

# Equity and Efficacy in Washington State’s GMA Affordable Housing Goal

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## INTRODUCTION

Washington State’s Growth Management Act (GMA) requires that local government’s plan for the “provision of affordable housing for all economic segments of the community”<sup>1</sup> and mandates a “fair share”<sup>2</sup> approach for the accommodation of regional needs. However, the Act left undefined the critical substantive aspects of the housing goals as well as other key process issues. Compliance with the housing aspiration is defaulted to an inductive process in which the umpires of the GMA, the Growth Management Hearing Boards (GMHBs), answer inductively and piecemeal the crucial questions left unresolved by political compromise.

While it is true that there is judicial review of the Boards and that some Board opinions have been reversed on appeal, the Boards are still powerful, and are still the forum where GMA disputes are most often brought in the first instance. In fact, through there many decisions, the Boards are contributing to the growth of an extensive new body of land use case law in Washington State. Until the legislature either abolishes or replaces the Boards, they will remain Washington’s first line of a land use police force—a force not to be

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1. See RCW 36.70A.070(2).

2. See RCW 36.70A.070(2); Wash. Admin. Code § 365-195-310.

ignored.<sup>3</sup>

And as the housing crisis in the state deepens, paralysis in the State legislature intensifies, and recent efforts to define and rationalize the affordable housing mandate have collide with a legislature hostage to conflicting interest groups.<sup>4</sup>

This essay considers the basis for the GMA's affordable housing goal, considers the relationship between its achievement and the reduction of urban sprawl. It also links the GMA's goal of an equitable distribution of housing resources to a fundamental social aspiration described by the United States Congress as a "decent home and living environment for all Americans."<sup>5</sup> Indeed, it will be argued that the economic disparity and inequity directly linked to urban sprawl—both a cause as well as an effect—are locked ineluctably to a pathological social process in which they feed upon each other. Continued environmental degradation, which has spawned the salmon crisis, has exacerbated the housing crisis, making more challenging its resolution. However, legislative gridlock frustrates efforts at crafting a strategic and regionally coordinated response to the challenge of affordable housing.

## I.

Soaring costs of housing are commonplace news in Washington State, particularly in the Puget Sound corridor which includes most of the urban population of the state, except for greater Spokane on the Idaho border and Clark County which might be thought of a part of metropolitan Portland, Oregon. "The big news," according to one real estate broker, "is not the 55 sales [in 1998] for more than one million dollars within the city of Seattle, but the rapid disappearance of the low end- houses under \$100,000 constitute less than two percent of the city's market, many of those listings read: value in the land, not financeable, serious foundation problem."<sup>6</sup> Renting is not necessarily

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3. See Jared B. Black, *The Land Use Study Commission and the 1997 Amendments to Washington State's Growth Management Act*, 22 HARV. ENVTL. L. REV. 559, 576 (1998).

4. Kery Murakami, *Not much hope for bill on growth*, SEATTLE TIMES, Apr. 20, 1999, at B3, col. 1.

5. The signature phrase of the Federal Housing Act of 1949.

6. See E. Rhodes, *Seattle's skyrocketing real-estate values redefining who can live here*,

an alternative. According to a King County report, about 40 percent of all households, some 248,000 in number depend on rental housing.<sup>7</sup> But about one-third of renter households earn less than 50 percent of median income. For this group there is a significant lack of affordable housing. The need for affordable units exceeds the supply by 65,000 units.<sup>8</sup> This means that there is no affordable housing for nearly a quarter of all rental households. Compounding this dilemma, these low-income renters must compete with higher income renters for available units. As a result, as many as 41% of all renters (112,500 households) will not locate rental units that are affordable within their income range.

