

Departmental News:

Summaries of Recent Departmental Papers

Compliance With Federal Handicap Regulations

by Zoe Durrell Bruner

All towns and counties that receive federal funding must comply with Section 504 of the Rehabilitation Act of 1973 as defined in 24 CFR, Part 8, and with the Americans with Disabilities Act of 1990 (ADA). These acts and accompanying regulations are quite complex, and proving compliance is often more involved than small town managements can handle. Failing to prove compliance can cost towns their federal funds.

In 1991, an informal survey of towns in eastern North Carolina that had received or applied for government grants revealed little or no documentation supporting compliance with Section 504. The documentation evident in some towns was based on formats which circulated through the state in the mid-1970s. These forms do not adequately explain the requirements of Section 504, nor do they help a town discover where it may be out of compliance. In addition, many local governments have not kept their documentation current. With passage of the Americans with Disabilities Act in 1991, interest in local compliance with existing regulations has been renewed.

This paper serves as a simple workbook which can be used to demonstrate local compliance with Section 504 and ADA. It includes a short description of the acts and statutes, a description of the handicap regulations which apply to recipients of federal funds, and questionnaires to be used by local governments to support their compliance with handicap laws. This guide may be useful to both local governments and to consultants hired to write grants for local governments. Use of this booklet, however, is not a substitute for thorough knowledge

of Section 504 and the Americans with Disabilities Act.

Black Town, Black Gown: The Role of Historically Black Colleges and Universities in Community Revitalization

by Tim Cohen

The Historically Black Colleges and Universities (HBCUs) in the U.S. have a rich tradition of community service since their establishment following the Civil War. Their graduates serve the Black community as knowledgeable professionals and committed leaders. The schools themselves provide many outreach programs and serve as meeting centers and as sources of community pride. Like many urban institutions, however, HBCUs have experienced remarkable changes over the past thirty years.

As highway construction, urban renewal, and the mortgage interest deduction have decimated inner cities, much of the urban population and its institutions have left for the suburbs. Those individuals remaining in the declining central cities are increasingly poor, minorities, and troubled. HBCUs have, by and large, remained in the central cities and have seen their historically amicable relationships with their communities deteriorate into mutual mistrust and alienation. As the health of the HBCUs has become inextricably intertwined with the health of their host communities, they have found it necessary to take larger roles in community revitalization efforts.

Both push and pull factors are at work here. HBCUs are being pulled into community development efforts due to the limited successes of previous community revitalization programs, and pushed to intervene by parties anxious to tap this enormous community resource. Recently, a Ford Foundation intermediary awarded start-up funds to five HBCUs to

engage in community revitalization. This paper examines the recent revitalization efforts of three institutions which have received grants: Johnson C. Smith University in Charlotte, North Carolina; Hampton University in Hampton, Virginia; and Clark-Atlanta University in Atlanta, Georgia. Though it is premature to judge their contributions to community development, some important patterns are emerging:

- Black colleges are more inclined to address the needs of the university community than the needs of the non-university residential community;
- Quantifiable projects, such as affordable housing construction and rehabilitation, are preferred;
- HBCUs are invaluable catalysts for community revitalization, but poor managers of the process;
- HBCU ventures tend to be top-down, with insufficient opportunity for input from the non-university residential community.

The paper discusses these observations, describes the barriers that may prevent HBCUs from being more effective community development partners, and suggests roles for HBCUs in community revitalization.

Effects of Bypasses on Small Town Development in North Carolina

by David Cristeal

Bypasses are designed to facilitate more efficient flows of people and materials. This function has cast transportation improvements such as bypasses into a major economic development role for states, regions and communities. We can see whether bypasses seem to make a difference by examining their effects on small town in North Carolina. This analysis uses a case study approach to examine retail and manufacturing sector changes in eight small towns and a statistical approach to view changes in income and retail sales for a statewide sample of 43 towns with characteristics similar to the towns in the case study.

