

File No. D862

Redevelopment Committee
December 17, 1963

Finance and Executive
Committee
December 19, 1963

TO: His Worship the Mayor and
Members of the Redevelopment Committee
and Finance and Executive Committee

FROM: P. F. C. Byars, City Manager

DATE: December 12, 1963

SUBJECT: Africville

Attached is a copy of a report dated December 6, 1963 from Doctor Albert Rose in respect of Africville. This report results from Doctor Rose's recent visit to Halifax at the request of the City. Attached also for information purposes is one copy each of the Staff Reports of July 23, 1962, September 11, 1962, November 26, 1962, and January 23, 1963. These reports are referred to in Doctor Rose's submission.

The report from Doctor Rose is straightforward and self-explanatory. In essence, Doctor Rose's conclusions are:

1. Further studies of the Africville area would not assist in the solution of the problem;
2. The City should declare that it will acquire and clear the properties in the Africville area over a period of about two years and nine months under a carefully phased programme;
3. That persons with title to the property either through possession or by deed should be compensated at full market value. This was in accordance with Staff recommendations;
4. That persons who were the apparent owners of structures but with no legal claim to land should be paid a minimum of \$500 with additional compensation to be based on family size and/or marital status.

The Staff Report recommended a flat payment of \$500 in these cases as the owners of the structures would have no legal basis on which to claim compensation;

5. That all families displaced as a result of acquisition and clearance should be offered accommodation in regular public housing projects constructed or to be constructed by the City. Doctor Rose advises against the establishment of a special public housing project for the residents of the area. Doctor Rose's recommendations in respect of re-housing coincide with the original Staff Report.

6. Because of the nature of the community, the problems of employment and accommodation, that extraordinary measures should be taken on the matter of guidance and assistance during the gradual re-allocation process. The details of the type of assistance suggested is set forth within the body of the report.

If City Council accepts the proposals set forth by Doctor Rose, there appears to be only one recommendation which might cause difficulty. This is the proposal to pay compensation to the owners of structures, as opposed to the owners of land, on the size of the family or the marital status of the owners. If City Council is prepared to consider compensation beyond \$500 for families in this category, it would probably be easier to establish a formula based upon the value of the structure than upon the occupants. The minimum compensation might be established at \$500.

Respectfully submitted,



P. F. C. Byars
City Manager

RBG/mep
Attachments

C O P Y

December 6, 1963

REPORT OF A VISIT TO HALIFAX WITH PARTICULAR
RESPECT TO AFRICVILLE

November 24-26, 1963

To: His Worship the Mayor and
Members of City Council.

From: Dr. Albert Rose,
Professor of Social Work,
University of Toronto.

Terms of Reference

On September 6, 1963, the Halifax Advisory Committee on Human Rights submitted a Brief to City Council in which the following recommendation appeared (P.2):

"The Committee has concluded, in view of its numerous meetings and consultations, that

- (1) the complexity of property tenure in Africville,
- (2) the strong sense of community in Africville,
- (3) the probable high cost of relocation arrangements likely to be acceptable mutually to Africville residents and the City of Halifax, and the apparent need for special financial arrangements, and
- (4) the depressed condition of housing in Africville,

would warrant the City's taking extraordinary measures.

The Committee recommends, therefore, that City Council engage a person of outstanding qualifications, in training and experience, to study Africville in depth and for the purpose of formulating specific recommendations of sound ways and means of solving problems in housing.

The Committee advises that, as a first step towards implementing its recommendation, City Council bring to Halifax a specialist who would be requested (after a preliminary survey of Africville, and discussion with City staff, with the Halifax Advisory Committee on Human Rights, and with other resources) to state whether, in his judgment, a study in depth is indicated."

The Committee further recommended that this writer be the specific specialist invited to visit Halifax and "to state whether, in his judgment, a study in depth is indicated."

Implementation

Mr. P. F. C. Byars, City Manager, extended the appropriate invitation on September 16, 1963, but first the responsibilities of the writer at the University of Toronto and later, the responsibilities of Mr. Byars and his staff, delayed the fulfillment of this undertaking until late November. In the meantime, however, I was enabled to read all the available staff reports on the situation in Africville, a number of magazine articles commenting upon this community, and the report of the Institute of Public Affairs, Dalhousie University, entitled "The Condition of the Negroes of Halifax City, Nova Scotia."

During my recent visit of some 48 hours I was able to tour the community under study and to interview or otherwise consult the following persons or groups:

Members of the Staff, City of Halifax

Mr. Peter F. C. Byars	- City Manager
Mr. Robert Grant	- Director, Development Department
Mr. George F. West	- Commissioner of Works
Dr. Edward M. Fogo	- Commissioner of Health and Welfare
Mr. H. Bond Jones	- Supervisor of Welfare

University and Community Specialists

Mr. Guy Henson) Mr. Donald F. Maclean)	- Institute of Public Affairs, Dalhousie University
Mr. Laurie T. Hancock	- Director, Maritime School of Social Work.
Mr. John Horricks	- Executive Secretary Welfare Council of Halifax.

Halifax Advisory Committee on Human Rights

The Halifax Advisory Committee on Human Rights convened a special meeting, attended by 13 of its members, for the purpose of considering the entire situation with the writer. This meeting, on the evening of November 25th, occupied four hours and was the most important confrontation of my visit.

The Present Situation

The community known as Africville, within the municipal boundaries of the City of Halifax, is without doubt one of the most intensively studied communities in North America. It has been the subject, in whole or in part, of articles in Macleans Magazine and the United Church Observer, of radio and television programmes, and of research studies by the Institute of Public Affairs, Dalhousie University and the graduate students of the Maritime School of Social Work, Halifax. In recent years as well, the Development Department of the City has devoted a considerable effort to the study and reporting of this community.

A great many basic facts, the fundamental data required for the re-planning of the area and the relocation of its residents, are already known. These data include: the number and composition of all resident families; the age and sex distribution of all residents; the number, nature and condition of all structures considered to fall within the community, whether residential or otherwise; the length of residence of families living in Africville, the labour force status, employment and unemployment, and approximate annual incomes for 1959; the mean age and grade of school children and their intelligence scores in a recent year; the number and proportion of resident families who claim to have a deed to property in Africville; and the preference of such families for relocation housing if and when their community is redeveloped by the City of Halifax for the purpose of creating a reservoir of industrial land.

As a result of the concern of the larger community in Halifax with the situation in Africville, the City Manager and members of civic staff have prepared a number of substantial reports concerning this community, particularly during the past eighteen months. In my view the work of the staff has been excellent and the reports are

impressive. The many difficult questions raised by the residents of Africville and by the Advisory Committee on Human Rights have been answered fully, frankly and sympathetically. (Reports dated July 23, 1962; September 11, 1962; November 26, 1962, January 23, 1963).

My meetings on November 25-26, 1963, and in particular a long and frank discussion with the Advisory Committee, have provided further important information and opinion. On the evening of November 25th, I raised three significant issues of public policy in the form of questions for consideration by this Committee, half of whom are coloured people, representatives of Africville and perhaps of the Negroes of Halifax, broadly speaking. These questions were:

1. Can a modern urban metropolis tolerate within its midst a community or grouping of dwellings which are physically and socially inadequate, not served with pure water and sewage disposal facilities?
2. Can a minority group be permitted to reconstitute itself as a segregated community at a time in our history, at a time in the social history of western industrialized urban nations, when segregation either de jure (in law) or de facto (in fact) is almost everywhere condemned?
3. Are there solutions to the immediate problem at hand which are feasible, sensible and just, and which will cause a modest, as against a massive, disruption to the families and individuals concerned?

The answers of the members of the Committee, without reference to race or colour, as individuals and as members of the group, were "No!" to the first two of these questions and an expression of hope and faith in the policies and attitudes of the people of Halifax in response to the third question.

The Major Findings of the Study Visit

1. The residents of Africville appear ready and to some extent

eager to negotiate a settlement concerning the ultimate disposition of their community.

The leaders of the community readily admit that Africville is a slum, that it should be cleared and that it would long since have been cleared if its inhabitants were of a different racial background.

2. In any negotiation the unique situation of Africville must be given special weight by the civic administration and the people of Halifax.

There is literally no community in Canada, perhaps none in North America, quite like Africville. Its long history, its special population and their employment characteristics, the years of neglect of this community by the administration of the City of Halifax, the unique importance of this settlement for all the people of Nova Scotia and for Canada, must be borne in mind by the negotiators.

These negotiations must not be diverted or subverted by the argument frequently heard by this investigator, that one or more features of a possible settlement will set a precedent. Africville will not, we trust, occur again, and its solution will not become a precedent. The settlement reached by the City of Halifax must be just and humane and its special features need not be extended to those present or future pleaders whose situation in the face of urban redevelopment will not in any real sense approximate that of the residents of Africville.

3. The expropriation of Africville and the relocation of its residents is far more than a housing problem. In essence this process is a welfare problem, not a mere problem of financial assistance but a multi-dimensional task.

This is the first time in a quarter-century of slum clearance, public housing, and redevelopment activity in North America, that the removal of a severely blighted area will take away from a large

proportion of the residents, not merely their housing and their sense of community, but their employment and means of livelihood as well (in this case, scavenging on the adjacent city rubbish disposal area.)

4. The people of Africville are not, by and large, chronically dependent upon public funds for support. They are a proud people who go to great lengths to remain independent and ask for financial assistance "as a last resort." At the present time approximately ten families only are in receipt of welfare assistance provided through the City of Halifax. The Dalhousie Study revealed one family in six headed by a female person but not all of these are "dependent families." Some male heads of families are, however, nearing retirement age and may soon have little or no income beyond the old age pension.