These escalating shelter costs occur in a context in which growth sprawls unevenly, with some cities absorbing growth, while others maintain the status quo as independent enclaves. For example, the Snohomish County town of Woodway, north of Seattle and bordering King County to the north, has nominated itself as the site of a King County 400 million-dollar sewage plant which would daily process 45 million gallons of raw sewage. Sixty percent of the town's 990 inhabitants have said they would prefer the sewage plant as a way of meeting its regional planning responsibilities rather than accept additional housing. The one-square mile sized town, with a history of racially based exclusion, presently contains no apartments or businesses. The acceptance of this critical facility would exempt the town from additional housing.<sup>9</sup> It should be noted that Woodway may be building on its success in a GMHB decision.<sup>10</sup>

Two contrasting communities illustrate the uneven rate of growth. The city of Federal Way, just south of Seattle, has increased since 1995 by 953 new housing units even though to meet the minimum twenty-year goal set by the GMA, there should have been 2,013 units

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SEATTLE TIMES, Mar. 7, 1999, Lifestyles Section, at 1.

7. See *Affordable Housing in King County: Strategies for Achieving Growth Management Housing Policies*, Mar. 1994, at 13. Report by Affordable Housing Task Force of King County Growth management Planning Council.

8. See *id.* at 14.

9. J. Brunner, *Development stinks; Woodway residents prefer sewage plant*, SEATTLE TIMES, Mar. 11, 1999, at A1, col. 3.

10. See *Lawrence, et al. V. Town of Woodway*, CPSGMHB # 98-3-0012 (Final Decision and Order, Jan. 8, 1999).

constructed. Bellevue, Seattle's suburban city across Lake Washington, saw the construction of 2,000 units of housing, though it required only 1,200 units to meet its goal.<sup>11</sup> According to the Seattle Times, "frustration that some cities aren't doing their part has brought together a diverse group of bedfellows, including an unusual pairing of environmentalists and realtors, in addition to some King County politicians and low-income housing groups."<sup>12</sup> They are all pushing a bill in the state Senate that would force all cities to share the pain.

The GMA required counties and cities to take a share of the growth over the next 20 years. According to King County Councilman Chris Vance, a supporter of the bill, "with the deadline so far off, some have sat on their hands and let others take the growth."<sup>13</sup>

Growth is uneven because there is no penalty for failure to comply with GMA fair share dictates. Forced to search for affordable housing, families are forced farther and farther to the metropolitan periphery thus increasing commute times to work and consequent traffic congestion with its attendant environmental impacts such as deteriorating air quality. In turn, expenditures for infrastructure follow and fuel expansion of urban boundaries leading to a disproportionate allocation of both public and private resources to growth prone sectors of the metropolis.

The desperate quality of the situation can be grasped from a recent proposal/trial balloon from King County Executive Ron Sims, to limit bus service to cities that don't comply with GMA policies to share residential growth. Sims' plan would also withhold road construction funds from cities that don't accommodate growth. Presently, bus service is allocated by geography and population, but the County Executive's plan would base allocation on "whether they're making multifamily-friendly housing decisions or not."<sup>14</sup>

However, the Growth Management Act, as it presently stands,

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11. Kery Murakami, *Not all cities in King County sharing in growth*, SEATTLE TIMES, Mar. 1, 1999, at A1, col. 5.

12. *Id.*

13. *Id.*

14. B. Dudley, *Sims wants to use bus service to prod new housing out of cities*, SEATTLE TIMES, Mar. 2, 1999, at B1, col. 1.

provides for urban growth to be concentrated in Urban Growth Areas (UGA) but characteristically, does not delineate minimum standards of density or intensity. The Act “vaguely defin[es] urban growth as that which involves improvement of land compatible with primary natural resource use and necessitating ‘urban governmental services’ when ‘allowed to spread over wide areas.’”<sup>15</sup>

