

110TH CONGRESS  
1ST SESSION

# H. RES. 118

Condemning the existence of racially restrictive covenants in housing documents and urging States adopt legislation similar to that which was enacted in California to address the issue.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2007

Mr. CLEAVER (for himself, Mr. FRANK of Massachusetts, and Mr. BLUNT) submitted the following resolution; which was referred to the Committee on the Judiciary

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## RESOLUTION

Condemning the existence of racially restrictive covenants in housing documents and urging States adopt legislation similar to that which was enacted in California to address the issue.

Whereas racially restrictive covenants are a vestige of the Jim Crow era and were widely utilized in the United States during the early part of the 20th century to discriminate against African Americans, Jews, and other minorities and ethnic groups;

Whereas the purpose of racially restrictive covenants was to prohibit the sale or lease of real property to designated racial or ethnic minorities;

Whereas the United States Supreme Court in a series of decisions, including *Shelley v. Kraemer* and *Hurd v. Hodge*, held that racially restrictive covenants enforced by a State constituted illegal discrimination and were contrary to public policy;

Whereas the Congress passed the Fair Housing Act of 1968 to prohibit private parties from setting discriminatory terms and conditions on the sale or use of property;

Whereas although now unenforceable, throughout the country tens of thousands of racially restrictive covenants remain in housing documents including plats, deeds, and homeowner association bylaws;

Whereas there is no legitimate purpose for the continued presence of racially restrictive covenants in housing documents and their existence is contrary to the spirit of the Fair Housing Act of 1968;

Whereas housing documents containing racially restrictive covenants are psychologically damaging to all Americans and they are sending the message that racism and discrimination are tolerable;

Whereas the State of California has enacted legislation that allows individual property owners to submit for recordation a modified document with the covenant stricken and requires homeowner associations to remove racially restrictive covenants; and

Whereas the Missouri State Legislature recently passed legislation requiring homeowner associations to remove racially restrictive covenants: Now, therefore, be it

1        *Resolved*, That the House of Representatives—

1 (1) declares that the existence of racially re-  
2 strictive covenants in housing documents is inher-  
3 ently inconsistent with the principles and values em-  
4 bodied in Supreme Court precedent and the Fair  
5 Housing Act of 1968;

6 (2) finds that the pervasiveness of racially re-  
7 strictive covenants in housing documents is unac-  
8 ceptable and causes harm to not only property own-  
9 ers but to all members of American society;

10 (3) commends the State of California for taking  
11 a lead role in the removal of racially restrictive cov-  
12 enants from housing documents;

13 (4) commends the State of Kansas for passing  
14 legislation to remove racially restrictive covenants  
15 from housing documents;

16 (5) commends the State of Washington for  
17 passing legislation to remove racially restrictive cov-  
18 enants from housing documents;

19 (6) commends the Missouri State Legislature  
20 for passing legislation to remove racially restrictive  
21 covenants from housing documents;

24 (A) to include in public education and out-  
25 reach activities of the Department activities de-

1 signed to disseminate information regarding the  
2 removal of racially restrictive covenants from  
3 housing documents and to report to the Con-  
4 gress on the number of complaints received that  
5 deal with racially restrictive covenants; and

6 (B) to collect data on each State on the  
7 number of racially restrictive covenants and in-  
8 clude that data in the annual Fair Housing Re-  
9 port;

10 (8) urges States to enact laws that will more  
11 readily permit property owners to remove racially re-  
12 strictive covenants from their property titles, deeds,  
13 or other documents;

14 (9) urges States to enact laws that require  
15 homeowner associations to strike racially restrictive  
16 covenants from all declarations or other governing  
17 documents; and

18 (10) directs the Clerk of the House of Rep-  
19 resentatives to cause to be delivered a copy of this  
20 Resolution to each of the Governors, Attorney Gen-  
21 eral, and Secretaries of State of each of the States  
22 and the District of Columbia.

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