There is a very real danger that the dislocation attendant upon expropriation and relocation will be so disruptive of existing living patterns that many more families will require and seek public assistance. To prevent this as far as possible will require a great deal of planning by the City of Halifax and many community groups.

5. The fundamental needs of the people of Africville are housing, employment and income. A careful assessment will need to be made of the circumstances of each family.

The housing solution can be viewed as a tri-partite undertaking:

- (1) There are certain families (estimated by the Development Department at 12 to 15 and by the Advisory Committee at 20 to 25 in number) who possess an acceptable deed or title to their property in Africville.

It is believed that these families will receive a sufficient amount of money as a result of the expropriation proceedings to enable them to meet the down payment requirements in the purchase of suitable older houses in the downtown area.

- (2) There are certain families (estimated by the writer at 25-50 in number) who will seek admission to public housing.

Their major problem will be to maintain the payment of rent and service charges (payments to which they are not now accustomed) and to adjust to a new system of rules and regulations in publicly provided housing accommodation.

From the point of view of the community, and in the interests of these families, applicants for public housing from Africville should be distributed among new public housing projects under construction or projected for the future, in the ratio of about 20 per cent of all families in occupancy.

- (3) The bulk of the families (estimated at half or more of the approximately 80 families resident in Africville) will likely arrange their own relocation housing and probably will seek rental accommodation within Halifax or elsewhere in the Province of Nova Scotia.

In the case of the latter two groups, where no clear title or acceptable evidence of ownership exists, the City has offered a flat sum of \$500 per family as a compensation, in recognition of the equity these families have in this long-standing community.

6. The related problems of employment and income are not solved by a process of relocation and compensation and cannot be met in this manner, even if compensation were increased.

Those persons from Africville who are employable must be assisted to seek and obtain employment suited to their skills and experience, if any, within the City of Halifax or its Metropolitan Area. This will require not merely the acceptance and enforcement of the Fair Employment Practices Act of the Province of Nova Scotia but more especially, a change in attitude and the sympathetic understanding of the employers, workers, consumers and general citizenry of the community.

Those persons who do not appear to possess marketable skills or experience must be assisted to obtain vocational guidance, counselling and, if possible, training or retraining.

7. The residents of Africville are seeking, therefore, a system of assurances or guarantees as a part of the settlement to be negotiated. Their concerns include the following:

- that the City of Halifax will guarantee the monthly rental, if necessary, for families admitted to public housing, during a period of readjustment which might be limited to six months;
- that welfare assistance will be made available without prejudice, to relocated residents of Africville as they seek to create new living patterns within the City;
- that Africville families seeking to purchase houses in Halifax will be assisted to find accommodation at a fair market price and that legal advice will be available;
- that Africville families will not be forced, through discrimination in the housing market, to seek accommodation only in those areas slated for redevelopment within the next few years;
- that the Civic Administration will seek to encourage the people of Halifax to offer employment to coloured people and to cease discrimination against those whose address is now known to be in Africville.

Conclusions and Recommendations

The writer was asked to state whether, in his judgment, a study (of Africville) in depth is indicated. It is my carefully considered view that no further research in depth is required or is likely to be helpful in the solution of the problems described in this report.

The time has come, in my view, for the City and the people of Halifax to cease the study and the debate and to formulate and promulgate clearly, a policy and a programme of social action with respect to Africville. The writer, accordingly, recommends that:

1. The City Council of Halifax enunciate a clear policy that the community of Africville will be expropriated and cleared during the period commencing April 1, 1964 (or shortly thereafter) and

that this process will be completed not later than December 31, 1966;

2. The Civic Administration enter into early negotiations with the representatives of Africville and the Advisory Committee on Human Rights, to work out the design and the staging of the clearance and relocation programme;

3. The Civic Administration encourage families to come forward voluntarily to negotiate settlements in respect of their property in Africville, whether such property is clearly owned or not;

4. The expropriation settlements recognize the special situation described in this report and that the compensation presently offered by the City to those without a deed be considered a minimum amount;

5. The compensation for this latter group be varied in accordance with size of family and/or marital status, recognizing the special needs of unmarried mothers with dependent children;

6. The Halifax Housing Authority be encouraged to admit a number of families relocated from Africville into each new housing project as it reaches completion, in the ratio of approximately one in every five families accommodated;

7. The Development Department of the City be assigned the responsibility of administering the entire relocation programme and that for this purpose a special budget be appropriated to enable:

- (a) the employment of a trained social worker or social scientist to visit and document the social and economic situation and requirements of each family unit or single individual, and to recommend the order or priority of relocation; and
- (b) the development of a registry of available housing for sale or for rent (outside public housing) which might be suitable for families or persons relocated from Africville; and

(c) the creation of a special relocation fund to assist families who require furniture or equipment to enable them to function properly and live decently in their new accommodation.

8. The City of Halifax provide free legal aid through its Legal Department and the enlistment of volunteers from the legal profession, to assist Africville residents to purchase homes or otherwise relocate themselves without payment of exorbitant charges, fees or other levies.

The writer will conclude this report by repeating a statement he made to the Advisory Committee on Human Rights during his recent visit to Halifax, in the following words:

"Surely the coloured man is entitled to no less and no more consideration than the white resident of an urban redevelopment area! At the same time, because his needs are greater in nature and amount (education, employment, civil rights) he should and will receive greater consideration. Yet he must make an effort to express these needs."

If the social and economic assistances recommended in this report, or similar programmes, are forthcoming and are administered with sympathy and understanding, we may look forward to a relatively smooth process of relocation and redevelopment. The alternative is a condition of chronic dependency for many of the families under study. The staff of the City of Halifax should seek the support and assistance of all community groups to forestall this unfortunate possible outcome of years of study and effort.

Respectfully submitted,

(Sgd.) Albert Rose

Dr. Albert Rose

University of Toronto,
December 6, 1963.

CITY OF HALIFAX

AFRICVILLE

JULY 23, 1962

DEVELOPMENT DEPARTMENT

T A B L E O F C O N T E N T S

	<u>PAGE</u>
INTRODUCTION	1
THE AREA AND THE PEOPLE	2
OWNERSHIP OF LAND	3
ALTERNATIVE COURSES OF ACTION	4
CONCLUSIONS	7

INTRODUCTION

It might be considered desirable to develop a detailed history of settlement in the Africville Area. However, Professor Gordon Stephenson in his redevelopment study of the City of Halifax seems to have stated the problem of the area in a simple and precise manner. Professor Stephenson's comments are quoted below:

"There is a little frequented part of the City, overlooking Bedford Basin, which presents an unusual problem for any community to face. In what may be described as an encampment, or shack town, there live about seventy negro families. They are descendants of early settlers, and it is probable that Africville originated with a few shacks well over a century ago. Title to some of the land will be difficult to ascertain. Some of the hutted homes are on railway land, some on City land, some on private land. There will be families with Squatters Rights, and others with clear title to land which is now appreciating considerably in value.

The citizens of Agricville live a life apart. On a sunny, summer day, the small children roam at will in a spacious area and swim in what amounts to their private lagoon. In winter, life is far from idyllic. In terms of the physical condition of buildings and sanitation, the story is deplorable. Shallow wells and cesspools, in close proximity, are scattered about the slopes between the shacks.

There are no accurate records of conditions in Africville. There are only two things to be said. The families will have to be rehoused in the near future. The land which they now occupy will be required for the further development of the City.

A solution which is satisfactory, socially as well as economically, will be difficult to achieve. Africville stands as an indictment of society and not of its inhabitants. They are old Canadians who have never had the opportunities enjoyed by their more fortunate fellows."

Professor Stephenson's comments will serve as an introduction to this report which will attempt to review existing conditions and suggest ways in which the people in the area can be assisted.

THE AREA AND THE PEOPLE

Africville is a sprawling community overlooking the Bedford Basin. There are no legal boundaries to the community but the population is concentrated in three specific areas. The properties considered to form the community of Africville are indicated on Plan No. P500/46 attached.

BUILDINGS AND STRUCTURES

There are about 150 structures in Africville. Approximately 85 of these structures are of a residential nature. There is a church and two commercial buildings. The remaining structures are outbuildings used in conjunction with either the residential properties or the commercial buildings.

None of the structures in the area have been the subject of an intensive inspection under Provisions of the City Charter, or Ordinance 50. A casual inspection indicates, however, that the great majority of the buildings could be considered for demolition under the Provisions of the City Charter. Only the occasional structure would not be considered dangerous or dilapidated.

MUNICIPAL SERVICES

The community of Africville is not served with either piped sewer or piped water. Such roads as are in the area are un-surfaced. Sanitary conditions in the area are very unsatisfactory. Complete implementation of the requirements of the Health Statutes would undoubtedly indicate that few, if any, properties were fit for continued habitation.

THE PEOPLE

There are approximately 80 families in Africville. The total population amounts to about 370 people.

Some of the heads of families in the Africville area are regularly employed with the C. N. R., Dockyards, and with the City. Other persons work in seasonal employment and as domestic help. Some families have no apparent employment.

There is evidence to believe that some of the families have been residents of the Africville area for at least 40 years. Most of the families have been living in the area for at least 10 years. There does, however, appear to be a constant movement of persons in and out of the area and within the area. Absolute statistics are difficult to obtain.

OWNERSHIP OF LAND

It is very difficult to reach firm conclusions respecting ownerships of lands and buildings in much of the area known as Africville. Staff investigations indicate that the Nova Scotia Light and Power Company Limited and the C. N. R. in acquiring properties in the area also encountered difficulties in establishing clear titles.

