



**To:** Senate Committee on Government Operations  
**From:** Cori Lamont, Senior Director of Legal and Public Affairs  
**Date:** December 19, 2023  
**RE:** SB 439/AB 444: Addressing Discriminatory Covenants and Deed Restrictions in Wisconsin

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The WRA supports SB 439/AB 444 creating a process that allows a property owner to act when a discriminatory restriction or covenant is recorded on their land.

### **Background**

"No Persons other than the white race shall own or occupy any building on said tract, but this covenant shall not prevent occupancy of persons of a race other than the white race who are domestic servants of the owner or occupant of said buildings." (Crestview Acres 12, Greendale, recorded July 29, 1958)

Offensive, discriminatory covenants based on race and other protected classes appear in deeds and subdivision restrictions and covenants throughout Wisconsin. **While illegal, this language haunts the title records and title commitment** reports received by buyers looking to purchase these properties.

The **1968 Fair Housing Act and Wisconsin's Open Housing Law prohibit** these covenants **but does not erase discriminatory restrictions** from property deeds and title records. Seeing the language **stuns and offends potential buyers** turning the home buying process which is already fraught with emotion.

### **SB 439/AB 444**

- Reiterates Wisconsin law prohibits discriminatory restrictions
- Allows **only a property owner** to record a statutory form with the register of deeds to discharge and release the restriction from the title
- Requires the statutory form to be provided by the state
- Compels the register of deeds to accept the statutory form if: the form is notarized; contains a legal description; contains the date of the recording of the instrument containing the restriction along with the volume and page number; and complies with other recording requirements
- **Does not delete** the discriminatory restriction from the land title
- Is a **voluntary process** available only to the property owner

This legislation is intended to empower the property owner to take action when a discriminatory restriction is recorded on their land record.

We respectfully request your support for SB 439/AB 444.