

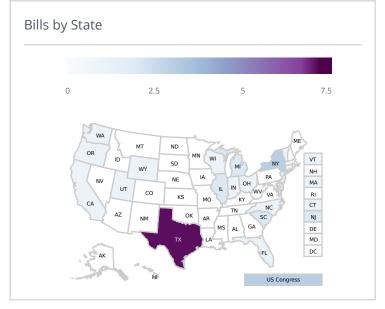
2021 CAI Amendment Process for Discriminatory Restrictive Covenants Legislative Update

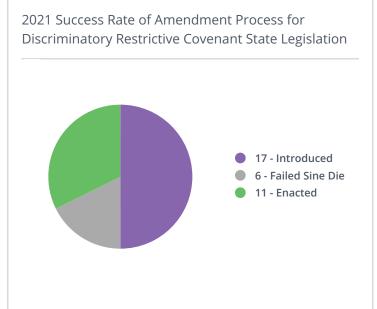
Last Updated: December 17, 2021

Public Policy and Legislative Summary

To advance racial equity, CAI supports a process by which a governing board of a community association may remove antiquated and unenforceable discriminatory restrictions contained in covenants without a vote of the owners. CAI advocates the adoption of state legislation that provides for a process to allow for the removal of restrictions deemed to be discriminatory under the federal Fair Housing Act and/or state anti-discrimination laws.

Please contact CAI's Government and Public Affairs department at government@caionline.org with any questions. Find more information on this legislative issue here: https://www.caionline.org/Advocacy/Priorities/Restrictive/Pages/default.aspx





Bills by State Bill State: CA (1) Last Action Status
Chaptered By Secretary Of State Chapter 359
Statutes Of 2021 2021 09 28
Statutes Of 2021 2021 09 28

Title

Real property: discriminatory restrictions.

Description

AB 1466, McCarty. Real property: discriminatory restrictions. Existing law, the California Fair Employment and Housing Act, prohibits discrimination in housing based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information, and provides that discrimination in housing through a restrictive covenant includes the existence of a restrictive covenant, regardless of whether accompanied by a statement that the covenant is repealed or void. Existing law also provides that a provision in any deed of real property in California that purports to restrict the right of any person to sell, lease, rent, use, or occupy the property to persons having the characteristics specified above by providing for payment of a penalty, forfeiture, reverter, or otherwise, is void, except as specified. Additionally, existing law provides that any deed or other written instrument that relates to title to real property, or any written covenant, condition, or restriction annexed or made a part of, by reference or otherwise, any deed or instrument, that contains any provision that purports to forbid, restrict, or condition the right of any person or persons to sell, buy, lease, rent, use, or occupy the property on account of any of characteristics specified above, is deemed to be revised to omit that provision. Existing law requires a county recorder, title insurance company, escrow company, real estate broker, real estate agent, or association that delivers a copy of a declaration, governing document, or deed, to place a cover page or stamp on the first page of the previously recorded document stating that if the document contains any restriction that unlawfully discriminates based on any of the characteristics specified above, that document is void. This bill would require a title company, escrow company, real estate broker, real estate agent, or association that delivers a copy of a declaration, governing document, or deed to a person who holds an ownership interest of record in property to also provide a Restrictive Covenant Modification form with specified procedural information. Existing law authorizes a person who holds an ownership interest of record in property that they believe is the subject of an unlawfully restrictive covenant, as specified, to record a Restrictive Covenant Modification, which is required to include a copy of the original document with the illegal language stricken. Existing law requires the county recorder, before recording the modification document, to submit the modification document and the original document to the county counsel who is requir... (click bill link to see more).

Primary Sponsors Kevin McCarty, David Chiu, Bonta

Introduction Date: 2021-02-19

Labels:

Amendment Process for Discriminatory Restrictive Covenants

Association Board Regulations and Rules Development

Discrimination

Bill Number HB 6665 Last Action
Signed By The Governor 2021 07 12

Status Enacted

Title

AN ACT CONCERNING THE REMOVAL OF RESTRICTIONS ON OWNERSHIP OR OCCUPANCY OF REAL PROPERTY BASED ON RACE AND ELIMINATION OF THE RACE DESIGNATION ON MARRIAGE LICENSES.