In attempting to determine title, searches were started from the original land grants, which were made in the 1750's. There was a continuity to these grants to the year 1795 when records become very vague. The next clue to title appears in the City Atlas, 1878. This Atlas, which has no legal basis in fact, indicates that approximately 80% of the properties in the Africville area were owned by the City of Halifax.

There has been some clarification of title in recent years as a result of expropriations by the C. N. R. and by the City of Halifax. The C. N. R. rights-of-way and ownerships are indicated on Plan No. P500/46. The City acquired title to many of the properties in the southwesterly section of Africville when it expropriated for the Industrial Mile in 1957.

The area expropriated and which forms part of the Industrial Mile is also shown on Plan No. P500/46. Most of the lands were owned by the Halifax Relief Commission and the Canadian National Railways. Some of the residential properties within the expropriation area were thought to be in the ownership of the Estate of William Carvery and an amount of \$1 was paid into Court in respect of these properties. There has been no claim by the Estate of William Carvery. There have been no claims in respect of other residential properties within the expropriated area.

Further investigation of the title to lands in the north-eastern portion of the Africville community has lead to the discovery of 13 registered Deeds. The root of one title has been traced back to the turn of this century. The roots of the remaining titles are obscure and disappear from four to twenty-five years ago.

It seems quite possible that many of the families in the Africville area would be able to prove some element of ownership. It also seems probable that almost all rights of ownership would stem from Squatters Rights, which in turn passed through a process of unregistered Deeds to registered Deeds in the thirteen instances mentioned. There might be a few other registered ownerships that Staff were unable to locate.

It should also be noted that great difficulty has been encountered in attempting to plot the location of the lands covered by the thirteen registered Deeds. Eleven of the Deeds have been plotted in a very imprecise manner. It has been impossible to plot the location of the land in the remaining two Deeds.

Title to the Africville properties is in a chaotic state. While ownership of a sort could be proven in most instances, the expense of proving such title might be more than the property was worth.

ALTERNATIVE COURSES OF ACTION

As Professor Stephenson points out in his study, Africville presents an unusual problem for the City of Halifax. The community is, as far as can be determined, over 100 years old. Ownership to lands and buildings is very confused. The great majority of the structures are in such a state of disrepair and dilapidation that they could be ordered demolished under the Provisions of the City Charter. Almost without exception, the buildings lack piped sewer and water and, as a consequence, could be ordered vacated under provisions of the various Health Statutes.

There appear to be three basic approaches available to the City. These are:

1. The City can do nothing about the problem -- this has been the basic approach for over 100 years.
2. The City can make full use of its statutory powers to remove blight. It can limit compensation and assistance to the absolute minimum required by Law.
3. The City can use its statutory powers to remove the blight and, at the same time, temper justice with compassion in matters of compensation and assistance to families affected.

It appears to be generally agreed that something must be done to eliminate blight in the Africville Area. Alternative 1 is not an acceptable solution to the problem. Alternative 2 is a possible solution to the problem and should be examined in detail. Alternative 3 is a probable solution to the problem, and, because of this, must surely be examined.

The legal machinery available to the City for the removal of the present unsatisfactory housing conditions in Africville is as follows:

1. Almost all residential structures within the area could be ordered vacated under provisions of the various statutes applying to the occupancy of buildings.
2. The great majority of the structures in the area could be demolished under Provisions of the City Charter or under Provisions of the Fire Prevention Legislation.
3. The City could expropriate the vacant lands.
4. The City could order those properties now occupying City land to be vacated and arrange for their demolition immediately.

If this course of action is followed, families from the area would be forced to find their own alternative accommodation. The onus would be on these families to prove in Court their right to compensation for the lands and, in some isolated instances, the land and buildings taken from them. The probability is that compensation paid by the City would be very slight as proof of ownership would be very difficult to establish.

Absolute implementation of strict legal responsibility and authority does not in itself appear to provide a suitable solution to the total problem. Africville is a unique area and, in the interests of history and fair treatment to the residents, the approach should be tempered with natural justice. Alternative 3 appears to be the most acceptable approach to the problem.

Families displaced by redevelopment, by demolitions, or the implementation of Ordinance 50 in other areas of the City are, subject to certain conditions, offered decent, safe, and sanitary housing accommodation in public housing projects. There is no good reason why families from the Africville area should not be offered equal opportunity to better their conditions. The offer of alternative housing must be an integral part of the programme for Africville.

It seems to be the general opinion that most families in the Africville area would like to remain in that general location. Some of the conditions which influence the desire of families to remain in the area will disappear as more attention is focused on the area. The City must determine whether it is prepared to provide housing in the location or whether alternative housing in other locations would serve to satisfy any moral obligations to the families displaced. Despite the wishes of many of the residents, it would seem desirable on social grounds to offer alternative housing in other locations within the City. The City is a comprehensive urban community and it is not right that any particular segment of the community should continue to exist in isolation.

The City is now studying a major subsidized rental public housing project in the Uniacke Square area. This project is intended to create approximately 1100 family housing units. These housing units are designed to assist all those families from all of the City who are unable to provide themselves with decent accommodation. This project, when started, could easily provide the alternative housing for the 80 families now living in the Africville Area.

Aside from the apparent social necessity to integrate the Africville community with the City as a whole, there appear to be sound financial reasons why this should be done. A separate housing project for the Africville community would necessitate the construction of a project which might well cost \$800,000. This project might be built with assistance under Section 36 of the National Housing Act but such assistance might be somewhat difficult to obtain. Section 36 projects are not normally built for a particular segment of the community. In addition, family incomes from the Africville area would probably not be sufficient to produce the average shelter rental required from such projects. In other words, the Africville community might not by itself be able to create the average rental required for a Section 36 project whereas, if it were integrated with the community at large, incomes would not likely create a major problem in relation to the required average rental.

The second point of significance respecting assistance for the Africville community pertains to the matter of compensation for the loss of property. It has been previously indicated that most properties could be ordered demolished under the Provisions of the Charter. No compensation could be legally claimed from the City as a result of these demolitions. It has also been stated that the lands could be expropriated and that many occupiers of the lands would have difficulty in proving title to the lands so taken.

In other parts of the City, these same actions are taken under Provisions of the City Charter. Owners are not compensated for buildings demolished and owners must prove title through the Courts in order to qualify for compensation for lands and buildings expropriated. While unfortunate precedents can be established by deviating from the strict letter of the Law, there seems to be merit in some deviation in the case of Africville. Africville is unique and, if deviations are permitted, it could be with the clear understanding that such deviations were for Africville and for Africville only. Many of the families in Africville have occupied quarters in the area for generations.

It is suggested that natural justice requires an unusual approach to the question of compensation. Some families will be able to prove a legal right to just compensation. Others will have no claim whatsoever. The latter group, subject to certain safeguards, might be offered a gratuitous payment in return for a Quit Claim Deed to all of their interest in a particular property.

Gratuitous payments could only be made by the City if special legislation is obtained from the Provincial Government. Such gratuitous payments would have to be carefully controlled so that only deserving persons would receive them. This control might be attained by requiring that the claimant obtain an affidavit from his Minister or some other responsible person to the effect that the claimant was the apparent owner of the property for a period of five years. If properties have apparently changed hands in the period covered by the affidavit, the new apparent owner could be compensated if he could obtain a sworn affidavit from the original owner confirming that a purchase and sale transaction between the two had in fact taken place. Alternatively, the new apparent owner might present written evidence of the transaction.

CONCLUSIONS

It is the opinion of Staff that the blighted housing and dilapidated structures in the Africville area should be removed. It is the further opinion of Staff that the full legal authority of the City should be used to accomplish this removal. It is the further opinion of Staff that the use of legal authority should be tempered with understanding and natural justice on matters of housing and matters of compensation for the apparent owners of land and buildings within the Africville Area.

IT IS RECOMMENDED that the following general policies be adopted:

1. Families from the Africville Area should be offered alternative accommodation in subsidized rental housing projects. It is suggested that because of the unique position of Africville such offers should not be conditional upon income and that the City should take steps to attain agreement of the Province and the Federal Government in this respect.
2. That the subsidized rental housing offered to the residents shall be within projects constructed for the total population of the City and that no special project should be built for this community.
3. Where clear title to land and buildings rests with the City as a result of recent expropriations, apparent owners as of the date of expropriation be paid a gratuitous payment of \$500 each in exchange for a Quit Claim Deed and vacant possession of the property. Immediately vacant possession is taken by the City, the buildings would be demolished at City expense.
4. Where clear title does not rest with the City, expropriation will be carried out. Owners who are able to prove title can claim through the Courts for compensation and settlement will be affected through the Courts or by negotiation. Owners who are unable to prove title will be paid a gratuitous payment of \$500 in exchange for a Quit Claim Deed and vacant possession of the property. In each instance, vacant structures will be immediately demolished at City expense.
5. That if recommendations 1, 2, 3, and 4 are adopted, City Staff in conjunction with Welfare and Church organizations will immediately meet with leading members of the community to explain the City's position and the course of action proposed to be undertaken by the City.

The course of action outlined is one course of action which can be taken to eliminate unsatisfactory conditions in the Africville area. In the opinion of Staff, the course of action suggested is fair and equitable to all concerned. It would be accomplished over a period of time and through a gradual process as alternative housing becomes available.

The course of action suggested appears to be within the means of the City. If legal ownership cannot be proved by any resident of Africville, the total cost of acquisition and clearance would be of the order of \$40,000. Legal ownership can, of course, be proved in certain instances and there is no way of knowing exactly how much compensation might be awarded. It would seem, however, that the outside limit of City financial participation on acquisition and clearance would be about \$70,000.

It does not appear that assistance under Section 23 of the National Housing Act would be available to the City in the acquisition and clearance of these properties. Section 23 provides for compensation only in the event of legal rights of owners. Settlements proposed are essentially of the gratuitous nature and many are applicable to properties which, legally speaking, are now in the ownership of the City.

