

Prejudice in Places | Preliminary Findings and Action Plan



Prejudice in Places in Dane County: Uncovering and Denouncing Discriminatory Covenants

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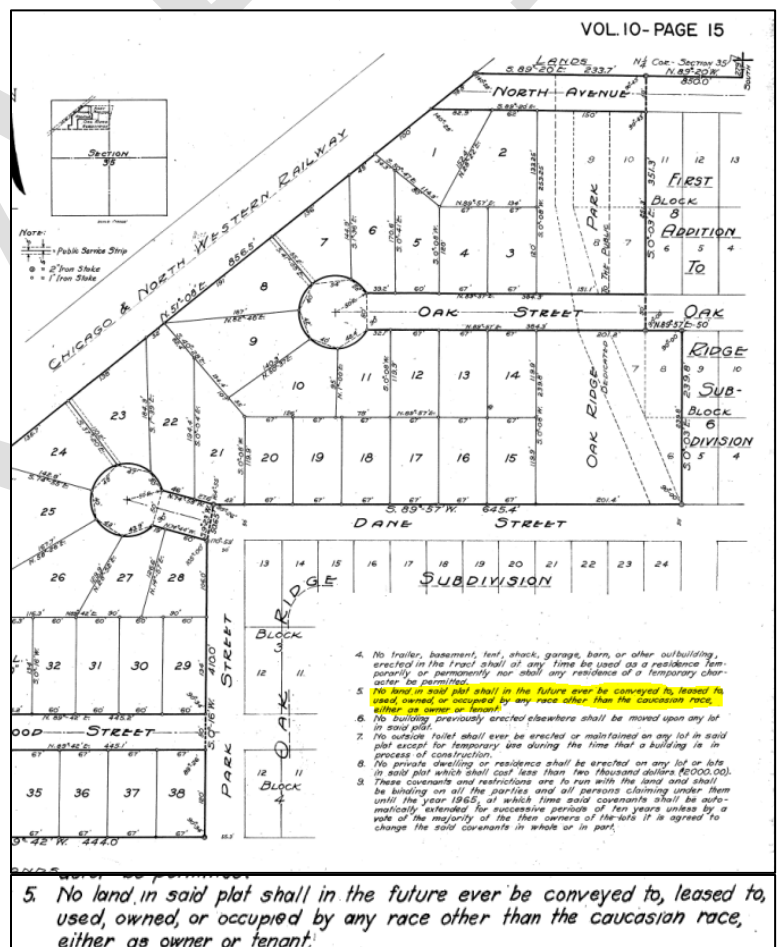
Purpose

Dane County, WI undertook a research project to identify and confirm discriminatory language in real estate records through local land use mapping. This process is intended to allow for a more detailed and widespread understanding of the history of racial segregation in housing, and create new opportunities to identify and remedy historic injustices and work towards structural and distributional equity.¹ Dane County and the Cities of Madison, Monona, and Sun Prairie, and other local jurisdictions have prioritized addressing racial disparities via public programming.

Background

Racial covenants were a wide spread tool for preventing property sales to people of particular decent up through the early and mid-1900's. In 1917, the US Supreme Court invalidated and voided racially restrictive zoning. Consequently, governmental, real estate, and financial decision makers deployed restrictive property covenants as an exclusionary tool. While restrictive covenants include language targeting many racial, religious, and ethnic groups, they especially targeted Black people during the Great Migration (1910-40), when millions moved North and West to seek new opportunities.

In 1948, the Supreme Court made covenants unenforceable by public law in *Shelley v Kraemer*. Twenty years later, the Fair Housing policy in the Civil Rights Act of 1968 prohibited discrimination concerning housing sale, rental, and financing based on race, religion, national origin, sex, (and as amended) handicap, and family status.



¹ Catenacci, S. PAS QuickNotes. ISSN 2169-1940. American Planning Association. 5 June 2024. Chicago, IL 60601-5927

However, despite no longer being enforceable by law, covenants are still in land deeds. The ongoing impacts may be felt today.

Segregated Seattle (Washington) is one of the first of the efforts to chronicle these documents. The University of Minnesota's Mapping Prejudice Project researched, validated, and seeks to discharge these restrictive records for Hennepin County, Minnesota. Similar work is also underway in Milwaukee, and several other regions across the country.

