

## INTEROFFICE MEMORANDUM



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**Date:** May 3, 2021

**To:** Thomas Brooks, Equity & Inclusion Manager

**From:** Janice Gundlach, Community Development Director  
Bryan Lloyd, Senior Planner

**RE:** Discriminatory Covenants & Just Deeds

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On April 8, 2021, Mapping Prejudice revealed the results of a nearly 12-month process of reviewing deeds and mapping the location of discriminatory covenants (also referred to as racially restrictive covenants) throughout Ramsey County. See Attachment A. While not available on Mapping Prejudice’s website just yet, this data will be available for the public use. As illustrated on the map, discriminatory covenants were used quite extensively throughout the City of Roseville. This is because governments, likely including the City of Roseville, played a significant role in the use of discriminatory covenants. For example, the federal government required them in order to secure FHA mortgage financing. In 1948, the US Supreme Court ruled that courts were prohibited from enforcing discriminatory covenants, with the Minnesota legislature enacting statutes in 1953 that prohibited new covenants, but existing covenants were still legal in Minnesota until 1962. While unconstitutional, and no longer enforceable, their continued existence creates harm and pain for Black, Indigenous and People of Color. The use of discriminatory covenants has created long-lasting inequities between White persons and Black, Indigenous and People of Color. An example of a discriminatory covenant is as follows:

*“The said premises shall not be sold, mortgaged, leased or occupied by any person or persons who are not members of the Caucasian race, but this shall not prevent the keeping of domestic servants who are not members of the Caucasian race.”*

Just Deeds is a project launched by the Golden Valley Human Rights Commission to provide free legal assistance to homeowners who want to research and discharge discriminatory covenants from their property titles. The City of Golden Valley 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 has published a toolkit on their website for City staff to use to take the steps needed to join the Just Deeds coalition. Cities wishing to participate in Just Deeds must:

- Commit to the Just Deeds mission statement in word and in action (see Attachment C)
- Dedicate resources to support the Just Deeds mission, which could include:
  - Devoting staff time or volunteer time to connect residents with free help to discharge discriminatory covenants
  - Discharge covenants on City-owned property
  - Engage in community conversations on race and housing
  - Identifying anti-racist actions Roseville and the community at-large can take to address housing barriers