The case study and statewide sample results suggest that bypasses have little effect on the overall economic health of communities. Bypasses appear to affect the location of retail and manufacturing activities, but non-bypass towns exhibit similar retail and manufacturing land use patterns. Retail establishments within both bypass and non-bypass towns appeared more likely than manufacturing establishments to move to outlying areas. New manufacturing firms were just as likely as new retailers to locate along bypasses or other outlying locations. Statistical analyses of the statewide sample of towns revealed that bypasses had negligible effects on changes in median family incomes and retail sales. Finally, planning efforts, which for the case study towns began after retail and manufacturing uses had begun leaving from downtown areas, have been more successful in steering manufacturing firms into industrial parks than controlling strip retail development along bypasses and other highways. Unless more aggressive regulatory measures are taken by towns with bypasses, they may find themselves in the position of building bypasses around existing bypasses, which are becoming cluttered by strip retail, manufacturing and other uses.

Small towns can employ an array of measures and resources to more effectively control retail and industrial activities. These include evaluating and enforcing zoning ordinances and employing publicly funded agencies and universities to help conduct the work.

Emerging Issues in Forestry: an Analysis of Harford County, Maryland's Forest Conservation Ordinance

by Regina Esslinger

At the beginning of this year, Harford County, Maryland implemented a forest conservation ordinance founded on the principles of preservation, forest conservation, reforestation, and afforestation. This

ordinance is based on a state forest conservation ordinance that will take effect January 1, 1993. Because Harford County is rapidly losing rural countryside to suburban development, large amounts of forest were being cleared prior to this legislation. This ordinance attempts to replace mass clearing and grading of sites with individual site assessment and forest conservation.

There are two requirements for the development review process—a forest stand delineation and a forest conservation plan. The forest stand delineation is an assessment of the site's existing resources, while the forest conservation plan is a detailed strategy of how conservation on the site will occur.

Despite its comprehensiveness, there are administrative and policy problems with Harford County's forest conservation ordinance. This paper makes recommendations to alleviate these problems. It will take time before the full effects of the ordinance are seen, but it is an important step in protecting the county's environment and character.

Economic Development Zones in Western New York State

by Tom Whalen

The New York State Economic Development Zone Program was created in 1986 to help foster economic growth in distressed communities. Typically, these communities suffer from poverty and high unemployment. There are currently 19 economic development zones in New York State. This paper focuses on the economic development zones in Western New York State, specifically locations in Niagara Falls, Lackawanna and Olean.

Economic development zones vary in size from one square mile in urban communities to two square miles in rural communities. After a zone is officially designated, incentives are provided for ten years to companies that choose to locate there and to existing companies that choose to expand. State incentives include a

wages tax credit, investment tax credit, sales tax credit, utility rate reductions, low interest loans, and job training grants. Local incentives, such as property tax abatements and technical assistance, help supplement state incentives.

While each zone has attracted a significant amount of investment, the original expectations have not been fulfilled. The director of each zone felt that these incentives influence the decisions of companies, but can not induce investments by themselves. Other factors, such as infrastructure, geography, availability of skilled labor, and proximity to consumer markets are also considered by firms when they make locational decisions. Overall, however, zone designation has been a positive experience for the communities I studied because it created an incentive for public officials, businessmen, and local residents to work together to plan for economic and community development.

The Use of Inclusionary Zoning to Promote Affordable Housing in Orange County, North Carolina *by Hope V. Sullivan*

Sites in the southern portion of Orange County, North Carolina, particularly the Towns of Chapel Hill and Carrboro, are too expensive to accommodate affordable housing. The reasons for this are high land prices, due to a limited land supply, and proximity to services and amenities. In the northern portion of the county, zoning regulations and deed restrictions made this relatively cheap land too expensive to accommodate affordable housing.

This paper documents the need for affordable housing in Orange County; reviews current development regulations and policies related to building affordable housing; explains the concept of inclusionary zoning; and recommends how inclusionary zoning can be integrated into existing development regulations to allow affordable housing in the county.