



The Town of Washington Grove
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Via Electronic Mail

February 14, 2023

Maryland Senate Judiciary Proceedings Committee
Senator William C. Smith, Jr., Chair
Senator Jeff Waldstreicher, Vice Chair

RE: Testimony in support of Senate Bill 335 “Real Property – Unlawfully Restrictive Covenants – Modification by Municipalities.”

The practice of imposing racially restrictive covenants by private individuals and even public institutions on properties sold in the State of Maryland before the 1950s is well documented. In 1948 the Supreme Court ruled (*Shelley v. Kraemer*) that racially restrictive covenants were unenforceable by States because they violated the equal protection clause of the Constitution. The deed covenants themselves were made illegal by the 1968 Fair Housing Act. However, because deed covenants remain through succeeding property sales, a legal process that can be cumbersome and costly is needed to remove them. More recently, Montgomery County instituted a process that facilitates property owners removing such illegal covenants without cost if appropriately requested with submission of appropriate paperwork. Unfortunately, the covenants remain present on a very large number of deeds including those that have changed hands, partly because property owners are ignorant that they exist and partly because the process requires that each property owner originate action to legally strike them. That they continue to exist is morally abhorrent and intolerable in our community and in a state that professes to promote equality for all.

In 2020 Washington Grove became aware that almost one-half of deeds of private property in town contained racially restrictive covenants stemming from property sales between about 1929 and 1953, many of them included in the deeds of municipal land sold by the Town itself. Washington Grove properties are representative of the widespread inclusion of racially restrictive covenants in many communities in Montgomery County and the State of Maryland.

The Washington Grove Town Council acted in 2021 to declare these covenants morally and constitutionally abhorrent and enacted an ordinance to terminate them and to commit the Town to aid property owners who wish to strike the covenants from their deeds.

In acknowledging the historical municipal participation in placing illegal covenants in property deeds originally sold by the Town, the Town Council of Washington Grove strongly feels the

obligation to further *insure* their removal. We have already committed to providing the required deed copies and paperwork for individual property owners to initiate the existing process for removing racially restrictive covenants, and the first few have been successfully recorded. However, the authority granted us by HB0182 will substantially aid in this by enabling *the Washington Grove to initiate the legal removal process, rather than individual property owners*, for all identified properties, unless expressly denied by the property owner.

We urge Committee members and the Legislature to recognize the inherent moral obligation that drives our interest in removing the racially restrictive covenants, and to provide Washington Grove and other municipalities the authority to do so. This will be a significant action that will contribute to making progress on the broader goals of acknowledging past racial discriminatory policies and their lasting effects and fulfill our aspiration of equity and a more diverse community.

Thank you.



John Compton

Mayor, Town of Washington Grove



Charlie Challstrom

Former Mayor and Councilor, Town of Washington
Grove