

HB 1062 -- PROHIBITED RESTRICTIVE COVENANTS

SPONSOR: Fishel

This bill prohibits any deed recorded after August 28, 2021, from containing a reference to a specific portion of a restrictive covenant that relates to the race, color, religion, or national origin of any person. The recorder of deeds can refuse to record it.

An owner of real property subject to a restrictive covenant that relates to the race, color, religion, or national origin of any person can release it by filing a certificate of release of prohibited covenants with the recorder of deeds either prior to recording a deed of conveyance of such property or upon discovering that the prohibited covenant exists.

A certificate does not need to be prepared by an attorney if it substantially conforms to the template set out in statute.

Certificates of release of prohibited covenants are exempt from formal requirements for recording, and will not be charged a recording fee.