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DEMOCRATIC MINORITY

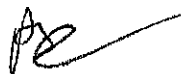


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Inter-Departmental Memo

To: Michael C Pulitzer, Clerk of the Legislature

From: Peter J. Clines, Esq., Minority Counsel 

CC: Hon. Richard Nicoletto, Presiding Officer

Hon. Kevan Abrahams, Minority Leader

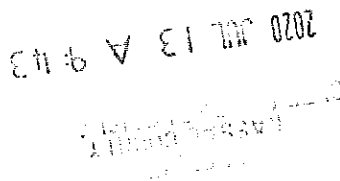
Date: July 13, 2020

Re: A RESOLUTION TO ESTABLISH A DATABASE OF RACIALLY RESTRICTIVE
COVENANTS WITHIN PROPERTY DEEDS IN NASSAU COUNTY

Attached please find the above referenced resolution which has been approved as to form per the Rules of the Legislature. Kindly distribute a copy to Presiding Officer Richard Nicoletto along with our request that this item be placed on the next available legislative agenda.

Kindly provide a time stamped hard copy acknowledgement of your receipt.

Thank you.



Introduced by: Legislator Carrié Solages and Legislator Arnold W. Drucker

RESOLUTION NO. – 2020

A RESOLUTION TO ESTABLISH A DATABASE OF RACIALLY RESTRICTIVE COVENANTS WITHIN PROPERTY DEEDS IN NASSAU COUNTY

APPROVED AS TO FORM


PETER J. CLINES MINORITY COUNSEL

WHEREAS, there was a period in this nation’s history when real property deeds were drafted with restrictive covenants intended to prevent African Americans, Jewish people, people of Asian descent and other minorities from purchasing or renting property in certain neighborhoods; and

WHEREAS, restrictive covenants in property deeds dating back to the twentieth century, during the nineteen twenties through the mid-nineteen forties, were intended to separate specific members of American society and promote racially, culturally and socioeconomically segregated communities; and

WHEREAS, individuals such as government officials, property developers, real estate agents, and title insurance companies were aware of these restrictive covenants and that those who violated such covenants by, for example, renting to an African American family, could be sued or lose their property; and

WHEREAS, historical research has demonstrated that official policies of the Federal Housing Administration encouraged the inclusion of racially restrictive covenants in connection with the financing of housing development; and

WHEREAS, in 1948, in the U.S. Supreme Court case *Shelley v. Kraemer*, the Court declared that racial restrictions in deeds were legally unenforceable, but the private conduct of realtors and property owners in discriminating on the basis of race would continue; and

WHEREAS, in 1968 the U.S. Congress passed the Housing Rights Act to outlaw discrimination on the basis of race or ethnicity in the sale or rental of housing; and

WHEREAS, the Housing Rights Act confirmed the unenforceability of racist deed restrictions but the racist provisions themselves would remain engraved in thousands of deeds as a permanent reminder of a harsh and divisive era in our nation and of continuing prejudice against minorities in the sale and rental of housing; and

WHEREAS, in municipalities across the nation such as Minneapolis, Seattle, and Portland, research groups comprised of individuals such as historians, property record professionals, and geographers, have undertaken efforts to transcribe racially restrictive covenants in deeds to study patterns of segregation and educate the public regarding the way in which racially restrictive covenants have shaped the racial and ethnic composition of neighborhoods within their respective jurisdictions; and

WHEREAS, although Nassau County has the distinction as the nation's first suburb and is home to world-class academic, research, and medical institutions, a 2017 report entitled "An Equity Profile of Long Island" examines decades of inequitable practices that divide Long Islanders based on race and income and concludes that "patterns of exclusion were created and continue to be maintained by public policies at the ...local levels. From redlining to voter ID laws to exclusionary zoning practices and more, government policies have fostered racial inequities in health, wealth, and opportunity."

WHEREAS, in light of the 2019 Newsday investigation into housing discrimination on Long Island entitled “Long Island Divided” that “reveal[ed] that Long Island’s dominant residential brokering firms help solidify racial separation,” it is appropriate for this Legislature to require the collection of data demonstrating how racially restrictive covenants imposed patterns of residential segregation in neighborhoods across Nassau County that continue to this day, decades after federal, state, and local laws have invalidated those covenants; and

WHEREAS, it is reasonable and necessary to develop a database of racially restrictive covenants to afford individuals the opportunity to identify the presence of such covenants in the deed to their home and to educate the public, as well as government entities, regarding how structural racism shaped law, public policy, socioeconomic opportunities, and education within Nassau County; now, therefore be it

RESOLVED, the Chair of the Nassau County Human Rights Commission (“Human Rights Commission”), in consultation with the Executive Director of the Human Rights Commission, shall issue a request for proposals (“RFP”) directed to educational institutions, nonprofit public policy advocacy organizations and nonprofit civil rights organizations for the development of an electronic database of racially restrictive covenants; and be it further

RESOLVED, the proposers’ responses shall include an outline for organizing and directing a team of volunteers capable of identifying and transcribing racially restrictive covenants and additional data related to residential property deeds recorded in the Office of the County Clerk of Nassau County prior to 1968; and be it further

RESOLVED, the team of volunteers shall, to the extent possible, include educators, historians, public policy advocates and students; and be it further

RESOLVED, the data collected by the team of volunteers shall include, but will not be limited to the following:

- (i) the location of the property within the applicable town, city, village, and/or hamlet;

- (ii) a digital copy of the deed or other document containing a racially restrictive covenant;
- (iii) the racially restrictive language within the deed;
- (iv) any relevant plat map; and
- (v) the property identification numbers and parcels governed by the restriction; and be it further

RESOLVED, the RFP shall also require the proposer to include a description regarding the manner in which the data collected by the team of volunteers shall be entered and uploaded into a database; and be it further

RESOLVED, the RFP shall require the proposer to include specifications for the development of a searchable electronic database accessible to the public that displays racially restrictive covenants and related data obtained from the deed transcription and that such electronic database shall be designed for inclusion on the Nassau County Human Rights Commission web page; and be it further

RESOLVED, the RFP shall require the proposer to include a detailed outline describing the manner in which property deed information shall be collected, a timeline for the collection of such information, and target dates for uploads to the electronic database; and be it further

RESOLVED, the RFP shall require the proposer to include an outline and/or detailed description for conducting a study to analyze and evaluate how racially restrictive covenants have affected demographic settlement patterns and the racial and ethnic composition of neighborhoods within Nassau County; and be it further

RESOLVED, the Chair of the Human Rights Commission, in consultation with the Executive Director of the Human Rights Commission, shall work with the proposer selected to obtain funding from public and private sources to carry out the objectives set forth in this resolution, including but not limited to deed transcriptions, data collection, the creation and

maintenance of the searchable electronic database and the production of the aforementioned study;
and be it further

RESOLVED, It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L., section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R. and section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a “Type II” Action within the meaning of Section 617.5(c)(24) and (33) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.