Recorder of Deeds

Using property records industry standards and best practices, outstanding customer service, and public outreach and education to make property transactions faster, safer, & more convenient for everyone.

—Hon. Eugenia Thornton, Recorder of Deeds



Redaction of Unlawful Covenants & Personal Data

Laws have changed.

Our Kent County public deeds database goes back to 1874. It contains language that is now illegal. We request the public's help to root it out.

Illegal Discriminatory Language

Americans recognize eleven months that celebrate diverse ethnicities and educate about marginalized communities' contributions to national heritage.

These months also allow us to reflect upon the advances in American society regarding the elimination of discriminatory laws and practices of the past.

Known as "discriminatory restrictive covenants," such language has been unenforceable since 1948 and illegal since 1968. Still, the Federal Government has never mandated a systematic process to eliminate offending language from property ownership documents.

Many states – Delaware included – passed laws preventing the recordation of property documents that discriminate for race, color, creed, religion, sex, sexual orientation, gender identity, disability, age, marital status, familial status, source of

income, national original, ancestry, or housing status (see 9 Del C. 41 §9605(b)(1) here).

In 2018, Delaware lawmakers, at the suggestion of the New Castle County Recorder of Deeds, allowed Recorders to remove existing discriminatory language from online databases. (See 9 Del C. 41 §9628 here).

Now, not only do we no longer record documents with discriminatory language, but we also have the ability to redact it—at the current owner's request— if we come across it in the course of business.

Until advances in Artificial Intelligence make searching for illegal language practical, our clerks cannot realistically stop recording 1,800 documents per month to seek illegal language amongst 6 million recorded pages.

We request the public's help to bring illegal discriminatory covenants found in their deeds and HOA documents to our attention so we can eliminate them.

Personal Identifying Info

Likewise, in the past documents might contain things like Social

Security Numbers, Passport and Driver's License and Alien Registration Numbers, bank account numbers, etc. Read the full list and the law (9 Del C. 41 §9627 here). If you find such personal identifying data in your deed or HOA documents, please bring it to our attention for redaction.

We designed a form for this purpose. (Find the form here in the Deeds Community Relations Page of the Kent County Website). A facsimile is on the reverse of this factsheet to help you recognize the form on our website.

Your Help Needed

Illegal discriminatory language and personal identifying information exists in older deeds. If you find it in yours, please point it out to us so we can amend the chain of title on public-facing online databases moving forward.

For more information, visit
www.kentcountyde.gov/MyGovernment/Departments/Deeds
-Office/Community-Relations/
Unlawful-Restrictive-CovenantsPersonal-Information

Illegal Discriminatory Language:

- Race or color
- Religion or creed
- Sex
- Sexual orientation, Gender ID
- Disability
- Age
- Marital or familial status
- Income source
- National origin or ancestry
- Housing status

Personal ID Info:

- SSN #
- Alien Reg #
- Driver's Lic #
- Passport #



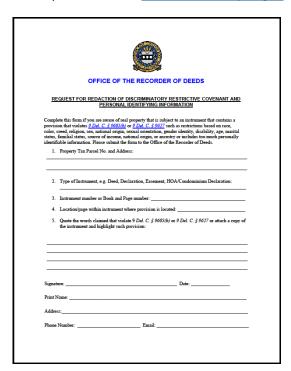
Honorable Eugenia
Thornton Kent County
Recorder of Deeds

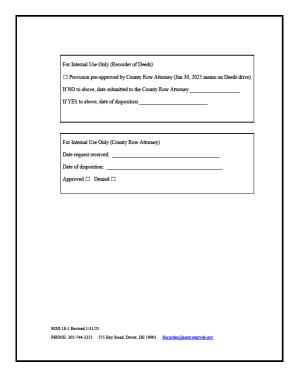
555 Bay Road, Dover, DE 19901

302 744 2321

Recorder@kentcountyde.gov

Find a fillable version of this form at https://www.kentcountyde.gov/My-Government/Departments/Deeds-Office/Community-Relations/Unlawful-Restrictive-Covenants-Personal-Information. This form is for discriminatory and restrictive language and personal identifying found in Deeds records. For other redactions permitted by State Law, please contact PIO@kentcountyde.gov.





Information to help you with your search for illegal language in older deeds

If you discover illegal discriminatory or personal identifying language in your own deed or HOA/Condominium documents, please bring it to our attention using the form, above.

If you are not the current owner of the property, still use this form and we will send it to the owner for decision regarding redaction.

You may use any computer hooked to the internet to do this research. If you do not have a computer, you may come to our office at <u>555 South Bay Road</u> and use one of the public computers. We can show you how to use the computer and help you get started, but this will be your project. Click this link for a guide to <u>how to search for illegal language</u>.

You will be able to research for free, get the data to fill out our form for free, but if you want to download or print, there is a slight charge. View *Welcome to Kent County Real Property Search* here for details about how to access the database and use the download or print feature from home.

For a deeper dive into doing background on older homes, please see our fact sheet *The Who, Why, Where and How of Property Research* and its informative companion *Workbook*, <u>here</u>.

To learn more about the topic of why it is important for communities to eliminate discriminatory covenants of the past, please visit our webpage here. You will find the form, press coverage of the topic, and more. Or call or visit our office.