

APPENDIX B

Housing Needs Assessment

Racially Disparate Impact Analysis
Excerpt from 2024 Comprehensive Plan Appendix B

V. Racially Disparate Impact Analysis

In alignment with requirements of the Washington State Growth Management Act, King County's Countywide Planning Policies (CPPs), and the Puget Sound Regional Council VISION 2050, this analysis documents and examines the local history of racially exclusive and discriminatory land use and housing practices that lead to racially disparate housing outcomes for residents in unincorporated King County. This section also analyzes current policies that could be perpetuating harms to Black, Indigenous, and People of Color communities and identifies the 2024 Comprehensive Plan policy and code changes that are helping to undo those harms as required by state law and the CPPs. Revised Code of Washington 36.70A.070(2)(e) requires jurisdictions to identify "local policies, regulations, and practices that have resulted in racially disparate impacts, displacement, and exclusion in housing, including: i) zoning that may have a discriminatory effect; ii) disinvestment; and iii) infrastructure availability." This analysis also fulfills CPP H-5, CPP H-3n, and CPP H-9.

CPP H-5 requires jurisdictions to:

Document the local history of racially exclusive and discriminatory land use and housing practices, consistent with local and regional fair housing reports and other resources. Explain the extent to which that history is still reflected in current development patterns, housing conditions, tenure, and access to opportunity. Identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including zoning that may have a discriminatory effect, disinvestment, and infrastructure availability. Demonstrate how current strategies are addressing impacts of those racially exclusive and discriminatory policies and practices. The County will support jurisdictions in identifying and compiling resources to support this analysis.

CPP H-3n requires jurisdictions to:

Conduct an inventory and analysis in each jurisdiction of existing and projected housing needs of all segments of the population and summarize the findings in the housing element. The inventory and analysis shall include:

- n) Areas in the jurisdiction that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and public capital investments.*

CPP H-9 requires jurisdictions to:

Adopt intentional, targeted actions that repair harms to Black, Indigenous, and other People of Color households from past and current racially exclusive and discriminatory land use and housing practices (generally identified through Policy H-5). Promote equitable outcomes in partnership with communities most impacted.

This analysis also aligns with Puget Sound Regional Council's VISION 2050, which is the region's long-range plan for growth. The vision for 2050 is to provide exceptional quality of life, opportunity for all, connected communities, a spectacular natural environment, and an innovative, thriving economy.

²⁰⁰ King County Assessor's Office. (2022). Parcels with Present Use Defined as Group Home or Retirement Facilities, King County and Unincorporated King County.

The first section within this analysis outlines historic government actions and policies with an explicit racial discriminatory intent. The second section explores 20th and 21st century government policies and practices that contribute to or create racially disparate outcomes in housing. The third section details displacement occurring in unincorporated King County. The fourth section examines how current King County policies, and the 2024 Comprehensive Plan updates, aim to undo past racially exclusive and discriminatory land use and housing practices and identify where policies might be perpetuating harms to Black, Indigenous, and People of Color communities.

This analysis primarily focuses on urban unincorporated areas in King County because they have larger populations and a higher concentration of Black, Indigenous, and People of Color communities than rural unincorporated areas. Understanding the past and current policies that contribute to ongoing harms against Black, Indigenous, and People of Color communities and racially disparate impacts in housing is critical to identifying root causes and undoing these systemic injustices. However, this analysis does not analyze *all* discriminatory policies and programs that existed in unincorporated King County, and rather represents a best effort on the part of the County to analyze its policies for their contribution to racially disparate housing impacts, displacement, and exclusion over the course of its history. Skyway-West Hill and North Highline are referenced more often than other unincorporated areas in this section due to recent planning efforts such as the Skyway-West Hill and the North Highline Anti-displacement Strategies Report, the North Highline Community Service Area Subarea Plan, and the Skyway-West Hill Community Service Area Subarea Plan.^{201,202}

Historically, private property owners, lending institutions, and federal, state, and local governments implemented strategies to restrict access to housing and neighborhoods to people based on their race and sometimes religion.²⁰³ These strategies perpetuated racial segregation throughout the country, including in unincorporated King County.^{204,205} King County as a jurisdiction has both played a direct role in perpetuating racially disparate outcomes, such as not enforcing the first open housing ordinance it passed, as well as not always taking an explicit stand against these types of policies or reversing them, as shown in this section.

This analysis uses terms such as Black, Indigenous, and People of Color, White, Black, Asian, and Indigenous, when referring to racial groups today and in the past. Several historical texts cited in this analysis use language to describe racial groups that are not appropriate today. These terms are used within this section when pulling direct quotes and in citations.

A. Historical Policies with an Explicit Racial Discriminatory Intent

Public policies that have contributed to the racially disparate impact of the current housing crisis are rooted in the explicitly racist practices of the early United States. Some of these policies and practices known to have been enforced or practiced in unincorporated King County include Indigenous land dispossession, the Alien Land Law, Japanese internment and incarceration, racial restrictive covenants, and discriminatory lending practices that led to disproportionate access to homeownership. While federal, state, and local governments outlawed many of these overtly racist housing practices in the twentieth century, their legacy lives on through zoning, underinvestment in BIPOC neighborhoods, lack of annexation, lack of tenant protections, and other land use patterns and practices.

²⁰¹ King County Skyway-West Hill and North Highline Anti-displacement Strategies Report. (2021). [[link](#)]

²⁰² King County Ordinance 19555 (2022). [[link](#)]

²⁰³ University of Washington's Seattle Civil Rights and Labor History Project (2004-2020). *Racial Restrictive Covenants*. [[link](#)]

²⁰⁴ Rothstein, R. (2018). *The Color of Law*. New York, NY: Liveright Publishing Corporation.

²⁰⁵ University of Washington's Seattle Civil Rights and Labor History Project (2004-2020). *Racial Restrictive Covenants*. [[link](#)]

Broken Treaties, Indigenous Expulsion, and Indigenous Land Dispossession (early 1800's - early 1900's)

The Puyallup, Muckleshoot, Snoqualmie, Suquamish, Tulalip, and Duwamish Indigenous tribes have lived and stewarded the lands, waters, and resources in and around King County since time immemorial.²⁰⁶ Early settlers, people mostly of European descent who moved to the region with the intention to stay, arrived in the early 1800s. Upon arrival, they occupied land and consumed resources of importance to Indigenous communities, by claiming hunting and fishing rights and disrupting the tribes' way of living and impacting their survival.²⁰⁷ Many of these actions violated rights that tribes had reserved unto themselves by terms of treaties with the U.S. including dislocating tribes from their lands.^{208,209} The federal government perpetuated such violations by denying the signatory tribes their fishing and hunting rights in much of modern-day Washington State for over a century. The first "land laws" in Washington occurred in 1855 where U.S. government used treaties to restrict Indigenous people to reservations to use the rest of Washington territory for White settlements.²¹⁰

The U.S. Congress enabled other forms of land acquisition through methods created by the Homestead Act and Dawes Act.²¹¹ The Homestead Act in 1862 offered settlers "free" land that was acquired through coercive acts of Indigenous dispossession.²¹² In 1865, the Seattle Board of Trustees banned Native people from Seattle for about two years after the passage of Ordinance 5.^{213,214} In 1887 the federal government passed the Dawes Act,²¹⁵ allowing the government to divide Native reservations to individual tribal members with the intention to assimilate them as "responsible farmers."²¹⁶ It was not culturally relevant for many Indigenous communities to use land in this way, so they frequently either denied their allotments or used the land in ways the government deemed unsatisfactory. If Indigenous communities did not use their land in a way intended by the federal government, the federal government could determine Native families to be "incompetent" and take their allotted land. For example, the federal government took a significant amount of land from Port Madison Reservation, which had been created by the Treaty of Point Elliott in 1855, through this process. By the early 1900's, the Port Madison Reservation became a "checkerboard" reservation with some land owned by the Suquamish and some land owned by non-Natives or the federal government, making building housing difficult. The federal government claimed part of this land and sold it to developers, who then used racial restrictive covenants to only allow for White homebuyers.²¹⁷

By 1910, Seattle's settler population surged and about 1,000 to 3,000 Native people experienced homelessness, and some starved to death. Today, King County government exists on and exerts power over land that is expropriated from Indigenous people. Despite being the original stewards of this land, and bearing unfair treatment for centuries, Indigenous people continue to be uniquely burdened today.²¹⁸

Chinese Exclusion (1864-mid 1880s)

In 1864, the Washington Territory passed an alien land law that allowed non-citizens to own land, but this was designed to use White immigrants to displace Indigenous communities. During this time, Chinese populations and immigration grew in the region, including in a bustling enclave in Seattle called

²⁰⁶ Native Land Digital. (2023). Native Land Map. [\[link\]](#)

²⁰⁷ Ishisaka, N. (2022, October 17). Why we should transfer 'land back' to Indigenous people. *The Seattle Times*.

²⁰⁸ Governor's Office of Indian Affairs. Treaty of Point Elliot, 1855. [\[link\]](#)

²⁰⁹ Governor's Office of Indian Affairs. Treaty of Medicine Creek, 1854. [\[link\]](#)

²¹⁰ Grant, N. (2021). *White Supremacy and the Alien Land Laws of Washington State*. The Seattle Civil Rights and Labor History Project. [\[link\]](#)

²¹¹ Wilma, D (2000). Dawes Severalty Act divides Indian reservations among individual members on February 8, 1887. History Link. [\[link\]](#)

²¹² Wilm, J. (2023). *Homesteading and Indigenous Dispossession*. American Panorama. [\[link\]](#)

²¹³ Ott, J. (2014). Seattle Board of Trustees passes ordinance, calling for removal of Indians from the town, on February 7, 1865. History Link. [\[link\]](#)

²¹⁴ King County (2015). *Reflecting on an act of discrimination: County Council recognizes Native American Expulsion Remembrance Day*. [\[link\]](#)

²¹⁵ Also referred to as the General Allotment Act

²¹⁶ Canby, W. C. (2019). *American Indian Law in a Nutshell*. 7th Edition 2020. pgs. 24-28.

²¹⁷ Reyna, L. (2023). Suquamish use federal cash to build housing, bring citizens back. *Crosscut*. [\[link\]](#)

²¹⁸ Land, T. (2020, November 9). For the Duwamish tribe, Seattle's first people, injustice echoes today. *King 5*. [\[link\]](#)

Chinatown.²¹⁹ Anti-Chinese sentiment grew in the region during the hard economic times of the 1870's and mid-1880's as White workers viewed Chinese residents as economic competition because businesses generally paid Chinese workers less than White workers.²²⁰ The federal government passed the Chinese Exclusion Act in 1882, halting nearly all Chinese immigration for ten years.²²¹ After this law passed, Seattle Mayor Henry Yesler and Judge Thomas Burke advocated for the expulsion of Chinese residents in Seattle. In the mid-1880's, the anti-Chinese sentiment began to turn violent with the goal of pushing Chinese residents out of the region.²²² On September 28, 1885, labor organizations and other community members from multiple cities in Western Washington met in Seattle to organize to drive Chinese residents from the Washington Territory, advocating for the use of force if necessary. In the months following this meeting, Chinese residents were attacked in and driven out from Squak (renamed Issaquah in 1899), the Black Diamond area, and Tacoma.²²³

By February 1886, about 400 Chinese residents, approximately half of the Chinese residents who had lived in Seattle and nearly five percent of the City's population, left the area due to the threats of violence. In February 1885, a violent mob of Seattle residents used force to push nearly 300 Chinese residents onto ships leaving Seattle. Gradually, the remaining Chinese residents also left the area, only leaving a few dozen Chinese residents in Seattle. The Chinese population in Seattle did not return to the 1885 population levels of 950 people for twenty years. In 1889, Washington adopted a state constitution that restricted non-citizens from owning land in most situations. Due to the federal government's Immigration Act of 1790, Asian people were prohibited from becoming naturalized citizens during this time.²²⁴

Alien Land Laws and Japanese Internment and Incarceration (early 1900s-1967)

By the early 1900's, the Japanese community grew significantly in the United States. The Japanese community found significant economic success, with one Japanese-owned business for every 22 Japanese residents. Hostility from White Washingtonians grew significantly in reaction to the economic success of the Japanese community. In 1921, Washington adopted the Alien Land Law, which went further than the state constitutional prohibition of non-citizen land ownership by barring non-citizens from leasing or renting land. This was passed after Japanese people became prominent farmers in the region, including on Vashon Island, Renton and South King County.^{225,226}

After the 1941 bombing of Pearl Harbor, the American government forcibly removed and imprisoned 110,000 people of Japanese ancestry, two-thirds of whom were American citizens from the West Coast.²²⁷ The U.S. interned and incarcerated far more Japanese people than people of other ancestries connected to the Axis powers, such as German and Italian residents. Seattle news coverage during World War II shows that non-Japanese residents felt more intense racial animosity towards Japanese people than German or Italian people.²²⁸

Japanese residents who were interned or incarcerated during World War II often lost their homes, businesses, and farms.²²⁹ After Japanese people were interned and incarcerated, a group of farmers and businessmen from the Auburn Valley stole their property and advocated against their return to the West

²¹⁹ Grant, N., "Alien Land Laws." [\[link\]](#)

²²⁰ Doughtery, P. (2013). *Mobs forcibly expel most of Seattle's Chinese residents beginning on February 7, 1886*. HistoryLink. [\[link\]](#)

²²¹ Chinese Exclusion Act of 1882, Pub. L. No. 47-71, 22 Stat. 58 (1882). [\[link\]](#)

²²² Doughtery, P., "Mobs." [\[link\]](#)

²²³ Doughtery, P., "Mobs." [\[link\]](#)

²²⁴ Grant, N., "Alien Land Laws." [\[link\]](#)

²²⁵ Haulman, B., and Larson, A. (2005). Mary Matsuda Gruenwald. *Vashon History*. [\[link\]](#)

²²⁶ Boba, E. (2020). *Japanese growers in the Renton area are among families ordered incarcerated on May 5, 1942*. History Link. [\[link\]](#)

²²⁷ Takami, D. (1998). *World War II Japanese American Internment—Seattle/King County*. History Link. [\[link\]](#)

²²⁸ Krons, R. (2004-2020). *World War II and Japanese Internment in the Seattle Star*. The Seattle Civil Rights & Labor Project History. [\[link\]](#)

²²⁹ Krons, R., "Japanese Internment." [\[link\]](#)

Coast.^{230,231} For those who did return, the league advocated for boycotting Japanese-grown produce and were against landowners renting or selling their land to former internees. Most Japanese farmers from the Renton area and Vashon Island did not return after they were released from incarceration.^{232,233} For those that did return, the Alien Land Laws continued restricting their access to land until the law's repeal in 1967. While the Alien Land Law was passed by Washington State, King County did its due diligence in enforcing it. A 1923 newspaper article explains how a King County Superior Court Judge fined a realtor \$750 for aiding and abetting M. Miyagawa in owning farmland on Vashon Island.²³⁴

Racial Restrictive Covenants (1920s-1960s)

Racial restrictive covenants refer to various types of documents such as deeds, plats, and homeowner's association's bylaws, used by property owners to restrict the sale of a property to someone based on their race and sometimes religion. Property owners recorded racial restrictive covenants with the King County auditor's office to protect the legal validity of the documents.²³⁵ In the early 20th century, the use of racial restrictive covenants increased in King County as the region's Black population increased.^{236,237} Private land development companies, homeowners, and neighborhood groups utilized these covenants to block Black and other people of color (and sometimes Jewish) households from moving into certain neighborhoods.²³⁸ The federal government endorsed the practice, with the Federal Housing Administration (FHA) recommending the use of racial restrictive covenants to safeguard neighborhoods from declining property values because they believed the presence of non-White residents in a neighborhood would lower its property values. The FHA's 1935 *Underwriting Manual* states, "If a neighborhood is to retain stability it is necessary that properties shall continue to be occupied by the same social and racial classes. A change in social or racial occupancy generally leads to instability and a reduction in values."²³⁹ Racial restrictive covenants were an enforceable contract and homeowners risked forfeiting their property if they violated it by selling their home to a restricted party.

