



Legislation Text

File #: RES 21-613, **Version:** 1

Condemning the use of discriminatory covenants, discharging discriminatory covenants on city-owned property, and approving participation in the Just Deeds coalition.

WHEREAS, discriminatory covenants were tools used by real estate developers to prevent BIPOC and non-Christian individuals from buying or occupying property in certain areas, and they were common throughout the United States from the early 1900s to the 1960s; and

WHEREAS, the purpose of discriminatory covenants was to racially and religiously homogenize communities by excluding BIPOC and non-Christian individuals from Saint Paul, and these tools segregated the metro area and built a hidden system of apartheid; and

WHEREAS, in 2016, the University of Minnesota founded Mapping Prejudice to expose the discriminatory practices that shaped the landscape of the metro area; and

WHEREAS, restrictive covenants are no longer enforceable. Legal efforts to eliminate Discriminatory Covenants include *Shelley v. Kraemer*, 334 U.S. 1 (1948), in which the United States Supreme Court prohibited courts from enforcing Discriminatory Covenants and the Minnesota legislature in 1953 enacted statutes that prohibited new covenants, but existing covenants were still legal in Minnesota until 1962; and

WHEREAS, as a result of these judicial and legislative actions, today, Minnesota law and federal law prohibit discrimination in the sale or lease of housing based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or familial status; and those state and federal prohibitions extend to the refusal to sell or to circulate, post or cause to be printed, circulated, or posted, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or familial status; and

WHEREAS, in 2019, the Minnesota Legislature passed a law authorizing property owners to individually discharge or renounce discriminatory covenants by recording a discharge form in the county property records; and

WHEREAS, discriminatory covenants promoted and established residential racial segregation, which historically and currently has impacted property ownership, accumulation of wealth, property transfers, mortgage eligibility, rental eligibility, property values, property tax base, internet access, and more; and

WHEREAS, discriminatory covenants benefitted White communities, for example, homes that were racially covenanted are still predominantly owned by White people and are worth approximately 15% more today than non-covenanted properties; and

WHEREAS, discriminatory covenants created demographic patterns that remain in place today; and

WHEREAS, the State of Minnesota and the City of Saint Paul recognize the harm that Discriminatory Covenants-and the racial, religious, and other discriminatory practices that they represent-cause to society in general and to the individuals who are adversely affected by racial, religious, and other discrimination through the presence of discriminatory covenants in the public land records; now, therefore, be it

RESOLVED by the Council of the City of Saint Paul that:

1. The City of Saint Paul disavows and condemns the past use of discriminatory covenants and

prohibits discriminatory covenants from being used in the future.

2. City staff is directed to participate in the work of the Just Deeds Coalition to educate the community about this and other historically discriminatory practices; to identify contemporary discriminatory systems, policies, and practices; and to dismantle racist systems, practices, and policies in the City of Saint Paul and create equity for all.

3. The City Attorney is directed to investigate and to identify any real property owned or leased by the City that contains discriminatory covenants and to prepare and record an affidavit or request an examiner's directive discharging such discriminatory covenants pursuant to Minnesota Statute § 507.18, subd. 5.

4. The City Attorney will work with the University of Minnesota's Mapping Prejudice Project to identify properties within the City containing discriminatory covenants, and work with property owners within the City to prepare the legal documents needed to assist property owners discharge these discriminatory covenants.