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Law, Housing, and the State in the Interwar Period: A Comparative Study of the United States and the United Kingdom

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ABSTRACT

This article examines the development of interwar housing law and policy in the United States and the United Kingdom through a comparative legal-historical lens. Confronted with acute housing shortages, urban squalor, and economic instability following the First World War, both jurisdictions expanded state involvement in housing yet adopted fundamentally different legal strategies. In the United States, federal intervention operated primarily through mortgage insurance, administrative regulation, and market facilitation, culminating in policies that expanded homeownership while entrenching racial and socio-economic segregation. In contrast, the United Kingdom pursued a more interventionist statutory framework, imposing duties on local authorities to provide housing, clear slums, and regulate standards, albeit within fluctuating political and fiscal constraints. By analysing key legislation, administrative practices, and judicial responses, this article argues that interwar housing law played a formative role in shaping modern housing systems and patterns of inequality.

KEYWORDS

Housing, Interwar, Comparative, Intervention, Inequality

INTRODUCTION

The interwar period marked a decisive transformation in the legal regulation of housing, as governments in industrialised states confronted severe shortages, substandard living conditions, and the social dislocation caused by war and economic instability. In both the United States and the United Kingdom, housing emerged as a central concern of public policy, prompting unprecedented legislative intervention and the expansion of administrative authority. Yet despite facing broadly similar structural challenges, the two jurisdictions adopted markedly different legal approaches to the provision, financing, and regulation of housing.

These differences reflected deeper divergences in constitutional structure, political ideology, and prevailing attitudes towards state intervention in social welfare. This article undertakes a comparative analysis of interwar housing law and policy in the USA and the UK, with particular attention to the legal frameworks through which governments sought to influence housing outcomes. In the United States, federal involvement was largely indirect, operating through mortgage insurance schemes, administrative regulation, and collaboration with private financial institutions. By contrast, the United Kingdom developed a more explicitly interventionist model, grounded in statutory duties imposed on local authorities to construct housing, clear slums, and regulate standards. The legal consequences of these approaches were profound, shaping not only the quantity and quality of housing produced but also patterns of social stratification and exclusion.

By examining key legislative measures, administrative practices, and judicial responses in each jurisdiction, this article argues that interwar housing law played a formative role in defining the relationship between housing, welfare, and citizenship. The comparative perspective highlights how legal choices made during this period established institutional and normative foundations that continue to influence housing policy and inequality in both countries.

THE USA - FEDERAL IMPLEMENTATION

The first government housing initiative was established under The U.S. Shipping Act of 1917,¹ designed to provide accommodation for labourers required in industrial roles during World War I. These housing units prioritised functionality above comfort and health, establishing a perilous precedent for future home constructions. Seventeen years later, the National Housing Act of 1934² aimed to resolve housing and mortgage challenges during the Great Depression. This legislation established several housing complexes that remain operational today, particularly for low-income areas.³

The National Housing Act was a significant and enduring legislative measure enacted during the Great Depression of the 1930s, when the Franklin D. Roosevelt administration formulated and Congress approved a series of new laws augmenting the federal government's authority to impact the American economy and standard of living. The major objective was to enhance housing standards and conditions,

¹ U.S. Shipping Act (1917)

² National Housing Act (1934)

³ Emily Walsh, 'National Housing Act 1934 - UAB Institute for Human Rights Blog' (Uab.edu October 2018) <<https://sites.uab.edu/humanrights/tag/national-housing-act-1934/>> accessed 28 December 2025.

