



Race and Housing

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Addressing Racial Disparities and Discrimination in Housing

Below is a chart of state statutes and legislation regarding efforts to address racial discrimination and disparities in housing, specifically related to discriminatory language in deeds and covenants, racism as a public health crisis, access to housing for people of color, and intergenerational poverty.

| State | State Statutes | Legislation |
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| Arizona | | 2021 SCR 1017 (Pending): Proclaims that racism is a public health crisis . Declares that members of the Legislature commit to working to create equity and justice-oriented governance . Declares that the Members of the Legislature commit to developing a work plan that includes educational efforts to address and dismantle racism, expand state personnel's understanding of racism and how racism affects individual and population health and provide tools to assist personnel to engage actively and authentically with communities of color . |
| Colorado | Colo. Rev. Stat. Ann. § 38-30-169 (1) Any attorney, title insurance company, or title insurance agent authorized to do business in this state may remove by recording a new instrument any restrictive covenants which are based upon race or religion, or reference thereto, which are contained in any deed , contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property and which: (a) Are held to be void and unenforceable by final determination of the supreme court of the state of Colorado or the supreme court of the United States; or (b) Have been modified pursuant to the procedures specified in section 38-30-170. | |

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| | <p>(2) Restrictive covenants which are based upon race or religion may be removed from such documents pursuant to subsection (1) of this section only upon the transfer or sale of, or any interest in, real property subject to such restrictive covenants which occurs subsequent to such final judicial determination or modification specified in subsection (1) of this section.</p> <p>(3) Notwithstanding any law to the contrary, any person who, in good faith and in the usual course of business, delivers any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property which contains any restrictive covenants which are based upon race or religion, or reference thereto, which are void and unenforceable by law shall be immune from civil liability. In addition, such delivery shall not constitute an unfair housing practice as specified in section 24-34-502(1)(c), C.R.S. The provisions of this subsection (3) shall not apply to any person who:</p> <p>(a) Represents or attempts to represent that such restrictive covenants which are based upon race or religion are valid and enforceable; or</p> <p>(b) Honors or exercises or attempts to honor or exercise such restrictive covenants which are based upon race or religion.</p> | |
| California | <p>Cal. Gov't Code Ann. § 12930 The department shall have the following functions, duties, and powers:</p> <p>(d) To obtain upon request and utilize the services of all governmental departments and agencies and, in addition, with respect to housing discrimination, of conciliation councils.</p> <p>Cal. Gov't Code Ann. § 8301 (a) The Legislature makes the following findings and declarations:</p> <p>(1) More than 4,000,000 Africans and their descendants were enslaved in the United States and the colonies that became the United States from 1619 to 1865, inclusive.</p> <p>(2) The institution of slavery was constitutionally and statutorily sanctioned by the United States from 1789 through 1865, inclusive.</p> <p>(3) The slavery that flourished in the United States constituted an immoral and inhumane deprivation of Africans' life, liberty, African citizenship rights, and cultural heritage and denied them the fruits of their own labor.</p> <p>(4) A preponderance of scholarly, legal, and community evidentiary documentation, as well as popular culture markers, constitute the basis for inquiry into the ongoing effects of the institution of slavery and its legacy of persistent systemic structures of discrimination on living African Americans and society in the United States.</p> | <p>2021 S 17 (Pending): States the intent of the Legislature to enact legislation to require the State Department of Public Health, in collaboration with the Health in All Policies Program, the Office of Health Equity, and other relevant departments, agencies, and stakeholders, to address racism as a public health crisis.</p> |

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(5) **Following the abolition of slavery, the United States government at the federal, state, and local levels continued to perpetuate, condone, and often profit from practices that continued to brutalize and disadvantage African Americans, including sharecropping, convict leasing, Jim Crow laws, redlining, unequal education, and disproportionate treatment at the hands of the criminal justice system.**

(6) **As a result of the historic and continued discrimination, African Americans continue to suffer debilitating economic, educational, and health hardships, including, but not limited to, all of the following:**

(A) Having nearly 1,000,000 black people incarcerated.

