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**Written Testimony Supporting House Bill 5462, An Act Concerning the
Removal of Restrictive Covenants in Instruments Affecting Title to Real
Property**

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein,
and distinguished members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting written testimony in support of House Bill 5462, An Act Concerning the Removal of Restrictive Covenants in Instruments Affecting Title to Real Property.

To create an equitable world for all people, the ACLU-CT believes that we must address institutionalized racism, sexism, homophobia, and other practices of discrimination in all its forms. These forms of discrimination are even baked into the legal instruments attached to real property in this state. Historically, restrictive covenants pertaining to race, religion, and other identities were used to prohibit property owners from selling to certain groups of people.¹ Because covenants run with the land and can be passed from owner to owner, they have enormous staying power. In 1948, the U.S. Supreme Court found in *Shelley v. Kraemer* that racially-restrictive covenants prohibiting non-white people from purchasing and occupying property were unconstitutional, making such existing covenants unenforceable.² But many of these racist covenants remain in the mortgage deeds passed from property owner to

¹ See David Ware, *The Black and White of Greenway: Racially Restrictive Covenants in Manchester, Connecticut*, SSRN (Mar. 25, 2020), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3546228; ASHLEY BAKELMUN & SARAH JANE SHOENFELD, *Open Data and Racial Segregation: Mapping the Historic Imprint of Racial Covenants and Redlining on American Cities*, in OPEN CITIES, OPEN DATA (Sept. 27, 2019).

² *Shelley v. Kraemer*, 334 U.S. 1 (1948).

property owner because until recently the process to remove the covenants was costly and time-consuming by requiring a lawyer.³

Although these clauses no longer have legal effect, they are a painful reminder of racism's historic pervasiveness in our legal systems and institutions that continues to impact people of color in this state today. House Bill 5462 comes on the coattails of Public Act 21-173, which created a process to remove racially restrictive covenants from instruments recorded on land records in Connecticut.⁴ This bill seeks to expand this process to more groups of people by prohibiting restrictions based on creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status or status as a veteran. The ACLU-CT strongly supports efforts to remove these relics of discrimination from Connecticut's housing documents and urges this Committee to support House Bill 5462.

³ Cheryl W. Thompson, *Racial Covenants, a Relic of the Past, Are Still on the Books Across the Country*, NPR (Nov. 17, 2021 at 5:06 AM), available at <https://www.npr.org/2021/11/17/1049052531/racial-covenants-housing-discrimination>.

⁴ Conn. Pub. Act No. 21-173 (2021).