

HB 2727 -- UNIFORM UNLAWFUL RESTRICTION ON LAND RECORDS ACT

SPONSOR: Parker

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on General Laws by a vote of 14 to 0 and 1 present. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 6 to 0.

This bill replaces the current procedure for removing void and unenforceable covenants on real property with the "Uniform Unlawful Restriction on Land Records Act", which allows the owner of real property subject to an unlawful restriction to submit an amendment to the recorder for recordation in land records to remove the unlawful restriction as it applies to the owner's property. Alternatively, a governing body of an association identified in a governing instrument may, without a vote of the association members, amend the governing instrument to remove an unlawful restriction. A member of the association may request of the governing body to remove the restriction. The bill provides a sample form on which an association member may request the removal of an unlawful restriction. The governing body must determine within 90 days of receiving the request whether the governing document includes an unlawful restriction. If the governing body determines that the governing instrument contains an unlawful restriction, the governing body must exercise its authority and amend the instrument to remove the unlawful restriction within 90 days of the determination.

PROPONENTS: Supporters say that this legislation allows for a uniform procedure to remove unlawful restrictive covenants that are based on race, sex, national origin, etcetera. Supporters were in support of removing the antiquated covenants and restrictions related to neighborhood communities.

Testifying in person for the bill were Representative Parker; Community Associations Institute; and Arnie Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.