



City Toolkit





Discriminatory covenants shaped the geographic and demographic landscape of our cities. They determined where people live, where different types of businesses are located, what type of housing is available, where highways were built, where garbage dumps were placed, how public education was funded, and more. These patterns remain today and are often reinforced by current city policies, ordinances, and planning decisions. Just Deeds invites all cities committed to the Just Deeds mission to participate in the coalition.

Expectations

No formal action is required to join the Just Deeds project, but most cities join by passing a resolution of support (see sample resolution in [Attachment 1](#)).

All cities wishing to participate in Just Deeds must:

- Commit to the Just Deeds mission statement in word and in action (see Just Deeds mission in [Attachment 2](#))
- Dedicate resources to support the Just Deeds mission. Some examples of how other cities are participating include:
 - devoting staff or volunteer time to connecting residents with free help from legal and title professionals to discharge discriminatory covenants (required)
 - discharging covenants on city-owned property
 - engaging in community conversations on race and housing
 - identifying anti-racist action your city and community can take to address housing barriers
 - engaging your city's Human Rights Commission and City Council (see sample memo [Attachment 3](#) and sample presentation in [Attachment 4](#))
 - joining with other Just Deeds cities to create new equity tools tailored to city government



Benefits

Benefits of participating in the Just Deeds project include the following:

- Your city will be featured on the Just Deeds website, along with other participating cities.
- If there are restrictive covenants in your community, the Just Deeds team will connect you with volunteer attorneys to help your residents discharge their covenants. Your city staff will be responsible for managing the process of connecting residents to attorney volunteers. Just Deeds will provide you the tools and instruction necessary to carry out this portion of the project.
- Your city will receive access to educational materials about discriminatory covenants in Minnesota and will be invited to collaborate with other Just Deeds members to develop policies, practices, and programs to dismantle racist systems.

Thank you for your interest in participating in the Just Deeds coalition. We look forward to working together to create meaningful and lasting change in Minnesota one deed, policy, and planning decision at a time.

Sample Resolution

RESOLUTION NO. 20 –

RESOLUTION 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 Golden Valley. 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 racist practices that shaped the landscape of the metro area. Mapping Prejudice researched restrictive covenants in Hennepin County and created the first-ever comprehensive map of racial covenants in an American city. The project mapped 24,131 covenants in Hennepin County, including 1,604 covenants in Golden Valley; and

WHEREAS, an example of a common covenant in Golden Valley declared that “No part of said premises shall ever be used or occupied by or sold, conveyed, leased, rented or given to Negroes, or Mongolians or Hebrews or any person or persons of the negro race, or Mongolian race or Hebrew race or blood; and

WHEREAS, the discriminatory covenants in Golden Valley are concentrated along its borders with Minneapolis and Robbinsdale, and in other desirable areas in the City, such as near downtown, around parks and open spaces, and near the private golf course; and

WHEREAS, the City of Golden Valley owns sixty-one parcels of land that contain a discriminatory covenant, including parcels located in the Golden Ridge Nature Area, Lakeview Park, Seeman Park, North Tyrol Park, and South Tyrol Park; and

WHEREAS, City leaders knew about the use of discriminatory covenants and sanctioned their use. For example, meeting minutes show that in 1938 the Planning Commission and City Council required the developer of the West Tyrol Hills subdivision to impose discriminatory covenants on all lots in the development as a condition of granting the required land use approvals; 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. Discriminatory covenants fortified systemic racism and compounded economic divestment in specific communities within Hennepin County; 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. Due in part to this historical practice, the population of the City of Golden Valley is less racially diverse than the populations of all of its neighboring communities and has a lower percentage of minority owned businesses than many neighboring communities; and

WHEREAS, in 2019, the City Council directed the Human Rights Commission to begin work on the Just Deeds Project, which connects residents to pro bono attorneys who can help remove discriminatory covenants from property titles in Golden Valley; and

WHEREAS, the State of Minnesota, including the City of Golden Valley, recognizes 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.

BE IT RESOLVED by the City Council of the City of Golden Valley that:

1. The City of Golden Valley disavows and condemns the past use of discriminatory covenants and prohibits discriminatory covenants from being used in the future.
2. 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.
3. 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 take action to dismantling racist systems, practices, and policies in the City of Golden Valley to create equity for all.

Adopted by the City Council of Golden Valley, Minnesota this 7th day of October 2020.