Description

To prohibit restrictive covenants based on race, to provide a process to remove such covenants from instruments recorded on the land records in this state and to eliminate the race designation on marriage licenses.

Primary Sponsors

Joint Committee on Judiciary

Bill State: FL (1)

Labels:

Amendment Process for Discriminatory Restrictive Covenants

Discrimination

State	Bill Number	Last Action	Status
FL	SB 630	Chapter No 2021 99 Companion Bill S Passed	Enacted
		See Cs Cs Sb 56 Ch 2021 91 Cs Cs Sb 1966 Ch	
		2021 135 2021 06 17	

Title

Community Associations

Description

Prohibiting insurance policies from providing specified rights of subrogation under certain circumstances; authorizing a condominium association to extinguish discriminatory restrictions; authorizing the board of administration of an association to take certain actions relating to electric vehicle charging stations and natural gas fuel stations; authorizing parties to initiate presuit mediation under certain circumstances; revising the allowable uses of certain escrow funds withdrawn by developers; authorizing certain developers to include reserves in the budget, etc.

Primary Sponsors

Dennis Baxley, Senate Committee on Rules, Senate Committee on Regulated Industries

Bill State: IL (2)

Introduction Date: 2021-01-13

Labels:

Amendment Process for Discriminatory Restrictive Covenants

Dispute Resolution: Court and Mediation Processes (ADR/Litigation/Ombudsman)

Freedom of Speech: Flag and Political Sign Regulations

Bill Number SB 1967

Title

Recorders-Unlawful Covenants

Description

Amends the Counties Code. Provides that a restrictive covenant modification to an unlawful restrictive covenant may be filed, for a fee not to exceed \$10, by: (1) the holder of an ownership interest in property that is subject to the unlawful restrictive covenant; or (2) a common interest community association, a condominium association, a unit owners' association, or a master association of a parcel of property subject to the association's declaration and the parcel is subject to an unlawful restrictive covenant. Includes requirements for a restrictive covenant modification and the petition to modify. Provides that, on receipt of a restrictive covenant modification, the recorder shall submit the restrictive covenant modification together with a copy of the original instrument referenced in the restrictive covenant modification to the State's Attorney, except, if a recorder determines that the a restrictive covenant modification submitted is clearly an unlawful restrictive covenant, the recorder may proceed to record the restrictive covenant modification. If the restrictive covenant modification is submitted to the State's Attorney, the State's Attorney shall make a determination within 30 days as to whether the original document contains an unlawful restrictive covenant and the recorder may not record the modification unless the State's Attorney determines an unlawful restrictive covenant exists. Limits liability of a county recorder and county for unauthorized modifications. Defines terms. Contains other provisions.

Primary Sponsors

Adriane Johnson, Christopher Belt, Elgie Sims

Introduction Date: 2021-02-26

Labels:

