

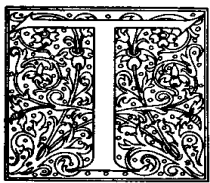
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THE RELATION OF A STATE-WIDE BUILDING CODE TO HOUSING AND TOWN PLANNING

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THE Governor of Massachusetts has appointed a "Commission to Investigate the Building Regulations in Force Throughout the Commonwealth" and it is interesting to consider how the work of this commission may affect the work of housing and town planning.

The state of Massachusetts at present has its district police laws, and the cities and a few of the towns have local building ordinances varying from the 7-page pamphlet of Lawrence to the 97-page book of Brookline. Some of these ordinances are entirely inadequate, not only in the number of subjects covered, but in the way they are treated. They do not agree as to certain fundamental things, which may well be uniform throughout the state. The work of the local planning boards and of the Massachusetts Homestead Commission has much to do with housing. Many of these local building ordinances have inadequate treatment of the housing problem or no treatment at all. The inspection is not unified. The cities and larger towns have local inspectors in control. The district police, except in Boston, have a state-wide control of matters of safety from fire and of the sanitary and ventilating equipment in certain classes of buildings. The state and local boards of health have certain powers in regard to some buildings. The fire commissioner of Boston has part control over certain classes of buildings which may be unusual fire or explosion risks. There is thus much diversity in the requirements in different places, some overlapping of inspection, some conflicting control, some difficulty in finding out what regulations apply in any given case, and some laws admittedly not enforced.

The state commission on building laws hopes to bring about uniform requirements throughout the state, including Boston, for such fundamental things as floor loads, strength of materials, precautions against fire, and perhaps for housing. It also hopes to simplify and coördinate the administrative authorities so that the expense of double inspection can be saved, and so that builders can easily find out what regulations they must follow, and be relieved from any conflicting control.

Such a state-wide building code affects the work of town planning particularly in the matter of housing. We are all interested in obtaining healthful houses, built to be safe and durable, with minimum fire hazard, at reasonable cost, and built under regulations not unjust to property owners. These are no merely technical questions of interest only to architect and builder — they affect every one of us in our cost of living, and in our comfort, health, and safety. Building regulations which allow a bending strength of only 800 lbs. per sq. in. for spruce in Brookline, as compared with the 1000 lbs. allowed in Boston, penalize Brookline by making its construction more expensive; and if the 1000 lbs. is safe, Brookline is wasting its money in putting in the extra spruce which is used in practically every house. Lynn requires floors of dwellings to be strong enough to support 100 lbs. per sq. ft., while Everett requires only 40 lbs. If the 40-lb. load is enough, then Lynn's extra timber is an unjust expense. If Watertown requires its 3-story tenements to have a 25-ft. back yard while Brookline requires only 10 ft. for any height, then Watertown is unduly conscientious, or else Brookline is too easily satisfied. Belmont requires 3-story tenements to be fireproof, while Cambridge allows 6-story apartments with wooden floor construction.

Is this great diversity in important requirements desirable, or should there be uniformity throughout the state, with backward cities and towns brought up to a reasonable standard? What shall we do in the matter of housing, for instance? The legislature of 1912 passed "An Act Relative to Tenement Houses in Towns" (Chap. 635), and the legislature of 1913, "An Act Relative to Tenement Houses in Cities" (Chap. 786). Both of these laws are permissive — not mandatory. They were drawn up by the committee on housing of the Massachusetts Civic League in consultation with some volunteer experts whom they called in, and they present the extreme housing reformer's point of view. They were made up without consultation with real estate owners and builders, without sufficient consultation with architects, without investigation of the actual results of other advanced laws lately adopted, and hence without sufficient knowledge of the probable effects of their drastic provisions.