establish a system of collective mortgage insurance, and decrease foreclosures on residential properties. The housing market required urgent action during the Great Depression. In 1932, almost 1,000 homeowners defaulted on their mortgages daily, and by 1933, fifty percent of all mortgages in the United States were in arrears. Foreclosures were surging. Home finance was often inaccessible to the average American due to onerous loan conditions, which typically required a 50% down payment and full payback within five years. The loans also lacked amortisation. Essentially, these were fundamentally balloon mortgages. The legislation established two principal agencies: the Federal Savings and Loan Insurance Corporation (FSLIC), which provided insurance for deposits held by savings and loan account holders, and the Federal Housing Administration (FHA), which insured mortgage lenders (such as banks and thrifts) against the risk of borrower default on loans, in exchange for a nominal fee. If a borrower defaults, the FHA will compensate the lender with a predetermined claim amount. To qualify, a lender must fulfil particular criteria. Historically, the designation “FHA-approved lender” had developed into a symbol of prestige for financial institutions.⁴

As mentioned, the Federal Housing Administration (FHA) had been established as an agency of the U.S. Department of Housing and Urban Development (HUD), created by the National Housing Act on June 27, 1934, to promote home financing, enhance housing standards, and boost employment in the home construction sector following the Great Depression. The FHA's principal role was to guarantee house mortgage loans issued by banks and other private lenders, therefore incentivising them to provide further loans to potential home purchasers. The FHA's strategy aimed to garner backing from interest groups, including the real estate and banking sectors, who had traditionally resisted government involvement in housing matters. Before the FHA, balloon mortgages, which include substantial payments at the conclusion of the loan term, were standard, and potential homebuyers were required to provide a down payment of 30 to 50 percent of the property's value to get financing. Nevertheless, FHA-secured loans brought the low-down-payment mortgage, decreasing the upfront financial need to as little as 10 percent. The agency increased the house mortgage payback duration from 5–10 years to 20–30 years. The resultant decrease in monthly mortgage payments averted foreclosures, often making house purchases more economical than rentals, and enabled families with solid although modest salaries to get a home mortgage. Furthermore, due to the reduced risk for lenders associated with government-backed loans, mortgage

⁴ Adam Hayes, ‘National Housing Act’ (Investopedia2022) <<https://www.investopedia.com/terms/n/national-housing-act.asp>> accessed 28 December 2025.

interest rates decreased. In 1938, Congress formed the Federal National Mortgage Association (Fannie Mae), which facilitated the development of a secondary mortgage market, enabling banks and other investors to acquire and sell existing house loans, so augmenting the cash available for mortgages. Subsequent to the enactment of the Servicemen's Readjustment Act,⁵ often referred to as the GI Bill (1944), the FHA established a framework for long-term mortgages facilitating the building and sale of private residences. The Veterans Administration's home loan guarantee program, established under the GI Bill, mandated a down payment of only one dollar from veterans. These developments resulted in a substantial rise in American homeownership.⁶

Additionally, the Housing Division of the Public Works Administration (PWA) was a program that sought to provide inexpensive housing to low-income people in the 1930s. Founded in 1933 under Title II of the National Industrial Recovery Act,⁷ the PWA's Housing Division was empowered to provide up to \$135 million for affordable housing and urban renewal. In all, the Housing Division created 21,800 public housing units during its four-year tenure. Notwithstanding this achievement, other reasons led to the division's overall lack of success. Federal and local politicians regularly clashed on choosing locations and construction planning; the courts denied the Housing Division condemnation powers; and PWA administrator Harold L. Ickes often harboured hostility towards municipal officials, resulting in intergovernmental conflict and misunderstanding. Reformers, seeking successful government housing initiatives, found a supportive friend in Senator Robert F. Wagner, a Democrat from New York. Wagner proposed national housing laws in 1935 and 1936 but was unsuccessful in its enactment. Significant economic entities, including the U.S. Chamber of Commerce, the National Association of Real Estate Boards, the U.S. Savings and Loan League, and the National Association of Retail Lumber Dealers, opposed all forms of public housing. Numerous issues led conservative legislators to modify Wagner's measure during its subsequent consideration by the U.S. Senate in 1937. The Senate approved this amended version in late summer of that year. The House of Representatives sanctioned a similar measure proposed by Henry B. Steagall, a Democrat from Alabama.⁸

⁵ Servicemen's Readjustment Act (1944)

⁶ Marie Justine Fritz, 'Federal Housing Administration (FHA) | United States Government Agency', Encyclopædia Britannica (2016) <<https://www.britannica.com/topic/Federal-Housing-Administration>> accessed 28 December 2025.

