cooperative arrangements and compacts that involve other jurisdictions outside the city proper usually require specific statutory authorization.

Many states have authorized mutual aid compacts between municipalities for specific or general purposes, and other states have authorized the imposition of a municipality's building, zoning, and subdivision regulations on areas outside the city.<sup>35</sup> Certainly this trend must continue in view of the fact that many urban communities are rapidly beginning to realize that jurisdictional islands are ex-

<sup>34</sup> 73 Stat. 659, 42 U.S.C.A. § 1451(b) (Supp. 1959).

<sup>35</sup> *Omaha v. Glissman*, 151 Neb. 895, 39 N.W.2d 838 (1949); *Petterson v. Naperville*, 9 Ill.2d 233, 137 N.E.2d 371 (1956).

pensive luxuries in our environment. Slums and blight have no respect for jurisdictional lines.

The enactment by states of laws providing building, housing, and other code standards on a state-wide basis is a noteworthy achievement that should be encouraged throughout all of our states. This approach enables all localities in the state, big and small, urban and rural, to achieve some minimum housing standards. Of course, in terms of Workable Program requirements, a state-wide code may well be deficient and inadequate as applied to a particular urban area. For instance, the state legislature of California adopted a law imposing a state-wide minimum-housing standards code,<sup>36</sup> but the HHFA insisted that some urban centers would have to adopt ordinances imposing stricter standards before a Workable Program would be approved. Legally, the adoption of local ordinances on a subject already covered by state legislation poses some questions as to limitations upon the authority of a municipality to adopt such a code. However, it has been held generally that the presence of a state statute does not preclude a municipal corporation from passing a building or housing code ordinance that goes into more detail and imposes higher standards than the state law.<sup>37</sup>

Many of the city attorneys also indicate the need for a state statute giving the city a lien or some form of preference for costs involved in demolishing substandard dwellings. That demolition of substandard dwellings is generally upheld as a reasonable exercise of the police power can no longer be seriously debated.<sup>38</sup> It has also been held that a statute granting a lien against property for the cost of demolishing substandard buildings is valid.<sup>39</sup>

Another important area for consideration is the field of model codes. Undoubtedly, the Workable Program concept has had a substantial impact on the development of model building, zoning, housing standards, electrical, plumbing, and other codes and ordinances for adoption by municipalities. The National Institute of Municipal Officers offers a Model Ordinance Service. The American Institute of Architects, the National Association of Homebuilders, and the National Society of Professional Engineers have done a great deal of work in this area. There are a large number of excellent model codes.<sup>40</sup> The National Association of Homebuilders furnishes

<sup>36</sup> State Housing Act, CAL. HEALTH & SAFETY CODE §§ 15000-17902.

<sup>37</sup> *Coyle v. Alland & Co.*, 158 Cal. App.2d 664, 323 P.2d 102 (1958); see *Barry v. Contractors' State License Board*, 85 Cal. App.2d 600, 193 P.2d 979 (1948); 7 McQUILLIN, *op. cit. supra* note 17, § 24.510.

<sup>38</sup> See NIMLO REPORT NO. III, DEMOLITION, VACATION OR REPAIR OF SUBSTANDARD BUILDINGS (1945).

<sup>39</sup> *Oosterwyk v. Milwaukee*, 7 Wis.2d 160, 96 N.W.2d 372 (1959).

<sup>40</sup> The BOCA Building Code, Building Officials Conference of America, Inc., 1525 E. 53d St., Chicago 15, Ill.; the National Building Code, National Board of Fire Underwriters, 85 John St., New York 38, N. Y.; the Southern Standard Building Code, Southern Building Code Congress, Brown-Marks Building, Birmingham 3, Ala.; the Uniform Building Code, International Conference of Building Officials, 610 S. Broadway, Los Angeles 14, Cal.; the National Electrical Code, National Fire Protection Association, 60 Batterymarch St., Boston 10, Mass.; the National Plumbing Code, American Standards Association, 70 E. 45th St., New York 17, N. Y.; and the Uniform Plumbing Code, Western Plumbing Officials Association, 730 Southwestern Ave., Los Angeles 5, Cal.

a very useful Building Code Kit.<sup>41</sup> But, in spite of these efforts, there remains a great deal to be done in this area, particularly with regard to making the citizenry aware of the benefits incident to adoption of modern codes.

