SLUMS AND BLIGHT--A CASE OF LOCAL GOVERNMENT INACTION
BEAUMONT, TEXAS

THESIS

Presented to the Graduate Council of the
North Texas State University in Partial
Fulfillment of the Requirements

For the Degree of

MASTER OF PUBLIC ADMINISTRATION

By

Glynn James Knight, B. S.
Denton, Texas
January, 1970
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>LIST OF TABLES</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>v</td>
</tr>
</tbody>
</table>

Chapter

**I. INTRODUCTION**

- Magnitude of Urban Blight and Decay
- Characteristics of Slums and Blighted Areas
- Definition of Comprehensive Plan
- Purpose
- Method of Study

**II. SLUMS AND URBAN DECAY--U. S. A.**

- Relationship of Urbanization to Slums
- Types of Slums
- Slums--National Problem
- Cost of Slums
- Federal Urban Renewal
- Urban Community Development Approach

**III. COMPREHENSIVE PLANNING**

- Purpose of Planning
- History of City Planning
- Zoning and Its Relationship to the Comprehensive Plan
- Adoption of Comprehensive Plan
- Planning Responsibilities and Duties

**IV. HOUSING PICTURE IN BEAUMONT**

- Aspects of the Housing Problem
- Substandard Structures
- Housing Areas of Beaumont
- Future Housing Needs
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>V. MINIMUM HOUSING CODE</td>
<td>58</td>
</tr>
<tr>
<td>Legal History of Minimum Housing Code</td>
<td></td>
</tr>
<tr>
<td>Police Power and Housing Code</td>
<td></td>
</tr>
<tr>
<td>Code Administration</td>
<td></td>
</tr>
<tr>
<td>Workable Program</td>
<td></td>
</tr>
<tr>
<td>Minimum Housing Code--Beaumont</td>
<td></td>
</tr>
<tr>
<td>Recommendations of Planning and Zoning Commission</td>
<td></td>
</tr>
<tr>
<td>VI. CONCLUSION</td>
<td>82</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>89</td>
</tr>
</tbody>
</table>


LIST OF TABLES

<table>
<thead>
<tr>
<th>Table</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Approximate Number of Dwelling Units That Will Need to be Replaced Within the Next Forty Years</td>
<td>55</td>
</tr>
<tr>
<td>II. Six Census Tracts Having the Most Deteriorating and Dilapidated Housing</td>
<td>56</td>
</tr>
</tbody>
</table>
CHAPTER I

INTRODUCTION

Magnitude of Urban Blight and Decay

The local problems of cities gradually have become the major domestic problems of our nation, for the greater portion of our expanding population and of our economic activities are concentrated in our vast metropolitan regions. The very prosperity of this nation depends on how well these urban centers function. In the next twenty years, 50,000,000 more people are expected to be living in the United States; of this increase nearly four out of five will be living in cities.1 As President John F. Kennedy stated in 1963, "We will neglect our cities at our peril, for in neglecting them we neglect the nation."2 Of all the complex and stubborn problems confronting our urban areas, that of urban blight is the most frustrating and at the same time the most treacherous. "It inflicts its damage upon the social and economic fabric of our communities as insidiously and relentlessly as

---


2 Ibid.
leukemia in the blood stream of the human body." Many of our urban communities are being engulfed by urban blight and decay. Once fashionable neighborhoods have since become the slums of many cities. Urban blight and decay has made alarming advances because it has long been nurtured by public apathy and indifference. Economic, social, and political impediments also have served to shelter urban decay. To the citizenry of a community there is no problem which is more challenging than seeking and striving for solutions to this problem.

The term "blighting" has been used to describe the gradual but progressive deterioration of an area. "Blight" is seldom used to refer to a single building or structure but is used to refer to a large area or neighborhood which is characterized by stagnation or deterioration. This area would be substandard, that is, the area falls below certain officially adopted or generally accepted requirements of fitness. Therefore, for an area to qualify as "blighted"

---

4 Ibid.
it must be substandard, stagnating and deteriorating. The phenomenon of blight is not necessarily confined to residential and densely populated areas; it is often present in commercial, industrial, and even rural areas.

The term "slum" is used to indicate an area of residential blight and deterioration. The word "slum" itself has a negative connotation and is used to imply something evil and strange.

Characteristics of Slums and Blighted Areas

Inadequate housing, deficient facilities, overcrowding, and congestion are but a few of the elements characterizing slums in general. Sociologically, the slum is a way of life. The set of norms and values existing in the subculture is reflected by poor sanitation and health practices, deviant behavior, and characteristic attributes of apathy and social isolation.

---

8 Scott Greer, Urban Renewal and American Cities (New York, 1965), p. 29.
10 Ibid., p. 8.
In her book _The City_, Rose Hum Lee presents the following description of the physical and environmental characteristics of the slums and blighted areas which may occur either singly or in combination:

1. Poorly constructed or designed buildings.
2. Inadequate ventilation, light, and sanitation.
3. Insufficient open spaces and recreational facilities.
4. High density of population.
5. Overcrowding of dwelling units.
6. Obsolescence and disrepair of structures.
7. Faulty subdivision design of the land, usually evidenced by an inadequate street pattern, lack of open spaces and essential utilities, and danger of water submersion.
8. All other factors which cause the structure to be unfit or unsafe to occupy for residential, commercial industrial, or other purposes. The existence of them is conducive to ill health, transmission of disease, infant mortality, delinquency, and crime.11

The following social factors are included either alone or in combination:

1. Breakdown of community organization.
2. Ineffective formal and informal controls which educational, religious, penal, governmental, familial, and recreational institutions attempt to establish and maintain.

11Lee, p. 475.
3. Absence of voluntary associations for the informal control of the inhabitants according to age, sex, occupation, race, ethnical, or other common interests. More far-reaching is the lack of the will and desire to organize spontaneous groups.

4. The extension of controls from outside the area as means toward effecting community consciousness and cohesion. These well-meaning attempts are generally spotty and often failures because the inhabitants do not always understand and appreciate the motivations of nonresidents.

5. High indexes of personal disorganization, juvenile delinquency, prostitution, illegitimacy, crime, suicide, tuberculosis, venereal disease, desertion, broken homes, alcoholism, etc.\(^{12}\)

The following miscellaneous factors may be included:

1. No overall land-use policy.

2. Real estate speculation.


4. Invasion and succession.

5. Changing land values.

6. Faulty lay-out of transportation arteries.

7. Restrictive covenants or other agreements.\(^{13}\)

Definition of Comprehensive Plan

It is the job and responsibility of the city council, City Executive, Director of Planning, City Planner, and the planning department in a municipal area to propose courses

\(^{12}\)Ibid., p. 475. \(^{13}\)Ibid., p. 476.
of action to combat problems such as the slum problem. This is primarily accomplished through a "master plan," city plan, or "comprehensive plan." Specifically, this plan, as defined by T. J. Kent, Jr. in *The Urban General Plan*,

"... is the official statement of a municipal legislature body which sets forth its major policies concerning desirable future physical development; the published general plan document must include a single unified general physical design for the community and it must attempt to clarify the relationship between physical development policies and social and economic goals."¹⁴

He therefore concludes that one important purpose of the general plan is "to improve the physical environment of the community as a setting for human activities—to make it more functional, beautiful, decent, interesting and efficient."¹⁵

**Purpose**

An attempt has been made in this study to analyze, examine, and investigate the efforts of the city of Beaumont, Texas, through its comprehensive plan and its planning process, to alleviate or combat the blighted areas of the city and to determine to what extent the comprehensive plan document has been implemented.

¹⁴T. J. Kent, Jr., *The Urban General Plan* (San Francisco, 1964), p. 5.

¹⁵Ibid.
Method of Study

In conducting this study, the researcher employed the case method approach in combination with the field research method. Much material, of both primary and secondary nature, was available concerning the area of urban planning and the slum problem. In addition to the books, articles, and essays, much valuable information was gained through contact and interviews with the Planning Director, City Health Officials, City Planner, City Manager, the Building Inspection Director, as well as with other individuals who played important roles in this matter.
CHAPTER II

SLUMS AND DECAY--U. S. A.

Relationship of Urbanization to Slums

With growth and shifts in economic functions, obsolescence, and changes in technology, cities undergo constant change. From a continuous and dynamic succession of land uses through public and private investment, great American cities have developed. Because of the nature of this process, it is inevitable that segments of cities will be old and worn out at any given time and that some cities will decline in area and importance. When the processes of renewal through private investment seem to be permanently interrupted, the problem of urban slums and blight arises. The serious financial problems which have plagued American cities and the fact that cities have relied so heavily upon real estate taxation as the basis for municipal revenues represent two of the underlying causes of the interruption of private investment in urban real estate. The cumulative obsolescence which has occurred in streets, transportation services, schools, and other public facilities within cities is allied to this. The conditions of housing shortage which have
prevailed in many large American cities for almost half a century constitute a third basic cause of slums. Because of housing shortages, landlords have received continuous incomes from substandard properties. Minimum housing standards have not been established and enforced by city officials, and the slums endure.¹

Types of Slums

The physical conditions of the slum have been emphasized more than any of the other characteristics. Frequently slums have been defined as the portions of cities in which housing is crowded, neglected, deteriorated, and often obsolete.² Because it is a catchall for poor housing of every kind, the word "slum" may denote an area of Chicago mansions turned into furnished rooms, or a row of shanties. Slums may include cabins, dens, dugouts, sheds, stalls, and other manifestations of poverty.³ However, slums may be classified into three main types. The "original" slum is an area which, from the beginning, consisted of unsuitable buildings; such sections

¹Paul F. Wendt, Housing Policy--The Search for Solutions (Los Angeles, 1963), p. 197.
²Clinard, p. 4.
are beyond recovery and should be razed. The second type of slum results from the departure of middle- and upper-class families to other sections and the subsequent deteriorations of the area as large homes are converted into apartments and one-room accommodations. The third type of slum, and undoubtedly the most unpleasant type, is mainly a phenomenon of transition. Physical and social deterioration spreads rapidly once the area around a main business district has become blighted.