The Tenement House Act for Towns has for its salient provisions: application to houses for three or more families, modification of law prohibited unless in the direction of further restrictions, state board of health given power to examine into enforcement of law, no tenement higher than four stories, yards and courts much larger than in existing laws, no small air shafts allowed, no wooden tenement house over two and one-half stories, 3-story tenements fireproof, annual registry by owners, no board of appeal. The Tenement House Act for Cities has many of the same provisions as the act for towns, but applies to tenements for two or more families, but with narrower yards, higher buildings, 5-story tenements fireproof, and Philadelphia tower fire escape as one method of egress. Both laws require 5-ft. increase in yard widths for each additional story

in height as compared with the 1 or 2-ft. increases common in existing laws. The city law omits the usual reference to percentage of lot covered, but fixes court and yard widths in reference to heights so that the restriction by percentage is not necessary. Another provision, original I think with the city law, is the method of limitation of heights by allowing one story for each ten ft. in width of the street. It would take too much space to discuss these laws in detail, but I believe they show a too ready acceptance of Lawrence Veiller's model law, with too little investigation of its probable effects. They are too drastic to be accepted without much fuller investigation. They err in allowing the outside iron fire escape as one method of egress — a dangerous makeshift which should no longer be permitted on new buildings. Both laws make a great mistake in omitting a board of appeal; a body which is absolutely essential to the just solution of the many problems which must arise under any law of reasonable length. An owner should be able to obtain justice without appealing to the superior court. These permissive laws apply to housing only, and they are likely to be poorly related to the varying general building ordinances existing in the different cities and towns. A housing law should be an integral part of a general building law so that there may be no conflicting provisions and no gaps.

The town law has been accepted by 14 towns out of a total of 320. (Arlington, Belmont, Braintree, Lexington, Milton, Nahant, North Andover, Stoneham, Walpole, Watertown, Wenham, Weston, Weymouth, and Winthrop.) No city has accepted the city law. The towns which have accepted the town law were probably largely influenced by a desire to adopt its prohibition of the wooden 3-decker. Towns which shut out all cheap housing have not settled the housing question — cheap housing must be provided somewhere and we are looking at it as a state-wide matter. Brookline, although retaining a town government, has the population and apartment house problems of a small city, and its law, recently carefully revised by a representative committee, is far less drastic in its housing provisions than the permissive law for cities. The housing provisions in the other existing city laws are also far less severe, and few of them seem likely to adopt the new law. It is still less likely that all of them will adopt it. I worked many months on the city law with the Civic League committee, was overruled by the other members of the committee in attempting to keep it moderate, and have felt compelled to advise against its adoption in my own city, Cambridge.

Our commission must face the problem presented by those permissive laws with high standards, co-existing with many more ordinances with much lower standards. The question of proper housing is not a local issue; it is a state-wide, a national issue. Unhealthful tenements in Cambridge are a charge upon the whole state as well as upon Cambridge. A fire in Chelsea is not paid for by Chelsea alone; the whole country pays through the insurance companies. Even if a few cities adopt the permis-

sive law with its high standards, we shall still have many other cities building under much lower standards, and the whole state suffers when any city has dangerously low standards of housing. It seems clear, then, that the practical solution is to prepare a housing code as a part of a general building code state-wide in scope, requiring certain minimum provisions which present-day knowledge approves, and classified, if you will, by population, so that cities with expensive land and congested population may have provisions adapted to their conditions, while small towns may well call for wider courts and yards, and generally more liberal provisions. It may be well to leave to the localities the power to raise the standard but not to lower it.