⁷ National Industrial Recovery Act (1933)

⁸ David Goldfield, 'Housing Act of 1937', Encyclopedia of American Urban History (SAGE Publishing 2007).

The 1934 Act would be followed by the 'Wagner-Steagall' Housing Act of 1937,⁹ which was a key legislative measure in the United States designed to mitigate housing shortages during the Great Depression. Promoted by housing reformers, the legislation created the U.S. Housing Agency to enable the establishment of government-owned housing projects, particularly targeting low-income households. This was seen as a means to generate employment in the beleaguered construction sector, while also alleviating pervasive housing demands. The legislation included means testing, restricting public housing access to the most impoverished persons and unwittingly branding such housing as a sanctuary for the marginalised. Furthermore, it imposed limitations on the placement and pricing of public housing, leading to the development of utilitarian, minimalistic dwellings mostly in underprivileged metropolitan regions. Although intended to address housing challenges, the legislation resulted in a federal housing system that often marginalised lower-income citizens rather than promoting mixed-income communities. The legacy of the Wagner-Steagall Act continues to be a subject of debate about its influence on housing policy and urban development in the United States.¹⁰

While broadly successful, the programme has not been viewed in an entirely positive light in retrospect. A 2017 feature by 'NPR' argues that that the federal housing programme of the 1930s was used as an opportunity to not only increase the housing stock in the USA, but also to racially segregate it. The Federal Housing Administration justified its actions by asserting that if African-Americans purchased houses in these areas, or even in proximity to them, the property values of the insured white properties would diminish. Consequently, their loans would be jeopardised. The Federal Housing Administration possessed no foundation for this assertion. When African-Americans attempted to purchase homes in predominantly white neighbourhoods, property values increased, as they were often willing to pay higher prices than white buyers due to their limited housing options and limited supply.

The Federal Housing Administration's explanation was not founded on any empirical investigation and was never grounded in reality. The word "redlining" originates from the federal government's creation of maps for each metropolitan region during the New Deal period. The maps were colour-coded first by the Home Owners Loan Corporation, subsequently by the Federal Housing Administration, and later embraced by the Veterans Administration, with the colour coding intended to signify

⁹ Wagner-Steagall Housing Act (1937)

¹⁰ J Wesley Leckrone, 'Wagner-Steagall Housing Act of 1937 | EBSCO '(EBSCO Information Services, Inc. | www.ebsco.com2022) <<https://www.ebsco.com/research-starters/law/wagner-steagall-housing-act-1937>> accessed 28 December 2025.

areas deemed secure for mortgage insurance. Neighbourhoods inhabited by African-Americans were marked in red to signal to appraisers that these areas posed excessive risk for mortgage insurance. The Underwriting Manual of the Federal Housing Administration stated that supposedly "incompatible" ethnic groups ought not to be allowed to reside in the same areas. This implies that loans to African Americans were ineligible for insurance. In a Detroit neighbourhood, the FHA mandated that during World War II, the developer construct a 6-foot-high cement wall to segregate the project from an adjacent African-American neighbourhood, thereby preventing any African-Americans from accessing the area. The Underwriting Manual of the Federal Housing Administration suggested that roads effectively segregated African-American neighbourhoods from white neighbourhoods. This issue pertained to government regulation rather than legal matters, and it was not concealed, hence it cannot be characterised as a "de facto" scenario. Regulations codified in legislation and disseminated in the Underwriting Manual were a 'de jure' unconstitutional manifestation of policy by the government, akin to statutory provisions.¹¹

As discussed by the National Council on Public History, redlining entails financial institutions exerting influence on the residential choices of African Americans, while racial covenants were used by property owners, local governments, and neighbourhood groups to limit housing access. Another method to enforce segregation was the use of restrictive covenants. A covenant is a legally enforceable agreement concerning the use of a property. Restrictive covenants may dictate whether a building may function as a house or a commercial establishment, or guarantee that the structure remains financially accessible for a certain duration. During the twentieth century, these instruments were used to restrict the residential options of African Americans and other racial, ethnic, and religious minorities by rendering house ownership, renting, and occupation unlawful. Although racially discriminatory covenants were not federal statute, they were promoted by the FHA. In 1948, the Supreme Court determined that racial covenants were unenforceable by state courts, since their enforcement constituted state action that contravened the Equal Protection Clause of the Fourteenth Amendment.