Amendment Process for Discriminatory Restrictive Covenants

Association Board Regulations and Rules Development

Discrimination

Bill Number

Last Action
Public Act 102 0110 2021 07 23

Status Enacted

Title

Recorders-Unlawful Covenants

Description

Amends the Counties Code. Provides that a restrictive covenant modification to an unlawful restrictive covenant may be filed by: (1) the holder of an ownership interest in property that is subject to the unlawful restrictive covenant; or (2) a common interest community association, a condominium association, a unit owners' association, or a master association of a parcel of property subject to the association's declaration and the parcel is subject to an unlawful restrictive covenant. Includes requirements for a restrictive covenant modification and the petition to modify. Provides that, on receipt of a restrictive covenant modification, the recorder shall submit the restrictive covenant modification together with a copy of the original instrument referenced in the restrictive covenant modification to the State's Attorney. Once submitted to the State's Attorney, the State's Attorney shall make a determination within 30 days if the original document contains an unlawful restrictive covenant. Provides that the recorder may not record the modification unless the State's Attorney determines an unlawful restrictive covenant exists and shall record the modification if the State's Attorney finds an unlawful restrictive covenant. Limits liability of the county for unauthorized modifications. Defines terms. Contains other provisions. Replaces everything after the enacting clause. Reinserts the provisions of the introduced bill with the following changes: modifies the type of association or cooperative that may execute and file a restrictive covenant modification; provides that, when a parcel of property subject to an unlawful restrictive covenant is in a common interest community association, condominium association, unit owners' association, residential housing cooperative, or master association, only the board, acting through a majority vote, may execute and file a restrictive covenant modification under the Section; provides that removal of an unlawful restrictive covenant will not require approval of the owners or members of such association or cooperative, notwithstanding any provision of the governing documents to the contrary; provides that, if the board receives a written request by an owner or member of the association or cooperative that the board exercise its authority to execute and file a restrictive covenant modification under the Section, the board shall, within 90 days, investigate any claim of an unlawful restrictive covenant and, if determined to be an unlawful restrictive covenant, shall file a restrictive covenant modification as provided under the Section; provides for a cause of action against the association or cooperative by an owner or member for failure to file a restrictive covenant modification after a request to do so and for att... (click bill link to see more).

Primary Sponsors

Dan Didech, Jen Gong-Gershowitz, Theresa Mah, Adriane Johnson, Jacqui Collins, Mattie Hunter

Labels:

Amendment Process for Discriminatory Restrictive Covenants

Association Board Regulations and Rules Development

ate N	Bill Number HB 1314	Last Action Signed By	The Governor 2021 04 01	Status Enacted
iscriminatory cove rimary Sponsors	file a statement or noti nant is invalid and uner ık, Greg Porter, Mike Ka	nforceable.		or Discriminatory Restrictive Covenants ulations and Rules Development
State: MA (1)				
tate //A	Bill Number H 1465	Last Action Hearing Scheduled Fo Am 02 00 Pm In Virtua	r 08 03 2021 From 10 00 al Hearing 2021 07 27	Status FN Outlook In House 95.3% 84.3%
ovenants in record	the expungement of rated real property docum		Labels: Amendment Process for	r Discriminatory Restrictive Covenants
By Mr. Barrett of No House, No. 1465) of Expungement of rac Property document Primary Sponsors	orth Adams, a petition (a John Barrett, III and oth cially restrictive covenar s. The Judiciary.	ners relative to the	Discrimination	
By Mr. Barrett of No House, No. 1465) of Expungement of rac Property document Primary Sponsors ohn Barrett	John Barrett, III and oth cially restrictive covenar	ners relative to the	Discrimination	
louse, No. 1465) of	John Barrett, III and oth cially restrictive covenar	ners relative to the nts in recorded real	Discrimination	Status FN Outlook In House 3.5% 83.1%

Primary Sponsors Association Board Regulation Sarah Anthony Discrimination Bill State: NC (1) State State Bill Number NC SB 427 Ref To Com On Rules And Operations Of The In Second Senate 2021 04 01 Title Introduction Date: 2021-03-31 Discharge of Discriminatory Covenants. Labels: Primary Sponsors Amendment Process for Disc Julie Mayfield, Natalie Murdock Discrimination	rs FN Outlook House 13.6% 83.1%
NC SB 427 Ref To Com On Rules And Operations Of The Senate 2021 04 01 In Set Title Introduction Date: 2021-03-31 Discharge of Discriminatory Covenants. Labels: Primary Sponsors Amendment Process for Disc Julie Mayfield, Natalie Murdock Discrimination	criminatory Restrictive Covenants
NC SB 427 Ref To Com On Rules And Operations Of The Senate 2021 04 01 In Set Senate 2021 04 01 Title Introduction Date: 2021-03-31 Discharge of Discriminatory Covenants. Labels: Primary Sponsors Amendment Process for Disc Julie Mayfield, Natalie Murdock Discrimination	
Discharge of Discriminatory Covenants. Primary Sponsors Ulie Mayfield, Natalie Murdock	enate FN Outlook 43.2% 58.5%
Bill State: NJ (2)	criminatory Restrictive Covenants
StateBill NumberLast ActionStatusNJA 5390Substituted By S 2861 2 R 2021 06 24In Ass	FN Outlook 10.2% 88.2%
TitleIntroduction Date: 2021-02-23Concerns certain restrictive covenants on real property.Labels:Primary SponsorsAmendment Process for DiscAnnette Quijano, Angela McKnight, Shanique SpeightDeeds	criminatory Restrictive Covenants
State Bill Number Last Action NJ S 2861 Approved P L 2021 C 274 2021 11 08	Status Enacted
Title Introduction Date: 2020-08-27 Concerns certain restrictive covenants on real property. Labels: Primary Sponsors Amendment Process for Disc	criminatory Restrictive Covenants

