

# Single Family Covenants Research Review

Regional Staff Committee

March 20, 2025



Puget Sound Regional Council



*We are leaders in the region to realize equity for all. Diversity, racial equity and inclusion are integrated into how we carry out all our work.*

[psrc.org/equity](https://psrc.org/equity)

# Agenda

- Single Family Covenants and HB1110/HB1337
- Similar Research to Understand Covenants
- Who We've Contacted
- Key Issues
- Next Steps
- Questions/Comments/Feedback
  - Jurisdiction Interest Form





# Why research single family covenants

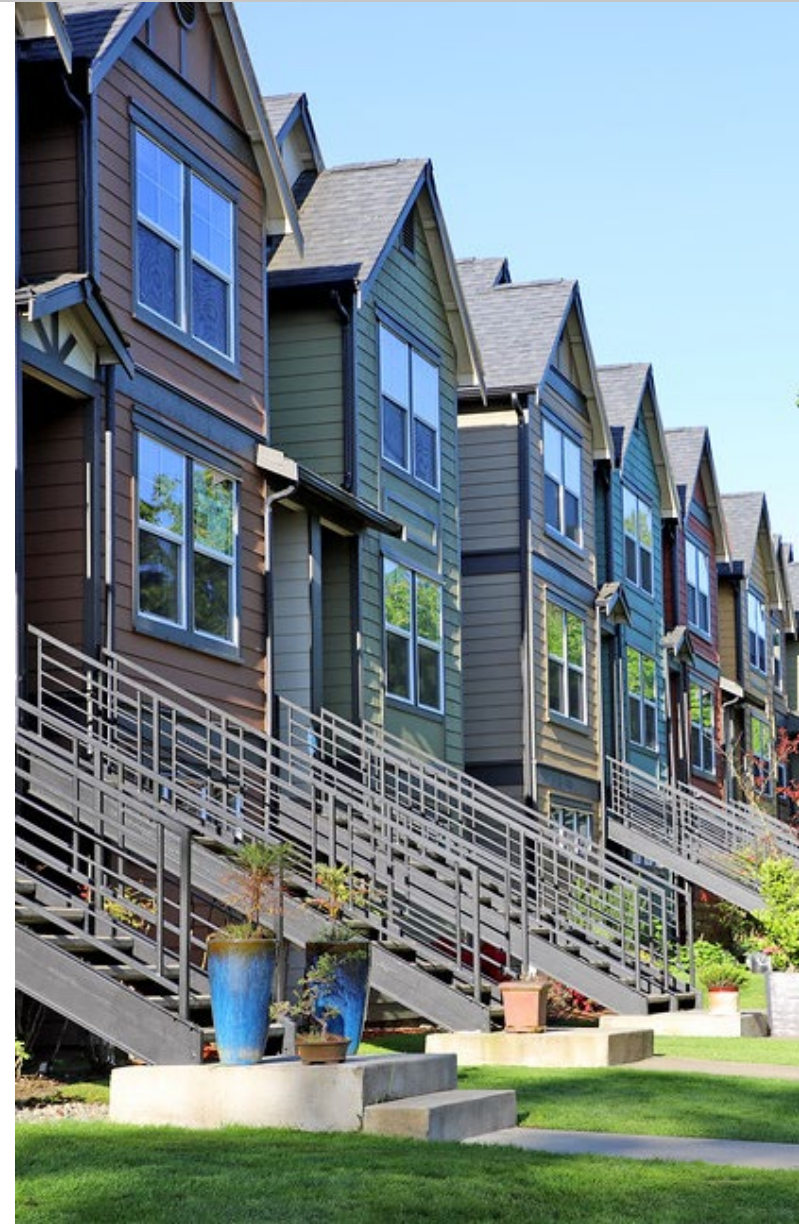
- The Region is in a Housing Crisis
- Middle housing and ADU legislation with the goal to create more opportunities for housing.
- Restrictive covenants exist throughout the region.
- How will single family covenants affect implementation?





