

Representative Mike Winder proposes the following substitute bill:

RESTRICTIVE COVENANTS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: Jani Iwamoto

LONG TITLE

General Description:

This bill enacts provisions regarding certain restrictive covenants in previously recorded instruments relating to real property.

Highlighted Provisions:

This bill:

- ▶ prohibits the enforcement of a restrictive covenant in a previously recorded written instrument relating to real property;
- ▶ allows a property owner to record a modification document declaring a restrictive covenant void; and
- ▶ prevents a county recorder from charging a fee for recording a modification document.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

57-21-6.1, Utah Code Annotated 1953



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **57-21-6.1** is enacted to read:

57-21-6.1. Discriminatory housing practices regarding real estate -- Existing real property contract provisions.

(1) Any provision in a previously recorded written instrument relating to real property that expresses any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status, source of income, disability, sexual orientation, or gender identity is void.

(2) It is a discriminatory housing practice to enforce a provision described in Subsection (1).

(3) A person with a fee simple interest in the real property that is subject to the recorded written instrument described in Subsection (1) may record with the county recorder a modification document on the real property in the following form:

"Any provision in a previously recorded written instrument that expresses any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status, source of income, disability, sexual orientation, or gender identity is void under Utah Code Section [57-21-6.1](#)."

(4) A provision in a recorded written instrument that is void under this section does not affect the validity of the remainder of the previously recorded written instrument.

(5) An owner who records or causes to be recorded a modification document under Subsection (3) that contains modifications not authorized by this section is solely liable for the recordation.

(6) A county recorder may not charge a fee for recording a modification document under this section.