Shepard M. Harris, Mayor

ATTEST:

Theresa J. Schyma, City Clerk



Mission Statement



Mission Statement

Just Deeds is a coalition of community stakeholders committed to acknowledging and addressing systemic racism in housing in Minnesota. Coalition members provide free legal and title services to help property owners find discriminatory covenants and remove them from their property titles and will provide the foundation of education and acknowledgement necessary to pursue reconciliation and anti-racist solutions. We represent organizations and entities who share responsibility for creating and correcting systemic racism in housing. We acknowledge the racist systems created and perpetuated within communities, and we will work toward dismantling these systems. Members of the Just Deeds coalition are committed to working toward meaningful and lasting change in Minnesota. Coalition members will achieve this goal by:

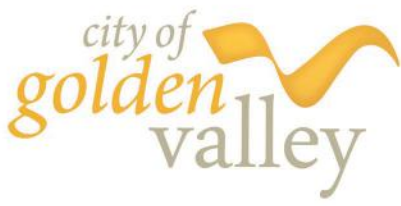
- educating Minnesotans about the racist practices perpetrated by developers, real estate agents, lawyers, and local, state, and federal governments to establish segregated housing and keep wealth and opportunity away from communities of color
- educating Minnesotans so they understand who has directly and indirectly benefitted from historically racist practices and how those practices have shaped access to property, homeownership, and wealth over time
- taking action to dismantle the racist systems that perpetuate inequality and devoting resources to create equity for communities of color

All members of the Just Deeds Coalition recognize the following truths and principles:

- Systemic racism in housing occurs today. Black, Indigenous, and other communities of color continue to face discrimination and lack of access to affordable housing and home ownership.
- Continued denial of opportunities to build generational wealth through home ownership perpetuates inequity within our communities.
- We will not erase or deny history. We will acknowledge it and learn from it.
- We are dedicated to honesty about institutional roles (public and private) in building and perpetuating systemic racism.
- We commit to begin and participate in hard conversations within our communities and institutions about our shared history of discrimination and systemic racism.
- We pledge to examine the current policies and practices of our institutions to prevent future racist actions.
- When we identify racism in our institutions and processes, we will actively work to remove it.



Sample Memo



EXECUTIVE SUMMARY

City Administration

763-593-8006 / 763-593-8109 (fax)

Golden Valley City Council Meeting

October 7, 2020

Agenda Item

___ . Resolution condemning the use of discriminatory covenants, discharging discriminatory covenants on City-owned property, and approving participation in the Just Deeds Coalition

Prepared By

Kirsten Santelices, Human Resources Director/Human Rights Commission Liaison

Kiarra Zackery, Equity and Inclusion Manager

Maria Cisneros, City Attorney

Summary

Overview

Staff recommends that the City Council pass a resolution to:

- Condemn the past use of discriminatory covenants in Golden Valley and prohibit their future use;
- Investigate and identify any real property owned or leased by the City that contains discriminatory covenants and to discharge those covenants in the Hennepin County land records; and
- Participate in the Just Deeds Coalition, a group of community stakeholders committed to acknowledging and addressing systemic racism in housing in Minnesota.

What is Just Deeds?

Just Deeds is the name of a project launched by the Golden Valley Human Rights Commission (the "HRC") to provide free legal assistance to homeowners who want to research and discharge discriminatory covenants from their property titles. The City has partnered with local law firms and title companies, including Hoff Barry, Dorsey and Whitney, Edina Realty Title, and Guaranty Title to accomplish this work.

Just Deeds also shares the name with a coalition of cross-disciplinary organizations whose goal is to acknowledge the harm caused by discriminatory covenants and actively work to dismantle structural and institutional racism through education and action. Coalition participants include Mapping Prejudice, the Minnesota Association of City Attorneys, Edina Realty Title, the Minneapolis Area Association of Realtors, and the St. Paul Area Association of Realtors. Additionally, Golden Valley staff is working with staff members from Hennepin County and neighboring cities to further the work of the Just Deeds Coalition.