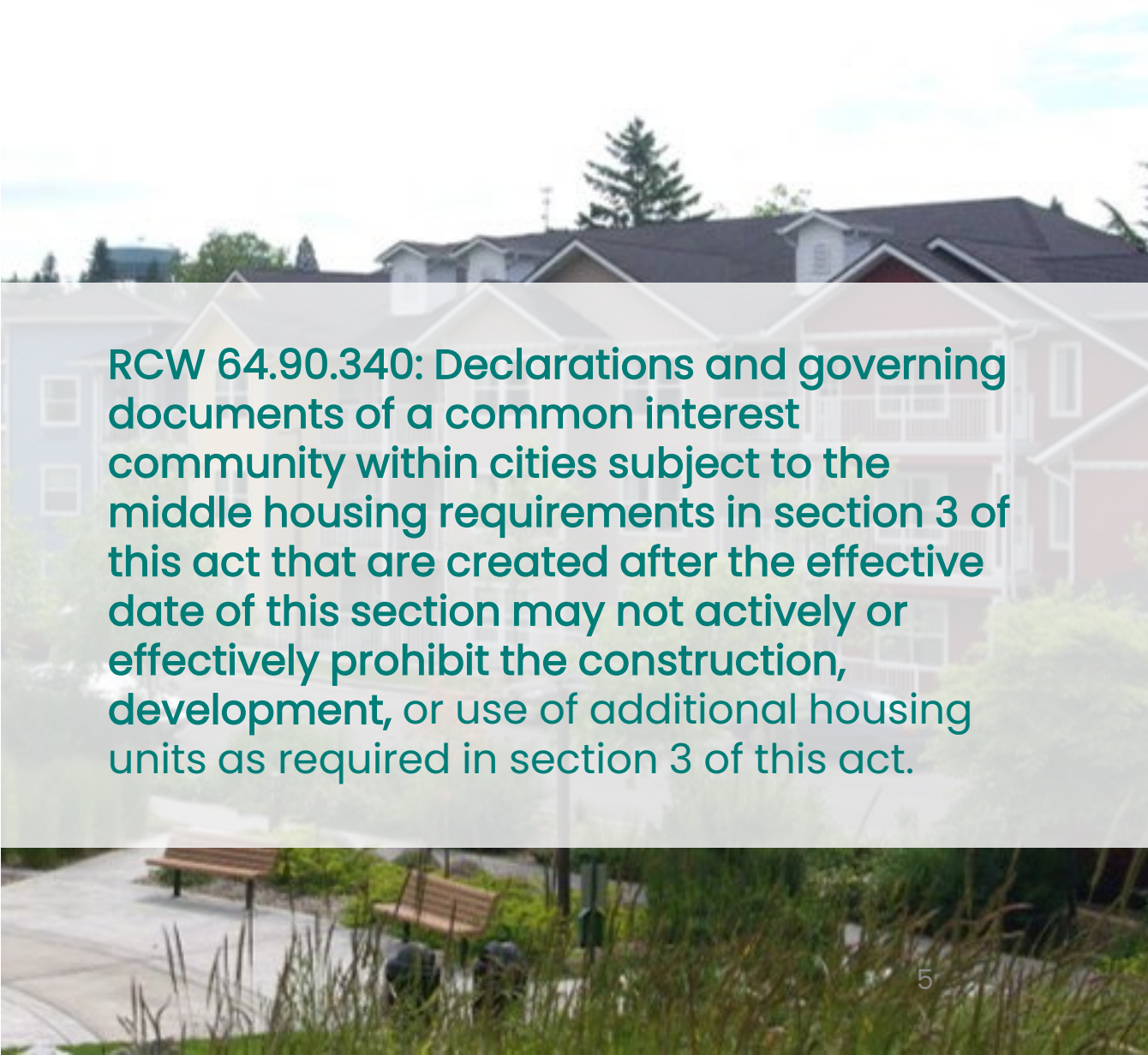
# Middle Housing – HB 1110 & 1337

- Must allow at least 3 units per parcel in all urban areas
  - At least 6 in some cities near transit or with affordability
- Limits on SEPA appeals
- Existing covenants may restrict development
- Limits to parking requirements



# Single Family Covenants and HB1110/HB1337

- HB1110 and HB1337 only prohibit covenants created after implementation to be in effect.
- The extent of parcels affected by covenants is unclear.
- Some covenants explicitly prohibit structures that are not single family homes.



RCW 64.90.340: Declarations and governing documents of a common interest community within cities subject to the middle housing requirements in section 3 of this act that are created after the effective date of this section may not actively or effectively prohibit the construction, development, or use of additional housing units as required in section 3 of this act.

