



Substitute House Bill No. 6665

Public Act No. 21-173

AN ACT CONCERNING THE REMOVAL OF RESTRICTIONS ON OWNERSHIP OR OCCUPANCY OF REAL PROPERTY BASED ON RACE AND ELIMINATION OF THE RACE DESIGNATION ON MARRIAGE LICENSES.

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

Section 1. (NEW) (*Effective July 1, 2021*) (a) For purposes of this section, "unlawful restrictive covenant" means a covenant or other provision in an instrument affecting the title to real property that purports to restrict ownership or occupancy of such real property on the basis of race.

(b) Any unlawful restrictive covenant contained in any instrument affecting title to real property that is recorded in the land records of any municipality shall be void. If an unlawful restrictive covenant is contained in any instrument affecting title to real property that also contains any other covenant or provision that is not an unlawful restrictive covenant, the validity and enforceability of the remaining covenants or provisions, as well as the validity of the recorded instrument itself, shall not be affected by the voiding of the unlawful restrictive covenant.

(c) Any owner of real property who identifies an unlawful restrictive covenant in an instrument recorded on the land records that relates to

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real property owned by such person may file either an affidavit pursuant to section 47-12a of the general statutes, as amended by this act, or a form described in subsection (f) of this section, with the town clerk in the municipality where the real property is located, identifying the existence of such unlawful restrictive covenant. Such affidavit or form shall (1) be in the form required by section 47-12a of the general statutes, as amended by this act; (2) identify the volume and page of the land records for the instrument or instruments that contain the unlawful restrictive covenant; and (3) state that the affidavit or form is being filed to carry out the provisions of this section. Failure to file such affidavit or form shall not otherwise affect the invalidity of the unlawful restrictive covenant under this section. The town clerk shall record such affidavit or form, and, to the extent practicable, notate the indices to the land records accordingly to reflect the invalidity of the unlawful restrictive covenant. No town clerk may assess any recording fee for the filing of such affidavit or form.

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

(e) If a person causes an affidavit or a form to be recorded under subsection (c) of this section that is not in fact authorized by this section, the town clerk and the municipality shall not be liable for any damages resulting from the recording of the affidavit or form pursuant to this section. Any liability that may result by a recording that is not authorized in fact by subsection (c) of this section shall be the sole responsibility of the person who caused the affidavit or form to be

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recorded.

(f) Not later than December 1, 2021, the Office of Policy and Management shall develop a standardized form for the purposes of subsection (c) of this section. The town clerk in each municipality shall (1) make such form available on the Internet web site of the municipality and in the area of the town clerk's office where land records are kept, and (2) post a notice informing the public of the provisions of this section in the area of the town clerk's office where land records are kept.

Sec. 2. Subsection (b) of section 47-12a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(b) The affidavits provided for in this section may relate to the following matters: Age, sex, birth, death, capacity, relationship, family history, heirship, names, identity of parties, marital status, possession or adverse possession, adverse use, residence, service in the armed forces, conflicts and ambiguities in description of land in recorded instruments, the happening of any condition or event which may terminate an estate or interest, unlawful restrictive covenants and any other state of facts affecting title to real property.

Sec. 3. Section 46b-25 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

No license may be issued by the registrar until both persons have appeared before the registrar and made application for a license. The registrar shall issue a license to any two persons eligible to marry under this chapter. The license shall be completed in its entirety, dated, signed and sworn to by each applicant and shall state each applicant's name, age, [race,] birthplace, residence, whether single, widowed or divorced and whether under the supervision or control of a conservator or guardian. The Social Security numbers of both persons shall be recorded

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in the "administrative purposes" section of the license. If the license is signed and sworn to by the applicants on different dates, the later date shall be deemed the date of application.

Sec. 4. Section 47-70a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) [The] Except as provided in subsection (d) of this section, the declaration shall be amended only by vote of two-thirds of the unit owners, and the bylaws shall be amended by vote of a majority of unit owners, at any meeting of the unit owners' association duly called for either purpose, following written notice to all unit owners and their mortgagees appearing on the records of the association, except that if such amendment whether of the declaration or of the bylaws directly or indirectly changes the boundaries of any unit, the undivided interest in the common elements appertaining thereto, the liability for common elements appertaining thereto, the liability for common expenses or rights to common profits appertaining thereto, or the number of votes in the unit owners' association appertaining thereto, such amendment shall require the affirmative vote of seventy-five per cent of the unit owners and shall, in addition, require the consent of the mortgagees of at least seventy-five per cent of the units subject to mortgage.

