



Council Resolution 2020-39
Repudiating Racist Covenants in Local Real Property Records

- Whereas,** in discussion at the Council meeting of June 16 concerning racism and violence against African-Americans, a Middleton resident property owner mentioned her horror in discovering a racist covenant in her property's chain of title; and
- Whereas,** the subject covenant in the Park Lawn neighborhood reads in part that "no part of said platted premises shall ever be conveyed to, used, owned or occupied by any persons other than of the Caucasian race, either as owner or tenant"; and
- Whereas,** the aforementioned language is morally repugnant, immoral and has no basis in law having been declared unenforceable under the 14th Amendment to the Constitution of the United States in 1948 by the U.S. Supreme Court in Shelley v. Kraemer, 334 U.S. 1 (1948); and
- Whereas,** real property laws are governed by state law, and the City is pre-empted from creating any local ordinance that would change the legal framework governing the formal amendment of existing deed restrictions or covenants; and
- Whereas,** such racist covenants are modifiable by the homeowners but the process may, in some instances, prove to be relatively time consuming and costly; and
- Whereas,** the City Attorney advises that individual property owners could record a form of repudiation of such covenants on their own property. One such example reads:
"We, [name], owners of the property at [address], acknowledge that this deed is subject to an unenforceable, unlawful, restriction or covenant excluding non-Caucasians from this neighborhood. We repudiate this clause and state that we welcome with enthusiasm and without reservation neighbors of all races and ethnicities.

Now, therefore, BE IT RESOLVED BY THE MIDDLETON MAYOR AND COMMON COUNCIL, as follows, that:

The Mayor and Common Council of the City of Middleton, Wisconsin, repudiate racist covenants that are remaining signs of embedded and systemic racism in our society, and we further state our dedication to exposing and rooting out systemic racism wherever we find it.

This resolution was adopted at a regular meeting of the Middleton Common Council this 21st day of July, 2020.

ATTEST:

Gurdip Brar, Mayor

Lorie J. Burns, City Clerk

