



Discriminatory Covenants and the Just Deeds Project

City of Richfield

March 15, 2021



Who are We?

Jamar Hardy

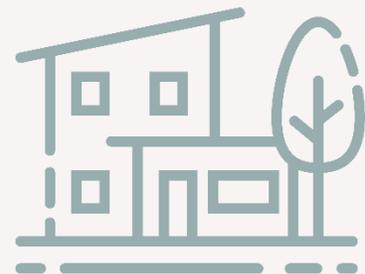


Jared Shepherd





Founding Members





PROJECT GOALS

1. 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.
2. Educating Minnesotans so that 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.
3. Taking action to dismantle the racist systems that perpetuate inequality and devoting resources to create equity for communities of color.





Overview of Racist and Exclusionary Housing Policies

- Homestead Act of 1862
- Racial Zoning
- Federal Housing Administration – 1934
 - Redlining
- Discriminatory Covenants
- Servicemen's Readjustment Act of 1944/G.I. Bill





What are Discriminatory 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.

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.





D. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

E. No persons of any race other than the Aryan 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.





538
 Doc. No. 712111. Filed April 23 1914 at 12:35 o'clock P. M.

Henry B. Scott & Wf.
 to
 Wels A. Anderson

THIS INDENTURE, Made on the 25th day of May A. D. One Thousand Nine Hundred and ten (1910) by and between Henry B. Scott and Leonora C. Scott, his wife, by W. P. McFarland, her attorney in fact, of the City of Burlington, Iowa, parties of the first part, and Wels A. Anderson of the County of Hennepin in the State of Minnesota, party of the second part:

WITNESSETH, That the said parties of the first part, in consideration of the sum of Five Hundred Twenty-five and No/100ths (\$525.00) Dollars, to them paid by the said party of the second part, the receipt of which is hereby acknowledged, do by these presents Grant, Bargain, Sell, Convey and Confirm, unto the said party of the second part, his heirs and assigns, the following described Lots, Tract, or Parcels of Land, lying, being and situate in the County of Hennepin and State of Minnesota, to-wit:

The East One-half (E $\frac{1}{2}$) of Lot numbered Five (5), in Block numbered Eleven (11), Seven Oaks Acres, Minneapolis, Minnesota according to the recorded map or plat thereon on file and of

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 or African blood or decent. Said restrictions and covenants shall run

then are broken by the grantee herein or his heirs or his assigns, then and in that case this conveyance shall be void.

It is further mutually covenanted 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 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.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances there-to in anywise appertaining, and the said Henry B. Scott, one of the parties of the first part does covenant with the said party of the second part his heirs and assigns, as follows: That they are lawfully seized of said premises in fee simple, and that they have good right and power to grant and convey the same; that the same are free from all incumbrances whatsoever except special install-ments of taxes, if any, levied, but not paid and that the said party of the second part his heirs and assigns, shall quietly enjoy and possess the same; and that the said parties of the first part will WARRANT AND DEFEND the title to the same against all lawful claims.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
 in Presence of
 E R Hanbold
 Edwin J Smith

Henry B Scott (Seal)
 Leonora C Scott (Seal)
 by W.P. McFarland Atty in fact.