Project Timeline

In 2019, the Minnesota Legislature passed a law to allow property owners to renounce discriminatory covenants on their properties. In response, the HRC requested that the City Council approve an

amendment to its 2019 work plan, adding the topic of discriminatory covenants. In the spring of 2020, the City launched the Just Deeds project and began working with Just Deeds Coalition member organizations. The Coalition is actively working to educate Minnesotans about: (1) historically racist practices; (2) the deliberate, pervasive damage discriminatory covenants have caused to communities of color and other traditionally marginalized groups of people; and (3) how these systems directly benefited white persons. Additionally, the Coalition aims to take an active role in identifying discriminatory systems and devote resources toward creating equity for all persons. See Just Deeds Coalition Mission Statement (attachment 1). As of the date of this summary, the City has received approximately 112 requests from homeowners to research and discharge discriminatory covenants on their property titles.

Discriminatory Covenants in Golden Valley

Governments, including the City of Golden Valley, played a significant role in the use of discriminatory covenants. For example, the federal government required discriminatory covenants to secure FHA mortgage financing. In some cases, cities required developers to impose covenants as a condition of subdivision approvals.

Records show that Golden Valley leaders knew that developers were using discriminatory covenants in the City and either sanctioned or required the practice. For example, in 1938 the Planning Commission and the City Council required the developer of the West Tyrol Hills subdivision to impose discriminatory covenants on all lots in the development as a condition of granting the required land use approvals. See February 10, 1938 Planning Commission meeting minutes (attachment 2) and March 1, 1938 City Council meeting minutes (attachment 3).

There are 1,604 discriminatory covenants in Golden Valley. *Figure 1* below shows where these covenants are located. *Figure 2* is an example of the language used in discriminatory covenants. This particular covenant can be found in the Tralee Addition (Meander and Paisley Road area).

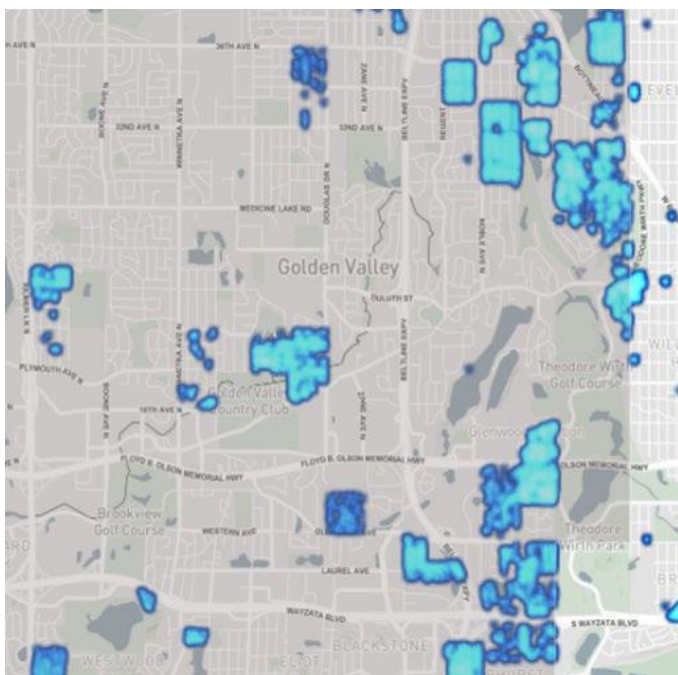


Figure 1.



Figure 2.

Another example of discriminatory covenant language found in Golden Valley stated “No persons of any race other than the Caucasian race should use or occupy any building or any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race domiciled with an owner or tenant.” This covenants was found in the Spring Green neighborhood.

While completing title research, the City Attorney and the City’s GIS Specialist identified 61 City-owned parcels with discriminatory covenants in places such as the Golden Ridge Nature Area, Lakeview Park, Seeman Park, North Tyrol Park, and South Tyrol Park. See map of affected City-owned parcels (attachment 4). Further research is required to determine whether the City knew about the covenants at the time these properties were acquired. The City can discharge these covenants under state law and the proposed resolution contains a provision authorizing the City Attorney to prepare and record the necessary forms to complete the discharge process. While this action will discharge the covenants and affirm that they are no longer enforceable, it will not delete them from the property records.

Discriminatory covenants in Golden Valley created long-lasting consequences and a legacy of inequity between White persons and Black, Indigenous, and Persons of Color (BIPOC). Discriminatory Covenants promoted and established residential racial segregation, which continues to prevent access to property ownership, accumulation of wealth, property transfers, mortgage eligibility, rental eligibility, property values, property tax base, education, transportation, medical care, home ownership, internet access, environmentally healthy spaces, and more. Data shows that homes that were racially covenanted are still predominantly owned by White people and are worth approximately 15% more today than non-covenanted properties. Additionally, in part due to discriminatory covenants, the City of Golden Valley’s population is less racial diversity than surrounding cities.