Deeds with racial restrictive covenants have been found in several properties and neighborhoods throughout unincorporated King County, such as Fall City, Vashon Island, and White Center. For example, Boulevard Park's Cedarhurst Division 1 & 2, covering 208 parcels, had a covenant that read:

*No part of said property shall ever be used or occupied by any person of the Ethiopian, Malay, of any Asiatic race, and the grantees, their heirs, personal representatives or assigns, shall never place any such person in the possession or occupancy of said property, or any part thereof, nor permit the said property, or any part thereof, ever to be used or occupied by any such person excepting only employees in the domestic service on the premises of persons qualified hereunder as occupants and users and residing on the premises.*²⁴⁰

Racial Restrictive covenants heavily impacted the racial makeup of a neighborhood because excluded households were forced to live in areas that did not have such covenants. For example, in Seattle, this confined Black, Indigenous, and People of Color households to the Central District and the International District, as they were considered among the very few "open neighborhoods." Black and other households of color were forced into the rental market because racial restrictive covenants blocked homeownership opportunities during a time when home prices were much more affordable for first time homebuyers than

²³⁰ Hobbs, A. (2017, February). 75 Years Ago, Japanese Internment Sparked Economic and Cultural Fears. *The Olympian*. [\[link\]](#)

²³¹ Small, A. (1945, August 12). Outsider looks at Pacific Northwest. *The Seattle Times*. Accessed via the Seattle Public Library Archives.

²³² Boba, E., "Japanese Growers." [\[link\]](#)

²³³ Densho (2023). *Terminology*. [\[link\]](#)

²³⁴ Seattle Daily Times (1923, June 3). Realty Man Convicted Under Alien Land Law. *Seattle Daily Times*. [\[link\]](#)

²³⁵ Racial Restrictive Covenants Project Washington State (2022). *Understanding Racial Restrictive Covenants and their Legacy*. Civil Rights and Labor History Consortium / University of Washington. [\[link\]](#)

²³⁶ Silva, C. (2009). *Racial Restrictive Covenants History*. The Seattle Civil Rights and Labor History Project. [\[link\]](#)

²³⁷ Abe, D., Taylor, Q. (2014). From Memphis and Mogadishu: The History of African Americans in King County, Washington, 1858-2014. *BlackPast*. [\[link\]](#)

²³⁸ Silva, C., *Racial Restrictive Covenants History*. [\[link\]](#)

²³⁹ Rothstein, R., *Color of Law*.

²⁴⁰ University of Washington's Seattle Civil Rights and Labor History Project (2004-2020). *Racial Restrictive Covenants*. [\[link\]](#)

they are today. This significantly impeded on their ability to build equity and generational wealth.²⁴¹ These racial restrictive covenants significantly lowered the housing supply available to Black and other residents of color, leading to an increase in rental prices for those communities.²⁴²

In 1917, the Supreme Court ruled in *Buchanan v. Warley* that the U.S. Constitution prohibited racial segregation ordinances. This ended state-sponsored racial restrictions on property, but the Court did not stop the private market's use of certain segregationist tools.²⁴³ This led to the proliferation of racial restrictive covenants across King County between the 1920s through 1948 adopted by the private market. In 1948, the Supreme Court ruled in *Shelley v. Kraemer* that racial restrictive covenants violate the Fourteenth Amendment and were legally unenforceable by the government. While this served as a milestone against the use of racial restrictive covenants, it did not end their use. While they were not legally enforceable, they also were not illegal to establish and enforce privately.²⁴⁴ King County did not pass fair housing legislation that prohibited racial restrictive covenants until 1964.²⁴⁵

Through the 1960s, Black communities continued to be blocked and excluded from housing in Washington because of their race. According to a 1961 Washington Law Review article, large portions of the housing market exclude Black, Indigenous, and People of Color communities "for reasons apart from their personal worth or ability to pay."²⁴⁶ This report stated that new housing went to White residents, who already had a larger housing supply available to them.²⁴⁷ This led to Black, Indigenous, and People of Color communities, particularly Black residents, paying more for housing compared to White residents.

Nationally, Black households who managed to purchase a home despite racist barriers, paid interest rates far beyond what White households paid.²⁴⁸ Nationally and locally, disparities in interest rates were common throughout much of the 20th century and continue to occur today.^{249,250,251} Black households were willing to pay these high housing costs because the housing supply available to them was so limited.²⁵²

Housing discrimination became illegal for both private and public market actors when the federal government passed the 1968 Fair Housing Act.²⁵³ Locally, the legacy of racial restrictive covenants lives on through sustained patterns of segregation and lack of Black, Indigenous, and People of Color, namely Black, household wealth.^{254,255,256}

Long-Term Economic Impact of Explicitly Racist Discriminatory Policies (1950s-Present)

Private and public actors' enforcement of explicit racial discriminatory policies and practices that blocked homeownership opportunities for Black, Indigenous, and People of Color residents critically contributed to

²⁴¹ Racial Restrictive Covenants Project Washington State (2022). *Homeownership by race 1960-2020 - King County*. Civil Rights and Labor History Consortium/University of Washington. [\[link\]](#)

²⁴² Up for Growth and ECONorthwest (2020). *Housing Underproduction in Washington State*. Up for Growth. [\[link\]](#)

²⁴³ Majumdar, R. (2007). Racially Restrictive Covenants in the State of Washington: A Primer for Practitioners. *Seattle University Law Review*: 30 (1095-1117). [\[link\]](#)

²⁴⁴ Silva, C., *Racial Restrictive Covenants History*. [\[link\]](#)

²⁴⁵ King County Resolution 27544 (1964).

²⁴⁶ Morris, A. & Ritter, D. (1962). *Racial Minority Housing in Washington*. (Volume 37). Washington Law Review. [\[link\]](#). Page 132.

²⁴⁷ King County Department of Community and Human Services. (2021). *Initial Health through Housing Implementation Plan 2022-2028*. [\[link\]](#)

²⁴⁸ Rothstein, R., *Color of Law*.

²⁴⁹ Hanifa, R. (2021). *High-income Black homeowners receive higher interest rates than low-income white homeowners*. Joint Center for Housing Studies of Harvard University. [\[link\]](#)

²⁵⁰ Central Seattle Community Council Federation. (1975). *Redlining and Disinvestment in Central Seattle: How Banks are Destroying our Neighborhoods*. Seattle Archives. [\[link\]](#)

²⁵¹ Logani, I. (2021). *The Racial Wealth Gap is the Housing Gap*. The Office of Lieutenant Governor Denny Heck. [\[link\]](#)

²⁵² Rothstein, R., *Color of Law*.

²⁵³ Racial Restrictive Covenants Project Washington State, *Understanding Racial Restrictive Covenants and their Legacy*. [\[link\]](#)

²⁵⁴ Silva, C. (2009). *Racial Restrictive Covenants History*. The Seattle Civil Rights and Labor History Project. [\[link\]](#)

²⁵⁵ Logani, I., *"Racial Wealth Gap"*. [\[link\]](#)

²⁵⁶ 2019 King County Analysis of Impediments to Fair Housing Choice. [\[link\]](#)

the racial wealth gap. Homeownership has consistently been the primary, most effective mechanism for wealth building in the U.S.²⁵⁷

In 1950, the King County homeownership rate for Black, Indigenous, and People of Color households was nearly 30 percent less than the White homeownership rate reflecting the impact of racial restrictive covenants, redlining, and other discriminatory housing practices, in addition to employment and wage discrimination.^{258,259} Between 1960 to 1970, there was a slight increase in Black, Indigenous, and People of Color homeownership rates in King County. Between 1970 to 1980, Black, Indigenous, and People of Color homeownership rates decreased from 50 percent to 45 percent, never surpassing the 50 percent peak, likely reflective of the exponential increase in housing prices at the time.^{260,261} As described in the *Household Characteristics* section, Black households in unincorporated King County are still far more likely to be renters, whereas White and Asian households in unincorporated King County are more likely to own their home.²⁶²

Home values began exponentially increasing in the 1970's, pushing homeownership out of reach for many Black families. By the time federal, state, and local governments outlawed explicitly racist housing policies in the mid-twentieth century, White Americans had already built substantial wealth from appreciating home values that Black families had been previously blocked from buying due to their race.²⁶³ According to estimates by ECONorthwest, King County Black, Indigenous, and People of Color households lost between \$12 billion and \$34 billion intergenerationally since 1950. ECONorthwest based this estimate on the loss of wealth from not realizing home value appreciation over time, rental payments that never turned into wealth, and wealth lost to lower home value appreciations for Black, Indigenous, and People of Color-owned homes compared to White-owned homes. Black households were the most disproportionately impacted by this loss of wealth. Black households lost a range of \$105,000 to \$306,000 per household, compared to other non-White households who lost between \$32,000 and \$85,000 per household. In addition to the housing barriers imposed by this racial wealth gap, post-1970s practices such as exclusionary zoning, underinvestment, lack of housing stability policies, and displacement contribute to racial housing injustices that exist currently.

While the racially discriminatory housing policies discussed in this analysis significantly contribute to the racial wealth gap, racial discrimination in other sectors, such as education and employment, intersect and compound racial economic injustices. As described in the *Workforce Profile* section, wage gaps exist between people with lower and higher levels of education and there are stark wage differences by race and ethnicity in King County. Due to barriers of access, large percentages of Black, Native, and Latin(a)(o)(x) people in the Seattle region do not have college degrees which hinders one's ability to secure a living wage job. However, increasing educational attainment alone will not alleviate racial workforce inequities. In the Seattle region, White workers without a high school diploma earn about the same income on average as Black workers with an associate degree.²⁶⁴ Discrimination in housing, education, employment, and other institutions, interact with and compound one another to result in certain racial groups having significantly lower incomes than others.²⁶⁵ As a result, many Black, Indigenous, and People of Color households have lower levels of wealth and can be systematically excluded from neighborhoods with higher housing prices.

²⁵⁷ Logani, I., "Racial Wealth Gap." [\[link\]](#)

²⁵⁸ ECONorthwest. (2023). *Redlining and Wealth Loss: Measuring the Historical Impacts of Racist Housing Practices in King County, Appendix B to Impact of Redlining and Racist Real Estate Practices on King County Residents - Wastewater Capacity Charge Exemption Recommendations*. [\[link\]](#)

²⁵⁹ ECONorthwest analysis of National Historical GIS data (IPUMS, 1940-2000 and American Community Survey 5-Year, 2019)

²⁶⁰ ECONorthwest, "Redlining and Wealth Loss." [\[link\]](#)

²⁶¹ ECONorthwest analysis of National Historical GIS data (IPUMS, 1940-2000 and American Community Survey 5-Year, 2019)

²⁶² U.S. Census Bureau. (2022) *Age Range by Tenure, 5-year ACS 2016-2020*

²⁶³ Racial Restrictive Covenants Project Washington State (2022). *Homeownership by race 1960-2020 - King County*. Civil Rights and Labor History Consortium/University of Washington. [\[link\]](#)

²⁶⁴ Langston, et al. (2021). *Advancing Workforce Equity In Seattle A Blueprint for Action*. PolicyLink and USC Equity Research Institute. [\[link\]](#)

²⁶⁵ Mineo, L. (2021). A look at how and why we got there and what we can do about it. *The Harvard Gazette*. [\[link\]](#)

B. Policies with a Racially Disparate Impact

The 20th century civil rights movement made great strides toward eliminating explicitly racist housing policies through laws like the Fair Housing Act. At the same time, however, jurisdictions continued to exacerbate racially disparate impacts in housing through seemingly race-neutral policies, such as zoning, lack of investment in communities of color, and lack of housing stability policies. This section summarizes the County's fair housing law, tenant protections, and policies that contribute to racial disparities in housing in unincorporated King County.

Weaknesses in Fair Housing Protections

In 1964, King County prohibited explicit racial discrimination in the housing market in response to the activism of the civil rights movement.²⁶⁶ Over time, the federal, state, and many local governments, including King County, have adopted strong fair housing protections. In practice, however, these laws do not fully prevent racially disparate outcomes in the housing market. Black, Indigenous, and People of Color residents in unincorporated King County have been more likely to rent than own compared to White residents over the past several decades. Research has found racial discrimination in the rental market, in particular racial discrimination against Black tenants.^{267,268,269} Fair housing laws are difficult to enforce, especially without other tenant protections in place.^{270, 271,272} In addition, the effectiveness of fair housing protections is reduced if housing regulations and policies, such as zoning and investment decisions, are not designed to ensure housing access to every income level.

King County's First Fair Housing Law

In the mid-twentieth century, Washington State and local governments began considering legislation to prohibit racial discrimination in the real estate market. In 1957, unincorporated King County residents were covered by limited fair housing protections through the passage of the state Law Against Discrimination.²⁷³ Under this law, tenants could not be denied publicly assisted housing because of race, creed, color, or national origin, but the law did not apply to private-market housing.²⁷⁴ In the 1959 case *O'Meara v. Board of Discrimination*, the Washington State Supreme Court struck down the provision of the law relating to housing because the law did not apply the anti-discrimination requirements equally to both publicly assisted and private housing.²⁷⁵ In 1962, President John F. Kennedy signed Executive Order 11063 which prohibited discrimination because of race, color, creed, or national origin in federally owned and assisted housing.²⁷⁶ Washington State and King County did not adopt any protections against racial discrimination in private housing for unincorporated King County residents until 1964.

