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Dear Mr. Chairman:

Reference is made to your letter dated December 17, 1969, in which you requested that we furnish you with a chronology of actions taken by the Department of Housing and Urban Development (HUD) regarding its review and disposition of certain statements made by various citizen organizations prior to HUD's approval of the "Triangle" Urban Renewal Project in Charleston, West Virginia. Your request stated that the chronology may be limited to the information available in HUD project files maintained at the HUD central office and the HUD regional office in Philadelphia, Pennsylvania, and that it was not necessary for us to comment on the appropriateness of HUD actions.

Because of the vast quantity of material available on this matter in HUD files, we have extracted what we believe to be the more pertinent information. The enclosure to this letter includes a synopsis of the numerous memorandums, letters, and documents generated as a result of inquiries and replies between various interested parties and the HUD central office and the HUD regional office concerning the Triangle project. The synopsis is in chronological sequence and presents the inquiry with HUD's reply following immediately below.

In addition, there are three appendixes to the enclosure: appendix I is a schedule showing the number of buildings to be cleared and the number of families and individuals to be displaced; appendix II is a copy of the instructions entitled "Matters of Advice" sent by the HUD regional office, which required certain action by the Charleston Urban Renewal Authority before HUD would execute the contract for a temporary loan and a Federal capital grant; and appendix III is a copy of the Formal Administrative Complaint submitted to the Secretary of HUD by a delegation of citizens from Charleston.

We have retained copies of all documents from which the synopsis was prepared. Consequently, we are prepared to provide any additional information contained therein that you may desire.

In accordance with the agreement reached with your Committee Counsel, a copy of this report is being furnished to the Secretary of

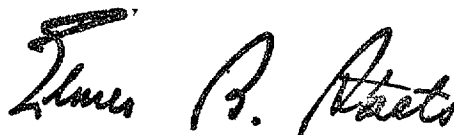
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Housing and Urban Development for his information. We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas B. Aacts". The signature is written in a cursive style with a prominent initial "T".

Comptroller General  
of the United States

Enclosure

The Honorable Jennings Randolph  
Chairman, Committee on Public Works  
United States Senate

TRIANGLE PROJECT CHRONOLOGY OF EVENTSEXTRACTED FROM HUD PROJECT FILESBY THE U.S. GENERAL ACCOUNTING OFFICEPROJECT DESCRIPTION

Title 1 of the Housing Act of 1949, as amended (42 U.S.C. 1450), authorizes the Assistant Secretary for Renewal and Housing Assistance, Renewal Assistance Administration, Department of Housing and Urban Development (HUD), to make grants, planning advances, and temporary loans to local public agencies for eliminating slums and blight in urban areas through surveys and planning, land acquisition and clearing, rehabilitation of existing structures, new-building construction, and the installation of public improvements. Before aid can be given under this program, the local governing body must have enacted a resolution approving the urban renewal project and the community must have a workable program for community improvement certified by HUD. Application is made to the HUD regional office serving the area where the urban renewal is to take place.

In February 1966, the Charleston Urban Renewal Authority (CURA) of the city of Charleston, West Virginia, applied to HUD's region II located in Philadelphia, Pennsylvania, for a Federal grant and advance for renewal plans for an 83-acre Triangle urban renewal project which would include demolition and redevelopment of the area for commercial use, new public and private housing, a new elementary school, a hospital, expanded recreational facilities, and parking for the adjacent and recently modernized civic center. The local street system would be improved; utility lines would be placed underground; and the necessary sidewalks, curbs, traffic signals, and sewer improvements would be installed. (See app. I which shows the number of buildings to be cleared, the number of people to be displaced, and the number and type of public housing units to be constructed.)

In March 1966, HUD announced that a Federal capital grant of \$2,468,000 for the city of Charleston had been approved for its 83-acre Triangle urban renewal project and

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that the city would receive a \$248,900 Federal advance for survey and planning activities.

In December 1967, CURA submitted to HUD a revised application requesting that the advance for survey and planning activities for the Triangle project be increased from \$248,900 to \$356,592, a net increase of \$107,692. The justification for the increase was that, at the time the original budget was prepared, costs for title services were inadvertently omitted from the budget. No change in the Federal capital grant of \$2,468,000 was requested at that time. HUD approved the amended application.

In April 1969, CURA submitted a revised application for a Federal capital grant of \$6,780,106 and requested a temporary loan in the amount of \$14,081,441. The revised application represented an increase of \$4,312,016 over the original estimate of \$2,468,000.

According to the information in the HUD central office project files, the large increase in the estimated Federal capital grant was primarily the result of (1) the project's boundaries being changed and (2) the treatment of the project's being changed from a combination of rehabilitation and clearance to clearance only which required a large increase in the amount of land to be acquired.

On October 23, 1969, HUD approved the Federal capital grant of \$6,780,016 and the temporary loan of \$14,081,441.

During 1968, a great deal of controversy arose between the residents of the Triangle area, as voiced through the Triangle Improvement Council (TIC), and officials of the city of Charleston, primarily CURA.

In addition, numerous pieces of correspondence passed between various officials, private citizens, and neighborhood citizen organizations of the city of Charleston and the HUD central office and region II office. Following is a synopsis of the letters of inquiry and the agency responses, presented in chronological sequence.

SYNOPSISInquiry

February 13, 1968--Letter from a member of the Charleston City Council requesting HUD's region II to delay the approval of Charleston's workable program until the city complied with the elements calling for relocation of families displaced by governmental action. Further, this letter contained certain statements that much of the information and plans regarding relocation in the 1967 and 1968 workable program was false.

Agency action

February 27, 1968--The reply of HUD's, region II to the councilman's letter advised him that Charleston's workable program was being reviewed, serious deficiencies had been noticed in the program, recertification of the program was not being recommended at that time, and the city would be informed of the action it must take prior to recertification. With regard to relocation, HUD stated that, regardless of who causes the displacement (city or State), the city has the responsibility to ensure that adequate relocation assistance is provided. HUD stated further that the city must prove to HUD that housing is available on a truly nondiscriminatory basis or if the city cannot clearly and conclusively document this fact, it must provide HUD with an estimate of housing resources to be available over the next 2 years, according to the availability to white and nonwhite families.

March 1, 1968--HUD's region II notified the Mayor of Charleston that the city's workable program dated January 10, 1968, did not demonstrate sufficient progress to justify HUD's recommending recertification at that time and therefore returned the entire program for resubmission. Attached to the letter was a list of the major deficiencies that must be corrected prior to resubmission.

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Inquiry

March 11, 1968--The Mayor of Charleston requested a meeting with HUD's region II officials in Charleston to discuss the requirements which must be met by the city to obtain recertification of the workable program.

Agency action

March 25, 1968--HUD intraoffice memorandum disclosed that a field visit had been made to Charleston to discuss the actions the city must take prior to resubmission of the workable program. According to the memorandum, meetings were held with various officials of the city of Charleston, the State Road Commission, and the Executive Committee of the Citizens Advisory Committee for Community Improvement to discuss code adoption and enforcement, planning and neighborhood analyses, housing for displaced families, and citizen participation.

Inquiry

August 8, 1968--Community Development, Inc., inquired of HUD's region II if it had approved (1) the minor amendments made to the Charleston Housing Code on August 5, 1968, and (2) the relocation activities of the city of Charleston.

Agency action

August 29, 1968--HUD's region II acknowledged receipt of the letter from Community Development, Inc., and advised it as follows:

1. A request for recertification of the workable program had not been submitted to HUD's region II, and, as a result, no determination had been made as to the adequacy of any code.
2. No determination had been made relative to the relocation activities of Charleston.
3. When the request for recertification was submitted, these questions, among others, would be reviewed in detail.

Inquiry

August 8, 1968--The president, Inter-City Council of Neighborhoods, inquired of HUD's region II if it (1) had approved the amendment to the Charleston Housing Code and (2) was going to recertify the workable program despite the lack of a representative code review committee or city commitment to help relocate families in housing condemned by code enforcement before the city council voted on the two planning documents (Charleston Comprehensive Plan and Community Renewal Program (CRP)).

Agency action

August 29, 1968--HUD's region II acknowledged receipt of the letter from the president and advised him as follows:

1. A request for recertification of Charleston's workable program has not been submitted to HUD's region II, and, as a result, no determination had been made as to the adequacy of any code.
2. No determination had been made as to the CRP and the comprehensive plan.
3. When the request for recertification was submitted, these questions among others would be reviewed in detail.

Inquiry

August 9, 1968--A member of the Charleston City Council requested that HUD's region II not recertify the Charleston Comprehensive Plan or the CRP until the elected representatives of the city could pass on them.

Agency action

August 29, 1968--HUD's region II acknowledged receipt of the councilman's letter and advised him that HUD's region II had not received a request for recertification of the workable program, and, as a result, no determination had been made at that time.

Inquiry

August 12, 1968--A member of the Charleston City Council stated his concern about HUD's apparent approval of a weak housing code for the city and HUD's apparent reneging on its original requirement that the comprehensive plan and the CRP be completed before the workable program could be recertified. In addition, the councilman stated that a member of HUD's region II had attempted to interfere with citizen participation in development of the comprehensive plan and the CRP by contacting a local Office of Economic Opportunity representative and requesting that funds to an outside consulting firm be withheld since letting a contract could "only cause trouble and further delays." The councilman requested information concerning the HUD representative's job in Charleston and whether HUD's guidelines mean what they say.

Agency action

August 27, 1968--HUD central office acknowledged the councilman's letter and advised him that:

1. No prior commitments with respect to approval of the city's workable program had been made by HUD's region II.
2. Contrary to the councilman's impression, it was the purpose of the HUD representative to bring about the implementation of HUD policies which included improvement in the quality of citizen involvement and relocation under the workable program and other HUD programs.
3. A copy of his letter had been sent to HUD's region II in order that his views might be considered when they review the Charleston workable program.

Inquiry

August 13, 1968--Senator Robert C. Byrd referred a letter from the Organization for the Betterment of Chandler Drive, Charleston, to the Secretary of HUD for consideration and reply. (The above organization requested Senator Byrd to



provide it with information concerning HUD's approval of the Charleston Housing Code and why HUD had violated its own code.)

#### Agency action

August 27, 1968--HUD central office acknowledged Senator Byrd's letter and advised him that the request for the recertification of Charleston's workable program was being reviewed by HUD's region II and that HUD's region II had not made any prior commitments regarding the recertification approval. Senator Byrd was advised further that the information submitted by the Organization for the Betterment of Chandler Drive would be made available to HUD's region II so that it could be considered in connection with the review of the workable program.

#### Inquiry

August 22, 1968--The president of TIC requested that the HUD region II office reject the part 1 application of CURA for the Triangle project primarily because (1) no Project Area Committee (PAC) had been designated by CURA, and no meaningful citizen participation had taken place in any phase of the project, despite repeated attempts by local Triangle area citizens, and (2) CURA had totally ignored the TIC request for designation of land in the project area for development of nonprofit, moderate-cost private housing.

#### Agency action

Concerning the statements made by the president of TIC, we were advised by a HUD region II employee that:

1. A meeting was held on September 16, 1968, at the Kennedy Center, Charleston, between HUD's region II Renewal Representative and members of TIC to discuss the allegations set forth in the August 22, 1968, letter written by the president of TIC.
2. The HUD Renewal Representative felt that the meeting had been mutually satisfactory.

3. Because of the above-mentioned meeting, HUD had not formally replied to the president's letter.

Inquiry

September 27, 1968--Letter from the Chairman, Inter-City Council of Neighborhoods, requested information from HUD's region II concerning its apparent approval of the proposed CRP for Charleston.

Agency action

October 23, 1968--HUD's region II acknowledged receipt of the chairman's letter and informed him of HUD's procedures for reviewing and approving a CRP. Further, the CRP had been reviewed by the regional office and action had been taken by the city of Charleston to meet HUD requirements.

Inquiry

October 25, 1968--Letter from the president of TIC to the Secretary of HUD advising him that:

1. CURA held a meeting with TIC on October 22 to discuss TIC's alternative proposal to the part I renewal proposal for the Triangle area.
2. CURA brought in an employee of HUD to attend this meeting.
3. The HUD employee informed those present at this meeting that (a) HUD did not approve of including vacant land for relocation housing in renewal projects, (b) TIC's proposal would increase the project cost, and (c) the HUD employee advised TIC to accept CURA's plans.

In addition, the president of TIC requested the following information from and/or action by the Secretary of HUD.

1. Were Federal funds used for the HUD employee's trip on behalf of the CURA?

2. Are HUD staff employees authorized to make such definite statements in public, since your review of the application is not complete and the CURA is saying that the matter is still open?
3. The HUD employee should be immediately transferred to a section in HUD where he will not be in contact with the Charleston Urban Renewal Projects because he cannot possibly do an objective job of reviewing the Triangle Renewal Application.

#### Agency action

November 8, 1968--HUD central office acknowledged receipt of the president's letter and advised him that HUD's region II had direct responsibility for administering urban renewal activities in West Virginia and that a more detail reply would follow as soon as a report was received from HUD's region II concerning the matters raised in his letter.

#### Inquiry

October 28, 1968--Letter from Senator Byrd referred TIC's letter of October 25, 1968, to HUD's region II for such consideration as it might warrant and for a report thereon. (TIC's letter to Senator Byrd contained basically the same information as did its letter to the Secretary of HUD dated October 25, 1968.)

#### Agency action

November 15, 1968--HUD's region II acknowledged receipt of Senator Byrd's letter and advised him as follows:

1. The Triangle Urban Renewal Project covered an area of about 80 acres and involved the acquisition and clearance of 347 parcels of land and the relocation of 391 individuals, 227 families, and 124 businesses.
2. The estimated net project cost was \$6,808,520 and the estimated Federal grant was \$5,878,610.
3. The project included the construction of 200 units of public housing, 100 units of senior citizen housing,

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a new elementary school, and a new city park and playground and provides land for conventional housing and commercial establishments.

