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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 51

01/14/2019 Authored by Davnie, Lee, Wagenius, Loeffler, Hornstein and others
The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act
1.2 relating to real property; providing a statutory form for making declarations about
1.3 certain restrictive covenants that are prohibited under state and federal law;
1.4 amending Minnesota Statutes 2018, section 507.18, subdivision 2, by adding
1.5 subdivisions.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 507.18, subdivision 2, is amended to read:

1.8 Subd. 2. Restriction only is void. Every provision referred to in subdivision 1 shall be
1.9 void, regardless of the year the written instrument was executed, but the instrument shall
1.10 have full force in all other respects and shall be construed as if no such provision were
1.11 contained therein.

1.12 Sec. 2. Minnesota Statutes 2018, section 507.18, is amended by adding a subdivision to
1.13 read:

1.14 Subd. 5. Discharge of restrictive covenants related to protected classes. The owner
1.15 of any real property may file the statutory form provided in this section in any county where
1.16 the property is located to remove a restrictive covenant related to a protected class
1.17 permanently from the title. This process may be used for properties in the abstract title
1.18 system. The removal of the restrictive covenant is valid and enforceable under the law of
1.19 Minnesota when the statutory form, or a substantially similar form, is properly recorded.
1.20 For the purposes of this subdivision and subdivision 6, a "protected class" means race, color,
1.21 creed, ethnicity, religion, national origin, sex, marital status, or sexual orientation.

2.1 Sec. 3. Minnesota Statutes 2018, section 507.18, is amended by adding a subdivision to  
2.2 read:

2.3 Subd. 6. Filing; recording. (a) The county recorder must accept the statutory form  
2.4 provided in this subdivision for recording when:

2.5 (1) the form has been executed before a notary; and

2.6 (2) the form contains the legal description of the property.

2.7 (b) The commissioner of commerce must provide electronic copies of the statutory form  
2.8 in this subdivision to the public free of cost.

2.9 (c) The filing of this form does not alter or affect the duration or expiration of covenants,  
2.10 conditions, or restrictions under section 500.20 and may not be used to extend the effect of  
2.11 a covenant.

2.12 (d) The statutory form that follows may be used to remove restrictive covenants on  
2.13 property that limit the ownership, occupancy, use, or financing based on protected class:

2.14 DISCHARGE OF RESTRICTIVE COVENANT AFFECTING PROTECTED CLASSES

2.15 Pursuant to Minnesota Statutes, section 507.18, any restrictive covenant affecting a  
2.16 protected class, including covenants which were placed on the property with the intent of  
2.17 restricting the use, occupancy, ownership, or financing because of a person's race, ethnicity,  
2.18 or religious beliefs, is discharged and released from the land described herein.

2.19 I/we, ....., solemnly swear that  
2.20 the contents of this form are true to the best of my/our knowledge, except as to those matters  
2.21 stated on information and belief, and that as to those matters I/we believe them to be true.

2.22 Name and Address of Owner(s) .....

2.23 The real property owned by owner(s) is located in ..... County,  
2.24 Minnesota, and is legally described as follows:

2.25 OWNER(s), ....., swears and affirms  
2.26 that Owner(s) is/are 18 years of age or older and is/are not under any legal incapacity and  
2.27 that the information provided in this form is true and correct based on the information  
2.28 available and based on reasonable information and belief:

2.29 (1) a restrictive covenant which had the intent to restrict the use, occupancy, ownership,  
2.30 or financing of this property based on a protected class, including race, ethnicity, or religion,  
2.31 existed at one time related to the property described in this form;

3.1 (2) restrictive covenants relating to or affecting protected classes are unenforceable and  
 3.2 void pursuant to Minnesota Statutes, sections 507.18 and 363A.09, the United States  
 3.3 Constitution, and the Minnesota Constitution;

3.4 (3) Minnesota Statutes, section 507.18, allows for the discharge of a restrictive covenant  
 3.5 of the nature described herein through the use of this statutory form to permanently discharge  
 3.6 such covenants from the land described herein and release the current and future landowner(s)  
 3.7 from any such restrictive covenant related to or affecting protected classes;

3.8 (4) any covenant not related to protected classes but related to the real property described  
 3.9 herein shall have full force in all other respects; and

3.10 (5) the filing of this form does not alter or change the duration or expiration of covenants,  
 3.11 conditions, or restrictions under Minnesota Statutes, section 500.20.

3.12 The affiant(s) know(s) the matters herein stated are true and make(s) this affidavit for  
 3.13 the purpose of documenting the discharge of the illegal and unenforceable restrictive  
 3.14 covenants affecting protected classes.

3.15 .....

3.16 Affiant (Owner(s) Signature)

3.17 Signed and sworn before me on  
 3.18 ..... (Date), by  
 3.19 ..... (Affiant/Owner)

3.20 .....

3.21 Signature of Notary

3.22 Stamp  
 3.23 My commission expires .....