In 1964, King County was the first jurisdiction in Washington State to pass a law prohibiting discrimination in private real estate transactions, four years before the federal Fair Housing Act of 1968.²⁷⁷ The law prohibited discrimination in the public and private housing market in unincorporated King County based on race,

²⁶⁶ King County Resolution 27544 (1964).

²⁶⁷ Schwemm, R.G. (2007). Why Do Landlords Still Discriminate (and What Can Be Done About It)?, *The John Marshal Law Review*, 40(2), 455-511. [[link](#)]

²⁶⁸ Johnson, O. (2011). The last plank: rethinking public and private power to advance fair housing. *University of Pennsylvania Journal of Constitutional Law*, 13(5), 1191-1234.

²⁶⁹ Rosen, E., Garboden, P. M. E., & Cossyleon, J. E. (2021). Racial Discrimination in Housing: How Landlords Use Algorithms and Home Visits to Screen Tenants. *American Sociological Review*, 86(5), 787-822.

²⁷⁰ Routhier, G. The Case for Considering Renter Insecurity as an Indicator of Federal Fair Housing Progress. *J. Hum. Rights Soc. Work* 6, 287-297 (2021).

²⁷¹ Tighe, J. R., Hatch, M. E., & Mead, J. (2017). Source of Income Discrimination and Fair Housing Policy. *Journal of Planning Literature*, 32(1), 3-15.

²⁷² Oyama, R. (2009). Do not (re)enter: the rise of criminal background tenant screening as violation of the fair housing act. *Michigan Journal of Race & Law*, 15(1), 181-222.

²⁷³ Washington State Legislature (1957). Session Laws of the State of Washington Regular Session, Thirty-Fifth Legislature. Chapter 37. p. 107.

²⁷⁴ Washington State Legislature (1949) Senate Bill 12. [[link](#)]

²⁷⁵ *O'Meara v. Board Against Discrimination*. 58 Wn.2d 793 (1961). [[link](#)]

²⁷⁶ Executive Order 11063, 3 C.F.R. 652 (1962) [[link](#)]

²⁷⁷ Smith, L. (1965, December 12). Statewide Parley: United Effort to Solve Race Issues Urged. *Seattle Daily Times*.

color, religion, ancestry, or national origin. The law was very controversial when it was passed, with 543 people delivering petitions to the County in opposition to the law.²⁷⁸ This fair housing law also had significant support, including from the King County School District Superintendent Donald L. Kruzner, East Shore Unitarian Church, and Clyde Hill Baptist Church.^{279, 280, 281}

The County law was adopted a day before Seattle voters voted down a similar fair housing measure.²⁸² At the time, unincorporated King County residents were unable to pursue referendums, preventing the law from being overturned on the ballot.²⁸³ King County Prosecutor Charles O. Carroll claimed the ordinance was adopted in an illegal manner, so he refused to enforce the measure.²⁸⁴ Between the time this law was passed and the federal Fair Housing Act of 1968 was adopted, no complaints were filed, likely because the County Prosecutor publicly refused to investigate complaints.²⁸⁵ Even if there were no housing discrimination complaints filed under this law, Black, Indigenous, and People of Color residents, especially Black residents, clearly faced housing discrimination during this time period, including violence. For example, soon after several Black families moved to an unincorporated area near Kent, someone shot at their homes in the middle of the night.^{286, 287} Soon after this incident, another Black resident's home in the area was bombed.^{288, 289}

Adding Additional Protected Classes to Fair Housing Laws

The County's early fair housing laws made significant progress towards racial justice by prohibiting discrimination based on race, color, religion, ancestry, and national origin. These first fair housing laws did not include sex and familial status.²⁹⁰ When multiple historically underrepresented identities intersect, the difficulty in attaining housing compounds, especially for Black, Indigenous, and People of Color residents.²⁹¹ In addition, these anti-discrimination laws provided Black, Indigenous, and People of Color residents with limited protections because government and private actors continued to adopt policies with a racially discriminatory impact without overtly discriminating based on race.^{292, 293}

In 1974, the federal government amended the Fair Housing Act to add sex as a protected class.²⁹⁴ King County revisited the open-housing law in 1980.²⁹⁵ The most controversial part of the proposed County ordinance was prohibiting discrimination based on parental status.^{296, 297} During the 1970's, many Puget

²⁷⁸ Williams, F. (1964, March 7). Petition Hist County's Open Housing Act. *Seattle Post-Intelligencer*.

²⁷⁹ Buckingham, M., Board Chairman of Missions for Clyde Hill. (1964, January 22). Letter to King County Commissioners. Puget Sound Regional Archives. King County Miscellaneous Filing 8262.

²⁸⁰ Logan, G. President of Board of Trustees for East Shore Unitarian Church. (1964, February 10). Letter to King County Commissioners. Puget Sound Regional Archives. King County Miscellaneous Filing 8270.

²⁸¹ Kruzner, D., King County Schools Superintendent. (1964, March 4). Letter to King County Commissioners. Puget Sound Regional Archives. King County Miscellaneous Filing 8282

²⁸² (1964, March 11). Braman Elected; Open Housing, Transit Amendment Are Swamped. *Seattle Post-Intelligencer*.

²⁸³ Washington State Attorney General. (1964, March 13). *Counties -Legislative Power - County Commissioners - Initiative and Referendum - No Constitutional or Statutory Provision Providing for Direct Legislation by County Residents*. AGO 63-64 No. 91. [\[link\]](#)

²⁸⁴ Williams, F. (1964, March 17). County Open Housing Held Not Subject to Referendum. *Seattle Post-Intelligencer*.

²⁸⁵ Bergsman, J. (1968, April 18). County Has Not Had to Invoke Its Housing Law. *Seattle Daily Times*.

²⁸⁶ Wright, D. (1963, October 27). Shotgun Fired at 2 Negro Homes. *Seattle Daily Times*.

²⁸⁷ As noted in the introduction, some terms to describe racial groups throughout history are not appropriate. This section includes citations that use this language, to portray the historical context as accurately as possible.

²⁸⁸ Youths Bomb Negro Home in Kent Area. (1963, November 1). *Seattle Daily Times*.

²⁸⁹ As noted in the introduction, some terms to describe racial groups throughout history are not appropriate. This section includes citations that use this language to portray the historical context as accurately as possible.

²⁹⁰ King County Resolution 27544 (1964).

²⁹¹ Beltran, T., Allen, A. M., Lin, J., Turner, C., Ozer, E. J., & Wilson, E. C. (2019). Intersectional Discrimination Is Associated with Housing Instability among Trans Women Living in the San Francisco Bay Area. *International journal of environmental research and public health*, 16(22), 4521.

²⁹² Davidson, M., & Turner, W. (1970). Fair housing and federal law: where are we. *Human Rights*, 1(1), 36-58.

²⁹³ Glasser, G. (1975). The fair housing act of 1968: its success and failure. *Suffolk University Law Review*, 9(4), 1312-1339.

²⁹⁴ United States Senate Bill 3066 (1974) *Housing and Community Development Act of 1974* [\[link\]](#)

²⁹⁵ King County Proposed Ordinance 80-246 (1980).

²⁹⁶ King, W. (1981, January 6). Council delays housing-bias revisions. *Seattle Daily Times*.

²⁹⁷ King, W. (1981, January 13). Housing: County Council bans bias against children. *Seattle Daily Times*.

Sound families, including in unincorporated King County, were discriminated against in the rental market for having children, ranging from being evicted due to children, charged higher rent, or denied housing.^{298,299,300,301,302,303,304}

Research performed in the 1970's and 1980's found that exclusionary policies against families with children were more prevalent in tight rental markets and that these policies affected Black, Indigenous, and People of Color and female-headed families more than White and male-headed families.³⁰⁵ According to the *Seattle Daily Times*, the vacancy rate in unincorporated King County while the Council was deliberating the ordinances ranged between two to four percent, indicating a tight market that put families with children at a disadvantage compared to households without children, likely creating a racially disparate impact.³⁰⁶ Unincorporated King County residents delivered a petition with hundreds of signatures opposed to the ordinance to the King County Council, similarly to the petition opposing the County's first fair housing law.³⁰⁷

After a year of deliberation, the King County Council passed Ordinance 5280 in 1981 which expanded the law to include prohibitions against discrimination based on age, sex, marital status, sexual orientation, disability, and some limited prohibitions on discrimination based on family status. Under this law, apartments with an adults-only policy prior to the adoption of the ordinance could maintain that policy under the ordinance. The ordinance also allowed apartments with 40 or more units to consider familial status so long as at least half of the units were rented out without regard to familial status. The King County Code was amended again in 1986 to define marital status and amend enforcement procedures.³⁰⁸ In 1991, the code was amended to allow for housing for people 55 years of age and older as an exception to the protections for families with children.³⁰⁹

In 1988, the federal government passed the Fair Housing Amendments Act which added disability and familial status to classes protected against housing discrimination and created administrative enforcement authority for HUD. This law also significantly limited adults-only policies allowed in housing projects.³¹⁰ In 1992, King County Executive Tim Hill transmitted an ordinance to amend the County's fair housing laws to be substantially equivalent to the federal Fair Housing Act so the County could continue to receive federal funding for fair housing activities.³¹¹

Later that year, the King County Council passed the ordinance which, in addition to aligning with the federal law, also made participation in the Section 8 program (called Housing Choice Vouchers today) a protected class, 26 years before Washington state.^{312,313} The County added Section 8 program participation as a protected class to increase access to housing for low-income households.³¹⁴ Black, Indigenous, and People

²⁹⁸ Fancher, M. (1979, March 9). Royer, Hildt seek broad open-housing law. *Seattle Daily Times*.

²⁹⁹ Suffia, D. (1979, January 3). St. Albion tenants take battle to court. *Seattle Daily Times*.

³⁰⁰ Reiner, C. (1979, March 16). City Council hears testimony on renting bias. *Seattle Daily Times*.

³⁰¹ Lane, P. (1979, March 18). Fair housing for families? Well... *Seattle Daily Times*.

³⁰² Rental Classifieds. (1970, January 10.) 2 WEEKS RENT FREE. *Seattle Post-Intelligencer*.

³⁰³ Rental Classifieds. (1973, January 11). DELUXE large 2-Bedroom \$170. *Seattle Post-Intelligencer*.

³⁰⁴ 232 Houses, Unfur., Gen. Classifieds. (1970, January 19). LAKE Washington, 2 ½ bedrooms. *Seattle Daily Times*.

³⁰⁵ Golubock, C. (1983, September 26-27). *Housing Discrimination Against Families with Children: A Growing Problem of Exclusionary Practices*. [Paper presentation]. A Sheltered Crisis: The State of Fair Housing in the Eighties, United States Commission on Civil Rights, Washington, D.C.

³⁰⁶ King, W. (1981, January 6). Council delays housing-bias revisions. *Seattle Daily Times*.

³⁰⁷ Residents of Silverwood Park Apartments. (1981) *Petition to Oppose Ordinance 80-246 in its entirety*. King County Archives. Series 305, Box 105.

³⁰⁸ King County Ordinance 07816 (1986). [[link](#)]

³⁰⁹ King County Ordinance 10153 (1991). [[link](#)]

³¹⁰ United States House Bill 1158 (1988) *Fair Housing Amendments Act of 1988*. [[link](#)]

³¹¹ King County Executive. (1992). *Transmittal to Council to Amend the Fair Housing Ordinance*. King County Archives Series 305, Box 297.

³¹² King County Ordinance 10469 (1998). [[link](#)]

³¹³ Revised Code of Washington 59.18.255

³¹⁴ Lee, M. Administrator of King County Office of Civil Rights and Compliance. (1992). *Fair Housing Ordinance Amendments Memorandum*. King County Archives. Series 663, Box 7.

of Color residents, women, and people with disabilities are disproportionately represented among Housing Choice Voucher recipients, so prohibiting discrimination against these program participants improves housing access for these individuals.^{315,316}

King County amended the fair housing law to update enforcement provisions in 1998 and reflect County departmental reorganization in 2001.^{317,318} In 2006, Washington State amended state laws against discrimination to include sexual orientation, which was defined to also include gender identity.³¹⁹ King County then added gender identity to its housing, employment, and public accommodation laws.³²⁰ In 2018, King County amended the housing anti-discrimination protections for Section 8 program participants to include all alternative sources of income, such as Social Security benefits and child support.³²¹ The County's fair housing law was most recently updated in 2019 when the County passed an ordinance to ensure the definition of service animal aligned with the State's definition and sexual orientation and gender identity were separated into distinct protected classes.³²²

The Fair Housing Act applies to policies that have a discriminatory effect on protected classes, not just explicitly discriminatory policies and actions. Soon after the federal government passed the Fair Housing Act, civil rights activists throughout the country pushed the legal theory through lawsuits that policies that create a disparate impact, even if not overtly discriminating against a protected class, could violate the Fair Housing Act.³²³ In 1974, the 8th Circuit Court of Appeals in St. Louis ruled that policies with a discriminatory effect, even if not overtly discriminatory, could violate the Fair Housing Act of 1968.³²⁴ Over the years, different federal circuits adopted different standards for plaintiffs to prove discriminatory effect, making it difficult for people to bring cases relying on this concept. In 2015, the Supreme Court ruled that disparate impact claims could be brought under the Fair Housing Act, however, the plaintiff's burden of proof is incredibly high.³²⁵

Just-Cause Eviction Protections and Fair Housing

King County adopted local fair housing protections often before the federal and state governments, but the lack of tenant protections such as just-cause eviction protections significantly reduced the effectiveness of these ordinances.³²⁶ Just-cause eviction protections, which limit the reasons a landlord could evict a tenant, did not exist statewide or in unincorporated King County until 2021.³²⁷

Prior to these tenant protections, a landlord could evict an unincorporated King County tenant with no cause, making it difficult for any tenant to prove racial discrimination led to the eviction.³²⁸ In 2019, unincorporated King County had more no-cause evictions filed than any other jurisdiction countywide.³²⁹ That year, 19.8 percent of all no-cause evictions in King County were in unincorporated King County, even though only 3.5 percent of King County renter households lived in unincorporated King County (13,894

³¹⁵ Tighe, J. R., Hatch, M., and Mead, J. (2016, October 7). Source of Income Discrimination and Fair Housing Policy. *Journal of Planning Literature*, 32(1), 3-15.

³¹⁶ Fasanelli, A. and Tegeler, P. (2019, November 30). Your Money's No Good Here: Combatting Source of Income Discrimination in Housing. *American Bar Association Human Rights Magazine*. 44(3).