On March 22, 2024, Governor Evers signed the [2023 Wisconsin ACT 210](#) [59.43 (9) (d) and 710.25] declaring discriminatory restrictions in instruments that affect real property void and unenforceable and allowing an owner of real property to discharge and release such a discriminatory restriction.

Inspired by these efforts, Dane County Planning and Development (P&D), Office of Equity and Inclusion, and the Dane County Boys and Girls Club (BGC) conducted a pilot study to identify and analyze records from 1937-1969 in June 2022.

Given the prevalence of these covenants in the County, on February 20, 2025 the Dane County Board of Supervisors passed 2024 [Resolution -305](#) *Repudiating Racial and Discriminatory Covenants In Dane County Property Records* validating and advancing this effort locally.

Methods

The findings of this research are mapped here [Map of discriminatory real estate documents for Dane County](#). The interface allows users to view document boundaries, the year, document number, and a link to purchase the actual document.

The project team secured digital images of "covenants," "restrictions," and "plats" from the Register of Deeds. Staff generated searchable text using a program called Laserfiche for approximately 2,000 records. Note, initial work did NOT include deeds, land contracts, and other property document types. Subsequent work was expanded to include real estate documents between 1937 and 1969 and then expanded further to include indexed documents (less than 5 percent of the total) prior to 1937. It was then expanded further by including documents that are not indexed from 1900-1937.

The project team used the "Generate Searchable Text" and "Advanced Search" function in the Laserfiche software on document images for keywords like "Caucasian," "servant," "Italian" and "race". Staff were able to identify specific documents that might have restrictive text on them. A 2022 pilot flagged more than 1,700 documents for review.

The pilot used the functions in Laserfiche, mapped the legal description, and populated specific fields for each flagged and reviewed record. Some documents did not generate coherent text due to poor scan quality, cursive writing, or vertical text.

Keyword Search Terms

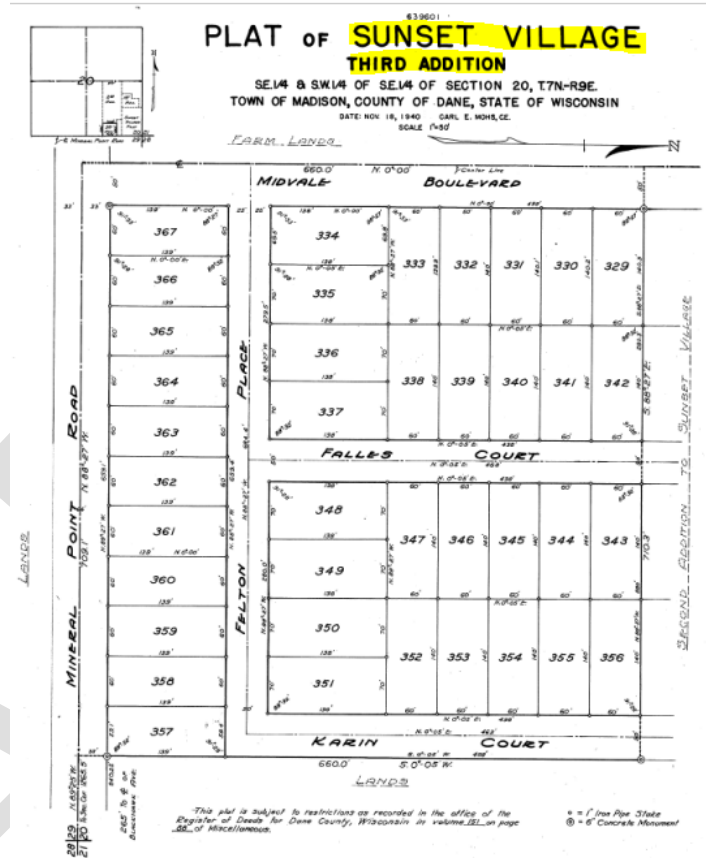
- | | | |
|-------------|---------------|------------|
| • Negro | • Polish | • Sicilian |
| • Italian | • Jewish | • Asian |
| • Caucasian | • African | • Race |
| • white | • Half breed | • mulatto |
| • Negroes | • Yellow race | • Indian |
| • Servant | • Greek | • black |

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Documents Examined

AGR	Agreement
CER	Certificate
D	Deed
DR	Deed Restriction
DR/AM	Deed Restriction/Amendment
DR/PR	Deed Restriction/Partial Release
LC	Land Contract
P	Plat
P/AM	Plat/Amendment Of
RST	Restrictions
RST/AM	Restrictions/Amendment Of
RST/PR	Restrictions/Partial Release Of



Findings

The Department of Development and Planning Records and support team uncovered and mapped the occurrence of 1,029 records, containing 1,045 references to the words listed in Figure 1. These records once impacted areas that are now divided into roughly 4,000 parcels.