(B) An unemployment rate more than twice the current white unemployment rate.

(C) **An average of less than one-sixteenth of the wealth of white families, a disparity that has worsened, not improved, over time.**

(b) It is the purpose of this chapter to establish a task force that will do all of the following:

(1) Study and develop reparation proposals for African Americans as a result of:

(A) **The institution of slavery**, including both the transatlantic and domestic “trade” that existed from 1565 in colonial Florida and from 1619 to 1865, inclusive, within the other colonies that became the United States, and that included the federal and state governments, that constitutionally and statutorily supported the institution of slavery.

(B) **The de jure and de facto discrimination against freed slaves and their descendants from the end of the Civil War to the present, including economic, political, educational, and social discrimination.**

(C) **The lingering negative effects of the institution of slavery and the discrimination** described in paragraphs (5) and (6) of subdivision (a) on living African Americans and on society in California and the United States.

(D) The manner in which instructional resources and technologies are being used to deny the inhumanity of slavery and the crime against humanity committed against people of African descent in California and the United States.

(E) The role of Northern complicity in the Southern-based institution of slavery.

(F) The direct benefits to societal institutions, public and private, including higher education, corporate, religious, and associational.

(2) Recommend appropriate ways to educate the California public of the task force's findings.

(3) Recommend appropriate remedies in consideration of the task force's findings on the matters described in this section.



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| | (4) Submit to the Legislature the report completed pursuant to Section 8301.1, together with any recommendations. | |
| Florida | <p>Fla. Stat. Ann. § 712.065</p> <p>(1) As used in this section, the term “discriminatory restriction” means a provision in a title transaction recorded in this state which restricts the ownership, occupancy, or use of any real property in this state by any natural person on the basis of a characteristic that has been held, or is held after September 4, 2020, by the United States Supreme Court or the Florida Supreme Court to be protected against discrimination under the Fourteenth Amendment to the United States Constitution or under s. 2, Art. I of the State Constitution, including race, color, national origin, religion, gender, or physical disability.</p> <p>(2) A discriminatory restriction is not enforceable in this state, and all discriminatory restrictions contained in any title transaction recorded in this state are unlawful, are unenforceable, and are declared null and void. Any discriminatory restriction contained in a previously recorded title transaction is extinguished and severed from the recorded title transaction, and the remainder of the title transaction remains enforceable and effective. The recording of any notice preserving or protecting interests or rights pursuant to s. 712.06 does not reimpose or preserve any discriminatory restriction that is extinguished under this section.</p> | |
| Georgia | <p>Ga. Code Ann. § 44-5-60</p> <p>(3) No covenant that prohibits the use or ownership of property within the subdivision may discriminate based on race, creed, color, age, sex, or national origin</p> | |
| Illinois | | <p>2019 H 5191 (Failed): Would have created the Intergenerational Poverty Act; would have required the Department of Human Services, subject to appropriations, to establish and maintain a data system to track intergenerational poverty; would have required the data system to have the ability to: identify groups that have a high risk of experiencing intergenerational poverty; identifies incidents, patterns, and trends that explain or contribute to</p> |

