

RESOLUTION

Resolution Approving Participation in the Just Deeds Coalition and Condemning the use of Discriminatory Covenants and Discharging Discriminatory Covenants on City Owned Property.

WHEREAS, discriminatory covenants were tools used by real estate developers to prevent non-Caucasian and non-Christian individuals from buying or occupying property in certain areas; and

WHEREAS, the purpose of discriminatory covenants was to homogenize communities racially and religiously by excluding non-Caucasian and non-Christian individuals from living in certain areas of Rochester; and

WHEREAS, in 2016, the University of Minnesota founded Mapping Prejudice to identify the racist practices used to exclude non-Caucasian and non-Christian individuals from certain areas. Mapping Prejudice researched restrictive covenants in Hennepin County and created the first-ever comprehensive map of racial covenants in an American county; and

WHEREAS, Mapping Prejudice is interested in mapping Rochester and assisting in identifying and removing prejudicial covenants; and

WHEREAS, it is known Rochester contains discriminatory covenants; and

WHEREAS, restrictive covenants are no longer enforceable. 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; 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, in 2019, the Minnesota Legislature passed a law authorizing property owners to individually discharge or renounce discriminatory covenants by recording a discharge form in the county property records; 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, internet access, and more; and

WHEREAS, discriminatory covenants benefitted Caucasian communities. For example, homes that were racially covenanted are still predominantly owned by Caucasian people and are worth approximately 15% more today than non-covenanted properties; and

WHEREAS, the State of Minnesota, including the City of Rochester, 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.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Rochester that:

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

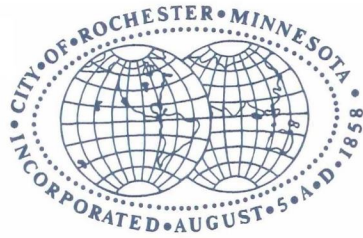
PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 22nd DAY OF March, 2021.

ATTEST:

Kelly K. Giatt
CITY CLERK

Beards
PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 24th DAY OF March, 2021.



Kim Norton
MAYOR OF SAID CITY