



# Restrictive Covenant Modification Instructions

Restrictive racial covenants—which excluded people of color from purchasing, leasing, or occupying homes in certain neighborhoods, developments, or regions—have been deeply embedded in the practices of the real estate industry since the early 20th century. Although the Supreme Court ruled that municipally mandated racial zoning was unconstitutional with 1917’s *Buchanan v. Warley*, this decision extended only to government action such as city ordinances, and not to private agreements such as restrictive covenants.

This left the door open for discrimination in real estate to continue. The Supreme Court’s 1926 ruling in *Corrigan v. Buckley* validated the use of racially restrictive covenants, and they quickly became common practice. Shortly thereafter, these restrictions were endorsed by federal housing administrators and lenders alike, creating a system that shaped communities and segregated neighborhoods throughout the country.

In 1948, with *Shelley v. Kraemer*, the United States Supreme Court ruled that these racial deed restrictions were no longer enforceable. But the structures of segregation remained intact and real estate brokers, agents, and property owners continued to discriminate based on race.

Congress struck a blow against these practices by passing the Fair Housing Act in 1968, which prohibited discrimination on the basis of race, color, religion, or national origin in the sale or rental of housing. However, the language of restrictive racial covenants is still written in the chain of title for many homeowners nationwide.

In 2018, Washington passed a law making it simple for homeowners to modify these restrictive covenants, striking the discriminatory language from the title of their property.

## HOW CAN I STRIKE THE RESTRICTIVE LANGUAGE FROM THE TITLE OF MY PROPERTY?

Many title companies automatically strike restrictive covenants from deeds at the time of the property transfer. Confirm with your title company that this is the case for your chain of title.

If the language was not automatically stricken, gather the following information to fill out the attached “Restrictive Covenant Modification Document” to be filed with the appropriate county office.\* The information can typically be found on your deed or in your title insurance policy. If you do not have access to either, conduct an online county recorded documents search for the county within which your property is located to access your deed online.

- ▶ The recording number (often referred to as the “auditor’s file number”) of the original document containing the racially restrictive covenant that is void under state law.

*It is not necessary to obtain the recording number for any later document repeating the terms of the original document or referencing its recording number.*

- ▶ The recording date of the original document containing the restrictive covenant.
- ▶ The names of all current owners of the property (you and your co-owners, if any).
- ▶ The legal description (both full and abbreviated) of your property.
- ▶ The tax parcel number for your property.

Take the document and your government-issued ID to a licensed notary and sign in the presence of the notary (there may be a fee to do so).

*\*For residents of King and Clark counties, submit the completed form to your County Recorder’s Office for recording. For residents of all other counties, submit the completed form to your County Auditor’s Office for recording. There is no charge to record your modification. Find your county auditor office here: <http://countyofficials.org/Directory.aspx?DID=15>*

For more information on the restrictive covenant modification process, contact your Windermere Real Estate broker.

NAME

ADDRESS

CITY, STATE, ZIP

WASHINGTON STATE

# Restrictive Covenant Modification

REFERENCE NUMBER OF RESTRICTIVE COVENANT MODIFIED

GRANTOR(S)

GRANTEE

TAX PARCEL NUMBER

ABBREVIATED LEGAL DESCRIPTION

*(Additional legal description is on page \_\_\_\_ of this document)*

\_\_\_\_ Grantor(s) herein, hereby record this restrictive covenant modification document with respect to the real property described in Exhibit A. The property is subject to an original written instrument recorded on \_\_\_\_\_ (date) under \_\_\_\_\_ County Recorder/Auditor's Office File Number \_\_\_\_\_. The referenced original written instrument contains discriminatory provisions that are void and unenforceable under RCW 49.60.224 and federal law. This document strikes from the referenced original instrument all provisions that are void and unenforceable under law. This document affects only the portion of the original written instrument that is void pursuant to RCW 49.60.224. The effective date of this document is the same as the effective date of the original written instrument.

GRANTOR(S)

DATED

GRANTOR(S)

DATED

# Restrictive Covenant Modification

## Individual Notary Block

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_



I certify that I know or have satisfactory evidence that \_\_\_\_\_  
(is/are) the person(s) who appeared before me, and said person(s) acknowledged that  
\_\_\_\_\_ signed this instrument and acknowledged it as the  
\_\_\_\_\_ of \_\_\_\_\_ to be free and  
voluntary act for the uses and purposes mentioned in this instrument.

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF \_\_\_\_\_

MY APPOINTMENT EXPIRES \_\_\_\_\_

RESIDING AT \_\_\_\_\_

## Non-Individual Notary Block

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_



I certify that I know or have satisfactory evidence that \_\_\_\_\_  
(is/are) the person(s) who appeared before me, and said person(s) acknowledged that  
\_\_\_\_\_ signed this instrument and acknowledged it as the  
\_\_\_\_\_ of \_\_\_\_\_ to be free and  
voluntary act for the uses and purposes mentioned in this instrument.

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF \_\_\_\_\_

MY APPOINTMENT EXPIRES \_\_\_\_\_

RESIDING AT \_\_\_\_\_

EXHIBIT A

# Full Legal Description