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| | | <p>intergenerational poverty; would have gathered and tracked available local, State, and national data on poverty and child poverty.</p> <p>2019 HR 866 (Adopted): Declares that it is in the best interest of the people for the Governor to immediately act to shape a narrowly tailored approach to drastically improve the housing stock, communities, and conditions of, and for, people of African descent residing in the state; urges the Governor of the state and the General Assembly to invoke the principles of the Equitable Economic Land Use Plan with all deliberate speed; declares that funding should be directed toward low income communities.</p> |
| Maryland | <p>2020 Maryland Laws Ch. 421 (H.B. 1077)</p> <p>The governing body of a homeowners association shall delete any recorded covenant or restriction that restricts ownership based on race, religious belief, or national origin from the common area deeds or other declarations of property in the development.</p> | |
| Nebraska | | <p>2020 LR 374 (Pending): Interim study to examine issues related to the historical practice known as redlining within Nebraska municipalities.</p> |
| New Jersey | <p>N.J. Stat. Ann. § 46:3-23</p> <p>Any promise, covenant or restriction in a contract, mortgage, lease, deed or conveyance or in any other agreement affecting real property, heretofore or hereafter made or entered into, which limits, restrains, prohibits or otherwise provides against the sale, grant, gift, transfer, assignment, conveyance, ownership, lease, rental, use or occupancy of real property to or by any person because of race, creed, color, national origin, ancestry, marital status or sex is hereby declared to be void as against public policy,</p> | <p>2020 S 322 (Pending): Establishes New Jersey Reparations Task Force. Includes provisions related to housing.</p> <p>2020 A 2288 (Pending): Establishes commission and interagency working group to</p> |

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| | <p>wholly unenforceable, and shall not constitute a defense in any action, suit or proceeding. No such promise, covenant or restriction shall be listed as a valid provision affecting such property in public notices concerning such property. The invalidity of any such promise, covenant or restriction in any such instrument or agreement shall not affect the validity of any other provision therein, but no reverter shall occur, no possessory estate shall result, nor any right of entry or right to a penalty or forfeiture shall accrue by reason of the disregard of such promise, covenant or restriction. This section shall not apply to conveyances or devises to religious associations or corporations for religious purposes, but, such promise, covenant or restriction shall cease to be enforceable and shall otherwise become subject to the provisions of this section when the real property affected shall cease to be used for such purpose.</p> | <p>study and establish strategic plan to reduce poverty and economic insecurity in the state; provides for establishment of electronic system to track intergenerational poverty. Includes provisions related to housing.</p> <p>2020 AR 80 (Pending): Condemns the United States Department of Housing and Urban Development's proposed rule limiting applicability of Fair Housing Act's disparate impact standard.</p> |
| Oregon | <p>Or. Rev. Stat. Ann. § 93.270 (1) A person conveying or contracting to convey fee title to real property, or recording a declaration under ORS 94.580, may not include in an instrument for that purpose a provision: (a) Restricting the use of the real property by any person or group of persons by reason of race, color, religion, sex, sexual orientation, national origin or disability.</p> <p>Or. Rev. Stat. Ann. § 93.272 (1) Except as otherwise provided in ORS 93.274, any owner of record of real property that is subject to an instrument conveying or contracting to convey fee title to the property, or a declaration recorded under ORS 94.580, that contains a provision that is in violation of ORS 93.270 may file a petition to remove that provision from the title to the property. The petition shall be filed in the circuit court for the county in which the property is located. For a petition filed under this section, the court may not charge any filing fees to the petitioner and may not award a prevailing party fee to any party. The petition shall contain: (a) The name and mailing address of the person filing the petition; (b) The name and mailing address of all owners of record of the property; (c) The legal description of the property subject to the provision in violation of ORS 93.270; and (d) A clear reference to the provision claimed to be in violation of ORS 93.270.</p> | <p>2021 H 2337 (Pending): Requires state agencies and third party contractors that collect demographic data on behalf of state agencies to comply with rules adopted by the state Health Authority for collection of data on race, ethnicity, preferred spoken and written languages and disability status.</p> <p>2021 S 291 (Pending): Directs office of the Governor, in consultation with Racial Justice Council's Housing and Homelessness Committee, to study Laws related to housing and to provide results to interim committees of Legislative Assembly no later than specified date, with a focus on policy changes that addresses racial equity.</p> |
| Virginia | Va. Code Ann. § 2.2-2551 | |

