

April 7, 2022

Dear representatives of the New York State Senate,

As organization whose members represent the real estate agents, homebuilders, developers, housing cooperative and condominium associations throughout the Hudson Valley, we write to jointly express our strong support for **A. 6152A (Steck) / S. 4740A (Sanders)** which would require the elimination of any illegal restrictive covenants prior to the sale of real estate which would specifically perpetuate housing discrimination by forbidding sales on the basis of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income, or ancestry.

As with so many suburban and urban areas throughout the United States, restrictive covenants that perpetuate housing discrimination, particularly those that explicitly forbid sales of the property to buyers who are not of the White or Caucasian race, **are still to be found** in deeds throughout Westchester County and the communities of New York State.

Typically, the current property owner is unaware of the existence of this language and certainly derives no present-day benefit whatsoever from the retention of this language. These covenants, which were deliberately and overtly created to enforce racial and other segregation in housing, particularly in suburban communities, were unanimously declared unenforceable in the Supreme Court case *Shelley v. Kraemer* in 1948. They are in direct contradiction to the Fair Housing laws of the United States, the State of New York, and most counties within New York State. But despite being illegal and unenforceable, many of these covenants continued to be written into housing deeds for decades *after* the Supreme Court decision as both an implicit and explicit statement of values as to who was welcome within a community and who was not.

These are not anachronistic statues, flags, or symbols that have earned such widespread condemnation and calls for removal in our nation's recent reckoning with racial justice. They are the active legal agreements that govern many of our homes today.

It is important for those of us working in real estate, housing, and land use today to recognize the role that discrimination and prejudice played not just in the attitudes of previous generations of those who built, owned, or facilitated the sale of homes and property, but in the laws and the systems they set up. Restrictive covenants did not originate as some exception to our nation's ideals. They were actively supported by realtors, developers, neighborhood association, the Public Works Administration that encouraged their widespread adoption before proposed projects within a communities could be approved, and the Federal Housing Administration, which would not provide financing for new housing in many communities absent these discriminatory clauses. Along with the facially race-neutral tools of local land use and exclusionary zoning, these were designed to promote one set of citizens over another, with a particular animus toward low- and middle-income African American families and other communities of color.

It is inconceivable that today's homeowners would agree with the values and the intentions of this binding legal language. But it is also clear that absent strong motivation, it is easier to ignore the past than come to terms with and remedy past wrongs.

We believe it is time for New York to join Maryland, Florida, Virginia, and New Jersey in requiring the removal of this poison from our laws and our homes. As Senators representing the same suburban communities where these discriminatory covenants were most widely adopted and most likely to continue to exist, we urge you to sign on as a co-sponsor of **A. 6152A (Steck) / S. 4740A (Sanders)** and push for it to become law this year.

Respectfully yours,

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