Dismantling the Legacy of Discriminatory Covenants

By starting the Just Deeds project and joining the Coalition, the City of Golden Valley is taking the first step to mitigate its role in systemic racism in housing. The Just Deeds project acknowledges that discriminatory covenants are one part of a racist system that intentionally excluded Black, Indigenous and People of Color from social, economic, and political benefits associated with homeownership generally and living in Golden Valley specifically. In order to address all matters of racial inequity, the lasting impacts of racial segregation must be addressed through the public denouncement of this historical practice. The City must establish new systems to replace the old.

The City of Golden Valley can become a model for racial restitution for all groups harmed by the institutional practice of discriminatory covenants by intentionally and deliberately taking the following steps: discharging the discriminatory covenants on City-owned property, continuing to actively participate in the Just Deeds Coalition, educating the community about discriminatory covenants, and identifying and overturning all policies influenced by the use of discriminatory covenants.

Financial Or Budget Considerations

Not applicable

Recommended Action

Motion to pass Resolution 20-___ condemning the use of discriminatory covenants, discharging discriminatory covenants on City-owned property, and approving participation in the Just Deeds Coalition

Supporting Documents

- Resolution No. 20-___ Condemning the Use of Discriminatory Covenants, Discharging Discriminatory Covenants on City-owned property, and Approving participation in the Just Deeds Coalition
- Attachment 1: Just Deeds Coalition Mission Statement (1 page)
- Attachment 2: February 10, 1938 Planning Commission Meeting Minutes (2 pages)
- Attachment 3: March 1, 1938 City Council Meeting Minutes (2 pages)
- Attachment 4: Map of City-Owned Parcels with Discriminatory Covenants (1 page)
- Just Deeds Coalition PowerPoint Presentation

Sample Presentation

Racially Restrictive Covenants

Council/Manager Meeting

November 12, 2019

What are Racially Restrictive Covenants?

- **Racially restrictive covenants** refer to contractual agreements that prohibit the purchase, lease, or occupation of a piece of property by a particular group of people.

For example:

F. - No persons of any race other than the Caucasian race shall use or occupy any building or any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race domiciled with an owner or tenant.

History of racially restrictive covenants

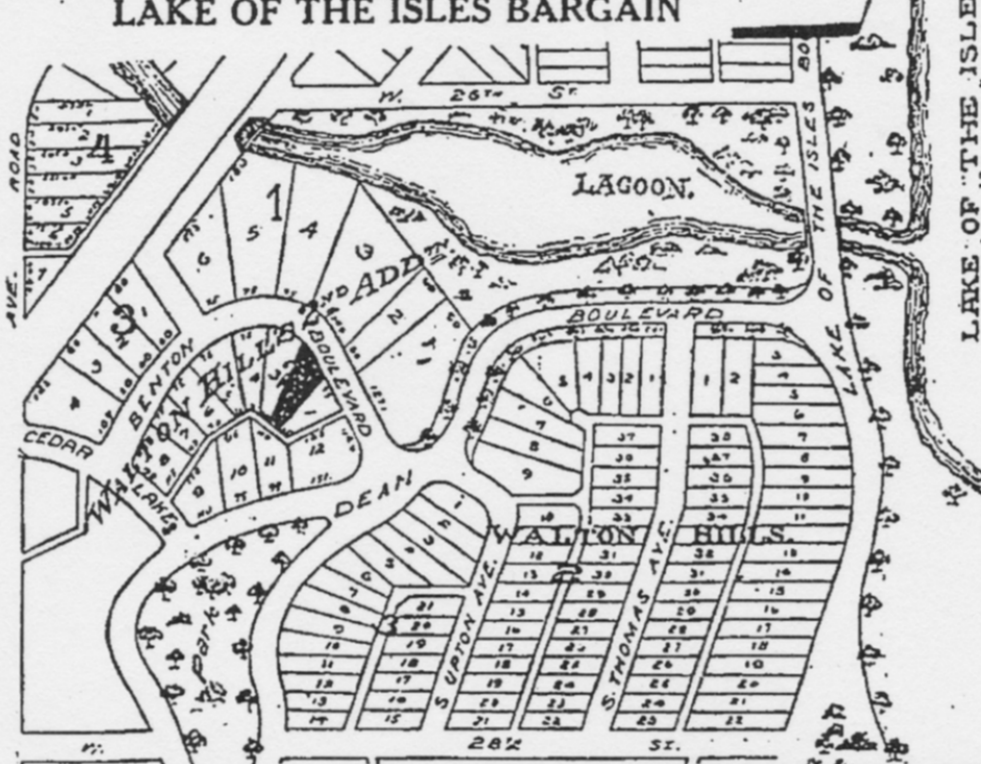
- ❑ Evolved in response to the 1917 court ruling (*Buchanan v. Warley*) that declared municipally mandated racial zoning unconstitutional.
- ❑ Encouraged by federal government's practice of "redlining" in its underwriting of federally funded home loans.
- ❑ Became so socially acceptable that in "1937 a leading magazine of nationwide circulation awarded 10 communities a 'shield of honor' for an umbrella of restrictions against the 'wrong kind of people.'"
- ❑ The practice was so widespread that by 1940, 80% of property in Chicago and Los Angeles carried restrictive covenants barring black families.