(b) The declarant may require a unit owner or purchaser to execute and to deliver to the declarant a power of attorney or other document assigning to the declarant the right of a unit owner to vote on the amendment of condominium instruments pursuant to subsection (a) of this section, provided such power of attorney or other document shall be exercised or implemented only to amend the condominium instruments for the purpose of adding additional land in an expandable condominium pursuant to section 47-71a, and to reallocate the undivided interests in the common elements resulting from such expansion pursuant to subsection (c) of section 47-74, and the power of attorney or other document shall be expressly so limited.

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(c) Notwithstanding any other provision of this chapter or the condominium instruments, the designation of the agent for the service of process named in the declaration may be changed from time to time by recording in the land records wherein the declaration is recorded the instrument for designation of an agent for service of process, which if the association is incorporated, shall be a copy of the instrument transmitted to the Secretary of the State or if not incorporated, an instrument including the same information as such an instrument for designation of agent. In addition, the instrument for designation shall refer to the volume and first page of the original condominium instruments.

(d) (1) The board of directors may, by a vote of a majority of the members of said board and without further need for a vote by unit owners, amend the declaration to remove from such declaration any provision that purports to restrict ownership or occupancy of units within the condominium on the basis of race.

(2) If a unit owner submits a written request to the board of directors for an amendment to the declaration to remove a provision that purports to restrict ownership or occupancy of units within the condominium on the basis of race, the board shall, not later than ninety days after receipt of such a request, hold a meeting to determine whether such a provision exists in the declaration and should be removed pursuant to the provisions of subdivision (1) of this subsection.

Sec. 5. Section 47-236 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) Except in cases of amendments that may be executed by a declarant under subsection (f) of section 47-228 or section 47-229, or by the association under section 47-206, subsection (d) of section 47-225, subsection (c) of section 47-227, subsection (a) of section 47-231 or section 47-232, or by certain unit owners under subsection (b) of section

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47-227, subsection (a) of section 47-231, subsection (b) of section 47-232, subsection (b) of section 47-237 or section 47-242, or by the executive board under subsection (k) of this section, and except as limited by subsections (d) and (f) of this section, the declaration, including any surveys and plans, may be amended only as follows:

(1) By vote or agreement of unit owners of units to which at least sixty-seven per cent of the votes in the association are allocated, unless the declaration specifies either a larger percentage or a smaller percentage, but not less than a majority, for all amendments or for specific subjects of amendment;

(2) The declaration may provide that all amendments or specific subjects of amendment may be approved by the unit owners of units having any of the percentages of votes, as provided in subdivision (1) of this subsection, of a specified group of units that would be affected by the amendment, rather than all of the units in the common interest community; or

(3) The declaration may specify a smaller number only if all of the units are restricted exclusively to nonresidential use.

(b) No action to challenge the validity of an amendment adopted by the association pursuant to this section may be brought more than one year after the amendment is recorded.

(c) Every amendment to the declaration shall be recorded in every town in which any portion of the common interest community is located and is effective only on recordation. An amendment, except an amendment pursuant to subsection (a) of section 47-231, shall be indexed in the grantee's index in the name of the common interest community and the association and in the grantor's index in the name of the parties executing the amendment.

(d) Except in the case of the exercise of development rights pursuant

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to section 47-229 or to the extent otherwise expressly permitted or required by other provisions of this chapter, with respect to a common interest community, whether created before, on or after January 1, 1984, no amendment may create or increase special declarant rights, increase the number of units or change the boundaries of any unit or the allocated interests of a unit, in the absence of unanimous consent of the unit owners.

(e) Amendments to the declaration required by this chapter to be recorded by the association shall be prepared, executed, recorded and certified on behalf of the association by any officer of the association designated for that purpose or, in the absence of designation, by the president of the association.

