

tional program. Even though construction would have to be done with federal funds in order to permit the contractor to offer job security to employees, most structures could be sold to private developers for business or residential use in advance of construction, or contracts entered into for such sale, permitting the purchaser to vary specifications for construction within the terms of the overall plan of redevelopment. Contracts for sale of residential structures could contain in some or all cases restrictions on the computation of rents, for example providing for a sliding scale of rents as discussed previously in a suitable proportion of units. Where desirable, existing community institutions and good housing in a redevelopment area could and should be left standing, being rehabilitated where necessary.

Direct Relationship Federal Government-Contractor

This approach differs from existing programs in that a direct relationship between contractors and federal authorities is established in order to permit the necessary guarantee of job security to unleash the technological capabilities of the industry. Local communities and local authorities should still have the chief voice in the kind of buildings and the kind of redevelopment they want, and their consent could be required for the program to proceed.

If significant rebuilding is to take place within the central cities, with their high land costs, a considerable portion of new buildings will probably have to be high-rise, at least if rents are to be kept within limits.³⁰ In itself this should not be viewed

³⁰ In low-rise buildings, land cost is spread over fewer dwelling units. The drab quality of many high-rise developments is not due to their height, but to the absence of a "close-grained" diversity of kinds of facilities interspersed within each small community or substantial part of a complex. See Jane Jacobs, *The Death and Life of Great American Cities*, 1961. Mrs. Jacobs points out that to generate lively diversity there must be a mixture of primary uses such as work and residence in an area, short blocks to permit people to circulate freely to reach diverse businesses in the area, a high enough concentration of people to support diverse facilities, and a mixture of old buildings or other low-rent commercial space for a variety of new enterprises of differing sizes. She further points out that planning must be done with the participation and consent of those living in an area so that they come to value their neighborhoods more rather than less, if slums are to be replaced by better neighborhoods rather than merely moved elsewhere. For similar reasons, housing restricted to a single income level, including "low income," tends to create ghettos and inhibit diversity of population and raising of the status of residents; accordingly governmentally aided housing should have a sliding scale of rents rather than a maximum income limit. Cf. *Mass. Gen. Laws*

Ann. ch. 121, Sec. 26MMM(b) (Cum. Supp. 1966), discussed in 80 *Harvard Law Review* 1811, 1817 (1967).

By offering opportunities to private investors to build in a favorable environment, incentive for such investment would be offered without creating dangers of distortion of the tax system and difficulties of distinguishing between aspirants for tax benefits. Cf. Cary, "Pressure Groups and the Revenue Code: A Requiem in Honor of the Departing Uniformity of the Tax Laws," 68 *Harvard Law Review* 745 (1955); Surrey, "The Congress and the Tax Lobbyist—How Special Provisions Get Enacted," 70 *Harvard Law Review* 1145 (1957); Surrey, "The Federal Income Tax Base for Individuals," 58 *Columbia Law Review* 815 (1958); Cary, "Reflections upon the American Law Institute Tax Project and the Internal Revenue Code: A Plea for a Moratorium and a Reappraisal," 60 *Columbia Law Review* 259 (1960); Paul, "Erosion of the Tax Base and Rate Structure," 11 *Tax Law Review* 203 (1956); NYCBA, Committee on Federal Legislation, "Tax Incentives for Political Contributions," 2 *Reports of Committees of NYCBA Concerned with Federal Legislation* 87 (1963). Tax concessions, local or federal obviously and necessarily increase the tax burden on all others who do not receive such concessions.