The physical conditions of structures in slums vary. Some buildings simply lack necessary equipment, such as central heating, bathrooms, and sanitary toilets, which can be supplied. Other buildings are entirely faulty and should never have been erected. Other structures which are well built and only suffer from neglect can be rehabilitated. Others are in a hopeless state of decay.4

The causes of deterioration of existing housing are many. A major factor is aging of structures, accompanied by lack of repair and upkeep. The fact that much housing in America is built of wood and has now reached an age of rapid deterioration has resulted in a decline in housing quality.

in many communities. Other common factors in deterioration are smoke and other forms of air pollution. Another is a change in occupancy from ownership to tenancy. Deterioration in a residential area may result from spot rezoning from residential to commercial or from single-family to multiple-family. Deterioration is accelerated by poor planning of residential areas and poor construction, sometimes referred to as "jerry building." The willingness of the owner of tenant-occupied housing units to keep the dwelling units in repair, and the resourcefulness of the tenant and his family in caring for the unit, are largely responsible for determining whether or not there is blighting or deterioration of the housing.\(^5\) Because of neglect, buildings may become inadequate for the purpose for which they were originally designed. "Neglect tends to breed neglect, producing a cancer of creeping blight over a wide area."\(^6\)

Slums--National Problem

It is difficult to estimate the total slum area in the United States. There is a variance from city to city and

---


even from generation to generation in the standards set for physical qualities of homes, equipment, maximum occupancy, parks and other recreational facilities, and a number of other factors. In addition, slums are unevenly distributed. Slums increase with the size of a city, and the fact that some of the largest cities have been negligent in dealing with the slum problem has aggravated the situation. In reference to substandard housing, according to the Census Bureau, one out of every six dwellings in the nation is either dilapidated or substandard because of such basic deficiencies as the lack of plumbing facilities. In fact, more Americans live in substandard housing than live on farms; the figures established by the Census Bureau for 1960 were 22 million and 21 million, respectively. At the beginning of 1960, of the 50 million homes and apartments in being in the United States, 11.4 million were said to be in a deteriorating or deficient condition. The speed of blight's spread cannot actually be gauged against the rate of clearance because the concept varies sharply according to the beholder and his standards. A dramatic reduction in the number of deficient and so-called "substandard" dwelling units was

---

7 Bergel, p. 418.
actually reported by the Census Bureau in comparing the 4.5 million reported in 1950 to the 3.2 million reported in 1960; however, the figures do not mention commercial areas. Neither do they mention the general condition of neighborhoods which can render physically sound structures unfit, as in the case of structures which front on heavy truck movement or structures which are surrounded by factories emitting obnoxious fumes. Experienced observation, according to a good many authorities, is the only way to judge blight’s spread. Many such experienced observations have been made by mayors, renewal officials, and bankers; and, in city after city, they agree that the spread of blight has certainly been outpacing by a good margin the redevelopment efforts of both public agencies and private developers alike.9

Cost of Slums

It is true that slum clearance is very expensive; however, on the other hand, existing slums are one of the costliest propositions with which a city administration is confronted.10 The cost of slums is unbelievably high, both in dollar values and in human values.11

9 Ibid.
10 Bergel, p. 419.
Direct material costs, which are usually proportionately higher in slums, result from the high rates of fire, the expense involved in street cleaning, garbage collection, and refuse disposal, and the maintenance of larger staffs and additional expenditures made necessary by the supervision of dilapidated buildings, the demolition of abandoned homes, the cleanup of debris, and the evacuation and relocation of tenants. As great as these direct expenditures are, they are dwarfed by costs indirectly caused by slum conditions. As the real-estate values in areas adjacent to slums decline, the loss is usually twofold: the city is forced to reduce property taxes, and the owners lose part of their investment. The cost of slums in terms of human values is overwhelming. Inmates from slums fill our prisons, reformatories, hospitals, and mental institutions. Tremendous financial outlays are necessary in the case of deserted families, truant and un-governable children, orphans, and evicted people; such cases also create expenses because of the necessity for judges and their personnel, parole officers, private and public social workers, and city employees. In nearly every instance, slum conditions are contributing factors but are rarely the only cause; therefore, it is impossible to arrive at a reliable estimate of the cost of slums. However, without slums there
would undoubtedly be less crime, less vice, fewer desertions, less mental and physical diseases, and as a result, less waste of money, to say nothing of human tragedies. Because slum areas tend to demoralize a large segment of the urban population, the great expansion of these areas in recent times has become a most serious social problem. It is impossible for the society of this country, in general, or any country to stand, for a prolonged time, mass disintegration of family life, hordes of wayward youngsters, and organized crime on a large scale.

Political considerations are also important in considering the costs of slums. The bases of a stable society are sound living conditions. Due greatly to widespread home ownership, the United States has been spared many disorders which other less fortunate countries have suffered. According to urban writer Ernest E. Bergel, the language of the Communist Manifesto states that people without homes are the only ones who have nothing to lose but their chains. Bergel states that such people are a willing audience for rabble-rousers or neurotic utopian reformers; and depending upon the times and conditions, they are equally willing to support revolts from the left or from the right. From the Latin domus, house or home, comes the term "domestication." A man without a home is not fully civilized. The rabble of today will disappear
only if it has become literally domesticated, that is, if people live in decent homes and in decent neighborhoods.\textsuperscript{12}

Slum areas do not yield in tax revenue the cost of the tasks involved in coping with the human wreckage which slum conditions promote and the municipal services which they make necessary. "They are a costly 'luxury' which neither modern social standards nor modern financial resources can afford to support."\textsuperscript{13}

That slums breed a hopelessness in people's hearts is a fact upon which experts and laymen can agree. The human spirit seems to wither away amid the piles of rotting garbage, tumbledown porches, and junk-filled back yards. For generations during the birth and expansion of American cities, there was a widespread belief that this malignancy of the urban flesh was incurable--even unavoidable. However, the slum problem is no longer viewed with complacency. In the 1930's, the forces of social welfare moved into the housing field, and this country has seen, in the years since World War II, the birth of a new national attitude: "The slums must go, and their victims must be restored to useful city life."\textsuperscript{14}

\textsuperscript{12} Bergel, pp. 419-422. \textsuperscript{13} Warren, p. 77.

Federal Urban Renewal

Many different approaches have been taken in efforts to eliminate slums. Some experts advocate the policy of physically destroying the slum, erasing its houses and shacks. Others feel that the solution to the problem lies in providing welfare services to slum dwellers. Still others believe that the best way to bring about changes in slum areas and to solve the slum problem is to provide greater economic opportunities for slum dwellers. Although these approaches appear on the surface to be sound, they all have serious limitations as solutions, either alone or together, to the slum problem.15

The traditional slum-clearance (or urban renewal) approach was incorporated into the Federal Housing Acts of 1949,16 1954,17 1959,18 and 1964,19 and has been widely employed. A federal program of slum clearance and community development and redevelopment was provided for by Title I of the Housing Act of 1949. Although this program was considered bold at the time, it soon came to be regarded as too narrowly remedial.

15Clinard, p. 91.
16P.L. 171, 63 Stat. 413.
in its approach. The race was a losing one, for new slums formed faster than the old ones could be cleared away. A positive note was injected into the slum clearance and urban redevelopment program, for which "urban renewal" was adopted as a more fitting title, by the Housing Act of 1954, which was an attempt to broaden the earlier measure by the adoption of the concept of preventive action through a more inclusive approach to the problems of blight and slums. The urban renewal concept was further expanded by subsequent amendatory acts passed in 1956, 1959, and 1961. The expansion was made notably in the direction of utilizing renewal for urban economic rehabilitation and tax-base revitalization and for improving job opportunities. Originally tied closely to housing, urban renewal was viewed by these later statutes as having important contributions to make to the community's economic life as well. Thus, there has been a gradual shift from 1954 forward toward increasing emphasis on the economic consequences or urban renewal and an attendant growth in concern for the overall effects of renewal activities on the community. The expanded urban renewal program is an attempt to prevent the spread of blight and to rescue and rehabilitate areas that can be restored to sound condition. In addition,
it continues the clearance and redevelopment program that was begun under the Act of 1949.20

In recent years, questions have been multiplying about many assumptions underlying the traditional slum-clearance approach. Criticism has been directed at new public housing in slum areas because of its institutional atmosphere, too many or too few controls on tenant behavior, concentration of juvenile crime and violence, and failure to fit into the surrounding neighborhoods or even to develop senses of community within the projects. De facto segregation has often resulted because of local conditions calling for clearance of slum areas to which Negroes have been confined.

The conclusion reached by one study of the urban-renewal program was that many assumed benefits of the program did not necessarily materialize. After renewal, tax returns had not increased as they had been expected to do; the nation's housing was not improved substantially by urban renewal; the poor had not received help in securing better living conditions, as the advocates of the program had promised; and whether urban renewal had eliminated slums and prevented the spread of blight was even highly questionable.

Another writer concludes that the usual arguments for urban renewal are not viable because they tend to be based only on the project area instead of on the entire community, because the new buildings do not represent net gains in the amount of available housing, and because any increase in property taxes is likely to be offset by losses or unrealized gains elsewhere.

As an approach to the slum problem, low-income housing has been closely related to urban renewal, largely because of the need for subsidized housing for many of the people relocated from project-clearance areas. Multistory clusters of buildings, which Harrison Salisbury calls "new ghettos," have been built to replace the old. Although its character has changed, the "odor" of the slum often remains. There is a lack of community feeling and responsibility in most new housing projects, and such feelings are difficult to develop.

In addition to criticisms aimed at the physical characteristics of new housing projects, the frequent requirement that a family move out when its income exceeds a certain maximum level has been criticized. This policy results in a concentration of poor and multiproblem families in an area with no rising middle class. By shifting the subsidy from the dwelling to the low-income family, and thus allowing
each family some choice in its rental selection, this concentration might be remedied.

Rehabilitation and conservation of existing structures have assumed greater importance in the renewal programs of many cities, as objections to mass slum clearance continue to mount and as the worst slums cease to exist because of past clearance. Rehabilitation is concerned with repairs and improvements to bring structures up to the city's standards of sanitation, health, and safety; conservation is concerned with preventing the deterioration of standard structures. Areas that display vitality, as made evident in the presence of neighborhood identities, with community spirit among the residents, neighborhood stability, and general recognition of the areas as pleasant places in which to live, are the areas most likely to benefit from such neighborhood conservation methods.