There are some process constraints with respect to UGA designation. The constraint that generates the most conflict is the requirement that affected cities must agree to the county's designations, even though the counties have the final authority to set UGA boundaries. The UGA designation determines urban area growth patterns. Every ten years, UGA designations must be revised for twenty-year periods.<sup>16</sup> Of perhaps even greater import, the UGA must be sufficient to accommodate the twenty-year Office of Financial Management (OFM) population projections.<sup>17</sup> Finally, exceptions to the UGA city limit concept is provided only where the growth is adjacent to the city limits or are so-called “new fully contained communities.”<sup>18</sup> As for housing within the UGAs, GMA counties and cities must assemble data on existing and projected housing needs.<sup>19</sup> They then must adopt legislation which will facilitate expansion of the housing supply, designating sufficient land for housing, and including a range of housing types in both design and architecture as well as nature of occupancy.<sup>20</sup>

It can fairly be said that the GMA is operative in the worst of both worlds. Sprawl continues apace, but does not lead to an increase in affordable housing. In vain search of affordable housing, families migrate outwards from the central city core compounding the sprawl which nonetheless accompanies escalating shelter costs. All of this occurs in a zero sum game situation which sorts the metropolitan

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15. See Richard L. Settle & Charles R. Wolfe, *Filling Legislative Gaps in Washington's Growth Management Law*, 50 LAND USE & ZONING DIG. 3, No 2, Feb. 1998; See also, Settle & Gavigan, *The Growth Management Revolution in Washington: Past, Present, and Future*, 16 UNIV. PUGET SOUND L. REV. 867, 939, 1993.

16. RCW 36.70A.130(3).

17. See RCW 36.70A.110(2).

18. See RCW 36.70A.110(3); RCW 36.70A.350.

19. RCW 36.70A.070(2).

20. See RCW 36.70A.070(2).

region into essentially haves and have-nots, with the attendant social cleavages and isolation that occur as privilege and poverty become spatially defined.

## II.

Since political processes, like nature, fill vacuums, it has fallen to the Growth Management Hearing Boards (GMHBs) to explore in an entirely adventitious manner, the meaning (or lack of meaning) of the affordable housing goal. The GMA required comprehensive plans from cities and counties governed by the Act, and that mandate has led to challenges to the GMHBs, and thereafter appeals to the courts. The Urban Growth Area concept and the affordable housing goal have generated their fair share of the appeals. Generally speaking, GMHBs have sought to implement the Urban Growth Area concept, though necessarily on a random and uncoordinated basis since the fact and source of an appeal is not determined by the growth boards.

If the nature and source of the appeals has been unpredictable, the response of the GMHBs has been to incrementally connect the dots that hem in urban sprawl. Population projections may not be manipulated so as to expand the UGA boundary,<sup>21</sup> though the Central GMHB permitted Redmond to increase household size as a device to reduce/exclude housing units.<sup>22</sup> Moreover, in *Achen v. Clark County*,<sup>23</sup> the Western GMHB took a "hard look" at density outside the UGA. This policing of UGA boundaries has characterized GMHB decisions according to Settle and Wolfe.<sup>24</sup>

In addition to UGA boundaries, the Boards have also had to determine how dense is dense in situations where communities delineated their growth area but sought to prescribe densities which compromised on the number of dwelling units per acre. The record so

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21. See *Dawes v. Mason County*, WWGMHB # 96-2-0023, (Final Decision and Order, Dec. 5, 1996).

22. See *Benaroya v. City of Redmond*, CPSGMHB # 95-3-0072c (Final Decision and Order, Mar. 25, 1996).

23. CPSGMHB # 95-2-0067 (Final Decision and Order, Sept. 20, 1995).

24. See Richard L. Settle & Charles R. Wolfe, *Filling Legislative Gaps in Washington's Growth Management Law*, 50 LAND USE & ZONING DIG. at 3, No 2, Feb. 1998; See also *Johnson v. King County*, CPSGMHB # 97-3-0002 (Final Decision and Order, July 23, 1997).

far is mixed. Four units per acre has been found UGA consistent, and where there were critical areas to be protected or development hazards, even lower densities were sustained.<sup>25</sup>

