

## *Point for HUD to Ponder*

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The controversy between Montgomery County and the Department of Housing and Urban Development holds a much broader interest than the rezoning of three square miles in the Washington suburbs. We do not, of course, wish to minimize the importance of nullifying the butchery of planning by the old Montgomery County Council in its lame-duck rampage. But this is an interesting test case which is certain to have an important bearing on the relations between HUD and local governments in all parts of the country.

HUD must necessarily invest its matching funds for the purchase of park land and the protection of open space in accord with the standards that Congress and the agency have prescribed. It cannot be expected to assist a county which makes a farce of planning and zoning protection. At the same time, however, HUD must avoid usurpation of the powers of local government and the use of pressure in deciding local issues.

In the case at hand, we think HUD went over the line in applying pressure at a moment when the unfortunate situation in Rockville seemed to be righting itself. Unquestionably its intentions were good. But unless its pressure can be relaxed, the result may be to defeat its own purpose. Senator Brewster and numerous local officials have pointed out to HUD that the net effect of its pressure on the new County Council to cancel its predecessor's last-minute rezoning decisions may be to throw the entire controversy into court on the issue of intimidation.

A significant precedent for such suits is readily at hand. The grant of an exception to the Soviet Union to permit the construction of an embassy-chancery in Chevy Chase was upset in court some months ago because the State Department had brought pressure on the District's Board of Zoning Adjustment. HUD officials should realize that any specific zoning change which they impose upon unwilling local zoning authorities is highly vulnerable to legal attack.

HUD needs to have assurance that the reckless zone-busting policies of the old Council in Montgomery County have been abandoned. It needs assurance that proper safeguards will be adhered to in areas for which Federal aid is sought. But these assurances appear to have been given not only by statements from the new Council but also by its vigorous action to wipe out the effects of the rezoning spree, so far as that is possible. The grand jury investigation into possible irregularities and abuses affords further evidence of the new atmosphere in Rockville.

In view of these vigorous efforts to undo the wrongs of the past and to adopt sound new policies, we think HUD should withdraw its freeze of Federal funds for the Maryland suburbs before the Council decides the rezoning cases which it has reopened. HUD could again suspend the matching funds if the final policy which emerges should prove to be unsatisfactory. But if it insists on turning the thumb-screw while the Council is sitting on these controversial cases it may defeat its own purpose and greatly embarrass the cause of proper development of the National Capital suburbs.