C
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P
Y

TO: His Worship Mayor J. E. Lloyd
and Members of City Council

FROM: P. F. C. Byars, City Manager

DATE: September 11, 1962

SUBJECT: Africville

Attached are reports on Africville compiled by the Commissioner of Health, Commissioner of Works, City Assessor and City Collector referred to by His Worship the Mayor at the meeting of City Council held on August 15th, 1962.

(Sgd.) P. F. C. BYARS
City Manager

H.

TO: Mr. P. F. C. Byars, City Manager
FROM: Dr. A. R. Morton, Commissioner of Health & Welfare
DATE: 28th August, 1962
SUBJECT: AFRICVILLE

At the meeting of the Committee on Public Health and Welfare held on 9th August, at the request of the Mayor, I was asked to make a report on the number of cases in Africville receiving welfare assistance.

Mr. Jones reported to me that as of the 21st August, fifteen families were receiving assistance in Africville proper and five families from the Forrester Street section. Upon further investigation, I find that the cost of welfare to Africville section varies from month to month and week to week and it is rather hard to go through our files and dig out the exact amount we have paid, but in taking five particular families who have had assistance from us since August, 1961 to August of this year, we have paid out \$2,237.50. This includes three families in Africville proper and two in the Forrester Street district.

Under the above circumstances, it would appear to me that it is costing the City somewhere in the vicinity of nine to ten thousand dollars a year for welfare assistance given out in the Africville area. Two-thirds of this, of course, is recoverable from the Province. This, however, does represent about ten percent of the total amount of relief paid out in the City and it would appear on the face of this report to be one of the sections where the greatest amount of welfare assistance is required. The population of the area there is small as compared to the sectional population who are in a poor economic status. In general terms too, my sanitary inspectors find they have considerable difficulty in getting the cooperation of the population of this district and my Public Health Nurses also have the same trouble.

We operate from the point of view that the Health Department have regular immunization clinics on the fourth Tuesday of each month, but this requires a terrific amount of follow-up on the part of the nurses in order to keep the attendance up.

Recently we carried out a tuberculin testing program out there, at which time 232 individuals were tested, and when we came back to read the tests we had made available to the by taxi service, only 87 out of 133 positive reactors, about 65%, would take advantage of this free taxi trip to the hospital and back for an x-ray.

It is very hard to persuade these individuals what is for their own good and what is general protection for themselves and the general public.

Allan R. Morton, MD., C.M., M.P.H.
Commissioner of Health and Welfare

TO: P. F. C. Byars, City Manager
FROM: J. F. Thomson, City Assessor
DATE: September 7, 1962
SUBJECT: Africville

As requested by His Worship the Mayor, I am attaching hereto assessment report relating to the above mentioned area.

The report is in two parts:

1. Buildings in area expropriated by the City for the Industrial Mile.
2. Buildings outside the Industrial Mile.

With respect to 1, I assessed these properties up to and including the civic year 1960. At that time I discussed the matter with the former City Solicitor, T. C. Doyle, and he advised me that as the City was the owner of all the improvements in the expropriated area they should be removed from the taxable roll.

With respect to 2, there are only 10 owners, exclusive of the Nova Scotia Light and Power Co. Ltd., who have a parcel of land for their transmission towers, that are assessed for land and improvements. The remainder, namely 27, are assessed for improvements only. This Department had no legal proof that these persons own the improvements but they were assessed on the basis that they claimed ownership. Assessments were placed on these 27 persons with the consent of the former City Manager, A. A. DeBard, Jr., with whom I had discussed this matter and I had also discussed the matter with the former City Solicitor, T. C. Doyle.

With regard to the remainder of the land in this area, exclusive of the above mentioned 10 owners, it is assessed to the City of Halifax.

I am attaching hereto map prepared by the Redevelopment Department indicating the location of the improvements in the area.

(Sgd.) J. F. Thomson

CITY ASSESSOR

JFT/P
Atts.

TO: Mr. P. F. C. Byars, City Manager
FROM: G. F. West, Commissioner of Works
DATE: September 6, 1962
SUBJECT: Africville

In compliance with your recent request, we submit herewith our brief comments on Africville insofar as they involve the Works Department. In view of your recent report to Council on the subject, our comments will deal only with existing conditions and the difficulties to be faced if it is decided to rehabilitate the area for residential use.

The Works Department is concerned with the overall living conditions at Africville; but two main factors are associated more directly with the department than others:

1. Sewerage -- or lack of it;
2. Conditions of buildings.

1. Sewerage:

Sewers (and water) are essential to modern living in any community and would obviously make life more tolerable in Africville. It is unwise, however, to consider such installations until (a) the area is properly subdivided and a logical street pattern laid out; and (b) the buildings are correctly sited on adequately sized lots.

At the present time, buildings are located in a haphazard manner and one dwelling could actually be in the back yard of another. With the sanitary arrangements existing, this obviously is undesirable.

We might point out that a Mr. David Dixon leased a plot of land from the City in 1952 in the Africville area and moved a dwelling onto the site. There is no public sewer or water available at this location.

An estimate of the cost of installing sewers in Africville is a simple matter when a street pattern is agreed upon.

2. Conditions of Buildings:

The following statistics are on record in the Building Inspection Office for your consideration:

No. of dwellings	82	
No. of outbuildings and sheds	63	
Total No. of buildings		145
No. of families	77	
No. of adults	158	
No. of children	195	
Total No. of people		353

Obviously, the majority of the buildings in the area can be recommended for demolition under Section 757 (Dilapidated Buildings); but this would mean 127 separate hearings before the Committee on Works and relocation of more than 50 families. City Council has gone on record as being opposed to ordering a building demolished unless

the inhabitants thereof, especially children, have alternative accommodation. The difficulties involved in relocating the entire community of Africville under such conditions is a social and economic problem and the answer, in our opinion, does not lie in the mere demolition of buildings at this time.

Ordinance #50:

Many references have been made to Ordinance #50 in discussions on Africville, but we fail to appreciate the advantages of an all-out enforcement of the provisions of the Ordinance in this instance. This is a corrective Ordinance designed to improve existing conditions and failure to comply can only result in a fine if corrective measures are not undertaken within a specified time. There is no provision for demolition if an owner does not comply.

Eighteen dwellings in the area could meet Ordinance 50 requirements if sewer and water are provided or if septic tanks and individual wells are approved by the Health Board. This, of course, would not cure the problem and expenditure of any money on the buildings as presently located, would, in effect, perpetuate the Africville problem for many years. Ten of the above dwellings have masonry foundations and one has an inside toilet and bath (well and septic tank).

Conclusions:

We feel that the main problem at Africville is a Health Problem. Many residents drink from common wells which are more often than not contaminated. Adequate disposal facilities are non-existent.

Buildings in the area certainly for the most part are undesirable; but, by and large, they are one storey frame structures which would stand for a long time. Most are in a dilapidated condition but none are considered dangerous from a structural point of view. If Africville is to remain, the land should be properly subdivided and sewer and water installed. Existing buildings would, of necessity, have to be moved and properly sited on adequate lots or new units constructed. The difficulties involved in any attempt to move existing buildings are that under the provisions of the City Charter, they must be treated as new buildings. It is apparent to us, therefore, that if adequate housing is to be provided in the area for present residents of the area, it must be primarily new construction.

We recall that a committee of Council investigated the possibility of a limited dividend Housing Project for the area a few years ago, but but the project did not become a reality for reasons which are not fully known to this writer.

(Sgd.) G. F. West,
Commissioner of Works

GFW:mmm

TAXES - AFRICVILLE AREA

The 1962 Tax Ross contains 39 assessments in the Africville area. Of the 39 properties assessed for 1962, on 8 the current taxes are paid, and 20 are in good standing with taxes paid up to and including the lien year 1959.

Total amount o/s on these 20 properties \$1,357.34

The remaining 11 have taxes o/s one as far back as 1947

1	from	1955
4	from	1956
1	from	1957
2	from	1958
2	from	1959

Total amount o/s on these 11 properties \$2,043.02

Notices of intent to sell for arrears of taxes have been sent by Registered Mail to the 11 persons assessed for these properties.

In addition to the above 39 properties assessed for 1962, there are 11 accounts with taxes o/s totalling \$2,991.88

\$6,392.24

COMPARISON OF TAX LEVY FROM 1959
TO 1962 SHOWING AMOUNTS COLLECTED
AND BALANCES O/S AT AUG. 29, 1962

	<u>Tax Levy</u>	<u>Collections to August 29, 1962</u>	<u>O/S Balance August 29, 1962</u>
1959	\$2,049.50	\$1,395.90	\$ 653.60
1960	2,177.73	1,204.38	973.35
1961	1,510.55	869.67	640.88
1962	1,598.68	472.18	1,126.50
	<hr/>	<hr/>	<hr/>
	\$7,336.46	\$3,942.13	\$3,394.33
Total taxes o/s prior to 1959 at Aug.29/62			2,997.91
			<hr/>
Total taxes o/s at August 29, 1962			<u>\$6,392.24</u>

Included in total arrears is the amount of \$2,276.06 covering taxes from 1948 to 1960, property formerly assessed to Est. William Carvery, now City of Halifax.

It is my understanding that the reason properties in the Africville area were not sold for arrears of taxes was because of the difficulty of obtaining proper descriptions. And this was further complicated where assessments were made for improvements only, because the person assessed did not have title to the land.

CONFIDENTIAL

File No. D862

TO: His Worship Mayor J. E. Lloyd and
Members of the City Council

FROM: P. F. C. Byars, City Manager

DATE: November 26, 1962

SUBJECT: Africville

Attached for information purposes is a copy of a letter from the Development Officer to Mr. George W. Davis, Secretary of a committee representing the Africville group.