# Related Research

- UW/EWU – [Racial Restrictive Covenants Project](#)
- Montgomery County, Maryland – [Mapping Segregation Project](#)

## PROTECTIVE COVENANTS FOR BAKER'S THIRD ADDITION

Tacoma, Washington

These Covenants are to run with the land and shall be binding on all parties and persons claiming over them until January 1st, 1962, at which time said Covenants shall be automatically extended for successive period of 10 years unless by vote of the majority of the then owners of the lots it is agreed to change said Covenants in whole or in part.

Invalidation of any one of these covenants by judgment or court order shall in no wise effect any of the provisions which shall remain in full force and effect.

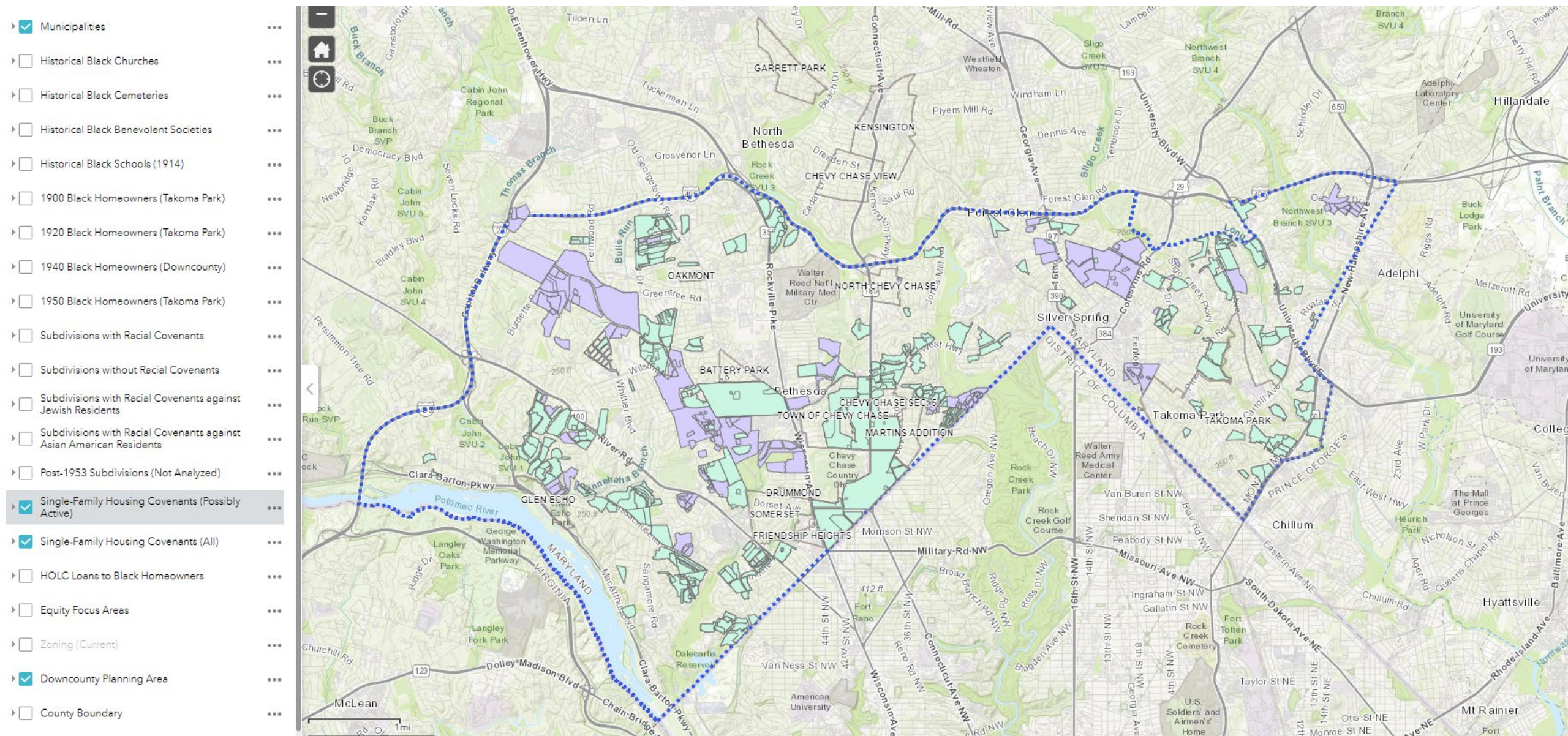
A. All lots in the tract shall be described as residential lots.

