



Monroe County Clerk
JAMIE ROMEO

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For Immediate Release
May 30, 2024

***** Media Release *****

County Clerk Jamie Romeo Calls on State Senate to Pass S1728

(Rochester NY) – County Clerk Jamie Romeo and County Legislator Dave Long are calling on the New York State Senate to pass a bill that would mark a significant step in addressing the terrible legacy of racially restrictive covenants on the deeds of New York homeowners.

Under the proposed legislation A4428/S1728, homeowners will have an opportunity to file an instrument to publicly repudiate the racist covenants from original property deeds. This bill also compels that a modification of a restrictive covenant be included with each transfer of a deed, so we can begin to take the difficult and necessary steps towards recognition of the many parts of our community that remain segregated even today.

County Clerk Jamie Romeo is clear that “Racially restrictive covenants are the embodiment of structural racism, where governments and other systems were designed with the intention of providing white residents greater opportunities than people of color. While these covenants are illegal today, we continue to feel their impact throughout the Greater Rochester area. That is why I’m calling on the New York State Senate to pass A.4428/S.1728.”

Enclosed is a copy of the report “*Confronting Racial Covenants: How They Segregated Monroe County and What To Do About Them.*” This publication (the ‘Report’) was produced and released by the Yale Environmental Protection Clinic and City Roots Community Land Trust on August 4, 2020. Racially restrictive covenants and our community’s legacy of their use and practice is not new, however this report helps identify the issues of equity and integrity that remain as a result.

According to Irondequoit Town Supervisor Andraé Evans “When I first moved to my home in Irondequoit over 30 years ago, I was confronted with discriminatory neighbors who felt I didn’t belong in the neighborhood, and some even still today, feel this discrimination on their deeds. It is important to acknowledge our history as we embrace the future by correcting the wrongs on deeds around New York State. I am proud to join County Clerk Romeo and the County Legislature in urging our State Legislature and Governor to require the modification of restrictive covenants prior to the sale of real property.”

According to Brighton Town Supervisor Bill Moehle “I urge passage of A.4428/S.1728, to eliminate the stain of illegal restrictive deed covenants for homebuyers in New York State. Residents of one Brighton neighborhood recently took affirmative action to eliminate restrictive



Office of the County Clerk

Monroe County, New York

Jamie L. Romeo
County Clerk

Thaddeus I. Mack
Deputy County Clerk

May 25, 2023

Honorable Members of the New York State Legislature:

I am writing to in full support of bills A4428/S1728, "An act to amend the real property law, in relation to requiring the modification of restrictive covenants prior to the sale of real property."

Enclosed I am also forwarding you a copy of the report "*Confronting Racial Covenants: How They Segregated Monroe County and What To Do About Them!*." This publication (the "Report") was produced and released by the Yale Environmental Protection Clinic and City Roots Community Land Trust on August 4, 2020. Racially restrictive covenants and our community's legacy of their use and practice is not new, however this report helps identify the issues of equity and integrity that remain as a result.

As the official registrar of all deeds, mortgages, assignments of mortgages, satisfactions of mortgages, judgments and liens, the Monroe County Clerk's Office has the responsibility of indexing and preserving these documents in accordance with the Retention and Disposition Schedule for New York State Governments Records² (LGS-1) from State Archives.

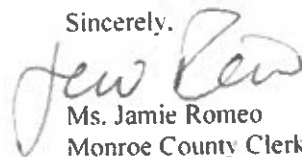
Racially restrictive covenants are the embodiment of structural racism, where governments and other systems were designed with the intention of providing white residents greater opportunities than people of color. While these covenants may be illegal today, we continue to feel their impact throughout the Greater Rochester area. Unfortunately, the history of County Government is one of an active participant in the racial segregation of our community.

Under the proposed legislation A4428/S1728, not only will homeowners have an opportunity to file an instrument to publicly repudiate the racist covenants from original property deeds, but by compelling a modification of restrictive covenant be included with each transfer of a deed, we can begin to take the difficult and necessary steps towards recognition of the many parts of our community remains segregated even today.

Since the release of the Report, our community has struggled to find the right path towards healing, understanding and justice when it comes to these racially restrictive covenants and their lasting impact. To date, the Monroe County Clerk's Office has taken steps to provide appropriate context regarding these covenants including installing signage throughout our filing office and also updating language on our online document database system that clearly and plainly states to the public that racially restrictive covenants are illegal and unenforceable.

Thank you for your leadership on these matters. The Monroe County Clerk's Office stands to continue to partner and walk with stakeholders and residents to address the hard truths about our history, in order to build constructive steps towards a more equitable and just countywide community.

Sincerely,



Ms. Jamie Romeo
Monroe County Clerk

¹ https://law.yale.edu/sites/default/files/area/clinic/document/2020.7.31_-_confronting_racial_covenants_-_yale.city_roots_guide.pdf

² <http://www.archives.nysed.gov/records/local-government-record-schedule/lgs-1-title-page>



Monroe County Legislature

William Burgess
Legislator - District 29

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Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
Memorializing Referral -L

WILLIAM BURGESS
LEGISLATOR - DISTRICT 29
COUNTY OFFICE BUILDING, ROOM 408
39 WEST MAIN STREET
ROCHESTER, NEW YORK 14614
PHONE: (585) 206-1131
E-MAIL: LEGISLATORBURGESS@GMAIL.COM

June 12, 2023

To The Honorable
Monroe County Legislature
39 West Main Street
Rochester, NY 14614

RE: Memorializing the New York State Legislature to pass the Modification of Restrictive Covenants Prior to the sale of Real Property.

