

# HENNEPIN COUNTY

## MINNESOTA

Hennepin County, Board of Commissioners

### RESOLUTION 20-0373R2

2020

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The following resolution was moved by Commissioner Irene Fernando and seconded by Commissioner Debbie Goettel:

WHEREAS, for centuries, Americans have attempted to control the use of property by private limitations, covenants, conditions, and restrictions, which were recorded and enforced in the public land records, both in Hennepin County and elsewhere in the United States; and

WHEREAS, some of those private limitations, covenants, conditions, and restrictions sought to prohibit the transfer of real property to, and use by, persons of certain races, religions, ethnicities, and other characteristics (collectively, "Discriminatory Covenants"), both in Hennepin County and elsewhere; and

WHEREAS, Discriminatory Covenants along racial lines were particularly pervasive in Hennepin County; a common restriction in Hennepin County property deeds declared that the "premises 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" and this language is present in the County's formal records even today; 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, 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, beginning in 2017, Hennepin County provided researchers from the Mapping Prejudice initiative at the University of Minnesota access to digital property records, which allowed Mapping Prejudice to identify more than 30,000 properties that are affected by Discriminatory Covenants; and

WHEREAS, there is a growing movement in Hennepin County to individually remove or disavow Discriminatory Covenants from property titles; and

WHEREAS, the State of Minnesota, including Hennepin County, 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; and

WHEREAS, 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; the legislature later amended those statutes to be consistent with the Fair Housing Act of 1968 which barring discriminatory covenants; 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, the Minnesota Legislature in 2019 enacted Minnesota Statute § 507.18, subd. 5, which permits owners of "abstract" property—property that is within the purview of the County Recorder to record an affidavit that discharges Discriminatory Covenants from those owners' record title to real property upon payment of a recording fee; therefore

BE IT RESOLVED, the Hennepin County Board of Commissioners disavows the past practice of Discriminatory Covenants; and

BE IT FURTHER RESOLVED, that the Hennepin County Board of Commissioners directs the Hennepin County Recorder and the Registrar of Titles to record this Resolution and provide for its inclusion in the tract index for properties known to be affected by such Discriminatory Covenants, so as to provide recorded notice to affected real property owners and the public at large that Discriminatory Covenants are unenforceable, against public policy and of no legal effect; and

BE IT FURTHER RESOLVED, in acknowledgment of past discrimination and in furtherance of the goal of eliminating future disparities, the Hennepin County Recorder will facilitate greater accessibility and ease in the recording of a Minnesota Statute § 507.18, subd. 5, affidavit by exempting the recording fee; and

BE IT FURTHER RESOLVED, that Resident & Real Estate Services Department is directed to investigate and to identify any real property owned or leased by Hennepin County that contains Discriminatory Covenants and to record an affidavit disavowing such Discriminatory Covenants pursuant to Minnesota Statute § 507.18, subd. 5.

The question was on the adoption of the resolution and there were 7 YEAS and 0 NAYS, as follows:

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**County of Hennepin  
Board of County Commissioners**

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YEAS	NAYS	ABSTAIN	ABSENT
Mike Opat			
Marion Greene			
Debbie Goettel			
Jan Callison			
Jeff Johnson			
Irene Fernando			
Angela Conley			

RESOLUTION ADOPTED ON                      10/20/2020

ATTEST:



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Deputy/Clerk to the County Board

