

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

**RESOLUTION NO. 2022 - 120**

Introduced by:  
Commissioner Henry P. Roybal

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**A RESOLUTION  
SUPPORTING LEGISLATION THAT WILL PROVIDE A PROCESS TO  
REMOVE RACIALLY RESTRICTIVE COVENANTS FROM PROPERTY TITLES  
AND REQUIRE GENDER NEUTRAL LANGUAGE ON  
COMMUNITY PROPERTY DOCUMENTATION**

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**WHEREAS**, racially restrictive covenants are a vestige of the Jim Crow era and were widely utilized in the United States during the early part of the 20th century to discriminate against African Americans, Jews, and other minorities and ethnic groups; and

**WHEREAS**, the purpose of racially restrictive covenants was to prohibit the sale or lease of real property to designated racial and ethnic minorities; and

**WHEREAS**, the United States Supreme Court, in a series of decisions, including *Shelley v. Kraemer*, 334 U.S. 1 (1948), and *Hurd v. Hodge*, 334 U.S. 24 (1948), held that racially restrictive covenants enforced by a state constituted illegal discrimination and were contrary to public policy; and

**WHEREAS**, the United States Congress passed the Fair Housing Act, 42 U.S.C. 3601 et seq., in 1968 to prohibit private parties from setting discriminatory terms and conditions on the sale or use of property; and

**WHEREAS**, the New Mexico Human Rights Act, NMSA 1978, Section 28-1-1 to -14 (1969), was enacted in 1969 to ensure that most New Mexicans are protected from discrimination in employment, housing, credit and public accommodation; and

**WHEREAS**, throughout the country and in Santa Fe County tens of thousands of racially restrictive language remain in housing documents including plats, deeds, and homeowner association bylaws; and

**WHEREAS**, some recorded mortgages still request marital status for one gender over another; and

**WHEREAS**, the continued presence of racially restrictive covenants or gender-specific practices in housing documents appears to be contrary to the spirit of the Fair Housing Act and the New Mexico Human Rights Act; and

**WHEREAS**, housing documents containing racially restrictive covenants or gender-discriminatory practices are psychologically damaging to most Americans and residents of Santa Fe County by sending the message that racism, sexism, and discrimination are tolerable; and

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**WHEREAS**, by statute, the county clerks, the proper recording and filing officers in New Mexico counties, cannot reject properly acknowledged documents despite their discriminatory language; and

**WHEREAS**, at the urging of Katharine E. Clark, Santa Fe County Clerk, the Board of County Commissioners supports legislation that provides a process for the removal of discriminatory language in real estate transactions in New Mexico.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Santa Fe County:

1. Finds the pervasiveness of racially restrictive or gendered language in housing documents unacceptable and causes harm to not only property owners but to most New Mexicans; and
2. Urges the NM State Legislature to enact legislation in its 2023 regular session that encourages the real estate industry to remove racially restrictive covenants from property descriptions and gender specific language from lending documents, recorded property titles, deeds, or community property documentation.

**PASSED, APPROVED, AND ADOPTED ON THIS 13<sup>th</sup> DAY OF DECEMBER, 2022.**

**BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY**

By: Anna T. Hamilton  
Anna T. Hamilton, Chair

**ATTESTATION:**

Katharine E. Clark  
Katharine E. Clark  
Santa Fe County Clerk

Date: 12/22/21

**Approved as to form:**

Jeff Young  
Jeff Young  
Santa Fe County Attorney

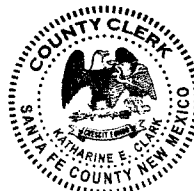


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COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC RESOLUTIONS  
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I Hereby Certify That This Instrument Was Filed for  
Record On The 28TH Day Of December, 2022 at 12:58:42 PM  
And Was Duly Recorded as Instrument # 2003924  
Of The Records Of Santa Fe County



Witness My Hand And Seal Of Office  
Katharine E. Clark

Deputy Dorothy Romero County Clerk, Santa Fe, NM