What began as an attempt to provide decent, safe, and sanitary housing for the poor living in slums often turns into a means of providing civic centers and luxury high-rise apartments convenient to downtown for the middle- and upper-income people working there. The need for improved housing for the poor has often been overshadowed by attempts to "save the central business district" and to raise property
taxes. Rather than by concentrating on the stated objectives in theory, a fair evaluation of the program as it is being carried out today can be made only by recognizing its true objectives in practice. The traditional slum-clearance program has had only limited success when judged as an aid to the slum dweller. The program has scored much higher when judged as a program to improve the appearance and livability of housing for the middle- and upper-class urban dweller and to reform the central part of the city to his standards and for his benefit.

Two ethical questions are involved in the traditional mass-clearance approach to the slum problem. "Should government officials use the taxpayers' money and the power of eminent domain to scatter residents of rundown areas of cities, demolish the buildings they once lived in, and then guide the reconstruction according to asthetic, social, and economic standards which they feel to be more suitable?" and "Should the individual property rights of some people be sacrificed so that their land can be appropriated and sold by the government to other private individuals who will put it to a 'higher and better' use?" Martin Anderson has

---

21 Clinard, p. 100.

voiced the opinion that the federal urban-renewal program has not been successful, that it has been supported by and for the advantage of the financial and intellectual elite, and that it has worked to the disadvantage of the poor and especially the minority groups. Perhaps what is needed is more judicious selection of areas for slum clearance, wider use of rehabilitation measures, and recognition that the slum is more than a physical condition and that a limited perspective may make a slum situation even worse.23

The slum problem concerns people, not merely buildings. The slums will not be cleared by building programs alone. In addition, social treatment of the slum population is necessary.24 By providing various types of services, "social welfare centers" have helped to bring about improvements among the masses in the slums. The term, as used here, refers not only to welfare centers but also to "social settlements," "settlement houses," "centers," most "community centers" operated by private welfare groups, and to the more recent United States "neighborhood centers." Slum dwellers feel that something is being done for them through these "centers," and both the government and the wealthy citizens

23 Clinard, pp. 96-101.
24 Bergel, p. 422.
feel more secure about efforts to improve the life of the poor when "centers" are established.\textsuperscript{25}

Urban Community Development Approach

Marshall Clinard has suggested that the approach which will be most successful in dealing with the slum problem emphasizes the enlistment of slum dwellers themselves in an effort to bring about more rapid and at the same time more permanent changes. This approach, recognizing the essential nature of most slum problems, involves developing greater community consciousness, participation in a wider community, and self-help on the part of the slum dweller. Relying upon indigenous leadership to bring about change and supplemented by some financial and technical assistance from the outside, this approach has been termed "urban community development."\textsuperscript{26}

Urban community development offers an approach to the slum problem which involves two fundamental ideas: "the development of effective community feeling within an urban context and the development of self-help and citizen participation, of individual initiative in seeking community integration and change." This approach, in other words, relies directly on the slum dwellers themselves. If their apathy and dependence can be replaced by pride and a sense of

\textsuperscript{25}Clinard, pp. 101-108.  \textsuperscript{26}Clinard, p. 23.
initiative, the slum dwellers can make good use of their "millions of hands" and their own resources, which are meager alone but large when pooled, in trying to solve their many problems.27

The people and their problems, the government and voluntary resources available to stimulate self-help, and urban community organizers to locate and develop indigenous leaders and to translate their problems in such a way that they can be adequately interpreted by government and private agencies--these are the ingredients of an urban community-development program. Urban community development is, in this sense, "the collective initiative of families living in the same neighborhood and support of their efforts through services rendered to them by a higher level of government."28

A program of urban community development involves democratic action, stressing citizen participation, self-help, and self-determination through group action, in meeting the problems faced by slum dwellers. The citizen participation which exists when people become involved is responsible action directed toward solving mutual problems and is a process through which individual citizens have direct roles in the physical and social changes affecting their immediate lives.

27Clinard, p. 116.  
28Ibid., p. 36.
The assumption that a community has the capacity to deal with its own problems is the basis for this approach. Latent skills can be developed to alter the environment even in the most "hopeless" slum and among the most apathetic residents. The following elements are involved in the approach to the problems of the city slums through urban community development:

(1) Creation of a sense of social cohesion on a neighborhood basis and strengthening of group interrelationships;

(2) Encouragement and stimulation of self-help, through the initiative of the individuals in the community;

(3) Stimulation by outside agencies when initiative for self-help is lacking;

(4) Reliance upon persuasion rather than upon compulsion to produce change through the efforts of the people;

(5) Identification and development of local leadership;

(6) Development of civic consciousness and acceptance of civil responsibility;

(7) Use of professional and technical assistance to support the efforts of the people involved;

(8) Coordination of city services to meet neighborhood needs and problems; and

(9) Provisions of training in democratic procedures that may result in decentralization of some government functions.\(^{29}\)

\(^{29}\)Ibid.
It should be reiterated that certain aspects of the slum problem reach far beyond small areas and the possibilities of self-help. The decentralization of certain functions of government in urban areas cannot be accomplished, and some problems cannot be corrected at the local level. There is a need for greatly improved housing conditions, as well as a need for more equitable distribution of wealth and elimination of poverty. Despite these reservations, there is still much that can be done by slum people to help themselves. But this "social treatment" alone will not cure the slum problem in any of our cities. A systematic method must be adopted to aid in coordinating all facets of urban life, having as a prerequisite total citizen involvement; that method can be obtained through a comprehensive or general plan.

---

30 Ibid., p. 31.
CHAPTER III

COMPREHENSIVE PLANNING

Purpose of Planning

To look ahead, to plan for the future, is a common human activity. Homes and other buildings are planned before they are built. Careful and systematic plans and studies are made before new commercial and industrial enterprises are launched. The success of any venture is generally due to the quality of the planning that preceded its inauguration.

It seems self-evident that similar foresight should be used in the arrangement and character of buildings, streets, schools, parks and the like that together make up the community. Furthermore, the modern city is a complex and complicated organization. Exercise of the maximum foresight in the development of the modern city would certainly seem even more essential than in the development of other human enterprises.¹

To build a good city, four measures are necessary:

1. There must be an up-to-date comprehensive City Plan. As mentioned before, the City Plan is basically a blueprint, chart, or picture, carefully drawn, of the future city. It is used as a guide for all public and private developments.

2. The people of the community must understand and support the plan. While the City Plan can be given an official status through official adoption, public understanding and support is the only real guarantee that it will be carried out and that the basic public policies and procedures so essential to the realization of the Plan will be consistently followed.

3. Officials must be sympathetic. Public officials and the various taxing agencies must be thoroughly conversant with the Plan and its objectives and goals, in order that specific projects can be related to the document and that public policies and ordinances encourage the realization of the objectives of the Plan.

4. Capital expenditure programs must be related to the Plan. In the natural course of events, the community from time to time opens and paves streets, builds public buildings, schools, sewers, parks and the like. There should be a definite program of such construction related to the tax-paying ability of the people, and designed to construct
over a period of years the major improvements recommended in the comprehensive Plan.²

History of City Planning

City planning is a respectable endeavor, almost on a par with motherhood—and it has long been in existence. Archeologists' explorations into the past reveal evidences of it. The Greeks definitely had it. Alexander the Great used it extensively. He established twenty-five cities, the greatest of which is Alexandria, Egypt, a magnificent center of culture built in the fourth century B.C., with Grand Avenues, carefully located public building, monuments, zoological gardens and theaters. The Romans had fine and glorious planned forums and plazas. All over Europe cities were planned for defense, workability, and manifestation. Paris has its Champs Elysee, London its Hyde Park.³

However, little of this planning and foresight has been exercised in the past development of our cities here in the United States. Prior to 1910, city planning was virtually unknown in the United States. Cities were built and established according to the whim of the individual, and

²Ibid., pp. 6-7.
the community itself exercised little voice in the arrangement of streets, in the use of land for various purposes, or in the preservation of open space for parks and schools. The judgement of each individual land subdivider, of each individual property owner was undisputed. The welfare of the community as a whole was ignored.

The results of this method of city building were such poor living conditions, such congestion and disorder, that public spirited citizens cast about for ways and means of correcting the situation, ways and means of permitting the widest possible latitude on the part of the individual and, at the same time, protecting the welfare of the community.4 Since the end of World War II, an increasing interest has developed in planning all over the country simply because people were beginning to become concerned that their cities were inadequate to meet current demands.5

To mention just a few of the dynamic changes in our social, economic, and physical life that are demanding improved planning in our cities, consider the increased population, the improved mobility of all people, the constantly

4Bartholomew, p. 4.

rising standard of living, the changing role of religion in our lives, the shift of interest from the home and family unit, the vast increase in the potential of warfare, and the improvements in communication and transportation. Each of these factors, plus others too numerous to mention, has a vast impact on our lives and the operation of our cities. Is it conceivable that our cities can retain their age-old form in the face of so many varying factors?\(^6\)

The preparation of a city plan now for many communities may seem to be "locking the stable door after the horse has been stolen." The city is established; the pattern seems fixed. The city, however, is not static; it is constantly changing. While there seem but few changes from day to day or from year to year, the changes of a decade would startle a traveler returning after such an absence, and the changes of five decades would be truly amazing. New buildings are erected; old ones removed. Through proper planning on the part of the community each change can fit into a plan for the best possible community development. By following and adhering to such a plan, a much finer community can be built and no more money spent than would have been expended on a continuation of the past haphazard and uncoordinated procedure.

\(^6\) French, November 19, 1957.
In fact, money will be gained since mistakes, waste, duplication, and unsound design will be avoided.  

Zoning and Its Relationship to the Comprehensive Plan

A necessary provision of any comprehensive plan is a basic zoning ordinance. Zoning regulations generally have four purposes.

The first purpose of zoning is to direct the growth of the community in accordance with a comprehensive plan. The use of urban land is dependent upon the arrangement of such physical facilities as streets, railroads, schools and parks, and the zoning regulations should be part of a plan dealing with all these facilities. Under a good zoning ordinance, urban growth will arrange itself according to a pattern of land use that will fit into a comprehensive plan and bring maximum benefit to the entire community. There is a close relationship between the land use arrangement and the provision of needed public facilities such as water, sewerage, schools and parks. For example, it is most difficult to design a sewer system in the absence of a general plan of population density.

---

7 Bartholomew, p. 5.
The second purpose of zoning is to provide adequate light and air, to prevent overcrowding of the land, and to avoid undue concentration of population.

