



**ADVISORY NEIGHBORHOOD COMMISSION 3C**  
GOVERNMENT OF THE DISTRICT OF COLUMBIA  
CLEVELAND PARK • MASSACHUSETTS AVENUE HEIGHTS •  
WOODLAND-NORMANSTONE • WOODLEY PARK

*Single Member District Commissioners*  
01-Hayden Gise; 02-Adam Prinzo; 03-Janell Pagats  
04-Roric McCorristin; 05-Sauleh Siddiqui; 06-Tammy Gordon  
07-Gawain Kripke; 08-Rick Nash

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**ANC3C Resolution 2023-015**  
**Regarding Supporting:**

**[Bill 25-480, Addressing Legacies of Housing Segregation in Chevy Chase  
Amendment Act of 2023](#)**

**[Bill 25-481, Addressing Legacies of Housing Segregation in Rock Creek West  
Amendment Act of 2023](#)**

**[Bill 25-482, Releasing Restrictive Covenants in Deeds Act of 2023](#)**

WHEREAS Councilmembers Frumin, Nadeau, Parker, Bonds, T. White, Lewis George, R. White, McDuffie, and Chairman Mendelson have introduced the [“Addressing Legacies of Housing Segregation in Chevy Chase Amendment Act of 2023”](#);

WHEREAS this legislation would declare void as contrary to public policy any pre-1938 covenants that prohibit multi-family housing on lots originally subdivided by the Chevy Chase Land Company, if multi-family housing could otherwise be built on those lots under modern planning and zoning laws;

WHEREAS Councilmembers Frumin, Lewis George, R. White, McDuffie, Nadeau, Parker, Bonds, and T. White have introduced the [“Addressing Legacies of Housing Segregation in Rock Creek West Amendment Act of 2023”](#);

WHEREAS this legislation would declare void, as contrary to public policy, antiquated covenants on properties in the Rock Creek West Planning Area, prohibiting apartment houses or buildings with multiple units when such units would otherwise be permitted under modern zoning and planning laws;

WHEREAS Councilmembers Frumin, Nadeau, Lewis George, R. White, McDuffie, Allen, Parker, Bonds, T. White, and Chairman Mendelson have introduced the [“Releasing Restrictive Covenants in Deeds Act of 2023”](#);

WHEREAS this legislation would affirm that deed covenants or other restrictions that interfere with the use or occupancy of real property on the basis of demographic traits including race, color, religion, national origin, and more, are unlawful and void. The legislation would further allow for property owners to release these covenants from a deed;

WHEREAS in response to our city’s housing shortage, the District has set a goal to create 36,000 new residential units by 2025, at least 12,000 of which are affordable to low-income households<sup>1</sup>;

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<sup>1</sup> Mayor’s Order 2019-036 (May 10, 2019), available at [https://planning.dc.gov/sites/default/files/dc/sites/op/page\\_content/attachments/2019-036%20Housing%20Initiative%20%285.9%29.pdf](https://planning.dc.gov/sites/default/files/dc/sites/op/page_content/attachments/2019-036%20Housing%20Initiative%20%285.9%29.pdf).

WHEREAS in Rock Creek West, only 83 new affordable units have been created since 2019, far from the planning area’s target of 1,990. Rock Creek West has built a mere 4.7% of the affordable units the District has deemed it needs to meet our affordable housing goals<sup>2</sup>;

WHEREAS the District has engaged in intensive community-informed planning efforts throughout the Rock Creek West planning area, including the Connecticut Avenue Development Guidelines<sup>3</sup>, Wisconsin Avenue Development Framework<sup>4</sup>, and Chevy Chase Small Area Plan<sup>5</sup>;

WHEREAS the discovery of an early 1900s covenant on the deed to the property that would prohibit the creation of apartments on a portion of the Civic Core lot;

WHEREAS further research showed that similar covenants were likely placed on most lots in the original subdivision created by the Chevy Chase Land Company in 1907<sup>6</sup>;

WHEREAS such covenants appear to have been intended to exclude residents on the basis of race and socioeconomic status;

WHEREAS these covenants run counter to the intent to foster a Ward 3 that is welcoming to all, provides access to affordable, diverse housing options, and meaningfully contributes to addressing the District’s housing shortage;

WHEREAS the covenants discovered in Chevy Chase raise the prospect and concern that any projects being developed in comparably old neighborhoods in Rock Creek West may be at risk of impediments from exclusionary covenants that predate modern zoning;

WHEREAS the uncertainty around such covenants could create the potential for time-consuming litigation and attendant delays that may impede the District’s ability to build much needed housing, even where consistent with plans approved by the Council, the Office of Planning, and the Zoning Commission;

