

Many States, Many Fights

'Snob Zoning' Widely Challenged

By TIM RICHARD

Suburban governments will increasingly find their "snob zoning" ordinances under attack.

It hasn't happened in Oberlin yet, but it's happening around St. Louis, Philadelphia, New York, Philadelphia, New York. The attack is coming from the federal government, civil rights groups, organized labor, even business.

The target is zoning ordinances and building restrictions that prevent any but the most expensive single-

family dwellings from being built. What makes the restrictions particularly onerous to their opponents is that suburbs are getting more and more industrial plants but failing to allow housing for anyone but executives.

A case in point is Farmington Township where a builder one week proudly held a ribbon-cutting for a new plant in its industrial park, then a week later announced opening of a new subdivision within a couple of miles wherein the price range was \$37,000 to \$64,000.

HERE ARE some examples of the attack:

- George Romney's Dept. of Housing and Urban Development has asked the Justice Dept. to file a suit against a St. Louis suburb to prevent it from passing a zoning ordinance frankly aimed at keeping out a housing development in low to moderate income groups.
- The Massachusetts Legislature last year passed a

law that could require each municipality to zone at least 15 per cent of its land for low-income housing.

- The Pennsylvania Supreme Court ruled in favor of a builder who sued a suburban Philadelphia township for prohibiting him from building apartments. In a decision that strongly attacks the kind of reasoning often heard in Livonia, the court said a community cannot limit high-density housing if its only reason is to avoid the burden on municipal services.
- Sen. Jacob Javits (R-N.Y.) has introduced a bill to prevent federal subsidies for such facilities as water and sewer in suburbs which practice snob zoning.

- In Union City, Calif., the National Committee Against Discrimination in Housing won a federal court decision when the judge ruled that the Constitution requires a municipality to provide housing for its poor. A Mexican American group had won a city government zoning deci-

sion, only to have voters overturn the move in a referendum. The judge called the voters' action unconstitutional.

- A Judge in Montclair, N. J., ruled that a minimum construction-cost requirement was illegal. He reasoned that it was unrelated to health, safety or welfare.
- In New Jersey, the United Auto Workers union has formed a non-profit housing corporation but has found itself rebuffed by local governments.

The aforementioned legal steps were all reported in recent editions of the Wall Street Journal and Detroit Free Press.

TO SOME extent, suburbs fear black people. But racism is only part of the fear. The zoning and building restrictions hurt white workers as much as black.

The most common method of restriction is to require a large lot size. The builder

thus is required to put in more feet of water lines, sewers, driveway, sidewalk and street pavement. In order to offer an attractive package that isn't half eaten up by "in-ground" costs, the builder is forced by economic pressure to put up an expensive house.

Another common method in Oberlinland is to restrict apartment zoning. The reasoning runs like this: Any dwelling worth less than \$35,000 or \$40,000 fails to generate enough property taxes to cover governmental costs; apartments are economical per unit because of their common walls and shared facilities; therefore, the local government can make more tax money by zoning out apartments.

THERE IS a legal fallacy in that reasoning. Local government exercises its zoning power under the general police powers. An ordinance not based on public welfare, but based instead on the pure

desire for more tax money, can be challenged.

Opponents of snob zoning have talked about two methods of attack. One, as in Massachusetts, would require every community to put a portion of its land into zoning for lower income housing.

A less drastic method would be to do away with local dependence on the property tax. Thus, people wouldn't be forced to buy more expensive housing than they really want just to satisfy a mayor's or school superintendent's desire for a hefty tax base.

In Michigan, such steps are unknown so far. But the movement against "snob zoning" is spreading across the nation. It could spread here.

5 Cville Bands Play

Five Clarenceville bands were presented in the annual holiday concert on Tuesday, Dec. 15, in the Louis E. Schmidt Auditorium in Clarenceville high school.

Senior high symphony and concert bands were under the direction of John Nestek and combined played "Christmas Festival." The symphony band offered "Caribbean Fantasy."

The sixth grade band was directed by John Littlejohn with Ted Malleries directing the junior high cadet and concert bands.

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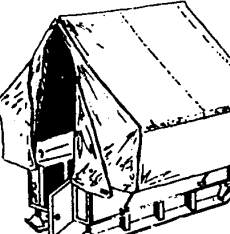


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