The third purpose of zoning is to encourage the most appropriate use of land. The zoning regulations should be based upon the interests of the entire community--of all the people--rather than upon the value or use of one or two individual pieces of land. Zoning is more than just a few rules to keep one man from unduly damaging the value of his neighbor's property. It is a directive force to encourage the development of the best possible community.

The fourth purpose of zoning is to conserve and protect property values. For example, in a single-family neighborhood a few lots might bring a much higher price if they could be used for multiple dwellings. Such a use, however, would depreciate rather than conserve the value of the existing buildings.\(^9\)

The Texas Legislature in 1927 passed the Municipal Zoning Enabling Act, which permits all cities to enact and enforce comprehensive zoning regulations. The precedent

\(^9\)Ibid., p. 6.
setter was a United States Supreme Court case in 1926, *Euclid v. Amber Realty Company*,\(^\text{10}\) which upheld the legality of comprehensive zoning under the police power.\(^\text{11}\) Beaumont's zoning ordinance is extremely inadequate for the conditions of congestion and incompatible land uses have led to a rapid depreciation of property values, social problems, and in general, to both human and economic blight.\(^\text{12}\)

Beaumont was late in taking measures to direct its growth by means of zoning regulations. It was not until 1948 that a zoning ordinance was put into effect, but this proved to be an abortive effort as a referendum resulted in the law's repeal soon after adoption. Almost ten (10) years elapsed before another zoning ordinance was adopted in 1955. This ordinance has remained in effect since that time, but a number of deficiencies still exist in the basic ordinance.\(^\text{13}\)

The 1955 ordinance represents a compromise between a truly comprehensive zoning law and no zoning at all. As such it has been beneficial, but it is generally recognized

---

\(^\text{10}\) *Village of Euclid v. Amber Realty Corporation*, 272 U.S., 365, 386 (1926).

\(^\text{11}\) Bartholomew, *Land Use and Zoning*, p. 3.

\(^\text{12}\) Ibid., p. 7.

\(^\text{13}\) Ibid., p. 21.
as being short of what is needed to properly direct the city's growth. The principal shortcomings may be summarized as follows:

1. The list of definitions is very incomplete. Whereas the majority of zoning ordinances contain from 50 to 60 definitions, there are only 17 in the Beaumont zoning ordinance. Precise and well-drawn definitions of terms where any uncertainty as to their meaning might exist must be included in any well-drawn zoning ordinance.

2. The ordinance is not comprehensive in that there are no regulations pertaining to building heights.

3. Lot area requirements are unrealistic and inadequate in view of the fact that there is ample room in Beaumont for residential development on relatively large lots, and in recent years, the trend toward spaciousness in new subdivisions has been accentuated.

4. The R-3 Modified Two-Family and Multiple Dwelling District is ostensibly a dwelling district, but in actuality numerous commercial uses are permitted, such as those ordinarily limited to commercial districts.

5. There are no off-street parking requirements except in one or two isolated instances, such as mortuaries.

6. There are no off-street loading provisions.
7. In the R-3, C-1, I-1 and I-2 districts, no front yards are required for commercial buildings, and in the industrial districts no rear yards are required for such uses.

8. The use regulations in the C-2 and in the industrial districts are too generalized in that permitted uses are not listed, leaving an area of uncertainty as to what may or may not be built in such districts.

9. Residential uses are permitted in heavy industrial districts.

10. The ordinance contains no provision which would permit a degree of flexibility in developing large scale housing projects, shopping centers, and planned industrial districts.

11. There are no provisions for the granting of special permits for uses ordinarily difficult to assign to specific districts. Neither are there any provisions for exceptions and modifications to the language of the ordinance in the case of unusual situations.

12. There are no provisions for the issuance of certificates of occupancy, an essential to proper enforcement of the ordinance.

The eight-year lapse between zoning ordinances has resulted in many unfortunate developments throughout the city.
While the present ordinance imposes a certain amount of control, many invasions of residential districts still take place, and it is obvious that if the city is to develop soundly, a more comprehensive zoning ordinance must be put into effect as quickly as possible.  

As the city changes, its character changes. It either becomes a better or a worse place in which to live. The only method whereby a better city can be insured is through coordinating all changes with a master plan.  

Adoption of Comprehensive Plan  

During the year 1957, the City Council of Beaumont was being urged by many citizens to adopt a comprehensive or general plan. A group of civic-minded Beaumonters toured seven cities in Texas, Arkansas, and Oklahoma during the early summer of 1957 to determine how these cities had progressed. One characteristic that these "advanced communities" had in common was a comprehensive plan. Consequently, these citizens came back to Beaumont with nothing but praise and admiration for the concept of "master planning."  

16 Beaumont Enterprise, June 20, 1957.
Citizens from all walks of life began appearing before the Council to voice their opinions concerning the adoption of a general plan. By far, the majority of people appearing were definitely in favor of the concept and were quite pleased that the Council was considering such action. Mr. Howard Hicks, Executive Director of the Beaumont Chamber of Commerce, was typical of the type of concerned citizen who appeared before the City Council during the summer of 1957. On July 7, 1957, he stated that he was "extremely proud" that Beaumont's Mayor and City Councilmen had taken the initiative in requesting that serious consideration be given to the idea of adopting a Comprehensive Plan.17 If nothing else, this matter gained more public support in Beaumont than anything up to the present time.

The City Council, therefore, started requesting information about various planning firms throughout the nation. These inquiries came in and were evaluated, and Harland Bartholomew and Associates of St. Louis, Missouri, were designated by contract to prepare a "master plan" for Beaumont on November 26, 1957.18 One important item contained in the

17City of Beaumont, Texas, Minutes of the City Council, July 7, 1957.

18City of Beaumont, Texas, Minutes of the City Council, November 26, 1957.
contract concerned the fee to be paid. The contract stated the following:

In consideration of the services to be performed or furnished by consultant under this contract, the City undertakes and agrees to pay consultant a fee of Ninety-five thousand, Six hundred dollars ($95,600), payable in accordance with the schedule contained in the attachment.19

In a letter dated September 23, 1957, to City Manager Mrs. Willie T. Brockman, Harry W. Alexander, an associate of the Harland Bartholomew firm, outlined the scope of the program. It would comprise the following subjects:

1. Scope, characteristic and economic base
2. Population
3. Land use and zoning
4. Major streets, vehicular parking, and subdivision regulations
5. Transportation
6. Schools, parks, and recreation
7. Housing
8. Public buildings and city's appearance

Mr. Alexander also recommended in his letter that a Citizens' Advisory Committee be organized comprising some

---

19 City of Beaumont, Texas, Minutes of the City Council, November 26, 1957.
one hundred (100) or more persons who would represent all the varied interests in the city and would also have an interest in, and be able to make substantial contributions to, a particular phase of the plan. 20

Planning Responsibilities and Duties

The City Council designated the Planning Department and the Planning and Zoning Commission to work closely with the Harland Bartholomew representatives in developing the Comprehensive Plan. 21

The Planning and Zoning Commission was created by an ordinance in 1946. That ordinance of April 2, established criteria for membership and outlined the powers, duties, and responsibilities that the Commission would have in its position within the governmental structure. 22

The Commission's job concerns basically thirteen areas. They are as follows:

1) Recommend studies and plans for improving the city
2) Authorize the making of plans and maps


21 City of Beaumont, Texas, Minutes of the City Council, November 26, 1957.

22 City of Beaumont, Texas, Ordinance 46-32, April 2, 1946.
3) Advise property owners about plans or programs
directly affecting them
4) Aid and assist the City Council on budgets and funds
5) Assist other governmental agencies
6) Develop and assist in street, park and building
   plans
7) Recommend needed streets
8) Develop reports on new sub-divisions
9) Recommend rules for plotting and sub-dividing
10) Assist in developing water courses
11) Development of civic center plans
12) Develop zone boundaries
13) Suggest plans for clearing the city of slums and
    blighted areas.  

In Beaumont, major responsibility for planning is dis-
tributed as follows:

1) The City Manager must administer and coordinate
   both planning and operational activities, formulate
   budgets, and negotiate with other governmental
   units.  

---

23 Ibid.
24 City of Beaumont, Texas, The Charter of the City of
   Beaumont, Texas.
2) The City Council must approve budgets for planning and plan accomplishment and act on all major implementing measures such as zoning ordinances, redevelopment plans, or Capital budgets. The Council also selects members of the Planning and Zoning Commission.

3) The Planning and Zoning Commission reviews work programs, budgets, and passes on all significant reports of the Planning Department. Where appropriate the Commission transmits recommendations to the City Council. The Commission also reviews and accepts or rejects subdivision plans, zoning charges, and major project proposals.

4) The Planning Department conducts planning studies, works with operating departments, staffs of other governments, consultants and citizens in developing proposed plans and programs. The department also administers zoning and subdivision regulations, the official map, the capital improvements program, and other implementing measures.

25 Ibid.

26 Ordinance 46-32, April 2, 1946.
5) The operating departments such as departments for streets, parks, and utilities must carry out many elements of the planning process and help in the preparation of plans by making their special knowledge available.

In February, 1960, Harland Bartholomew and Associates submitted to the Planning and Zoning Commission the Comprehensive Plan. The most important paragraph contained in the letter of transmittal stated

The plan presented herewith will serve as a guide for the future development of Beaumont. It should be officially adopted, published, and given the widest circulation. The plan is not inflexible and should be adjusted from time to time as conditions change or unforeseen events take place. Constant attention must be given to keeping the plan alive and to administering its details.27

One month later the Planning and Zoning Commission requested that the City Council officially adopt the Comprehensive Plan and strive to accomplish its recommendations.28


To this date, no City Council has officially adopted the Bartholomew Comprehensive Plan as a guide for community improvement. Although a great many citizens participated in the movement to adopt a plan, the three years that lapsed between the selection of the consultants and the presentation of the completed plan simply drained the interest and momentum that had been obtained.

Besides the apparent lack of concern that existed, two incidents occurred during this period that proved more newsworthy. In February, 1960, a new City Manager was appointed, and in May of the same year an entire new City Council was elected. Consequently, since the citizens of Beaumont had forgotten about the Comprehensive Plan, the new City Manager and City Council were not pressured into adopting a policy on the document. The City Manager and City Council, upon taking office, had no concept about the contents of the Comprehensive Plan and therefore, were not eager to adopt its recommendations as official policy. Consequently, the new administration, like municipal administration throughout the United States, became too concerned with their immediate, day-to-day, crisis-type operation and ignored the value of

---


planning and what a comprehensive plan could do for community improvement. Without a doubt, the Comprehensive Plan, if officially adopted, could contribute a great deal in combating slums and urban decay in Beaumont.