Of note, the surge in occurrences mirrors the legal changes in eliminating discriminatory zoning and taper off with federal action nullifying the validity and enforceability of these types of documents. These parcels are largely concentrated in areas the were building out mid-century, west Madison, Shorewood Hills, and Monona, though occurrences were located throughout the county.

Figure 1: Quantitative Analysis of Records Found

Findings: Numbers



MORE THAN **4K** 2025 Parcels with a restrictive covenant

3 TOP Places

Madison
667

Shorewood Hills
220

Monona
131

3/13/2025

1,029 Records

by decade

1900-1909	0
1910-1919	15
1920-1929	375
1930-1939	321
1940-1949	285
1950-1959	28
1960-1969	5

1,045 Words flagged

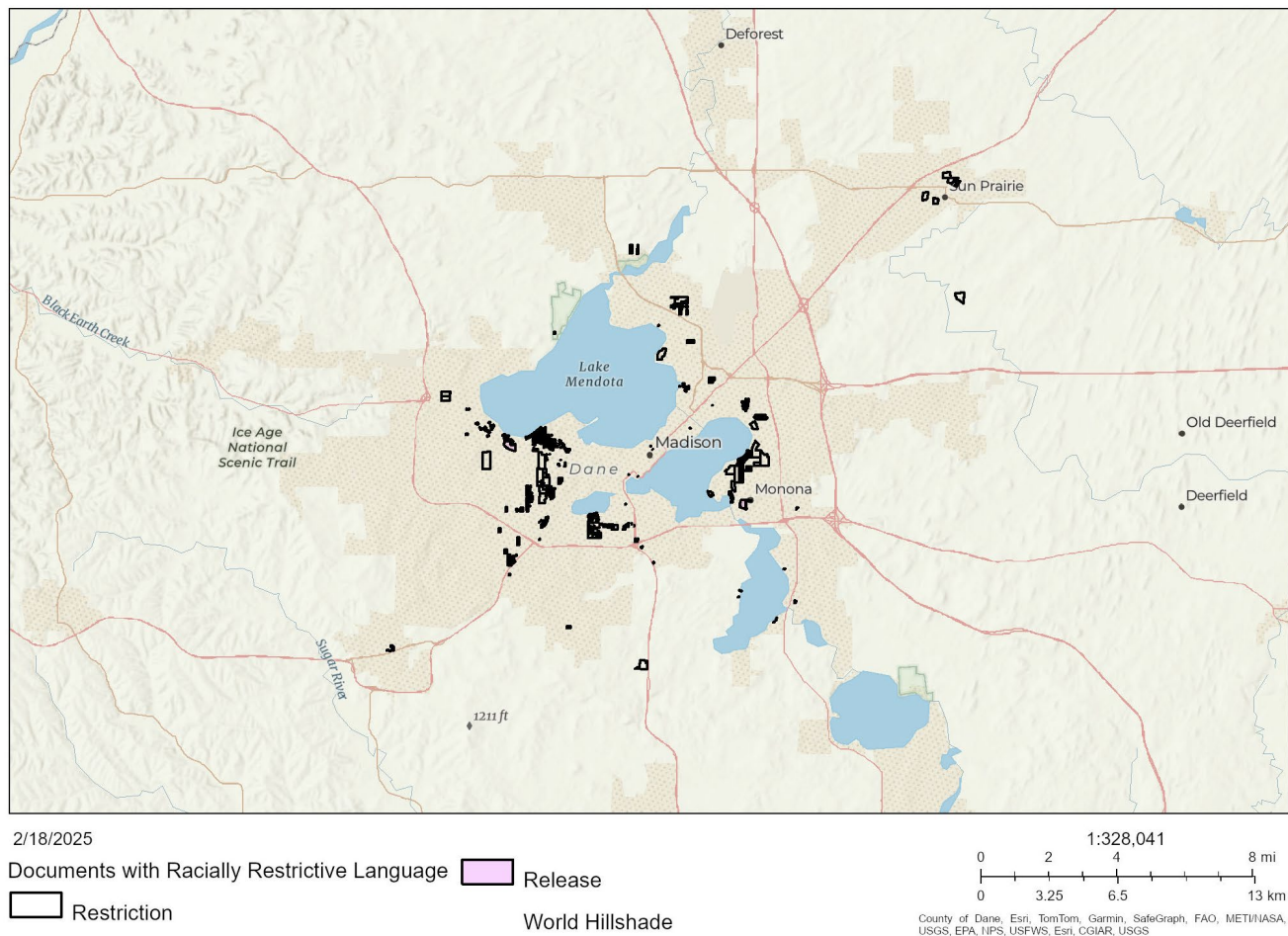
*additional words were search and not found

