



## **Takoma Park City Council Meeting – October 23, 2024 Agenda Item 7**

### **Work Session**

Resolution on the Removal of Unlawful Restrictive Covenants

### **Recommended Council Action**

Review draft resolution and provide guidance prior to the scheduled October 30<sup>th</sup> voting session.

### **Context with Key Issues**

Following the September 25<sup>th</sup>, 2024 Council work session on the removal of unlawful restrictive covenants and notice requirements under Maryland law, the Mayor and several Councilmembers drafted the attached resolution reaffirming the City's commitment and outlining next steps for the effective and wholesale removal of these covenants from property deeds within the City. Staff has also reviewed the draft and provided non-substantive edits for formatting and clarity.

### **Council Priorities**

Advancing a Community of Belonging; Engaged, Responsive, Service-Oriented Government; Community Development for an Improved and Equitable Quality of Life.

### **Environmental Considerations**

N/a.

### **Fiscal Considerations**

The FY25 budget does not currently contain funds or staff resources to pursue costs associated with this project.

### **Racial Equity Considerations**

A deeper understanding of the City's role in racial segregation and a fuller picture of the people, community, and activism attached to those actions are important pieces of the story of Takoma Park. Elevating these buried stories allows City leadership, staff, and residents to more holistically approach efforts to improve racial equity within the City, and this project directly supports the City Council's racial equity initiative. Findings from the research conducted through this project will have impacts in the way that the City allocates various future capital and programmatic resources.

### **Attachments**

Resolution on Removing Unlawful Restrictive Covenants

Introduced by:

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION 2024-\_\_**

**Resolution on the Removal of Unlawful Restrictive Covenants**

- WHEREAS**, the City of Takoma Park has a strong tradition of embracing and valuing diversity and respecting the civil and human rights of its residents regardless of their race, ethnicity, religion, national origin, immigration status, gender or sexual orientation; and
- WHEREAS**, one of the 2023-2024 City Council priorities is “Advancing a Community of Belonging” which includes furthering the City’s racial equity work; and
- WHEREAS**, the City wishes to actively foster equity and combat racial discrimination, and to address the past history of racism in our community; and
- WHEREAS**, racial restrictive covenants prohibit the sale, rent, lease or occupation of land to particular groups of people and were ruled unenforceable by the Supreme Court in 1948 but could be written into land records until the Fair Housing Act in 1968; and
- WHEREAS**, Montgomery Planning conducted a Mapping Segregation Project that examined the history of restrictive covenants in Takoma Park and found that they exist and continue to exist in land records today; and
- WHEREAS**, the racial restrictive covenants impacted rates of homeownership for African Americans in the city; and
- WHEREAS**, Historic Takoma has volunteered many hours to help identify historic unlawful, racially restrictive covenants on over 1,200 properties in Takoma Park as well as provided education and additional resources for homeowners who wish to remove these covenants from their deeds; and
- WHEREAS**, the City of Takoma Park wishes to expedite the removal of covenants from all deeds within the city to address historic racial inequities and to make an affirmative statement to our community that local government can be proactive in being anti-racist; and
- WHEREAS**, through House Bill 182, the State authorized municipalities to remove unlawful restrictive covenants for properties within their municipal boundaries; and
- WHEREAS**, the City has identified practical hurdles in meeting the notification requirements under state law necessary for municipalities to effectively remove covenants from properties.

**THEREFORE, BE IT RESOLVED** that the Takoma Park City Council reaffirms that restrictive covenants are illegal and commits to taking steps to address the city’s history of racism by the expeditious removal of unlawful restrictive covenants from deeds within the city; and

**BE IT FURTHER RESOLVED** that the City Council will work with the District 20 state legislative delegation to modify § 3-112 of the Real Property Article to create more flexibility and reduce practical barriers for municipalities. Specifically, the City recommends adding alternatives to the current notice requirements which require, “written notice of intent to execute and record the restrictive covenant modifications by first class mail, to all persons with an ownership interest in the property.” These alternatives could include options such as allowing municipalities to post a public notice in such places as a newspaper or municipal newsletter of general circulation to the public within the municipality; and

**BE IT FURTHER RESOLVED** that City staff will continue to work with community groups and organizations to notify residents about how to voluntarily remove restrictive covenants from their deeds; and

**BE IT FURTHER RESOLVED** that throughout the FY26 budget process, the City Council will continue to revisit its progress to determine whether the City will need to pursue an alternative approach to remove unlawful restrictive covenants including funding contractor support to meet current notification requirements under § 3-112 of the Real Property Article.

Adopted this \_\_\_\_\_ day of October, 2024.

AYE:

NAY:

ABSENT:

ABSTAIN:

Attest: