

Calif. bill aims to strike racist housing language

SOUTH GATE, Calif. (AP) — Hector De La Torre, the son of Mexican immigrants, was dismayed when he discovered a piece of paper in his property records that would have prevented him from buying his home when it was built in 1948.

What he found was a racially restrictive covenant. It had no legal standing, but it stung nonetheless, he said.

"If you believe the old adage of a man's home is his castle, would you want that stain upon your castle?" said the Democratic State Assemblyman from working class South Gate in suburban Los Angeles.

Such covenants are rampant in property records around the nation even though the U.S. Supreme Court and Congress rendered them toothless long ago.

De La Torre and others say the symbolic language still lurking should be stricken from the books altogether — a move county governments and the housing industry say could cost millions of dollars.

That's why De La Torre recently introduced legislation calling for the offensive language to be purged whenever property changes hands.

Elsewhere, Missouri has a law to weed the language from the documents of homeowner associations. Washington has a similar law. Lawmakers in New York may soon let homeowners ask to have the covenants removed, a practice already allowed in California.

The U.S. Supreme Court ruled in 1948 that states could not enforce racially restrictive covenants in housing. Twenty years later, Congress outlawed them in fair housing legislation.

But the language has languished as titles pass from one owner to the next. The covenants vary from place to place, with some banning African-Americans, Asians, Mexicans or Jews from living in a home — except as servants.

The covenant on the house bought by De La Torre kept it off limits to buyers "whose blood is not entirely that of the Caucasian Race, and for the purpose of this paragraph, no Japanese, Chinese, Mexican, Hindu or any person of the Ethiopian, Indian or Mongolian Races shall be deemed to be a Caucasian." Servants and employees were the only exceptions.

Many home buyers never even see the offensive words, which are often buried in stacks of property documents.

Michael Linfield, a judge in Los Angeles County, said he was shocked to read that only Whites were allowed to own the 1933 Spanish-style home he bought 16 years ago. He doubts Jews like himself would have been allowed to buy the house when it was built.

"It reminds me of an adult who had an abusive childhood," Linfield said.

"Our whole society is a product of a history of slavery and segregation and racism, and we're a product of it. We can never really change that past."

De La Torre's bill would require title companies to scour property records and strike the covenants whenever a property changes hands.

He introduced the same bill last year, but it died in a legislative committee after being amended to have county officials carry out the purge. It faced intense opposition from county governments worried about spending millions of dollars to cleanse records at a time when the state's budget deficit was ballooning.

Los Angeles County officials estimated the plan would have cost the county counsel's office alone nearly \$7 million a year.

"It is a huge expense," said Larry Walker, president of the County Records Association of California.

De La Torre hopes that having title companies root out the references will ease the financial burden on the state.

Craig C. Page, executive vice president of the California Land Title Association, said he supports getting rid of the covenants if it doesn't involve hefty new fees for homeowners. But he fears the proposed legislation could add thousands of dollars to each property sale.

"The problem for the industry is it would be incredibly expensive for us to have to locate these and find them in antiquated records," Page said.

Civil rights advocates say the price tag on removing covenants should not be an issue.

"I just think it is atrocious," said Alice Huffman, president of the California State Conference of the

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—Democratic State Assemblyman Hector De La Torre

NAACP. "They should be removed everywhere. I don't buy any argument it costs too much to do it."

Under De La Torre's plan, it should take no more than 20 years to completely eradi-

cate the offensive language, said Ray Carlisle, chairman of the public affairs committee of the National Association of Real Estate Brokers.

Some people have taken revisions of covenants into

their own hands.

Shanna Smith, president of the National Fair Housing Alliance, said she crossed out racist language on documents for the house she bought in Toledo, Ohio, in 1976, and urged others to do the same.

"Many people simply don't know what the law says," she said. "If the deed restriction says no Asians, or no Jews or no Mexicans, some people may read that

and think, 'Wow, I had better make sure I don't sell to those people' and they may simply deny an offer."

Smith said that only seven years ago, a Virginia homeowner claimed a racially restrictive clause in his deed barred him from selling his property to an African-American woman. The woman sued and won damages. "I'm saying to people: Strike the language," Smith said.

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