

PROPOSED ORDINANCE NO. 141-2020

AN ORDINANCE TO REQUIRE THE WAIVER OF FEES RELATED TO THE  
MODIFICATION OF DEEDS CONTAINING RACIALLY RESTRICTIVE COVENANTS

WHEREAS, in 1948, the United States Supreme Court Nassau County decided the case *Shelley v. Kraemer*, holding that private racially restrictive covenants were not legally enforceable by courts; and

WHEREAS, the Fair Housing Act of 1968 banned the use of private racially restrictive covenants; and

WHEREAS, despite these significant legal measures, there are deeds within Nassau County that contain racially restrictive covenants; and

WHEREAS, while racially restrictive covenants are illegal and unenforceable, the existence of such language within any deed to property is itself offensive; is inconsistent with the character of Nassau County and may have a chilling effect upon the unrestricted and open sale of property to all persons, regardless of race; and

WHEREAS, the removal of such language can only be accomplished through legal modification of such deeds; and

WHEREAS, it is the desire of the Nassau County Legislature to encourage and facilitate property owners seeking such a modification; NOW, THEREFORE,

BE IT ORDAINED by the County Legislature of the County of Nassau as follows:

Section 1. Notwithstanding any local law or ordinance to the contrary, all fees related to the modification of a deed within the County of Nassau where such modification includes the removal of language constituting a racially restrictive covenant, together with its subsequent recording, shall be waived by the County Department charging such fee.

§2. It is hereby determined by the Nassau County Legislature, the lead agency, and pursuant to the provisions of the State Environmental Quality Review Act ("SEQRA"), 8 NYECL section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, and Section 1611 of the County Government Law of Nassau County, that this Ordinance will not have a significant impact on the environment and that no further environmental review or action is required.

§3. This ordinance shall take effect immediately.