³¹⁷ King County Ordinance 10469 (1998). [[link](#)]

³¹⁸ King County Ordinance 14199 (2001). [[link](#)]

³¹⁹ Washington State Legislature (2006) House Bill 2661 [[link](#)]

³²⁰ Chan, S. (2006, March 28). Civil-rights protection OK'd for transgender individuals. *Seattle Times*.

³²¹ King County Ordinance 18708 (2018) [[link](#)]

³²² King County Ordinance 19026 (2019) [[link](#)]

³²³ Ahrend, K. (1996). Effect, or No Effect: A Comparison of Prima Facie Standards Applied in "Disparate Impact" Cases Brought Under the Fair Housing Act (Title VIII). *Washington and Lee Journal of Civil Rights and Social Justice*. (2)1.

³²⁴ *United States v. City of Black Jack, Missouri*, 508 F.2d 1179 (8th Cir. 1974)

³²⁵ *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.* 576 U.S. __ (2015)

³²⁶ Vasquez, J. and Gallagher, S. (2022). *Promoting Housing Stability Through Just-Cause Eviction Legislation*. National Low Income Housing Coalition. [[link](#)]

³²⁷ King County Ordinance 19311(2021). [[link](#)]

³²⁸ Smith, R. (2019, February 8). Landlord Goes Off on Racist Ramble at Hearing for Eviction Reform. *The Stranger*. [[link](#)]

³²⁹ King County Bar Association Housing Justice Project. 2019 - A Year of Evictions. [[link](#)]

households) and only 6.9 percent of all the evictions in the County happened in unincorporated areas.^{330,331} Evictions disproportionately impact Black households as they are more likely to be renters than any other racial group in unincorporated King County.³³²

King County first considered just-cause eviction protections in 1989. That year, King County Executive Tim Hill transmitted a just-cause eviction ordinance to the Council, but the Council did not adopt the ordinance.³³³ Tenant advocates pushed for the ordinance to protect tenants from discrimination and retaliation. King County Councilmember Cynthia Sullivan introduced a just-cause ordinance five times between 1989 and 1993, but the proposed ordinance was not passed.

During this time, unincorporated tenants raised concerns with King County councilmembers that no-cause notices were used by landlords as a form of retaliation against tenants who tried to enforce their rights. For example, in 1992, a property manager in Shoreline, which was unincorporated at the time, sent no-cause eviction notices to several tenants after they raised concerns about apartment rule changes, filed complaints with the County about code violations, and filed complaints with HUD about fair housing violations.³³⁴ Tenants sent a letter to their County councilmember regarding the situation, who did reach out to the property manager, but the Council did not pass a just-cause eviction ordinance.

2021 Tenant Protections

In 2021, Washington state passed just-cause eviction statewide.³³⁵ Soon after, the County passed a suite of tenant protections to help tenants maintain stable housing.³³⁶ The County ordinance:

- reduced barriers to housing by limiting upfront charges required at move-in and allowing longer move-in costs payment plans than what is required in state law;
- created more housing stability by providing stronger protections against eviction and requiring a longer rent increase notice period than what is prescribed in the state law;
- protected undocumented tenants by prohibiting landlords from requiring prospective tenants to provide a Social Security Number; and
- adopted other tenant protections.

Since this law passed, landlords will not be able to use no-cause eviction notices to get around fair housing protections. King County has led both locally and nationally on fair housing protections, such as passing the first fair housing law in Washington state and providing anti-discrimination protections for Section 8 voucher participants in 1992 – when most states still do not have this protection in 2023.³³⁷ Fair housing laws have had some success in reducing overt racial discrimination in housing and housing financing but have not reduced segregated housing patterns. The success of fair housing protections depends heavily on housing regulations, such as those that govern the landlord-tenant relationship.³³⁸

Exclusionary Zoning

Zoning is a practice used by planners to divide land into different categories based on their designated use and purpose.³³⁹ In the late 1800s, Germany created the concept of zoning to keep nuisances, such as polluting industries, away from incompatible land uses such as residential areas.³⁴⁰ Beginning in the early

³³⁰ King County Bar Association Housing Justice Project. 2019 – A Year of Evictions. [\[link\]](#)

³³¹ U.S. Census Bureau. (2022). *Tenure by Household Size, 5-year ACS 2016-2020*.

³³² U.S. Census Bureau. (2022) *Age Range by Tenure, 5-year ACS 2016-2020*.

³³³ King County Council. (1989, September 13). *Proposed Ordinance 89-740*. King County Archives, Series 307, Box 15.

³³⁴ Pryne, E. (1992, April 24). Tenants Fight Eviction – Seven Families Accuse Manager of Retaliation. *The Seattle Times*.

³³⁵ Washington State Legislature. (2021). House Bill 1236. [\[link\]](#)

³³⁶ King County Ordinance 19311 (2021). [\[link\]](#)

³³⁷ Poverty & Race Research Action Council. (2023). *Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program*. [\[link\]](#)

³³⁸ Jargowsky, P. (2019). The Fair Housing Act at 50: Successes, Failures, and Future Directions. *Housing Policy Debate*. (29)5.

³³⁹ Municipal Research and Services Center of Washington (2023). *Development Regulations and Zoning*. MRSC. [\[link\]](#)

³⁴⁰ Talen, E. (2012). *Zoning and Diversity in Historical Perspective*. (Volume 11, Issue 4) Sage Journals. [\[link\]](#)

1900's, cities throughout the U.S. adopted zoning policies which were soon leveraged to maintain segregation.³⁴¹

In 1917, the U.S. Supreme Court ruled in *Buchanan v. Warley* that cities could not explicitly use zoning to divide cities by race. However, contemporary exclusionary zoning can create the same patterns of segregation as policies pre- *Buchanan v. Warley*.³⁴² Exclusionary zoning laws restrict the types of homes that can be built in specific areas. Examples of this include minimum lot size requirements, base densities per dwelling unit, minimum square footage requirements, building height limits, and disallowing multiunit homes.³⁴³ Single detached residence zoning, which is prominent in some jurisdictions within King County, and low-density zoning, which is prominent in unincorporated King County, are considered exclusionary.³⁴⁴ Large minimum lot size requirements are considered a form of exclusionary zoning as they reduce affordability by restricting the number of dwellings that can exist on a certain sized property.³⁴⁵ Urban minimum lot area requirements are considered large, and thus exclusionary, when they are at or above 5,000 square feet.³⁴⁶ From 1963-1993, King County's minimum lot area requirements were above 5,000 square feet, in both rural and urban areas.^{347,348}

In the wake of *Buchanan v. Warley*, some planners were explicit in their segregationist goals for zoning.³⁴⁹ The City of Seattle hired St. Louis city planner Harlan Bartholomew as a consultant for Seattle's first zoning ordinance in 1923. Bartholomew previously stated that his goals in St. Louis's plan were to "preserve the more desirable residential neighborhoods," and to prevent movement into "finer residential districts ... by colored people."³⁵⁰ The strategy employed to achieve this was the use of single detached residence zoning, as Black people often could not afford those homes. However, zoning ordinances did not explicitly use racial terms such as "Black neighborhoods," so the practice was and is deemed legal under the 1917 *Buchanan v. Warley* Supreme Court ruling.³⁵¹ In the years that followed the 1917 *Buchanan v. Warley* Supreme Court decision, cities across the country adopted Bartholomew's zoning methods.³⁵²

The Federal Housing Administration (FHA) was established in 1934 to facilitate homeownership throughout the country, primarily through providing mortgage insurance so banks and other private lenders would offer more loans to prospective homebuyers. Fueled by FHA-backed programs and subsidies, homeownership rates dramatically increased for primarily White families residing in single detached residences.³⁵³ The FHA created a manual for developers which stated that racial restrictive covenants were "more effective than a zoning ordinance in providing protection from adverse influences," since zoning codes by themselves, "are seldom complete enough [...] to assure a homogenous and harmonious neighborhood."³⁵⁴ While words such as "harmonious" are not explicitly racist, they do connote racial and economic segregation.³⁵⁵ The FHA incentivized single detached residence zoning by prioritizing mortgage insurance for developments with racial restrictive covenants in areas with predominantly single detached residences.^{356,357} By the 1950's,

³⁴¹ Freeman, L. (2021). *Build race equity into zoning decisions*. Brookings. [\[link\]](#)

³⁴² Rigsby, E. (2016). *Understanding Exclusionary Zoning and Its Impact on Concentrated Poverty*. The Century Foundation. [\[link\]](#)

³⁴³ Rouse, C., Bernstein, J., Knudsen, H., Zhang, J. (2021). *Exclusionary Zoning: Its Effect on Racial Discrimination in the Housing Market*. The White House. [\[link\]](#)

³⁴⁴ Lens, M. (2021). *Low-Density Zoning, Health, And Health Equity*. Health Affairs. [\[link\]](#)

³⁴⁵ Jaffe, E. (2020). *Why minimum lot sizes are a growing affordability problem*. Medium. [\[link\]](#)

³⁴⁶ Gray, N. (2019). *Do Minimum Lot Size Rules Matter?* Strong Towns. [\[link\]](#)

³⁴⁷ King County (1963, April). Resolution 25789. *Journal of Proceedings of County Commissioners*. [\[link\]](#)

³⁴⁸ King County (1988). 21.08.080 Zoning Code Book. Accessed via King County Council Clerk.

³⁴⁹ Rothstein, R. (2014). *The Making of Ferguson: Public Policies at the Root of its Troubles*. Economic Policy Institute. [\[link\]](#)

³⁵⁰ Cohen, J (2018). Rectifying Seattle's racist past requires a denser future, says report. Crosscut. [\[link\]](#)

³⁵¹ Rothstein, R., *Making of Ferguson*. [\[link\]](#)

³⁵² Castilho Barone, A.C. (2018). *Harland Bartholomew and Racially Informed Zoning: The Case of St. Louis*. [\[link\]](#)

³⁵³ Fritz, J. (2016). *Federal Housing Administration (FHA)*. Britannica. [\[link\]](#)

³⁵⁴ Kimble, J. (2007). *Insuring Inequality: The Role of the Federal Housing Administration in the Urban Ghettoization of African Americans*. Law and Social Inquiry 32:2 (399-343).

³⁵⁵ Bradley v. Milliken, 338 F. Supp. 582 (E.D. Mich. 1971)

³⁵⁶ Majumdar, R. (2007). *Racially Restrictive Covenants in the State of Washington: A Primer for Practitioners*. Seattle University Law Review: 30 (1095-1117). [\[link\]](#)

³⁵⁷ Fritz, J., "Federal Housing Administration (FHA)." [\[link\]](#)

about 98 percent of FHA-backed homes were owned and occupied by White households.³⁵⁸ FHA programs and subsidies gave rise to low-density suburbs on the outskirts of cities, as they had the space for developers to build single detached residences that only White families could access.³⁵⁹

Zoning Conducive to Single Detached Residences

Each city within King County has jurisdiction over their own zoning code, while King County has jurisdiction over the zoning for unincorporated areas. Since King County's first zoning code in 1937, most of its urban residential areas have been zoned low- or medium-density, which are predominantly developed with single detached residences. Low-density zones generally refer to areas where only one dwelling unit per acre is permitted, medium density refers to four-12 dwelling units per acre or more, and high density refers to 12 units or more per acre. Since housing density is restricted to specific areas, per the Growth Management Act's goal in reducing sprawl, the preponderance of single detached residences reduces the area's housing supply.³⁶⁰ Lack of housing supply leads to an increase in housing price if there is not enough housing available to meet the needs of the population.³⁶¹

Zoning conducive to single detached residences limits housing choice by restricting a diversity of housing types. Building and lot size regulations limit the type of housing that can be built in an area by impacting the buildable area of a lot. For example, King County's current zoning code has limitations on the number of dwelling units per acre, a minimum lot width, a minimum street setback, and limits on building height. While lot development standards have many benefits including furthering environmental and public health, the combined effect of these standards can be exclusionary. To meet environmental and public health goals, King County will need to continue to utilize traditional zoning regulations. However, the County will consider the racially disparate impacts of such regulations and work toward mitigating them.

Interviewees in a 2018 community outreach effort facilitated by King County identified expansion of housing types and changing restrictive zoning as a priority way to increase affordable housing.³⁶² Zoning that is more conducive to multiple dwelling units per land parcel allows for more density and housing types. Zoning that allows for higher levels of density provide opportunities for private and nonprofit developers to increase the housing stock with units at a larger spectrum of affordability than areas with only single detached residences. The availability of multiple housing types can reduce racial disparities in the housing market because it allows people of a wider spectrum of income levels to access housing. Households of American Indian/Alaska Native, Black, Native Hawaiian/Pacific Islander, and Two or Multiple Races on average, have lower incomes compared to White and Asian households.

King County zoning updates and some accompanied demographic changes are summarized below.

1937-1964

Prior to 1937, all unincorporated King County areas were designated as an "unclassified use district" where almost all uses were permitted.^{363,364} The 1937 zoning code, King County's first, extended over a large geographic area because only 17 cities and towns were incorporated in the County at this time, compared to the 39 incorporated cities within King County today. In this first zoning code, King County introduced and applied low-density zoning (R-1 Residence District) which allowed up to two dwellings on one, one-acre sized lot. However, there were distance requirements between the dwellings, which made the use of duplexes prohibitive. R-2 districts allowed for multiple dwellings, flats, apartments, lodging houses, and boarding houses so long as front, side and rear yard spatial requirements were met. The renting of rooms for lodging was permitted but could not exceed five people in a one-family dwelling.³⁶⁵ Family, across the

³⁵⁸ Brown, D. (2021). Your Home's Value is Based on Racism. *The New York Times*.

