



WHY YOUR STATE SHOULD ADOPT THE UNIFORM UNLAWFUL RESTRICTIONS IN LAND RECORDS ACT

The Uniform Unlawful Restriction in Land Records Act (the “Act”), first approved by the Uniform Law Commission in 2023, enables property owners to record an amendment removing a discriminatory and unlawful restriction from their property records. The Act allows states to create a path forward for their constituents to address the unfortunate history of discrimination that is memorialized in property records throughout the country.

- ***The Act acknowledges and begins to address discrimination in the land records system.*** Throughout the early- and mid-1900s, discrimination in housing on the basis of race, color, national origin, and religion was rampant and encouraged by property developers, lenders, and individual communities. Many of these communities recorded restrictive covenants that prohibited people with certain now-protected characteristics or statuses from owning, occupying or renting property in their community. The Act allows current homeowners of these properties to record an amendment and relieve themselves of the burden of carrying a discriminatory restriction on their property records.
- ***The Act preserves historical records for research and other purposes without disturbing a property’s chain of title.*** History cannot be changed, and the Act does not aim to erase the historical use of once-lawful discriminatory covenants that were extensively recorded in land records. By permitting homeowners to record an amendment stating that the unlawful restriction has been removed, researchers will still be able to study patterns and practices of systemic racism and discrimination by looking into the records for an individual property. At the same time, and importantly, the amendment preserves the chain of title and does not compromise the insurability of the title for later transfers of the property.
- ***The Act does not require states to re-litigate protected personal characteristics.*** The federal Fair Housing Act (as amended by the Americans with Disabilities Act) currently prohibits discrimination on the basis of an individual’s race, color, religion, national origin, sex, familial status and disability. Some states and municipalities have expanded this definition to include other protected categories, such as sexual orientation or marital status. The Act neither expands nor limits the protected categories in any state or jurisdiction, but rather, allows the removal of unlawful restrictions based on the applicable law existing in each state or jurisdiction. Therefore, states can enact the Act without needing to renew debate about which personal characteristics, statuses or other criteria should be protected.

- ***The Act empowers common interest communities to take action on unlawful restrictions.***
The issue of these pernicious restrictions is not contained to single-family homes: the governing documents for many common interest communities, including condominiums, co-ops, and planned communities, contain discriminatory and unlawful restrictions. If an individual unit owner or the association's governing body itself becomes aware of any such restrictions, the Act permits the governing body to record an amendment removing the restriction without a vote of the association as a whole.
- ***The Act has received broad support from the real estate industry.*** Several key real estate industry participants, including the American Land Title Association, have endorsed the Act because it introduces much-needed uniformity and provides clear guidance to state and county recording offices.

For further information about the Uniform Unlawful Restrictions in Land Records Act, please contact ULC Legislative Counsel Jane Sternecky at (312) 450-6622 or jsternecky@uniformlaws.org.