4. TIC is a nonprofit citizen's organization that is a delegate agency of the local community action committee of the Office of Economic Opportunity.
5. During 1968 there had been a great deal of controversy between the residents of the Triangle area--voiced through TIC and city officials, primarily CURA--over the proposed renewal treatment for the Triangle area.
6. On October 22, 1968, at a meeting called by CURA, TIC recommended among other things:
  - a. Deletion of a proposed elementary school.
  - b. Deletion of a playground.
  - c. Relocation of proposed Interstate Highway 77.
  - d. Deletion of a commercial area on the south end of the project.
  - e. Expansion of the project to the northeast to include both the right-of-way area of Interstate Highway 77 and the land owned by a water company for development of private residences.
  - f. Substitution of leased public housing for the planned 200 units of conventional public housing.
  - g. Mixing of residential with commercial in a 4-block area in the southern section of the project.
7. CURA had responded to each of TIC's recommendations indicating that it would not change the plan; however, CURA had agreed to consider some of the recommendations and, subsequent to the meeting, had seriously considered the recommendation regarding leased public housing.

8. HUD's region II felt that the HUD Renewal Representative who attended the meeting in Charleston acted in a responsible manner. His comments at the meeting were relative to HUD's timing requirements on project planning (36 months) which placed a deadline date for local approval of the Triangle project by April 1969. He also commented on this Office's rejection of an expansion of the project boundaries because it would certainly increase the Federal grant and delay the funding of the project.

In the light of this information, it appears inappropriate to transfer this employee from the Charleston area.

9. The inference of the letter from the president of TIC, that Federal officials demand what is put into a local renewal application, was unwarranted. The Triangle project has been in the planning stage since April 1965. The existing proposed plan was created by private planning consultants under the supervision of CURA. Aside from HUD's requirement regarding the eligibility of the project area and the feasibility of the project from the standpoint of financing and relocation resources, the city has had unlimited freedom in planning its renewal projects.

Inquiry

November 14, 1968--Letter from the president of TIC inquired of HUD's region II if it had determined to compromise on requiring the Charleston City Council to approve the CRP prior to approving the workable program in order to give Charleston early workable program approval.

Agency action

January 7, 1969--HUD's region II acknowledged receipt of the letter from the president of TIC and advised him that:

1. The workable program for Charleston as approved by the city council had been received and was being reviewed by HUD's region II.
2. The decision had not been made to either reconfirm our earlier workable program--CRP condition--or recommend the workable program for approval prior to the local approval of the CRP.

Inquiry

November 19, 1968--Letter from the Chairman, Inter-City Council of Neighborhoods, advised the Secretary of HUD that, on November 18, 1968, the Charleston City Council had approved a workable program for submission to HUD. The chairman inquired of the Secretary if HUD had given the Mayor of Charleston verbal assurance that HUD would waive the March 1, 1968, regional office requirements for recertification of Charleston's workable program.

Agency action

December 2, 1968--HUD central office acknowledged receipt of the letter from the chairman and advised him that the Charleston recertification request was now being reviewed by HUD's region II.

In addition, HUD central office advised the chairman that HUD's region II had made no prior commitments with respect to the approval of the city's workable program.

Inquiry

November 19, 1968--Letter from Planning Director, Municipal Planning Commission, Charleston, forwarded copies of the Workable Program for Community Improvement to HUD's region II for its review.

Agency action

November 20, 1968--Notification of receipt of the workable program submitted by the Mayor of Charleston on November 18, 1968, was received by HUD's region II on November 20, 1968. This was the first recertification submission.

January 20, 1969--By letter this date, HUD's region II notified the mayor that the region's review of the city's application for recertification of the workable program, under date of November 18, 1968, had been completed and that a number of questions had arisen which required clarification and additional information. An attachment to this letter itemized the requested information in the areas of codes and ordinances, planning, and relocation.

In addition, a HUD region II official was scheduled to visit Charleston to assist the city in preparing the requested information.

January 29, 1969--By memorandum this date, HUD's region II Director of Planning informed the Assistant Regional Administrator for Program Coordination and Services as follows:

Before recertifying the Charleston workable program the below-listed documents must be submitted to HUD by the city of Charleston:

1. Certified copy of the completed zoning ordinance.
2. Certified copy of the completed subdivision regulations.
3. Copy of the completed capital improvements program and a certified copy of the adoption resolution.

4. Copy of the completed CRP and a certified copy of the adoption resolution or other verification of its implementation.

This memorandum from the HUD region II Administrator stated that these documents were also required by the March 1, 1968, letter to the Mayor of Charleston concerning the recertification of the city's workable program.

#### Inquiry

December 6, 1968--Letter from the president of TIC to HUD's region II advising it that Senator Byrd had made available to TIC a copy of HUD's letter to him dated November 15, 1968, concerning the HUD regional office employee who attended the October 22, 1968, joint meeting of CURA and TIC in Charleston. The president's remarks dealt with refuting the comments made by HUD's region II in its letter to Senator Byrd. In addition, the president requested the following information and/or action.

1. Has part I of the application for the Triangle project been given final approval?
2. Have the changes promised by CURA been made since the August submission?
3. The HUD employee who attended the meeting in Charleston be transferred to projects somewhere else in the region.

#### Agency action

January 17, 1969--HUD's region II acknowledged receipt of the letters dated December 6, 1968, and January 8, 1969, from the president of TIC and advised him that:

1. Final approval of the part I application for the Triangle project had not been given by HUD's region II and, at CURA's request, it was returned for the purpose of making changes.
2. HUD's region II required very early in the planning of the Triangle project that the area between Clendendin and Court Streets be included either in the Triangle project or in the Government Square Project. CURA had



determined that clearance and redevelopment would be appropriate for this area.

3. Regarding the HUD employee who attended the October 22 meeting in Charleston, HUD had reconfirmed its belief in the employee's professional objectivity toward the Charleston Urban Renewal Project.

HUD's region II felt that a personal meeting would be helpful in answering the president's questions as well as explaining the Federal position in the renewal program.

Inquiry

December 6, 1968--Letter from three members of the Charleston Citizens Advisory Committee to the Secretary of HUD requested that he not recertify the Charleston workable program because of the city's failure to conform to HUD citizen participation guidelines. These members felt that the following justified their request.

1. The Mayor of Charleston had refused to appoint representatives from many areas and groups in the city that lacked representation on any advisory city group.
2. The Citizens Advisory Committee seldom meet and had no real role in advising the mayor or city officials on matters concerning them.
3. As members of subcommittees on Housing and Urban Renewal, they were not allowed to see the changes made in the city's housing code or to review the Triangle and Government Square renewal proposals before they were sent to HUD for part I approval.
4. The Citizens Advisory Committee was not permitted to review the workable program report that HUD would be asked to certify.

In addition, these members felt that no meaningful citizen participation would take place in 1969 in Charleston if HUD recertified the workable program.

Agency action

December 30, 1968--HUD central office acknowledged receipt of the letter from a member of the Charleston Citizens Advisory Committee and advised him that the city of Charleston's request for recertification of its workable program was now being reviewed by HUD's region II and that a copy of his letter had been sent to HUD's region II so that the information it contains would be considered as part of the region's review.

Inquiry

December 10, 1968--Letter from Charleston City Councilman (First Ward) to the Secretary of HUD requested that HUD not recertify the city's workable program at this time. The councilman requested also that the Secretary inform him why HUD's region II, when serious questions were raised concerning the workable program, had not discussed these matters with the persons involved; in this case, neighborhood representatives on the Mayor's Citizens Advisory Committee, the City Treasurer, and councilmen whose wards would be affected by HUD-financed programs and whose wards would not be represented on the city's advisory groups.

In addition, the councilman enclosed a copy of a letter dated December 4, 1968, from the City Treasurer--prompted by the councilman's request--which supported his statement that inaccurate and unrealistic statements had been made in the workable program report the city council had approved.

Agency action

December 30, 1968--HUD central office acknowledged receipt of the councilman's letter and again advised him that the city's request for recertification of its workable program was still under review by HUD's region II. In addition, the councilman was informed that the Secretary had requested a report on the material the councilman had previously submitted and that, as soon as this report was received, the councilman would be so advised.

Inquiry

December 16, 1968--Letter from Senator Byrd forwarded to an Assistant Secretary of HUD the correspondence received from the Treasurer of Charleston concerning the city's workable program. The Senator requested a report on whatever action HUD might consider to be warranted. The treasurer in his letter, dated December 12, 1968, advised the Senator as follows:

1. The Charleston City Council had approved, sight unseen, a resubmission of the city's workable program to HUD's region II.

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2. The resubmitted program had not accomplished the requirements established by HUD in March 1968, which were to be met prior to recertification of the program by HUD.
3. The Mayor of Charleston had implied that HUD would waive the above-mentioned requirements.
4. Correspondence had been sent to the Secretary of HUD that criticizes the resubmitted program.

In addition, the treasurer requested the Senator to establish whether the city would be required to meet the standards of a first-class program or whether these standards would be waived.

Agency action

December 30, 1968--HUD central office acknowledged receipt of the letter from Senator Byrd and advised him as follows:

1. The Charleston workable program was being reviewed by HUD's region II.
2. HUD's region II had been provided with a copy of the enclosures to the Senator's letter.
3. HUD's region II had been requested to take the enclosures into consideration in reviewing the city's workable program and had provided a report to HUD central office.

Inquiry

January 3, 1969--Letter from the Mayor of Charleston to the Secretary of HUD advising him that the councilman's opinions were not shared by the majority of Charleston's councilmen. Included with this letter were several enclosures, one of which answers the councilman's deficiencies in Charleston's workable program.

Agency action

January 15, 1969--Memorandum from HUD's region II to the Secretary of HUD concerning Charleston's workable program and the councilman's correspondence of November 27, 1968. (Letter of November 27, 1968, not available in project files.) The Secretary was apprised as follows:

1. A comprehensive review of the application for recertification of the workable program submitted by the city of Charleston under the date of November 18, 1968, had been completed.
2. Substantial discrepancies in the program had been noted, some of which were alluded to by the councilman in his correspondence of November 27. (Letter of November 27, 1968, not available in project files.)
3. The Mayor of Charleston would be informed that processing of the application for recertification had been suspended pending clarification of these discrepancies. In an effort to expedite the receipt of this information, the director of the workable program branch would schedule a field visit to Charleston.

Inquiry

January 8, 1969--Letter from the president of TIC to HUD's region II advised it that:

1. The transfer of the HUD employee who attended the October 22, 1968, meeting in Charleston would be helpful to all concerned.
2. Both the Citizens Advisory Committee and its Urban Renewal Subcommittee were not allowed to advise or review the Triangle project at any time. Also, the Urban Renewal Subcommittee had only one regularly scheduled meeting during 1968.
3. Agreement had not been reached between TIC and CURA on the Triangle project.

Agency action

January 17, 1969--HUD's region II acknowledged receipt of the letters dated December 6, 1968, and January 8, 1969, from the president of TIC and advised him as follows:

1. Final approval of the part I application for the Triangle project had not been given by HUD's region II and, at CURA's request, it was returned for the purpose of making changes.
2. HUD's region II required very early in the planning of the Triangle project that the area between Clendendin and Court Streets be included in either the Triangle project or the Government Square Project. CURA had determined that clearance and redevelopment would be appropriate for this area.
3. Regarding the HUD employee who attended the October 22 meeting in Charleston, HUD had reconfirmed its belief in the employee's professional objectivity toward the Charleston Urban Renewal Project.

HUD's region II felt that a personal meeting would be helpful in answering the president's questions as well as explaining the Federal position in the renewal program.

Inquiry

January 17, 1969--By letter this date, HUD's region II was informed by the Secretary of the Intra-City Council of Neighborhoods that on January 14 the council voted to oppose HUD's approval of the Triangle project for the following reasons.

1. The local renewal commissioners did not represent the working-class residents of the project area.
2. These commissioners and the mayor had suppressed any study or action on the project by the Citizens Advisory Committee.
3. The project--the third nonresidential renewal project in the CRP--proposed the clearance or partial clearance of all eight of our affiliated neighborhoods.

4. The council desired the neighborhoods to be improved not cleared.
5. The greatest need was for better housing but not for housing of the type proposed by the project which was mainly rental or public housing that was of a much higher density than that wanted by the neighborhood residents.
6. The relocation claims of CURA were obviously false.
7. The public housing authority cannot accept persons in housing condemned by housing inspectors in north Charleston and the rent-supplement housing claimed to be ready by July 1969 had not been started.

#### Agency action

February 6, 1969--HUD's region II acknowledged receipt of the secretary's letter and advised her that HUD's region II had no reason, at that time, to find fault with the Triangle project program.

#### Inquiry

February 6, 1969--By letter this date, the president of TIC requested the Secretary of HUD to reject the recertification of the Charleston workable program because it did not meet HUD's Citizen Participation Guides.

#### Agency action

February 14, 1969--HUD central office acknowledged receipt of the letter from the president of TIC and advised him that representatives from HUD's region II went to Charleston in an effort to resolve the questions that had been raised in connection with its review of the city's application for recertification which included questions about the citizen participation element.

#### Inquiry

February 7, 1969--Letter from Senator Byrd to an Assistant Secretary of HUD requested current information, as well as

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advice, regarding the final determination of recertification of the workable program for Charleston.

Agency action

February 14, 1969--HUD central office acknowledged receipt of Senator Byrd's letter and advised him that representatives from the HUD region II office had visited Charleston and had discussed with city officials the questions that had been raised during the review of the application for recertification. City officials indicated that they would provide the additional information needed to resolve these questions.



Inquiry

February 7, 1969--Letter from Senator Byrd to an Assistant Secretary of HUD forwarded correspondence received from the Treasurer of Charleston. The Senator requested HUD to review the situation described in the Treasurer's letter and to advise him accordingly. The Treasurer's letter, in addition to having as an enclosure a copy of HUD's rejection of the workable program dated March 1, 1968, informed the Senator as follows:

1. A city councilman had been notified by HUD that consideration of Charleston's workable program had been suspended pending further investigation.
2. A team of four men from HUD had visited Charleston as a follow-up to the suspension. The outgrowth of this visitation was not known; however, there was some fear that HUD might waive two of the original deficiencies noted in March 1968. The items involved were the CRP and the Citizens Advisory Committee.
3. The Treasurer was of the opinion that the main effort in Charleston appeared to be aimed at waiving HUD's requirements which would lower the standards.