³⁵⁹ Dougherty, C. (2020, February 18). Why Suburban American Homeowners Were Accused of Being a 'Profit-Making Cartel' in the 1970s. *Time*. [\[link\]](#)

³⁶⁰ MSRC (2023). *Growth Management Act*. [\[link\]](#)

³⁶¹ Rouse, et al., "Exclusionary Zoning." [\[link\]](#)

³⁶² 2019 King County Analysis of Impediments to Fair Housing Choice. [\[link\]](#)

³⁶³ King County (2022). *Historical Building, Property, and Land Use Records*. [\[link\]](#)

³⁶⁴ Oldham, K. (2006). King County adopts a comprehensive zoning plan on August 11, 1958. History Link. [\[link\]](#)

³⁶⁵ King County (1937). Resolution No. 6493. *Journal of Proceedings of County Commissioners*. [\[link\]](#)

1937 zoning code, was defined as "one person living alone, or two or more persons living together, whether related to each other or not. Eight unrelated persons is the limit of a so-called family." Restrictions on density, the number of renters permitted to occupy a dwelling, and putting limitations on the definition of "family," can be exclusionary to Black, Indigenous, and People of Color households, who are often over-represented among low-income households.^{366,367}

In 1958, the King County Superior Court ruled that King County's 1937 zoning code was invalid because the County had not created a comprehensive zoning plan.³⁶⁸ Shortly after this ruling, the King County Board of County Commissioners enacted a comprehensive zoning plan. This plan introduced districts where only single detached residences were permitted.³⁶⁹

The next zoning update occurred in 1964, accompanied by the first King County comprehensive plan to include a statement of general policy in addition to zoning code. This plan adopted an "Urban Center Development Concept" which aimed to focus economic activity and cultural services in existing cities and towns, with low density development and open space between them. Seattle would remain the major urban center, but this plan encouraged growth in other cities and towns as well. An intention for this concept was to centralize density to reduce suburban sprawl and protect rural and natural areas by limiting where denser housing could be built.^{370,371} The 1964 Comprehensive Plan states, "To superimpose even a diluted centralized form on King County now would mean that all future outward growth would have to be discouraged completely and development allowed only within the existing urbanized area by filling up vacant land and redeveloping other land at increasing densities." King County does exhibit the intention of accommodating density within urbanized areas in their 1964 Comprehensive Plan; however, exceptions were made. The plan also reads that "Some areas of the County should be kept at a lower density even though close to an urban center. These areas include locations where a pattern of large lot sizes is already established or is desired and where residents need the assurance that the character of their neighborhood will be stabilized." While the 1937 zoning code allowed one- and two-family dwellings on lots zoned R-1, the 1964 zoning code restricted it to only one-family dwelling and read that the purpose of the classification was to "create a living environment of the highest standards for single detached residences."^{372,373} Minimum lot size requirements became more restrictive in 1964 than they were in 1937. In the 1937 zoning code, the residential minimum lot area for each one- and two-family dwelling was 4,800 square feet. In the 1964 zoning code, minimum required lot area standards for residential zones ranged from 7,200 square feet to 15,000 square feet, which is far more exclusionary.

1980-1990

In the 1980's, Skyway-West Hill and the surrounding areas went from being a predominately White suburb to a burgeoning hub of racial diversity. Figure 75 reveals an increase in racial diversity across all unincorporated King County beginning in the 1980s.³⁷⁴ In Skyway-West Hill, the Black population increased from seven percent in 1980 to 20 percent in 1990, and the Asian population increased from eight percent in 1980 to 13 percent in 1990. The second largest wave of population growth in Skyway-West Hill came in the early 1990s and consisted of mostly Black and Asian people who were attracted to the area's location, affordability, and growing racial and ethnic diversity.³⁷⁵ White Center became racially diverse after federal

³⁶⁶ Mehrotra, A., Bealore, L., Montoya-Boyer, A. (2022). *Zoning In: How Inclusionary Zoning Increases Affordable Housing for Communities of Color to Build Wealth*. Prosperity Now Scorecard. [\[link\]](#)

³⁶⁷ Gabobe, N. (2021, April). *Housemates Welcome: Washington Strikes Down Household Size Caps*. Sightline Institute. [\[link\]](#)

³⁶⁸ Oldham, K. (2006, May 2). *King County adopts a comprehensive zoning plan on August 11, 1958*. History Link. [\[link\]](#)

³⁶⁹ King County Planning Commission Resolution No. 18801 (1958). [\[link\]](#)

³⁷⁰ Oldham, K. (2006). *County Commissioners approve new Comprehensive Plan for King County on October 13, 1964*. History Link. [\[link\]](#)

³⁷¹ King County Planning Department (1964). *The Comprehensive Plan for King County, Washington*. King County. [\[link\]](#)

³⁷² King County (1963). Resolution 25789. *Journal of Proceedings of County Commissioners*. [\[link\]](#)

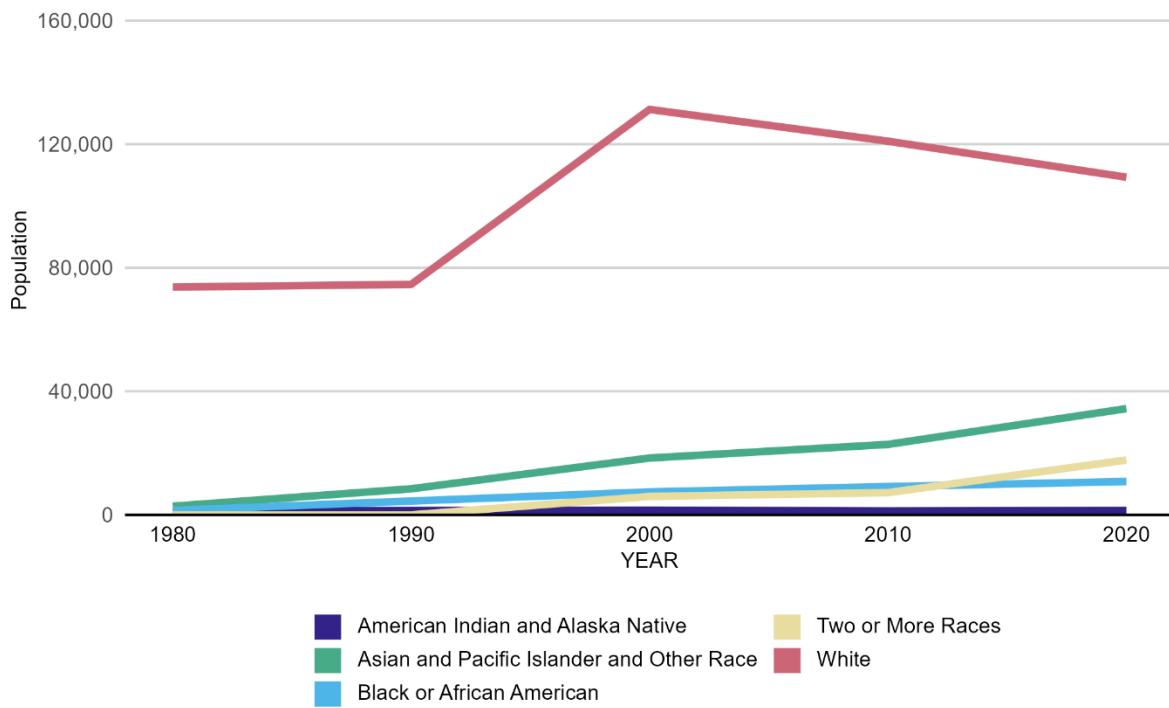
³⁷³ King County (1937). Resolution No. 6493. *Journal of Proceedings of County Commissioners*. [\[link\]](#)

³⁷⁴ Wilson, G. (1992, February 20). *At The End of The Rainbow -- Skyway: A Community Of Color, Conflict And Cooperation*. *The Seattle Times*.

³⁷⁵ Wilson, G. (1992, February 20). *At The End of The Rainbow -- Skyway: A Community Of Color, Conflict And Cooperation*. *The Seattle Times*.

housing projects for World War II workers turned into homes for low-income households and immigrant families in the 1970s.³⁷⁶

Figure 75: Population by Race in Unincorporated King County



Data for Two or More Races category not collected prior to 2000 Census

Source: U.S. Census Bureau. *Population by Race, Decennial Census 1980-2010*.

As the Skyway-West Hill and White Center areas were racially diversifying and growing in population, long-time residents in unincorporated King County began to fight density and upzoning.^{377,378} As shown in Figure 76, Black households made up the largest percentage of renters in the 1980s (and continue to today) in unincorporated King County, so blocking apartments reduced the housing supply available to these households. In 1981, members of the Seahurst Community Club in Burien fought the plans for a HUD-financed 38-unit apartment building for low-income elderly people, arguing it was spot zoning in their single detached residential neighborhood. In 1978, White Center residents organized themselves to fight against the development of a 22-unit apartment building after the King County Council approved a zoning change to accommodate the project. In some cases, the areas were upzoned or lot sizes were adjusted, and in others, the King County Council appeased homeowners by retracting their plans for upzoning or retained larger minimum lot sizes.^{379,380} For example, the McMicken Community Club residents successfully pressured Council to reverse a dozen upzones to protect their single detached residential neighborhood in North Highline. North Highline residents successfully opposed a zoning change proposed by the King County Council from the existing 7,200-square foot minimum lot size to a 5,000 square foot minimum lot size.

³⁷⁶ Richardson, R. (2008). *White Center - Thumbnail History*. History Link. [\[link\]](#)

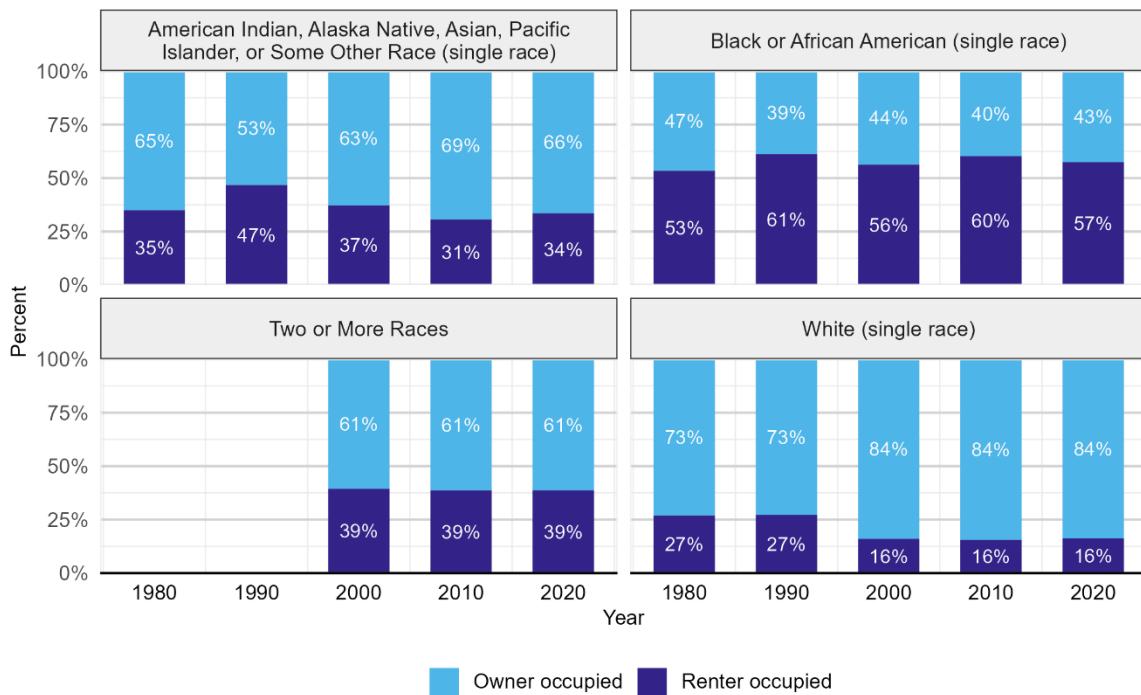
³⁷⁷ Reiner, C. (1981, June 3). Group fights apartment zoning. *The Seattle Times*.

³⁷⁸ Temple, S. (1978, March 1). 'People power' floored in Top Hat rezoning fight. *Seattle Times*.

³⁷⁹ Reiner, C. (1981, April 29). North Highline lot size kept at 7,200 feet. *Seattle Times*.

³⁸⁰ Reiner, C. (1981, June 3). Group fights apartment zoning. *The Seattle Times*.

Figure 76: Percent of Occupied Housing units by Tenure and Race of Households in Unincorporated King County



Data for Two or More Races category not collected prior to 2000 Census, and thus not shown here.

Source: U.S. Census Bureau. *Percent of Occupied Housing Units by Tenure and Race of Householder, Decennial Census 1980-2010; 5-year ACS 2016-2020.*

Note: Due to changes in how the decennial census tracked race over the years, race data shown here is presented differently than in the ACS data found in the rest of this document. In addition, the 2000 census was the first to allow individuals to self-identify with more than one race, and thus data for 1990 is only available for single-race categories.

The next major comprehensive plan and zoning update in 1985 aimed to accommodate new population growth. Building off the "Urban Center Development Concept," this plan added specificity about where housing and urban growth should exist and where open space, rural, and resource lands should be preserved.³⁸¹ This resulted in most new growth occurring in designated urban areas (later referred to as an Urban Growth Area by the GMA). To guide this growth pattern, zoning for residential development in the rural area decreased from one dwelling unit per acre to one dwelling unit per 2.5 to 10 acres.³⁸² This follows the overarching trend of each zoning update adding more requirements that limit where housing densities can go for environmental reasons without also increasing minimum lot sizes for urban residential zones to accommodate population growth. The minimum lot area for residential zones between 1979 to 1988 are almost identical to that of 1964's zoning code, except with the addition of a residential zoning category allowing a minimum lot requirement of 5,000 square feet, which can allow for some level of increased density.^{383,384,385} Limiting density in specified areas through zoning and the Urban Growth Area (UGA) has vast environmental and human benefits such as preserving open spaces, farmland and environmentally sensitive areas. In addition to accessing these benefits, it is also crucial that King County accommodates a growing population across the income spectrum.

³⁸¹ Oldham, K. (2006). *County Council unanimously approves new King County Comprehensive Plan on April 8, 1985*. History Link. [\[link\]](#)

³⁸² Robinson, L. and Newell, J. and Marzluff, J. (2004). *Twenty-five years of sprawl in the Seattle region: growth management responses and implications for conservation*. Elsevier. [\[link\]](#)

³⁸³ King County (1963). Resolution 25789. *Journal of Proceedings of County Commissioners*. [\[link\]](#)

³⁸⁴ King County (1979). 21.08.050 Zoning Code Book.

³⁸⁵ King County (1988). 21.08.080 Zoning Code Book.

In 1986, in attempt to accommodate the growing population, the King County Council proposed a plan to upzone five percent of Federal Way, which was unincorporated at the time, to allow for multiunit development.³⁸⁶ The plan was adopted against significant disapproval from Federal Way residents.³⁸⁷ In deep opposition to additional apartment buildings, Federal Way residents ran their fourth campaign to incorporate.^{388,389} In 1989, Federal Way residents voted in a landslide to incorporate.³⁹⁰

Adoption of the Growth Management Act (1990s)

The Growth Management Act (GMA), enacted in 1990, adopted King County's Urban Growth Area strategy and required all fast-growing counties to establish their own UGAs in collaboration with the cities in each county. UGAs are designed to prevent sprawling and uncontrolled development by focusing growth in designated areas where urban services can efficiently be provided. By limiting most housing growth to specified UGAs, jurisdictions within the UGA that had a growing population needed to plan for more density and housing production. Many of these jurisdictions did not make significant upzones or increase their infrastructure investments, resulting in an underproduction in housing. This contributed to an increase in prices for existing housing, which has disproportionately impacted Black, Indigenous, and People of Color communities for decades.³⁹¹

Current Zoning (1993-current)

Prior to King County's 1993 zoning code, King County used minimum lot size requirements to determine the square footage needed per dwelling unit. Beginning with the 1993 update, the zoning code provides a base density of dwelling units per acre instead of minimum lot sizes. While base density of dwelling units per acre is slightly more flexible than minimum lot size requirements, they impose very similar restrictions. For example, areas zoned R-4 have a base density of four dwelling units per acre, which generally allows for one home per 10,890 square feet of lot size (though the actual configuration may vary by parcel).