¹¹ Terry Gross, 'A "Forgotten History" of How the U.S. Government Segregated America' (NPR3 May 2017) <<https://www.npr.org/2017/05/03/526655831/a-forgotten-history-of-how-the-u-s-government-segregated-america>> accessed 28 December 2025.

Nevertheless, racial covenants persisted and were not rendered unlawful until the enactment of the 1968 Fair Housing Act.^{12 13}

THE UK - COUNCIL POWER

The conclusion of the First World War in 1918 generated a significant demand for working-class housing in urban areas throughout Great Britain. In 1919, Parliament enacted the daring Housing Act,¹⁴ which pledged government subsidies to facilitate the building of 500,000 dwellings within three years. As the economy swiftly deteriorated in the early 1920s, financing was had to be reduced, resulting in the completion of just 213,000 dwellings within the Act's stipulations. Nonetheless, the 1919 Act, sometimes referred to as the 'Addison Act' in honour of its author, Dr. Christopher Addison, the Minister of Health, was a crucial advancement in housing supply. It established housing as a national obligation, assigning local authorities the duty of creating new homes and rental accommodations for the working populace when necessary. Subsequent legislation in the 1920s expanded the obligation of local authorities to provide housing as a social service. The Housing Act of 1924¹⁵ provided significant funding to local authorities to address the severe housing shortages of that period. The Housing Act of 1930¹⁶ mandated local governments to eliminate all existing slum houses and provided further incentives for the resettlement of residents. This singular Act resulted in the eradication of more slums than ever before, with the construction of 700,000 new residences. According to the stipulations of the inter-war Housing Acts, local authorities constructed a total of 1.1 million residences.¹⁷

The substantial financial provisions of the 1919 Housing Act, reflecting the wartime commitment to 'Homes for Heroes', temporarily bolstered the principles of Old Oak; nevertheless, central government funding was reduced in 1921 (as previously mentioned) as an initial measure of austerity. The commendable intention to construct extensively for the many individuals in urgent need contributed to the subsequent deterioration of design standards. The London County Council constructed around 25,000 residences in the inter-war Becontree Estate,

¹² Fair Housing Act (1968)

¹³ 'Redlining and Racial Covenants' (National Council on Public History 2025) <https://ncph.org/wp-content/uploads/2025/07/Redlining-and-Racial-Covenants_pdfversion.pdf> accessed 28 December 2025.

¹⁴ Housing Act (1919)

¹⁵ Housing Act (1924)

¹⁶ Housing Act (1930)

¹⁷ UK Parliament, 'Council Housing' (UK Parliament) <<https://www.parliament.uk/about/living-heritage/transformingsociety/towncountry/towns/overview/councilhousing/>> accessed 28 December 2025.

and while architects noted that this figure included 91 distinct home styles, observers criticised the estate's homogeneous bulk and monotony. The issue of size may resonate with modern architects of communal housing; yet, the evident lesson is that excellence cannot be attained inexpensively. Becontree faced criticism for its absence of community, in stark contrast to the squalid slums it replaced, and post-war construction initiatives emphasised neighbourliness. The 'Neighbourhood Unit,' advocated by planner Patrick Abercrombie, suggested a largely self-sufficient region with essential utilities centred around the catchment area of the local infant school. Charles Reilly, a former professor of architecture at the University of Liverpool, conceptualised multifunctional community facilities and village greens on the Stowlawn Estate in Bilston, West Midlands. The Ministry of Health and Housing rejected the proposal due to financial considerations, however it may have been too ambitious. The 'Neighbourhood Unit' was antiquated at the time of its implementation, rendered obsolete by increased geographic mobility and novel modes of social interaction.¹⁸