Agency action

February 26, 1969--HUD central office acknowledged receipt of the letter from Senator Byrd and advised him as follows:

1. Negotiations with Charleston over the recertification of its workable program had been going on for almost a year.
2. At a recent meeting with city officials, HUD's region II felt that reasonable understandings had been reached on the actions to be taken by the city before recertification could be approved.
3. HUD considered it more important that a workable program be continued than to insist on rigid requirements which could result in no workable program and the denial of Federal aid for which a program is a prerequisite.

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Related agency action

February 12, 1969--By memorandum this date, HUD's region II Relocation Division reported to the workable program section of region II that it was the region's opinion that many of the complaints and recommendations of the citizens of Charleston had merit and the Relocation Division strongly supports that the following procedures be made mandatory for the city to comply with.

The city had to demonstrate the feasibility of relocation because of displacement caused by all Government action within the community. The demonstration required (1) the identification of an agency or agencies responsible for relocation services and assistance including payments and (2) the immediate employment of staff for this agency. In addition, the Relocation Division detailed certain requirements which must be met for the current workable program to be recertified.

February 14, 1969--Letter from HUD's region II to the Mayor of Charleston, confirmed a meeting held in the mayor's office on January 28, 1969, concerning the recertification application. The items requiring clarification and positive action on the part of the city, before recertification can be approved, dealt with codes and ordinances, planning, and relocation.

February 28, 1969--HUD's region II memorandum to the files concerned a conference held in its office on February 26, 1969, between regional office personnel and a special committee from the city of Charleston. The memorandum stated that the most important points of the discussion were (1) validity of the local planning agency's relocation report on the Triangle project and (2) the possibility of having the TIC sponsor low- and moderate-income housing.

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Inquiry

February 28, 1969--Letter from Senator Jennings Randolph to HUD's region II requested a status report on the Triangle project and comments on the results of the conference held in

the regional office with a special committee from the city of Charleston.

Agency action

March 14, 1969--HUD's region II reply to Senator Randolph's letter set forth the status of the Triangle project and also commented on the results of conferences held on February 26 and March 11 with members of the city of Charleston.

Inquiry

With respect to a meeting held at the HUD region II Office on February 26, 1969, the following agency action resulted.

Agency action

March 5, 1969--Letter from HUD's region II to the Mayor of Charleston concerning the meeting held in its office set forth the major points of difference that still existed as follows:

1. The feasibility of relocation.
2. The designation of TIC or some other nonprofit organization as a sponsor for the Federal Housing Administration mortgage insured low- and moderate-income housing.
3. Minor changes to the Urban Renewal Plan or adjustment within the plan, such as the development of the housing site by the Local Housing Authority.

Inquiry

March 6, 1969--Letter from the president of TIC to HUD's region II set forth TIC's impressions and detailed comments on the CURA's reply to HUD's letter of January 2, 1969, and the city's new relocation section R-223.

Agency action

April 9, 1969--HUD's region II acknowledged receipt of the letter from the president of TIC and advised him of the developments which had taken place, regarding the Triangle project,

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subsequent to the date of his letter. Further, HUD did not feel that it would be proper to comment, at this time, on the issues raised in the president's letter because they will be the topic of discussion at a proposed meeting between CURA's planner and TIC's planner in the HUD region II office.

Inquiry

March 24, 1969--Letter from Senator Byrd to HUD's region II, forwarded correspondence (dated March 19, 1969) received from several residents of Charleston. These residents contended that they had been denied admission to the city's public housing because of a Federal Urban Renewal Project. Senator Byrd requested HUD's region II to report on the above situation.

Agency action

April 10, 1969--HUD's region II acknowledged receipt of Senator Byrd's letter concerning correspondence received from several residents on the availability of public housing in Charleston. HUD advised the Senator that they had contacted officials of the Charleston Housing Authority and CURA and that these officials stated that there was no basis for residents' contention that public housing units had been reserved for the Triangle project displacees. HUD advised the Senator further that letters had been sent to the residents explaining the above situation.

Inquiry

April 18, 1969--Senator Byrd forwarded correspondence, dated April 16, 1969, from the executive director, Housing Authority of the city of Charleston, to HUD's region II for consideration as warranted and for submission of a report to him. The correspondence from the executive director was a copy of a resolution adopted by the Housing Authority of the city of Charleston requesting the city council to take any and all action necessary to expedite the filing and subsequent approval of its workable program to complete West Virginia projects, 1-5, 1-6, and 1-7.

Agency action

April 25, 1969--HUD's region II acknowledged receipt of Senator Byrd's letter and advised him that the revised submission of Charleston's workable program had been received and was being processed. Processing time could be reduced because of extensive work done by the HUD staff with Charleston city officials.

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Inquiry

April 18, 1969--Senator Jennings Randolph requested HUD's region II to submit a status report to him on the workable program of the city of Charleston.

Agency action

April 24, 1969--HUD's region II acknowledged receipt of Senator Randolph's letter and advised him that the Charleston workable program had been received and that processing had been started. He was advised also that it was anticipated that processing time could be reduced because of the extensive work done by the HUD region II staff with city officials in Charleston.

Inquiry

Letter by the Mayor of Charleston, dated April 21, 1969, transmitting the Charleston workable program was not available in the project files.

Agency action

April 23, 1969--Notification of receipt of the workable program that was submitted by the Mayor of Charleston on April 21, 1969, had been received by HUD's region II on April 23, 1969. This was the sixth recertification submission.

Inquiry

With respect to a meeting held at the HUD region II office on April 10, 1969, the following agency action resulted.

Agency action

April 25, 1969--Letter from HUD's region II to the Mayor of Charleston confirmed planning and relocation agreements reached at the meeting at the HUD regional office concerning the Triangle project. Conclusions reached and proposals made at this meeting are summarized below:

1. The feasibility of residential rehabilitation was to be discussed at a meeting in Charleston on April 28, 1969.
2. HUD's region II would have determined, by the time of their next meeting scheduled for April 28, 1969, whether rehabilitation standards should be included in the plan to cover presently designated not-to-be-acquired properties and structures.
3. An "Open Land" renewal project for new low- and moderate-income housing could be undertaken north of the Triangle project area.
4. Changes in plan proposals for certain blocks in the project area were to be discussed at the forthcoming local meeting.
5. Consolidation or reduction of the proposed school, park, community building, and swimming pool to make space for more housing was not considered desirable.
6. Present proposed alignment of Washington Street and Lee Street remained unchanged as shown in the Urban Renewal Plan.
7. Agreement was reached on the need for further renovation and landscaping of the Washington Manor Public Housing Project.
8. The project plans should remain unchanged because the proposed expansion plans for St. Francis Hospital were not substantial and that housing as a proposed reuse would not be desirable.
9. Relocation plan and supporting documents will be available for study by local citizens. All questions on housing supply and competing programs will be answered fully before execution of the project is approved.

Inquiry

April 25, 1969--Letter from the Charleston Municipal Planning Commission to HUD's region II advised the region of the format

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and procedures being employed by CURA to prepare periodic reports on available vacant housing in Charleston.

Agency action

No further information regarding this item was available in the project files.

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Agency inquiry

May 2, 1969--Letter from Renewal Area Coordinator, HUD's region II, forwarded a copy of a draft letter to the Mayor of Charleston concerning a meeting held in HUD's region II on April 10, 1969, to the executive director of CURA; the president of TIC; and Abeles, Schwartz and Associates, the planning and development consultants; for their comments. HUD advised these individuals that, if they could not arrive at an agreeable position, HUD would still outline its position in a letter to the mayor.

Replies to agency inquiry

May 7, 1969--Letter from the consultant setting forth his views on HUD's proposed draft letter was sent to the mayor.

May 5, 1969--Letter from the president of TIC setting forth his comments on HUD's proposed draft letter was sent to the mayor.

May 7, 1969--Letter from the executive director of CURA setting forth CURA's views on HUD's proposed draft letter was sent to the mayor.

Agency action

May 15, 1969--Letter from HUD's region II to the Mayor of Charleston concerned HUD's final comments and recommendations on the Triangle project. HUD advised the mayor that, as qualified by the statements and recommendations in the body of the letter, it was recommending that this project proceed



into the execution stage. HUD advised the mayor also that it was processing part I-part II, Application for Loan and Grant, and would continue to do so unless, in accordance with city council's March 18 resolution, the city indicated differently. HUD's region II offered the following observations as constructive criticism as its evaluation of past mistakes to be avoided by Charleston in the future.

1. The project is a keystone in the recent evolution in Charleston's public decisionmaking process. Decisions must be made. Indecision prolonged at any level can wreak widespread hardship.
2. Sensitive plan implementation and sensitive authority staff must be secured if the various project neighborhoods are to be integrated into the new, instead of being swallowed up.
3. The Triangle neighborhoods need increased citizen interest and participation through a broad-based interested PAC, as well as further understanding on the technicalities and workings of urban renewal projects. PAC should be formed as soon as possible.

In addition to the above, HUD discussed in detail the last remaining planning issues, which were:

1. The feasibility of structural rehabilitation in certain areas of the project.
2. The desirability of constructing the proposed senior citizens housing south of Washington Street and of redeveloping the former site for a motel to be built by a local developer.
3. The feasibility of immediate submission by CURA of an application for a federally assisted Open Space Land project on the vacant water company-owned land.

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Inquiry

May 14, 1969--Letter from Senator Byrd to HUD's region II requested a current report as to the prospects of early action on Charleston's workable program.

Agency action

May 19, 1969--HUD's region II acknowledged receipt of letter from Senator Byrd and advised him that the regional office's review of Charleston's workable program had been completed and had been forwarded to the HUD central office for completion of the review process.

Inquiry

May 15, 1969--Letter from the president of TIC to HUD's region II advised the region that TIC was in the process of forming a PAC for the Triangle area and requested advice as to the procedures necessary to have PAC implemented in terms of further action, structuring, and funding.

Agency action

June 20, 1969--HUD's region II transmitted information on policies and requirements regarding the creation of a PAC to the president of TIC in response to his request. HUD also referred to its letter of May 15, 1969, addressed to the Council's Community Representative Committee, wherein HUD's position was stated concerning rehabilitation in the project area, housing development on the water company site, and the senior citizen housing project.

Inquiry

May 20, 1969--Letter from the president of TIC to HUD's region II requested that he be sent a complete copy of Charleston's relocation report, including names, addresses, and family income.

Agency action

July 14, 1969--HUD's region II acknowledged receipt of the letter from the president of TIC requesting a copy of the relocation report for the Triangle area. HUD advised the president that the relocation staff of CURA was in the process of updating the relocation report and recommended that he obtain a copy of the updated report from CURA. HUD advised the president further that the relocation report received by HUD was not required to contain the names and addresses and other pertinent details regarding the incomes of the displacees. Confidential information as to income was not revealed as public information in the interest of the displacees and therefore was retained in the files of the Urban Renewal Authority.

Inquiry

May 20, 1969--Letter from the president of TIC to HUD's region II expressed his concern about an article appearing in the local newspaper (Charleston Daily Mail) on May 14, 1969. The president stated that the Director of CURA made a number of statements concerning the outcome of the current reevaluation of the project. He stated also that, if the director's statements bore any relationship to reality, TIC would be left with no alternative but to oppose the project with all the resources at its disposal.

The president also set forth TIC's views, on the positions taken by the director on behalf of CURA, in the following areas: rehabilitation, water company site, project area committee, and project for the elderly.

In addition, the president stated that, if further cooperation was wanted by either CURA or HUD from the citizens of the Triangle area, it must be based on one of the two following conditions: either the director totally retracts the statements made to the Daily Mail and makes a public apology

to the special committee whose function he had usurped and to the community that he liked to ignore or a new Urban Renewal Director be found for CURA.

Agency action

No reply to the above letter was available in the project files.

Inquiry

May 21, 1969--Letter from Charleston City Councilman to HUD's region II concerned HUD's final comments and recommendations on the Triangle project as set forth in HUD's letter of May 15, 1969, to the Mayor of Charleston. The councilman claimed that the comments and recommendations concerning the feasibility of rehabilitation in the project, relocation of housing for the senior citizens project, acquisition and development of vacant water company-owned land, and forming a PAC were quite clear but apparently were interpreted differently by the mayor who assumed that no immediate changes were required in the project. The councilman claimed further no compromise was intended by the mayor or CURA on any of the points raised by project area residents.

Agency action

June 20, 1969--By letter this date, HUD's region II replied to the Charleston City Councilman's letter. HUD advised the councilman that his interpretation of HUD's final comments and recommendations submitted to the City Council's Community Representative Committee on May 15, 1969, was not entirely correct.

The comment on rehabilitation was not intended to be taken as a recommendation that it be undertaken. HUD's position was that rehabilitation was not feasible but could be justified on social grounds. Concerning the senior citizens housing project, HUD's position was that it could be located on an alternative site but that either one was acceptable. The decision concerning development of the water company site with new housing is a decision to be made at a local level in line with this need in Charleston. HUD agreed with the need for the creation of a PAC in this area.

Inquiry

June 10, 1969--In a letter to the Secretary of HUD, the president of TIC stated that, if HUD approved any funds for any segments of the Triangle project before TIC could complete its efforts to modify the plan, legal action would be considered to block the project.

Agency action

No further information regarding this matter was available in the project file.

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Agency action

June 13, 1969--Announcement was made by HUD's region II of the certification of the Charleston work program.

August 21, 1969--Letter from HUD's region II to the Mayor of Charleston advised him that recertification in 1971 would be subject to achievement of the goals set in the application submitted this year and to evidence of continuing progress in all areas covered by the workable program. HUD also set forth several suggestions concerning the workable program, which the city should consider during the next certification period. These suggestions dealt with the building code, plumbing code, housing code, electrical code, planning and programming, housing and relocation, and citizen involvement.