King County's 1993 zoning code has many of the same restrictions as the current zoning code. As shown in Map 4, most of unincorporated King County's urban residential land is zoned R-1 through R-12, which are considered low and medium densities. Zones R-1 through R-8 provide for predominantly single detached homes. The current zoning code has a minimum lot width of 30 feet, and a minimum street setback of 10 feet for the R-4 through R-48 residential zones. King County limits building base height to 35 feet for all buildings in R-1 through R-8 zones. These are the same requirements listed in the 1993 zoning code, resulting in minimum lot requirements that have not become conducive to higher densities since 1993.

Notable changes that occurred between 1993 and the current zoning code involve inclusionary housing and the Residential Density Incentive Program. Buildings within zones R-18, R-24, R-48, Neighborhood Business, Commercial Business, Regional Business, and Office, are permitted, with additional setbacks, to have increased height through the inclusionary housing program. The inclusionary housing program applies to zones within Skyway-West Hill and North Highline, and the Residential Density Incentive Program generally applies to the rest of urban unincorporated King County, though cannot be applied to R-1 zones. Through the inclusionary housing program, buildings may use maximum height which is 75-80 feet in high density zoning classifications. The Residential Density Incentive Program provides a density bonus in exchange for providing some affordable units. Although, the program has been utilized only to a limited extent. For more information on inclusionary housing and the Residential Density Incentive Program, see the *Unincorporated King County Policies* subsection in X. Existing Strategies.

³⁸⁶ Schulz, B. (1986, February 19). Residents Dispute Community Plan - Committee Members Want County to Reduce Multifamily Sites. *The Seattle Times*.

³⁸⁷ The Seattle Times (1987, December 30). Community Activism was Rife Throughout South End - And 2 Murder Cases Rocked Auburn, Federal Way. *The Seattle Times*.

³⁸⁸ Parrish, M. (1990, February 28). The History. *The Seattle Times*.

³⁸⁹ The Seattle Times (1987, December 27). The Year in Review - New Cities Rise; So Does Crime Toll. *The Seattle Times*.

³⁹⁰ Parrish, M. (1990, February 28). The History. *The Seattle Times*.

³⁹¹ ECONorthwest, "Redlining and Wealth Loss." [\[Link\]](#)

Map 4 displays current zoning for unincorporated King County, divided into four categories: low density (R-1),³⁹² medium density (R-4, R-6, R-8, R-12), high density (R-18, R-24, R-48), and areas zoned commercial which is mixed-use and generally allows for high-density residential housing. Each zoning category is accompanied by the race of residents living within them. This map reveals the previously mentioned preponderance of low- and medium-density zoning in unincorporated King County.

³⁹² The R-1 zone is generally used for 1) urban separators to protect critical areas in the interface between rural and urban areas 2) urban park lands such as the large red areas on the map above in northern Bellevue for Bridle Trails Park and southern Redmond for Marymoor Park, and 3) schools, such as the larger red areas north of Covington and Maple Valley.

Map 4: Zoning and Race in Urban Unincorporated King County and Rural Towns

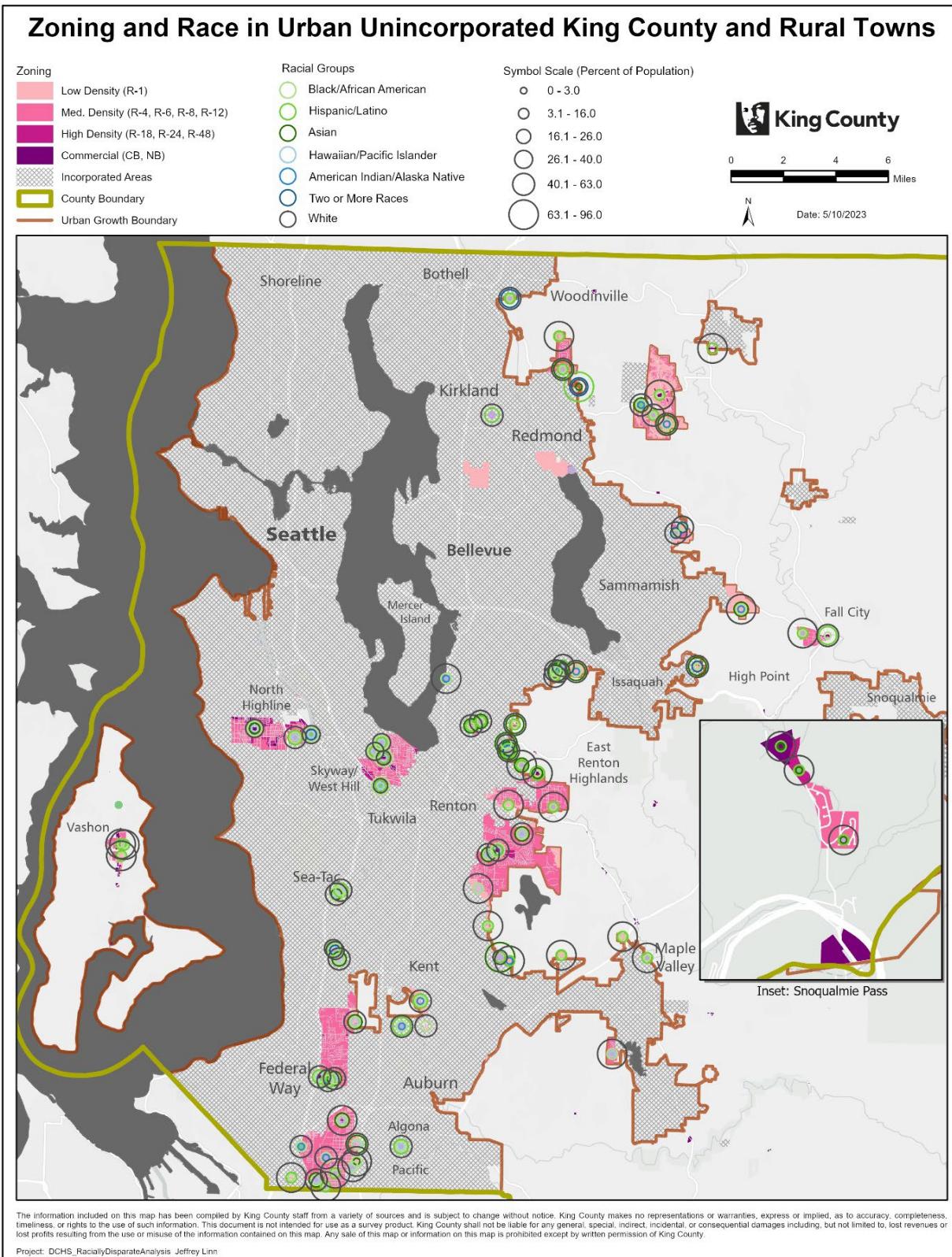
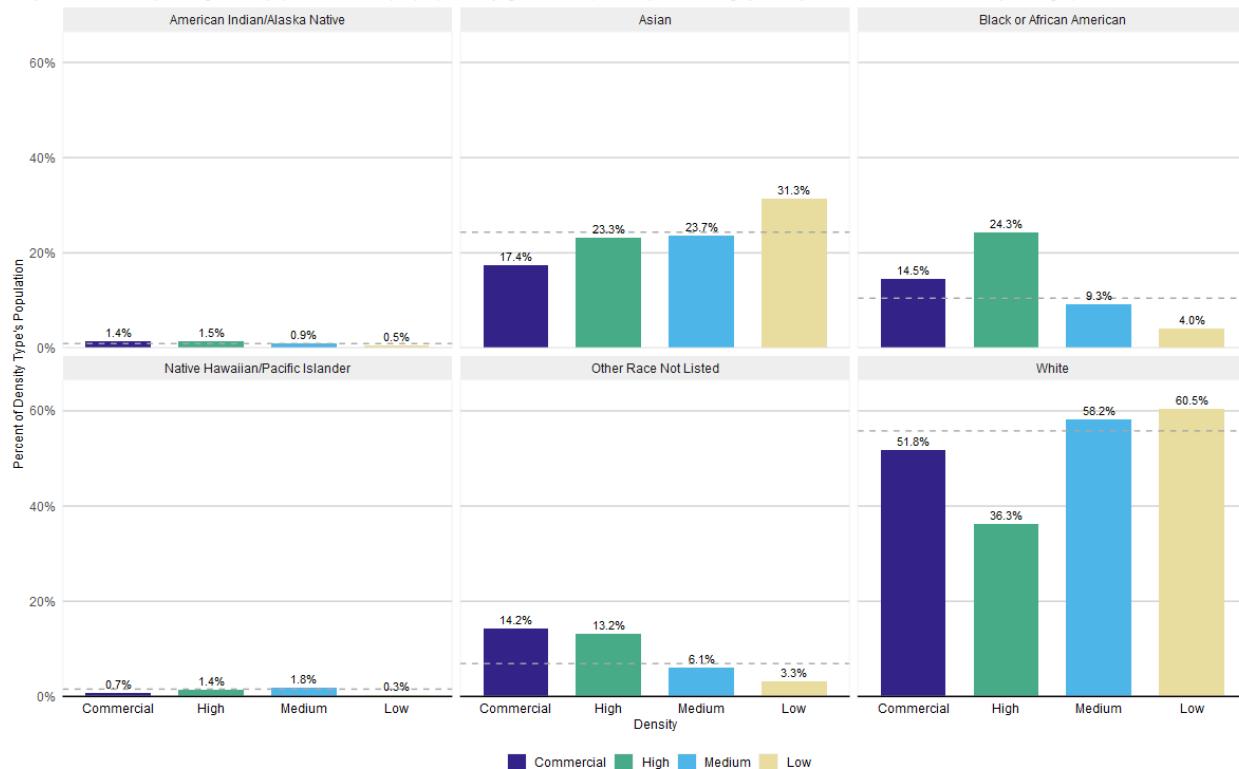


Figure 77 shows that White and Asian households in unincorporated King County are slightly more likely to live in medium- to low-density neighborhoods, whereas Black, American Indian/Alaska Native, and other races not listed households are slightly more likely to live in commercial and high-density neighborhoods.³⁹³ As previously described, White and Asian households, on average, have higher incomes than households of American Indian/Alaska Native, Black, Native Hawaiian/Pacific Islander, and Two or Multiple Races. Many Black, Indigenous, and People of Color residents have lower incomes, on average, than White residents due to discrimination in housing, education, and employment. While the zoning designation may not have been racially motivated, it does impact who can afford to live there. By systematically driving housing prices up in certain neighborhoods with mechanisms such as zoning, some level of racial segregation occurs.

Figure 77: Race by Zoning Type in Unincorporated King County

Gray line indicates what percentage of UKC population is made up of people identifying as that race (with multiple races category currently not included from calculations of percentages).



Source: U.S. Census Bureau. (2022). Population by Race, 5-year ACS 2016-2020; King County Geographic Information Systems.

Housing Supply

King County's continued retention of lot development standards that are conducive to single detached houses coincided with other drivers of housing cost increases, such as an influx of jobs and a growing population. As described in the following section, King County is also hampered from fully providing the necessary infrastructure to meet the urban unincorporated areas' housing needs because funding mechanisms allowed under state law prevent counties from stewarding urban areas in the same way as cities, which have more flexible revenue tools.³⁹⁴ From 2010 to 2019, 2.57 jobs were created in King County for every housing unit produced.³⁹⁵ While this job growth occurred outside of unincorporated King County,

³⁹³ If all races were evenly distributed between the four different zoning categories, they would all match the gray dotted line perfectly.

³⁹⁴ King County Unincorporated Urban Area Annexation Area Databook. [\[link\]](#)

³⁹⁵ ECONorthwest, "Redlining and Wealth Loss." [\[link\]](#)

the housing pressure it creates extends across jurisdictions.^{396,397} This underproduction in housing supply, coupled with an influx of high earners moving to the region, led to higher housing costs.³⁹⁸ Not only is general housing supply an issue, but the number of rental homes affordable to low- and moderate-income families decreased by 36,000 between 2008 and 2019.³⁹⁹ This dramatic increase in housing price and decrease in affordable housing for lower-income residents has a disproportionate impact on households of American Indian or Alaska Native, Black, Native Hawaiian/Pacific Islander, and Two or Multiple Races, as they, on average, have lower incomes and are more likely to be renters, compared to White and Asian households.⁴⁰⁰

Lack of Funding, Underinvestment, and Pattern of Annexation

For the purposes of growth management, annexation is the process of transferring unincorporated land from a county's jurisdiction into incorporated land in a city's jurisdiction. The GMA requires that cities coordinate with their respective county to identify an UGA, as annexation can only occur within the designated UGA. The GMA states that cities are more appropriately situated than counties to provide urban governmental services because cities have the infrastructure, organizational structure, and finance tools to serve an urban area.⁴⁰¹ This construct presumes that counties are primarily designed to provide local services to the rural area with dispersed, low-density resource uses and regional services throughout the county. As outlined in the 1998 CPPs, all unincorporated Urban Growth Areas were encouraged to annex or incorporate by 2012, which did not occur.

While Washington state has attempted to incentivize urban unincorporated areas to annex into a city, King County still has six large unincorporated urban areas. Many of the remaining portions of urban unincorporated King County are home to lower-income and racially diverse communities compared to the whiter, higher-income areas on the edge of the UGA that have been annexed in recent decades. Excluding East Renton Highlands, all remaining urban unincorporated areas have a median household income below the King County average.⁴⁰²

Lack of Revenue Tools

In general, King County has a limited ability to invest in all unincorporated areas because of the taxing structure imposed by the state.^{403,404} King County's taxing authority generally only includes property and sales taxes, whereas cities' taxing authority includes property, sales, business and occupation, and utility taxes. This structure allows cities to collect more taxes and in turn provide urban-level services for their residents.

King County does not have the finance streams to provide urban-level services within urban unincorporated areas. Modern urban infrastructure such as sewers, sidewalks, maintained roadways, trails and parks, are needed to both accommodate higher densities and to attract annexation of these areas by surrounding jurisdictions.⁴⁰⁵ For example, parts of North Highline and Skyway-West Hill are still on septic systems, instead

³⁹⁶ As described in the *Jobs to Housing Ratio* subsection, jobs per housing ratio decreased in unincorporated King County between 2010 and 2020, likely due to the annexation of commercial cores.