The legal profession must also in the near future examine the court procedures involved in the enforcement of housing and other municipal codes relating to the elimination of slums and blight. Crowded dockets and the tendency to sympathize with distressed defendants, resulting in light penalties and delays in compliance through numerous continuances, are factors that call for serious consideration. It is only through the efforts of citizens, local officials, the courts, and the entire legal profession that this problem can be cured, possibly through the establishment of a Housing Court. One recent break-through in this area has taken place in the District of Columbia. With the cooperation of the Chief Judge in the Municipal Court for the District of Columbia, the District of Columbia Department of Licenses and Inspections, and the Office of the Corporation Counsel, a new procedure has been instituted to make code enforcement more effective. Essentially, under this procedure, certain afternoons of each week are set aside by the Landlord and Tenants Branch of the Municipal Court for the District of Columbia for the hearing of cases involving violation of various codes. This procedure removes code enforcement cases from the ordinary criminal enforcement dockets and the multitude of prosecutions for other misdemeanors that usually add to the delay in code enforcement procedures. According to Chester H. Gray, Corporation Counsel for the District of Columbia, this procedure has been very successful and has brought about a closer working relationship between the court and enforcement personnel, resulting in expeditious handling of cases that require court prosecution.

#### CONCLUSION

The Workable Program concept enacted as part of the Housing Act of 1954 has been a very important catalytic agent in the recent adoption and modernization of codes relating to health, safety and sanitation aspects of life in the city. There remains much to be done. Model codes should be further developed, particularly as to state-wide application. Inspections and court proceedings must be accelerated to make enforcement more effective. Of course, while streamlining may be a help, there will be additional expenses involved in bringing about these results. However, in the writer's opinion, the welfare of our country in these times of rapid urban growth requires that such steps be taken.

The Workable Program is a challenge to community improvement. It has already produced excellent results. And improvements in the implementation of the Program on the federal, state, and local levels will be effective in bringing about an even greater improvement in living conditions in urban areas throughout the nation.

<sup>41</sup> National Association of Home Builders, Construction Division, National Housing Center, 1625 L. St., N.W., Washington, D.C.



APPENDIX A

WORKABLE PROGRAMS, MAY 1, 1960, BY STATE

	All Localities with Active or Expired Certifications	Certification in Effect or Recertification Requested	Certification Expired— No Request for Recertification
Total.....	1,124	878	246
Alabama.....	88	66	22
Alaska.....	6	3	3
Arizona.....	4	4	..
Arkansas.....	19	16	3
California.....	52	44	8
Colorado.....	2	2	..
Connecticut.....	21	16	5
Delaware.....	3	3	..
District of Columbia.....	1	1	..
Florida.....	50	41	9
Georgia.....	126	78	48
Hawaii.....	2	2	..
Illinois.....	33	26	7
Indiana.....	12	12	..
Iowa.....	3	3	..
Kansas.....	6	5	1
Kentucky.....	35	32	3
Louisiana.....	53	26	27
Maine.....	2	2	..
Maryland.....	4	4	..
Massachusetts.....	24	20	4
Michigan.....	26	23	3
Minnesota.....	6	6	..
Mississippi.....	56	26	30
Missouri.....	16	15	1
Montana.....	2	2	..
Nebraska.....	1	1	..
Nevada.....	2	2	..
New Hampshire.....	4	4	..
New Jersey.....	48	48	..
New Mexico.....	1	1	..
New York.....	43	38	5
North Carolina.....	20	19	1
North Dakota.....	2	2	..
Ohio.....	15	13	2
Oklahoma.....	5	5	..
Oregon.....	7	6	1
Pennsylvania.....	63	63	..
Puerto Rico.....	48	47	1
Rhode Island.....	3	3	..
South Carolina.....	8	5	3
Tennessee.....	64	56	8
Texas.....	99	50	49
Utah.....	1	..	1
Vermont.....	1	1	..
Virginia.....	13	13	..
Virgin Islands.....	1	1	..
Washington.....	5	4	1
West Virginia.....	13	13	..
Wisconsin.....	5	5	..