September 23, 1969--Letter from HUD's region II to the Mayor of Charleston advised him that certain code requirements listed in HUD's letter of August 21, 1969, had been inadvertently included in the letter but no longer applied. HUD advised him also that it had redefined the workable program codes requirements as they applied to the city of Charleston.

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Inquiry

July 7, 1969--In a letter to the Secretary of HUD, the president of TIC enclosed a newspaper article which set forth the

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tactics used by the Urban Renewal Director of Charleston while he was employed as the Urban Renewal Director of Kingston, New York. The president requested the Secretary's thoughts on the matter.

July 21, 1969--Letter was not available in the project file.

August 21, 1969--In a letter to the Secretary of HUD, the president of TIC stated that it was TIC's understanding that the Charleston workable program had been recertified subject to several promises or pledges made by the city to take certain action. The president stated also that he would appreciate learning what the agreements were that the city made with HUD.

August 25, 1969--In a letter to the Secretary of HUD, the president of TIC stated that it was TIC's understanding that HUD was considering approval of the proposed Triangle project.

TIC is preparing an administrative complaint listing the project's shortcomings and explaining why they feel that HUD should direct changes in the project or suspend it until after the city election.

TIC requested that HUD withhold approval of the project until it had submitted the administrative complaint and the Secretary had the chance to review the material.

September 5, 1969--In a telegram to the Secretary of HUD, the Triangle Urban Renewal Project Area Committee requested that final approval of the Triangle project be withheld until the administrative complaint referred to in the president's letter of August 25, 1969, was submitted to HUD for review and consideration.

Agency action

October 3, 1969--In a letter to the president of TIC, which was in reply to numerous statements and requests for information, the Acting Deputy Assistant Secretary for Renewal Assistance stated, in part, that:

"This is in response to your letters of July 7, July 21, August 21, and August 25, 1969, and your telegram of September 5, 1969.

"The responsibility for selecting and retaining the director of a local public agency such as the Charleston Urban Renewal Authority belongs to the city and the board of the Authority. The Federal Government has no authority to intervene to secure the dismissal of local employees \*\*\*.

"We have had a great deal of experience with Charleston in recent months and our frequent visits and meetings have indicated no violations of Federal laws and regulations in the administration of the Triangle project.

"We are presently reviewing the Part II Loan and Grant Application for the Triangle project. The plan for the project has been approved by the local governing body which we must assume represents the will of the people of the city. If the application is determined to be in conformity with Federal, State and local law and our administrative regulations, and if funds are available, we will approve the project."

### Inquiry

September 8, 1969--Letter from the Chairman, Triangle Project Area Committee to HUD's region II advised it that a meeting of Triangle project area residents was held on September 6, 1969, to discuss the formation of a PAC and to elect its membership. Attached to the chairman's letter were copies of a flyer and letter sent to the area residents to advertise the meeting. The chairman requested that his group be recognized by HUD as the official PAC for the Triangle project.

September 26, 1969--By letter this date, the Chairman, Triangle Project Area Committee, transmitted to HUD's region II a copy of his letter to the chairman of CURA requesting recognition as the PAC for the Triangle project. In addition, he mentioned awaiting a reply for his earlier request for support of his PAC by HUD.

Agency action

October 15, 1969--By letter this date, HUD's region II replied to correspondence received from the chairman, Triangle Project Area Committee, dated September 8 and 26, 1969. HUD advised the chairman that CURA had already designated a PAC for the Triangle area. HUD could not appoint another group and must rely on the judgment of the local agency on this matter as well as on other matters related to the conduct of an urban renewal project. The regional administrator recommended that requests for information and suggestions be channeled through the already designated PAC.

Inquiry

September 8, 1969--Letter to President Nixon from Mrs. Mabel Harrold requested information regarding the acquisition of her property located in the Triangle project area.

Agency action

October 13, 1969--Letter from HUD Acting Deputy Assistant Secretary to Mrs. Mabel Harrold was written at the request of the President. Mrs. Harrold corresponded with the President on September 8, 1969, concerning acquisition of her property located in a renewal project in Charleston.

The Deputy Assistant Secretary pointed out that the HUD region II office had responsibility for administering the program of Federal aid to urban renewal activities in Charleston.

He also advised her that the regional office had been asked to look into this matter and communicate directly with her.

October 23, 1969--By letter of this date HUD's region II replied to Mrs. Mabel Harrold concerning her letter of September 8, 1969, to the President.

HUD advised Mrs. Harrold that the price to be offered for her property would be based on two appraisals by independent appraisers. Also the relocation staff of the Charleston Renewal Authority would be able to assist her in finding standard living quarters to meet her needs. In addition, Mrs. Harrold was advised that the Urban Renewal Authority had



the right to acquire properties and to relocate people under "the power of Eminent Domain" provided that the owner was properly compensated for his loss.

#### Inquiry

September 19, 1969--The State president of the West Virginia National Association for the Advancement of Colored People (NAACP), in a letter to the Secretary of HUD, submitted a resolution adopted at the 25th Annual State Conference which requested that approval of the Triangle project be withheld until CURA moved to condemn for moderate-cost housing the vacant land owned by the water company in the project area and that the renewal plans be amended so that no clearance of the residents would begin until housing on the water company land was ready for occupancy. The letter further stated that there would be very serious problems if the proposed project were carried out without these changes.

#### Agency action

October 15, 1969--By letter this date, HUD central office replied to the letter received from the State president. The reply stated, in effect, that HUD had no reason to discontinue processing the Triangle project application and that the questions raised in the State president's letter had been reviewed in exhaustive detail for more than a year during the regular processing procedures.

Inquiry

September 30, 1969--Letter from Senator Randolph to HUD's region II forwarded copies of correspondence the Senator received from the Mayor of Charleston. The correspondence received by the Senator was a letter, dated September 19, 1969, that the mayor wrote to the President of the United States concerning the workable program for the city of Charleston. The Senator requested HUD to comment on the contents of the mayor's letter.

Agency action

October 20, 1969--The Regional Administrator of HUD's region II acknowledged receipt of the letter from Senator Randolph and advised him that the mayor's letter to President Nixon had been answered by an Assistant Secretary of HUD on October 8, 1969, a copy of which was provided to the Senator. Further, the Administrator substantially agreed with the Assistant Secretary's comments.

Inquiry

October 1, 1969--A copy was received of a letter that the Mayor of Charleston sent to the President of the United States. In that letter the mayor referred to his previous letter of September 19, 1969, and provided the President with additional information concerning the workable program requirements of HUD. The mayor requested that the President have this general situation thoroughly investigated.

Agency action

October 8, 1969--Letter from an Assistant Secretary of HUD to the Mayor of Charleston was written at the request of the President of the United States. The mayor's letter of September 19 to the President concerned correspondence dated August 21, 1969, that he had received from HUD's region II after recertification of Charleston's workable program.

The Assistant Secretary advised the mayor that it was his understanding that, at a meeting between a HUD representative and his staff on August 28, 1969, it was agreed that some of the code comments in the August 21 letter were no longer

pertinent and should be ignored. A letter confirming these inadvertent errors and requesting that they be ignored was sent from HUD's region II to the mayor on September 23, 1969. The Assistant Secretary also pointed out that the HUD regional staff devoted considerable time in assisting Charleston to develop its workable program so that it could qualify for recertification. Errors such as those cited by the mayor are unfortunate but, when they do occur, corrective action is taken promptly.

#### Inquiry

October 17, 1969--The president of TIC in a telegram to the Secretary of HUD requested an appointment to present TIC's support for charges of discrimination and favoritism in the Triangle project.

#### Agency action

Although the Secretary of HUD was unable to attend the meeting, TIC representatives met with HUD officials on October 28, 1969, and were given assurances that the matters discussed would be thoroughly reviewed.

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#### Agency action

October 23, 1969--HUD by letter of this date to the executive director of CURA approved the Triangle project; however, prior to the offer of a loan and grant contract, HUD, by letter also dated October 23, 1969, required CURA to answer a number of comments pertaining to the application. (See app. II.)

#### Grantee response

November 4, 1969--By letter of this date, CURA responded to HUD's letter and commented on certain matters of advice prior to the signing of a loan and grant contract.

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Inquiry

October 29, 1969--A formal administrative complaint was submitted to the Secretary of HUD through the General Assistant Secretary by a delegation of citizens from the city of Charleston, who were accompanied by the director, Washington Bureau, NAACP. (See app. III.)

December 5, 1969--A letter to the Secretary of HUD from the Legal Aid Society of Charleston, the general counsel for TIC, stated that the administrative complaint submitted on October 29 contained only minimum documentation of the allegations contained therein and that, if the Secretary concluded after an investigation that there was a factual dispute within the structure and implementation of the program, a hearing on the merits of the allegation would respectfully be requested.

Agency action

December 19, 1969--In reply to the Legal Aid Society of Charleston letter of December 5, 1969, an Assistant Secretary of HUD, stated that the complaint filed by TIC was under review and that the president of TIC would be notified of the result as soon as possible.

Inquiry

December 2, 1969--By letter of this date, CURA advised HUD's region II that CURA's Survey and Planning Budget No. 10 expired on October 31, 1969, and that funds for meeting CURA's pro rata share of administrative costs attributable to the Triangle project were almost completely exhausted. In addition, CURA inquired as to the status of the Triangle project loan and grant contract and urged HUD's region II to expedite the processing of the loan and grant contract.

Agency action

January 26, 1970--Letter written by HUD's region II to the executive director, CURA, concerned the loan and grant contract for the Triangle project.

HUD advised the executive director that the following exceptions remained to be satisfied before a contract could be offered.

1. Documentation to indicate whether a councilman who owned property within the project participated in the hearing and approval of the project. If the councilman had participated in the hearings and approval, CURA must submit, for HUD's review and approval, a legal opinion addressing itself to the legal effect of such participation by the councilman.
2. As soon as possible, but no later than 60 days after execution of a loan and grant contract, CURA must submit information regarding its Citizens Participation Program, especially in view of the serious questions being raised by the citizens of Charleston concerning this project.
3. A description of how the PAC was formed, the date of its formation, and the date of the adoption of its bylaws.
4. A list of the activities in which the PAC had been and would be involved.
5. An explanation of how frequently and where PAC meetings were held.
6. A list of the present PAC members showing who they represent.

In addition to the above, HUD advised CURA that, prior to disbursement of funds, disposition contracts with the Housing Authority for Parcels 9, 11, 12, and 14A must be submitted. Also, prior to acquisition of the Fruth School Property, CURA must submit a disposition contract for Parcel 10 with the Kanawha County School Board.

#### Inquiry

January 16, 1970--Letter to Secretary, HUD, from Miss Frances Wells Freedman, requested information as to the date of final approval of the Triangle project.

Agency action

January 27, 1970--Letter from Acting Deputy Assistant Secretary for Renewal Assistance to Miss Frances Wells Freedman, in response to her letter of January 16, 1970. Letter stated that HUD was presently investigating a complaint about the project filed by the TIC. Until this matter is satisfactorily resolved, HUD cannot let a contract with CURA.

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Agency action

February 12, 1970--Letter from the Assistant Regional Administrator for Renewal Assistance, HUD's region II, to the executive director, CURA, stated:

"This is to inform you that the documentation submitted satisfies the condition established in our approval letter of October 23, 1969, and our subsequent letter of January 26, 1970.

"However, as you are aware, we are presently investigating a complaint about this project, filed by the Triangle Improvement Council. Until this matter is satisfactorily resolved, we are not prepared to offer a contract for a Loan and Grant to the Charleston Urban Renewal Authority. We are doing everything possible to expedite the investigation in order that we may be able to advise you of the findings as soon as possible."

Project status

March 13, 1970--HUD completed its investigation into the complaint submitted by the Triangle Improvement Council, Incorporated, and tendered a contract with the Charleston Urban Renewal Authority with the following contract restrictions:

1. The Charleston Urban Renewal Authority shall displace no site occupant until such actions have been taken under the approved relocation plan to ensure that units available at that time are adequate to rehouse those to be displaced either on a temporary or on a permanent basis.

2. Project relocation shall be staged in such a way as to ensure that all displaced, who so desire, are given preference and priority for occupancy of the residential units to be built in the project area on a nondiscriminatory basis.

NUMBER OF BUILDINGS TO BE CLEARED AND  
NUMBER OF FAMILIES AND INDIVIDUALS TO BE  
DISPLACED--EXTRACTED FROM HUD PROJECT  
FILES BY THE U.S. GENERAL ACCOUNTING OFFICE

	<u>Total</u>	<u>Number to be cleared</u>
ALL BUILDINGS:		
Residential	376	374
Nonresidential	<u>107</u>	<u>97</u>
Total	<u>483</u>	<u>471</u>

TOTAL ALL DWELLING UNITS--575

	<u>Total</u>	<u>White</u>	<u>Negro</u>
FAMILIES IN AREA	<u>227</u>	<u>163</u>	<u>64</u>
Families to be displaced	<u>227</u>	<u>163</u>	<u>64</u>
Families eligible for Public Housing	<u>120</u>	<u>85</u>	<u>35</u>
INDIVIDUALS TO BE DISPLACED	<u>391</u>	<u>231</u>	<u>160</u>
INDIVIDUALS ELIGIBLE FOR PUBLIC HOUSING	<u>293</u>	<u>162</u>	<u>131</u>
BUSINESS CONCERNS TO BE DISPLACED	<u>124</u>		

The following HUD information shows the number and types of public housing units to be constructed:

200--General Occupancy Public Housing Units  
150--Elderly and Handicapped Units  
400--Moderate or Low Income or Displaced Family Housing  
Units

750--Total Units



Mr. Eric Hemphill  
Executive Director  
Charleston Urban Renewal Authority  
205 Union Building  
Charleston, West Virginia 25301

OCT 23, 1969

Dear Mr. Hemphill:

Subject: Loan and Grant Allocation  
Project: Triangle Project  
Locality: Charleston, W. Va.  
Project Number: W. Va. R-21

This is with further reference to the recent letter of approval which you received on the above application from our Regional Administrator.

