

2024 RES-305

REPUDIATING RACIAL AND DISCRIMINATORY COVENANTS IN DANE COUNTY PROPERTY RECORDS

WHEREAS, Dane County values and promotes diversity, equity, inclusion, and belonging in our community, and has made a commitment to identify, address, and repair discrimination based on race and ethnicity, national origin, religion, sex and gender, disability, sexual orientation, and gender identity within the community; and

WHEREAS, racial covenants, also known as discriminatory covenants, were restrictions inserted into property deeds that prohibited purchase, rental, or occupancy of a residence based on race and other protected classes. They were used nationwide for most of the 20th century as an insidious tool to prevent non-whites, non-Christians, and other minorities at the time from buying or occupying land in America's growing suburbs and residential neighborhoods; and

WHEREAS, although these covenants are illegal and they are no longer valid or enforceable, they can still be found in the land deeds of almost every American community, including in Dane County; and

WHEREAS, the legacy of these covenants remains in our communities in the form of entrenched segregation and lower rates of homeownership and generational wealth for people of color; and

WHEREAS, in 2022, Dane County staff, volunteers, and a Boys and Girls Club intern initiated the Mapping Prejudice project, now called [Prejudice in Places](#), to identify and confirm discriminatory restrictive language in Dane County real estate records, and the project's preliminary search of digitized land records from 1937-1969 has yielded more than 500 land records that are now mapped; and

WHEREAS, these old land records with racially restrictive covenants for various Dane County subdivisions and communities contain language that reads, in part, "Only members of the Caucasian race shall use or occupy any dwelling on said plat, excepting that this covenant shall not prevent occupancy by domestic servants of a different race employed by an owner or tenants" (1937) and "The premises shall not be sold or conveyed to any Jew, Italian, Negro or member of the yellow race." (1938); 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), as well as outlawed by the Fair Housing Act in 1968; and

WHEREAS, on March 22, 2024, Governor Evers signed the [2023 Wisconsin ACT 210](#) 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 [see Wisconsin Statutes 59.43 (9) (d) and 710.25].

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors repudiates racial and discriminatory covenants as enduring signs of embedded and systemic racism and other discrimination in our society, and commits itself to continuing to redress the harmful legacy of these covenants in our community.

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors encourages residents of Dane County to further explore this issue through the Dane County Historical Society's traveling exhibit, the *History of Racial Covenants in Dane County and Madison*, which started in February to coincide with Black History Month and will be displayed over the next year in Dane County libraries.

BE IT FINALLY RESOLVED that a copy of this resolution will be conveyed to the Dane County state legislative delegation, Governor Tony Evers, and the Wisconsin Realtors Association.

Patrick Miles, Chair
Dane County Board of Supervisors

Signed and sealed before me this
_____ day of _____, 2024.

Scott McDonell,
Dane County Clerk