

RESOLUTION NO. 2021 – [121](#)

RESOLUTION CONDEMNING THE USE OF DISCRIMINATORY COVENANTS;
DISCHARGING DISCRIMINATORY COVENANTS ON CITY-OWNED, BLOOMINGTON
HOUSING AND REDEVELOPMENT AUTHORITY OWNED AND PORT AUTHORITY
OWNED PROPERTY; DIRECTING OUTREACH TO IMPACTED LANDOWNERS AND
THE COMMUNITY; AND APPROVING PARTICIPATION IN THE JUST DEEDS
COALITION

WHEREAS, discriminatory covenants were tools used by real estate developers to prevent Black, indigenous, people of color (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 homogenize communities by excluding BIPOC individuals from Bloomington. 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 Hennepin County and created the first-ever comprehensive map of racial covenants in an American city. The project mapped 24,131 covenants in Hennepin County, including 374 covenants in Bloomington; and

WHEREAS, through property boundary changes, these 374 racially restrictive covenants now intersect with 500 parcels in Bloomington; and

WHEREAS, a representative example of a racially restrictive covenant in Bloomington declared that “[o]ccupation and ownership of dwellings shall be by members of the Caucasian race only, except that this covenant shall not prevent occupancy by persons of other races in domestic service upon such premises”; and

WHEREAS, many of the discriminatory covenants in Bloomington were concentrated near desirable areas in the City, such as around parks, open spaces and bodies of water, the City of Bloomington and Bloomington Housing and Redevelopment Authority has over the years purchased and now owns eighteen parcels of land that contain a discriminatory covenant, including parcels purchased for parks, open space and right of way purposes; 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, through direct and indirect action, 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 Hennepin County; and

WHEREAS, this has generally benefitted white communities with a detriment to BIPOC communities. The Residents of census tracts where racially restrictive covenants existed are still majority white; and

WHEREAS, in 2021, the Bloomington Human Rights Commission and Bloomington Planning Commission unanimously recommended that the City Council adopt a resolution condemning the use of discriminatory covenants; discharging discriminatory covenants on City, Bloomington Housing and Redevelopment Authority, and Port Authority owned properties; directing outreach to impacted landowners and the community; and approving participation in the Just Deeds Coalition, which connects residents to pro bono attorneys who can help discharge discriminatory covenants from property titles; and

WHEREAS, the State of Minnesota, including the City of Bloomington, 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 Bloomington that, based on the foregoing:

1. The City of Bloomington disavows and condemns the past use of discriminatory covenants and affirms the prohibition on discriminatory covenants from being used in the future.
2. The City Attorney is directed to investigate and to identify any real property owned by the City of Bloomington with discriminatory covenants and to prepare and record an affidavit or request an examiner's directive discharging such discriminatory covenants pursuant to State Law.

3. The Planning Commission, Human Rights Commission, and City staff will conduct outreach to impacted landowners and community members so that landowners have the information needed to take action to discharge the covenants from their properties.

4. City staff is authorized and directed to participate in the work of the Just Deeds Coalition including educating the community about Just Deeds and about other historically discriminatory practices; identifying contemporary discriminatory systems, policies, codes and practices; and taking additional actions to dismantle racist systems, practices, and policies in the City of Bloomington to create equity for all.

Adopted by the City Council of the City of Bloomington, Minnesota this 28th day of June, 2021.

(signature on file)

Mayor

ATTEST:

(signature on file)

Secretary