Association Board Regulations and Rules Development

Deeds

Primary Sponsors

Troy Singleton, Dawn Addiego, Annette Quijano, Angela McKnight, Shanique Speight

Title Introduction Date: 2021-03-10 Requires the modification of restrictive covenants prior to the sale Labels: of real property Amendment Process for Discriminatory Restrictive Covenants Description Association Board Regulations and Rules Development Requires the modification of restrictive covenants prior to the sale of real property when covenants, conditions and restrictions exist Discrimination which discriminate on the basis of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income or ancestry. **Primary Sponsors** Phil Steck State Bill Number Last Action Status NY S 5276 Referred To Judiciary 2021 03 01 In Senate Title Introduction Date: 2021-03-01 Provides for the recordation of restrictive covenant modification Labels: documents where conveyance instruments include language Amendment Process for Discriminatory Restrictive Covenants violative of civil rights laws Association Board Regulations and Rules Development Description Provides for notice of illegal restrictive covenant language in Discrimination documents to be recorded and the recordation of restrictive covenant modification documents where conveyance instruments include language violative of civil rights laws; requires any title insurance company, title abstract company or escrow company to include such notice in title abstract reports and to inform purchaser/title insurance applicants of the availability from the county recorder of restrictive covenant modification documents. **Primary Sponsors** Kevin Parker State Bill Number Last Action Status NY S 4740 Print Number 4740 A 2021 06 03 In Senate Title Introduction Date: 2021-02-10 Requires the modification of restrictive covenants prior to the sale Labels: of real property Amendment Process for Discriminatory Restrictive Covenants Description Association Board Regulations and Rules Development Requires the modification of restrictive covenants prior to the sale of real property when covenants, conditions and restrictions exist Discrimination which discriminate on the basis of race, color, religion, sex, sexual

Amended On Third Reading 6152 A 2021 06 03

Status

In Assembly

Primary Sponsors

source of income or ancestry.

orientation, familial status, marital status, disability, national origin,

James Sanders

State

NY

Bill Number

A 6152

Last Action

State OH	Bill Number HB 354	Last Action Refer To Committee	e Civil Justice 2021 06 22	^{Status} In House	FN Outlook 59.7% 90.9%
Description To enact sectior regarding the p Primary Sponso	egarding the preparation of de n 5301.05 of the Revised Code reparation of deeds. o rs , Dontavius Jarrells		Introduction Date: 2021 Labels: Amendment Process Deeds Discrimin	for Discriminatory I	Restrictive Covenants
Bill State: OR (1)					
State OR	Bill Number HB 2534		67 2021 Laws Effective Dat ber 25 2021 2021 09 25	Status te Ena	s acted
Title Relating to removal of discriminatory restrictions in governing documents; and prescribing an effective date. Description Requires homeowners associations and condominium associations to review governing documents and remove discriminatory language or certify the nonexistence of such language on or before December 31, 2023] 2022. Provides a cause of action for enforcement. Sunsets January 2, 2026.] Makes certain discriminatory language in governing documents void and unenforceable. Takes effect on 91st day following adjournment sine die.		Introduction Date: 2021 Labels: Amendment Process Association Board Reg	for Discriminatory l		

Primary Sponsors

R

Ken Helm, Lew Frederick, Dacia Grayber

Bill State: SC (2)



Bill Number H 4517 Last Action Referred To Committee On Labor Commerce And Industry 2021 11 10

Status In House FN Outlook
3.1%
87.8%

Title

Racially Restrictive Covenant Removal Act

Description

A Bill To Amend The Code Of Laws Of South Carolina, 1976, So As To Enact The "Racially Restrictive Covenant Removal Act" By Adding Section 31-21-160 So As To Provide Certain Individuals May Record New Instruments To Remove Racially Restrictive Covenants And Certain Other Restrictive Covenants From Deeds To Real Property, And To Provide Related Procedures.

