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One lawyer's mission: eradicate racist covenants

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After being shocked to see Jim Crow-era language in her homeowner's agreement attempting to preclude people of color from occupying her house, Elise Sanguinetti of Arias Sanguinetti Wang & Torrijos LLP said she has made it her goal to erase this language from thousands of homeowner agreements nationwide.

When buying or selling a property, most property agreements and deeds include a provision called "Covenants, Conditions, and Restrictions." They describe requirements and conditions about what can be done with the property and are designed to preserve or enhance the value of the property.

While the U.S. Supreme Court found racially discriminatory covenants in homeowner agreement unconstitutional in *Shelley v. Kraemer*, 334 U.S. 1 (1948), the language still exists on thousands of deeds.

California has attempted to address these types of outdated and illegal clauses by providing avenues to have the language removed, but purchasers and sellers of property might not know how to go through the bureaucratic process to do so, Sanguinetti said in a phone interview Wednesday. Now after learning how to go about removing this language from her own agreement, she wants



Courtesy of Elise R. Sanguinetti

After Elise R. Sanguinetti of Arias Sanguinetti Wang & Torrijos LLP found Jim Crow-era language in her homeowner's agreement she began a campaign to get it removed pro bono from others' documents.

to help others pro bono to do the same.

"I can't imagine what it would be like being a person of color, and being excited about purchasing a new house and then you start reviewing the title documents and you see that language in there," Sanguinetti said. "What a horrible way to start a new life in a new neighborhood. It's just horrible and it's all throughout California."

In one example, contained in a press release sent on Sanguinetti's behalf, a homeowner's agreement dated from 1948 has a provision stating: "No person other than that of the Caucasian race shall use or occupy any building on any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race or nationality employed by an owner or tenant"

A separate but similar agreement stated: "No African,

Mongolian, Japanese or person of African, Mongolian or Japanese descent shall be allowed to purchase, own, or lease the property. ..."

The process to remove the language involves filling out a form, getting paperwork notarized and submitted to the recorder's office and having the request approved by the county counsel, Sanguinetti said.

It is worth pointing out, she said, that when she called the county counsel in Contra Costa County, where her house is located, she was surprised to hear that she was the first to request the language be removed.

"I was told by county counsel in Contra Costa that they haven't had anybody request this up until my request," Sanguinetti said.

Speculating as to why a greater effort to have this discriminatory language removed from deeds has not been made,

Los Angeles-based historian Becky Nicolaides, an expert on the history of the 20th century, said people most likely do not know it exists in their contracts.

"I think the existence of these racist covenants has become more well known. It's definitely well known in the circle of historical scholarship and among the people who study this, but in terms of the general public, they may just not have as wide of a reach in terms of people being aware that this even exists," Nicolaides said in a phone interview Wednesday.

While these covenants may have been pervasive throughout the country at the turn of the century, after real estate developers pushed for their use, they were especially pervasive in Los Angeles, Nicolaides said.

"They [the developers] saw it as a way to sort of protect property values into the future and use that as selling points back when they were legal," Nicolaides said. "Those covenants written into the deeds restricted the homeowner who they could sell the property to once they bought."

They were first used in Los Angeles in 1902. By 1939, 22 areas in Los Angeles County had racial covenants written into the deeds. In fact, one historian estimates that 90% of homes in Los Angeles contained discriminatory language at one point, Nicolaides said.

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