Negro	56	African	148
Italian	46	Greek	4
Caucasian	211	Sicilian	3
white	15	colored	10
Negroes	542	collorded	1
Polish	3	Jewish	6

Common phrase:
"Only members of the Caucasian race"

DRAFT

Figure 2: Geography of Prejudice in Dane County



Conclusion

Discriminatory covenants are present on thousands of Dane County properties. Under State Act 10, the form [Discharge and Release* of Discriminatory Restriction Affecting Real Property](#) and [instructions](#) were released March 2025 that can be filed to denounce these restrictive documents.² These findings can be used to assist property owners and other parties pursue this action. Additionally, these findings will be shared and made accessible through the UW Robinson Library, available for download on the Dane County GIS Open Data Portal, and contributed to the National Covenant Research Coalition. Dane County is convening interested parties and stakeholders to develop and implement educational and restorative equity actions.

Appendix 1: Additional Resources

- [Segregated Seattle by the University of Washington](#)
- [Mapping Prejudice](#)

² Note: Filing the *Discharge and Release of Discriminatory Restriction Affecting Real Property* form will **NOT** remove the text from the deed, rather, denounce the record using the form on the next page and linked here. Discriminatory covenants are unenforceable. Creating and using documents of this nature is illegal.

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Dane County Planning and Development

- [Mapping Segregation in Iowa](#)
- [Mapping Segregation in Washington DC](#)
- [Chicago Covenants](#)
- [Just Deed](#)
- [Mapping Decline](#)
- [America's Black Holocaust Museum](#)
- [Native Land Digital](#)
- [National Covenant Research Coalition](#)

Academic Research

- [Sood Solberg Covenants July2023.pdf \(aradhyasood.github.io\)](#)
- [A Shadow of Ohio's Racist Past? Or a Lingering, Tangible Impact? An Examination of Unenforceable Restrictive Covenants 48 Capital University Law Review 2020 \(heinonline.org\)](#)
- [The Racial Wealth Gap and The Legacy of Racially Restrictive Housing Covenants by Larry Santucci: SSRN](#)
- ["The Effect of Racial Covenants on Modern Day Foreclosures" by Hannah R. Whipple \(macalester.edu\)](#)
- [Lasting Legacy: The enduring relationship between racially restrictive housing covenants and health and wellbeing | Research Square](#)

Appendix 2: Stakeholders

- Plat and covenant authors (no longer is existence so far)
- Local government staff: Monona, Sun Prairie, Shorewood Hills, Madison
- Dane County: ROD, DPD, OEI, DHS, BOS, Exec
- UW Madison Facilities, Crystal Potts, Community Relations Brenda Gonzales
- Education/Expertise
 - UW-Madison: Chris Timmens, Rihannon, Revel Sims.
 - Dane County Historic Society- Rick Bernstein et. al.
 - EQTbyDesign,
 - ?
- Neighborhood Associations
- Realtors Associations (SCWRA, Robert ProctorWRA Tiffany Malone, Nathan Conrad.
- Non-profits
 - [Own It - Building Black Wealth](#); Sarah Alverado +banks on her board
 - Dane County BGC (already engaged in data development)
 - ULGM
 - Dane County United Way
 - Italian rep?
 - Hmong rep (Peng? Other?)
 - NAACP Greg Jones; President- gcjones15@att.net
 - Centro Hispano, Karen Menedez Collier, CEO, karen@micentro.org
 - Nehemiah Center (Dr. Gee)
 - Urban Triage
- Title companies and mortgage companies
 - ?
 - ?