As indicated, there were a number of comments developed during our review of your application. I am pleased to transmit them to you for your appropriate action.

I should also like to add the best wishes of the Renewal Assistance Staff to those expressed in the Regional Administrator's letter.

Sincerely yours,

Robert J. Anderson  
Director,  
Field Service Division

Enclosure

INSTRUCTIONS TO APPLICANT  
MATTERS OF ADVICE  
EXTRACTED FROM HUD PROJECT FILES BY  
THE U.S. GENERAL ACCOUNTING OFFICE

A. Submit the following disposition documentation

1. An acceptable commitment from your Authority on the Public Housing covering Parcels Nos 9, 11, 12 and 14A.
2. A Commitment for Parcel No. 10 with the Kanawha County School Board.
3. Contract for Parcels Nos. 6 and 7 with the St. Francis Hospital.
4. Contract for Parcel No. 22 with the St. George Orthodox Church, utilizing Guide Form 6209.

B. Code R-223, Relocation Report

1. Revise and expand Section F to (a) include the necessary information on the new payments authorized under the Housing Act of 1968, and (b) delete all references to "Relocation Adjustment Payments" and change to "Additional Payments."
2. Revise Informational Notices as required in B.1. above.
3. Correct Form HUD-6122, Block V, to show that both existing and new housing will be needed as relocation resources, as indicated in Blocks VII a. (1, 2, and 3) and VII B (1, 2, and 3).
4. Resolve the discrepancy in the narrative supplement to Form HUD-6122, Section 7, page 29, which indicates that there are 93 nonresidential concerns in the Triangle Area, whereas Form HUD-6121 (Code R-226) requests payment for 124 businesses.

C. Submit certificate regarding compliance with urban plans and contracts as required by LPA Letter 340.

D. Submit documentation to indicate whether Mr Gilmore, a Councilman who owns property within the project, participated in the hearing and approval of the project. If Mr. Gilmore did participate in the hearing and approval, you must submit for our review and approval, a legal opinion addressing itself to the legal effect of such participation by Mr. Gilmore.

E. A statement from the City indicating the source of funds to be used in financing its portion of the non-cash and cash local grants-in-aid.

F. A firm commitment from the School Board reflecting its intent to provide Item II supporting facilities, estimated total cost \$813,285, non-cash credit \$400,135.

II. During the execution of this project your Authority must

A. Review and comply with the requirements of the Urban Renewal Handbook, Section 7214.1, Chapter 4, Section 3, page 10, "Sale for Right-of-Way for Federal-Aid Highway."

B. Meet the following requirements because of the current relocation situation in Charleston and the lack of resources in the existing market

1. No displacement of specifically low income residential site occupants (unless desired by the occupant) until such time as

(a) At least the initial units of the 100 units of public housing (W. Va. R-21), have been completed and available for occupancy.

(b) The plans for the 100 units of leased public housing have been completed, the units acquired by the LHA and available for occupancy.

2. Insure an adequate number of units of housing sponsored under the FHA programs available for occupancy to site displacees, particularly those proposed under the rent supplement program and the below market interest rate units. We are referring to those which are to be constructed within the city limits of Charleston.

3. The city's centralized relocation office administered by your Authority must be given the authority to implement and execute a viable, flexible and creative relocation program utilizing the efforts of adequate and knowledgeable staff and further utilizing the involvement of citizen participation in the planning and implementation of the overall relocation program.

4. In addition to definitive records on each relocatee, a map of the city indicating where each relocatee moved to, must be maintained.

You are further advised:

A. To use your site office and/or acquired structures and land for additional self-help, recreational and social service programs.

B. To proceed with the implementation of your Citizen Participation Program. This procedure will most likely produce a more representative and responsive forum for resident participation than the Triangle Improvement Council. It is recommended that the TIC representatives be combined with the sub-area representatives and that the resulting body be designated as the PAC. Similar provisions should be made for including representatives of other groups already established in the area.

C. That the enlarged PAC adopt by-laws governing the selection of members and officers; the designation of subcommittees in such areas as information, publicity, programs, etc.; and provisions for holding both regular PAC and sub-area meetings.

## APPENDIX II

### Page 4

D. To designate a staff person to provide the main liaison with the PAC. You should also consider the designation of additional funds for PAC support costs such as meeting space rentals, printing, etc.

E. That the present inspection staff be increased to

1. Two full-time building inspectors in addition to the 30 hours per week of staff time presently used for Plumbing Code Enforcement.

2. Four full-time housing inspectors for which \$20,640 was appropriated in Account 47 of your General Fund Budget (1966-67).

F. To submit copies of the adopting ordinances which amend

1. The Housing Code to include a minimum temperature standard for adequate hot water and to include the responsibilities for tenants and owners.

2. The Fire Code to include the safety and fire prevention standards of the 1965 American Insurance Association Model Fire Code.

G. To submit a request for dwelling unit price on Parcel No 3 for 202 Housing pending with RAC.

H. To submit sales price with the square foot price for concurrence by this office on all parcels for which contracts are presently being reviewed.

I. To submit a written opinion from your legal counsel that all applicable state, county, and municipal laws have been complied with in all disposition documents.

J. To apply for a waiver to Section 404 of the Loan and Grant Contract to allow the State to contract for all the proposed Schedule 3 Site Improvements and sewer work to be done on the new Street No. I. Your Authority could then contribute its proportionate share to the State contracting body. This is recommended since the Item I and Item II work items cannot be split economically into two separate contracts.

K. The improvement cost of \$12,560 and an engineering cost of \$1,885 are allowed for budgetary purposes only pending submission of compatible figures prior to allowance of those figures as final costs.

L. That \$50,000 of the cash grant-in-aid for the project in execution (Sumnor Street, W. Va. R-3) will be required by September 30, 1969.

M. That all of the cash for the subject project is to be provided on or before January 1, 1970.

N. Section 107(b) Credits in the amount of \$535,732 are allowed for budgetary purposes only pending resolution of matters pertaining to dwelling unit cost-disposition proceeds and the inclusion of a park area in the

public housing site. Should the park area be deleted from the public housing site, further adjustment of the total administrative, interest and other project costs will be necessary.

O. FHA's findings indicate nothing to impede residential development. However, as a word of caution, they point out that high-rise construction under 221(d)(3) and rent supplement is usually possible only in an area where tax abatement is available and/or where the land write-down is sufficient to reduce the cost of construction.

## FORMAL ADMINISTRATIVE COMPLAINT

EXTRACTED FROM HUD PROJECT FILES BY

THE U.S. GENERAL ACCOUNTING OFFICE

TRIANGLE IMPROVEMENT COUNCIL, INCORPORATED, AND  
OTHER PERSONS EFFECTED BY PROPOSED WEST VIRGINIA R-21,  
THE TRIANGLE URBAN RENEWAL PROJECT

Complainants  
verses

THE CHARLESTON URBAN RENEWAL AUTHORITY, HOWARD MCJUNKIN,  
CHAIRMAN AND THE CITY OF CHARLESTON, ELMER DODSON, MAYOR

## Respondents

COMPLAINT

A request that the Secretary withhold approval and funds from West Virginia R-21 until and unless the Charleston Urban Renewal Authority and the City of Charleston take certain steps to protect the rights and interests of residents and businesses located in the project area in accord with various statutes, regulations, and the Constitution of the United States of America, which steps they have not taken and in some cases have refused to take, to this point in time.

1. Complainants are the only recognized civic group existing in the Project Area plus residents and business people, both white as well as black, both Republican and Democrat in their political affiliations.
2. The Triangle Renewal Project, in its present form, has been publically opposed by the Kanawha Valley Labor Council,

the Triangle Improvement Council, the Charleston Intra-City Council of Neighborhoods, the West Virginia N.A.A.C.P. and the Charleston N.A.A.C.P.

3. Our objections fall into the areas of: a. Relocation, b. Racial Discrimination c. Land Reuse d. Citizen Participation e. Lack of Unqualified approval by Local Governing Body. f. Failure of City to meet Workable Program Requirements.

4. Our comments on these points are based on such material as has been made available to the public. We hereby outline our objections to the plan and offer some minimum documentation. This letter and documentation by no means comprises our entire case, although it fully summarizes the main points we would like to make.

5. This project has been in planning for over three years, during which time public opposition to it has increased, rather than decreased. The official public hearing on West Virginia R-21 found all persons who testified were opposed to the project, it should be added. Meanwhile, the Charleston Urban Renewal Authority has continued its policy of preventing the public from attending its meetings or from having access to any of its files and records.

6. We ask you to receive this as a formal complaint and feel that it should be, and is, our right to present to you all of our evidence and materials, either ex parte or in any administrative proceeding which you may deem appropriate. We would like to suggest that fullest evidence of the problems of this proposed renewal plan can probably best be obtained by hearings held in the Charleston area.

A. RELOCATION

Summary

We shall demonstrate that:

1. The relocation sites offered by the CURA do not meet HUD standards. There are currently no new housing facilities for Negro families. What is planned for the future will create new black ghettos. The relocation sites proposed are not reasonably accessible to jobs, schools or shopping. The sites themselves, either now, or as planned, will not be fit to be lived in. Temporary trailer housing will not change these problems.

There are no provisions for commercial relocation and no indication of any CURA attempt to find sites needed for such relocation.

2. As planned, there simply are not enough relocation facilities to handle the relocation load to be produced by clearance of the Triangle, as now proposed, as evidenced by prior relocation experience, public housing problems and current private housing market information.

3. The CURA has failed to take advantage of vacant land in the immediate project area that could easily serve as a relocation housing site. This failure clearly shows its lack of intent to allow project area residents to relocate in the general area.

4. The CURA Relocation Study and staffing was inadequate. The original study of the project area was inaccurate to a great degree.

The CURA Director has engaged in disruptive and inadequate relocation practices before, in Kingston, New York, and was dismissed by HUD and the City of Kingston.

5. The proposed relocation staging will destroy community leadership.



6. There is no serious intention on the part of CURA, the Mayor of Charleston, or the Director of CURA to provide adequate relocation facilities, as clearly evidenced by statements they have made.

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### Discussion

#### 1. Relocation Sites Inadequate

Federal Requirement states that employment transportation, and supporting, facilities are supposed to be near adequate relocation housing. On page 6 of the CURA's January 1969 Relocation Plan it is stated "In addition, accessibility to places of employment will be a factor in making a housing referral." However, one of the new public housing sites listed as a future relocation resource (West Washington Street) and all the rent supplement and 221-D-3 BMIR except FHA #55004 and FHA #55002 are far from jobs and supporting facilities.

The projects numbered FHA #35006 and #35007, for example, are located near other counties over 10 miles from Charleston. FHA #35015 is also over 8 miles from the Triangle. FHA #35005, #35016, and #35009 are located in isolated, low income neighborhoods without transportation. FHA #55002, #35005, and #35009 have yet to get started. FHA #55004 is expected to be relatively expensive, high density, have no large bedroom units, and is miles from the Triangle.

FHA #35016 is the largest rent supplement project in West Virginia, and was designated by FHA Commissioner Ross, in a letter written on May 19, 1969 as the principal relocation site for Triangle renewal and Interstate displacees. This project is sponsored by a church in the Triangle Project scheduled for clearance. The coordinator of this project is an attorney who does work for the State Road Commission. The consideration of this project's suitability may also have been prejudiced by the statements of Region #2 relocation officer, Charles Beckett, who attacked those who questioned this project, on 5-28-69, in public.

The Hanna Drive project (FHA #35016) is a typical example of how little local officials think of low income persons. It lies at the head of a dead end hollow, a mile from the nearest bus, 1 1/2 miles from the nearest grocery store, and about 2 miles from the nearest school. Local schools are at capacity and no provisions have been made for the 500 or so children supposed to be housed in the project. No proper evaluation of the impact of this project on this low income hollow was revealed. It appears the local FHA office did not even know the site had a relocation problem.

Hanna Drive has a very narrow road, which will be totally inadequate for 1000 new residents and their cars. The area lacks storm sewers and therefore floods, and sections lack fire hydrants, sanitary sewers and recreation areas. The Mayor has only promised an extension of the sanitary sewers and fire hydrants to the project site. The city has refused to provide an exit road for this neighborhood, which had its mouth sealed by chlorine gas about a year ago.

The project has an eastern hill used to dump sewer sludge, on one side, and a depot for explosives on the backside of its western hill. The State Air Pollution Commission recommended, as far back as 11-18-67, against any more housing in this section of Charleston. The owner of the project's land, prior to its sale to the church, Fred Wilmoth, is under indictment for Federal income tax evasion. He was a real estate partner of former Governor Barron and used a Barron lawyer to purchase the land. Many investigations, and some convictions, of Barron Administration officials have taken place in the State recently.

Surely, the expansion of an economic ghetto in an area with two low rent public housing projects, and more to come, far (over 4 miles from the Triangle) from jobs and stores, does not properly satisfy relocation requirements.

Also, we contend medium density apartments in a rural area are not proper for Triangle residents or the neighborhood effected by such a project. The social adjustment problems of downtown residents, used to an urban environment and individual homes, for the most part, to a much higher density project, in a rural area will surely be extremely difficult.

This will be all the more likely because the rest of the Hanna Drive neighborhood's housing are individual homes and the residents of this rent supplement project will clearly be stigmatized by the area's other residents as "project people" as has happened to the residents of Charleston's existing low rent public housing projects. This will likely tend to demoralize the residents at the same time the problems created by their being forced into such high density housing effect them. It is well known that serious social disorganization effects Appalachians forced by economic circumstances to move to higher density housing in our major cities. Here governmental action appears about to force the same problems on some of our citizens within Charleston itself.