APPENDIX A<sup>1</sup>

## WORKABLE PROGRAMS, MAY 1, 1960, BY POPULATION

Population of Places Based on 1950 Census	Total Number of Places	Places That Now Have or Have Had Workable Programs		Places Where Approval Is Current or Recertification Requested	
		Number	% Of Class	Number	% Of Class
Over 500,000.....	18	18	100%	15	100%
100,000 to 500,000.....	91	78	86%	75	82%
50,000 to 100,000.....	128	86	67%	82	64%
10,000 to 50,000.....	1,042	289	28%	250	24%
5,000 to 10,000.....	1,198	159	13%	132	11%
2,500 to 5,000.....	1,884	136	7%	98	5%
Under 2,500.....	14,376	327	2%	195	1%

## APPENDIX B

## SUMMARY OF CITY ATTORNEY SURVEY ON ADOPTION OF CODES

Type of Plan, Code or Ordinance	Total Responses	Adopted or Last Amended Before 1948	New Amendment Proposed	Adopted or Last Amended 1949-1954	New Amendment Proposed	Adopted or Last Amended 1954-1960	New Amendment Proposed	Proposed or Under Consideration for First Time	Percentage of Cities Having Plan, Code, or Ordinance Amended or Adopted, Proposed for the First Time, or An Amendment Proposed Since 1954
Master Plan.....	52	14	2	10	—	17	—	11	53%
Building Code...	60	9	4	10	—	40	6	1	75%
Electrical Code...	54	7	3	12	4	33	6	3	80%
Housing Standards Code....	58	2	1	7	2	40	5	9	90%
Plumbing Code...	55	7	3	13	4	35	5	0	78%
Subdivision Regulation...	46	6	2	11	0	27	4	2	67%
Zoning Ordinance,	62	6	2	6	1	50	12	0	85%

## APPENDIX C

## SURVEY OF CODES OF 142 LOCALITIES, DECEMBER 1958

	Status of Code in Localities When Workable Program Was First Submitted to HHFA			Status of Code in Localities When Workable Program Was Recertified		
	None	Inadequate	Adequate	None	Inadequate	Adequate
Building Code.....	19	39	84(59%)	5	15	122(85%)
Housing Code.....	78	34	30(21%)	38	28	76(53%)
Subdivision Regulation..	35	25	82(57%)	20	13	109(76%)
Zoning Ordinance.....	25	47	70(49%)	13	32	97(68%)