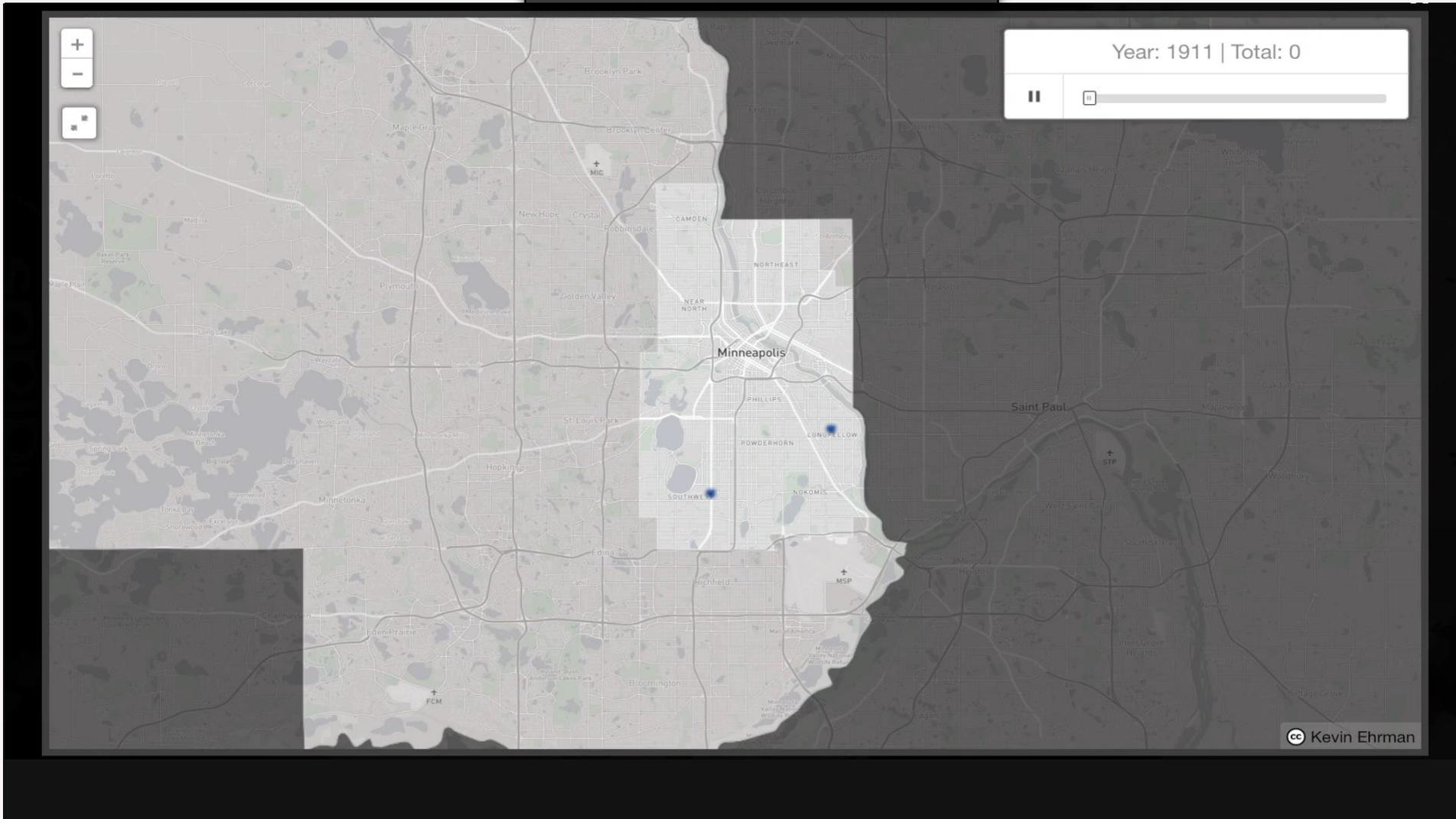


History of racially restrictive covenants

- 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.'
- **By 1955, discriminatory covenants were recorded against 23,311 parcels in Hennepin County.**



Racial Covenants in Hennepin County





Racially Restrictive Covenants in Richfield

As part of the consideration for the purchase of any lot or lots in this subdivision each and every lot in said subdivision shall be subject to the following restrictions

(a) No building shall be erected on any building plot except one detached single family dwelling and one or two car garage.

(b) No building shall be erected nearer than 24 feet nor further than 40 feet from any front lot line, except for a fireplace chimney or vestibule, nor nearer than seven feet to any side lot line. This covenant shall not apply to a garage erected on the rear one quarter of a lot.

(c) No noxious or offensive trade shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

(d) No race or nationality other than white persons shall use or occupy any dwelling on any lot except that this covenant shall not prevent the occupancy by domestic servants of a different race when employed by any owner or tenant.

(e) No trailer, basement, garage, barn or other out building erected on the tract shall at any time be used as a residence temporarily or permanent, nor shall any residence of a temporary character be permitted.

