



# **Answering the Call to Build Equitable Housing**

## **Racially Restrictive Covenants**

**Lexi P. Howard**



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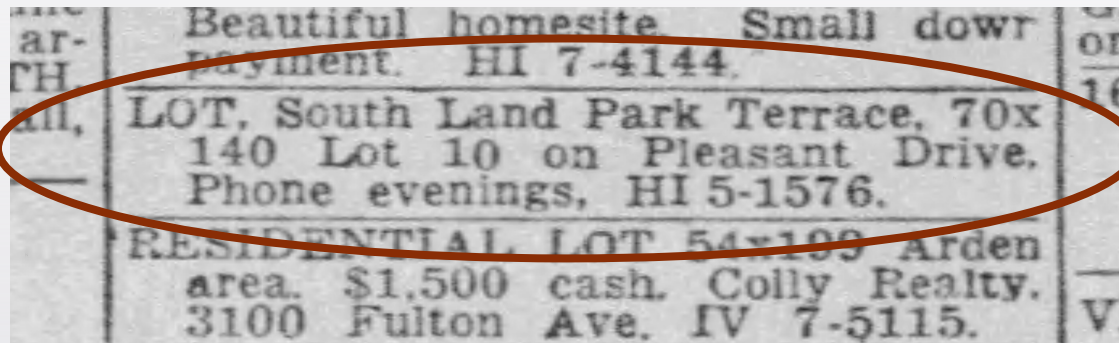
# **Racially Restrictive Covenants**

**Content warning:**

**The following slides contain historical examples of racially restrictive covenants (RRCs) and marketing and other information that was used to promote sales in residential neighborhoods that contained those RRCs.**

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*This newspaper  
advertisement:*



*For a residential  
building lot with  
this restriction:*

"No persons of any race other than the White or Caucasian race shall use or occupy any structure or any lot except that this provision shall not prevent occupancy by domestic servants of a different race domiciled with an owner or tenant."



More samples of newspaper advertisements in Sacramento

Please call Mr. Sanchez, 3-1267, 6-8165, or our office, 7-1584.

**CAVANAUGH & CARTER**  
5533 H Street Dial 7-1584

**RESTRICTED LOTS  
SOUTH LAND PARK  
TERRACE**

BUILD and PLAN your own home. Some of the highest land in Sacramento. Beautiful rolling terrain. Views unlimited. Located near Land Park, close to schools, transportation. Best type of soil. No two homes alike. Only a few lots left. Call MR. WELLANDER for appointment and information regarding these choice lots. Dial 5-4998 or 2-5864.

**MOSS & LUCAS**  
915 8th Street Dial 2-5864

**COMMERCIAL LOTS AND  
SITES—FOR SALE** 83A

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The Sacramento Bee.

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★ **Highly Restricted**

Homes built here will be the type and quality that will maintain the value of your investment.

**MODEL HOME  
OPEN FOR INSPECTION  
SATURDAY AND SUNDAY 12-6**

**"MOSS OAKS",**  
4410 Moss Drive

**SOUTH LAND PARK TERRACE**

1. Rolling contours.
2. High elevation.
3. Highly restricted.
4. Architectural control.
5. Shopping center—schools.
6. Parks—Golf courses.
7. Children's playground.
8. Rich soil.
9. Sewers — Paved Streets — Gas, etc.

★ ★ ★ **AND** ★ ★ ★

One of the most beautiful subdivisions in Sacramento. No two homes alike. No two lots alike. Only a few lots left. Consult M u

sale. Call MRS. DOHERTY, 2-2424.

**SOUTH LAND PARK TERRACE  
HOMESITES**

Quality lots, large in size, assurance of investment protection, definite true values are to be had in beautiful South Land Park Terrace. The low terms, deep, rich soil, abundance of pure water, stores, transportation, all public utilities are available. If you are considering home sites, you definitely must see these before buying. Low down payments, all advantages of city property in a district which is fast becoming a part of the Land Park area. Come out and see what we have to offer. For advance information, call FRED LaTURNER, 4-2030.

thegrove Beauty School  
MARY M. SACKETT, University Trained Beautician  
17th Street Phone 3-1401

403 California Fruit Bldg.  
Sacramento, California Phone 2-7949

faucets, stoves, receivers and  
garments.

**LOCATED**  
Near schools, bus transportation, recreation, shopping districts and beautiful William Land Park.



**ON SALE SUNDAY!**  
**South Land Park  
Terrace**

**HOW TO GET THERE**  
Just drive through WPA  
Land Park to 2000  
at intersection of Sutter  
ville Road and 2nd St.  
Avenue—see our signs.

**★ Highly Restricted**  
Homes built here will be the type and quality that will maintain the value of your investment.

**★ Highest Elevation**  
Here will be Sacramento's most beautiful new residential section—rolling, elevated and overlooking beautiful William Land Park.

**★ Close to Schools and Town**  
Here again South Land Park Terrace offers you the best in fine modern grade schools, High Schools and Sacramento College. It is a quick direct drive by way of Land Park Drive to town.