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| | <p>The Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans (the Commission) is established as an advisory commission in the executive branch of state government. The purpose of the Commission is to study the current impact and long-term inequities of slavery and subsequent de jure and de facto racial and economic discrimination against African Americans.</p> <p>Va. Code Ann. § 36-96.6</p> <p>A. Any restrictive covenant and any related reversionary interest, purporting to restrict occupancy or ownership of property on the basis of race, color, religion, national origin, sex, elderliness, familial status, sexual orientation, gender identity, status as a veteran, or disability, whether heretofore or hereafter included in an instrument affecting the title to real or leasehold property, are declared to be void and contrary to the public policy of the Commonwealth.</p> | |
| Virgin Islands | <p>VI ST T. 10 § 3</p> <p>(f) Any restrictive covenant or condition or other provision in a deed, contract or writing of whatsoever nature relating to the conveyance, sale, lease or rental, of real estate, or any interest therein, which in any manner prohibits or restricts the reconveyance or resale, ownership, use or enjoyment of such real estate or interest therein on account of race, creed, color, or national origin, is contrary to public policy and hereby declared null and void and of no effect whatsoever. Likewise any covenant, condition, or provision in such deed, contract or writing requiring resale back to the seller or to some other particular person, corporation or group or any other special option on the part of the seller, except in family relationship, deeds of conveyance under the auspices of programs of the Virgin Islands Housing Finance Authority and government homestead deeds, is hereby declared to be subterfuge and also void and of no force whatsoever.</p> | |
| Washington | <p>Wash. Rev. Code Ann. § 49.60.227</p> <p>1)(a) If a written instrument contains a provision that is void by reason of RCW 49.60.224, the owner, occupant, or tenant of the property which is subject to the provision or the homeowners' association board may cause the provision to be stricken from the public records by bringing an action in the superior court in the county in which the property is located. The action shall be an in rem, declaratory judgment action whose title shall be the description of the property. The necessary party to the action shall be the owner, occupant, or tenant of the property or any portion thereof. The person bringing the action shall pay a fee set under RCW 36.18.012.</p> | |

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| | <p>(b) If the court finds that any provisions of the written instrument are void under RCW 49.60.224, it shall enter an order striking the void provisions from the public records and eliminating the void provisions from the title or lease of the property described in the complaint.</p> <p>Wash. Rev. Code Ann. § 49.60.224 (1) Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, creed, color, sex, national origin, citizenship or immigration status, sexual orientation, families with children status, honorably discharged veteran or military status, or with any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person who is blind, deaf, or physically disabled, and every condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, creed, color, sex, national origin, citizenship or immigration status, sexual orientation, families with children status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person who is blind, deaf, or physically disabled is void. (2) It is an unfair practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.</p> <p>Wash. Rev. Code Ann. § 64.38.028 (1) The association, acting through a simple majority vote of its board, may amend the association's governing documents for the purpose of removing: (a) Every covenant, condition, or restriction that is void by reason of RCW 49.60.224; and (b) Every covenant, condition, restriction, or prohibition, including a right of entry or possibility of reverter, that directly or indirectly limits the use or occupancy of real property on the basis of a protected class under chapter 49.60 RCW.</p> | |
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Other Related Legislation

[Illinois 2019 S 1780](#)/75 Ill. Comp. Stat. Ann. 5/1-103 (Enacted): amends the Human Rights Act; provides that it is a **civil rights violation** for an owner or any other person engaging in a real estate transaction, **because of an arrest record to refuse to engage in a real estate transaction with a person or to discriminate** in making available such a transaction, alter

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the terms, conditions, or privileges of a real estate transaction, or other specified **unlawful discriminatory acts based on an arrest record**.

Additional Resources

- [Fair Housing and Related Laws](#), Department of Housing and Urban Development
 - Provides a list of national fair housing statutes and executive orders.
- [Time for Justice: Tackling Race Inequalities in Health and Housing, 2016](#), The Brookings Institution
- [Research Report: Structural Barriers to Homeownership, 2020](#), Urban Institute
- [Building Black Homeownership Bridges, 2019](#), Urban Institute
- [Housing Discrimination Against Racial and Ethnic Minorities Study, 2012](#), Department of Housing and Urban Development (HUD)