

Subject Discharge of restrictive covenants affecting protected classes

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Overview

This bill creates a statutory form that a homeowner could record with the county to discharge restrictive covenants affecting protected classes. Those restrictive covenants are already prohibited, and have been found to be unconstitutional and therefore unenforceable. But in the abstract system, the covenants remain in the historical record. This form would allow a form recorded related to the title of the property to clarify the restrictive covenant is ineffective and is legally discharged from the property. The county recorders office could charge a fee for recording the document.

Summary

Section	Description
1	Religious, faith, creed, national origin, race, color. Adds national origin to list of class of persons who cannot be discriminated against in real property conveyances.
2	Restriction only is void. Clarifies that race or religious based covenants that affect real property are void regardless of when the covenant was executed.
3	Words constructively defined. Creates a definition for protected class.
4	Discharge of restrictive covenant related to protected class. <ul style="list-style-type: none">Allows owners of real property to record a statutory form with the county to discharge a restrictive covenant related to a protected class from the title when the property is in the abstract title systemProvides that the recording of the statutory short form would be the legal mechanism for the discharge and the original language contained in documents previously recorded would remain, consistent with the abstract title systemClarifies that no other covenant, even when the covenant appears in the same document as the restrictive covenant affecting a protected class, is affected by the discharge of a covenant pursuant to this section

Section	Description
	<ul style="list-style-type: none">▪ Provides the statutory form▪ Requires that the form would be available for free from the Department of Commerce



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