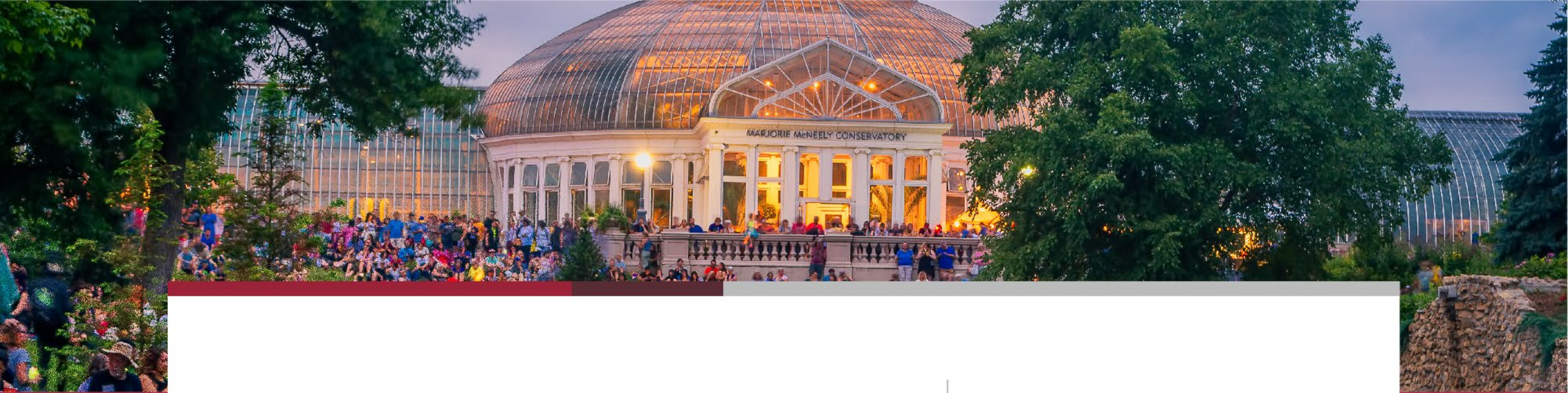




Discharging Restrictive Covenants

June 18, 2024



Purpose of this Workshop

- Karen Francois
 - Deputy County Manager

Update the public and the Board of Commissioners on the work being done to discharge restrictive covenants since the last workshop held in September 2023.

MN Statute 507.18 Subdivision 1

PROHIBITED RESTRICTIONS.

Subdivision 1. **Religious faith, creed, national origin, race, color.** No written instrument hereafter made, relating to or affecting real estate, shall contain any provision against conveying, mortgaging, encumbering, or leasing any real estate to any person of a specified religious faith, creed, national origin, race, or color, nor shall any such written instrument contain any provision of any kind or character discriminating against any class of persons because of their religious faith, creed, national origin, race, or color. In every such provision any form of expression or description which is commonly understood as designating or describing a religious faith, creed, national origin, race, or color shall have the same effect as if its ordinary name were used therein.

MN Statute 507.18 Subdivision 5

Subd. 5. **Discharge of restrictive covenants related to protected classes.** The owner of any interest in real property may record the statutory form provided in subdivision 6 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. This subdivision does not apply to real property registered under chapters 508 and 508A. The discharge of the restrictive covenant is valid and enforceable under the law of Minnesota when the statutory form provided in subdivision 6 is properly recorded, but the instrument containing such restrictive covenants shall have full force in all other respects and shall be construed as if no such restrictive covenant were contained therein. A restrictive covenant affecting a protected class is void regardless of whether a statutory form as provided for in this section has been recorded in the office of the county recorder in the county where the real property affected by the restrictive covenant is located.

discharge - noun

1 a : the act of relieving of something that oppresses – Merriam-Webster

Agenda

- History of restrictive covenants in Ramsey County.
- Efforts being done by the County to discharge restrictive covenants.
- Cross County collaboration to inform Ramsey County residents.
- Current data on the discharges of restrictive covenants.
- Next steps.
 - Presented by Wayne Anderson, Examiner of Titles and Todd Uecker, County Recorder/Registrar of titles

In Ramsey County, restrictive covenants began in 1910

Around 5,500 properties had restrictive covenants recorded between 1910 & 1950.

In 1948 the U.S. Supreme Court rules that racial covenants are unconstitutional.

In 1953 the Minnesota Legislature made restrictive covenants illegal in Minnesota.



What's happened since legislation allowed for the cancellation of Restrictive Covenants in 1973

In 2008, the Examiner of Titles office waived fees for directives.

Legislation was passed in 2019 allowing owners to discharge Restrictive Covenants.

Continuous work with the Mapping Prejudice Project, providing research and training on historical property records.

Salcedo v. Uecker, January 2024.

What's been done to disavow restrictive covenants in Ramsey County

- Creation of a web page with information about restrictive covenants and how property owners can discharge them.
- Creation of a dedicated phone line for residents who have questions regarding restrictive covenants, (651) 266-2030.
- Targeted mailing sent to 106 properties on 5/24. Expanded mailing to about 200 properties with modified information to be sent end of June.
- Collaboration with Assessors Office, staff in the field distributing information starting in July.
- Began tracking all properties on which restrictive covenants have been discharged.

Restrictive Covenants by District

- District 1 - 850 properties identified (Mounds View, Lake Johanna & several small pockets).
- District 2 - 800 properties identified (Roseville, Lake McCarrons & several small pockets).
- District 3 - 1,800 properties identified (Como Park).
- District 4 - 250 properties identified (Highland Park, Macalester-Groveland).
- District 5 - 600 properties identified (Highland Park, Macalester-Groveland).
- District 6 - 600 properties identified (Beaver Lake Heights).
- District 7 - 750 properties identified (White Bear Lake, Maplewood & several small pockets).

* Numbers above are approximations based on information provided by the Mapping Prejudice Project.



Discharges since 2022

- 2022 – 20
- 2023 – 125
- 2024 – 40

5,100 restrictive covenants currently remain to be discharged in Ramsey County.

Coordinated Initiatives

- Mapping Prejudice Project
- Just Deeds Project
- County Assessor
- Public Works
- Local Municipalities
- Mitchell Hamline School of Law

NOTICE

Discriminatory housing agreements, also known as "racial covenants," were once included in property records to prevent people of color from buying houses in many Minnesota neighborhoods. Beginning in 2020, a team of historians, geographers, librarians, and many volunteers, began mapping these racial covenants throughout Ramsey County.

Your property was identified by the organization Mapping Prejudice as historically being affected by a racial covenant.

For more information, please visit mappingprejudice.umn.edu

If you would like the covenant addressed by the County Recorder's Office, please contact us at askcountyrecorder@ramseycounty.us or 651-266-2030.



For more information on discharging racial covenants, please visit:
ramseycounty.us/DischargingRacialCovenants

County Assessor's Initiatives

- Assessor's Office partnering with the Recorder's Office.
- Assessor's team will be canvassing the impacted properties this summer.
- This is a door-to-door approach educating residents in impacted communities.



Next steps

Simplify and increase resident engagement.

Add information to the County's GIS/Interactive Property Map.

Targeted advertisements in local media.

Pursue statutory change, allow Examiner to issue directives without owner's request and to remove notarial requirement on the statutory form.

2025 Performance Measure.