APPENDIX D  
ORDINANCES IN WORKABLE PROGRAMS: WHEN ENACTED & AMENDED

	Approval Date of Initial Wk. Pgm. by HHA	Latest HHA Re-certification	Authority to Adopt Workable Program: Express or Implied	Mayor or Council Approves Wk. Pgm. for City	ORDINANCES IN WORKABLE PROGRAMS: WHEN ENACTED & AMENDED										MASTER PLAN		
					Building	Electrical	Housing Standards	Plumbing	Subdivision Control	Zoning	Adopted	Authority					
W. Memphis, Ark.	6/18/59		Express	M & C	En-acted 1950	En-acted 1945	Amend- ed 1953	En-acted 1952	En-acted 1949	En-acted 1948	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945	'49-'52	Statute
Oakland Cal.	6/23/55	7/23/59	Express	M & C	En-acted 1948	En-acted 1946	Amend- ed 1958	En-acted 1949	En-acted 1948	En-acted 1948	En-acted 1948	En-acted 1948	En-acted 1948	En-acted 1948	En-acted 1948	1955	Charter
Oxnard Cal.	6/18/59		Express	M & C	En-acted 1950	En-acted 1950	Amend- ed 1950	En-acted 1950	En-acted 1950	En-acted 1950	En-acted 1950	En-acted 1950	En-acted 1950	En-acted 1950	En-acted 1950	1959	Charter
Hickmond, Cal.	8/15/50		Express	Council	En-acted 1953	En-acted 1957	Amend- ed 1958	En-acted 1958	En-acted 1958	En-acted 1958	En-acted 1958	En-acted 1958	En-acted 1958	En-acted 1958	En-acted 1958	1959	Statute
Sacramento, Cal.	4/10/59		Express	Council	En-acted 1954	En-acted 1941	Amend- ed 1957	En-acted 1959	En-acted 1959	En-acted 1959	En-acted 1959	En-acted 1959	En-acted 1959	En-acted 1959	En-acted 1959	1945	Statute
San Francisco, Cal.	10/25/55		Implied	M & C	En-acted 1956	En-acted 1950	Amend- ed 1958	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956	1956	Statute
Denver, Colo.	6/29/55		Express	M & C	En-acted 1949	En-acted 1949	Amend- ed 1955	En-acted 1949	En-acted 1949	En-acted 1949	En-acted 1949	En-acted 1949	En-acted 1949	En-acted 1949	En-acted 1949	1956	Statute
Fueblo, Colo.	2/25/60		Implied	Council	En-acted 1956	En-acted 1948	Amend- ed 1957	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956	'42-'53	Statute
New Haven, Conn.	10/29/57		Express	M & C	En-acted 1954	En-acted 1957	Amend- ed 1953	En-acted 1954	En-acted 1954	En-acted 1954	En-acted 1954	En-acted 1954	En-acted 1954	En-acted 1954	En-acted 1954	1949	Statute
Dist. of Columbia	6/29/55		Express	Commrs.	En-acted 1955	En-acted 1953	Amend- ed 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955		Statute
Jacksonville, Fla.	8/13/58		Both	Mayor	En-acted 1953	En-acted 1957	Amend- ed 1958	En-acted 1953	En-acted 1953	En-acted 1953	En-acted 1953	En-acted 1953	En-acted 1953	En-acted 1953	En-acted 1953		Statute
Tallahassee, Fla.	7/22/58		Both	M & C	En-acted 1953	En-acted 1957	Amend- ed 1958	En-acted 1953	En-acted 1953	En-acted 1953	En-acted 1953	En-acted 1953	En-acted 1953	En-acted 1953	En-acted 1953		Statute
Tampa, Fla.	4/25/58		Express	M & C	En-acted 1955	En-acted 1956	Amend- ed 1958	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955		Statute
Augusta, Ga.	8/28/56		Express	M & C	En-acted 1955	En-acted 1957	Amend- ed 1958	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955		Statute
Chicago, Ill.	1/12/55		Implied	Mayor	En-acted 1957	En-acted 1957	Amend- ed 1958	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957		Statute
