required to maintain the property in accordance with county law. The only benefit obtained as a result is that, during the period of reservation, the land shall be exempt from all state, county, and local taxes. If, at the end of three years, the land has not been acquired for public use or condemnation proceedings have not been instituted, the reservation becomes void unless the landowner consents to renewing the reservation for an additional three years.

If the landowner has no plans for the land, wants this tax liability abbrogated, and does not want to sell the land, the reservation can be beneficial. However, if the landowner wants to sell the land or use it for any purpose, chances are that the landowner is injured more by the reservation than benefited by the tax break.

In the case of Maryland-National Capital Park and Planning Commission v. Chadwick, 405 A.2d 241, (1979), the Court of Appeals used the no-reasonable-use test to determine that the Maryland-National Capital Park and Planning Commission's reservation of property for a period of up to three years was tantamount to a taking. In Chadwick, the planning commission placed Chadwick's land in a public reservation without his consent. Chadwick filed suit (a) seeking a writ of mandamus directing the planning commission to approve their preliminary subdivision plan and (b) requesting a declaratory judgment that the reservation of the property is an unconstitutional taking of property without payment of just compensation. The court ruled that the reservation was tantamount to a taking because the reservation inhibited all beneficial use of the land for a period of three years.

CONCLUSION

Property rights have taken a serious downturn since the birth of this great nation. There once was a time when a person could use his or her property in any manner short of constituting a nuisance. As we have moved from a pure democracy to a social democracy, the rights of the property owner have been measured against the societal good.

Condemnation blight can have a most devastating effect on rights in property. In the more serious cases the owner often cannot sell, lease, or derive any income from the property. Yet the property owner must generally continue to pay taxes, meet mortgage installments, and suffer all of the other burdens of ownership of real property.

I believe that the scales of fairness must begin to tip in favor of the landowner. The acquisition and construction of a public improvement, once development has occurred, is still possible, only more expensive. Where a proposed road, for example, is designed to benefit the entire county, I would propose that the added cost of condemnation because development has occurred should be spread over the entire public rather than unduly burdening a single landowner.

Case Studies

Attitudes, Opinions, and Experiences of Relocatees in Texas Displaced by Highways Under the 1970 Relocation Assistance Program

Jesse Buffington

BUSINESS AND INSTITUTIONS

A sample of 108 business and institutional proprietors who were displaced between 1971 and 1972 was interviewed to evaluate the relocation program. More than 75 percent of those who were displaced by the highway construction relocated their facilities and stayed in operation for at least a while. The majority of those who relocated felt that they had improved the overall quality of their facilities and that neighborhood conditions were at least as good or better than at their former location. Some 54 percent of those interviewed had difficulty finding a replacement location and more than 50 percent of those who did not reopen their businesses cited their inability to find a suitable replacement facility as a primary reason for closing.

Only 10 percent of the respondents gave the relocation program a bad rating; almost all of these were against the highway improvements before relocation and were upset with the news that they would be displaced. Thus, those upset with the relocation program generally had negative attitudes toward the whole highway project.

Some 44 percent of the respondents, on the other hand, were pleased with the relocation program even though many had bad or mixed feelings about the highway improvement and the news that they would be displaced. Another 44 percent of the respondents gave the program a fair rating, while the remaining 12 percent said they did not know.

More than half of the respondents indicated that financial aid was the most helpful relocation service rendered, but financial assistance was also the most often mentioned problem with the relocation program. Less than half the respondents who owned their original property felt that they received adequate compensation for it.

Among the recommendations of the study were (a) that affected citizens should be informed at the earliest practical date of the need for the proposed highway improvements and of the specific provisions for relocation assistance; (b) that greater efforts should be made to assist relocatees in finding suitable replacement facilities; (c) that greater efforts be made to ensure that the property appraisals are updated so that the owners will receive fair compensation; and (d) that the minimum official time given to move should be extended from three months to six months.

URBAN RESIDENTS IN LOW-VALUED HOUSING

Another study analyzed the experience of residents

displaced from low-valued housing (under $15 000) for highway construction in Austin and Houston, Texas. The 171 respondents (all of the households available in the study areas) were relocated under the 1968 or 1970 provisions that afford relocatees housing comparable to their previous housing. About 50 percent of the respondents were owners and the other 50 percent were tenants. Other characteristics included (a) 67 percent were males; (b) 55 percent were Anglos, 33 percent blacks, and 12 percent Mexican-Americans and other nationalities; (c) 73 percent were fully employed and 14 percent retired; (d) the median age was 49 years; (e) median family income was $7000; and (f) households averaged 3.2 people (2.6 for owners and 3.8 for renters). A total of 126 (73 percent of the 171) respondents upgraded their housing. The others relocated in housing comparable to their previous housing and a few in less-expensive housing.