The referee function of the GMHBs is well illustrated by a recent Central Hearing Board decision in which Renton, which borders Seattle on its south, alleged that the newly incorporated and relatively more affluent City of Newcastle, violated both the GMA as well as the County Wide Planning Policies of King County.<sup>26</sup> Among other objections, Renton argued that Newcastle understated the percentage of low-income housing it was obliged to plan for under King County Countywide Planning Policies.<sup>27</sup> The Central Board held counties and cities must plan for affordable housing and that cities incorporated after a county adopted its CPPs were nonetheless bound by them. However, the Board determined that Newcastle's housing demand analysis contained in the housing element of its comprehensive plan met the regional housing responsibilities imposed on it by the county.<sup>28</sup> Renton's assertion that Newcastle should have planned for a higher percentage of low-income housing was trumped by a combination of the ambiguities in the King County CPP.

The outcomes of the GMHB controversies are mixed, but the affirmation of the affordable housing goal as an important aspect of the Growth Management Act has been unmistakable. The competing goals of flexibility for local planners and fair share responsibility for affordable housing have oscillated in their importance to the outcomes of particular disputes. The Board decisions as a whole, however, make it unmistakably clear that planning authorities must designate UGAs without evasion and develop affordable housing elements in their comprehensive plans that accord with state projections of population growth and configuration.

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25. See *Litowitz v. City of Federal Way*, CPSGMHB # 96-3-0005 (Final Decision and Order, July 22, 1996); *Benaroya v. City of Redmond*, CPSGMHB # 95-3-0072c (Final Decision and Order, Mar. 25, 1996).

26. *City of Renton v. City of Newcastle*, CPSGMHB # 97-3-0026, (Final Decision and Order, Feb. 12, 1998).

27. *Id.* at 7.

28. *Id.* at 14.

## III.

No matter how clear the GMHB decisions (or no matter their length and complexity), the existing legislative predicate for affordable housing remains a destination without the barest directions to achieve its objective. Most concede that had the GMA contained less ambiguous substantive goals coupled with more precision in its process, it almost certainly would have suffered the doom experienced by Proposition 547, the precursor to GMA I and existing GMA II. But legislative impotence is emblematic of structural and systemic problems in the state legislative process and has so far produced little more than hortatory and aspiration, lacking both carrots and sticks and which has failed to allocate societal resources in a way that will equitably meet the challenge of shelter shortage and inadequacy.

Presently, the GMA in general, and its affordable housing goal in particular, is inefficient and ineffective. The problem is structural. The distribution (and diffusion) of land use planning induces paralysis and delivers the process to the parochialism of nimbyesque groups or vested economic interests, both of whom profit from the perpetuation of the status quo. In Garrett Hardin's phrase, affordable housing is the principal victim of a "tragedy of the commons" in which the marginal utility of increased density is always less than the value of perpetuation of the status quo.<sup>29</sup> Moreover, the "haves" lose—at least in the short term, by any increase in supply, especially if it occurs in their neighborhoods. More housing exerts downward pressure on housing prices in a macro sense, and affordable (real lower income) housing renders neighborhoods less exclusive and the homes in them therefore less valuable.

These short-term, immediate consequences of housing stock expansion have so far trumped any consideration of long term, as well as "global" advantages of expansion of housing supply or its equitable distribution. Communitarian impulses are simply too faint at the present evolutionary stage to lead to preferences for general welfare over particular and personal interests. Thus, directives to plan

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29. See Garrett Hardin, *The Tragedy of the Commons*, 162 *Sci.* 1243 (1968).



based on statewide estimates of growth with generation length compliance periods have proven to be recipes for procrastination.