City Staff have had one meeting with the group. The questions dealt with in the letter were dealt with verbally at the meeting. The letter merely serves to confirm the answers given at that time.

The Committee has had one further meeting itself since meeting with City Staff. It proposes to further review the discussions and the written material within Committee and with the residents of Africville. Following this, further meetings will be held with Staff.

The progress of negotiations and discussions will be reported to members of Council on a confidential basis from time to time.

Respectfully submitted,



P. F. C. Byars
City Manager

RBG/meb
Attachment

C
O
P
Y

File No. D862

November 21, 1962

Mr. George W. Davis
Barrister
239 Gottingen Street
Halifax, Nova Scotia

Dear Mr. Davis:

RE: Africville

I will attempt to outline below the answers to the questions you have raised in respect of Africville. The questions are dealt with in the order presented by you except in one instance. You will note that I have given the answer to Question 5 before Question 4. This is done for simplification as the answer to Question 5 partially answers Question 4.

1. What precisely are the boundaries of Africville?

The area known as Africville has no definitive legal boundaries. For purposes of the City report of July 23, 1962, Africville is considered to include all the buildings identified by number on Plan No. P500/46 attached. The area would, of course, include the lands which could be legally identified with each and all of the buildings.

There may be some who feel that Africville includes either more or less land and buildings than those illustrated on the plan. The ultimate definition is entirely one of judgment.

2. Why does the City of Halifax want to expropriate Africville?

It is the opinion of the City that most, if not all of the buildings in the area covered by the report could be ordered vacated under the provisions of Section 757 of the City Charter, Ordinance 50, and the statutes pertaining to health and fire protection. In many instances, the buildings could be ordered demolished. If the various legislative provisions are enforced in their entirety, as is happening in other parts of the City, residents of Africville would, almost without exception be required to find alternative accommodation.

Some residents of the area may have good title to their lands. Others have questionable title while still others could prove no title at all. In view of the title situation and the lack of services, residents of the area would be left with little possibility of developing or disposing of their land. Clouds on title would

2. make it very difficult, if not impossible, to raise funds by way of mortgage loans to assist in rebuilding.

It is the opinion of City Staff that conditions in Africville cannot be brought to the minimum level required by Ordinance 50 through a salvage operation. A copy of Ordinance 50 is attached. Essential services, such as sewer, water, and roads require an orderly arrangement of housing units on an acceptable pattern of public rights-of-way. These services cannot be installed without a complete re-arrangement of structures and of land holdings.

Structures moved, as would be required to permit the installation of essential municipal services, are required to meet the standards of new construction within the City. As you are aware, these standards are considerably higher than those imposed under Ordinance 50. Few, if any, of the existing structures could be brought to the standard required of a new building.

In essence, therefore, the City of Halifax proposes to expropriate the Africville area in order to permit betterment of housing conditions for the residents. In the process, it would expect to clear title for the lands in the area once and for all. This would permit these lands to be re-used in an orderly manner and with all the financial assistance that is normally available from the financial community.

By expropriating the properties, the City would make itself liable for claims for compensation by persons holding title to lands in the area. Such claims would be compensated at full market value. At the same time, possession of clear title to the lands by the City would serve to justify to some extent gratuitous payments to those with no legal but some moral claim of title.

The present proposal is that the lands in the area should ultimately be converted for industrial or commercial use. A major requirement of the City is the requirement for a right-of-way for the proposed new Shore Drive. The proposals for re-use are illustrated on Plan No. P500/44 attached. The re-use proposals for the area may have some slight bearing on a decision to expropriate but the primary reason is the necessity to permit and assist the residents of Africville to comply with the requirements imposed upon the balance of the residents of the City of Halifax.

3. If Africville land is potentially valuable for industrial purposes, will residents of Africville receive high value in return for lands expropriated?

Industrial lands are not normally of high value. Most industries are looking for cheap land and most municipalities welcome such industry in spite of this basic requirement. The economic wellbeing of a community depends upon a vigorous employment factor and industry creates this.

3. The present uncertainty as to land title in the area would make the land virtually useless for industrial purposes. Industries require clear title before they would consider constructing a plant. They need this clear title to protect themselves and in order to encourage participation in the financing of their operations by lending agencies.

The amounts paid by the City for land is not governed by the potential future use of that land. Payments are based upon the present use of the land and reflect the true market value in use of such lands and buildings.

In order to insure a just settlement for both the City and the owner, independent appraisers are engaged by the City to place a market value on each property. Many owners also engage independent appraisers to establish their value for them. Negotiations are carried forward within the framework of values established by these independent appraisals. In the event that negotiations are unsuccessful, the former owner of an expropriated property has recourse to the Courts for establishment of a just settlement. In view of this, our negotiations reflect the decision of previous court cases.

There will be those in the Africville area who have in fact no legal claim to the land which they occupy. The City recognizes that it could expropriate these properties and have no legal liability for compensation. It has been suggested that a form of gratuitous payment be made to those with a moral claim for compensation. Such payment would not be required to be paid by the Courts.

5. Has tax money been accepted from people who lack titles to the properties that they possess? If so, why?

The answer to the first part of this question is yes. For many years properties in the Africville area were not assessed. The reason for the lack of assessment was the apparent lack of a clear claim of land ownership.

In 1956, after the completion of the Cleminshaw Re-valuation of City properties for assessment purposes, the City Assessor became quite concerned about the situation in the Africville area. After consultation with the former City Manager and the former City Solicitor, it was decided that all properties in Africville and indeed throughout the City would be assessed even though no clear title could be established. The basis of assessment was that it would apply only to the buildings. The assessment would be made against the apparent owner of the building. The assessments were in fact made against the persons who claimed to own the building whether these persons could justify their claim or not.

5. The justification for the assessment was the provision contained in the City Charter that occupants of buildings on lands owned by the City of Halifax or Her Majesty the Queen are liable for real estate taxes on the buildings which they occupy. Most of the roots of title examined by the City indicated that the land was originally owned by the City or Her Majesty. Where clear title was not held by an individual it could well be argued that the last known title was vested in the City or Her Majesty.

4. Why has the City accepted payment of taxes on land which was expropriated in 1957?

The original assessments on the properties which were expropriated by the City in 1957 were placed in accordance with and for the reasons given in answer to your Question 5.

When the City expropriated these lands in 1957 it anticipated a claim for compensation from the Estate of William Carvery. It also anticipated that the buildings and the lands would be cleared in a reasonable period of time. Neither of these events occurred.

Assessments against the structures within the area were continued through the year 1960. This continued assessment and any tax collections resulting from the collections are justified on the basis that occupants of structures located on lands owned by the City are, by City Charter, liable for real estate taxes. The assessments were discontinued in the year 1961 on the advice of the then City Solicitor that clear title rested with the City and it was their hope that the lands would be used within a reasonable period of time for industrial development.

6. Why has the assessment of some properties (as reflected in tax bills) decreased during the past few years?

Prior to 1956, assessments in the City of Halifax on residential properties did not closely reflect current market values. In 1956, the J. M. Clemshaw Company completed a re-assessment programme of all properties within the City. The Clemshaw Company approach to assessed value was current market value. This was in accordance with the interpretation of the requirements of the City Charter.

The original assessments in the Africville area were based upon the original Clemshaw valuations. Shortly after the adoption of the Clemshaw valuations throughout the City, City Council, as a result of numerous appeals, reduced the Clemshaw valuations by 15% across the board. The first reduction in assessment in the Africville area, therefore, reflected this 15% reduction.

6. The net result of the Cleminshaw re-valuation with its slight subsequent reduction by City Council is a very marked increase in the total value of assessed properties in the City of Halifax. The required tax revenue did not change appreciably. The result was that many residential properties and, particularly those in the Africville area, were required to pay substantially less taxes than they would have had to pay prior to re-valuations for assessment purposes. The tax return on residential properties was reduced at this time from \$3.72 to \$1.50 per \$100.00 of residential assessment.

In 1960, the City Assessor's Department did a further re-assessment of all properties. This re-assessment had to take into consideration the provisions of Ordinance 50 which was adopted in 1958. In effect it meant the value of properties which could not conform to the minimum provisions of this ordinance were substantially reduced. The result was that assessments in the Africville area and on some other properties within the City were reduced.

7. Why have not Africville residents been granted permits to improve their dwellings?

It is my understanding that few, if any, of the structures within the area which we have defined as Africville had been built in the first instance under authority of properly approved Building Permits. City records indicate that in the early 1950's approximately sixteen (16) applications were made for Building Permits, twelve of which were for repairs and four for new structures. All but one of the permits were issued as requested.

In latter years the practice of applying for and issuing of Building Permits appears to have reverted to the practice in effect previous to 1950. There appear to be few, if any, Building Permits requested and certainly none have been issued.

If a Building Permit were applied for today it might or might not be issued. The responsibility for issuing such a permit rests with the Building Inspector. The probability is that the Building Inspector would refuse to issue such a permit and his reasons for so doing would be one or both of the following:

1. Properties are not serviced by piped water or piped sewer. It is not the practice in the City of Halifax to issue permits if either of these essential services is missing. The Health Committee is the only authority to issue a permit in the non-use of public sewer.

7. 2. If a building is to be repaired or altered the work done on the building must be sufficient to bring that building to the minimum standards required under Ordinance 50. A Building Permit can only be issued for this type of repair providing the total amount to be expended is not in excess of 50% of the value of the property as determined by the Building Inspector.