The Conservative triumph of 1923, headed by Bonar Law and subsequently Baldwin, supplanted the Liberal administration of Lloyd George and resulted in a new Housing Act¹⁹ championed by Neville Chamberlain. The Addington Act was entirely reversed, promoting private developers over local councils and decreasing the dimensions and expenses of new housing. It promoted ownership instead of leasing.²⁰ A governmental transition in 1924 led to a revised strategy for addressing the issue of inadequate availability of affordable rental housing. The Housing Act of 1924, known as the Wheatley Act, after the Minister of Health (John Wheatley), prioritised the construction of rental housing above the promotion of privately built homes for sale. Notably, it was the first Housing Act to mandate that residences have a bath in a distinct bathroom, rather than in the scullery.²¹

According to the BBC, the legislation from 1930 compelled private landlords to transfer ownership of substandard dwellings to municipal authorities. The councils could thereafter eradicate the slums and

¹⁸ John Boughton, 'Lessons and Limits: What the History of Council Housing Can Teach Architects Today' (Ribaj.com 2023) <<https://www.ribaj.com/intelligence/council-house-lessons-and-limits-john-boughton/>> accessed 28 December 2025.

¹⁹ Housing Act (1923)

²⁰ Alan Cooke and Di Parkin, '100 Years of Council Housing in Brighton & Hove 1919 - 2019' (Brighton & Hove Council 2019) <<https://www.brighton-hove.gov.uk/sites/default/files/Brighton%20%20Hove%20-%20100%20years%20of%20council%20housing%20presentation.pdf>> accessed 28 December 2025.

²¹ 'Inter-War Council Housing in Solihull' (Solihull Life 6 May 2025) <<https://solihulllife.org/2025/05/06/inter-war-council-housing-in-solihull/>> accessed 28 December 2025.

construct new, sanitary residences on the site. Government funding were allocated to finance this. By 1939, more than 240,000 dilapidated dwellings had been demolished, and 700,000 new residences constructed. However, widespread aerial bombardment during World War II destroyed around 475,000 residences in Great Britain. This resulted in the construction of more council homes and the establishment of 'new towns,' designed and developed from the ground up.²²

One case of interest, as reported in an edition of *'The Builder'* from 1932, is that of *Re Bowman: South Shields (Thames-Street) Clearance Order, 1931*.²³ Mr. Bowman had applied to the High Court under section 11 of the Housing Act 1930 to challenge the validity of a clearance order made by South Shields Corporation requiring the demolition of his houses in the Thames Street area. He argued that the order was invalid because: (1) it required most occupiers to vacate within seven days rather than the statutory minimum of 28 days; (2) it omitted a prescribed note informing owners of their right to apply to the High Court; and (3) the decision was based on inadmissible or insufficient evidence, particularly relating to overcrowding. He also emphasised the seriousness of the matter because the Act provided no compensation. The Minister of Health and the Corporation accepted that there were errors in the form of the order but argued that Mr. Bowman had not been prejudiced, as he had been separately notified of his rights and the order could be corrected. They also maintained that there was ample evidence to justify the clearance order. Mr Justice Swift held that the Housing Act 1930 conferred very wide powers on local authorities and should be construed strictly in favour of property owners. However, where there was sufficient material to support the making of a clearance order, the Court was not entitled to rehear the merits or substitute its own judgment for that of the local authority and the Minister. In this case there was adequate evidence, and Mr. Bowman accepted that it could not be said there was none. The judge rejected the argument that the errors in the order rendered it invalid. The incorrect time period did not exclude the houses from the order and could be modified, and the omission of the starred note caused no prejudice, as Mr. Bowman was fully informed of his rights by other means. The clearance order was within the powers of the Act, and the application was dismissed with costs.²⁴

The National Government had altered its strategy during the 1930s and proclaimed 'a Crusade Against the Slums.' The transition to relocating

²² Living Conditions - Housing - Britain since C.1900 and the People's Health '(BBC Bitesize) <<https://www.bbc.co.uk/bitesize/guides/zwwhtrd/revision/2>> accessed 28 December 2025.