Peoria, Ill.	9/8/58		Express	Council	En-acted 1957	En-acted 1957	Amend- ed 1958	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957		Statute
Gary, Ind.	3/20/58		Implied	M & C	En-acted 1949	En-acted 1940	Amend- ed 1958	En-acted 1949	En-acted 1949	En-acted 1949	En-acted 1949	En-acted 1949	En-acted 1949	En-acted 1949	En-acted 1949		Statute
Indianapolis, Ind.	7/17/58		Express	Mayor	En-acted 1925	En-acted 1925	Amend- ed 1951	En-acted 1925	En-acted 1925	En-acted 1925	En-acted 1925	En-acted 1925	En-acted 1925	En-acted 1925	En-acted 1925		Statute
Des Moines, Iowa	5/14/50		Express	M & C	En-acted 1955	En-acted 1958	Amend- ed 1959	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955		Statute
Atchison, Kan.	11/24/60		Express	M & C	En-acted 1955	En-acted 1957	Amend- ed 1957	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955		Statute
Wichita, Kan.	11/25/58		Express	Comm.	En-acted 1941	En-acted 1940	Amend- ed 1954	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957		Statute
Hopkinsville, Ky.	6/4/58		Express	M & C	En-acted 1946	En-acted 1956	Amend- ed 1956	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956	En-acted 1956		Statute
Portland, Me.	7/1/55		Both	Council	En-acted 1941	En-acted 1958	Amend- ed 1958	En-acted 1941	En-acted 1941	En-acted 1941	En-acted 1941	En-acted 1941	En-acted 1941	En-acted 1941	En-acted 1941		Statute
Baltimore, Md.	2/24/55		Implied	Mayor	En-acted 1941	En-acted 1958	Amend- ed 1958	En-acted 1941	En-acted 1941	En-acted 1941	En-acted 1941	En-acted 1941	En-acted 1941	En-acted 1941	En-acted 1941		Statute
Kalamazoo, Mich.	6/17/55		Express	Council	En-acted 1918	En-acted 1958	Amend- ed 1958	En-acted 1918	En-acted 1918	En-acted 1918	En-acted 1918	En-acted 1918	En-acted 1918	En-acted 1918	En-acted 1918		Statute
Muskegon, Mich.	7/29/57		Both	Council	En-acted 1958	En-acted 1958	Amend- ed 1958	En-acted 1958	En-acted 1958	En-acted 1958	En-acted 1958	En-acted 1958	En-acted 1958	En-acted 1958	En-acted 1958		Statute
Saginaw, Mich.	7/7/58		Express	Council	En-acted 1950	En-acted 1957	Amend- ed 1958	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957		Statute
Duluth, Minn.	9/29/58		Implied	Mayor	En-acted 1937	En-acted 1949	Amend- ed 1959	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957	En-acted 1957		Statute
Minneapolis, Minn.	1/31/55		Express	M & C	En-acted 1934	En-acted 1950	Amend- ed 1959	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955	En-acted 1955		Statute
Corinth, Miss.	6/11/59		Implied	M & C	En-acted 1960	En-acted 1959	Amend- ed 1959	En-acted 1959	En-acted 1959	En-acted 1959	En-acted 1959	En-acted 1959	En-acted 1959	En-acted 1959	En-acted 1959		Statute
Kansas City, Mo.	4/6/55		Express	Council	En-acted 1945	En-acted 1945	Amend- ed 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945		Statute
Mexico, Mo.	10/3/53		Express	Council	En-acted 1945	En-acted 1945	Amend- ed 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945		Statute
St. Louis, Mo.	4/20/55		Both	M & C	En-acted 1945	En-acted 1945	Amend- ed 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945	En-acted 1945		Statute
Atlantic City, N. J.	11/9/57		Express	Mayor	En-acted 1924	En-acted 1959	Amend- ed 1959	En-acted 1924	En-acted 1924	En-acted 1924	En-acted 1924	En-acted 1924	En-acted 1924	En-acted 1924	En-acted 1924		Statute