If the cost of repairs or alterations is in excess of 50% of the building as determined by the Building Inspector, the repaired building must meet the standards of construction imposed on all new structures. In effect, it would be the opinion of the Building Inspector that Building Permits could only be issued if the proposed alterations resulted in the new structure meeting new construction standards.

If a Building Permit is applied for and is refused by the Building Inspector the citizen has the right to appeal the Building Inspector's refusal to the Committee on Works of the City Council.

8. What will happen to people who do not have evidence of clear titles to lands which they possess? In what way will they be compensated?

The situation in respect of title in the Africville area appears to fall into three general categories:

- (a) Persons who have a paper title to their property.
- (b) Persons who have possessory title to their property.
- (c) Persons who have no apparent legal claim to title.

Persons in Categories (a) and (b) above are, of course, entitled to full legal compensation for their lands. Any person who has a proven title whether by way of registered deed or through possessory title has a claim against the expropriating authority for just compensation. The City would be required and would, in fact, feel obligated to pay the full market value for these particular properties. These market values would, as previously mentioned, be determined by independent appraisal.

Persons in Category (c) above would not have any legal claim to compensation. The City could, in fact, expropriate these properties and place the onus for proof of ownership on the persons concerned. If these persons could not prove a legal right of ownership, the City would not be required to compensate them.

8. In view of the fact that there are families in this position in Africville and because of the special consideration being given Africville, the City has taken the position that it may have a moral obligation to pay some compensation in these cases. It has been suggested that those with an apparent ownership but with no legal claim should be made a gratuitous payment of \$500 in return for vacant possession of the property.

In essence, the City is prepared and required to compensate at market value any persons with a legal claim to title. A gratuitous payment would only be made to those with an apparent ownership but no legal claim.

9. Does the City intend to buy properties solely in terms of their current assessed values?

The City cannot compensate on the basis of assessed values. These values are not normally accepted by the Courts in determining claims for compensation.

As previously mentioned, compensation to owners with a legal claim is based upon the market value of the property in use. The City's offers to such owners are based upon independent appraisals obtained by the City. In order to insure the fairness of the City's offer, many owners obtain their own independent valuation.

10. Would it be possible for the City to convey to Africville residents a sum of money that would enable them to make down-payments on new homes?

The City normally compensates owners to the full extent of the value of the property taken from them. In the case of Africville, it has been suggested that this normal procedure will be followed. It has been suggested in addition that a gratuitous payment of \$500 should be made to those with a moral but no legal claim for compensation.

The amount of money to be paid to the residents of Africville in compensation for properties acquired by the City should, in many instances, be sufficient to make a down-payment on a new home. Persons with a legal claim to a substantial area of land occupied by reasonably large buildings could expect to be paid more than persons with no claim of ownership on either lands or buildings. The gratuitous payment of \$500 to those who have no claim on title would not normally be sufficiently large to cover the down-payment on a new home.

11. Would it be possible for Africville residents to be relocated on land near, but separate from, the Industrial Mile area?

The answer to this questions falls into two general categories--rental and home ownership. The answers are very complex and involve several fundamental issues. I am attaching for your information a copy of the Uniacke Square Redevelopment Area report which deals in specific terms with these complexities. Outlined below are some general comments:

A. RENTAL

It was suggested in the original report that some of the families in Africville would be unable financially to own new homes of their own or to occupy rental accommodation at full economic rents. These families might in fact wish to take advantage of the subsidized rental housing now being offered by the City to families displaced by redevelopment.

Outlined below are some of the more pertinent points in respect of subsidized rental housing:

1. Rentals are based upon the total income of the family. This total income is considered to be the income of the head of the house, a working wife, resident children over 25, and up to \$75 per month of resident children 25 or under who are working. Shelter rentals approximate 20%-21% of the gross family income. The cost of heat, hot water, etc., if supplied, is additional.
2. The subsidized rental projects are constructed in partnership with the Provincial and Federal Governments and are amortized over a period of up to 50 years. The average rental required to be obtained on each unit in the average project in order to meet the costs of operation and to write off the costs of investment is between \$85-\$90 per month. This does not include the cost of heat, hot water, etc., if these are provided.
3. The Partnership of the Federal-Provincial-Municipal Government is prepared to subsidize each rental housing unit to an average of \$25-\$30 per unit per month. The apartments or housing units within the project must, therefore, be rented in such a manner as to attain an average rental return of about \$55-\$60 per month. This means that for every low income family admitted to the project, a family of higher income must be admitted.

11. A. RENTAL (cont'd)

In order to establish a subsidized rental project for the residents of Africville in the area of Africville, it would be necessary to prove that the incomes of those who wished admission to the project were such as to provide an average rental return, excluding services, of \$55-\$60 a month. It would seem that such a rent level might be difficult to attain. On the other hand, the lower income people from the Africville area could go into one of the existing or contemplated subsidized rental projects without affecting the rent levels. If these families were unable to meet the average required rental, this average could still be attained by admitting higher income groups from other areas.

B. HOME OWNERSHIP

There may be those in the Africville area who would be interested in re-establishing in homes of their own. It might be possible to find land in the northern part of the City which is zoned for and could be developed for residential use. This would, of course, necessitate the provision of proper streets and municipal services.

There is no way that we have been able to determine in which home ownership can be subsidized with equity to all. The Uniacke Square report deals at some length with this problem. Home owners generally seem to prefer to be able to choose their own location rather than to have such locations imposed by Government. Without subsidization, home owners can probably make a better deal by themselves than they could by proceeding with the direct assistance of any level of Government.

It occurs to me that the questions asked by your Committee tend to emphasize the assessment practices of the City as they apply to the Africville area. Presumably, these questions are directed in an attempt to use the answers in proving title to specific properties. I do not feel, however, that this is the case.

Even if the answers do tend to prove title, I feel your Committee should not lose sight of the fact that assessments are only one part of our taxing procedure. Some time ago we provided you with a list of the tax arrears for Africville. I think you will note from this that the total amount of tax arrears in the area amounts to approximately four times the annual charges. As you are aware, the City has the right to exert tax liens and sell properties at a tax sale where arrears are outstanding.

I could, of course, dwell at much greater length on the answers to some of the questions that you have placed before me. I feel, however, that the answers given are of sufficient length to permit basic consideration by your group. If you require further information, please do not hesitate to get in touch with me.

It is my understanding that you wish to consider these questions with your Committee and with the residents of Africville. Following this, we could arrange for a further meeting with your Committee. I would hope that this further meeting could be arranged reasonably soon as it was my impression that our first meeting was most useful.

Yours very truly,

(signed): R. B. Grant
Development Officer

RBG/meb
Enclosures

File No. D862

TO: His Worship Mayor J. E. Lloyd and
Aldermen

FROM: P. F. C. Byars, City Manager


DATE: January 23, 1963

SUBJECT: Africville

Attached for your information is a copy of a letter from the Development Officer to the Secretary of the Halifax Advisory Committee on Human Rights.

The letter deals with the questions raised at the most recent meeting of City Staff and the Advisory Committee on Human Rights in respect of Africville.

Respectfully submitted,



P. F. C. Byars
City Manager

RBG/meb
Attachment

January 22, 1963

Mr. Donald F. Maclean,
Secretary,
Halifax Advisory Committee
on Human Rights
5787 Ogilvie Street,
Halifax, N. S.

Dear Mr. Maclean,

I must apologize for the extremely long delay in dealing with your letter of December 17, 1962. However, as I explained during our recent telephone conversation, we have been very busy in recent weeks.

I will attempt to deal with your questions in the order they are presented. My written answers will of necessity be much shorter than the verbal replies which I was able to give at our last meeting. I hope, that the replies will be of use to you.

1. The \$500 proposed as compensation, to persons who do not have clear titles, is inadequate; this amount would not make possible the acquisition of alternate accommodation.

An expropriating authority is required to compensate an owner on the value of the property taken. The law does not require that the expropriating authority provide sufficient compensation to re-house the displaced person. After all, that person might choose to re-locate in much more expensive accommodation. The expropriating authority could not, therefore, be expected to accept responsibility for this.

The proposal to pay \$500.00 to persons with an apparent ownership, but no legal claim of any sort would be a gratuitous gesture on the part of the City. Strictly speaking the City could expropriate the lands where title is in doubt, and wait for the owners to prove that compensation was due them. The persons who we have suggested should receive \$500.00 would not, in this case, be able to justify any claim for any compensation.

I do not think it was the intention that the City would accept the responsibility to re-house all families in the Africville area in new homes of their own. As pointed out in our discussions and in previous talks to your group, subsidization of home ownership is almost impossible to justify.

The proposal to pay \$500.00 was, in fact, a proposal to pay some compensation to those who would have no legal claim against the City if their land was expropriated. The question of whether \$500.00 is an adequate payment is, of course, debateable, but I do not see where it would be possible to use the cost of alternative accommodation as a basis for measuring the amount of a gratuitous payment.

2. Africville residents do not want to become, in effect, permanent "welfare cases."

I think I am quite safe in saying that no-one would like to see Africville residents become permanent "welfare cases."

The City's proposal for relocating residents of Africville, contemplates that all families would be offered accommodation in one of the public housing projects. Many of the families offered this accommodation might choose not to accept it. This, of course, is perfectly within their rights.

The families that do accept accommodation in public housing units would be required to pay rents in accordance with their ability to pay. The ability to pay is determined by their gross family income, which is considered to include the income of the head of the family, a working wife, up to \$75.00 per month of the resident children under 25 and all of the income of resident children over 25. The family would be required to pay approximately 20% to 21% of this gross family income as monthly rent. If services, such as heat and hot water are provided to the tenants, the tenants would, of course, be required to pay their fair share of this.

The minimum rental chargeable in Mulgrave Park ranges from \$24.00 to \$32.00 per month, depending upon the size of the family, for shelter. To this must be added the cost of the services provided, which at this level of rental would run about \$12.00 per month.