²³ [1932] 2 KB 621

²⁴ Law Reports '[1932] The Builder 733.

residents from slum clearance initiatives generated concerns that the detrimental behaviours of 'slum dwellers' would compromise the quality of the municipal estates. The transition to a slum clearance strategy - an enduring conflict in the history of council home construction - also resulted in challenges about rent affordability during a period devoid of housing benefits. The political agreement about the pivotal role of council housing was strengthened by the discourse on post-war rebuilding during World War II. The 1942 Beveridge Report²⁵ named 'squalor' as one of the five societal ills, with illiteracy, lack, sickness, and idleness, for which the government should assume responsibility in the new welfare state 'from the cradle to the tomb.' Given the significant damage to the housing stock from wartime bombing, the 1945 Labour administration prioritised the provision of general needs housing to reconstruct the nation. Under Nye Bevan, the Minister of Health, private construction was significantly restricted, and local authorities were prioritised in terms of workforce and finances throughout the housing initiative. Bevan also advocated for elevated standards in council homes, including the provision of two lavatories. His plans were impeded by a significant post-war scarcity of materials and building labour, exacerbated by the sluggish rate of demobilisation. Moreover, the government's economic challenges resulted in import limits on lumber and reductions in public expenditure, significantly hindering the rebuilding process, and Labour failed to meet its objectives.²⁶

England and Wales saw its peak phase of housebuilding during the interwar era from 1920 to 1939, with an average yearly growth rate of 2.3 percent. The decrease in residential construction occurred promptly after 1947. The mean yearly growth rate stood at 1.8 percent from 1947 to 1979.²⁷

CONCLUSION

The interwar housing regimes of the United States and the United Kingdom demonstrate how law functioned as both a catalyst for reform and a mechanism through which social hierarchies were reproduced. In the United States, legislative initiatives such as the National Housing Act 1934 transformed housing finance by stabilising mortgage markets and expanding access to homeownership. However, the reliance on administrative discretion and market facilitation enabled discriminatory

²⁵ Beveridge Report (1942)

²⁶ Steve Schifferes, 'Homes Fit for Heroes: The Rise and Fall of Council Housing' (Gresham College 2020) <https://www.gresham.ac.uk/sites/default/files/2020-02-03_Schifferes_HomesforHeroes-T.pdf> accessed 28 December 2025.

²⁷ Samuel Watling and Anthony Breach, 'English and Welsh Housing Supply since the Second World War' (Centre for Cities 22 February 2023) <<https://www.centreforcities.org/reader/the-housebuilding-crisis/english-and-welsh-housing-supply-since-the-second-world-war/>>.

practices, most notably redlining and the promotion of restrictive covenants, which were embedded within federal policy rather than arising as unintended consequences. These measures illustrate the capacity of ostensibly neutral regulatory frameworks to produce enduring patterns of racial and economic segregation.

In contrast, the British approach placed housing more firmly within the domain of public responsibility. Interwar Housing Acts imposed statutory duties on local authorities to address housing need, eradicate slums, and provide rental accommodation for the working class. While this model achieved substantial increases in housing supply and improved minimum standards, it was constrained by fiscal retrenchment, political change, and legal deference to administrative decision-making, as illustrated by judicial reluctance to interfere with clearance orders. The resulting estates often suffered from uniformity, peripheral location, and limited social infrastructure.

Taken together, the comparison underscores that interwar housing law was not merely reactive to crisis but constitutive of long-term social and spatial outcomes. The divergent legal strategies adopted by the USA and the UK reveal how differing conceptions of state responsibility, property rights, and social welfare shaped housing systems whose legacies remain visible in contemporary debates over inequality, segregation, and the right to adequate housing.

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