

Discriminatory Covenants

In Springfield, Oregon

Deed restrictions such as Covenants, Conditions & Restrictions (CCRs) are commonly known today for laying out rules for homeowner's associations.

However, people who own older residential property may also find racially restrictive covenants in their property deed and CCRs.



Have you checked Your Deed?

Some residents may find discriminatory language in their property deed or covenants and restrictions that restrict homeownership based on race. These restrictions, known as racial covenants, are illegal and no longer in effect. They began in the mid-19th century and continued into the mid-20th century. They were recorded when a developer subdivided the land or when a home was built, and the developer wanted to restrict the use or occupancy of the home based on a person's race.

The Supreme Court ruled against racially restrictive covenants in 1948 based on the Equal Protection Clause of the Fourteenth Amendment to the US Constitution. The ruling established that courts would not enforce the covenants but did not prohibit the inclusion of racial restrictions in covenants or prevent private enforcement. It was not until the passage of the Federal Fair Housing Act of 1968 that racially restrictive covenants became illegal. This means that those who own residential property developed before 1968 could very likely find language in their own CCRs that reflects our history of exclusion in housing.

Because so many racially restrictive covenants remain in deeds and private covenants and restrictions, some states, including Oregon, have adopted laws to help homeowners remove them from their deeds. Oregon laws authorizing a streamlined process for removing racial covenants from deeds are contained in [ORS 93.270](#) (Certain restrictions in conveyancing instruments prohibited; restriction on right of action) and [ORS 93.274](#) (Procedure for removal of discriminatory restrictions).

How do I learn if racially restrictive covenants appear in my property's deed and CCRs?

The documents you signed when you purchased your home will include the deed and CCRs. A close review of these documents will reveal whether racially restrictive covenants were applied

to your property. Note that the restrictions are often embedded and may be limited to a single sentence or short paragraph.

If you are not able to locate the documents, you can obtain a copy of the deed from Lane County Deed and Records or by contacting a title company. You may be charged fee for this service.

What is the process to remove discriminatory restrictions?

The laws passed in 2018

aims to ease the removal of discriminatory restrictions from property records, using a procedure detailed in [ORS 93.274](#). Please note that the City is not involved in the process. The removal process is administered by the Circuit Court for the county in which the property is located, and it is free. Only the property owner can ask the Court to remove language from property records. All inquiries should be directed to the Lane County Circuit Court for properties located in Springfield.

Form:

To remove Discriminatory Provisions from your property title, click here to find the State of Oregon's form: [Petition to Remove Discriminatory Provisions from Title to Real Property](#).

Contact:

Lane County Circuit Court

<https://www.courts.oregon.gov/courts/lane/Pages/default.aspx>

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1. Each building constructed or placed on said land shall within ninety (90) days of erection be painted with two coats of good quality paint.
2. Before anyone occupies a residence of any sort on any part of these premises, said residence shall be connected with a standard septic tank which shall be properly maintained at all times and the absorption field of said septic tank must pass approved requirements.
3. No race or any nationality other than those of the Caucasian race shall use or occupy any building on any subdivision of the above described premises except that this covenant shall not prevent occupancy by domestic servants of a different race or nationality employed by an owner or tenant of such a subdivision.

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(Above) This deed restriction came from a Preliminary Title Report from a property in Springfield. Under the Current Exceptions section, in the area for Covenants, Conditions, and Restrictions, there is a link to additional restrictions. This is under those original restrictions, from February 1945.