No provisions are included in the Relocation Plan for relocation of over 100 medium and small businesses to be displaced by the project as currently proposed. Relocation staff of the U.R.A. have denied any responsibility to help businesses find relocation sites and have made it clear most cannot expect to relocate back into the project area. These firms usually require a downtown location such as they now have, or long established neighborhood customers. Both will be lost if the project is carried out as now planned. Also, the reuse plan does not allow for small firms to be scattered among the proposed housing units, where many now are, and where they are most convenient to the residents. Experience with business firms displaced by the Interstate, like Dodson Tire Company, shows many get little help relocating and either close down or leave the City. Dislocation and loss of this many businesses will be a major blow to Charleston's small business community at a time when Federal policy is supposed to be to encourage small, economically sound, business enterprises.

CURA "Relocation Resources" are totally insufficient when other displacements are considered. Figures used by the URA in estimating relocation needs are inaccurate and fail to take into account other sorts of displacement. (Page #28 of R-223) It estimates all State Road Commission relocation will be completed within 18 months (June, 1970). This statement fails to take into account the SRC's inability to relocate large, lower income Negro families. The reason the SRC relocation rate is falling is because it cannot relocate its

remaining lower income families. Yet, page 28 of the Relocation Plan of the CURA projects a far larger number of families are to be relocated by the URA using the same resources that have failed the S.R.C.! The Charleston Community Renewal Program proposed (Chapter 4, page 5) in its "Housing Dimensions" report that disaster, condemnation, and conversion would displace 750 families, the State of West Virginia Capitol Expansion 280 more families, highway constructions of all sorts 1,094 and urban renewal 855, through 1971. Yet, Charleston's Workable Program submission in April of 1969 which underestimates the problem, if anything, states that by mid 1971 some 70 families will be displaced by code enforcement, 492 by highway construction and 47 by the Capitol Complex. At the same time the CRP states that in 1967 Charleston had 12,550 substandard housing units many of whose residents should be dislocated by any workable program approved housing code enforcement.

The URA made a survey of the project area in 1966, using inexperience, non-resident staff. A survey made this year had similar shortcomings. The 1966 survey showed the white population of the proposed area was 840 and the Negro population 665.

The survey also produced a list of "Low Income Families", some of whom had been dead more than 2 years before this "survey" was taken. We question the accuracy of this survey and feel it grossly underestimates the area's relocation problems, especially the number of non-whites. Further, the Government Square Project will dislocate 120 families and individuals (Page #7 of the Relocation Plan for West Virginia R-17), 59 of whom are at the public housing level.

Further, the proposed clearance staging of the Triangle Project states that by the end of 1971 some 491 households will have been cleared. This staging chart indicates fewer households to be cleared than does the "Socio-Economic" study of 1966, by the way. The URA's figures are not accurate or consistent with other studies of housing needs and leave out competition from private clearance and substandard housing as well as from governmental projects like the Capitol Complex. One obvious problem is that while CURA and the State Road

Commission are maintaining separate relocation programs, they are using the same relocation resources but failing completely to coordinate such uses. Realistic evaluation of the Charleston housing market will show the planned relocation from West Virginia R-21 is simply not possible.

## 2. Previous Relocation Experience -- Current Market Experience

The inability of the Charleston housing market to relocate persons of low income is demonstrated by the problems of the URA in relocating a mere 37 families displaced by housing code enforcement. Of these, the URA itself reports, some 24 percent still cannot be relocated, while some 11 percent relocated outside the city limits. The problems of the local housing authority with its "leased housing" reservation is another example of the tightness of the current city rental market in the moderate price range. The West Virginia R-17 relocation plan (Government Square) claims (on Page #8) that Charleston's 100 units of elderly public housing will provide adequate relocation housing for that project's 49 elderly families and 25 elderly individuals. Page #12 and #13 of the relocation plan for West Virginia R-21 states that 30 elderly homeowners and 167 elderly tenants are eligible for public housing. However, page #3 of the URA response to the Regional Office's letter of 1-2-69, concerning relocation, states that in 15 months the entire turnover in the 100 percent occupied elderly public housing project was 5! Clearly, relocation of the Triangle's elderly is impossible as W.Va. R-21 now stands.

The use of public housing turnover for the non-elderly, as projected by the URA, is also highly questionable. For example, page #4 of 7212.1, Chapter 2, Section 2 of the Urban Renewal Handbook asks (Item #6) for a statement by the housing authority concerning admission requirements other than income and family size. The letter submitted by the URA from the Charleston Housing Authority does not answer this question. The facts are that unwed mothers still have problems entering the city's public housing, families with several generations living together (an Appalachian tradition) are not eligible, nor are "families" of unrelated persons or families with pets (another Appalachian tradition). Also the March 31, 1969 Housing Authority report lists a turnover of only 26 percent,

lower than the URA's estimate. It should be pointed out that most of this turnover is in the Orchard Manor Project, the one furthest from the Triangle and downtown jobs, and in the poorest physical condition of all Charleston's projects. It also should be pointed out that page #16, Item 6, of the "workable program" section on relocation states only 22 percent of the city's public action displacees will be taken care of by public housing. In addition the Housing Authority figures used on page #2 of the "CURA Response" to the Region #2 letter of 1-2-69 shows a steadily falling public housing turnover over the last 10 years, which is not properly projected by the URA in its relocation plan. Also, since the same page shows twice as many persons applied for public housing over 10 years as there was a turnover, it is plain that at best public housing turnover for Triangle displacees only prevents other needy persons from obtaining decent housing, while public demolition of housing has cut the turnover rate down as the private market becomes tighter.

It should also be pointed out that most of the new non-elderly public housing proposed for Charleston is years away because of the Housing Authority's rejection of Turnkey methods and its running into vigorous opposition from community groups due to its insisting on large (for Charleston) projects of at least 100 units in a few neighborhoods, instead of the scattered site policy urged on the Authority by a Special Committee of the City Council.

The 13th page of the relocation plan for the Triangle Project states that 5 families with 8 or more members have incomes, ". . . sufficient. . . to obtain housing with little or no difficulty." Most of these families are Negro and this statement shows a total lack of understanding of the current housing problems facing local large families, especially if they are Negro. This same page says 8 other large families will be housed in the yet to be constructed Rent Supplement projects. The accompanying chart in the relocation plan does not, however, indicate bedroom sizes large enough to house these families and, of course, none of these projects are in the Triangle.

Page 3 of the "CURA Response" shows that the "average" sales price (\$20,732) of homes sold by the Multiple Listing

Service, is far above the reach of most Triangle families. This listing of private sales housing as a relocation resource neglects to mention that the local M.L.S. is not city-wide, but is county-wide, with most of its listings not even being in the city limits. Many of its more reasonably priced listing are in Nitro and other areas far removed from Charleston. The "independent real estate broker" referred to on page #4 of the "CURA Response" who estimates some 100 housing units for sale under \$10,000 does not state that these units meet H.U.D. relocation standards.

We also point out that page #17, item 8 of the "workable program" submission states (based on a Postal Survey) that Charleston has a vacancy rate of only 2 percent which likely is accurate. This is especially important since it includes the large number of substandard dwelling units in the city. We submit that this "real estate brokers" statement and similar remarks in the city's "workable program" papers concerning sales housing available for persons earning under \$3,000 are grossly inaccurate or out-of-date, as is the turnover rate listed in the "Housing Dimensions" study.

3. Refusal to use available relocation site and help keep community members in the community they know.

The refusal of the URA to make any effort to develop an "open lands grant" renewal project on 9 acres of vacant land next to the proposed Triangle project is arbitrary and demonstrates its lack of intention to allow the Negro residents of the area to remain in this part of town. Region #2 Director Phelan suggested the URA apply for an "open lands grant," on April 25, 1969. This land is owned by appropriate out-of-state firm that may build a new water filtration plant that likely will triple all local water bills. Overwhelming support for using this land for housing was registered at a public hearing held on this matter in February, 1969. However, the URA still refuses to consider this site. This vacant land had some 300 Triangle residents cleared from it in 1966 and no action to obtain Public Service Commission approval to build on this site was taken until almost 3 years later, after local ordinance was introduced to rezone this land for housing. Obviously no dire need for a new plant on that site exists or

this delay would not have taken place. The qualified approval by the State Public Service Commission to allow construction on this land is now on appeal to the State Supreme Court. A local non-profit organization stands ready, as does the AFL-CIO, to develop housing on this site which is acceptable to the Triangle Community as a relocation resource. This site also can and must, be built on before residential clearance is begun in the Triangle project.

4. Inadequate Relocation Staff and Survey Urban Renewal Authority Director's Prior Conduct.

The Technical Relocation Review Committee established by the URA has not been effective due to among other things, lack of cooperation by several agencies supposed to be supporting it. The enclosed document will explain some of the problems connected with this committee.

The hiring, training, and actions of the U.R.A. relocation staff have been and are inadequate. The staff for the Triangle and Government Square projects were not hired from those areas, although a number of local residents have applied. The training program for this staff was inadequate and included a session with the Executive Secretary of the Charleston Chamber of Commerce, the only local organization to support the Triangle Project. On the other hand, the U.R.A. solidly rejected an offer by the Director of the neighborhood anti-poverty program to allow its experienced housing staff to assist in its training. Instead, anti-poverty activities and "minority group considerations" were covered by the director of an all-white, middle class, United Fund organization.

Meanwhile, the U.R.A. staff is attempting to pressure residents into leaving the project area even before H.U.D. approval of W.Va. R-21. It should be added that the "workable program" statement on page #12, item 1-A, to the effect that the Triangle Improvement Council helped train the U.R.A. relocation staff is simply untrue!

Administration of the relocation program of West Virginia R-21 will be under the general direction of the URA Director, Eric Hemphill. This Mr. Hemphill is the same man forced to leave Kingston, New York by H.U.D.'s Region I, in 1967, for



his failure to properly rehouse a Negro community there which he was in charge of displacing as director of New York R-107. Mr. Hemphill had his salary cut off by Region 1, as well as all urban renewal funds, as a result of his mismanagement of that project. The City Council voted to cut off all support of the renewal authority there and question of money as well as relocation were raised by the C.O.R.E., N.A.A.C.P., Congressman Joseph Resnick, and numerous councilmen. Mr. Hemphill has never admitted to any mistakes in Kingston and gives every indication he will perform in the same overeager, inefficient, and insensitive manner in Charleston as he did in Kingston. In Kingston Mr. Hemphill projected relocation in private sales housing and public housing turnover which did not pan out. He appears to be about to repeat this mistake in Charleston. Kingston lost its Negro councilman as a result of Hemphill's disruptive efforts there, which also is likely to take place in Charleston. His word can surely not be taken on matters connected with relocation, as it was at first in Kingston.

It might be pointed out that a problem in Kingston was the failure of the URA there to insist that firms it did business with observe their contracts with the URA in areas that would protect the general public interest, and Charleston already has had that problem also. For this reason it is difficult to feel confident about CURA promises concerning relocation, staging, and reuse, even when set down in writing, under the current CURA administration.

The insistence by Mr. Hemphill on smaller bedroom sizes for public housing in West Virginia R-21 than recommended by the HUD Regional Office is another indication that the URA does not intend for the larger Negro families now in the project area to return. Mr. Hemphill supports fewer large bedrooms in the proposed project, although his own survey shows, that 10 of 15 families requiring 5 or more bedrooms in W.Va. R-21 are Negro. Mr. Hemphill also had a dispute over bedroom sizes with the housing authority in Kingston, it should be noted.

##### 5. Destruction of Community Leadership

The relocation plan is discriminatory in that it plans to take all standard housing (mostly owner occupied) and major Negro community institutions at early stages of the project.

Taking the homeowners housing first for temporary relocation, as proposed in the staging plan, and clearing the John F. Kennedy Center, Community Resource Center and Metropolitan Baptist Church during Stage B will have the effect of shattering the existing community leadership and social programs at just the time the area most needs such trusted leadership of individuals and institutions to minimize the disruptive aspects of the project. The fact that no new housing or community facilities will be built for several years after, further compounds the disruptive effects of this planning for carefully worked out clearance. This issue is further compounded by the refusal of the Renewal Authority to hire community residents on its relocation staff and the refusal of the city's Mayor to appoint an area resident trusted by the community, Henry Haynes, to one of two recently filled vacancies on the U.R.A.

#### 6. Conclusion: The Prepared Relocation Plan Is a Sham

No acceptable relocation housing exists in the Charleston area for moderate and low income families, especially if they are Negro. The staging for the project area will remove the larger families, who are mainly Negro, first and they will be the most difficult families to relocate. In fact, the city does not intend to relocate many Triangle families as clearly stated by Mayor Dodson on September 9, 1969, who said that Charleston would lose some 3,000 persons in the next few years as a result of urban renewal and other public actions. The city planning director has earlier stated that urban renewal and other public projects would remove people from the city entirely. Consider also the enclosed news clip that states that Union Mission, a welfare agency that works with low income persons in private housing, will not longer be needed because, ". . . the revitalization of the Triangle will eliminate the need for the mission's activities in the area." Note also the Mayor's explanations of the traditional city policy for people displaced by Governmental action, city's obligations under its "workable program" agreement. This lack of understanding appears to make fair application of Federal relocation requirements under the current City Administration extremely unlikely. The relocation plan for West Virginia R-21 is, in reality, a "final solution" for many of its residents.

B. RACIAL DISCRIMINATION

Summary

We shall demonstrate that:

1. Proposed relocation plan will produce new ghetto communities. The present integrated community will be replaced by an all-white community with, perhaps, a few upper class Negroes from outside of the project area.

2. Taken in combination with city assisted action in connection with the adjoining Water Company land and the state and federal action adjoining the area, the Highway Project, this federal and local action amounts to an annihilation of all of the Negro component of a community and is clearly a deprivation of equal protection of the laws with respect to said persons.

3. There is discrimination against Negroes by virtue of the manner in which all Negro businesses in the area are scheduled for clearance and certain white businesses are not so scheduled; with the location of the business not a factor.

In the re-use plan private clubs that discriminate against Negroes shall receive land for use, for example, as a parking lot.