Primary Sponsors Wendell Gilliard

Introduction Date: 2021-11-10

Labels:

(Amendment Process for Discriminatory Restrictive Covenants

Association Board Regulations and Rules Development

Discrimination

illiard

Last Action Status
Referred To Committee On Judiciary House In H
Journal Page 21 2021 04 20

Status In House

Title

Removal of Restrictive Covenants

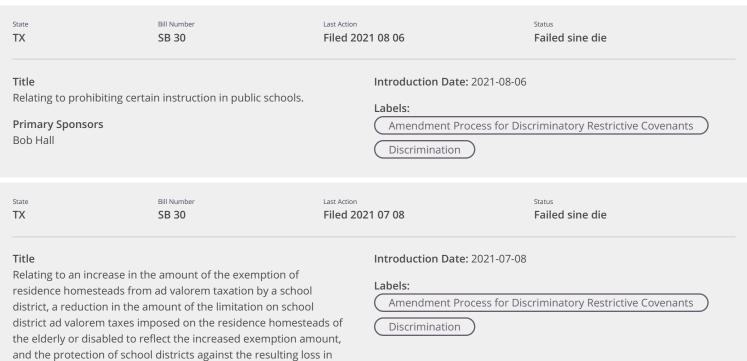
Description

A Bill To Amend The Code Of Laws Of South Carolina, 1976, By Adding Section 31-21-160 So As To Provide That Certain Individuals May Record A New Instrument To Remove Certain Restrictive Covenants Containing A Conveyance Encumbering The Transfer Of Real Property; By Adding Section 31-21-170 So As To Provide The Process By Which An Individual May Remove Certain Restrictive Covenants; And By Adding Section 31-21-180 So As To Provide For Certain Civil Actions.

Primary Sponsors

Marvin Pendarvis

Bill State: TX (7)



Primary Sponsors Beverly Powell

local revenue.

Introduction Date: 2021-04-20

Labels:

Amendment Process for Discriminatory Restrictive Covenants

Deeds Discrimination

State	Bill Number	Last Action	ate Affairs 2021 03 11	Status
TX	SB 754	Referred To Sta		Failed sine die
Title Relating to the amendme discriminatory provision. Primary Sponsors Borris Miles	nt of a dedicatory instrument t	o remove a	Introduction Date: 2021-02-23 Labels: Amendment Process for Discrim Association Board Regulations Discrimination	
State	Bill Number	Last Action	ate Affairs 2021 03 11	_{Status}
TX	SB 602	Referred To Sta		Failed sine die
Title Relating to the amendme discriminatory provision. Primary Sponsors Lois Kolkhorst	nt of a dedicatory instrument t	to remove a	Introduction Date: 2021-02-05 Labels: Amendment Process for Discrim Association Board Regulations Discrimination	
State	Bill Number	Last Action	ate Affairs 2021 05 10	_{Status}
TX	HB 1202	Referred To St		Failed sine die
Title Relating to the amendme discriminatory provision. Primary Sponsors Jacey Jetton, Penny Moral	nt of a dedicatory instrument t es Shaw	to remove a	Introduction Date: 2021-01-19 Labels: Amendment Process for Discrim Association Board Regulations	
State	Bill Number	Last Action	ate Affairs 2021 03 03	Status
TX	SB 222	Referred To Sta		Failed sine die
Title Relating to the removal o provisions from certain re Primary Sponsors Bryan Hughes	f certain discriminatory restrict eal property records.	ions and	Introduction Date: 2020-12-01 Labels: Amendment Process for Discrim Discrimination	ninatory Restrictive Covenants