Moreover, the countywide plans and policy strategies are an attempt at regional planning, but still address the problem of affordable shelter in fragmented terms. Like flora and fauna, the housing problem does not organize itself along county lines and to craft solutions on a countrywide basis is to widen the cracks into which inevitably some jurisdictions will plunge. Simply put, the increasing regionalization of housing markets renders obsolete local jurisdiction attempts to “zone locally” for what is in fact a regional stalemate, and even interstate problem. The present focus on tactics without strategic efficacy ignores the reality of the shortage of affordable homes for purchase or apartments with “accessible rents.”

#### IV.

The recent demise of legislation to impose compliance on recalcitrant communities, which stall or frustrate housing plans suggests the difficulty of this challenge. Introduced in both the House and Senate of Washington State, a recent housing compliance bill<sup>30</sup> essentially accepted the diffuse and polycentric distribution of the power to plan for affordable housing, but sought to prod local planning authority to fulfill GMA housing goals with coercion leavened with incentives.

Known generally as the “Housing Compliance Bill”, but dubbed with the pejoratively the “density” bill by opponents, the proposed legislation accepted the GMA’s distribution of power in which counties generate plans and policies which allocate fair share based on growth projections that include factors which reflect the ranges of market choice. Where growth projections demonstrate a need for affordable units, affected communities must plan to accommodate the demand and also to facilitate production of affordable units.

But building on that framework, and accepting, at least in principle, the “bottom up” basis of land use planning, the original bill would have imposed sanctions on municipalities which did not meet the growth responsibilities determined by population projections

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30. ESSB (Embossed Senate Substitute Bill) 5914.

within five, not the present twenty year time frames.<sup>31</sup> In a word, the original compliance bill required that communities do more than plan and postpone. Unless cities altered hitherto exclusionary land use strategies that have sanctified single-family home zoning, unless they implemented denser housing modes, the proposed law would have subjected local governments to state reductions/cutoffs of sales and use taxes as well as state transportation funds.<sup>32</sup> The law also permitted the use of one percent of state and local taxes for the infrastructure to support denser housing developments.<sup>33</sup> Finally, local government compliance would be measured in five-year increments, not the present GMA's double decade time frame.<sup>34</sup>

Opposition and support of the bill led to interesting alignments. Realtors and County governments, particularly King County, and the State's Affordable Housing Commission supported the legislation along with the leading environmental advocacy organization, One Thousand Friends of Washington. The builders' association's position was more complex and appeared to turn on the imposition of impact fees. If homeowners paid the fees, they were less opposed. If the impact fee burden was imposed on the builders themselves, then their support was not forthcoming.<sup>35</sup>

Opposition by municipalities, headed by the Coalition of Washington Communities, was fierce. This support was reinforced by the Washington Chapter of the American Planning Association, which objected to the bill largely on technical grounds, for example opposing provisions in the law which the planners argued would require local governments to "supply" private land and "produce" market rate housing. However, the objection by cities was more fundamental and more broadly based.

Simply put, the local governments are as concerned for their autonomy and control over land use planning as they are about affordable housing. Indeed, it might be argued that the hegemony of "grass roots" planning strategies is the most powerful motivating

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31. ESSB 5914 § 5.

32. *Id.*

33. ESSB 5914 § 7.

34. ESSB 5914 § 3.

35. Telephone conversation with Rich Thurston of 1000 Friends of Washington of Washington, Mar. 23, 1999.

force underlying local government resistance to regional controls. Thus either naively, or disingenuously, the local governmental umbrella organization could (with a straight face, and in the teeth of a massive and pervasive failure of standard planning processes to solve the affordable housing crisis) suggest that “. . . neighborhood residents and small businesses have been active and supportive stakeholders in GMA; they have accepted the Growth Management Act because it ensures livability as they grow, and maintains planning decisions primarily in local hands. . . [The proposals] would short-circuit the successful and accepted GMA process.”<sup>36</sup> But according to the Seattle-King County Association of Realtors, a group not generally thought of as dedicated to radical restructuring of governmental processes, “[c]urrently, the majority of jurisdictions in King County are failing to meet their housing responsibilities under the GMA and the Countywide Planning Policies.”<sup>37</sup> Despite NIMBYism, fear of change, a desire by citizens to insulate themselves from the effects of the crisis, a lack of knowledge, and complacency, elected officials must address the housing supply crisis. In a confused mix of no-growth sentiment and staggering infrastructure needs, “many jurisdictions are frozen in front of the headlights of growth.”<sup>38</sup>