4. No provisions have been made for equal opportunity employment programs in connection with the plan.

5. Minority group considerations should have been met and were not.

6. The urban renewal authority's relocation staff had only taken Negro representation while qualified Blacks from the community were turned down.

7. Minority group leaders who have questioned aspects of the project have been publicly attacked and maligned by the CURA Chairman and have been refused information regarding the project which should have been made public in any event.

8. Representations in the proposed plan that discrimination in housing will be avoided by the existence of the Charleston Human Rights ordinance, sale of FHA homes, the Minority Group Subcommittee of the Citizens Advisory Subcommittee, the Charleston

Human Rights Commission and the Housing Committee of the Citizens Advisory Committee although seeming impressive, are no protection at all upon close examination of each of these items.

A. New Ghettos To Be Created

We believe the relocation housing proposed for the lower income residents of the project area, both within and without the project area will end up being racially segregated. The FHA Commissioner has indicated that the Hanna Drive rent supplement project is to be a major relocation resource for lower income Triangle residents. Since other rent supplement projects planned for the city either will have few large bedroom units or not be timely built, this seems especially true.

The staging of clearance in the Triangle project is such that the area north of Washington Street (overwhelmingly Negro) is to be cleared before any relocation housing will have time to be constructed in the project area. Thus, the Negro residents will likely be forced to use their displacement certificates to enter Hanna Drive, thus making it a mainly Negro project. The staging calls for clearance of the "white" part of the project area (south of Washington Street) late enough in the clearance schedule so that new housing is likely to be coming available in the formerly "Negro" part of the area. These white families will thus have priority in this new housing and it will become nearly all-white!

B. Deprivation of Equal Protection of Law and Massive Discrimination Against A Black Community

The current Triangle Project, as proposed, is part of a three part public program to eliminate completely West Virginia's largest mainly Negro neighborhood, the Triangle. The City of Charleston provided zoning and free city land to allow a utility company to clear 300 some residents and a Negro Church from 9 acres of the community, in 1965-66. During that time the City and state agreed to coordinate the routing of an interstate highway just south of the Water Company, to displace some 400 people and a number of Negro operated businesses. During that time, too, plans were developed to complete the wipe out of this community, through total clearance by urban renewal. This policy is politely called, "A long needed shift in the city's population." It is, simply, a policy of Negro removal. The northern edge of the mainly Negro section of the Triangle was cleared of residents

by the West Virginia Water Company, after the City of Charleston gave it city owned land in the area and needed zoning. Interstate Highway #77 is proposed to dislocate a strip of black and low income white housing immediately south of the Water Company land. The proposed renewal project will complete this wipe out of the black portion of the Triangle community.

#### C. Discrimination in Reuse Proposals

The Triangel Project still appears to intend to provide land to two all-white private clubs, Beni Kedem Shrine and the Society of Colonial Dames. No affirmative efforts have been made to require these organizations to change their discriminatory membership policies.

All Negro operated businesses in the project area are scheduled for clearance, while several white operated firms, some listed as having "deficiencies" by the URA, will be allowed to stay in the project. The widening of Court Street appears to take Negro operated businesses on its east side and then swing over to force removal of two Negro churches on its west side, while allowing a white church on the east side of Court Street to remain.

#### D. Lack of Equal Opportunity

No program for affirmatively promoting equal opportunity in employment in the city's urban renewal projects or employing training project area residents has been proposed by the City's long range urban renewal program or the city's renewal authority. In light of the long history of racial discrimination in the city's building and construction trades, the failure of the Charleston Community Renewal Program to even suggest specific action in this area will surely mean a continuing of the same discriminatory policies.

#### E. Minority Group Consideration Ignored

We believe the requirements of the "Minority Group Considerations" contained in Chapter 1 of RHA 7207.1 of the Urban Renewal Handbook should have been and were not met.

The staging of the project will have the effect of decreasing the housing available to minority group families within the project area to an extreme degree.

Hanna Drive already has a large percentage of Negro families and is not a "new" area for Negro residents.

The entire Community Renewal Program of the City will contribute to a concentration of Negro and low income families in one section of Charleston, the North Charleston neighborhood. Page B-5 of Chapter 3 of the CRP proposes 2500 new low or moderate income homes be concentrated in a 97 acre area, surrounded by three existing or proposed public housing projects. Hanna Drive is in this area also.

City officials have stated, in writing, that this area will be the "relocation resource" for Wertz Avenue and other minority neighborhoods to be cleared later which will result in an increase of racial and economic segregation. In addition to three other renewal projects (General Hospital, Lewis Street, and Stockton Street) are proposed to clear or partially clear mainly Negro neighborhoods. Page 19 of the C.R.P. summary section proposes for two minority group neighborhoods that, ". . .Coal Branch Heights and Wertz Hollow need to be either abandoned or cleared and redeveloped." This and other parts of the Community Renewal Program make it plain that the relocation of Triangle residents in Hanna Drive, Orchard Manor, and a new low rent public housing project approved for West Washington Street, are part of a city program of building a ghetto in North Charleston in complete opposition to the intent of HUD minority consideration.

#### F. Minority Group Leaders

Minority group leaders who have continued to question the Project have been publicly attacked by the URA Chairman and have had difficulty in obtaining information about the project. Most recently the city's council-man-at-large, who is Negro, was refused access to U.R.A. files by its chairman. Attempts by minority group leaders to propose modifications of the project have been rejected and their use of technical help bitterly attacked by the U.R.A. Chairman.

#### G. Renewal Agency Plans to Prevent Racial Discrimination in Rehousing A Sham

Pages #10 and #11 of the January, 1969, relocation submission of the Charleston Urban Renewal Authority list a number of safety guards against racial discrimination in relocation housing.

Closer examinations, however, will show these exhibits are either ineffective or of limited effect. The URA claims, for example, that the Charleston Human Rights Ordinance will insure equal opportunity in housing. However, no breakthrough has taken place in Charleston's segregated housing patterns since passage of this ordinance, no case of housing discrimination has been pushed to the "hearing" stage, and the ordinance exempts those rental units most suitable for families with children. Also, many of the Multiple Listing Service homes are outside the city of Charleston, and neither the state, county, or nearby cities have fair housing laws.

The URA also claims that discrimination will be dealt with by the Minority Group Subcommittee of the Citizens Advisory Committee. Charleston has no Minority Group Subcommittee of its C.A.C.

The U.R.A. claims the Housing Subcommittee of its Citizens Advisory Committee also is concerned with stopping housing discrimination. This subcommittee is almost totally inactive, like the entire Citizens Advisory Committee structure. We quote Samuel Hawthorn of H.U.D. Region #2's "workable program" section, who wrote Mayor Dodson on 8-21-69, about the C.A.C., " . . . it appears that few subcommittee meetings have been held. . . ."

Also, we point out that the staff of the Charleston Human Rights Commission is not closely tied to the housing activities of the U.R.A. relocation staff and is not even a member of its Technical Relocation Advisory Committee.

Under these circumstances we feel certain that non-discrimination in housing cannot be insured in the current Charleston urban renewal relocation proposals and that current plans will produce bigger black ghettos than now exist.

## C. LAND REUSE

### Summary

1. The project borders do not provide reasonable protection against blighting influences and are illogical and arbitrary.

2. The decision for almost total clearance of the area was arbitrary and unnecessary. The Authority's own studies differ materially on the question of the condition of the structures to be cleared.

3. The refusal to permit residential rehabilitation was arbitrary and unnecessary.

4. The refusal to allow businesses to upgrade themselves was arbitrary. Condition of some businesses slated for clearance are undistinguishable from others spared clearance and no significant differences in location are involved.

5. The zoning aspects of the reuse plan are in conflict with the City's Comprehensive Plan for the area.

6. Reuse of part of the project area for scattered site public housing, "turnkey" housing, or "leased" public housing was arbitrarily refused. National goals for low and moderate cost housing in the reuse of the site will not be met.

7. Potential shift of an adjoining Interstate Highway route might require an entirely new reuse plan.

### Discussion

1. Project Borders do not Provide Reasonable Protection Against Blighting Influences and are Illogical and Arbitrary

Reuse borders of the Triangle proposal violate guidelines set forth in RHA 7224.1, Chapter 1. They do not provide reasonable protection against blighting influences. For example, across Quarrier Street from Block #32 is a section of badly deteriorated structures that are not part of any public improvement project and certainly should be.



Blocks #2A and #2B appear to have been arbitrarily included in this project in order to remove residences in favor of specially favored nonresidential reuses, a parking lot for the Beni Kedem, land for a historical building for the Colonial Dames, and warehouses for certain public and/or private firms in the center of a valuable downtown area.

The Renewal Authority insists on leaving a blighting influence in the middle of the project area. This is Washington Manor, an aging housing project of cinder block and brick. The URA has refused to discuss renovating and landscaping this eyesore, despite requests by area residents and an April 25, 1969 offer by Mr. Phelan of financial aid from H.A.A.

The boundaries of the project are illogical and arbitrary. Blocks #2A and #2B, plus Block #32 appear to have been arbitrarily included in this project.

## 2. Decision For Almost Total Clearance Was Arbitrary and Unnecessary

The decision to clear all residences and most business from the project area was arbitrary and predetermined by the local renewal authority. The U.R.A. made a "Socio-Economic Diagnostic Survey" in 1966 which reports (on Page #6) that 272 dwelling units are "standard" and 357 are "substandard." A survey by Balzer and Associates, however, done in 1967 lists some 94 percent of the area's structures as, "with deficiencies requiring clearance."

We contend the vast differences between the URA's two studies, as well as actual facts, are the result of a predetermined decision to recommend total clearance of the project's residential area, which effected the Balzer survey.

An indication of the CURA's mentality and accuracy is an updated map by the CURA pin pointing "substandard properties," dated January, 1969, which shows two properties as "substandard" that have been demolished for over two years. It also shows a number of properties, "with deficiencies requiring clearance" that other consultants contend are far from such condition.

### 3. Arbitrary Refusal to Permit Residential Rehabilitation

We feel it is significant that the URA totally disregarded Jason Nathan, the former Regional Director of HUD, when he suggested consideration of rehabilitation for the land between the Government Square Project and Lee Street. We contend the U.R.A. has been arbitrary in rejecting all requests for some rehabilitation, as authorized in RHA 7210.1, Chapter 1, Section 1, which mentions that, ". . . a clearance area may include incidental rehabilitation . . . of individual properties."

Total clearance of residential properties will discriminate against the homeowners of the project area, will clearly cause a net decrease in home ownership in the project area, whose hard earned and generally good condition housing will be wiped out at the very time in life when most of these homeowners can least afford to purchase a new house. In addition, total clearance will, as Regional Administrator Phelan put it on May 15, 1969, give the community the feeling ". . . of being swallowed up . . . by the new."

We contend the refusal of the URA to consider residential rehabilitation for social reasons to preserve area home owners to be both arbitrary and discriminatory.

### 4. Arbitrary Refusal To Allow Businesses to Upgrade Arbitrary Scheduling For Clearance

The decision of the URA to allow certain businesses to remain in the project area and to force others to be cleared, no matter what investments they are willing to make to upgrade their properties, is, we insist, arbitrary and amounts to outright favoritism. An example of this is block #11 where, as the enclosed will show, all parties concerned (HUD, Unity Housing, and Harry Barton) are willing to consider allowing the present owner to upgrade the property, except the URA. Another example is a substantial building on the corner of Lee and Truslow Streets (West Virginia Business Forms) which does not have, "deficiencies requiring clearance," is to go while another structure (Park Pontiac) down Washington Street, "with deficiencies" is to be allowed to stay.

A tire company (Goodrich) listed as being, "with deficiencies" and a similarly listed property on Reynolds and Lee Streets are slated to stay while other tire companies and businesses lacking, "deficiencies requiring clearance," are required to be cleared. Another question is why every service station in the project is scheduled for clearance except a certain "Gulf" station on Lee Street.

We suggest your office seriously investigate charges raised on the floor of City Council that a number of the exempted properties were so classified because persons interested in them are closely connected with the city's dominate political faction as well as our charge that these exemptions unfairly protect certain businesses at the expense of others. Certainly many of the properties listed for clearance are indistinguishable by condition from those to be spared and their location does not explain their being recommended for clearance. A specific example is the proposed retaining of a building marked even by the URA as having deficiencies which was indicated for clearance in a study made by a URA consultant firm. Park Pontiac is now scheduled to remain.

#### 5. Reuse Plan's Conflict with Comprehensive Plan

The planned residential reuse is discriminatory and undesirable and in conflict with Charleston's Comprehensive Plan. Chapter 1, page 46 of the revised and approved Comprehensive Plan states, "The Triangle Project . . . redevelopment will be predominatly for medium density housing." However, over neighborhood opposition which was based on this point, the City Administration pushed through a rezoning that allows high density housing in all current residential parts of the project area. This clearly violates the provisions of RHA 7207.1, Chapter #3, which states that the reuse plan should conform to a city's master plan for development.

The high and medium density housing is discriminatory because the residents of the project area, and low income persons in the Charleston area in general, are Appalachians used to low density housing in general. They have demonstrated significant difficult in adjusting to housing that results in families not having ground level entrances with lots of some sort for their children. Orchard Manor Housing Project, in

the west part of Charleston, is a dramatic example of this human problem. The URA has been totally insensitive to efforts to increase the land areas for housing, so as to allow for lower density housing, and has opposed suggestions for financial approaches to deal with the alleged (but never documented to the public) high cost of project area land. The density planned for the project will likely lead to social, psychological and law enforcement problems among its lower income residents. Remember, our people are not used to the densities of New York, Philadelphia or Detroit.

#### 6. Scattered Site, Turnkey and Leased Public Housing Arbitrarily Refused. National Goals For Low and Moderate Housing Not Met

The URA has not followed recommendations contained in RHA 7207.1, Chapter 1, concerning use of scattered site, turnkey, and leased public housing programs. The URA has rejected community requests for leased housing or scattered sites in the project area and refuses to list leased housing as a relocation resource. Requests for "leasing" and scattering have repeatedly been presented at meetings with the URA by the Triangle Improvement Council, it should be added.