One area for community improvement which the Comprehensive Plan suggested as needing immediate attention was housing. Because the Comprehensive Plan has not been adopted, the recommendations and suggestions enumerated in the plan concerning the housing problem in Beaumont have been ignored.
CHAPTER IV

HOUSING PICTURE IN BEAUMONT

Aspects of the Housing Problem

The Comprehensive Plan document posed several questions that citizens and officials of Beaumont should ask themselves in determining the extent of housing problems in Beaumont. Is Beaumont a good place to live—for all of its citizens? Is new industry and business attracted to the city because of the fine appearance and amenities of its residential areas, and the probability that future employees, of all salary groups, will be satisfied with their new homes in Beaumont? Can present and probable new citizens find neighborhoods commensurate with their various rent or house purchasing abilities that are provided with conveniently located schools, parks, and recreational areas, shopping facilities, and that are free of hazardous traffic, substandard houses, poor streets, and encroachments of nonconforming uses; is the city's tax base suffering from overly rapid depreciation of residential value; is the provision of municipal service within some of the residential areas yearly becoming more and more expensive in relation to the tax yield of these areas? Are there slum areas that cancerous action are gradually expanding into better
residential areas? Is the incidence of disease, juvenile delinquency, and demands upon social and relief agencies related to poor housing condition? Are millions of dollars in private construction and in street and municipal facilities and utilities being wasted by the gradual decay of the areas within which they are located—only to be replaced and duplicated elsewhere—thus doubling the waste and affording no conservation of private and public investments? Can Beaumont say that all of its housing areas and their environment are conducive to good citizenship and the full development of the individual's personality and abilities?¹

In 1960, the United States Housing Census produced the following figures. There was a total of 53 million dwelling units. Of these, 46.9 million were classified as sound housing units. Of these sound units, 4.3 million have plumbing deficiencies. A total of 8.4 million are classified as deteriorating, and of these, 3.6 million have plumbing deficiencies. Three million are classified as dilapidated.²

An appraisal of the supply and condition of existing housing in Beaumont can be made with a reasonable degree of


accuracy from the 1950 and 1960 Census Reports of the Bureau of the Census, city records, and the land use survey. The provision of housing and the development of neighborhoods has occurred over many years by the varied acts of many individuals. It presents a complexity that is not easily subject to analysis and cannot be visualized without statistical data. 3

Housing in Beaumont is the responsibility of the entire community, and improvement in housing and neighborhood conditions can only come by concerted community action applied to six major aspects of the housing problem. These are as follows: (1) to guide and regulate new subdivisions so that new neighborhoods are created with adequate public facilities, good design or layout, good arrangement of lots, and maximum amenities; (2) to protect good neighborhoods by enforcement of an adequate building code, strict zoning regulations, and all other means that would prohibit or prevent the encroachment of undesirable uses; (3) to conserve—or bring back—the older developments that are showing signs of blight; (4) to remove substandard housing or to bring such housing up to minimum standards through strict and consistent enforcement of adequate housing laws; (5) to rehabilitate

3Bartholomew, Housing, p. 7.
and improve blighted areas by the removal of the substandard houses in such areas and to provide adequate parks and other facilities, utilities, traffic improvements, etc.; (6) to completely clear and redevelop obsolete or slum areas. The individual working alone can accomplish very little along these lines; the need is for a community policy and program of housing improvement that can enlist the cooperation and support of every citizen.⁴

Areas containing poor housing are expensive to the city from both the financial and social points of view. Studies of many American cities have indicated that obsolete and blighted areas require so many services—including additional health, welfare and relief on top of the other public services—and provide so little revenue because of their low value that they must be subsidized by other types of tax-paying property. This subsidy is paid by the better residence areas and by commercial and industrial property.⁵

Substandard Structures

The most serious aspect of the Beaumont housing picture is the amount of substandard housing. According to the Harland Bartholomew study in 1959, 6,200 structures in the

⁴Ibid., p. 2.  
⁵Ibid., p. 15.
urban area were found to be substandard. A recent investigation by the Planning Department indicates that that figure has increased to 9,162 substandard structures. According to the 1960 Census figures, this amounts to 23.5 per cent out of a total of 39,004 housing units in Beaumont. Consequently, one can see the magnitude of Beaumont's housing problem since there is no provision to insure minimum standards. The condition of housing in Beaumont is so poor that it impairs the progress of the community along commercial, industrial, and institutional lines. Therefore, major community attention must now be focused upon improvement of housing conditions if there is to be continued community growth and progress.

Housing Areas of Beaumont

The Bartholomew comprehensive plan classified areas of Beaumont into five different types. These are described as follows:

1. Clearance areas.—These are the areas in which the housing conditions are so poor that the only solution is a complete clearing of the area and a complete rebuilding for

---


7 U.S. Census Bureau, 1960 Census, Beaumont, Texas.
new uses. Within these areas the great majority of the
dwelling units are so obsolete and delapidated that they
cannot be repaired, or so crowded upon the land as to produce
a totally unsatisfactory environment. Many of these areas
are in locations better suited to some other type of use
such as business, industry, or public use.

2. Rehabilitation areas.--These are areas containing
a great number--but not a majority--of substandard dwelling
units. In almost every block there are a considerable number
of dwelling units of a satisfactory standard. With removal
of obsolete structures, with repair and rehabilitation of
other structures, and with provision of additional public
facilities, such as parks, schools, sidewalks, and street
paving, these districts can gradually be transformed into
satisfactory residential neighborhoods. If measures such
as these are not undertaken, the rehabilitation areas will
become so bad as to require total clearance in a few years.

3. Conservation areas.--These are extensive older res-
didential areas--usually those built before 1930--in which
the predominant character is satisfactory and in which there
are relatively few substandard dwellings. In these areas
there is some overcrowding; some dwellings are in need of
repair and others are in need of improved maintenance and
painting. Here again, public facilities such as streets and parks are frequently needed.

4. Protection areas.--These are remaining existing residential areas of predominantly new construction in which virtually all of the houses are completely satisfactory and the neighborhood amenities are predominantly satisfactory. Protection and maintenance of the existing character and encouraging a high degree of interest in the neighborhood on the part of the residents are needed.

5. New growth areas.--These are the vacant lands in and around the city that will be used for residential purposes in the future. In these areas the community can avoid repeating past mistakes. Through zoning and subdivision control their development can be guided and directed so that they have a fine residential character and adequate utilities and public facilities.

Future Housing Needs

Residential construction over the next twenty-five years should approximate the following quantities:

1. It is expected that there will be approximately 30,765 new family units needed by reason of population growth.

---

From past trends, an estimated 84 per cent of these families would live in single-family dwellings, 9 per cent in duplexes, and 7 per cent in multiple dwellings. This would require the construction of 25,845 single-family homes, 1,385 two-family homes, and 2,150 apartment units over the next twenty-five years.

2. Because of deterioration and age, by 1980, 19,555 dwelling units will require either major repairs or replacement. Assuming that one-half of these will require replacement, new construction for this purpose should be as follows: 8,200 single-family homes, 440 two-family homes, and 690 apartment units.

As a result of these requirements, within the next twenty years new residential construction in the Beaumont area would approximate the following: 34,050 single-family homes, 1,825 two-family homes, and 2,840 apartment units. This is at an average rate of 1,935 units per year; past construction has never reached this level.9

Homes generally become obsolete and require either major repairs or replacement in about forty years. On this basis, the following table (Table I) shows the approximate

9Ibid., p. 13.
number of dwelling units that will need to be replaced within the next forty years.

**TABLE I**

APPROXIMATE NUMBER OF DWELLING UNITS THAT WILL NEED TO BE REPLACED WITHIN THE NEXT FORTY YEARS

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Number Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1959-1970</td>
<td>14,035</td>
<td>1,276</td>
</tr>
<tr>
<td>1971-1980</td>
<td>5,520</td>
<td>552</td>
</tr>
<tr>
<td>1981-1990</td>
<td>8,135</td>
<td>814</td>
</tr>
<tr>
<td>1991-2000</td>
<td>7,727</td>
<td>775</td>
</tr>
</tbody>
</table>

Consequently, with the existing substandard housing problem and the possibilities of future housing problems, the passage of a minimum housing code seems almost mandatory for Beaumont.

The Census Bureau has divided the city of Beaumont into twenty-six census tracts. The worst deteriorating and dilapidated areas of Beaumont occur in six specific census tracts. The magnitude of poor housing in these areas is indicated in Table II.

---

### TABLE II

**SIX CENSUS TRACTS HAVING THE MOST DETERIORATING AND DILAPIDATED HOUSING**

<table>
<thead>
<tr>
<th>Number and Description of Tract</th>
<th>Number of Units</th>
<th>Deteriorating</th>
<th>Dilapidated</th>
<th>Total D&amp;D*</th>
</tr>
</thead>
<tbody>
<tr>
<td>#B 7. Lucas Dr., Pine, F.A.I. 10, Magnolia Ave.</td>
<td>1,935</td>
<td>235</td>
<td>232</td>
<td>467</td>
</tr>
<tr>
<td>#B 8. City Limits, City Limits, City Limits, F.A.I. 10, Pine.</td>
<td>728</td>
<td>249</td>
<td>105</td>
<td>354</td>
</tr>
<tr>
<td>#B10. F.A.I. 10, City Limits, S.P. Railroad, Cypress, Elizabeth, Main, Calder Ave., Willow, Park, S.P. Railroad, Santa Fe R.R.</td>
<td>2,505</td>
<td>797</td>
<td>340</td>
<td>1,137</td>
</tr>
<tr>
<td>#B15. S.P. Railroad, Park, College, S.P. Railroad.</td>
<td>965</td>
<td>233</td>
<td>270</td>
<td>503</td>
</tr>
<tr>
<td>#B17. Buford, City Limits, City Limits, KCS Railroad (Main Line), Irving Ave.</td>
<td>1,997</td>
<td>700</td>
<td>358</td>
<td>1,058</td>
</tr>
</tbody>
</table>

*Deteriorating and Dilapidated.