No structure shall be erected, altered, placed or permitted to remain on any residential plot other than one detached single family dwelling not to exceed 2½ stories in height and a private garage for not more than 2 cars.





# Related Research – Montgomery County





# Outreach

- WA Racial Covenant Project
- County Assessors and Recorders
- Secretary of State's Office
- Redfin/Zillow
- Montgomery County Planning Department
- MBAKS
- Limited local staff
- Department of Commerce
- Foundation of Community Association Research





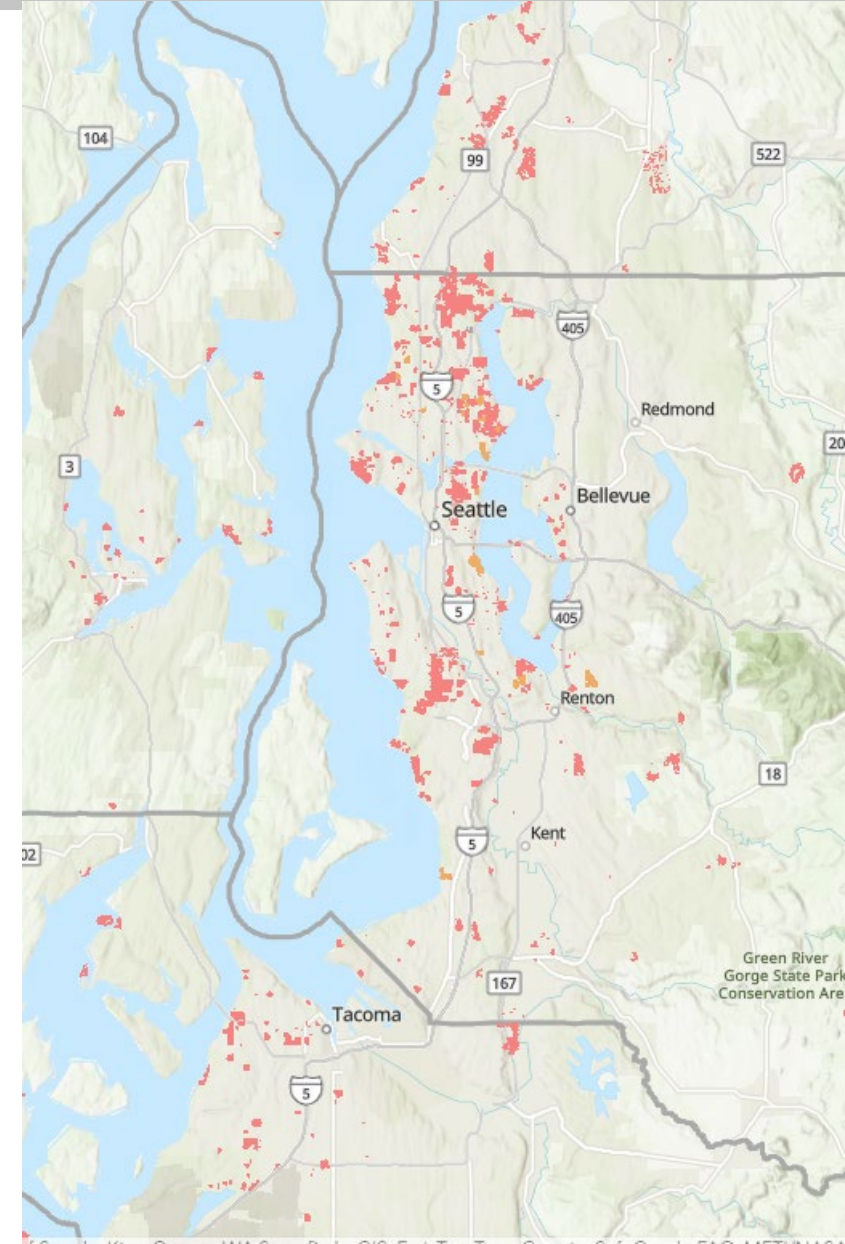
# Key Issues

- Single family covenants are common
- Builders are already encountering and being stymied by single family covenants
- Homeowners associations are an imperfect but illustrative proxy for covenants



# Single Family Covenants are Common

- Professor James Gregory, Director of the Racially Restrictive Covenants Project, noted that most racially restrictive covenants also had single-family covenants.
  - While the racial covenants in the declarations are now invalid, other covenants may still be in effect.
- Locally, some cities have noted that much of their jurisdiction is restricted by these covenants.
  - The City of Sammamish noted that perhaps up to 80% of the city's area was restricted by covenants.





