

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

July 13, 2022

No. 22-30

**RESOLUTION CONDEMNING THE USE OF DISCRIMINATORY COVENANTS,
DISCHARGING DISCRIMINATORY COVENANTS ON CITY-OWNED PROPERTY,
AND APPROVING PARTICIPATION IN THE JUST DEEDS COALITION**

WHEREAS, discriminatory covenants were tools used by real estate developers to prevent BIPOC and non-Christian individuals from buying or occupying property in certain areas, and they were common throughout the United States from the early 1900s to the 1960s; and

WHEREAS, the purpose of discriminatory covenants was to racially and religiously homogenize communities by excluding BIPOC and non-Christian individuals from Falcon Heights. These tools segregated the metro area and built a hidden system of apartheid; and

WHEREAS, in 2016, the University of Minnesota founded Mapping Prejudice to expose the racist practices that shaped the landscape of the metro area. Mapping Prejudice researched restrictive covenants in Ramsey County and created the first-ever comprehensive map of racial covenants in an American city. The project mapped 1,830 covenants in Ramsey County, including 101 covenants in Falcon Heights; and

WHEREAS, an example of a common covenant in Falcon Heights declared that “RESTRICTION AND; and that said property shall in no manner be conveyed to persons of African or Oriental descent”; and

WHEREAS, the discriminatory covenants in Falcon Heights are concentrated along its borders with St. Paul and Roseville; and

WHEREAS, there are parcels located in the Northeast Quadrant, Northhome, and Snelling West that contain 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, but existing covenants were still legal in Minnesota until 1962; 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. Discriminatory covenants fortified systemic racism and compounded economic divestment in specific communities within Ramsey 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, discriminatory covenants created demographic patterns that remain in place today. Due in part to this historical practice, the population of the City of Falcon Heights is less racially diverse than the populations of all of its neighboring communities and has a lower percentage of minority owned businesses than many neighboring communities; and

WHEREAS, in 2022, the City Council directed the Community Engagement Commission to begin work on the Just Deeds Project, which connects residents to pro bono attorneys who can help remove discriminatory covenants from property titles in Falcon Heights; and

WHEREAS, the State of Minnesota, including the City of Falcon Heights, 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 City Council of the City of Falcon Heights, Minnesota:

1. The City of Falcon Heights 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 Falcon Heights to create equity for all.

Moved by:

Approved by: _____

Randall C. Gustafson
Mayor

GUSTAFSON
LEEHY
MEYER
WEHYEE
ANDREWS

In Favor

Against

Attested by: _____

Jack Linehan
City Administrator