WHEREAS throughout the early twentieth century, exclusionary covenants were often imposed on deeds throughout the District with the explicit intent of prohibiting people of certain races or national origins from purchasing or living on the property<sup>7</sup>;

WHEREAS in 1948, the Supreme Court of the United States unanimously held that any judicial or state enforcement of these covenants violates the Equal Protection Clause of the Fourteenth Amendment<sup>8</sup>;

WHEREAS in 1968, federal law made the practice of writing racial covenants into deeds illegal<sup>9</sup>;

WHEREAS these covenants still commit harm: no one should have to live in a home with a covenant attached to it that says they are not welcome;

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<sup>2</sup> DMPED 36,000 by 2025 Dashboard, available at [https://open.dc.gov/36000by2025/#:~:text=Mayor%20Bowser%20set%20a%20goal.of%20Median%20Family%20Income%20\(MFI\).](https://open.dc.gov/36000by2025/#:~:text=Mayor%20Bowser%20set%20a%20goal.of%20Median%20Family%20Income%20(MFI).)

<sup>3</sup> <https://publicinput.com/Customer/File/Full/ee02c4d8-1c00-45e6-a6f2-7f44580fc6e9>.

<sup>4</sup> <https://publicinput.com/RCW-Wisconsin#2>.

<sup>5</sup> [https://planning.dc.gov/sites/default/files/dc/sites/op/page\\_content/attachments/2022.07.12\\_Final%20Chevy%20Chase%20OSAP\\_web.pdf](https://planning.dc.gov/sites/default/files/dc/sites/op/page_content/attachments/2022.07.12_Final%20Chevy%20Chase%20OSAP_web.pdf).

<sup>6</sup> See Chevy Chase Subdivision, County 21 folio 49 (1907).

<sup>7</sup> See, e.g., Sarah Shoenfeld & Mara Cherkasky, The rise and demise of racially restrictive covenants in Bloomingdale, D.C. POLICY CENTER (April 3, 2019), available at <https://www.dcpolicycenter.org/publications/racially-restrictive-covenants-bloomingdale/>.

<sup>8</sup> *Shelley v. Kraemer*, 334 US 1 (1948).

<sup>9</sup> See Nancy H. Welsh, *Racially Restrictive Covenants in the United States: A Call to Action*, AGORA JOURNAL OF URBAN PLANNING & DESIGN, 130-142 (2018), available at <https://deepblue.lib.umich.edu/handle/2027.42/143831>.

WHEREAS there is no clear way for property owners to release these covenants from a deed, despite the desire of many residents to do so;

WHEREAS several states have enacted laws allowing for these covenants to be removed or released from deeds<sup>10</sup>.

THEREFORE, BE IT RESOLVED Advisory Neighborhood Commission (ANC) 3C supports Bill 25-480, Addressing Legacies of Housing Segregation in Chevy Chase Amendment Act of 2023; Bill 25-481, Addressing Legacies of Housing Segregation in Rock Creek West Amendment Act of 2023; Bill 25-482, Releasing Restrictive Covenants in Deeds Act of 2023.

BE IT RESOLVED ANC 3C strongly supports the legislation to declare void, as contrary to public policy, any anti-apartment covenants in the Rock Creek West Planning Area, if (1) they were imposed prior to the 1938 enactment of the Zoning Act and (2) multi-family housing would otherwise be permitted on the lot under modern planning and zoning laws.

BE IT FURTHER RESOLVED ANC 3C supports extending the legislation to declare void, as contrary to public policy, any anti-apartment covenants in the entirety of the District of Columbia, if (1) they were imposed prior to the 1938 enactment of the Zoning Act and (2) multi-family housing would otherwise be permitted on the lot under modern planning and zoning laws.

BE IT RESOLVED ANC 3C supports legislation would affirm racist covenants unlawful across the District, allow property owners to release these covenants from a deed through the recordation of an amendatory instrument with the Recorder of Deeds, and waive any fees from the Recorder of Deeds required to do so.

BE IT FURTHER RESOLVED ANC 3C supports extending the legislation to proactively remove racist covenants as the Recorder of Deeds discovers their existence.

BE IT RESOLVED the Commission authorizes the Chair to represent the Commission on this matter.

Attested by



Janell Pagats  
Chair, on November 20, 2023

*This resolution was approved by voice vote on November 20, 2023, at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 8 commissioners) was present.*

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<sup>10</sup> See Cheryl W. Thompson et al., *Racial covenants, a relic of the past, are still on the books across the country*, NPR (November 17, 2021), available at <https://www.npr.org/2021/11/17/1049052531/racialcovenants-housingdiscrimination#:~:text=Illinois%20becomes%20the%20latest%20state,And%20in%20September%2C%20California%20Gov.>