These are staggering proportions since there is only a total of 39,004 housing units in Beaumont, with 6,555 deteriorating and 2,607 dilapidated. The city of Beaumont averages 1960 Census, Beaumont, Texas.
nine to ten demolitions a month, or 120 a year.\textsuperscript{12} At this rate, it would take twenty-one years to demolish the dilapidated buildings listed in 1960, not counting the deteriorating buildings which have become dilapidated in the meantime. As prescribed by the Bartholomew Comprehensive Plan a minimum housing code for Beaumont is definitely needed.

CHAPTER V

MINIMUM HOUSING CODE

Legal History of Minimum Housing Code

The capacity of the law to cope with the complexities of pressing social and economic problems is illustrated by the development in municipal law relating to the elimination and control of urban blight. Although inadequacies still exist in principle and practice, studies are being made to resolve the differences.

"Laws for the regulation of some phase of housing have been in force for many years."\(^1\) The historical precedents are as follows:

- **Code of Hammurbi** (2000 years before Christian era)
- **Sanitary Code of Ancient Hebrews** (1000 years B.C.)
- **Building Regulations of Chinese**
- **Sanitary Laws of King John II** (France 1350)
- **Sanitary and Safety Requirements** (London, 12th Century and after fire of 1666)
- **New York City** (1647-1849)

Police Power and Housing Code

The legal basis for code enforcement is found in the police power that municipalities have. "The police power is an inherent power of the States which they, in turn, can vest in the municipalities to such degree as they see fit."  

---

8 P.L. 90-448, 82 Stat. 618.
9 Orientation Workshops, p. 7.
The enforcement of housing codes constitutes an invasion, albeit a lawful one, of vested property rights (but in another light, code enforcement also constitutes an effective protection of property values). Under the doctrine of the police power as it has evolved since it was first enunciated by Chief Justice Marshall in 1827 in Brown v. Maryland, housing codes are constitutionally sustainable even though they impair property rights.

Legal attacks upon the exercise of the police power in the enactment of housing codes usually are based upon the "equal protection of the laws" and the "due process of law" clauses of the Fourteenth Amendment and upon comparable provisions in State Constitutions. Other constitutional prohibitions that may be involved are those against taking of property without just compensation, unlawful searches, impairment of obligations of contracts, and unlawful delegations of authority. These constitutional provisions do not bar the exercise of the police power but merely prohibit its improper exercise.

10 25 U.S. (12 Wheat) 419, 6 L. Ed. 678 (1827).
11 Constitutionality of Housing Codes, pp. 15-16.
12 Ibid., p. 20.
Code Administration

Along with the legal and constitutional aspects of housing codes, housing code enforcement presents difficulties. Some of the most frequently voiced problems associated with housing code enforcement are political support, fiscal support, personnel in connection with administration, and relocation.

Minority groups are becoming increasingly concerned about their housing needs and requirements. Although the minority groups and the Code Administrator want the same objective, better housing, often ill feeling can develop between the two. The Code Administrator may be blamed for failing to do just those things which he may have been seeking political support to do. And, to be sure, if he has made mistakes, these neighborhood groups will be sure to discover them.

As the case is and has been in Beaumont, many political leaders have not supported code enforcement. However, some enlightened political leaders now recognize the political value of an effective code program.

Naturally, the lack of proper political support of code enforcement has been a factor in the inadequate funding, which is the rule rather than the exception. As the attitudes
change, it is reasonable to assume that financial support will increase. Pressure applied to political and community leaders by supporting groups will definitely make more local funds available for code enforcement. Federal money is also available for communities in combating blight and the proper administration of a code enforcement program. The federal government, through the Department of Housing and Urban Development, provides numerous matching programs concerned with code enforcement, demolition, rehabilitation, urban renewal and blight eradication. Communities throughout the country have proved that programs such as these can be of great benefit to their individual communities.

Another problem associated with housing code administration is that of securing adequate and trained personnel to administer the program. At present there is no standard of gradation and training for housing code personnel. This problem can be attributed to two causes: (1) newness of the field and (2) failure to comprehend the role of housing code inspection.

Of course relocation of displaced families is an important factor in a code enforcement program because an effective program will displace some, but with emphasis being placed on rehabilitation, this will be kept at a
minimum. Because of this emphasis on rehabilitation rather than displacement, code enforcement is gaining in acceptance as a useful means in curbing blight and neighborhood deterioration.\textsuperscript{13}

Every municipal official realizes that, short of atomic warfare, it is impossible to clean and replace all the aging properties in any given city. Therefore, the obvious conclusion is that greater emphasis must be placed on the ever-growing problem of conservation of existing housing. Housing code enforcement is the basic tool of conservation. The failure to use that tool properly is evident in Beaumont and many other cities in the United States.

Workable Program

Another important aspect to consider in the adoption of a minimum housing code, as far as the city of Beaumont is concerned, is that it is a basic requirement for an approved Workable Program. The city of Beaumont was informed in 1964 by the Housing and Home Finance Agency that its Workable Program would not be approved for a succeeding term because a minimum housing code had not officially been adopted.\textsuperscript{14}

\textsuperscript{13}Orientation Workshops, pp. 17-24.

\textsuperscript{14}Telegram to Jack M. Moore, Mayor, City of Beaumont, Texas, from the Housing and Home Finance Agency, April 23, 1964.
City officials had assured the Agency people in 1963, that a code would be passed the following year. This statement proved to be false, and consequently the Agency cancelled the approval for 1964.

The Workable Program has been a part of the municipal vocabulary since 1954 when Congress first required communities to develop a program for overcoming slums and blight as a condition for the receipt of certain federal funds. According to the Workable Program Handbook,

The workable program is based on recognition that the federal and local relationship is one of partnership in the task, and that federal funds for renewal and housing projects cannot, by themselves, be effective unless localities exercise the full range of their powers in community efforts on a sustained and coordinated basis to the objective of preventing and eradicating slums and blight.

Approximately twelve HUD programs are available only to cities whose workable programs have been approved by the federal department. These programs include most renewal and housing programs. Some of the more widely utilized ones are the following: urban renewal, concentrated code enforcement,

---


public housing, rent supplements, and long-term low-interest mortgage insurance under FHA Section 221 (d) (3). The Workable Program and its various elements, therefore, is simply a program which represents the locality's effort to develop "workable programs" for overcoming slums and blight within the community.

Minimum Housing Code--Beaumont

During the administration of Mayor Jack M. Moore, the Beaumont City Council instructed the City Manager to prepare an ordinance establishing a Minimum Standards Housing Code. This was the first positive step taken by any previous City Council to seriously study the possibility of adopting a minimum housing code as suggested as an important aspect of the comprehensive plan by Bartholomew and Associates in 1960. The proposed ordinance was prepared and submitted to the City Council for action early in 1968. Realizing the complexities and scope involved of such an ordinance, the Council referred the proposed ordinance to the City Planning and Zoning Commission for review. Numerous conferences and study sessions were held to go over the proposed ordinance.

As a result of a change in personnel of the City Council, due to the elections held on May 14, 1968 and due to the

17 Ibid., p. 3.
mass resignations of the city's Planning and Zoning Commission two months later, the process of review of the housing ordinance was interrupted. However, the new City Council, headed by Mayor James D. McNicholas, was unanimous in its desire to press the review of the ordinance as a priority item of business. On August 28, 1968, Mr. Jack King, Chairman of the City Planning and Zoning Commission, appointed four members of the Commission to serve as a Review Committee for the study of a housing code.

At their first meeting, the Committee determined that citizen participation in the review process would be both desirable and necessary. Citizens asked to serve on the various subcommittees and study groups were selected after giving due consideration to several factors as follows: (1) vocation, profession, or association, (2) ethnic group, and (3) economic and social environment. These factors were considered in order to insure that a representative cross section of citizenry be available for the review as a whole and that experienced advice and guidance be available in specific areas of deliberation. Therefore, three subcommittees and four study groups were established. The study groups were concerned with enforcement, relocation, financing and public information.
Emphasis was placed on the fact that the standards set by the proposed code are to be minimum requirements for human occupancy when viewed from our present day standards of acceptable living environment. The commission believed and hoped that these minimums eventually would be exceeded through the influence of programs of education and the establishment of a more realistic relationship between economic return and the capital investment required for standard housing. ¹⁸

Of course, the latest attempt represents the most determined effort to adopt a minimum housing code, but various civic groups attempted to persuade the particular City Council to adopt an ordinance as quickly as possible so that a systematic program could begin to eradicate the blighted areas of Beaumont. But the cries by these groups fell on deaf ears until the latest push. The code simply was too controversial; the Council did not want to offend any of their constituents; consequently, nothing concrete or progressive was ever done. Provided that a minimum housing code does not cost too much or offend too many, everyone at the policy level has been and is in favor of community conservation and

good housing. The problem in Beaumont is that too much emphasis has been placed on these two stumbling blocks.

The National Association of Housing and Redevelopment officials in its Constitutionality of Housing Codes defines a housing code as follows:

In general, a housing Code establishes minimum requirements respecting the condition, the maintenance and the occupancy of dwellings and the condition and maintenance of utilities and facilities in dwellings to the extent deemed necessary to achieve safety, health and general welfare objectives. Housing Codes prescribe regulatory measures for the maintenance, occupancy and supplied facilities of structures and are concerned primarily with health, safety and sanitation requirements of buildings after they have been constructed. But certain housing Code requirements may indirectly influence the design and construction of new buildings as well.