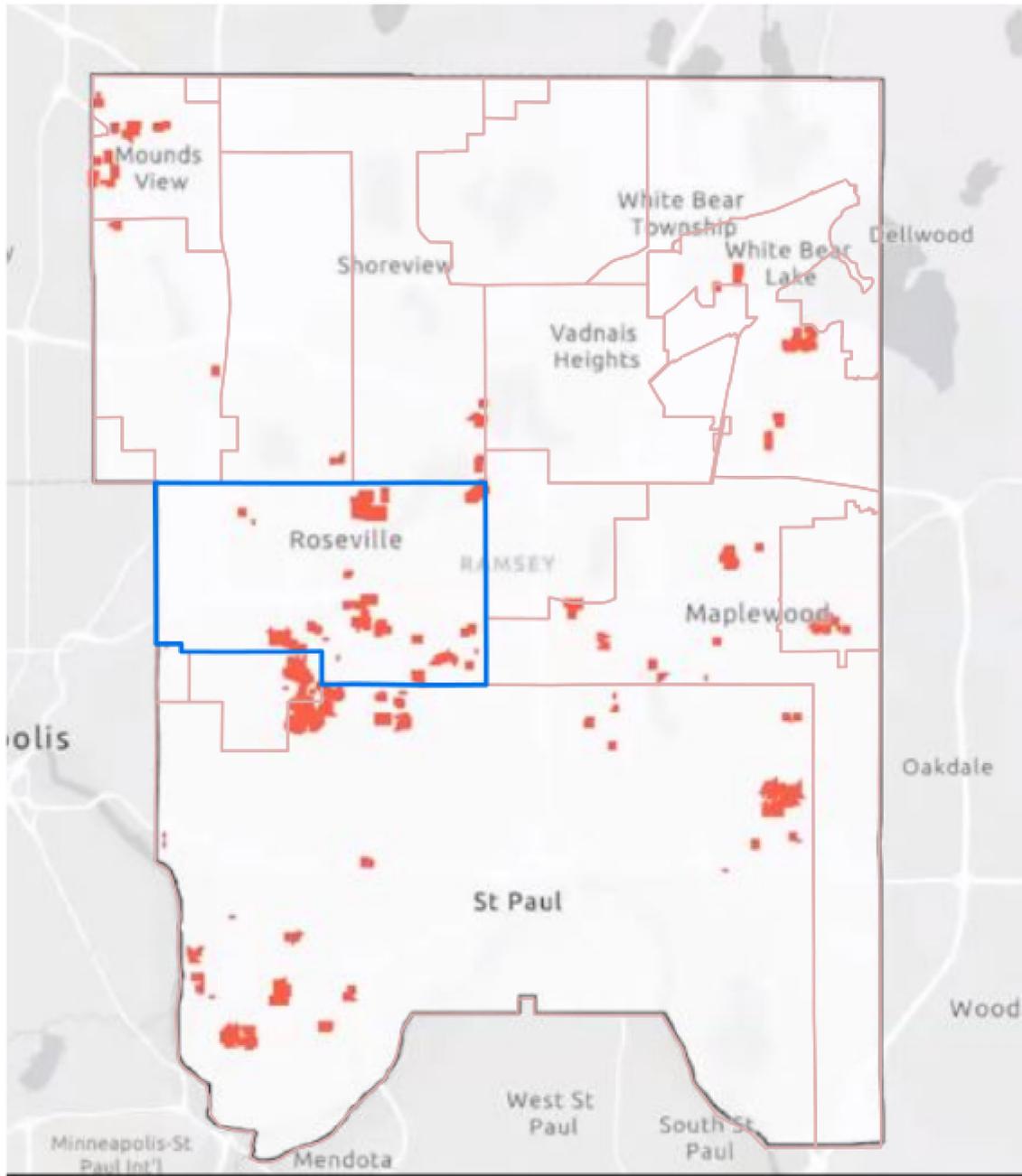
- Engage the City's Human Rights Commission and City Council
- Join other Just Deeds cities to create new equity tools tailored to city government

The Community Development Department is prepared to provide staff time to connect with residents who wish to take advantage of free help to discharge discriminatory covenants. Based on the City's ongoing work surrounding Racial Equity and Inclusion, Roseville would be eligible to join Just Deeds. City staff held a meeting with Just Deeds on April 27, 2021 to ask questions of the program and ensure Roseville's ongoing work qualifies the City to join. Just Deeds advised staff to proceed towards the necessary actions to join. Joining Just Deeds will require the City Council to adopt a Resolution (see draft Resolution in Attachment B). It would also be the intention of Community Development staff to coordinate the discharge of discriminatory covenants on City-owned property, once such data is fully accessible via Mapping Prejudice's website.

#### **ATTACHMENTS**

- A. Map of Racial Covenants (credit to Mapping Prejudice)
- B. Draft Resolution
- C. Just Deeds mission statement

ATTACHMENT A



**EXTRACT OF MINUTES OF MEETING OF THE  
CITY COUNCIL OF THE CITY OF ROSEVILLE**

1 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of  
2 Roseville, County of Ramsey, Minnesota, was held on the \_\_\_ day of \_\_\_\_\_ 2021 at 6:00 p.m.

