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Hearcel F. Craig

Senate Asst. Minority Whip
15th Senate District

Local Government and Elections Committee S.B. 310 Sponsor Testimony Senator Hearcel F. Craig November 15, 2022

Thank you, Chairwoman Gavarone, Vice Chair O'Brien, Ranking Member Maharath and members of the Senate Local Government and Elections Committee for the opportunity to provide sponsor testimony today on Senate Bill 310. This legislation will simply permit county recorders to redact restrictive covenants from Ohio property documents.

To this day, there are restrictive covenants included in thousands of Ohio property documents that contain racially discriminatory language. The purpose these harmful covenants served was to prohibit the sale of real estate to African-Americans, Jewish-Americans, and some others. Fortunately, the type of blatant housing discrimination referenced in these covenant property documents has been unlawful and unenforceable since a 1948 U.S. Supreme Court ruling and the enactment of the Fair Housing Act of 1969.

Even though discrimination in housing has long been outlawed, this outdated and highly offensive language still exists in housing ownership titles and documents because Ohio county recorders are currently unauthorized to edit such documents. This bill will allow Ohio county recorders to redact such language in property documents if discriminatory language is brought to their attention and its removal is requested.

Requests would need to be formally made using a form that is to be developed by the Attorney General.

The bill requires the recorder to redact unenforceable discriminatory covenant language but allows county recorders to refuse a redaction or modification request for language that does not meet the definition of a discriminatory covenant. This legislation will not erase this history, as the bill requires a redaction or modification to be recorded to the original instrument as part of the modification process. Additionally, the bill also makes clear that there is no civil liability for those utilizing documents containing these restrictive covenants.

Unsurprisingly the Franklin County Recorder has received complaints from homeowners who are shocked and concerned to find such prejudicial language in their property records. I am sure he is not alone as this racist relic of the past remaining in modern legal documents is troubling.

I have worked closely on this with the Franklin County Recorder, Danny O'Connor and partnering organizations that are in support of the bill, including the Ohio State University.

Enacting Senate Bill 310 will help address the concerns of residents about the disturbing language found in too many property records. Doing so will uphold our standards of respect, fairness, and equality in housing and be a demonstration of our commitment to racial justice.

Thank you Chairwoman Gavarone and members of the Senate Local Government and Elections Committee for to considering this legislation.

I welcome any questions you may have at this time.