

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

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



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

29 **57-21-6.1. Discriminatory housing practices regarding real estate -- Existing real**
30 **property contract provisions.**

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

35 (2) It is a discriminatory housing practice to honor or attempt to honor a provision
36 described in Subsection (1) in the chain of title.

37 (3) A property owner may record with the county recorder a modification document in
38 the following form:

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

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

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