The housing law must be broad enough to cover all dwellings, irrespective of the date and type of construction, the nature of the occupancy, the character of the ownership or the location. Housing conditions and the physical aspects of housing vary materially in different geographical regions within the United States, in different communities and different sections of the same community. The housing Code must be predicated upon an objective study and analysis of the particular conditions prevailing in the respective community and must be tailored to fit such conditions.19

In general, the proposed Beaumont Minimum Housing Code provides standards governing the use, occupancy and maintenance of structures occupied for residential purposes. It establishes minimum standards governing utilities, facilities

19 Constitutionality of Housing Codes, pp. 11-12.
and other conditions essential to make dwellings safe, sanitary and fit for human habitation, requiring adequate plumbing, light, ventilation, electric service and heating. It provides for acceptable standards of space and use of dwellings; requiring safe and sanitary maintenance; prohibiting substandard conditions; requiring enforcement by the building inspector. It creates a housing Board of Appeals and fixes the duties and responsibilities of the Board; defines dangerous structures and authorizes the inspection of dwellings; provides for the repairing, vacating, demolishing of buildings and structures deemed dangerous to the health, morals, safety and general welfare of its occupants as members of the public; provides a penalty and finally provides for severability. 20

Along with the Proposed Minimum Housing Code, a budget was also developed by the Planning Department for an Environmental Control Division. This department would be directly concerned with enforcing the housing code. The total budget for this entirely new department was set at $48,706.35. Following is a breakdown of the proposed budget:

### SALARIES & WAGES

| Supervision    | $9,677.00 |
| Clerical       | $4,325.00 |
| Operations     | $13,794.00 |
| **TOTAL**      | **$27,796.00** |

### SUPPLIES

| Office Supplies & Expense | $1,500.00 |
| Motor Vehicles (gas & oil) | $2,160.00 |
| Minor Apparatus (miscellaneous) | $500.00 |
| Postage                   | $1,200.00 |
| **TOTAL**                 | **$5,360.00** |

### MAINTENANCE OF BUILDINGS & STRUCTURES

| Buildings (remodeling of existing space) | $400.00 |
| **TOTAL**                               | **$400.00** |

### MAINTENANCE OF EQUIPMENT

| Motor Vehicles | $300.00 |
| Books          | $50.00  |
| **TOTAL**      | **$350.00** |

### MISCELLANEOUS SERVICES

| Travel Expense | $1,000.00 |
| Organizational Dues & Expense | $100.00 |
| **TOTAL**         | **$1,100.00** |

### SUNDARY CHARGES

| State Retirement | $966.74 |
| Social Security  | $1,243.70 |
| Employee Insurance | $562.56 |
| **TOTAL**         | **$2,773.00** |
CAPITAL OUTLAY*

<table>
<thead>
<tr>
<th>Equipment</th>
<th>$10,927.35</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>$10,927.35</td>
</tr>
</tbody>
</table>

*The Capital Outlay Account covers expenditures for office furniture, typewriter, and 3 automobiles.

Recommendations of Planning and Zoning Commission

Submitted with the Minimum Housing Code and the Environmental Control Division budget were recommendations from the Planning and Zoning Commission dealing with the code, its presentation to the general public, and a statement concerning the procedures for enforcement. The entire study material was submitted to the City Council at a special session on December 2, 1968. The following are their conclusions and recommendations concerning the need for a minimum housing code.

Conclusion

There is a significant number of citizens of the City of Beaumont who are living in environmental conditions that are detrimental to the health, social and economic well-being of the individuals and the community as a whole.

Recommendation

It is recommended that a minimum housing code as submitted herewith be adopted in order to establish certain minimum conditions or standards in an effort to correct these environmental deficiencies.

Conclusion
A housing code cannot effectively accomplish the objectives previously mentioned through random enforcement on a complaint or other basis.

Recommendation
It is recommended that ample staff be assembled and systematic program providing for neighborhood by neighborhood enforcement be established. Such a program should be reviewed annually and the size and composition of the staff adjusted accordingly.

Conclusion
While there will be a problem of dislocating people from extreme cases of substandard housing, there are means that could be made available for providing technical and financial assistance from the Federal Government. These means are not presently available due to the fact that the city has no formal Workable Program for Community Improvement nor does it have all of the codes, ordinances, and administrative tools that are considered essential for an effective improvements program.

Recommendation
It is recommended that the city prepare and adopt a Workable Program for Community Improvement in accordance with the guidelines of the Department of Housing and Urban Development and submit same to that agency for certification in order that the programs of assistance not presently available might be provided. It is further recommended that the Workable Program not be considered only as a prerequisite to qualifying for federal assistance but that an objective program be established to accomplish the principles outlined in such program.

Conclusion
Housing is only one of the problems contributing to the undesirable environmental conditions within our disadvantaged areas.

Recommendation
It is recommended that programs for public improvements be coordinated with the housing code and enforcement in order that maximum rehabilitation, both from the public and private sector, might be accomplished. It is further recommended that maximum effort be put forth to coordinate municipal activities of those of other public agencies, social agencies, and private citizens' groups who are endeavoring to improve the
educational, social, economic, and environmental conditions of disadvantaged segments of our population.

Conclusion
The agency responsible for housing code enforcement and rehabilitation activities will be substantially different from any existing department in the administrative structure of the city.

Recommendation
It is recommended that a new department or section be created with a department head or supervisor provided to guide the activities of this department.

Conclusion
The enforcement process, as related to the housing code, should be sensitive and responsive to the problems involved.

Recommendation
It is recommended that the procedures set forth in the enclosed "Outline of Enforcement Procedures" be adopted as an administrative policy and that the "counseling" approach to enforcement be emphasized.22

The Planning and Zoning Commission established the following procedure for the enforcement of the proposed housing code:

1. a) Mail letter requesting appointment for inspection.
   b) File set-up and record sheet entered.
   c) If no reply to first letter, a follow-up card is sent again requesting an appointment for the purpose of inspecting the dwelling unit.
   d) If no reply to card, a letter is sent warning that legal action may be necessary in order to secure entry. This letter would be sent by certified mail to establish receipt.

2. When entry has been gained, a complete inspection would be made in accordance with the provisions of the Minimum Housing Code of the City of Beaumont.

3. Upon completion of inspection, dependent upon the findings, appropriate action should be taken as follows:

22Study-Report on Housing Code, no page number.
a) If inspection reveals no deficiency, mail letter to owner reporting this fact and thanking him for his cooperation.
b) If inspection reveals deficiencies, an attempt is made to secure voluntary compliance by forwarding notice. Another such notice is sent if no response is given.
c) If owner responds, he is counseled by the inspector concerning deficiencies found. If voluntary correction is obtained re-inspection is made. If partial correction is made, then a form is sent noting the fact that said corrections are made and setting a time limit for additional corrections to be completed. When corrections are completed then the file is closed.

4. In the event that voluntary compliance cannot be obtained, a form is sent to the owner notifying him that the deficiencies must be corrected within 120 days. Along with this 120-day notice, a letter from the Legal Department is sent stating the penalties for continued violation. A possible fine of $200 dollars per day if the house is occupied may be levied as well as $200 dollars fine per day until the required repairs are made. In addition, the City of Beaumont may demolish the structure and file a lien against the property.23

Also outlined in the Study-Report on the Minimum Housing Code is the procedure for appeal which is instituted if the aggrieved owner feels that the true intent and meaning of the Housing Code, or any of its regulations have been misconstrued or wrongly interpreted. The owner must file a written notice of appeal to the Housing Board of Adjustment and Appeals within ninety days from the date of final decision by the Housing Inspector.24

23Ibid. 24Ibid.
Consequently, if permission to inspect is denied, the housing inspector must report this fact to the Chief Housing Inspector. The Chief Housing Inspector will arrange for the inspector to meet with the City Manager, City Attorney, and Chief Housing Inspector. At this meeting, the inspector will make a full report concerning the premises on which the inspection was refused. If a majority of this committee is convinced that an inspection is necessary and warranted, the inspector will be given permission to appear before a magistrate for the purpose of obtaining a search warrant in order to inspect the premises in question. If a search warrant is obtained and the inspector is again refused inspection of the premises, he will not proceed with the inspection but will follow the procedure set out by law concerning failure to honor a search warrant.

It is recognized that in order to obtain a search warrant the inspector will have to convince the magistrate that "probable cause" exists for the issuance of such warrant. Also, if upon returning to the premises with a warrant, the inspector is again refused inspection, the inspector may return to the magistrate and secure a "Show Cause" hearing and have the owner or occupant served with a citation to appear at a hearing before the magistrate and show cause
why he should not be held in contempt for refusing to honor the search warrant.\footnote{City of Beaumont, Texas, Memorandum to Jimmie Cokinos, City Manager, from David Larson, City Attorney, Beaumont, Texas, March 15, 1969.}

In addition to the recommendations made by the Planning and Zoning Commission, the Public Information and Education Subcommittee of the Code Review Committee recommended several steps in educating and informing the citizens of Beaumont about the proposed Minimum Housing Code. Their recommendations would be carried out in three phases.

I. Advance Program  (The Advance Program of education and information covers that period of time after the recommendation to adopt the Minimum Housing Code by the Planning and Zoning Commission and before the City Council acts upon such recommendation.)
The information should be directed to the general public, to the tenants, and to the property owners. The focus should be in a positive tone as to "Why Beaumont does need a Minimum Housing Code."

A. GENERAL PUBLIC
1. Content of information to be directed to the general public should include:
   a. General background of the study.
   b. Statistical information with details on all points.
   c. Need for Code.
2. The media used for distributing this information should include:
   a. Television
   c. Radio
   d. Speakers Bureau (using slides and other graphic visual aids)
   e. Public Hearings
f. Public Opinion Poll  
g. Bus tours for interested persons  
h. Telephone Rumor Center

3. The general purpose of the Advance Program of Publicity is felt to be:  
a. To inform general public of humanitarian and economic benefits of a Minimum Housing Code  
b. Solicitation of positive public support

B. TENANTS

1. Content of information to be directed to the tenants of substandard housing should include:  
a. Information on relocation  
b. Rent subsidies available  
c. Financing which might be available to enable some tenants to become property owners  
d. Length of time projected for plan  
e. Reassurance  
f. Counseling available

2. Media to be used:  
a. Radio  
b. Churches  
c. Neighborhood Meetings  
d. Speakers Bureau (with slides, etc.)  
e. Pamphlets  
f. School PTA

3. The purpose of the information directed to the tenants should be to:  
a. Allay fears of relocation and higher rents  
b. Solicit cooperation and patience  
c. Emphasize improved way of life

C. PROPERTY OWNERS

1. Content of information directed to property owners should include:  
a. Code requirements for both substandard and dilapidated units  
b. Systematic and equitable plans for compliance  
c. Available financing  
d. Information regarding tax rates  
e. How Code is to be enforced  
f. Time element
2. The media to be used might include:
   a. Hearing for property owners conducted by Planning and Zoning Commission
   b. Direct communication
   c. Mail communication
3. The purpose of the information directed to the property owners should be to:
   a. Point out economic feasibility and benefits
   b. Humanitarian needs

II. Enactment Program
The Enactment Publicity Program would come immediately after the adoption of the Minimum Housing Code by the City Council. It should be done in the same general order and manner as the Advance Program and probably directed to the general public with the greatest emphasis. The content of this phase of the public information program should be very detailed and include all points mentioned in Advance Program. All available media should be used. Again, the purpose would be to give factual information and to allay fears.