# Covenants Are Stymying Builders

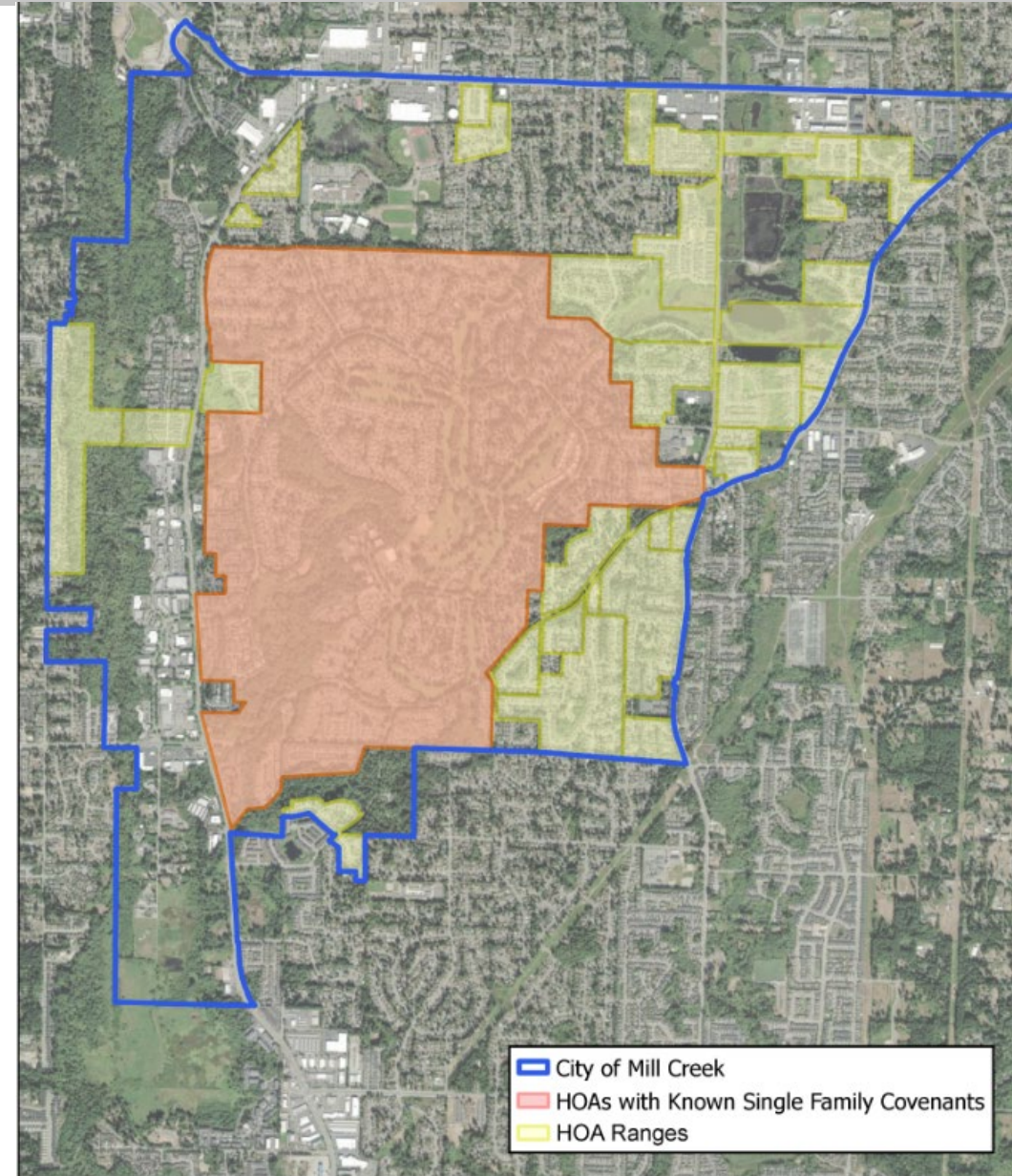
- MBAKS noted frustration by members that encounter single family covenants that slow or kill housing projects.
- Shoreline and Bellevue were among the jurisdictions that MBAKS members had encountered such issues in.





