

Racial Restrictions in Housing

How Housing Restrictions Worked

In 1917, city segregation codes became illegal as a result of the *Buchanan v. Warley* Supreme Court case. Legal residential segregation then moved into the realm of deeds and contractual agreements. The 1926 Supreme Court case *Corrigan v. Buckley* explicitly allowed racially restrictive covenants to be set up among parties entering into property agreements of their own volition. After this ruling, such arrangements became popular until *Shelley v. Kraemer* in 1948 relegated them into the legal twilight of "unenforceability," and the Fair Housing Act of 1968 finally rendered them illegal.

During the 1930's, as the federal government became involved in helping citizens purchase or rent homes, white people had access to new homes, which quickly appreciated in value, in neighborhoods from which people of other races were frequently barred. When non-whites benefited from housing subsidies, the housing they had access to was often old, substandard, and unattractive, or was available only for rent, and thus did not enable the resident to build wealth.

Rachel Brekhus, a librarian at Ellis Library, is digging deep into America's past to a time when certain property could not be sold to African Americans. It's part of a tedious project she's working on, documenting racially restrictive deeds in Boone County.

She and a student have found over 80 restrictive deeds so far from areas like the Grasslands subdivision, Bateman Place addition and Western Heights addition.

Some of the land was owned by key public figures in Columbia like James S. Rollins and John A. Stewart, who both have streets and other noteworthy landmarks like parks and buildings named after them.

On June 30, 2022, Governor Parson signed into law legislation that requires the removal of restrictions relating to a person's race, color, religion, or national origin from newly recorded deeds.

Under the legislation, the people who prepare or submit a deed for recording – typically a title company – would remove the language before sending it to the recorder of deeds. If the language is not removed, the recorder of deeds can refuse to accept the deed and send it back to the title company to make changes. For homeowners who aren't intending to sell their home but would like to remove the language from their deeds, can pick up a one-page document to fill out at the recorder's office for a \$24 processing fee.

Rachel Brekhus, Mu librarian, has begun research on Columbia neighborhoods with racially restrictive deeds. She could use two types of volunteers to help her complete the research:

- 1) Deed book page turners: Volunteers who can stand at a standing desk in a cool room, or at a table in a slightly less cool room, and page through large physical volumes of text looking for restrictive covenant language. For this, you simply need to be able to read, to stand or sit in place for a while, and enter data into a spreadsheet (Rachel will show you how). Someone as young as 13 or 14 could probably do this, if they have the attention span for the work.
- 2) Mappers: Volunteers who have GIS skills and training and experience in converting the type of geographic descriptions typically seen in deeds into GPS coordinates that can be mapped.