³⁹⁷ Tu, J. (2015, August 30). Low pay, costly commute often go hand in hand. *The Seattle Times*.

³⁹⁸ ECONorthwest, "Redlining and Wealth Loss." [\[Link\]](#)

³⁹⁹ King County (2019). *2019 King County Analysis of Impediments to Fair Housing Choice*. Equal Housing Opportunity. [\[link\]](#)

⁴⁰⁰ See *Household Characteristics* subsection in *III. Community Profile*.

⁴⁰¹ King County Unincorporated Urban Area Annexation Area Databook. [\[link\]](#)

⁴⁰² U.S. Census Bureau. (2015-2019) 5-year ACS 2015-2019

⁴⁰³ Senate Ways and Means Committee (2020). *A Legislative Guide to Washington's Tax Structure*. [\[Link\]](#)

⁴⁰⁴ King County (2021, December). *Unincorporated King County Fiscal Sustainability Plan*. [\[link\]](#)

⁴⁰⁵ *Service Delivery and Facilities Provided by King County in the Five Potential Annexation Areas*, appendix to the *Skyway-West Hill Land Use Subarea Plan*. [\[link\]](#)

of the sewer systems that most urban areas such as Seattle and Renton use.^{406,407} Septic systems require a minimum lot size and can cause serious public health hazards if not maintained properly.^{408,409}

The 2022 North Highline Subarea Plan notes, "Like other urban unincorporated areas, there has been insufficient investment in North Highline's transportation system..."⁴¹⁰ Underinvestment in urban services in higher density zoned areas disincentivizes annexation because of additional costs required to serve more intense development.

Pattern of Annexation

Areas that have a strong commercial core and homes with high assessed values are attractive for cities to annex because these areas can increase their tax base and cover the cost of servicing that new area. Unincorporated areas without strong commercial cores are less appealing for cities to annex because these areas do not have a large tax base.⁴¹¹ Since 1990, partly because of King County's success in implementing the GMA, the areas that have been incorporated or annexed held 85 percent of unincorporated area jobs and only 69 percent of unincorporated area residents.^{412,413} This left behind a very small number of jobs and commercial land in the remaining unincorporated areas. Unincorporated areas only have one percent of countywide employment, and five percent of countywide population. This pattern of annexation and incorporation continues to reduce tax generating resources, such as sales tax, away from King County which further impacts the County's already limited financial capacity to support services in the remaining urban unincorporated areas. This contributes to a widening deficit between growing service maintenance costs and the reduced amount of revenue received by the County, which limits King County's ability to invest in unincorporated areas.⁴¹⁴

Due to discriminatory practices, Black, Latin(a)(o)(x), and Indigenous communities are less likely to be homeowners, and those that are, have homes with lower median values than homes owned by White people.⁴¹⁵ Assessed property values provide a metric for cities to determine annexation; so, if an area with a higher proportion of Black, Latin(a)(o)(x), and Indigenous residents has lower assessed property values, cities may not want to annex the area.^{416,417} For example, in 1991, Burien proposed annexation boundaries to include parts of Shorewood, an upper middle-class neighborhood, while leaving White Center, an ethnically diverse neighborhood with low-income housing, unincorporated. A 1991 *Seattle Times* article stated that, "...no one's vying to annex Skyway/Bryn Mawr or White Center, both of which are relatively developed but include working-class neighborhoods with comparatively low property values - and low property-tax revenues."⁴¹⁸

Skyway-West Hill PAA, North Highline PAA, and Fairwood PAA

Skyway-West Hill, North Highline, and Fairwood PAAs, outlined in Map 5, are all home to a significantly higher percentage of Black, Indigenous, and People of Color residents than the King County average and

⁴⁰⁶ King County Department of Assessments (2022). Assessment Data.

⁴⁰⁷ King County on-site sewage systems (OSS) and social vulnerability dashboard. [\[link\]](#)

⁴⁰⁸ U.S. Environmental Protection Agency. (2022). Septic System Impacts on Water Sources. EPA. [\[link\]](#)

⁴⁰⁹ Washington State Department of Health Wastewater Management Program (2002). *Rule Development Committee Issue Research Report - Lot Size (Minimum Land Area)*. [\[link\]](#)

⁴¹⁰ North Highline Subarea Plan, page 44

⁴¹¹ Austin, D.A. (1999). Politics vs. Economics: Evidence from Municipal Annexation. *Journal of Urban Economics*.

⁴¹² King County (2021). *Unincorporated King County Fiscal Sustainability Plan*. [\[link\]](#)

⁴¹³ King County Unincorporated Urban Area Annexation Area Databook. [\[link\]](#)

⁴¹⁴ King County (2021). *Unincorporated King County Fiscal Sustainability Plan*. [\[link\]](#)

⁴¹⁵ Racial Restrictive Covenants Project Washington State (2022). *Homeownership by race 1960-2020 - King County*. Civil Rights and Labor History Consortium/University of Washington. [\[link\]](#)

⁴¹⁶ American Society of Planning Officials (1958, September). Information Report No. 114, *Annexation Studies*. APA. [\[link\]](#)

⁴¹⁷ Racial Restrictive Covenants Project Washington State (2022). *Homeownership by race 1960-2020 - King County*. Civil Rights and Labor History Consortium/University of Washington. [\[link\]](#)

⁴¹⁸ Ortegaleon, B. (1991, December 2). Incorporation frenzy leaves 'orphans' in S. King. *Seattle Times*.

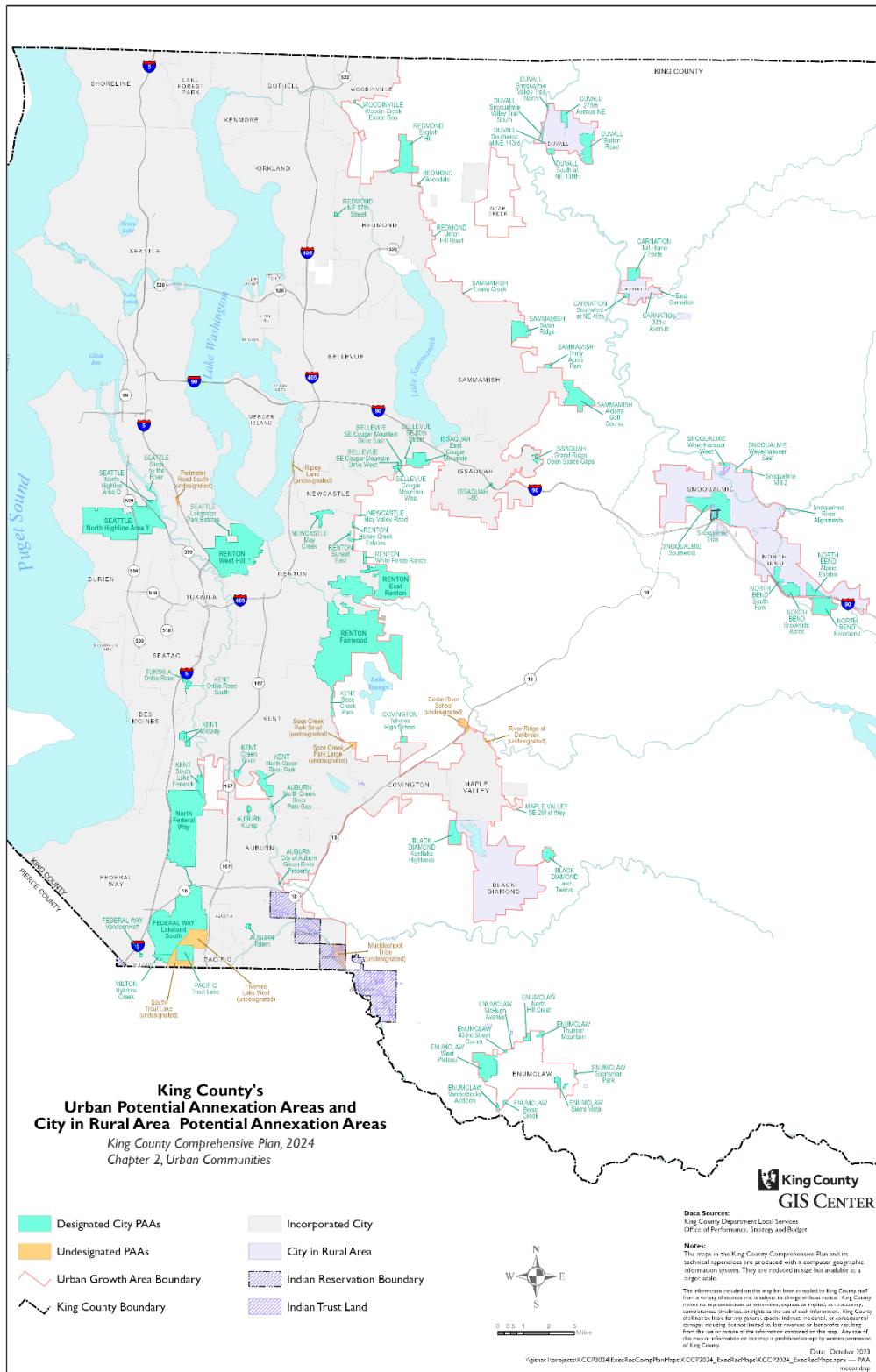
have lower median incomes than the King County average.⁴¹⁹ This pattern, combined with the County's limited taxing authority highlights the need for annexation to advance racial justice.^{420,421}

⁴¹⁹ U.S. Census Bureau. (2015-2019) 5-year ACS 2015-2019.

⁴²⁰ Beekman, D. (2022, August 13). Skyway fights for housing, parks and community at 'critical moment.' *Seattle Times*.

⁴²¹ King County Unincorporated Urban Area Annexation Area Databook. [\[link\]](#)

Map 5: King County's Urban Potential Annexation Areas and City in Rural Area Potential Annexation Areas



Institutionalized racism contributed to underinvestment in affordable housing projects in Skyway-West Hill and North Highline neighborhoods. For example, redlining, displacement from Seattle's Central District, as well as the widening of the racial wealth gap partially resulted in the relatively lower real estate values in Skyway-West Hill and North Highline.^{422,423} However, areas in close proximity to Seattle grew rapidly which drove home prices up, creating the conditions for gentrification.⁴²⁴ For at least a decade, King County did not invest in affordable housing in Skyway-West Hill, aside from housing repair assistance. King County has only recently started investing housing funds in Skyway-West Hill after years of community advocacy and organizing.^{425,426,427} In 2022, King County awarded two projects from a \$5 million request for proposal (RFP) to support affordable housing development in the Skyway-West Hill neighborhood that align with community identified anti-displacement priorities.^{428,429,430} In the 2023-24 King County biennial budget, an additional \$5 million has been earmarked for affordable housing capital investments in Skyway-West Hill.

C. Displacement

The history of racially exclusive, discriminatory land use and housing practices, and seemingly race-neutral policies that perpetuate the racial wealth gap, patterns of segregation, and exclusion, and underinvestment in neighborhoods of color culminates in an increased risk of displacement for Black, indigenous, and People of Color communities. Displacement describes a pattern in which households move involuntarily as a result of aforementioned factors.⁴³¹ Displacement can increase the risk of homelessness and have lasting negative effects on health, education, earnings, and cultural connections.⁴³² While homeowners build equity and typically have a fixed monthly payment, renters make monthly payments they will never recoup, and rental prices typically increase over time. As rental costs increase, many households, especially cost-burdened households, cannot save money to buy a home.⁴³³ This stems from and exacerbates the pre-existing racial wealth gap, which is a result from the legacy of mechanisms used to block Black, Indigenous, and People of Color households from buying homes, such as racial restrictive covenants.⁴³⁴

Map 6 was created using the Puget Sound Regional Council's (PSRC) Displacement Risk Mapping Tool. This map identifies census tracts that are at low, moderate, and higher risk of displacement.⁴³⁵ North Highline and a small area of unincorporated Kent are at higher risk of displacement.⁴³⁶ East Federal Way, Fairwood, and South Park are at risk of moderate displacement. Skyway-West Hill has all three levels of displacement risk with the western most area at moderate risk and the eastern most area, adjacent to Renton, at higher risk of displacement.

⁴²² Skyway-West Hill and North Highline Anti-displacement Strategies Report. [\[link\]](#)

⁴²³ University of Washington's Seattle Civil Rights and Labor History Project. Segregated Seattle. [\[link\]](#)

⁴²⁴ Groover, H. (2021, April 8) Seattle-area housing market is 'on steroids'; see what's happening near you. *The Seattle Times*. [\[link\]](#)

⁴²⁵ Zahilay, G. (2020, February 17). We failed the Central District, but we must do right by Skyway. *The Seattle Times*. [\[link\]](#)

⁴²⁶ Beekman, D. (2022, August 13). Skyway fights for housing, parks and community at 'critical moment'. *The Seattle Times*. [\[link\]](#)

⁴²⁷ Trumm, D. (2017, May 3). Meet Skyway: Seattle's unincorporated Neighbor To The South. *The Urbanist*. [\[link\]](#)

⁴²⁸ King County (2022, January). Skyway \$5M Fund for Affordable Housing | RFP Summary.