Honorable Legislators:

The 1948 United States Supreme Court case Shelly V. Kraemer unanimously held that private parties may not seek judicial enforcement of a racially discriminatory covenant, as that would be a violation of the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. The Civil Rights Act of 1968, Title VIII, known as the Fair Housing Act of 1968 (the "Act"), prohibited discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, and sex, and was later amended to include disabilities and familial status. Although these restrictive covenants were banned, the Act did not require the restrictive language to be eliminated from existing real property deeds and the discriminatory language remains on many deeds in New York.

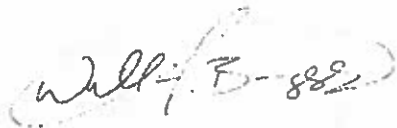
This bill would require sellers to remove illegal restrictive covenants prior to the sale of real property which discriminate on the basis of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income, or ancestry. The bill also eliminates the cost to sellers.

Eliminating the costs associated with removal of the language will encourage more sellers to ask for the deed to be altered. Removing this fee assists in lowering the costs at closing for both parties in the sale of real property. The modification document will be indexed with a reference page referring to the original document.

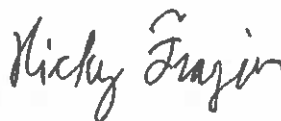
New York Senate Bill S1728 and Assembly Bill A4428: will help remove the discriminatory text from real property deeds.

We encourage the New York State Legislature to pass and Governor Hochul to sign this important legislation that show our commitment to inclusion and evolution of societal acceptance and practice in Monroe County and New York State.

Respectfully Submitted,



William Burgess
Legislator – District 29



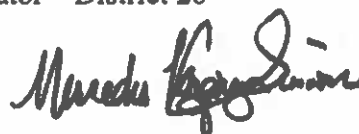
Ricky Frazier
Legislator – District 28



Yversha M. Roman
Democratic Minority Leader



Linda Hasman
Assistant Minority Leader



Mercedes Vazquez Simmons
Assistant Minority Leader



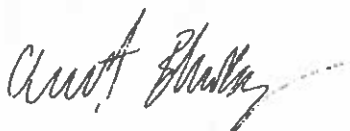
John B. Baynes
Legislator – District 18



Dave Long
Legislator – District 16



Rachel Barnhart
Legislator – District 21



Albert Blankley
Legislator – District 24



Carolyn Delvecchio Hoffman
Legislator – District 25

STATE OF NEW YORK

1728

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

Introduced by Sens. SANDERS, COMRIE, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to requiring the modification of restrictive covenants prior to the sale of real property

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The real property law is amended by adding a new section
2 327-a to read as follows:

3 § 327-a. Modification of restrictive covenants. 1. (a) If any coven-
4 ants, conditions and restrictions exist in a document to be recorded
5 which discriminate on the basis of race, color, religion, sex, sexual
6 orientation, familial status, marital status, disability, national
7 origin, source of income, or ancestry, any seller shall:

8 (i) have such unlawful restrictions removed from such document by
9 submitting a restrictive covenant modification document, which shall be
10 available from the county recorder, either with the deed for recording,
11 or separately;

12 (ii) provide the purchaser or title insurance applicant with a copy of
13 the appropriate restrictive covenant modification document prior to or
14 at the closing of title;

15 (iii) record the restrictive covenant modification document, however,
16 such seller shall not be required to pay filing fees for the recording
17 of the restrictive covenant modification document.

18 (b) Within one year of the effective date of this section, the board
19 of managers of a condominium, the board of directors of a cooperative
20 apartment corporation or a homeowners association if such real property
21 is subject to the rules and regulations of such an association, shall
22 delete or amend any covenants, conditions and restrictions that exist in
23 a recorded document which discriminate on the basis of race, color,

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD05928-01-3

1 religion, sex, sexual orientation, familial status, marital status,
2 disability, national origin, source of income, or ancestry. Such
3 deletions or amendments shall not be subject to the approval of property
4 owners.

5 (c) This section shall not apply to any lawful restrictions under
6 state and federal law.

7 2. The restrictive covenant modification document shall be indexed in
8 the same manner as any previously recorded document or documents to
9 which the modification document refers and shall reference the original
10 document by book and page number or instrument number and the date of
11 recording.

12 3. Subject to covenants, conditions, and restrictions recorded after
13 the original document containing unlawful restrictions, and subject to
14 covenants, conditions and restrictions recorded after the restrictive
15 covenant modification document, the restrictive covenant modification,
16 once recorded, shall be deemed the only restrictions having effect on
17 the property.

18 4. Any person holding an ownership interest in real property that he
19 or she believes is subject to an unlawfully restrictive covenant in
20 violation of state or federal law prohibiting restriction based on race,
21 color, religion, sex, sexual orientation, familial status, marital
22 status, disability, national origin, source of income, or ancestry may
23 record a restrictive covenant modification document pursuant to subdivi-
24 sion one of this section. Such recording shall include a complete copy
25 of the original document containing the unlawful language with the
26 unlawful language stricken and shall be signed under penalty of law.

27 5. The county recorder shall make available to the public forms for
28 preparation of a restrictive covenant modification document.

29 6. If the holder of an ownership interest in property causes to be
30 recorded a restrictive covenant modification document pursuant to this
31 section which contains language not authorized by this section, any
32 liability which derives from such recording shall be the sole responsi-
33 bility of the holder of the ownership interest of record and the county
34 recorder shall not incur any liability for recording such document.

35 § 2. This act shall take effect on the one hundred eightieth day after
36 it shall have become a law. Effective immediately, the addition, amend-
37 ment and/or repeal of any rule or regulation necessary for the implemen-
38 tation of this act on its effective date are authorized to be made and
39 completed on or before such effective date.