Such a code, if prepared by our commission, will be written by architects and builders familiar with the technical questions involved in a general construction code, and not unaware of the social and economic questions involved in a housing code. We have already consulted some of those having to do with the enforcement of building laws, and we shall try to consult fire protection experts, real estate owners, housing experts, and any others who can give us aid. We particularly need thoughtful and unbiased aid of experienced people. Any bill prepared by us will undoubtedly require higher housing standards than those existing in most cities and towns, because their regulations were, many of them, drawn up at a time when the question was not so well understood as at present. On the other hand, we may require less onerous provisions than those of the permissive laws for cities and towns, although we shall give their promoters every opportunity to aid us. If we do not satisfy them, they may oppose us because our standards are not high enough, and, on the other hand, we may also be opposed by some who may fight for the retention of the present low standards in some places. Perhaps the opposition of these two widely differing parties may suggest that somewhere between the extremes lies a reasonable mean. Even such a reasonable mean would no doubt raise the first cost of building and would limit the amount of housing to be furnished on any given lot. This limitation of an owner's power to selfishly develop his property to an undesirable maximum capacity is justifiable, if, on the whole, the community will be a gainer; but the decision as to how far the limitation ought to extend is difficult. It does seem fair, however, to require fire precautions which, although increasing the first cost, will in the long run save money for the owner as well as being better for the community. On the other hand, any law so drastic as to discourage new housing leaves us saddled with old buildings which, under more reasonable laws, might be replaced by new and better ones. No amount of sentimental talk of "considering the man before the dollar" will do away with the facts that it takes dollars to build ideal tenements, that the owner expects and has a right to expect a fair return, and that if you make houses over-expensive, the poor man will enjoy them from a distance — he won't be able to hire them. Don't make a man

spend a thousand dollars for a benefit that is only worth a hundred. If, by too drastic laws, you restrict the occupation of valuable land near the center of a city, you may say that it will drive people to the cheaper land in the outlying areas. Will the outlying land remain cheap under those conditions? Is it an unquestionable advantage to drive people to the outskirts? One can imagine an ideal housing law in New York City that would so limit the population per acre that the man who lived in the outskirts would hang onto a strap as far as Peekskill instead of to the Bronx. He might prefer to spend some of his time with his family. A radical housing law must have a radical effect upon property values, and before radical changes are made, their sponsors should follow them through to the bitter end and let us know what they mean.

It is to be hoped that the Homestead Commission can help us by furnishing facts, not theories, as to the actual effects of the most advanced housing laws. We should like to have them tell us in feet and inches, in dollars and cents, by plans, by photographs, by bacterial count, if you will, just how the housing laws of Columbus and other advanced cities have worked. What provisions have proved good? what not worth while? how can they be improved? When we drew up the tenement house law for cities, we had very little information as to actual results in Columbus. We should have had it. It would take some money and some time on the part of unbiased experts to get those facts from building plans, from the buildings themselves, and from all kinds of people in Columbus and in other cities, but the facts are worth getting, because of the magnitude of the interests involved in any housing law.

A building code affects the layout of new streets and lots. A 40-ft. lot becomes useless for a wooden dwelling if a code requires a 10-ft. setback from each side-line, because it leaves only 20 ft. available for the house. If the adjoining lots have existing buildings upon them close to the lot line, then even a 50-ft. lot may be unavailable for a wooden dwelling. When severe setback restrictions prevent an owner from building a one or two-family wooden dwelling, open to light and air all around, he may have to build a brick tenement several stories high, with party walls, and with light only from front and back. Such a brick tenement is somewhat safer from conflagration hazard than the one or two-family wooden house, but it seems to me to be far less desirable as a home. If we insist upon unnecessarily wide setbacks from the side lot lines, we may require a lot for a separate wooden house to be so wide that the expenditure for land may be too large an item for a poor man. An additional strip 10 ft. wide may add several hundred dollars to the price of a lot and those extra hundreds may prevent the man from buying. The wider lots also mean longer distances and greater municipal expenses for streets for a given population. The wooden house for one or two families seems to me to be the natural and desirable development for the outlying areas of cities, and the higher brick tenement with party walls should be considered a

necessity only when the growing city makes the land too valuable for the small houses. It would be still better to build these small separate houses with brick, terra cotta, or concrete walls and thus somewhat reduce the conflagration hazard, but they will not eliminate it, as long as the house has ordinary wooden window frames with thin glass through which fire can pass, and also wooden cornices, piazzas, etc. I am inclined to believe that one and two-family houses should be classed together in a housing code, defining a tenement house as containing three or more families, and that every reasonable encouragement should be given by the code to the small houses.