(f) An amendment to the declaration may prohibit or materially restrict the permitted uses or occupancy of a unit or the number or other qualifications of persons who may occupy units only by vote or agreement of unit owners of units to which at least eighty per cent of the votes in the association are allocated, unless the declaration specifies that a larger percentage of unit owners must vote or agree to that amendment or that such an amendment may be approved by the unit owners of units having at least eighty per cent of the votes of a specified group of units that would be affected by the amendment. An amendment approved under this subsection must provide reasonable protection for a use or occupancy permitted at the time the amendment was adopted.

(g) The time limits specified in the declaration pursuant to subdivision (8) of subsection (a) of section 47-224, within which reserved development rights and special declarant rights must be exercised may be extended, the number of units may be increased and new development rights or other special declarant rights may be created by amendment to the declaration if persons entitled to cast at least eighty per cent of the votes in the association, including eighty per cent of the

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votes allocated to units not owned by the declarant, agree to that action. The amendment must identify the association or other persons who hold any new rights that are created. Notice of the proposed amendment to the declaration must be delivered in a record to all persons holding development rights or security interests in those rights. Notwithstanding the provisions of subsection (c) of this section, the amendment to the declaration is effective thirty days after the amendment is recorded and notice is delivered unless any of the persons entitled to notice under this subsection records an objection in a record within the thirty-day period, in which case the amendment is void, or unless all of the persons entitled to notice under this subsection consent in a record at the time the amendment is recorded, in which case the amendment is effective when recorded.

(h) Provisions in the declaration creating special declarant rights that have not expired may not be amended without the consent of the declarant.

(i) If any provision of this chapter or of the declaration or bylaws of any common interest community created before, on or after January 1, 1984, requires the consent of a person holding a security interest in a unit as a condition to the effectiveness of any amendment to the declaration or bylaws, that consent shall be deemed granted if a refusal to consent in a record is not received by the association within forty-five days after the association delivers notice of the proposed amendment to the holder of the interest or mails the notice to the holder of the interest by certified mail, return receipt requested. The association may rely on the last-recorded security interest of record in delivering or mailing notice to the holder of that interest. Notwithstanding any provision of this section, an amendment to the declaration or bylaws that affects the priority of a holder's security interest, other than an amendment regarding the priority of the association's lien authorized by section 47-258 or the ability of that holder to foreclose its security interest may not

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be adopted without that holder's consent in a record if the declaration or bylaws require that consent as a condition to the effectiveness of the amendment.

(j) If the declaration or bylaws of a common interest community, whether created before, on or after January 1, 1984, contains a provision requiring that amendments to the declaration or bylaws, other than amendments described in subsection (d) of this section, may be adopted only by the vote or agreement of unit owners of units to which more than eighty per cent of the votes in the association are allocated, such a proposed amendment shall be deemed approved if:

(1) (A) Unit owners of units to which more than eighty per cent of the votes in the association are allocated vote for or agree to the proposed amendment;

(B) No unit owner votes against the proposed amendment; and

(C) Notice of the proposed amendment is delivered to the unit owners holding the votes in the association that have not voted or agreed to the proposed amendment and no objection in a record to the proposed amendment is received by the association within thirty days after the association delivers notice; or

(2) Unit owners of units to which more than eighty per cent of the votes in the association are allocated vote for or agree to the proposed amendment but at least one unit owner objects to the proposed amendment and, pursuant to an action brought by the association in the Superior Court against all objecting unit owners, the court finds that the objecting unit owner or owners do not have a unique minority interest, different in kind from the interests of the other unit owners, that the voting requirement of the declaration was intended to protect.

(k) (1) The executive board may, by a vote of a majority of the members of said board at a meeting held pursuant to section 47-250,

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amend the declaration of a common interest community to remove from such declaration a provision that purports to restrict ownership or occupancy of units within the common interest community on the basis of race.

(2) If a unit owner submits a written request to the executive board for an amendment to the declaration to remove a provision that purports to restrict ownership or occupancy of units within the common interest community on the basis of race, the board shall, not later than ninety days after receipt of such a request, hold a meeting to determine whether such a provision exists in the declaration and should be removed pursuant to the provisions of subdivision (1) of this subsection.