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On Behalf Of:	HB 3294
Committee:	House Committee On Judiciary
Measure:	HB3294

Testimony to Oregon House Committee on the Judiciary 3/9

If the bill before you looks somewhat familiar, you are not in error. In 2018, this body passed ORS 93.270 and 93.274 with the intent of creating a process for removing racially restrictive language from real estate documents. Press releases and newsletters described a process that would not only be efficient but cost nothing.

In the summer of 2020, my wife and I began the process of attempting that process to remove racist language from the 1925 real estate documents attached to our home. And while it took us two years to get a straight answer, I can assure you that there is no process under Oregon law that actually removes racially restrictive language from real estate documents. The best that can currently be accomplished is to add a notice of a court order to the real estate file that contains the documents that continue to have the racially restrictive language. And it still costs a filing fee to add the court order to the real estate file.

So why were these earlier legislative efforts frustrated? To simplify, the legal record of a property is contained in its real estate file. If there is a change to a property, you don't take things out of files in the recorders' office; you only add them. The entire contents of a file track the history of that property and thus a recorder's office is unaccustomed to removing content from such a file.

The distinction I would make, is that the racially restrictive language that remains in these documents is not only an ongoing racial scar but a legal document that requires I sign if I am to purchase my home. I am affixing my name to a statement of horrific racism. Not only am I doing so, but so are the people who purchase my home from me and the people who purchase their home from them. This language of racial hatred will last forever.

HB 3294 aims to accomplish what earlier efforts could not. It proposes that the county recorder's offices create an archival file distinct from a properties active file. When someone attempts to purchase or modify a property they would pull the active file and not the archival file. If we were to excise racist restrictions from a document we could then place that edited and improved document in the working file while putting the original document in the archival file. The historical record is maintained without future generations signing their names to racist covenants.

We did not come up with this approach. The state of Washington, faced with the same challenge, came up with the idea a few years ago. It was upheld by the Washington Supreme Court in 2022. This bill will work.

I would like to thank the committee for its time and urge it to take this opportunity.

Thank you

Gerrit Koepping