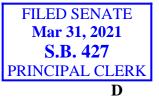
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2021



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SENATE BILL DRS15175-MQ-60

	Short Title:	Discharge of Discriminatory Covenants.	(Public)		
	Sponsors:	Senators Mayfield and Murdock (Primary Sponsors).			
	Referred to:				
1		A BILL TO BE ENTITLED			
2	AN ACT TO		NATODV		
2 3	AN ACT TO ESTABLISH A PROCESS FOR THE DISCHARGE OF DISCRIMINATORY COVENANTS IN THE CHAIN OF TITLE FOR REAL PROPERTY.				
3 4	The General Assembly of North Carolina enacts:				
4 5	•				
6	SECTION 1. Chapter 22B of the General Statutes is amended by adding a new Article to read:				
7	Afficie to lea	"Article 4.			
8		"Discriminatory Real Property Restrictions.			
9	"8 22B-30 I	Prohibited restrictions.			
10		s used in this section, the following definitions apply:			
11	(a) (1)		ace color		
12	<u>(1</u>	national origin, or religion.			
12	(2		or term		
14	<u>\</u>	<u>contained in a written instrument.</u>			
15	(3		property		
16	<u>()</u>	including a deed, plat, will, or trust.	<u>property</u> ,		
17	(b) N	o written instrument shall contain any provision (i) restricting in any m	anner the		
18		lease, use, mortgage, or encumbrance of real property or (ii)			
19	discriminating against any person's or class of persons' status as a protected class. A provision				
20		within a written instrument that is commonly understood as describing or referring to a protected			
21	class shall also be prohibited under this section.				
22	(c) A provision in a written instrument that is prohibited pursuant to this section shall be				
23	void and unenforceable, regardless of when the written instrument was executed; however, the				
24	written instrument shall be valid and enforceable in all other respects and shall be given effect as				
25	though the w	ritten instrument does not contain the prohibited provision.			
26	-	Discharge and release of prohibited restrictions; statutory form.			
27	<u>(a)</u> <u>A</u>	n owner of an interest in real property may discharge and release a provis	ion that is		
28	prohibited pu	ursuant to this Article by recording a form that substantially complies	with the		
29	description p	rovided in this section with the register of deeds in the county or counties	where the		
30	real property	real property is situated. A recorded form, properly executed pursuant to this section, shall			
31	discharge and	discharge and release a prohibited provision; however, the written instrument containing the			
32	provision shall otherwise remain in full force and effect and shall be construed as though the				
33	instrument does not contain the provision.				
34	(b) The register of deeds shall record the form described in this section if all of the				
35	following rec	following requirements have been met:			



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(1) Execution of the form by an owner of an interest in the	he subject real property			
before a notary.				
(2) The form contains the legal description of the real	property affected by a			
provision prohibited pursuant to this section.				
(3) The form contains the date of recording and the book				
instrument containing the provision prohibited pursua				
(4) <u>The form complies with all recording requirements in</u>				
(5) The recording fee authorized under G.S. $161-10$ has b The magnifier of a form described under this section shall				
(c) <u>The recording of a form described under this section shall</u> luration or expiration or extend the effect of the written instrument co				
provision. The failure to include all record owners of the subject property				
shall not be deemed to impact the unenforceability of the voided discrim				
(d) The following statutory form may be used to discharge an	• •			
provision under this Article:	la release a promoted			
"DISCHARGE AND RELEASE OF RESTRICTIVE COVENAN	IT AFFECTING			
PROTECTED CLASSES				
Pursuant to N.C.G.S. § 22B-31, any provision in a written instrume				
class, including covenants placed on real property with the intent of restricting the use,				
ccupancy, ownership, or financing because of a person's race, color, nat	ional origin, or religion,			
s discharged and released from the land described herein.				
ΓΑΤΕ OF NORTH CAROLINA				
COUNTY OF				
We,, having	g an ownership interest			
n all or part of the real property described herein, solemnly swear or aff	firm that the contents of			
his form are true to the best of my/our knowledge, except as to the				
nformation and belief, and that as to those matters I/we believe them to	be true.			
Name & Address of Owner(s))				
The real property owned by the owner(s) is located in	County, North			
	wing legal description:			
	wear or affirm that I/we			
m/are 18 years of age or older and am/are not under any legal incapacity a				
rovided in this form is true and correct based upon the information av	ailable and based upon			
reasonable information and belief:				
(1) <u>A restrictive covenant which had the intent to restrict the use, oc</u>	· · ·			
financing of this property based on a protected class, including race, color, national origin, or religion axisted at one time related to the property described in this form:				
religion, existed at one time related to the property described in this form	<u>1,</u>			
(2) The restrictive covenant is contained in an instrument dated	, and			
recorded in Book, Page, in the Office of the	, unu			
,,,,,,,,,,,	Countv			
Register of Deeds, and, if applicable, is shown in Plat Book, F	County Page;			

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- · · · · · · · · · · · · · · · · · · ·	affecting protected classes are unenforceable and void			
1	nited States Constitution, and the North Carolina			
Constitution;				
(4) N.C.G.S. § 22B-31 provides for the	discharge and release of a restrictive covenant of the			
nature described herein through the use of this statutory form to permanently discharge and				
release such covenants from the land described herein and release the current and future				
andowner(s) from any such restrictive cov	renant related to or affecting protected classes;			
(5) I/We hereby personally release and	d remove from enforcement the restrictive covenant			
described herein;				
	ctive covenant discharged and released shall have full			
force and effect in all other respects and shall be construed as though the discharged and released				
restrictive covenant was not contained ther	<u>ein;</u>			
	ter or change the duration or expiration of any other			
covenants, conditions, or restrictions existi	ng upon the land.			
This the day of	20			
<u>instile</u> day of,	<u>20</u>			
Owner signature)	(Owner signature)			
STATE OF NORTH CAROLINA				
COUNTY OF				
	,, personally appeared before me the named			
	e to be the person described in and who executed the			
foregoing instrument and he (or she) acknowledges that he (or she) executed the same and being				
duly sworn by me, made oath that the statements in the foregoing instrument are true.				
-				
Date:	(Official Signature of Notary)			
	(Notary's printed or typed name), Notary Public			
(Official Seal)	My commission expires: "."			
SECTION 2. This act becomes effective October 1, 2021.				

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