

**Date:** July 17, 2023

**To:** Uniform Law Commission (ULC)  
Unlawful Restrictions in Land Records Committee

**From:** American Land Title Association (ALTA)  
Just Deeds  
Mapping Prejudice  
Minnesota County Recorder's Association (MCRA)  
Mortgage Bankers Association (MBA)  
Property Records Industry Association (PRIA)

**Re:** Support for Draft Act

We would like to thank the Uniform Law Commission (ULC) and specifically the Unlawful Restrictions in Land Records Committee for their work in drafting legislation to address illegal discriminatory covenants placed in property records prior to the US Supreme Court case *Shelley v Kraemer* and the enactment of fair housing laws. We commend the ULC for their leadership on this important topic. We endorse the draft Act and look forward to its adoption by the ULC, introduction in state legislatures, and ultimate passage around the country.

Prior to this drafting effort, there was no model or uniform legislative approach for empowering people to address unlawful discriminatory covenants in land records pertaining to their property. This model act provides a mechanism for repudiation by homeowners of these abhorrent covenants, while retaining the capability for universities and non-profits to study these historic records and their impacts.

Many unlawful covenants exist in old declarations of covenants, conditions, and restrictions that affect many properties. Additionally, unlawful covenants can exist within instruments that also include enforceable covenants, conditions, or restrictions. These factors presented drafting nuances which the committee thoughtfully considered and effectively addressed in the Act, ensuring the unintentional voiding of enforceable covenants, which could create title questions impacting the marketability of the property, were prevented.

Finally, we appreciate the inclusion of an optional model form in the Act, as it will minimize potential errors and create a more streamlined implementation process at the county level.

Again, we would like to thank the ULC and members of the committee for their efforts and look forward to engaging in enactment efforts.