3 The following Council Members were present: \_\_\_\_\_;  
4 and \_\_\_\_\_ were absent.

5 Council Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION NO. \_\_\_\_\_  
A RESOLUTION CONDEMNING THE USE OF DISCRIMINATORY COVENANTS,  
DISCHARGING DISCRIMINATORY COVENANTS ON CITY-OWNED PROPERTY, AND  
APPROVING PARTICIPATION IN THE JUST DEEDS COALITION**

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

13 WHEREAS, the purpose of discriminatory covenants was to racially and religiously homogenize  
14 communities by excluding BIPOC and non-Christian individuals from Roseville. These tools segregated  
15 the metro area and built a hidden system of apartheid

16 WHEREAS, in 2016 the University of Minnesota founded Mapping Prejudice to expose the  
17 racist practices that shaped the landscape of the metro area. Mapping Prejudice researched restrictive  
18 covenants in Hennepin County and created the first-ever comprehensive map of racial covenants in an  
19 American city. The project has since mapped \_\_\_\_\_ covenants in Ramsey County, including \_\_\_\_\_  
20 covenants in Roseville; and

21 WHEREAS, an example of a common covenant in Roseville declared that “The said premises  
22 shall not be sold, mortgaged, leased or occupied by any person or persons who are not members of the  
23 Caucasian race, but this shall not prevent the keeping of domestic servants who are not members of the  
24 Caucasian race”; and

25 WHEREAS, the discriminatory covenants in Roseville are concentrated along its borders with  
26 St. Paul and Minneapolis, and in other desirable areas in the City, such as around parks and open spaces  
27 and [other locations TBD]; and

28 WHEREAS, the City of Roseville owns \_\_\_\_\_ parcels of land that contain a discriminatory  
29 covenant, including parcels located in the Tamarack Park, Willow Pond Park, [others TBD]; and

30 WHEREAS, City leaders knew about the use of discriminatory covenants and sanctioned their  
31 use. For example, meeting minutes show that in (insert an example – if one can be found); and

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

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

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

47 WHEREAS, discriminatory covenants promoted and established residential racial segregation,  
48 which historically and currently has impacted property ownership, accumulation of wealth, property  
49 transfers, mortgage eligibility, rental eligibility, property values, property tax base, internet access, and  
50 more. Discriminatory covenants fortified systemic racism and compounded economic divestment in  
51 specific communities within Ramsey County; and

52 WHEREAS, discriminatory covenants benefitted White communities. For example, homes that  
53 were racially covenanted are still predominantly owned by White people and are worth approximately  
54 \_\_\_% more today than non-covenanted properties [NEEDS ANALYSIS]; and

55 WHEREAS, discriminatory covenants created demographic patterns that remain in place today.  
56 Due in part to this historical practice, the population of the City of Roseville is at least half as racially  
57 diverse as the populations of the neighboring communities of St. Paul and Minneapolis, which is typical  
58 of suburbs across the region, and has a lower percentage of minority owned businesses than many  
59 neighboring communities [NEEDS ANALYSIS – at least half reference comes from census data]; and

60 WHEREAS, since 2018 the City has been increasingly committed to making positive, intentional  
61 progress toward racial equity in the community; and

62 WHEREAS, the State of Minnesota, including the City of Roseville, recognizes the harm that  
63 Discriminatory Covenants—and the racial, religious, and other discriminatory practices that they  
64 represent—cause to society in general and to the individuals who are adversely affected by racial,  
65 religious, and other discrimination through the presence of discriminatory covenants in the public land  
66 records.

67 NOW THEREFORE BE IT RESOLVED, by the Roseville City Council that:

- 68 1. The City of Roseville disavows and condemns the past use of discriminatory covenants and prohibits  
69 discriminatory covenants from being used in the future.
- 70 2. The City is directed to investigate and to identify any real property owned or leased by the City that  
71 contains discriminatory covenants and to prepare and record an affidavit or request an examiner's  
72 directive discharging such discriminatory covenants pursuant to Minnesota Statute § 507.18, subd. 5.
- 73 3. City staff is directed to participate in the work of the Just Deeds Coalition to educate the community  
74 about this and other historically discriminatory practices; to identify contemporary discriminatory  
75 systems, policies, and practices; and to take action to dismantling racist systems, practices, and policies  
76 in the City of Roseville to create equity for all.

WHEREUPON said resolution was declared duly passed and adopted.

DRAFT

## 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.