(f) No buildings shall be erected on any lot unless the cost of the building shall be 3,000 or more.

(g) All lots are subject to an easement, over the rear three feet for public utilities and for the ingress and egress of same.

(h) All these covenants and restrictions are to run with the land and shall be binding on all the parties and all the persons claiming under them until January 1, 1962, at which time the covenants and restrictions shall terminate.

(i) If the purchasers or any of them or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein before January 1, 1962, it shall be lawful for any other person or persons owning any other lot or lots in the addition to prosecute any proceedings at either law or equity against the person or persons

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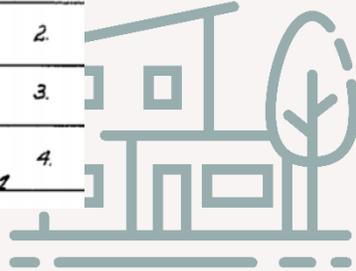
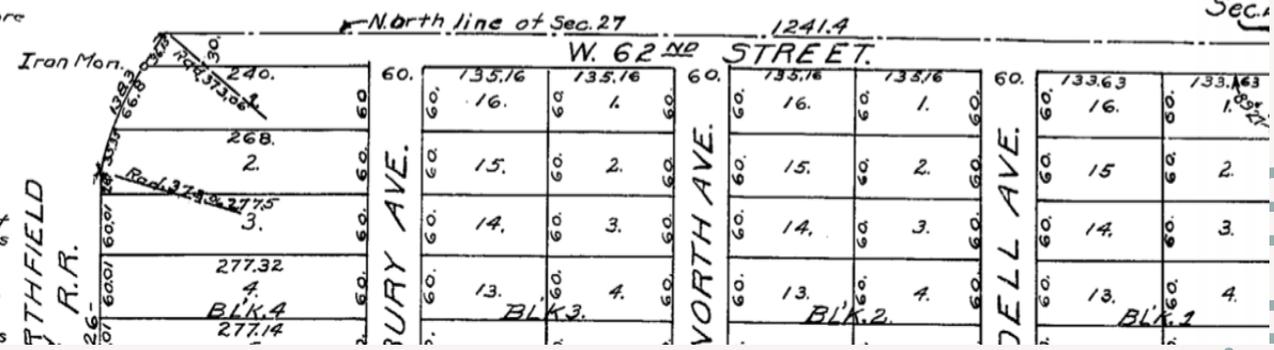
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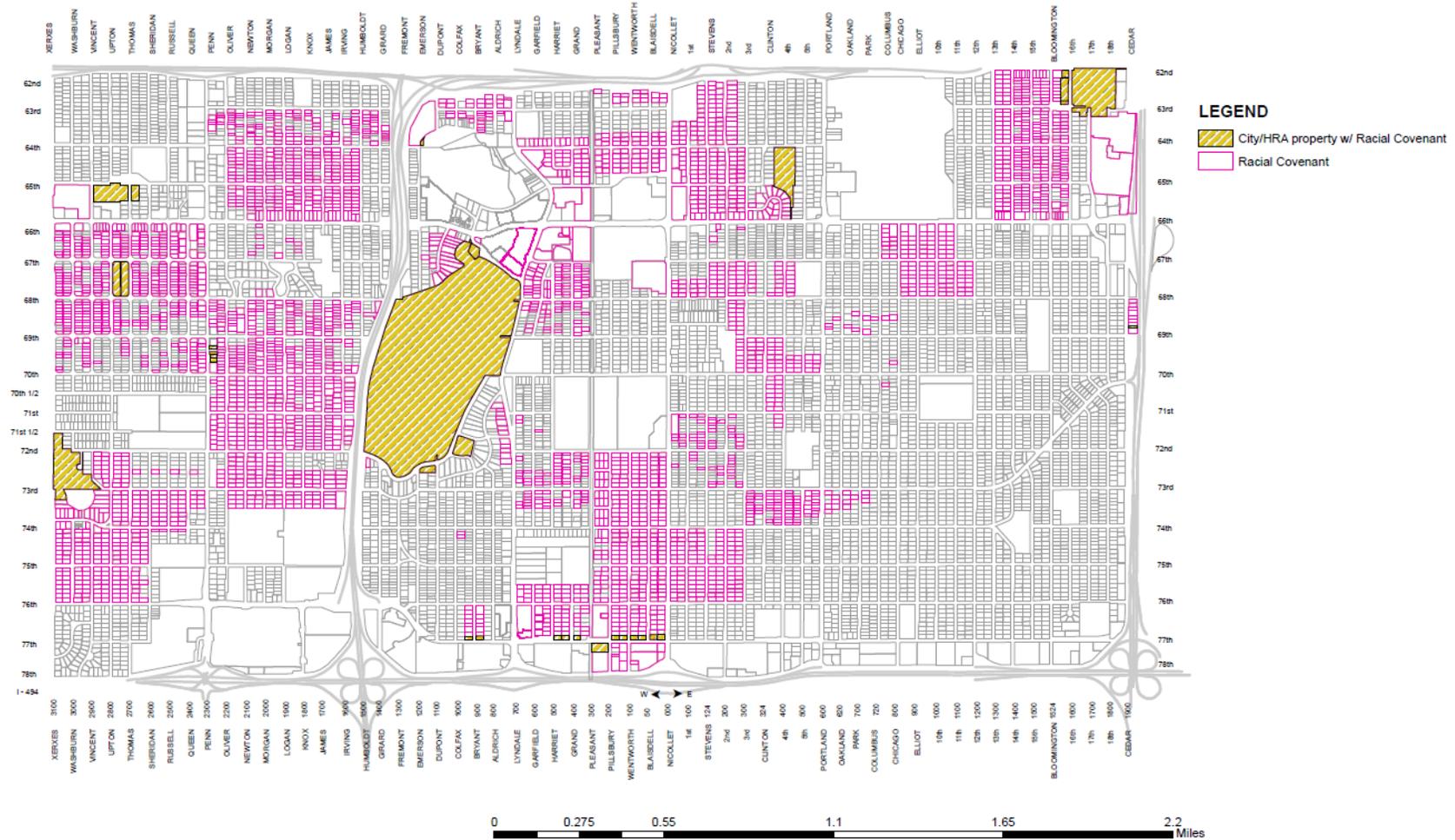
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PLAT OF BETCHER'S ADDITION