APPENDIX D (Continued).

ORDINANCES IN WORKABLE PROGRAMS WHEN ENACTED & AMENDED										MASTER PLAN							
Approval Date of Initial Work. Rem. by IIIFA	Latest IIIFA Recertification	Authority to Admin. Workable Program: Express or Implied	Mayor or Council Approves Work. Rem. for City	Building		Electrical		Housing Standards		Plumbing		Subdivision Control		Zoning		Adopted	Authority
				En-acted	Amend-ed	En-acted	Amend-ed	En-acted	Amend-ed	En-acted	Amend-ed	En-acted	Amend-ed	En-acted	Amend-ed		
Pasadena, N. J.	10/24/58	Express	M & C	1951	1954	1954	1954	1955	1956	1956	1958	1954	1954	1954	1958	1952	Statute
New York, N. Y.	9/20/55	Implied	Mayor	1938	1938	1938	1938	1945	1948	1948	1948	1948	1948	1948	1959	1952	Statute
Charlotte, N. C.	6/2/50	Express	M & C	1914	1950	1914	1956	1945	1948	1948	1948	1948	1948	1948	1957	1950	Statute
Cleveland, Ohio	6/6/55	Both	Mayor	1898	1949	1911	1948	1940	1940	1940	1949	1925	1929	1949	1949	1949	Charter
Dayton, Ohio	11/4/50	Both	M & C	1936	1950	1936	1950	1950	1950	1950	1950	1933	1937	1959	1958	1958	Statute
Portland, Ore.	9/10/55	Implied	M & C	1956	P	1956	P	1958	P	1958	P	1942	P	1959	P	1958	Statute
Chester, Pa.	9/19/57	Implied	M & C	1928	'30-P	P	1952	1956	1956	1956	1956	1952	1952	1959	'60-P	1957	Statute
Harrisburg, Pa.	8/22/58	Both	M & C	1952	1955	1952	1955	1955	1955	1955	1955	P	1956	1956	1960	1950	Statute
Philadelphia, Pa.	4/2/58	Implied	Mayor	1956	1959	1956	1959	1956	1956	1956	1956	1956	1956	1956	1960	1960	Statute
Pittsburgh, Pa.	2/8/55	Express	Mayor	1947	1959	1947	1959	1957	1957	1957	1957	1957	1957	1957	1960	1947	Statute
York, Pa.	8/5/57	Express	Mayor	1957	1957	1957	1957	1957	1957	1957	1957	1957	1957	1957	1959	1957	Statute
Providence, R. I.	3/26/58	Express	M & C	1957	1957	1957	1957	1957	1957	1957	1957	1957	1957	1957	1959	1957	Statute
Columbia, S. C.	7/14/50	Implied	M & C	1955	P	1949	P	1949	P	1949	P	1942	P	1949	'49-P	1945	Statute
Chattanooga, Tenn.	10/11/56	Express	M & C	1957	1957	1957	1957	1957	1957	1957	1957	1957	1957	1957	1957	P	Statute
Memphis, Tenn.	9/16/55	Express	M & C	1949	1959	1900	1959	1900	1959	1900	1959	1900	1959	1949	'57-P	1925	Statute
Nashville, Tenn.	11/7/55	Express	Mayor	1949	1957	1956	1959	1957	1959	1957	1959	1941	1942	1955	'25-'35	1955	Statute
Austin, Tex.	11/5/56	Implied	Mayor	1931	P	1951	P	1950	P	1950	P	1946	1946	1953	1960	1933	Statute
Corpus Christi, Tex.	3/1/56	Implied	Council	1927	1957	1957	1957	1950	1950	1950	1950	1946	1946	1953	1931	P	Statute
Lubbock, Tex.	10/11/55	Express	M & C	1950	1958	1954	1960	1950	1957	1950	1950	1941	1941	1959	'48-P	1959	Statute
Tacoma, Wash.	12/12/57	Express	M & C	1953	1955	'60-P	P	1950	1957	1950	1950	1942	1942	1954	1943	1943	Statute
Madison, Wis.	8/21/58	Express	M & C	1931	'59-P	1931	1956	1954	1958	1954	1958	1931	1931	1959	'60-F	1959	Statute
Burlington, Va.	1/15/60	Express	Mayor	1947	P	1947	P	1947	P	1947	P	1947	1947	1947	P	1959	Statute
Alexandria, Va.	9/24/57	Express	Mayor	1939	1960	P	1959	1958	1959	1958	1959	1939	1939	1960	1960	1951	Charter
Lynchburg, Va.	6/10/59	Implied	M & C	1953	1953	1953	1953	1953	1953	1953	1953	1949	1949	1949	P	1948	Statute
Norfolk, Va.	2/24/57	Implied	Council	1948	1956	1956	1960	1951	1951	1951	1951	1940	1940	1960	1948	1948	Statute
Richmond, Va.	8/19/55	Express	Council	1937	1953	1937	1954	1954	1954	1954	1954	1937	1937	1959	1946	1946	Statute

Note: "P" indicates pending legislation.