⁴²⁹ King County (2022, May). King County Announces Funding Awards for Two Affordable Housing Projects in Skyway-West Hill. DCHS Blog. [\[link\]](#)

⁴³⁰ King County (2022, January). New Funding Opportunity: \$5 million to support equitable, community-driven affordable housing in the Skyway-West Hill (SWH) neighborhood. DCHS Blog. [\[link\]](#)

⁴³¹ University of Texas at Austin Uprooted Project. Understanding Gentrification and Displacement. [\[link\]](#)

⁴³² Urban Displacement Project. *Pushed Out: Displacement Today and Lasting Impacts*. [\[link\]](#)

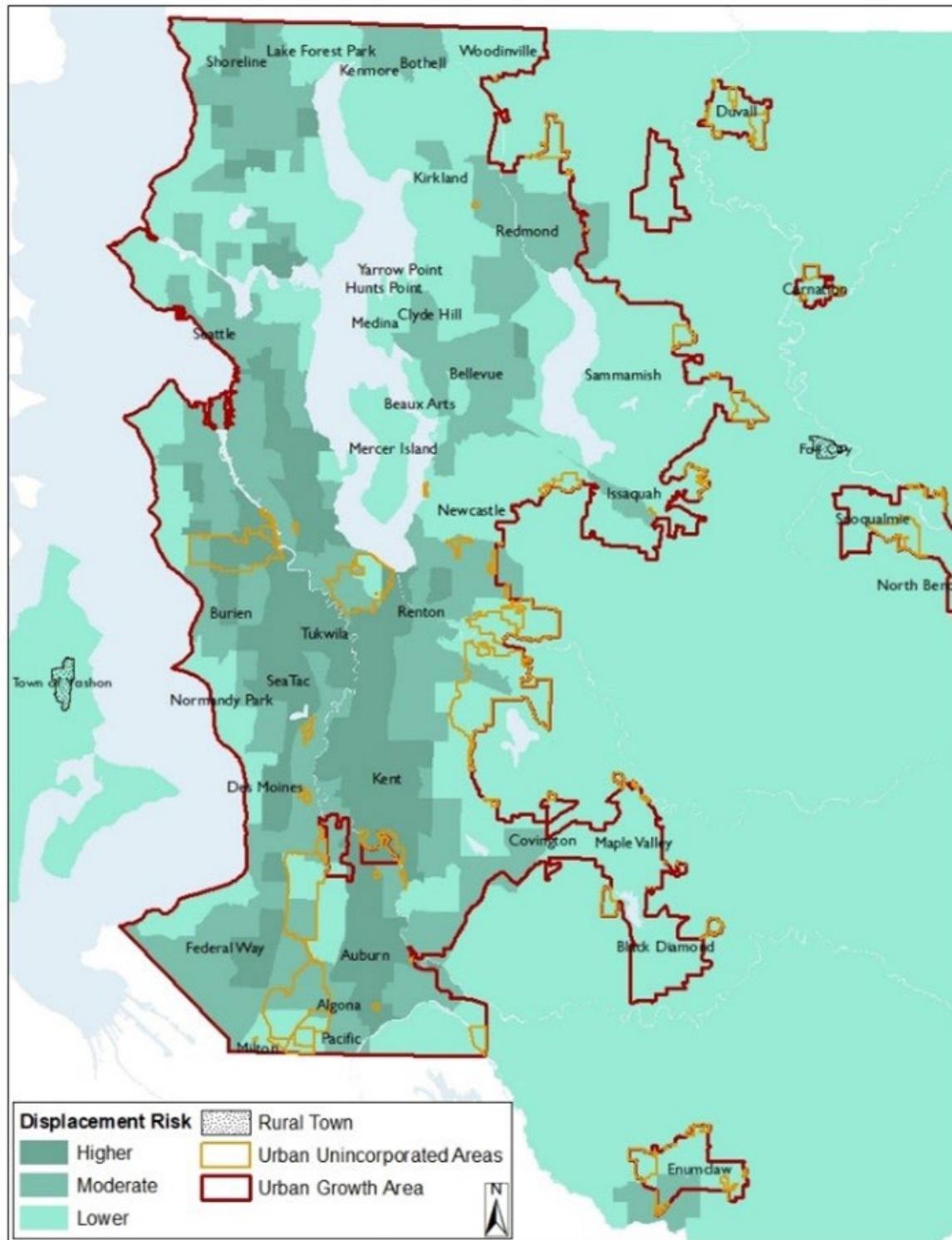
⁴³³ ECONorthwest, "Redlining and Wealth Loss." [\[link\]](#)

⁴³⁴ Logani, I. "Racial Wealth Gap." [\[link\]](#)

⁴³⁵ Puget Sound Regional Council. *Displacement Risk Mapping Tool*. [\[link\]](#)

⁴³⁶ Only about 10 homes in the Kent census tract are in unincorporated King County.

Map 6: Displacement Risk by Census Tract

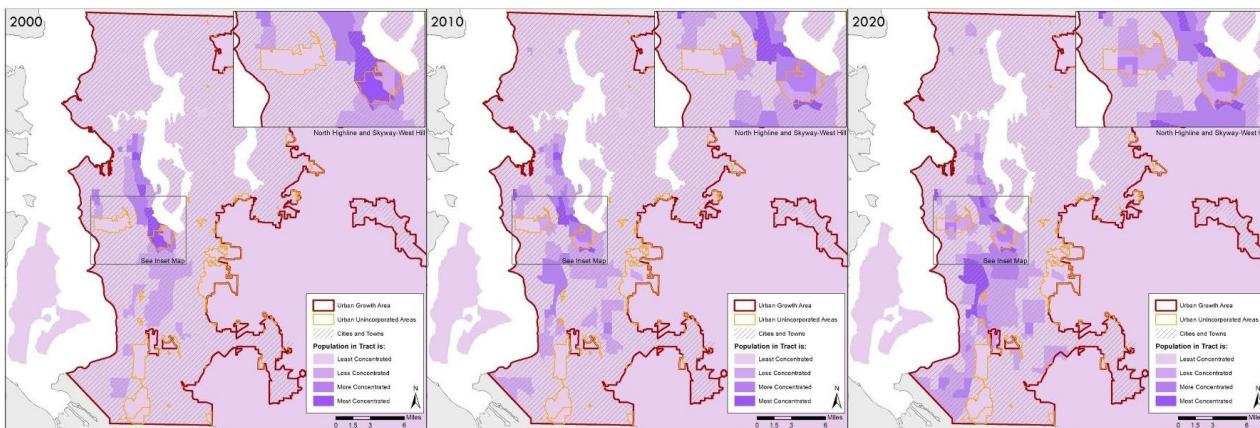


Housing costs in Skyway-West Hill and North Highline have risen faster than the countywide average. Between 2012 and 2020, the average annual rent increase in King County was 3.8 percent; in Skyway-West Hill and North Highline the average annual increases were four percent and 4.9 percent, respectively. Median incomes in both areas remain significantly lower than the countywide average, placing residents at

increased risk of displacement. Fifty-three percent of renter households in North Highline were cost burdened and 26 percent were severely cost burdened in 2017. Nearly one-third of all renters and two-thirds of extremely low-income renters in Skyway-West Hill were severely cost burdened, spending more than 50 percent of their income on rent.⁴³⁷ For more analysis on cost burden, see *III. Community Profile*.

Black, Indigenous, and People of Color households are twice as likely as White households to be housing cost burdened in Skyway-West Hill and North Highline.⁴³⁸ In North Highline, most White households owned their homes, while 13 percent of Black households and 49 percent of Asian households owned their homes. Most Black and Latin(a)(o)(x) renter households in North Highline were cost burdened in 2017 (72 percent and 64 percent, respectively). An analysis found there were enough affordable units across most income groups in Skyway-West Hill, but housing could only meet the needs of about 37 percent of households with incomes below 30 percent area median income. There are also housing gaps in North Highline to meet the needs of households with incomes below 30 percent area median income. The combination of rising housing prices, the high rate of cost-burdened households, and lower than average incomes put residents who live in places like Skyway-West Hill and North Highline at increased risk of displacement.⁴³⁹ Figure 78 show the decrease in concentration of Black residents in Skyway-West Hill from 2000, to 2010, to 2020. As the maps indicate, and community members report, Black residents were displaced from Seattle's Central District and moved further south, which then puts housing pressure on the places they move to, such as Skyway-West Hill, which then forces people to move even further south.

Figure 78: Black/African American Concentration of Population 2000, 2010, and 2020



Source: U.S. Census Bureau. (2020). Decennial Census.

Skyway-West Hill and North Highline community members have noted that gentrification can lead to the deterioration of the cultural character of a community. This can lead to cultural displacement, which takes place when existing residents move out of a neighborhood because their social or cultural connections have declined due to gentrification. Displaced residents may lose connections to community establishments and faith-based organizations that provide direct support or connect people to support systems. In Skyway, residents who are displaced are often not able to find housing in Skyway again because of a lack of affordable, available housing located in walkable areas or near other accommodations.⁴⁴⁰

Conclusion

Policies that do not explicitly discriminate based on race can and do lead to racially disparate outcomes. Low-density zoning and large minimum lot requirements, lack of investment in urban unincorporated areas,

⁴³⁷ BERK Consulting, Inc., "Affordable housing incentives analysis: North Highline and Skyway-West Hill. [[link](#)]

⁴³⁸ King County Affordable Housing Committee Dashboard. (2021). *Jurisdictional Data for Download*.

⁴³⁹ Skyway-West Hill and North Highline Anti-displacement Strategies Report. [[link](#)]

⁴⁴⁰ Comprehensive Plan Equity Work Group Meeting. (2023).

and lack of tenant protections have contributed to displacement and other racial disparities in housing in unincorporated King County. While not explicitly limited to single detached housing, King County's zoning code does not sufficiently incentivize other, allowable types of high- and middle-density housing. This limits housing supply and housing choice by not having a diversity of housing types, which leads to prices that aren't affordable to low-income communities, of which Black, Indigenous, and People of Color are most overly represented in.^{441,442} Urban unincorporated areas have higher proportions of Black, Indigenous, and People of Color populations and have historically been underinvested in compared to other unincorporated areas with higher proportions of White populations. Investment is needed in order to accommodate more density and encourage cities to annex PAAs.⁴⁴³ The next section details the policies and codes King County has either recently passed or is exploring through the 2024 Comprehensive Plan update to address the policies and actions discussed in this analysis that have created racially disparate housing outcomes in unincorporated King County.

D. Undoing Racially Disparate Housing Policies in the Comprehensive Planning Process

This section identifies the actions that have been and will be taken by King County in the 2024 Comprehensive Plan to undo racially disparate housing outcomes.

Barriers in Undoing Racially Disparate Impacts

Multiple barriers prevent King County from fully remedying harms inflicted on Black, Indigenous, and People of Color communities. Racial wealth inequities result from exclusive housing practices and policies, in addition to other injustices such as discrimination in employment and education. Despite understanding that race-neutral policies can perpetuate harm due to pre-existing access inequities, there are multiple policies in King County's Comprehensive Plan that are, indeed, race-neutral. While providing financial resources to specific Black, Indigenous, and People of Color communities could reduce racially disparate impacts in housing, the Fair Housing Act prohibits the prioritization of funds or programs based on a protected class, such as race. The updates to the Comprehensive Plan policies and codes center on actions King County has leverage over, such as building partnerships, implementing policies to reduce displacement, and adopting code changes that could diversify the housing stock and increase the supply of affordable housing.

Revenue is critical to implement many of the King County Comprehensive Plan policies. While King County has put forward new levies to meet the needs of different communities throughout the county, the funding raised is not enough to solve the housing crisis. King County has significant limits imposed by the state on raising revenue. For decades, King County has advocated for increased revenue from the state and federal government to address structural revenue problems and the affordable housing crisis. King County has yet to receive either the taxing authority or the resources at a scale needed to meaningfully and effectively do so.

Summary of 2024 Comprehensive Plan Updates

To promote equitable outcomes in partnership with communities most impacted by racially disparate housing policies, King County has intentionally solicited engagement from members of underrepresented communities through a broad, community survey and the 2024 Comprehensive Plan Equity Work Group. The Equity Work Group is an advisory group composed of 15 people from historically underrepresented groups who worked closely with Executive staff to incorporate equity considerations into the Comprehensive Plan update. The Comprehensive Plan includes new policies, edits to former policies, and code changes to reflect the new GMA and CPP requirements and community feedback.

⁴⁴¹ Rouse, et al., "Exclusionary Zoning." [\[link\]](#)

⁴⁴² Mehrotra, A., Bealore, L., Montoya-Boyer, A. (2022, September). *Zoning In: How Inclusionary Zoning Increases Affordable Housing for Communities of Color to Build Wealth*. Prosperity Now Scorecard. [\[link\]](#)

⁴⁴³ King County Clerk of the Council (2019). *Skyway-West Hill Land Use Subarea Plan*, Appendix D: Service Delivery and Facilities Provided by King County in the Five Potential Annexation Areas. [\[link\]](#)

King County is committed to addressing past and current racially exclusive and discriminatory land use and housing practices that resulted in disparate impacts on Black, Indigenous, and People of Color households. The County aims to repair these harms and promote equitable outcomes in partnership with impacted communities through intentional, targeted actions and support for affordable housing initiatives. King County's 2024 Comprehensive Plan incorporates new policies and updates to existing policies to begin to undo the racially disparate impacts caused by the policies and practices discussed in the Racially Disparate Impact Analysis which found:

- explicitly racist policies and practices existed in unincorporated King County and contributed to long-term economic racial disparities;
- the lack of tenant protections for unincorporated King County undermined the effectiveness of fair housing protections;
- exclusionary zoning laws in unincorporated King County limit the availability of more affordable housing options for low- and moderate-income households who are disproportionately Black, Indigenous, and People of Color;
- King County has historically underinvested in urban unincorporated areas with higher Black, Indigenous, and People of Color populations; and
- the combination of rising housing prices, the high rate of cost-burdened Black, Indigenous, and People of Color households, and lower than average incomes put Black, Indigenous, and People of Color residents who live in places like Skyway-West Hill and North Highline at increased risk of displacement.

To begin rectifying these harms, the 2024 King County Comprehensive Plan included changes that commit King County to:

- participate in regional solutions to address critical housing needs;
- engage historically and currently underrepresented communities in the development and implementation of affordable housing programs to ensure the County's investments and policies are culturally relevant and meet the needs of communities most in need;
- invest in programs and policies that help tenants stay housed and assert their rights, reducing racial disproportionality among households who experience housing stability;
- adopt code changes to allow middle housing and create an inclusionary housing program to encourage the creation of more affordable and diverse housing options so more low- and moderate-income households can access homeownership and generate long-term wealth for their families;
- prioritize funding for affordable housing projects that are community-driven, promote access to opportunity, and create wealth-building opportunities for communities at-risk of displacement; and
- take actions to prevent and mitigate residential and cultural displacement for unincorporated communities at risk of displacement to address racial disparities in housing, such as implementing programs to create affordable homeownership opportunities and investing in equitable development projects.

These new and updated housing policies demonstrate King County's commitment to addressing racial disparities in housing and promoting equitable access to affordable and culturally relevant housing options for all residents, particularly those historically underserved and disproportionately impacted by discriminatory practices. The equity analysis of the 2024 Comprehensive Plan details specific proposals prioritized by the Equity Work Group.

Current and Future Actions of King County

King County is committed to undoing policies that result in racially disparate outcomes in housing and is taking several future actions to achieve this goal. King County is currently developing and exploring programs such as:

- investing in rental assistance and eviction prevention programs to keep tenants housed;
- launching a community preference program to prevent displacement;
- investing in equitable development to support community-driven priorities;
- preserving manufactured home communities and affordable housing to prevent displacement; and
- expanding affordable homeownership programs to increase wealth-building opportunities for low- and moderate-income households.

For more information about the inventory of existing and proposed partnerships, strategies and funding aimed at meeting countywide housing need, especially for Black, Indigenous, and People of Color populations disproportionately impacted by discriminatory land use and housing practices, see *X. Existing Strategies Summary*.