The depth of a lot is a factor in its development. Cambridge has lots varying from 30 ft. up to 200 ft. in depth. A law which allows no rear tenements makes it difficult for the owner of a deep lot to develop his land with small tenement houses — he must build a large one, although the large one may have much less light and air than two small ones. It may be said that deep lots are a mistake; that streets should be cut through, but these remedies are much more easily suggested than accomplished when a locality is built up.

These existing difficulties suggest, however, the means by which much trouble in the future may be avoided, and here the local planning boards may well be effective. If experience has shown suitable widths and depths for lots for different circumstances, it is to be hoped that the Homestead Commission can gather the information and put it into the hands of town planning boards, and that the local boards will find a way to plan the development of the newer parts of cities and towns so as to avoid undesirably deep, shallow, or narrow lots. It seems trite to say that such planning of outlying areas should be directed by a unified authority, should precede building operations, and should not be left to the often misguided fancy of each speculative builder who cuts a large area up into streets and lots.

While housing and town planning are, first of all, practical matters of providing healthful and safe homes with pleasant surroundings and with convenient ways of communication between homes and business, it is also worth while to make a thing good looking as well as convenient. It is to be hoped that the local planning boards will not construe their duties too narrowly, that they will watch their town as they watch their own front yards and help when necessary. There ought to be some watchful and intelligent body in every town to keep it clean, to save it from unnecessarily ugly public improvements, and even to make it beautiful. Let no one apologize for wishing to make a town beautiful. The local planning board, if properly made up, might well be such a watchful guardian of the town's appearance; not that such a body should confine its efforts to geraniums in front of the town hall, but that it should see that everything on the public streets from a lamp post to a grade crossing elevation is designed or approved by someone who knows and cares

about appearances. The local planning boards should have an architect and a landscape architect as members to help in protecting the town from unnecessary ugliness and to aid in developing it in a beautiful way. I have seen a grade crossing elevation close to a railroad station managed in such an ugly manner that the stranger entering the town is repelled rather than attracted. There was no one representing the town capable of knowing and insisting upon an attractive solution of the problem, very likely possible without additional expense. In contrast with this town, the treatment of all the surroundings of the entrance to Belmont was evidently carefully studied, and its attractiveness adds dollars to the value of every house and lot in the town. And it does more than raise property values. We earn money to buy comfort and enjoyment. We pay more for a good looking house in a good looking neighborhood because we enjoy these things. Some day we shall pay more to make the whole town clean, and beautiful enough to enjoy living in it. The more progressive manufacturers are making their factories better looking and surrounding them with neat grounds. The Boston Elevated Railway tries to make all of its structures as good looking as possible. A city or town should be no less particular. It should be particular in what it allows corporations to do, and in what it does itself. The typical street has too much mud, too much bad paving, too many dead trees, too many glaring signs, too many and too ugly poles, too many poorly designed structures of all kinds from lamp posts to bridges. France and Germany have much to teach us in shipshape municipal housekeeping in regard to the externals — the things we must all see every day as we go through the streets. Why not have them such as can be enjoyed instead of endured ?

Does this sound chimerical ? Not if we have a proper civic pride. If I were a New Yorker, I would n't brag about the Harlem Speedway or the "Great White Way"; I should be afraid that the visitor might notice the municipal housekeeping of the side streets. If I lived in Newark, I would n't brag about the court house; I should be ashamed of the fact that the right of way of the Pennsylvania Railroad is better kept than the part of the city through which it runs. I should like to have the whole of my city stand inspection as well as my house. If your cellar and back yard are as clean as the front yard, why not have the whole town as presentable in its back streets as in its parks ? We use the streets more than we do the parks. A city should stand inspection of the cells of its lockup as well as the grass in front of the city hall, should stand inspection of its poorest streets as well as of its best, should have its apartment houses safe as well as expensive, should have decent housing for all, should have nothing to hide from a visitor. We should have such a town that we can be proud of the whole of it — the business or the residential part, factory districts or parks, rich neighborhood or poor. Thoroughgoing democracy should give to all, clean, safe, healthful, and, as far as possible, beautiful housing and surroundings.