Upgrading affected the relocatee's housing costs, net worth, and financial position. Most (83 percent) had higher housing costs; for example, mortgage payments by 42 tenants who were now owners. (Half of the original tenants became owners; 10 percent of the owners became tenants.) Transportation and utility costs for each household averaged $8 more per month after relocation. Of the 142 respondents who indicated changes in net worth, 132 (93 percent) experienced an increase. The average change in net worth was $1485. Despite the large proportion reporting increases in net worth (132 of 142 respondents), 38 percent felt that they were worse off financially and 22 percent thought they were better off. Of the Anglos, 40 percent thought their financial position was worse; 21 percent indicated improvement. For non-Anglos, 36 percent indicated financial worsening; 24 percent reported improvement.

Although 65 percent of the relocatees indicated that they had been upset about the prospects of moving, only 23 percent were upset about the entire relocation experience. Most relocatees were satisfied with the payments, information, and services received. About 75 percent gave the program a good or very good rating.

RESIDENTS DISPLACED BY HIGHWAYS

A third study analyzed the experiences of residents relocated from their homes as a result of highway location in several areas of Texas. Interviews were conducted with 165 households (58 percent were homeowners and 42 percent were renters) from the 1130 households relocated in the state between January 1971 and January 1973 under the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The typical respondent was Anglo, employed, male, and about 48 years old. He was a member of a two-person household with annual income of $6000-$8000. The median value for acquired properties was approximately $7700 ($8500 for owners and $6800 for renters). Before relocation, monthly housing payments averaged $50 for homeowners and $80 for renters. After relocation, payments rose to $90 and $105, respectively.

Relocation housing payments approved under the 1970 act enabled at least 60 percent of the respondents to upgrade their housing accommodations and neighborhoods. About 82 percent of the respondents liked their new homes and neighborhoods about the same as or better than their previous homes. Supplemental housing payments also encouraged homeownership. More than half (41 of 70) tenants became owners after relocation. Only 11 percent (10 of 90) owners became tenants.

Relocation of Residents Displaced by Construction of I-205 in Washington

Evan Iverson

This study examines the effects of relocation (in Clark County, Washington) including the adequacy of housing before and after relocation, benefits provided by the state, opinions of relocatees concerning their new housing and neighborhoods, and opinions of the type and amount of assistance provided throughout the relocation process. The purpose of the study is to provide citizens, planners, and public officials with factual and attitudinal information derived from the actual experience of families who were relocated under recent federal and state statutes.

Of the 96 respondents to the survey, 42 owned their own home prior to relocation, but practically all of the relocatees acquired dwelling units of their own in the relocation process. The dwelling units acquired after relocation were newer and of approximately the same size as their previous homes.

The appraised market value of the dwelling units of the owners was in some instances sufficient without supplemental payments to permit owners to acquire new housing, but it was necessary to provide payments in addition to the assessed value for 64 percent of the owners to enable them to acquire satisfactory housing. The average amount of the housing supplement was $1564.

Of the renters, 82 percent qualified for and chose to receive a payment to purchase replacement dwellings. The average amount received was $1515.

Some 79 percent of the families interviewed indicated that they considered the current state relocation program to be adequate. The information received about the relocation process was also described as satisfactory.

One of the significant findings, as far as the financial impacts of relocation are concerned, was the upgrading of the housing that occurred as a result of the relocation process. The renters had the option to receive a rental supplement for new living quarters, if such proved to be necessary, or to receive a single payment that could be applied to the purchase of a dwelling unit. About 82 percent (44) of the renters qualified for and chose to receive a payment to purchase replacement dwellings; 9 percent (5) of the respondents elected to remain as renters and accept the additional rental replacement supplements. These five respondents resided in mobile homes prior to and after the relocation. Another 9 percent of the renters received no rental supplement because they had not lived in their residence for the period of time required (90 days). All of the respondents were eligible to receive the moving allowance.

The structural changes examined in this study focused primarily on the age and size of the dwelling. The age of the residences after relocation was generally newer, with 72 percent of the respondents living in residences 15 years of age or less after relocation. This compares with 59 percent prior to relocation. The number of bedrooms per residence also increased from 2 to 2.5. The average number of rooms per residence remained the same. By using these factors, the residences after relocation represented an upgrading over those lived in prior to relocation.