The project does not come up to the "National Goals" spelled out in the Urban Renewal Handbook as far less than 50 percent of the net acreage in the project is intended for low or moderate cost housing. It should be considered, in this matter, that a portion of the land designated for housing reuse is intended for middle or upper income "high rise" housing along the Elk River.

#### 7. Reuse Plan Economically Unfeasible

We feel the entire reuse plan is overoptimistic and cannot be supported by valid economic studies. Only two studies are known to the public, the "Land Utilization and Marketability Study" of 1967, by the Real Estate Research Corporation and the 1968 Hammer, Greene, and Siler study, "Economic Conditions and Potentials of the Charleston, West Virginia CBD," On December 19, 1969, URA Chairman McJunkin declared the Real Estate Research study was not valid. On April 15, 1969, the City Planning Director declared the Hammer, Greene and Siler study was "unreleased and incomplete."

The "Land Utilization Study" proposed much commercial reuse of land in the project, to relocate businesses dislocated by the Interstate Highways all over the Kanawha Valley. Such dislocation and business relocation has, by now, already been completed. The "Economic Conditions" study projected a needed growth in Charleston's downtown business area due to a lack of suburban land for shopping center competition after the Interstate system through Charleston is completed. We submit that the reuse provisions for commercial, apartment residential and warehouse uses are the result of informal agreements and commitments by the URA to specific firms and individuals, in violation of HUD regulations concerning commitments prior to execution of the project. We feel these commitments are the reason the URA plans to turn a mainly residential area into a mainly non-residential project, over vigorous local opposition.

#### 8. Potential Change In Highway Plan Might Require Entirely New Reuse Plan

The location of Interstate Highway #77, proposed to pass along the north edge of the project area, is now under consideration for a major shift in location by the Department of Transportation. This will materially effect the planning of the project area as well as potential land for relocation housing. If the highway is moved this will require extensive work on the proposal, since items such as taking the community's playground for a dormitory for St. Francis's nuns is justified by the current highway allignment. The highway also figures in the proposed financing of West Virginia R-21, it should be added, since the State Road Commission is slated to obtain certain land inside the renewal area, under the reuse plan.

## D. CITIZEN PARTICIPATION

### Summary

1. The CURA has made clear that there would be no meaningful citizen participation in the planning of the project, in violation of the federal law and Regulations of the Department of Housing and Urban Development.

2. The Project Area Committee was "fired" en masse for making suggestions and comments on prepared plans.

3. The work of the CURA has been carried on for the most part in secrecy as far as the public is concerned. The Project Area Committee, the Citizens Advisory Committee, Community Groups, the City Council and members of the City Council individually have been uninvolved in planned and at times, prevented from even obtaining information about the project and the U.R.A.

4. Conclusion. Citizens in general, and site occupants in particular have been excluded from any meaningful role in connection with the urban renewal plan and planning and will continue to be so restricted.

#### 1. The CURA Has Made Clear That It Will Not Tolerate Citizen Participation

Charleston has traditionally had most of its decisions made by a small group of influential men. This unhealthy trend has been continued in the Urban Renewal Authority and is doubly critical because the URA is planning its first project to change a residential area into a non-residential area.

The total opposition of the Charleston U.R.A. to meaningful citizen participation can be found expressed on pages #7 and #8 of the "CURA Response" which states, "Of course, resident involvement in such aspects as planning . . . is not feasible," and, "Mass Meetings . . . will . . . not require audience participation." The page #7 suggestion that "resident involvement" should include picking up rusty nails is further indication of their concept of citizen participation. It should be pointed out that page #70 of the

Charleston C.R.P.'s "Social Dimensions" study recommends that renewal area citizens be involved in planning and even suggests that local groups be allowed to hire advocate planners. Such action by a local citizens group has been constantly attacked in public by U.R.A. members.

2. Project Area Committee was fired en masse, in the press, for raising questions about certain aspects of the plan.

Page #6 of the CURA Response states that the Triangle Improvement Council has been allowed to select a Project Area Committee. The fact is that the U.R.A. Chairman "fired" this group in a bitter press attack because its members raised intelligent questions regarding aspects of the plan vital to site occupants. These committee members have never received official notice of "dismissal" and thus consider themselves members of an expanded committee. At all times the U.R.A. has shown its hostility toward any citizens who question any of its activities. This includes public attacks on advocate planners used by the local OEO delegate agency and attacks on the President of the Triangle Improvement, who happens to also be the elected Republican Committeeman for the Triangle.

Meanwhile, the URA has hand picked another Project Area Committee it thinks it can control, and refused to acknowledge an elected PAC that represents a broad base of the Triangle's residents, along the lines suggested by the Region #2 Administrator. This PAC announced in advance the meeting at which it was elected it should be added. The latest URA Project Area Committee has nine members, 3 of them ministers, 1 a state employee and 1 a member of the Urban Renewal Authority. No community meetings to select this group were ever announced or held.

3. The Public Business of the URA is Carried On In Studied Secrecy. It Does Not Even File Reports With the Mayor and Council as Required By Law.

The activities and records of the U.R.A. are not made public. The Triangle Improvement Council had to force a confrontation to get a copy of the Triangle Renewal Plan,

after first being refused a copy. Even this month the U.R.A. refuses to provide information regarding the renewal plan to a city councilman. Unlike any other city agencies URA meetings continue to be closed to the press and the public.

Rumors are constantly making the rounds in Charleston that the U.R.A.'s "private" sessions are the scene of open "deals" made by different commissioners on behalf of certain parties that have approached them in private. If these rumors were untrue they could easily be dispelled if the URA carried on in public its business. We believe that release of plans to the public in final, much less draft form, is the CURA's minimum responsibility, as well as to operate publicly. We believe that the Federal Information Disclosure Act requires such publication and that the CURA, by withholding said information, has violated the law.

As has been mentioned elsewhere, the City Council of Charleston had not seen the updated relocation plan at the time of its public hearing on W.Va. R-21.

In addition, it should be noted that the URA has violated West Virginia Law consistently by failing to provide the Charleston Mayor and Council with annual reports of its activities as required in Chapter #16, Article 18, Section 19 of the State Code.

#### 4. Conclusion Citizens In General and Site Occupants In Particular Have Been Excluded From Any Meaningful Role in Connection With the Urban Renewal Plan and Planning

Citizen wishes on the kind of housing they desire are being completely ignored by the URA. A survey taken by John F. Kennedy Center staff in February, 1969, showed that 66 percent of Triangle residents interviewed wanted the neighborhood rehabilitated, not cleared and only 11 percent favored clearance. Some 83 percent of residents interviewed desired relocation within the Triangle if clearance did come, with no persons wishing relocation into the North Charleston area. 62 percent of the people interviewed wanted individual or duplex housing, and only 9 percent favored a housing project as relocation housing. Finally 71 percent of the residents interviewed desired to own their own home, while 26 percent



supported housing operated by a local non-profit group. Both the clearance, staging, and the reuse plan clearly ignore these desires.

Recent public meetings and appointments connected with urban renewal show the continued resistance of the Renewal Authority to effective citizen participation. Lack of "straight" answers have angered project area residents at renewal meetings and tensions are on the rise. The mayor refused to appoint a highly qualified member of the Triangle Improvement Council to one of two vacancies on the Renewal Authority, even though this individual was supported by a petition with several hundred names and had the support of the Charleston Intra-City Council of Neighborhoods.

5. Lack of Approval By Local Governing Body. The Proposed Urban Renewal Plan has never been properly approved by the City of Charleston.

Resolutions required by RHA 7206.1, Chapter 2, Section 2 of the Renewal Handbook were never properly passed by the Charleston City Council. The Charleston City Council approved Part #1 of West Virginia R-21 only on the condition that a special committee, including Negro residents of the City, work out unresolved objections to the project and report back to the Council within 60 days. Mr. Phelan was a party to this agreement. Unfortunate, the officials on the committee refused to agree to any compromises with the community representatives, and no report was ever returned to the Council. A minority report has, however, been prepared by the president of the Triangle Improvement Council, Incorporated. Consequently, the condition upon which the plan was passed has never been fulfilled and the approval is negated.

The Council was not allowed to see the relocation plan at the time of the public hearing before the Council. One councilman requested a relocation plan and was given a 1968 version that claimed hundreds of rent supplement units were built in 1968, which is not, of course, a fact.

There has, in addition, been material changes in the relocation section due to a new (and we also suggest inadequate) relocation survey.

In addition, members of the Council were denied the right to question the URA members at the public hearing and at later meetings and thus were not adequately informed when they finally voted their conditional approval. It should be pointed out that all testimony at the hearing, on West Virginia R-21 was opposed to the plan as proposed, and that this opposition came from many varied group and individuals. We submit the only reason conditional council approval was finally granted was because Triangle Improvement Council President, William Preston, agreed to such approval based on his (at that time) belief in the good faith of the "special committee" that all concerned understood would reach acceptable compromises on the points of concern to those who testified against the project.

6. Failure of Workable Program

Summary

Charleston's Workable Program should be reconsidered and certification withdrawn until material defects are corrected.

1. The failure of the City to perform in the area of codes and code enforcement is known to HUD and has already jeopardized certification of the program.

2. The total failure of the city to perform in the area of citizen involvement should result in decertification until actual steps are taken to activate and allow citizen involvement in the manner required by HUD and required in the Urban Renewal Manual.

3. In light of the totally inadequate relocation plans for not only the Triangle Urban Renewal Plan as discussed above but all of the other public improvement projects and code enforcement, and particularly all of these activities in combination - - we believe that certification for the Workable Program must be reconsidered.

A. Failure in Codes and Code Enforcement Community Renewal Plan Not Approved

Charleston has failed to meet the requirements concerning codes required in Chapter 3 of RHA 7204.1! On August 21, 1969, Samuel Hawthorn, of the Region #2 Workable Program section wrote Mayor Dodson about deficiencies in its building code, plumbing code, housing code, and electrical code. About the building code he stated, "Our review indicates that certain provisions nationally recognized as Model Code standards are missing from Charleston's local Building Code." Concerning the plumbing code Mr. Hawthorn said, "The following deletions of Model Code Standards should either be corrected or justified." He commented on the city's housing code, "Our review indicates that certain provisions nationally recognized as Model Codes standards are missing from Charleston's Housing Code." The electrical code drew this comment, "Prior to next recertification the Electrical Code must be amended to require the repair of existing hazardous wiring and electrical apparatus."

We submit that the criticisms of Charleston's workable program submission by your assistant Regional Administrator for Program Coordination and Services are of such magnitude in the areas of codes, citizen participation, and relocation as to require reconsideration of your recent recertification of Charleston's "workable program."

A comparison of this letter and Mr. Hawthorn's letter of 3-1-68, notifying Charleston of its original deficiencies shows that in roughly 1 1/2 years the city has done very little toward meeting HUD requirements in these areas, which conflict with the traditions of Charleston's decision makers. This background indicates little hope that the city will take affirmative action on Mr. Hawthorn's recommendations. It also raises grave questions as to how your regional office could recommend recertification at all.

It should be added that Charleston's Community Renewal Program has never been approved, even by the Planning Commission, although its approval was one of Mr. Hawthorn's original requirements.

#### B. Failure in Citizen Involvement

The Citizens Advisory Committee and its Urban Renewal Subcommittee for Charleston have never been involved in any of the planning of either West Virginia R-17 or West Virginia R-21. Nor have they been allowed any significant role in commenting on these proposed projects before they were finalized. Neither group has had the opportunity to vote its approval on the Triangle Project, it should be added. This is lack of activity, by the C.A.C., is referred to be the Region #2 office of HUD in its recent correspondence about the Charleston "workable program." This lack of citizen participation surely is a violation of both urban renewal and workable program requirements and is likely a major reason the Triangle Project is such an unworkable mess as now proposed.

#### C. Failure in Relocation

Please refer to the discussion above regarding relocation for the Triangle Urban Renewal Plan. That Charleston has no intentions of living up to its relocation housing code, and other "workable program" obligations is well illustrated by Mayor Dodson's recent fanciful criticism of your

Region #2 office for pointing out the city's "workable program" shortcomings. His statements indicating that he feels the city can ignore the "workable program" requirements set forth for the future because he has forced Mr. Hawthorn to back down on his code criticism, is typical of the intent to ignore Federal requirements one can reasonable infer from the current city administration under the present circumstances. Meanwhile, the city has continuing difficulties relocating a handfull of victims of housing code enforcement. Also in a recent hearing before a Federal Court the West Virginia State Road Commission was forced to list housing scheduled for clearance by urban renewal and places of ill repute as relocation resources for displacees from its proposed highway projects. The SRC did a poor job of relocating persons to be displaced by expansion of the state offices in Charleston in 1967 and some of these families have yet to be displaced and relocated at this late date.

The city has been only reluctantly granted certification due to the very serious flaws in codes and code enforcement. With the added knowledge of the failure in the Citizen Involvement Section and the Relocation Section we believe that certification must be withdrawn if the "workable program" is to have any real meaning.

CONCLUSION

On the basis of the above we respectfully request that the Secretary of the Department of Housing and Urban Development allow us to present our evidence and arguments at any time or any proceeding to prove further the allegations made herein.

At the same time, because we believe that the material presented herein constitutes sufficient grounds, we request that the Secretary might, in lieu of further hearings reject the application of West Virginia R-21 for urban renewal assistance Charleston will after all, be hard put to properly carry out its Government Square Project (W.VA. R-17) under present conditions.

Another possibility would be that they Secretary return West Virginia R-21 to the Charleston Renewal Authority without approval, spelling out conditions for changes in the plan adequate to meet the objections here raised and requiring positive action by the CURA to take the vacant West Virginia Water Company land for an Open Lands Program to provide an early source of relocation housing.

Further we request that Charleston's Workable Program, previously certified for 1969-1970, be recalled and decertified pending correction of the material deficiencies therein.