

We Can All Learn From Studying Racism's Role in the Evolution of Local Zoning

No one can deny that racism has played a role in housing, as it has in virtually every aspect of society since the founding of our country. Like me, however, I bet you'll learn some things you didn't know from this study of racism in zoning written by my friend, Don Cameron. While this study is of the City of Golden, it would be fair to say that it reflects the evolution of zoning throughout the country.



By JIM SMITH, Realtor®

building in Golden. However, the 1920s also saw our government filled with KKK members and sympathizers and a reduction in Black (Negro at the time) residents in Jefferson County.

While Blacks in the county and city were few in number in the 1920s, nonetheless the KKK burned crosses on South Table Mountain's Castle Rock formation above where Coors' tourist parking lot is now.

There was a measurable racist element in the population, and there was not a welcoming environment. The plats were already written, and the residential land use defined, so there was little "need" to be racist in zoning because there was no demand (that is, few black people lived in Golden).

This "lack of need for racist/exclusionary zoning" changed, however, in the late 1930s amid the boom leading up to World War II.

Again, land use at the time was mostly protecting individual property rights. While the Supreme Court had ruled that cities could control land use, there was a very hands-off approach to this. So the "law" was on the side of homeowners.

Starting in the 1920s and into the 1940s it was common for people in many areas of Jefferson County to say they'd only sell their property to those of the Caucasian or other non-Negro races.

The courts backed up this right because they were protecting homeowners' use of their land and had no civic duty to prevent this discrimination. Blacks were excluded from being shown properties in these restrictive areas, and, if they tried to purchase them, they might have it taken away soon after.

In 1942 there was the case of a Black family trying to build a new development and victory garden near what is now Boyd Street. The family said they would put in all the utilities required to government code. Still, white citizens of Golden protested. The following article appeared in the October 22, 1942, edition of the Golden Transcript:

Citizens Protest to City Council

A large number of citizens appeared before the city council Wednesday evening, and stated that a group of colored people had taken possession of the land recently purchased by them east of the Clark's Garden addition, within the city limits of Golden, and were apparently staking out some proposed building sites. These citizens protested to the city council the starting of a colored settlement in Golden.

The article went on to say that at

the mayor's direction, a citizen's committee was formed to negotiate with the FHA to not allow this sale to go through and not fund it, claiming the cost of extending utilities would be burdensome. One of the citizens appointed to this committee was Casper Bussert.

Golden had few areas that were not platted, but when a new plat was put in for the Sunshine Park Addition in 1944, by this same Casper Bussert, he added a deed restriction limiting ownership to Caucasians.

While this would seem to violate the 14th Amendment, the Supreme Court had already ruled that the 14th Amendment was about *states* not discriminating based on race, but was silent on *individuals'* ability to discriminate. However, in the late 1940s the NAACP and others started pushing back on these covenants using the following argument: If a black person were to buy a restricted property and then the state were to *enforce* the covenant, that would constitute a violation of the 14th Amendment, which eliminated slavery and gave Blacks the right to buy and own property.

In 1948 the Supreme Court ruled that these types of covenants were no longer enforceable. Almost immediately, and certainly by 1950 one sees a complete change to the covenants created in Golden and surrounding areas. Rather than explicitly restricting an area to whites, there were new restrictions excluding those without access to capital. Enter classism.

Even though redlining was no longer permitted, there were (and are)

limits on Blacks' ability to get loans on favorable terms. Some loans, for example, were interest only for the term of the loan, so one did not gain any equity until the loan term ended. Failure to make even one payment could result in "owners" losing their homes with no equity.

When new restrictions were put in place by the FHA, they targeted people without access to loans. An additional clause that targeted families with kids was the *Nuisance Clause*, which limited activities based on the opinion of the architectural control committee.

R1 (single-family) zoning, as laid out in the city code, shows a direct evolution from *racist covenants* to *restrictive covenants* to *exclusionary zoning*, all of which kept housing out of the hands of Blacks.

The legacy of this is the noticeable and persistent wealth gap in this country. Blacks, by being excluded from homeownership, have not been able to build wealth, escape blighted areas, or enjoy integrated schools. Because school funding is typically based on property taxes, school districts are self-segregated by wealth and thereby race.

In summary, Golden's history follows the narrative of the country with respect to race. Land planning and zoning may be silent on race, but the effect of both planning and zoning continues to exhibit, in its end result, the heritage of systemic racism, to the detriment of Blacks in particular.

(Edited for length. Find the full article at www.GoldenREblog.com.)

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Downtown Golden is a great place to live, and this condo building at **640 11th Street** is as close as you'd want to be — backing to Clear Creek and just one block from Washington Avenue. The balcony of this condo (**Unit 203**) has a view of Lookout Mountain and the "M" on Mt. Zion. All the year-round excitement of Golden is within walking distance but not outside your window. If you have an electric car, there's free charging in the public garage across from the building's entrance and 8 other free charging stations within 4 blocks. Hiking trails are also a short walk away, up North & South Table Mountain as well as Mt. Zion, Lookout Mountain and Mt. Galbraith Open Space. Inside, this is a low maintenance condo with hardwood floors throughout, slab granite countertops, stainless steel appliances, and low energy costs. Take a narrated video tour at www.GoldenCondo.info, then call your agent or **Jim Smith** at **303-525-1851** for a private showing.



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