III. Progress Reports
It is the feeling of this committee that comprehensive reports of progress should be made periodically. This information should be directed primarily to the general public and to neighborhoods most directly affected.
1. Content of information should include:
   a. Statistical summaries including number of houses remodeled, demolished, etc.
   b. Relocation information showing before and after situations and making comparisons on those persons relocated as to comforts, conveniences, neighborhoods, etc.
   c. News stories on the benefits of the Code to Beaumont when it is effectively enforced.
   d. Show cost to the City to administer Code and return that is realized in economic benefits and community improvement.
   e. Review from time to time the overall results of the Code to determine if it is an adequate one.
2. The media to be used:
   a. Published reports
   b. Neighborhood meetings
   c. Newspapers
   d. Radio
   e. Television

3. The purpose of the information issued in these progress reports would be:
   a. Reassurance for all concerned
   b. For general information and interest
   c. Proof of benefits of a Minimum Housing Code

Consequently, the groundwork was laid to provide an efficient public information program. Unfortunately, it never progressed past phase one because of City Council inaction.

The Minimum Housing Code was introduced under this present administration as far back as mid-September, 1968, when the Planning and Zoning Commission appointed the three subcommittees to study the draft. On November 7, 1968, the subcommittees were dissolved, having completed their investigation. On December 2, 1968, the proposed draft was submitted to the City Council for action. In addition, public hearings were set for December 10, 11, 1968, in order to give the citizens of Beaumont an opportunity to express their opinions regarding the Code.

26 Study-Report on Housing Code, no page numbers.
On March 31, 1969, Councilman Richard Seale was quoted as saying,

I'd like to see the Housing Code go into effect as of July 1. I am still concerned about several aspects of the enforcement, and wish to study it further in regards to protecting the people against invasion of privacy.28

Councilman Dale C. Hager stated that he has

...developed an increasing concern for the basic property rights of the citizen of Beaumont which may be infringed upon by this proposed minimum housing code. Having given this matter thought and study, and having discussed it with many citizens, I find that a sizeable number of people share my concern. I think it possible that the good that is contained in this Code may be outweighed by the harm it might do in depriving citizens of the privilege of managing their property as they see fit.29

Mayor James D. McNicholas and Councilman Ken Ritter voiced their opinion stating that they were ready to vote on the code and approved it as it had finally been drawn up. The only other member of Beaumont's city council had not voiced an opinion at all on the matter. As of March 31, 1969, Councilman Gene Fears had "no statement to make."30

In a statement issued March 27, 1969, DeWayne TeVault, Chairman of the Minimum Housing Code Review Committee stated

It is my belief that the Review Committee and the Planning and Zoning Commission have completed the work which the City Council directed them to accomplish, and

29Ibid.
30Ibid.
that it is now the responsibility of the council to make a decision.

I believe the recommended code is sound and workable and will accomplish its goals if it is adopted by the Council and administered in the manner recommended by the Planning and Zoning Commission.

When they make their decision, I sincerely hope the Councilmen will recognize the efforts expended by the citizens who served on the review committee, and the endorsements of numerous organizations within its community.

I personally hope the Council will adopt the proposed Minimum Housing Code. However, the decision regarding its adoption is one individual members of the Council alone can make.

However, there should be no further procrastination. I believe the Council should approve or reject the revised Code.31

Housing codes and comprehensive plans are not viewed by this writer as a panacea for slums and blight. The problem of urban blight is not solvable by any ready-made cure-all. The solution can be found only in comprehensive, coordinated, painstaking attacks along many fronts under a broad program of urban renewal. The vigorous enforcement of an adequate housing code is one facet—-and an essential one—-of a comprehensive urban renewal program. As a legal instrument for eliminating and preventing urban blight, the housing code may offer, comparatively, the best returns for the least expenditure of time and money.32

32 Constitutionality of Housing Codes, pp. 49-50.
CHAPTER VI

CONCLUSION

Harland Bartholomew and Associates enumerated four basic measures that are necessary to build and have a good city. Beaumont has failed miserably in each category. Beaumont does not have an officially adopted Comprehensive Plan—the people do not understand or support the plan, elected officials are not sympathetic to the plan or its objectives, and the capital expenditures are not related to any plan.¹

As mentioned earlier, the primary purpose of a comprehensive or general plan is "to improve the physical environment of the community as a setting for human activities—to make it more functional, beautiful, decent, interesting and efficient."² Planning for a community provides an intelligent and systematic method of attacking urban problems. Beaumont has evidenced a lack of the proper political attitude in recognizing the importance that comprehensive planning plays in combating urban problems.

² Kent, The Urban General Plan, p. 5.
For Beaumont to develop a progressive planning process, a charter and ordinance revision is needed. The charter change pertains to the terms of office for the mayor and city council, while the ordinance change deals with the Planning and Zoning Commission. As the charter stands now, there exists no provision for overlapping terms for the mayor and city council. Every two years the entire legislative body is up for reelection. In 1960 and 1968, completely new administrations came into office, thus creating a virtual standstill on all municipal projects and goals. Because terms are not staggered, projects and programs that were "in the mill" before a new set of councilmen came in, have to be stopped and the re-education process has to start virtually anew. This causes extreme delays and frustrations among department heads and city employees. In a large way, the eight-year delay in considering the Comprehensive Plan and its various elements can be directly attributed to this weakness in Beaumont's municipal government.

The Planning and Zoning Commission was established by ordinance in 1946. It exists simply as an advisory body to

---

the City Council, for the Council approves or vetoes all
major recommendations made by the Commission.4 In Beaumont,
the Planning and Zoning Commission virtually has no authority
and serves merely as window dressing. Because it is a
quasi-independent body with limited power and removed from
the center of local decision-making, it has had a difficult
time in convincing anyone to pay attention to its advice,
as evidenced by its recommendations on the Comprehensive
Plan and the Minimum Housing Code.

As pointed out by the American Society for Planning
Officials in its Planning Advisory Service Report No. 200,
July, 1965, planning commissions can serve a very useful
purpose in the following ways:

... it can provide a forum in which planning matters
are considered on their merits; it can provide a stable
continuity of policy. (This is a fundamental charac-
teristic of planning which cannot be provided where
a council is dominated by individual competition and
political expediency.) It can ensure that planning
studies and proposals are developed on their own merits
and are given a complete public hearing before being
transmitted to city councils. It can provide a place
where citizens interested in the well-being and future
development of the community have a chance to contribute
their views without becoming directly embroiled in the
political process. ...5

4City of Beaumont, Texas, Ordinance 46-32, April 2, 1946.
5American Society for Planning Officials, Planning
Advisory Service Report No. 200 (Washington, D.C., 1965), no
page numbers.
It is evident, to this writer, that the three-member majority of the City Council views planning commissions, in general, with mistrust and suspicion. Although no public statements have been made by any members of the City Council regarding this relationship, the Planning Director and members of the present Planning and Zoning Commission have indicated that this attitude does seem to prevail with the council majority. 6

In part, this attitude may have developed after the mass resignation of the nine-member Planning and Zoning Commission on July 14, 1968, two months after the present City Council took office. This incident developed over two zoning request changes in which the Commission unanimously voted to grant the particular requests. This was done with the support and approval of the Planning Department. The recommended zoning changes were consistent with the development of the areas along Calder Avenue and the EasTex Freeway. In both cases, it seemed quite obvious that the City Council, by not approving but rejecting the recommendations of the Commission, was simply repaying political debts to influential citizens who had supported them in the election of

---


... the time and effort we spend in attempting to develop consistent, impartial, and sound planning and zoning recommendations is simply wasted effort when the main consideration in granting or rejecting cases is political expediency.\footnote{Letter to the City Council, Beaumont, Texas, from Edwin Terry, Chairman, Planning and Zoning Commission, Beaumont, Texas, July 14, 1968.}

Consequently, to strengthen the planning process in Beaumont it would appear that the Planning and Zoning Commission would need to be given more authority over planning and development. This increased authority, perhaps, could be obtained if the ordinance pertaining to the Planning and Zoning Commission was revised to provide the Commission the power to overrule by a two-thirds-majority vote of its members any veto that the City Council exercised on Commission recommendations and cases. In addition, it would seem beneficial for a time limit to be established for Council consideration on Commission recommendations. This measure would obviously have required the Minimum Housing Code to by now have been voted on by the City Council.
In addition to the charter and ordinance amendments, the city of Beaumont desperately needs a minimum housing code, which is a vital element of a comprehensive plan. An adopted code would provide the first step in eradicating the physical environmental deterioration that exists in Beaumont. Approximately 23.5 per cent of the housing in Beaumont is substandard. Alarming as this figure is, a minimum housing code still has not been adopted.

Therefore, to combat blight and urban decay in a co-ordinated and systematic way, Beaumont must adopt a comprehensive plan to use as a guide in combatting social and physical decay. In addition, a minimum housing code must be enacted to put teeth into that portion of the comprehensive plan pertaining to housing. Also, an approach such as the "urban community development" concept needs to be instituted to insure support, not only from the people affected directly by such an approach, but from the entire community. One step alone cannot become an adequate cure-all in combatting slums, but combined, great strides can be made in Beaumont toward creating a more beautiful and beneficial community.

In short, this study points out how ineffective local government can be when it lacks creative initiative to use
and develop the resources it has available to combat slums and urban blight.
BIBLIOGRAPHY

Books


Reports


Public Documents--City


____________________, The Charter of the City of Beaumont.

____________________, Minutes of City Council, July 7, 1957.

____________________, Minutes of City Council, November 26, 1957.

____________________, Minutes of City Council, February 15, 1960.

____________________, Ordinance 46-32, April 2, 1946.


Public Documents--Federal


25 U. S. (12 Wheat) 419, 6 L. Ed. 678 (1827).


Letters


Memorandum to Jimmie Cokinos, City Manager, Beaumont, Texas from David Larson, City Attorney, Beaumont, Texas, March 15, 1969.


Unpublished Material

Speech Material, Joe Impey, Planning Director, City of Beaumont, Texas, 1968.

Newspaper Articles


Newspapers
Beaumont Enterprise, June 20, 1957.

Interview