ТХ	Bill Number SB 30	Last Action Effective	On 9 1 21 2021 06 14	Status Enacted	
recorded conveyand Primary Sponsors Royce West, Carol A Blanco, Dawn Bucki Sarah Eckhardt, Rol Hinojosa, Joan Huffi Kolkhorst, Eddie Lud Robert Nichols, Ang Charles Schwertner	ce instrument. Ivarado, Paul Bettencou ngham, Donna Campbe and Gutierrez, Bob Hall, man, Bryan Hughes, Na cio, Jose Menendez, Bor cela Paxton, Charles Peri , Kel Seliger, Drew Sprin ffirini, Jeff Leach, Senfro	Kelly Hancock, Chuy than Johnson, Lois ris Miles, Jane Nelson, ry, Beverly Powell, ger, Larry Taylor, John	Introduction Date: 2021 Labels: Amendment Process f Discrimination	03-08	\supset
l State: US (3) ^{State} US	Bill Number S 2549		erred To The Committee And Urban Affairs 2021	Status FN Outl In Senate 4,4%	ook 82.3%
Title Mapping Housing D Primary Sponsors Tina Smith	iscrimination Act			07-29 for Discriminatory Restrictive Covenants rulations and Rules Development	\supset

Title

Yes In My Backyard Act

Description

Yes In My Backyard Act This bill requires certain Community Development Block Grant program recipients to submit to the Department of Housing and Urban Development information regarding their implementation of certain land-use policies, such as policies for expanding high-density single-family and multifamily zoning.

Primary Sponsors

Derek Kilmer

Introduction Date: 2021-05-13

Labels:

Amendment Process for Discriminatory Restrictive Covenants

Discrimination)

Last Action Status Committee On Banking Housing And Urban Affairs Hearings Held 2021 06 24

In Senate

Title

Yes In My Backyard Act

Description

Yes In My Backyard Act This bill requires certain Community Development Block Grant program recipients to submit to the Department of Housing and Urban Development information regarding their implementation of certain land-use policies, such as policies for expanding high-density single-family and multifamily zoning.

Primary Sponsors

Todd Young

Bill State: UT (1)

Introduction Date: 2021-05-13

Labels:

Amendment Process for Discriminatory Restrictive Covenants

Discrimination

State UT	Bill Number HB 374	Last Action Governor Signed 2021 03 17	Status Enacted
Title Restrictive Coven	ants Amendments	Introduction Date: 2021-02-16	5
Primary Sponsor Mike Winder, Jani			scriminatory Restrictive Covenants

Bill State: VT (1)

State VT	Bill Number S 144	Last Action Read 1st Time Refer Judiciary 2021 04 27	red To Committee On	_{Status} In Senate	FN Outlook 25.5% 51.6%
Title An act relatir deeds	ng to the removal of certain	restrictive covenants from	Introduction Date: 202		
Primary Spo Andrew Perc				s for Discriminatory Re	estrictive Covenants

Bill State: WA (1)

State WA	Bill Number HB 1335	Last Action Effective	e Date 7 25 2021 2021 05 12	Status Enacted
Title			Introduction Date: 2021-01-21	
0	iew and property owner notification h unlawful racial restrictions.	on of recorded	Labels: Amendment Process for Disci	riminatory Restrictive Covenants
Primary Spons Javier Valdez	ors		Discrimination	

Bill State: WI (1)

date.

Primary Sponsors Shelly Duncan

authorizing a civil action for new instruments recorded to remove an enforceable restrictive covenant; and providing for an effective

State WI	Bill Number SB 708		Referred To Committee atory Reform 2021 11 19	Status In Senate	FN Outlook 4.5% 61.7%
Description An Act to renum of the statutes; Primary Sponso	nants applicability. nber and amend 103.465; an p rs vard Marklein, Duey Stroeb		Introduction Date: 2021- Labels: Amendment Process f		estrictive Covenants
Bill State: WY (1))				
State WY	Bill Number HB 91	Last Action Assigned	l Chapter Number 70 2021 (Status D4 02 Enact	ed
Description AN ACT relating procedures for real property; sp	nforceable property covena to real property and conve removing unenforceable re pecifying what restrictive co providing immunity from ci	yances; establishing strictive covenants for venants are	Introduction Date: 2021- Labels: Amendment Process f Association Board Reg Discrimination	or Discriminatory Re	

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