**★ Rich Deep, Fertile Soil**

**SEWER SYSTEM  
PAVED DRIVES  
AND CURBS**  
(On Road)

**★  
ADEQUATE  
WATER  
SYSTEM**

**About Terms and Prices**  
You will be more than pleased with the reasonable pricing for such an exclusive district.

**CONVENIENT FINANCING**

**Come Out Tomorrow**



## Covenants, Conditions, and Restrictions (CC&Rs)

Here, from a subdivision in Fresno in 1947:

300

### RICHERT TRACT

That we the undersigned, Hubert C. Richert and Willetta A. Richert, being the owners of that certain real property situated in the County of Fresno, State of California described as

Lots 1 to 28, inclusive, of Richert Tract, according to Map recorded November 5, 1947, in Book 13, Page 85, of Plats, in Records of said County.

do hereby create and establish a general plan for the enjoyment, development, use and occupancy of said real property by imposing upon said real property the following covenants, restrictions, limitations and conditions, to-wit:

1. No building other than single family residence and its appurtenant garage or garages, and other necessary and usual outbuildings including private stables and buildings to be occupied by employees and servants of residents upon said premises, shall

17. Each and all of the covenants, conditions or restrictions, all and singular, shall be considered and deemed to be covenants, conditions, restrictions, agreements, assignments, encumbrances and written made or executed by any person conveying or encumbering any or to said real property, or any lot or part thereof, and shall have the same effect as if embodied in and made a part of such deed, conveyances, agreements, assignments, encumbrances and other written instruments.

18. If the parties hereto, or any of them, or their heirs, successors or assigns shall violate or attempt to violate any of the covenants, conditions or restrictions herein, it shall be lawful for any other person or persons on any real property in said development or subdivision to prosecute or maintain any proceeding of law or in equity against the person or persons violating or attempting to violate any such covenant, and either to enjoin the violation thereof or to recover damages for such violation.

5. No animals or fowl, excepting for private domestic use, shall be kept or bred upon any property subject to these covenants.



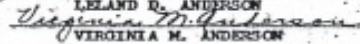
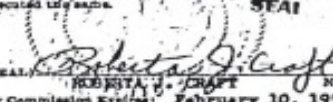
6. Each of these covenants, restrictions and conditions shall remain in full force and effect for a period of Twenty Five (25) years from and after November 5, 1947, and shall be automatically extended in full force and effect for successive periods of Ten (10) years each thereafter unless by a vote of the majority of the then owners of all of the lots in said Tract, cast after the end of the said Twenty Five (25) year period, it is agreed by a majority of such owners to change or eliminate said covenants, restrictions or conditions in whole or in part.

7. No part of said subdivision, nor any building thereon, shall be sold, conveyed or leased, by Deed or otherwise, to any Negro, Chinese, Japanese, Hindu, Armenian, Malayan, Asiatic, or Native of the Turkish Empire, or any person not of the Caucasian race, or any descendant of any one or more of said persons.

8. Neither said real property nor any part thereof, nor any lot nor part thereof, shall be used or occupied in any manner whatsoever by any Negro, Chinese, Japanese, Hindu, Armenian, Malayan, Asiatic or Native of the Turkish Empire, or any person not of the Caucasian Race, or any descendant of any one or more of said persons; provided, however, that such person may be employed as a servant by a resident upon such property.

# Grant Deed, 1955.

No restriction in the deed, but the restriction is recorded in the documents affecting the entire subdivision.

TRUCK 2803 PAGE 249	
<b>Grant Deed</b>	
LELAND D. ANDERSON and VIRGINIA M. ANDERSON,	
Grant to	NATHANIEL S. COLLEY and JERLEAN J. COLLEY, as joint tenants,
the real property situated in the	County
of SACRAMENTO	, State of California, described as follows:
Lot 10 Noonan South Land Park Terrace, situated in the City of Sacramento, County of Sacramento, State of California.	
	
Dated: March 30, 1955	 LELAND D. ANDERSON  VIRGINIA M. ANDERSON
STATE OF CALIFORNIA COUNTY OF SACRAMENTO	RECORDING DATA 180 23266 2803249 Nathaniel Colley 1955 APR 1 PM 4 16 COUNTY RECORDED
On March 30, 1955 before me, ROBERTA J. CRAFT, a Notary Public in and for said County and State, personally appeared LELAND D. ANDERSON and VIRGINIA M. ANDERSON known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.  ROBERTA J. CRAFT, Notary Public My Commission Expires February 10, 1956.	CAPITAL CITY TITLE COMPANY



## Some Judicial and Legislative History . . .

### *Shelley v. Kraemer*

In granting judicial enforcement of the restrictive agreements in these cases, the States have denied petitioners the equal protection of the laws and that, therefore, the action of the state courts cannot stand.... Because of the race or color of these petitioners they have been denied rights of ownership or occupancy enjoyed as a matter of course by other citizens of different race or color. (1948)

### *Ming v. Horgan*

Negroes have been and are turned away from original sales of most tract homes in the area despite an increase in the percentage of Negro population in the last few years and an increase in their rate of income as compared with members of the white race." (1958)

### *State and National Fair Housing Legislation*

Proposition 14, which was overwhelmingly supported by developers, real estate trade associations, and others, was approved by California voters, amending the California Constitution to provide that "neither the State nor any subdivision or agency thereof shall deny, limit or abridge, directly or indirectly, the right of any person, who is willing or desires to sell, lease or rent any part or all of his real property, to decline to sell, lease or rent such property to such person or persons as he, in his absolute discretion, chooses. (1964)

The federal Fair Housing Act finally prohibited racially restrictive covenants and racially discriminatory practices in the sale, purchase, and financing of real estate were finally prohibited. (1968)





## Exclusionary practices, in context - and a few words about “*de facto*” and “*de jure*”:

***De facto*** exclusion and segregation – the result of private activities (by individuals acting on their own, private organizations, associations, and businesses, etc.), not the result of government actions.

***De jure*** exclusion and segregation – the result of laws, regulations, policies, and practices enacted, sponsored, and supported by the government at one or more levels (federal, state, county, city governments and their agencies).

# California – and the United States - today

California:  
AB 1466, enacted in  
2021.

Other states:  
Some have  
enacted, some  
are considering,  
others not yet.

Uniform Law  
Commission:  
Drafting is  
underway for  
a “Model Act”  
for states to  
consider for  
use.