# HOAs and Single Family Covenants

- Many single family residence HOAs have single family covenants in their bylaws
- Local jurisdictions often understand where their HOAs are and their bylaws
- Not all HOAs have single family covenants
- Some HOAs have proactively added single family covenants since HB 1110 and HB 1337's passage.





# HOAs and New Single Family Covenants

## Document Information

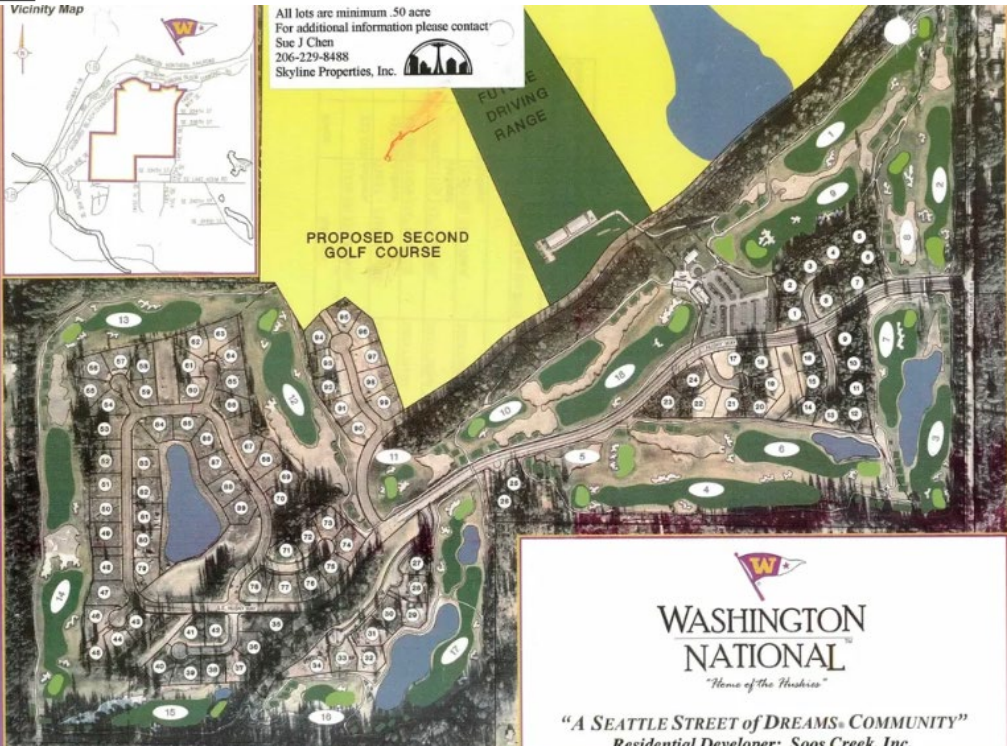
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Instrument #	20230712000479
Book/Page	
Record Date	07/12/2023 02:15:56 PM
Book Type	NONE
Doc Type	AMENDMENT TO DECLARATION OF CONDO
Number of Pages	4
Grantor	DIAMOND RIDGE ESTATES HOMEOWNERS ASSOCIATION
Grantee	DIAMOND RIDGE ESTATES HOMEOWNERS ASSOCIATION DIAMOND RIDGE ESTATES PUBLIC
Doc Link	20004100000202 COVENANT

**B. The following Section is hereby added to Declaration Section 5.2, Approval of Building or Clearing Plans Required:**

**5.2.10 One Dwelling Unit on Lot.** Only one (1) Dwelling Unit shall be erected, constructed, maintained or permitted on a Lot. This restriction is intended to prevent (i) the construction of more than one (1) Dwelling Unit on a Lot, or (ii) the conversion or alteration of existing structures on a Lot to multiple Dwelling Units or attached or detached accessory Dwelling Units. This section intends to clarify that the limit on the number of Dwelling Units on a Lot in Diamond Ridge Estates is one (1) Dwelling Unit per existing Lot.

**C. This Amendment to the Declaration shall take effect**  
**Amendment to the Declaration shall control over and**  
**provision of the Declaration or the Bylaws of the Association**  
**instrument, the Declaration shall remain in full force and**

[The remainder of this page intentionally blank. Signature(s),





# Next Steps



- Commerce middle housing guidance recommends education.
- Have single family covenants presented a problem in your jurisdiction?
- How can PSRC assist local jurisdiction with understanding this issue?





# Questions, Comments, and Feedback

[Survey for Interested Jurisdictions](#)



# Thank You!

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