

HB 182 - FAV - MML.pdf

Uploaded by: Angelica Bailey

Position: FAV



Maryland Municipal League

The Association of Maryland's Cities and Towns

TESTIMONY

February 7, 2023

Committee: Environment & Transportation

Bill: HB 182 – Real Property - Unlawfully Restrictive Covenants - Modification by _____
Municipalities

Position: ___ Support

Reason for Position:

The Maryland Municipal League supports HB 182, which would enable a municipality to remove racially restrictive covenants from deeds recorded within its jurisdiction, provided sufficient notice has been given to the property owner.

Racially restrictive covenants are unconstitutional and unenforceable (see the 1968 Fair Housing Act and *Shelley v. Kraemer*, 334 U.S. 1 (1948)), but remain in publicly accessible documents, incorrectly implying that valuable members of our communities are unsafe and unwelcome. This offensive messaging is hurtful to our residents, contradicts our members' core values, and dilutes the strength of our communities. Allowing racially restrictive covenants to remain when they could be fairly and expeditiously removed is unconscionable.

For these reasons, the League respectfully requests that this committee provide HB 182 with a favorable report.

FOR MORE INFORMATION CONTACT:

Theresa Kuhns	Chief Executive Officer
Angelica Bailey Thupari, Esq.	Director, Advocacy & Public Affairs
Bill Jorch	Director, Public Policy
Justin Fiore	Manager, Government Relations

1212 West Street, Annapolis, Maryland 21401

410-268-5514 | 800-492-7121 | FAX: 410-268-7004 | www.mdmunicipal.org

Takoma Park 2023 - HB 182 FAV - Unlawful Restricti

Uploaded by: City Councilmember Jason Small

Position: FAV



**CITY OF TAKOMA PARK,
MARYLAND**

**HB 182
Support**

Environment and Transportation Committee

February 7, 2023

**HB 182: Real Property - Unlawfully Restrictive Covenants -
Modification by Municipalities
City Council of the City of Takoma Park**

The City of Takoma Park supports House Bill 182, and urges favorable consideration.

Federal law states that it is unlawful to refuse to sell or lease real property to a person because of race, color, religion, gender, national origin, age, familial status, or disability or to include in any instrument a restrictive covenant based on such characteristics. Many deeds continue to contain unlawful restrictive language, and despite it being unenforceable, there is a desire to eliminate this language to the extent possible.

The City of Takoma Park supports this legislation to give the City the ability to review deeds on file, and with the required notice, execute and record a restrictive covenant modification. This activity is consistent with the City's efforts to address racial inequities and makes an affirmative statement to the community that local government can be proactive in being anti-racist.

We urge a favorable report on House Bill 182.

HB_182_sponsor testimoney

Uploaded by: Kirill Reznik

Position: FAV

KIRILL REZNIK
Legislative District 39
Montgomery County

Appropriations Committee
Chair
Health and Social
Services Subcommittee



Annapolis Office
The Maryland House of Delegates
6 Bladen Street, Room 427
Annapolis, Maryland 21401
301-858-3039 · 410-841-3039
800-492-7122 Ext. 3039
Fax 301-858-3126 · 410-841-3126
Kirill.Reznik@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB 182 Real Property - Unlawfully Restrictive Covenants - Modification by Municipalities

Chair Barve, Vice Chair Stein, and members of the Environment and Transportation Committee, I'm here to present HB 182- Real Property - Unlawfully Restrictive Covenants - Modification by Municipalities.

I was approached by the Town of Washington Grove during the interim, when they realized that there were antiquated covenants on the books that had racist restrictions on who could own property. There were enough of these covenants that going through one by one to amend them would be time consuming and expensive.

In 2004, Senator Gladden sponsored SB 692 - Homeowners Associations - Recorded Covenants or Restrictions - Deletion of Ownership Restrictions Based on Race, Religious Belief, or National Origin, which allowed HOAs to do a bulk removal of these covenants. Similar to SB 692, HB 182 is enabling legislation that would give this ability to municipalities.

The municipalities, if they found these records and wanted to address them en masse, would be required to provide adequate written notice, at least 30 days before, to residents, and residents would have the option to decline such action. Unlawful restrictions here include race, religious belief, and national origin.

These covenants, as you know, are dead language having no weight of law, and either in spite of or because of their status, continue to live indefinitely within the deeds of older properties in our state. This legislation would allow municipalities to remove this language in bulk and with little to no effort or disruption to the individual property owner.

If we, as a state, have declared it unlawful to have such discriminatory restrictions on ownership of property, then we need to make it as easy as possible to remedy these covenants. I respectfully ask the committee for a favorable report on HB 182.

MBIA Letter of Support HB 182.pdf

Uploaded by: Lori Graf

Position: FAV

January 25, 2023

The Honorable Kumar Barve
Chairman, House Environment and Transportation Committee
House Office Building, Room 251
6 Bladen Street
Annapolis, MD 21401

RE: Support of HB 0182 Real Property – Unlawfully Restrictive Covenants – Modification by Municipalities

Dear Chairman Barve:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB 0182 Real Property – Unlawfully Restrictive Covenants – Modification by Municipalities**. MBIA **Supports** the Act in its current version.

This bill authorizes a municipality to execute and record a restrictive covenant modification to an unlawfully restrictive covenant for a property within the boundaries of the municipality after providing persons with an ownership interest in the property with 30 days' written notice. MBIA respectfully supports this measure. We believe that if anyone is implementing unlawful restrictive covenants, there should be measures to stop that from happening. We wholeheartedly agree that no covenant should ever restrict ownership based on race, religious belief, or national origin.

For these reasons, MBIA looks forward to working with the sponsor of the bill to clarify the intent and support the bill.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: House Environment and Transportation Committee Members