Unemployed families, or families with incomes below that which will permit the minimum rental payment may be eligible for welfare assistance in meeting their rents. It is hoped that most families requiring welfare would require it on a temporary basis. Inevitably a few families may find themselves on continuous welfare but it would be hoped that the improved housing would permit families to better their job opportunities.

It has been noted throughout the country that average rentals within public housing projects increase by about \$1.50 per unit per month, each year and this of course is a reflection of the increased average earning powers of the families.

3. Africville residents want to continue to live near a church building of their own.

If the church property is acquired by the City, the City would be required to pay compensation for it. The congregation would, therefore, have an amount of money available to it for the replacement of the building.

The City's position is that the families from the Africville area will be offered housing units within the various City-owned projects. It was proposed during our last meeting that possibly a special subsidized rental project could be built for the residents of Africville. It was pointed out that there were financial reasons why this would be almost impossible.

Public housing units are built in partnership with the Federal and Provincial Governments. The housing units cost from \$12,000 to \$14,000 each and require an average rental of between \$85.00 and \$90.00 per unit per month to break even. The Partnership agrees to subsidize these units to the extent of \$25.00 to \$30.00 per unit per month but the balance of the costs of operations must be met by the tenants.

The tenants in any project would be required to pay an average of \$55.00 to \$60.00 per month with the lower income tenants paying less and the higher income tenants paying more. It is doubtful if the Africville group could manage these average rentals. It seems likely that they would have to depend upon other groups of wage earners within the City to insure that the average rental is met.

From what I have been told, it seems unlikely that all the residents of Africville would be able to establish a complete new community on a home ownership basis within the City. Some residents may, in fact, be willing and able to obtain new homes of their own, others may wish to take advantage of the City's offer of alternative accommodation in public housing projects.

It seems very unlikely that it would be possible to re-establish a church for the exclusive use and within the immediate area of relocation of Africville residents. Inevitably, there will be some movement of families to different locations. The congregation should, however, have funds available to it to assist in the provision of a new church if they so desire.

4. Africville residents want clarification of the City's stated view that the City's principal reason for deciding to expropriate Africville is to remove sub-standard dwellings, and want to know to what extent a desire to obtain Africville for industrial use was a factor in the City's decision.

I gather from this question that there may be a feeling among some residents of Africville that the principal reason for acquiring the area is to permit the City to promote industrial development.

The principal reason for the proposed action in the Africville area is to remove the substandard dwellings. I think most members of your Committee will agree that almost all of the occupied buildings in the area are at variance with the standards of occupancy established for the City. The dwellings could be ordered vacated or removed under one or the other of several statutes and ordinances. If Africville were not unique in terms of its history, it is quite probable that this would have been done already and the families required to find new housing on their own.

If City action were taken to remove the properties, the City might well take the position that it was the owners responsibility to realize what they could from the disposal of their land. Because of the uncertainty of title,

it is doubtful whether many people would be interested in acquiring these lands. The owners would be hard put to re-use the lands themselves in accordance with the By-laws of the City, because the uncertainty of title would almost definitely preclude mortgage loans which would be necessary in order to permit the erection of satisfactory structures.

The City's proposal is therefore, to remove the structures and by acquiring the properties, place themselves in a position to compensate the owners. Expropriation by the City or by some other Government appears to be the only way in which land titles in the area can be cleared.

The present plans of the City call for the construction of a limited access roadway from the Nova Scotian Hotel to the Fairview Overpass. This roadway passes directly through the Africville area and many of the properties would have to be acquired in order to construct this road. The construction of that portion of the road running through Africville, however, is something that is not likely to take place for quite a number of years.

Some of the land in the Africville area proposed for acquisition is tentatively zoned for industrial use. Industry creates employment and because of this, all cities must be interested in the establishment of industry. There is not at this moment a demand for this land for industrial purposes. If the land is to be used for the purpose suggested, the City would have to create the demand and there is no certainty that this can be done.

5. The City has indicated that Africville has no designated boundaries. What are the boundaries of Africville as an electoral polling district?

As I mentioned during our two meetings, Africville is not a legal entity and as such has no legal boundaries. It is a community within the legal boundaries of the City of Halifax and is in the same legal category as say Westmount and other areas of a like nature. While these areas have, in the course of their history, acquired a name, this name has no significance in legal terms.

I am attaching a City plan on which we have outlined Electoral Polling Districts Nos. 201A and 205. The Polling Districts 201A and 205 are described as the lands within the boundaries outlined on the plan, but excluding therefrom the area known as Africville which is in Polling District No. 204. We have been unable to locate a polling district boundary description of the Africville area and we understand that this polling district is set up by a list of names only.

It does not appear that there is a plan showing the electoral polling district of Africville.

6. Why are lands for prospective industrial use not deemed to be high in value?

The principal reason that industrial lands are not deemed to be high in value is, of course, the fact that industry is just not prepared to pay high prices, and finds that it does not have to.

Industry provides the economic support for most communities. It creates the primary employment on which the community depends for its livelihood.

Industry is highly competitive. Land costs and municipal taxes can have a very important bearing on the ability of an industry to compete. If these costs are so high that the industry cannot compete, the industry has no alternative but to cease operations.

Industries are aware of their value to a community. Most communities are also aware of this value. New industries will therefore locate in the areas where they are given the best deal, and there is a competition amongst the communities to get these industries. Many communities provide land virtually free of charge in order to attract potential employers in the industrial field.

7. What City service is received in return for taxes paid on Africville properties?

The 1960 tax roll contains 39 assessments for the Africville area. The total tax levied on these 39 properties amounted to \$1,598.68. The total taxes owing on properties assessed in the Africville area as at August 29, 1962 amounts to \$6,392.24. Tax arrears in the Africville area are, therefore, approximately four times the 1962 tax levy.

The services provided by the City for the Africville area fall into two main categories. These are:-

Welfare

Schools.

Other services are provided on a much more limited basis.

The Commissioner of Health and Welfare indicates that the City is paying between \$9,500.00 and \$10,000.00 to residents of the Africville area by way of welfare assistance. This represents about 10% of the total amount of welfare payments made by the City during the year.

There are approximately 112 youngsters attending City schools from the Africville area. It costs the City approximately \$285.93 per pupil per year. The total cost of schooling is, therefore, \$32,024.16. In addition, the City provides school buses at an annual cost of \$2,850.00.

In summary, therefore, the City levies taxes on the Africville area at the rate of about \$1,600.00 a year. In return for that portion of this levy which is collected, the City provides services estimated to cost \$44,874.16.

8. Who were the Africville residents who received building or alteration permits in the period immediately prior to 1950?

I am attaching a list of the building permits issued in Africville. This list shows the name of the person to whom the permit was issued and the date of issuance.

9. Why are assessed values not regarded, by the courts, as a basis for compensation upon expropriation?

The valuation of properties for assessment purposes differ from municipality to municipality. In some places, assessments are based upon market value, in other places reproduction value and in still other places rental value. Some municipalities follow the practice of establishing the assessed value at a percentage of one or the other types of value outlined above.

In the City of Halifax, assessed value is defined in the City Charter as market value. Every attempt is made to meet the requirements of the Charter. Nevertheless, it seems almost inevitable that there will be variations between the value for assessment purposes and the value which a person might expect to receive if his property were offered for sale.

I suppose one of the principal reasons that the courts do not recognize assessed value in determining settlement is the fact that adjustments of assessed values tend to lag behind market conditions. The market value of a property is the value mutually agreeable to a willing buyer and a willing seller. The value is at the date of purchase and could be a somewhat different value at a somewhat different time.

The assessed value is a value placed by the assessor as at a given time. It is adjusted periodically, but certainly not on a daily basis. At the time of adjustment, it would reflect trends in the value of the property. It might not reflect the value placed upon the property by a willing buyer at a given time. The essential purpose of assessment is not to create absolute value, but is to create a reasonable value in relation to all other properties within an area or City.

In other words, assessed value could be less or more than actual market value and still serve its purpose. Assessment valuations are intended to assure equality of treatment in respect of taxes.

It is at least partly for the reasons given that the courts do not recognize assessed value in determining compensation. Because of this, the City compensates on the basis of market value as determined by independent real estate appraisers.

10. What is the minimum rent paid in city-owned multiple-housing developments?

The answer to this question is partially given in the answers to questions 2 and 3.

Public housing projects are managed by the Housing Authority of Halifax. The rents chargeable by the Housing Authority are laid down in a schedule to an agreement between the Federal-Provincial Partnership and the Housing Authority. A copy of the rental scale is attached to this letter.

The rents commence on the basis of a minimum family income of \$150.00 per month. Persons below this income are required to pay as if they were in receipt of this income. You will see from an examination of the scale that rents vary depending upon income and depending upon the number of children. You will also note that when incomes exceed \$325.00 per month, rents are charged at the rate applicable to \$325.00 per month plus 30% of the income over this amount.

The rental scale covers shelter rental only. Where the tenant provides all services as at Bayers Road, no additional charge is made. In Mulgrave Park, heat, hot water, water, stoves, refrigerators, etc. are supplied to the tenant by the Authority. At Mulgrave Park, tenants pay an additional 38% of their shelter rental to cover the cost of the services provided.

11. Is all of the land area of Africville designated for industrial purposes? If not, could Africville residents be relocated on land in the vicinity of Africville?

With one small exception, the land occupied by structures designated on the plan with which we provided you previously, is required for use for street improvements or is planned for industrial re-use. There is a very tiny area on the southern boundary which might be considered a residential re-use.

The difficulty of re-establishing the community in the area would appear to hinge more on the financial capabilities of the community rather than on the availability of land.