Appendix 2: Ideas for Action Plan

- a. Initially: We have this data, how can we best engage the community around this data that leads to restorative justice? What would that engagement process look like?
- b. What are restorative justice actions can be taken locally, regionally, at the state level? By whom? By when?

TIMELINE

Milestone 1| Winter 2023: Complete pilot project to digitally process plat maps, covenants, and restrictions, and all recorded documents for the years 1937-1969. [Complete](#)

Milestone 2| Summer-Dec 2024: Outreach to stakeholder and potential partners

Milestone 3| Jan 2025: 330,000 records digitized and searched for keywords

Milestone 4| March 2025: County Committee Formation and meet

Milestone 4.25| March 2025: [CloseWithPurpose.org](#) for free assistance from the WI Realtors Association launches.

Needed a 3x3 draft by area in the front upper right corner and a cover page that the applicant will need to complete. EC tried to contact the division of legal services/admin know but they are not responding. Nathan to email EC to get cover sheet.

Concern of people taking these back to DOA since that is the address on the form. Can we include that in the cover sheet?

PM: Possible to draft our own form? EC is open to it.

Milestone 4.5 Launch Fill and File Clinics? At DCHS Tour, Neighborhood Associations, other partners. Launch event in May April?

Milestone 4.75 ?

Milestone 5| Summer 2025: Focus Groups on Community Outreach

Milestone 6| 2026: Draft Report & Recommendations for policy and action

Milestone 7| Summer 2026: Complete publicly accessible digital resources, and in-person materials, and outreach events.

Milestone 8-n| Fall 2026: Restorative Actions and Policies are implemented

DRAFT: Prejudice in Places in Dane County: Uncovering and Denouncing Discriminatory Covenants

Dane County Planning and Development

State of Wisconsin
Department of Administration
Division of Legal Services
DOA-5603 (C03/2025)



Division of Legal Services
101 E Wilson Street
Madison, WI 53703
(608)266-2887

DISCHARGE AND RELEASE OF DISCRIMINATORY RESTRICTION AFFECTING REAL PROPERTY

Pursuant to section 710.25 of the Wisconsin statutes, a restriction, covenant, or condition that prohibits or restricts the ownership, transfer, encumbrance, rental, occupancy, or use of real property in this state on the basis of membership in a protected class, as defined in the Wisconsin statutes, contained in a deed or other instrument affecting real property is void and unenforceable. Pursuant to section 710.25 of the Wisconsin statutes, any owner of real property may record this form to discharge and release such a discriminatory restriction from the owner's real property.

Recording Area: _____

Name and return address: _____

Parcel ID Number: _____

DISCHARGE AND RELEASE BY OWNER

I, _____, certify all of the following:

- That I own the following described real property located in _____ County, Wisconsin:

- That the real property is affected by an instrument titled _____ and recorded on _____, in the Office of the _____ County, Wisconsin, in volume _____, at page number _____.
- That the real property is affected by the additional instrument(s) _____

☐ Check box if no additional instruments apply.

State of Wisconsin
Department of Administration
Division of Legal Services
DOA-5603 (C03/2025)



Division of Legal Services
101 E Wilson Street
Madison, WI 53703
(608)266-2887

- That the instrument(s) contains one or more discriminatory restrictions that are void and unenforceable under section 710.25 of the Wisconsin statutes and the Wisconsin and U.S. Constitutions.
- That, pursuant to section 710.25 of the Wisconsin statutes, the discriminatory restrictions are hereby discharged and released from the real property, and the remainder of the instrument(s) continues in full force and effect with respect to the real property and shall be construed as if the discriminatory restrictions are not contained therein.

OWNER'S CERTIFICATION

The undersigned certifies that the information stated in this instrument is true and correct to the best of my knowledge, information, and belief. The undersigned makes this instrument for the purpose of discharging and releasing one or more discriminatory restrictions affecting my real property that are void and unenforceable.

Signed _____

Dated _____

ACKNOWLEDGEMENT

State of _____
County of _____

This document was signed and affirmed before me on _____, by _____.

Signature of notary _____

(Seal, if any, of notary)

Printed name _____
My commission expires _____

This instrument was drafted by the Department of Administration, Division of Legal Services.