

# SANTA FE COUNTY CLERK'S OFFICE

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Santa Fe – December 16<sup>th</sup>, 2022

### **Santa Fe County Commissioners Approve Resolution in Support of Removing Discriminatory Language from Real Estate Documents**

Katharine E. Clark, Santa Fe County Clerk, urged the Board of County Commissioners to pass a resolution in support of legislation in the 2023 session that would provide a process to remove racially restrictive covenants from property title descriptions and require gender-neutral language on mortgage applications.

Commissioner Henry Roybal introduced--and the BCC approved--the resolution by a majority vote on Tuesday, December 13<sup>th</sup>, adding it to their 2023 legislative priorities. Clark explained, "This legislation is crucial for Santa Fe County residents and New Mexicans because it will remove language that while unenforceable implies discrimination is acceptable."

"County Clerks are required to abide by statewide regulation recording rules," Clark elaborated, "Our office cannot legally reject properly acknowledged documents despite the documentation violating 80 year old federal Fair Housing Act, federal Equal Credit Opportunity Act and the NM Human Rights Act."

Clark hopes the passing of this legislation will send a clear message: that discriminatory language is not acceptable. "Discriminatory language in real estate documents, or any officially government sanctioned document has no place in the modern era. Unfortunately, our ugly past barred certain groups or women from holding property and developing generational wealth through home or property ownership. Today we still see the effects of these harmful practices. And while the language itself is technically unenforceable, the Department of Justice continues to unearth examples of differential treatment or outcomes in housing or real estate. The message we can send by passing this legislation is that opportunity is open to everyone in New Mexico."

Clark continues, "A bill will soon drop where legislators have been working with title companies and reached an agreement on how to move forward with removing unenforceable language or updating out-of-compliance forms. Thank you to the commission for supporting this important initiative. I hope with our commissioners also urging, that this overdue legislation will finally pass."

Link to DOJ's continued enforcement of ongoing violations of fair housing and fair credit <https://www.justice.gov/crt/housing-and-civil-enforcement-section-news?>

View the entire agenda item and resolution [here](#).

For more information, contact Mitchell Cox, the Voter Outreach Coordinator for the Clerk's office

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