In any event, the first bill was amended so as to cut out its heart. In a strategic move to isolate opposition, the measure was limited to King County, the idea of capturing part of local sales taxes to pay for infrastructure was abandoned, gubernatorial sanctions were dropped, and the five year time frame for demonstration of activity was doubled to ten. Even so, opposition by the Coalition of Washington Communities endured, with its chair arguing that if passed for King County, the idea would spread and it “would be difficult to explain why central planning should not be imposed throughout.”<sup>39</sup>

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36. See Coalition of Washinton Communities statement of opposition to HB1635, HB2127, HB2191, and SB5914 dated Feb. 22, 1999.

37. See The Seattle-King County Association of Realtors, *King County's Housing Supply Crisis*, SKCAR White Papers Preface, ii.

38. See The Seattle-King County Association of Realtors, *King County's Housing Supply Crisis*, SKCAR White Paper #6, 1.

39. C. Leman, *Don't be dense about growth law*, SEATTLE TIMES, Mar. 26, 1999, at B5, col. 1.

The insularity generated by the ideology of local control of the planning process will continue to balkanize responses to the problem of urban sprawl and make coherent and coordinated responses more difficult. Since each community will want growth to occur in the next, growth will never be managed without regional solutions that can in appropriate cases, override local obstruction such as those that might be provided at the county level, or even at the state level. No single community has the capacity to plan for itself and its neighbors and each will necessarily place its own interests above that of the entire state (or nation for that matter). As the realtors put it, “[c]urrently, many cities are desperately trying to hold on to their town character and are attempting to shield themselves from growth...[m]any cities in King County, reluctant to change the fundamental character of their community, are far behind in meeting their housing targets.”<sup>40</sup>

## V.

The failure to link contemporary affordable housing laws, e.g., Washington’s GMA, with original inclusionary housing and other land use laws robs contemporary housing efforts of the moral and political force necessary to achieve affordable housing. As a result, the problems of racial and economic disadvantage persist.

In order to overcome the exclusion tendency of community development, a regional strategy must be developed that includes regional land use policies supporting the construction of affordable housing, and a regional or statewide tax-based sharing source of revenue. If the region’s communities are allowed to further concentrate social needs on a declining tax base of central and inner city areas, these communities can do little to stabilize fundamentally. Similarly, as long as parts of the region can exclude those costs and effects of social responsibility, the region’s resources and wealth will flow away from the areas that need them the most.<sup>41</sup>

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40. See The Seattle-King County Association of Realtors, *King County’s Housing Supply Crisis*, SKCAR White Paper #7, 1; Kery Murakami, *Not Much Hope for Bill on Growth*, SEATTLE TIMES, Apr. 20, 1999, at B3, col.1.

41. See Myron Orfield, *Seattle Metropolitcs: A Central Puget Sound Regional Agenda for Community and Stability, A Report to the Coalition for a Livable Washington*, Draft Report

In many respects, the Smart Growth legislation of today is ill-suited to address low income housing problems in the central core. In Western Washington, little has been done to encourage rehabilitation of low income housing in the central core before allowing additional outward growth to take place. In Oregon, a state known for its aggressive growth management stance, African American homeownership in inner-city neighborhoods has steadily declined. While growth management strategies result in increased property values in city center areas like Northwest Portland, African American homeowners do not necessarily share in the newly generated wealth but increasingly find themselves in concentrations of poverty.<sup>42</sup> Beyond simply calling for each county or city to provide its "fair share" of housing, a new policy focus should be adopted that attacks the root causes of distressed low-income neighborhoods. Richard Baron suggests that a successful policy addresses the interrelated issues of housing stock condition, employment, education, security, and social services as elements of the "bundle" of essential neighborhood resources necessary to revive the housing stock.<sup>43</sup>

