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Appropriations Committee



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## *The Maryland House of Delegates*

ANNAPOLIS, MARYLAND 21401

### **Testimony in Support of HB 1077**

#### **Deletion of Unlawful Ownership Restrictions – Exemption from Fees and Surcharges**

Testimony of Delegate Cathi Forbes (Catherine.Forbes@house.state.md.us)

Hearing February 25, 2020 at 1:00 pm

Environment and Transportation

#### ***What this bill does***

This bill would allow a property owner to be exempt from payment of fees and surcharges when recording a deed for the purpose of deleting restrictive covenants based on race, religious beliefs or national origins.

#### ***What are racially restrictive covenants***

Racially restrictive covenants were language imposed in deeds to prohibit the purchase of a property by a particular group of people, usually black people. They were common in the state of Maryland and across the country during the post-Civil War Jim Crow era, and after a 1926 U.S. Supreme Court decision, *Corrigan v. Buckley*, validated the use of them. In a 1948 case, *Shelley v. Kraemer*, the Supreme Court found that racially restrictive covenants were not unconstitutional, but the enforcement of the covenants was unconstitutional. Even with that finding, the practice of writing racially restrictive covenants into deeds was not illegal until the passage of the 1968 Federal Fair Housing Act.

While racially restrictive covenants have been unenforceable since 1948 and illegal since 1968, a deed that contains a racially restrictive covenant still transfers with the deed to the purchaser of a home today.

Here is an example of a covenant that currently exists in a deed in Baltimore County:

**At no time shall the above described lots or any part there of or any building thereon be erected be leased sold transferred to or occupied by any negro person or person of negro descent. This provision however not to include occupancy by servants or any employee of owner or occupant of the above described lots**

***Why this bill matters***

In 2018, to give property owners a tool to delete the racially restrictive covenants, SB621 was passed into law by the Maryland General Assembly. This law created a process for modifying deeds to delete restrictive covenants, and made that process free of charge. Unfortunately, SB621 also specified that the exemption from charges would end on September 30, 2019, just a year after the bill went into effect. HB1077 would reauthorize the exemption from fees without an end date.

***Who benefits from this bill***

Individuals and communities that want to have the archaic and offensive language in restrictive covenants deleted from their deeds are the primary beneficiaries. HB1077 removes the financial burden from people who want their deeds to reflect the communities in which they live, as well as their own personal values. I would also argue that society as a whole benefits as well, when we remove signs of racism from our midst.

***Why you should vote for this bill***

It's 2020. Discriminatory language has no place in our society – and that includes deeds. These covenants don't need to be enforceable to be offensive. The state should do everything in its power to make removal of this language easy. And citizens should not have to pay to do the right thing.

I ask for a favorable report.

Thank you.