TO
RICHFIELD
HENN. CO. MINN.

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N.E.
Sec. 27







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).





- Minnesota Governor Tim Walz signs covenants bill, June 11, 2019



Why covenants matter today

- Covenants divided our community by race. These residential segregation patterns persist today.
- Racial restrictions like covenants depressed homeownership rates for Blacks. This has intergenerational consequences. Today the Twin Cities metropolitan area has the lowest African American
- Obstacles to property ownership made it hard for Black families to amass wealth. Today the average white household in the United States has ten times as much wealth as the average Black household.
- Racial covenants provide tangible examples of structural racism. Awareness of historical injustice is the first step towards real change.
- Understanding these racial exclusions supports transformative policymaking.





Just Deeds Project: Expectations

- No formal action is required to join the Just Deeds project, but most cities join by passing a resolution of support
- Commit to the Just Deeds mission statement in word and in action:
 - Engaging in community conversations on race and housing.
 - How did systemic racism play out in this community>?
 - Identifying anti-racist action your city and community can take to address housing barriers
 - Engaging your city's Human Rights Commission and City Council





Just Deeds Project: Expectations

- Dedicate resources to support the Just Deeds mission. Ideas include:
 - Discharging covenants on city-owned property •
 - Publicize the opportunity to reject racially restrictive covenants on their deeds.
 - Assist Richfield property owners in rejecting these covenants
 - Dedicated resources to pair property owners with volunteer attorneys
- Join with other Just Deeds cities to create new equity tools tailored to city government





QUESTIONS ?

- Visit us at <https://justdeeds.org>
- Contact us at info@justdeeds.org
- Follow us at:
 - Facebook: <https://www.facebook.com/justdeedsmn>
 - Instagram: <https://www.instagram.com/justdeedsmn/>
 - Twitter: <https://twitter.com/JustDeedsMN>
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