



General Assembly

February Session, 2022

**Raised Bill No. 5462**

LCO No. 2979



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE REMOVAL OF RESTRICTIVE COVENANTS IN INSTRUMENTS AFFECTING TITLE TO REAL PROPERTY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47-12b of the 2022 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2022*):

4 (a) For purposes of this section, "unlawful restrictive covenant"  
5 means a covenant or other provision in an instrument affecting the title  
6 to real property that purports to restrict ownership or occupancy of such  
7 real property on the basis of race, creed, color, national origin, ancestry,  
8 sex, gender identity or expression, marital status, age, lawful source of  
9 income, familial status or status as a veteran.

10 (b) Any unlawful restrictive covenant contained in any instrument  
11 affecting title to real property that is recorded in the land records of any  
12 municipality shall be void. If an unlawful restrictive covenant is  
13 contained in any instrument affecting title to real property that also  
14 contains any other covenant or provision that is not an unlawful

15 restrictive covenant, the validity and enforceability of the remaining  
16 covenants or provisions, as well as the validity of the recorded  
17 instrument itself, shall not be affected by the voiding of the unlawful  
18 restrictive covenant.

19 (c) Any owner of real property who identifies an unlawful restrictive  
20 covenant in an instrument recorded on the land records that relates to  
21 real property owned by such person may file either an affidavit  
22 pursuant to section 47-12a or a form described in subsection (f) of this  
23 section, with the town clerk in the municipality where the real property  
24 is located, identifying the existence of such unlawful restrictive  
25 covenant. Such affidavit or form shall (1) be in the form required by  
26 section 47-12a; (2) identify the volume and page of the land records for  
27 the instrument or instruments that contain the unlawful restrictive  
28 covenant; and (3) state that the affidavit or form is being filed to carry  
29 out the provisions of this section. Failure to file such affidavit or form  
30 shall not otherwise affect the invalidity of the unlawful restrictive  
31 covenant under this section. The town clerk shall record such affidavit  
32 or form, and, to the extent practicable, notate the indices to the land  
33 records accordingly to reflect the invalidity of the unlawful restrictive  
34 covenant. No town clerk may assess any recording fee for the filing of  
35 such affidavit or form.

36 (d) A reference in any recorded instrument affecting title to real  
37 property, or in any other document, including, but not limited to, a  
38 report, opinion, contract or insurance policy, to covenants, conditions,  
39 restrictions or provisions contained in an instrument previously  
40 recorded in the land records, shall not constitute a revival, reinstatement  
41 or republication of an unlawful restrictive covenant. Any affidavit or  
42 other form recorded in connection with this section is not an  
43 encumbrance on the real property.

44 (e) If a person causes an affidavit or a form to be recorded under  
45 subsection (c) of this section that is not in fact authorized by this section,  
46 the town clerk and the municipality shall not be liable for any damages  
47 resulting from the recording of the affidavit or form pursuant to this

48 section. Any liability that may result by a recording that is not  
49 authorized in fact by subsection (c) of this section shall be the sole  
50 responsibility of the person who caused the affidavit or form to be  
51 recorded.

52 (f) Not later than December 1, 2021, the Office of Policy and  
53 Management shall develop a standardized form with respect to race for  
54 the purposes of subsection (c) of this section. Not later than December  
55 1, 2022, the Office of Policy and Management shall revise the  
56 standardized form with respect to creed, color, national origin, ancestry,  
57 sex, gender identity or expression, marital status, age, lawful source of  
58 income, familial status or status as a veteran for the purposes of  
59 subsection (c) of this section. The town clerk in each municipality shall  
60 (1) make such form available on the Internet web site of the municipality  
61 and in the area of the town clerk's office where land records are kept,  
62 and (2) post a notice informing the public of the provisions of this  
63 section in the area of the town clerk's office where land records are kept.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	47-12b

**Statement of Purpose:**

To extend restrictive covenant prohibitions to restrictions based on creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status or status as a veteran.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*