

## HB0374S01 compared with HB0374

~~deleted text~~ shows text that was in HB0374 but was deleted in HB0374S01.

inserted text shows text that was not in HB0374 but was inserted into HB0374S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Mike Winder proposes the following substitute bill:

### RESTRICTIVE COVENANTS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike Winder**

Senate Sponsor: \_\_\_\_\_

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#### 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:

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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 ~~{directly or indirectly}~~ 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 ~~{honor or attempt to honor}~~ enforce a provision described in Subsection (1) ~~{in the chain of title}~~.

~~—— (3) A property owner};~~

(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 ~~{written instrument}~~ provision in a previously recorded written instrument that ~~{directly or indirectly}~~ 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.

~~{5}~~6) A county recorder may not charge a fee for recording a modification document

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under this section.