The HOPE VI program in St. Louis is an example of Baron's theory in practice.<sup>44</sup> The key elements of the program include (1) new mixed income housing, (2) site based management of public schools in the neighborhood, (3) a resident-based welfare-to-work program, (4) a neighborhood wellness clinics to provide health services, and (5) a neighborhood retail service center featuring a full-service grocery store. Perhaps the most significant development is the fact that the project demonstrated that middle income persons would live in market rate housing next door to public housing residents.

Programs like the one in St. Louis do not eliminate the need for a regional strategy. A regional strategy is necessary because of the complexity of the process of neighborhood growth and decline, the external forces over which neighborhoods have little or no control,

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at 35, Aug. 1998.

42. See Osker Spicer, *Race, Urban Poverty Analyst Warns Portland About Trend*, PORTLAND OREGONIAN, Oct. 31, 1997.

43. See Richard D. Baron, *Community Organizations: Antidote for Neighborhood Succession and Focus for Neighborhood Improvement*, 21 ST. LOUIS U. L.J. 634, 634 (1978).

44. See McCormack Baron & Associates, Inc., *Urban Revitalization Demonstration: Mixed-Income Housing Initiative* (Jan. 10, 1994).

the intense competition for public and private investment, the expansion of metropolitan areas, and the lack of success of uncoordinated local efforts.<sup>45</sup>

A regional approach to affordable housing cannot stop with the lofty goal of spreading the “fair share” of housing across the region. Inclusionary land use policies such as incentive zoning, density bonuses, presumptive acceptability of affordable housing, and regional override of local zoning decisions are necessary elements of a regional solution. By spreading affordable housing and social services throughout a region, closer links can be forged between jobs and housing, the isolation of low income and minority households can be reduced, and public costs associated with affordable housing can be allocated more evenly with public wealth.<sup>46</sup>

John a. powell’s well-known article “*Race and Space*”<sup>47</sup> supports this regional approach to the housing problem. Powell asserts that white segregationism, or resistance to regionalism, manifests itself in support of in-place strategies. These strategies attempt to move resources and opportunities to low-income central city residents, and to generate improvements in urban neighborhoods of color, as opposed to mobility-oriented schemes, which aim to disperse central city residents to other existing opportunities. Whites, he says, want to keep minorities “immobile” and out of their suburban neighborhoods. However, powell notes that in-place strategies frequently receive support from minorities as well. Minorities would often rather retain local control even if housing and other opportunities are lacking in their community. Powell’s theory, “federated regionalism,” recognizes that a regional approach to this problem is necessary; however, some issues are of a local nature, and thus more effectively addressed by a local government.<sup>48</sup>

Effective state and local government legislation, such as the Housing Compliance Bill (as originally drafted), may be the only effective tool to spur regional action to provide affordable low-

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45. The American Assembly, *Community Capitalism: Rediscovering the Markets of America’s Urban Neighborhoods*, 5 (1997).

46. Peter W. Salsich, *Thinking Regionally About Affordable Housing and Neighborhood Development*, 28 STETSON L. REV. 577, 588 (1999).

47. john a. powell, *Race and Space*, 8 POVERTY & RACE 3, 4 (1999).

48. *Id.*

income housing and break down the ethnic balkanization which continues to plague the land of sprawl.<sup>49</sup>

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49. See DOUGLAS S. MASSEY & NANCY A. DENTON, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* (1993); Florence Wagman Roisman, *The Lessons of American Apartheid: The Necessity and Means of Promoting Residential Racial Equality*, 81 *IOWA L. REV.* 479 (1995).