Local use of Covenants

Racially Restrictive Covenants were widespread in Minneapolis and its surrounding suburbs, including Golden Valley.

<https://www.mappingprejudice.org/index.html>

LAKE OF THE ISLES BARGAIN



A fellow cannot interest the dollar without using dollar instincts, and this lot is purposely slashed in price to attract the dollar. The map shows you where it is and what it looks at. The lot has curb and gutter, stone sidewalk, city water, gas and electricity. It is a beautiful lot, high and commanding, with a frontage of 75 feet and a depth of 140 feet. Mr. Stiff lives next door, at 2815 Benton boulevard.

Old price \$4,000. Today's discount \$1,250. New price **\$2,750**. Terms, \$750 down, balance on or before 3 years; 6% interest.

I appeal to the instincts of those about to marry. Isn't this the most remarkable offering you ever heard of. Restrictions—

The party of the second part hereby agrees that the premises hereby conveyed shall not at any time be conveyed, mortgaged or leased to any person or persons of Chinese, Japanese, Moorish, Turkish, Negro, Mongolian, Semetic or African blood or descent. Said restrictions and covenants shall run with the land and any breach of any or either thereof shall work a forfeiture of title, which may be enforced by re-entry.

Lake Street Frontage

Important Legal Milestones

- 1940s: NAACP launched a sustained legal campaign against covenants.
- 1948: U.S. Supreme Court rules covenants are unenforceable in the landmark case *Shelley v. Kramer*.
- 1953: Minnesota Legislature prohibited the use of racial restrictions in real estate documents.
- 1968: Federal Fair Housing Act made racially restrictive covenants explicitly illegal.
- 2019: Minnesota Legislature passed law allowing property owners to reject racially restrictive covenants (Minn. Stat. § 507.18).

Why covenants matter today

- Covenants divided our community by race. These residential segregation patterns persist today. And this physical segregation undergirds our contemporary racial disparities.
- "While the covenants are there, there is still room for people to think that although it cannot be legally enforced it is nonetheless a promise that they are morally obligated to keep. And that's an argument in my view for removing them." Evan McKenzie, professor of political science at the University of Illinois at Chicago
- Advocates for the removal of racially restrictive covenants reason that the restrictions, even if illegal, provide justification for subtle racism.

Discharging restrictive covenants under Minn. Stat. § 507.18

- “The owner of any interest in real property may record the statutory form...in the office of the county recorder of any county where the real property is located to discharge and release a restrictive covenant related to a protected class permanently from the title.”
- Hennepin County provides instructions:
<https://www.hennepin.us/residents/property/real-estate-recording-information>

What can the City do?

- Share information about racially restrictive covenants with the community.
- Tell people about the opportunity to reject racially restrictive covenants on their deeds.
- Make it easy for Golden Valley property owners to reject these covenants by joining Just Deeds. Just Deeds attorneys will help residents with:
 - ▣ Title research
 - ▣ Document preparation and recording
- Develop new policies and practices that dismantle the legacy of restrictive covenants. Share the City's work with the Just Deeds Coalition.
- Document progress and change; report back to the Just Deeds Coalition.