A new single family house built to the minimum standards required by the City of Halifax could not be put in place for less than \$8,000.00. This I think is the absolute minimum price and the probability is that construction and land costs would go somewhat higher.

If the new house were constructed under the provisions of the National Housing Act, and the best terms were obtained, a downpayment of \$800.00 would be required to be made by the new owner. The remainder of the cost could be financed by a mortgage over 35 years. Monthly payments

to repay this mortgage would be as follows:-

Principal & Interest	\$ 43.05
Taxes	<u>15.00</u>
TOTAL	<u>\$ 58.05</u>

This example illustrates the best possible financial terms for home ownership. The probable monthly costs and downpayments would be considerably higher.

In the answer to one of the earlier questions, I dealt with the question of a subsidized rental project for Africville residents only. In my previous answer I indicated that it would be necessary for the tenants of such a project to be able to pay an average of \$55.00 to \$60.00 per month. This would mean that the average tenant in the project would be required to have a family income between \$250.00 and \$270.00 per month. It is unlikely that such an average income could be obtained.

Integration of the Africville group in other public housing projects would not create the same problem. If the incomes of Africville are below the average required, and I believe that this is so, admissions of other families at higher incomes would permit the project to attain the required average rental.

12. Will special provision be made for the accommodation of unemployable widows and pensioners who are unable to pay the full amount of minimum rents?

This question has already been answered in part.

It is a requirement of the City's agreement with its Federal and Provincial Partners that a minimum rent be charged for any apartment or housing unit within a public housing project. This minimum rental is based upon a family income of \$150.00 per month.

A review of the rental scale attached will indicate that the minimum shelter rental ranges from \$24.00 to \$32.00 per month depending upon the size of the family. The cost of services is, of course, additional to this. If an occupant is unemployed and is unable to pay his rent, assistance is available to him from the City Welfare Department. The applicant for assistance must, of course, be able to prove to welfare authorities that help is needed and justified.

13. Will the City include, in the terms of expropriation, a clause to the effect that if expropriated lands are not sold for industrial use by a specified date, the people from whom they were expropriated will retain a right to reacquire the lands for an amount not greater than the amount for which they were expropriated?

I suppose it would be possible for the City to include a buy-back provision in its terms of acquisition. I would think personally that the inclusion of this clause is unlikely.

The City is proposing to acquire the properties primarily to remove the blighted structures and to create a situation whereby the owners can realize a cash return on their properties. If the City was not prepared to acquire the properties, it could still order removal of the properties and let the owners or apparent owners attempt to dispose or re-use the lands. The chaotic state of title would make this virtually impossible.

The City realizes that acquisition of the lands will mean an out of pocket expenditure that may not be realized upon by the City for many years. A large portion of the land for example is required for the limited access Shore Drive, but actual construction of this street at this point could be postponed for many years. It seems apparent that it will be needed ultimately.

It may be that at some time in the future, the balance of the lands will be required for other than industrial purposes. Industry may not be attracted to the site and the land may be required for purposes not now foreseen.

The City proposes, and is in fact required, to pay market value for properties acquired. In this case, it is proposed that the owners be fully compensated under law. It is further proposed that some recognition be given to those who have no legal claim.

In view of all the circumstances, I think it would be unlikely that the City would be prepared to agree to a buy-back arrangement between the present owners and the City.

14. Would it be feasible to organize a co-operative housing project on land in the vicinity of Africville?

I think the possibility of establishing a co-operative housing project would be best investigated with the Nova Scotia Housing Commission. All co-operative housing projects in Nova Scotia are financed through this Commission.

The first requirement for a co-operative housing project would be, of course, the provision of a satisfactory site. Undoubtedly, sufficient land of a residential nature could be assembled in the northern portion of the City for a small project. The Nova Scotia Housing Commission do I believe, have certain restrictions on land costs and these restrictions might be a limiting factor.

Co-operative housing projects have been successful in Nova Scotia and have certainly been responsible for providing homes for many people. Some savings in the total construction cost are possible, but it is usually at the expense of considerable personal labour by the home owner.

I had some experience of co-operative housing in Newfoundland. It was largely agreed in Newfoundland, that a reduction of \$1,000 to \$1,500.00 in cost could be attained by co-operative effort. It was also their

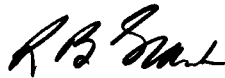
10.

experience that this cost saving was attained by almost two years of constant work by the members of the co-operative group. The usual hours worked in Newfoundland would be every evening and on Saturdays for the two year period.

I hope that my remarks may be of use to you. It would, of course, be possible to go on at much greater length on any of the questions asked, but I hope my answers have been sufficiently clear to permit your further consideration.

At our last meeting it was agreed that we would meet with the residents of Africville in the fairly near future. Unfortunately the pressure of other work has not permitted this meeting to this time. However, the pressures have eased somewhat and we would be prepared to meet with the Africville group at a mutually convenient time.

Yours very truly,



R. B. Grant,
Development Officer.

RBG/jl
Enclosures

LIST OF BUILDING PERMITS ISSUED FOR CONSTRUCTION IN AFRICVILLE

<u>DATE</u>	<u>APPLICANT</u>	<u>SCOPE</u>	<u>ESTIMATED COST</u>
June 12/50	Thomas Howe 1837 Barrington St.	construct single family dwelling	\$2,000.
Aug. 9/50	C. C. Marsman Barrington Street	construct single family dwelling	1,200.
Aug. 18/50	Ralph B. Jones 1811 Barrington St.	construct wood shed	100.
Aug. 18/50	Seaview United Baptist Church Barrington Street	construct concrete foundation and renew sills	1,500.
Apr. 24/51	Roy Mantley Barrington Street	construct 6' wire fence	20.
May 19/51	Mr. D. Dixon Barrington Street	to move a building to a new lot	125.
Aug. 15/51	Mrs. Ella Thomas Barrington Street	repair dwelling	400.
Oct. 9/51	Mr. Roy Mantley Barrington Street	general repairs	300.
Oct. 22/51	Aubrey Howe 1809 Barrington St.	erect front porch	50.
July 10/52	George Grant 1833 Barrington St.	construct single family dwelling	1,300.
Oct. 9/52	Mrs. Ella Thomas Barrington Street	construct single family dwelling	400.
Aug. 28/53	C. Hamilton Barrington Street	repair roof of two houses	350.
Oct. 9/53	Charles Mantley Barrington Street	general repairs	50.
Apr. 27/55	Mrs. M. Carvery Post Office	general repairs	175.
Apr. 25/55	V. Desmond Barrington Street	repair roof	20.
Oct. 22/62	Mrs. Hattie Carvery 1833 Barrington St.	repair roof	300.

PROGRESSIVE RENTAL SCALE

MONTHLY NET FAMILY INCOME*	SHELTER RENT BY NUMBER OF PERSONS IN THE FAMILY								
	2 RENT	3 RENT	4 RENT	5 RENT	6 RENT	7 RENT	8 RENT	9 RENT	10 RENT
\$325 #	74	73	72	71	70	69	68	67	66
\$320-324	72	71	70	69	68	67	66	65	64
315	71	70	69	68	67	66	65	64	63
310	70	69	68	67	66	65	64	63	62
305	69	68	67	66	65	64	63	62	61
300	68	67	66	65	64	63	62	61	60
\$295-299	66	65	64	63	62	61	60	59	58
290	65	64	63	62	61	60	59	58	57
285	64	63	62	61	60	59	58	57	56
280	63	62	61	60	59	58	57	56	55
275	62	61	60	59	58	57	56	55	54
\$270-274	60	59	58	57	56	55	54	53	52
265	59	58	57	56	55	54	53	52	51
260	58	57	56	55	54	53	52	51	50
255	57	56	55	54	53	52	51	50	49
250	56	55	54	53	52	51	50	49	48
\$245-249	54	53	52	51	50	49	48	47	46
240	53	52	51	50	49	48	47	46	45
235	52	51	50	49	48	47	46	45	44
230	51	50	49	48	47	46	45	44	43
225	50	49	48	47	46	45	44	43	42
\$220-224	48	47	46	45	44	43	42	41	40
215	47	46	45	44	43	42	41	40	39
210	46	45	44	43	42	41	40	39	38
205	45	44	43	42	41	40	39	38	37
200	44	43	42	41	40	39	38	37	36
\$195-199	42	41	40	39	38	37	36	35	34
190	41	40	39	38	37	36	35	34	33
185	40	39	38	37	36	35	34	33	32
180	39	38	37	36	35	34	33	32	31
175	38	37	36	35	34	33	32	31	30
\$170-174	36	35	34	33	32	31	30	29	28
165	35	34	33	32	31	30	29	28	27
160	34	33	32	31	30	29	28	27	26
155	33	32	31	30	29	28	27	26	25
150	32	31	30	29	28	27	26	25	24
\$145-149	30	29	28	27	26	25	24	23	22
140	29	28	27	26	25	24	23	22	21
135	28	27	26	25	24	23	22	21	20
130	27	26	25	24	23	22	21	20	19
125	26	25	24	23	22	21	20	19	18

* As defined by the Partnership; in default of other direction, Net Family Income shall be based on total family income in the manner set out in Part III of this Manual.

If the Net Family Income of a Tenant increases so that it exceeds \$325 per month, the rent payable by such Tenant shall be the aggregate of (a) the amount shown in this Scale as payable by such Tenant in respect of an income of \$325 per month, and (b) 30% of the amount in excess of \$325 per month.

(NOTE: In certain projects the 30% rate applies by Agreement to income in excess of some amount other than the \$325 as set forth herein. In such cases a red line may be marked in at the level where the 30% rate applies as set out in the Agreement covering the particular project.)