

RESOLUTION 2026-03

A RESOLUTION REPUDIATING RACIAL AND DISCRIMINATORY COVENANTS IN DANE COUNTY HISTORIC PROPERTY RECORDS

WHEREAS, the Village of McFarland seeks to build a foundation on transparency and honesty;

WHEREAS, racial covenants, also known as discriminatory covenants, were restrictions inserted into property deeds that prohibited purchase, rental, or occupancy of a residence based on race and other protected classes. For most of the 20th century, these racial covenants were an insidious tool used for racially restricting home sales and segregating residential neighborhoods;

WHEREAS, deeds with these racially restrictive covenants are still on file relating to properties in the Village of McFarland and in surrounding communities, including but not limited to the City of Madison, Monona, and the Town of Dunn as well as throughout all of Dane County;

WHEREAS, the Village of McFarland acknowledges that the legacy of these covenants remains in our communities in the form of entrenched segregation and lower rates of homeownership and generational wealth for people of color;

WHEREAS, the practice of inserting racial covenants into legal documents is morally repugnant, immoral, and has no basis in law, having been declared unenforceable under the 14th Amendment to the Constitution of the United States in 1948 by the U.S. Supreme Court in Shelley v. Kraemer, 334 U.S. 1 (1948);

WHEREAS, the Supreme Court's 1948 decision in Shelley v. Kraemer has been reaffirmed and expanded to cover discrimination against other protected classes through legislation at the federal level via the Fair Housing Act of 1968 and at the state level via the 2023 Wisconsin ACT 210, which created §59.43 (9) (d) and 710.25 of the Wisconsin Statutes; and

WHEREAS, the 2023 Wisconsin ACT declared discriminatory restrictions and racial covenants in legal documents that affect real property void and unenforceable, and allows an owner of real property to discharge and release such a discriminatory restriction.

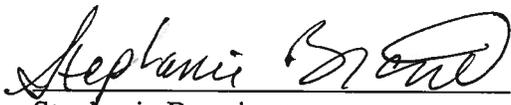
NOW, THEREFORE, BE IT RESOLVED the Village Board of the Village of McFarland repudiates racial and discriminatory covenants as enduring signs of embedded and systemic racism and other discrimination in our community, and commits itself to continuing to redress the harmful legacy of these covenants in our community.

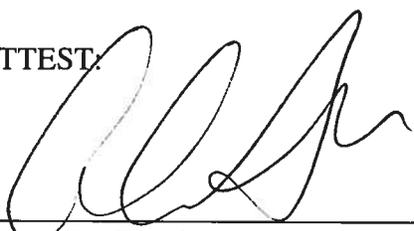
BE IT FURTHER RESOLVED that the Village Board of the Village of McFarland encourages owners of real property within Dane County with land records that still contain these restrictive covenants to take action to discharge and release these racist and discriminatory restrictions on the property according to the provisions of the aforementioned Wisconsin law and further directs Village Staff to contact affected property owners identified by Dane County to notify them of the means to do so.

BE IT FURTHER RESOLVED that the Village Board of the Village of McFarland will share this resolution with its State representatives to encourage the Legislature to enact laws to prevent these documents from continuing to exist within the record.

Adopted at a regular meeting of the Village Board this 24th day of February, 2026.

APPROVED:


 Stephanie Brassington
 Village President

ATTEST:

 Cassandra Suettinger
 Deputy Administrator/Clerk

RESOLUTION 2026 – 03	
MOTION	SECOND
Peña	Annen
ACTION	DATE
Adopted	02/24/2026
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Annen – Aye	Boyd – Aye
Brassington – Aye	Fessler – Aye
Leamy – Aye	Peña – Aye
Prill – Aye	
VOTING RESULTS	
Motion Carried	7 – 0 – 0
Motion Defeated:	