

Written Testimony of Gaywood Community Covenant Committee  
Before the House Environment and Transportation Committee

February 25, 2020

1:00 PM

In SUPPORT of H.B. 1077:

Deletion of Unlawful Ownership Restrictions - Exemption From Fees and Surcharges

On behalf of our neighbors in the Gaywood community, a close-knit neighborhood of 144 rowhomes lying south of Towson and just north of the Baltimore County line, the Gaywood Community Association thanks Delegate Forbes and her co-sponsors, Chairman Barve and Vice Chair Stein, and each of the members of the Environment and Transportation Committee for the opportunity to submit written testimony in SUPPORT of H.B. 1077. This important piece of legislation will facilitate the efforts of homeowners and communities across the state by reducing financial and administrative barriers to removing unlawful, unwelcoming, and outdated language from real estate records.

Today, Gaywood is a vibrant and cohesive community with a mix of long-term residents and newcomers, seniors and families with young children, Baltimore-area natives and residents with roots from all over the world. In many ways, our 21 st century characteristics meld seamlessly with traditions that harken back to the founding of the neighborhood in the 1940s and 1950s: seasonal neighborhood gatherings on the "Gaywood Green," volunteer gardeners and mowers who pitch in to maintain shared green space, and the daily sightings of neighbors sharing greetings over backyard fences. We are proud of the way that our community has held on to traditions that make our neighborhood warm and hospitable for residents new and old.

Unfortunately, not all of the traditions that shaped our community are ones that reflect Gaywood's values today. Like many communities established in the mid-20 th century, the deed transferring ownership of the land on which our homes were built in 1948 included restrictive, racist covenants intended to prevent African Americans from using or occupying the land or any building erected thereon (with the exception of "servants or ... employees" of white residents) in perpetuity. Although covenants of this kind were deemed unconstitutional by the Supreme Court, and housing discrimination on the basis of membership in a protected class was further prohibited through landmark sections of the Civil Rights Act of 1968, such language remains part of the historical land records on homes in Gaywood.

Thanks to legislation that was signed into law by Governor Hogan after unanimous passage by the General Assembly during the 2018 session, Gaywood was able to follow in the footsteps of our neighbors in Rodgers Forge to officially and permanently strike this language from the deeds of 55 homes last year. In typical Gaywood fashion, a small group of volunteers banded together during the Summer of 2019 to analyze statutory language, develop user-friendly guidance, knock on doors with packets of information, and provide email and one-on-one assistance to interested neighbors. However, the process was truly only possible because the 2018 bill temporarily waived the fees normally associated with amending deeds. The fee waiver provision, which would be

made permanent with the passage of H.B. 1077, is truly a crucial ingredient to reduce barriers to removing language that no longer reflects the values of Gaywood or other communities across Maryland.

We strongly urge the Committee to vote in favor of H.B. 1077, and appreciate your consideration.

...ed to be recorded among the land records of Baltimore County prior hereto was  
...ed and conveyed by Takoma Park Land Company Incorporated to the grant herein and  
...prising the land shown on said plat of Gaywood which shows the courses and distances  
...s now surveyed

Together with the improvements thereon and the rights and appurtenances thereto  
belonging and appertaining

To have and to hold the above granted property unto the said party of the second  
part its successors and assigns forever in fee simple subject however to the following  
covenants agreements conditions easements restrictions which it is hereby covenanted and  
agreed shall be binding upon the said first party its successors and assigns and upon the  
said second party its successors and assigns and upon all the above described land hereby  
conveyed

1. That said land hereby conveyed and any building now or hereafter erected thereon  
shall be occupied and used for residential purposes only provided however that this  
restriction shall not be construed as preventing the use of any garage or garages erected  
in accordance with the provisions hereinafter contained for the purpose of storing therein  
any automobile

2. No swine or goats or chickens or pigeons or fowl shall be kept or allowed to remain  
on said premises no nuisance shall be maintained or allowed thereon and no use thereof  
shall be made or permitted which may be noxious or detrimental to health

\* 3. That neither said land or any part thereof or any building erected thereon on any  
part or parts thereof shall be used or occupied by any negro or person of negro descent  
but this shall not forbid the servants or the employees as such of the occupants of such  
buildings occupying parts thereof but not as tenants

4. No building fence wall or other structure shall be commenced erected or maintained  
on said land nor shall any addition to or change or alteration therein be made until the  
plans and specifications in duplicate showing the nature kind shape height colors materials  
location and approximate cost of such structure and/or addition change and/or alteration  
shall have been submitted to and approved in writing by the said grantor herein/ Said  
grantor shall have the right to refuse to approve any such plans or specifications which  
are not suitable or desirable in its opinion for aesthetic or other reasons and in so  
passing upon such plans or specifications it shall have the right to take into consideration  
the use and suitability of the proposed building or other structure and the materials of  
which it is to be built to the site upon which it is proposed to erected the same the  
harmony with the surroundings and the effect of the building or other structure as  
planned on the outlook from adjacent or neighboring property The said grantor shall  
establish the set back of the proposed building or structure (not inconsistent with the  
set back provisions hereinafter set forth) the grade of the lot and the height of the