

of federally aided community facilities and services. The fact that Federal support is funneled through State and local governments now legally requires these jurisdictions to provide the concerned Federal agencies with affirmative assurances required by title VI and "no person in the United States shall * * * be excluded from * * * denied the benefits of * * * or be subjected to discrimination under * * *" any of these Federal programs of assistance to private housing.

III. METROPOLITAN HOUSING DESEGREGATION

It should be evident that families displaced by Federal programs of construction and land acquisition are necessarily subjected to discrimination unless they are guaranteed a free choice of housing relocation unhampered by artificial restrictions of race, color, or national origin. It should be equally clear that the title VI affirmative requirement applies to the entire private housing sector, which is so materially dependent upon the pervasiveness of direct and indirect Federal assistance. It follows, therefore, that title VI affirmatively requires each community participating in Federal programs affecting housing to prohibit housing discrimination by law as a precondition for Federal financial assistance.

The prohibition of housing discrimination by law as a precondition for Federal financial assistance also applies to States that participate in federally assisted highway construction. Highway construction transcends community boundaries, as does the displacement and relocation resulting from such land acquisition and construction. Federal grants for highway construction are made directly to State governments, which administer the programs within their borders. Thus, States benefiting from this Federal program are similarly subject to the title VI guarantee of nondiscrimination in housing.

The requirement of an enactment of law as a condition of Federal aid is an established principle of Federal-State relations. The workable program for community improvement requires by regulation the adoption of zoning ordinances and modern building, plumbing, electrical, and housing codes for certification, as well as effective enforcement of codes, a planned systematic housing code compliance program and accurate reporting on compliance activity, including "a showing that there is a reasonable use of appropriate local resources in terms of inspectors and funds needed to enforce compliance with the codes."¹¹ A similar regulatory requirement for enactment and enforcement of a housing nondiscrimination law would seem equally reasonable.

Laws against housing discrimination will not, of themselves, achieve the affirmative purpose of title VI. Many States and communities having such laws still expend public funds, of which Federal payments often are the major share, in a fashion which continues to encourage, entrench, and subsidize housing segregation. However, and antidiscrimination law is the fundamental base for projection of affirmative action to eliminate and prevent community patterns of racial segregation in housing.

To achieve this objective, considering the complexities of present-day urban development and the multiplicity of Federal programs affecting housing, careful comprehensive planning is required, as was so succinctly stated by Housing Administrator Robert C. Weaver (now Secretary of Housing and Urban Development):

"Without a comprehensive community plan to point the way to successful urban growth and renewal, a locality is in much the same position as the fabled gentleman who mounted his horse and rode off in all directions. Unless it knows what it is striving to achieve, the community will find itself strangled with haphazard growth in every direction. In this uncharted maze, the solution to one problem frequently compounds another problem.

"A properly drawn, comprehensive community plan recognizes not only the problems of the locality, but how these problems—and their solution—are related to those of the entire area or region, since the complexities of urban growth and blight do not respect jurisdictional boundaries."¹²

Several suggestions for metropolitan planning for housing desegregation grow out of this observation. First, any comprehensive plan for federally assisted urban development and renewal should now include the positive steps to be taken to eliminate and prevent community patterns of racial segregation in housing. Second, such comprehensive plans should be required of every federally assisted program involving housing.

¹¹ Op. cit., program guide No. 1, p. 1.

¹² Op. cit., program guide No. 2, introduction.