

**UPDATED**  
*SESSION OF 2023*

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2376**

As Amended by House Committee on Local  
Government

**Brief\***

HB 2376, as amended, would make any restrictive covenant on real property in violation of the Kansas Acts Against Discrimination (KAAD) void and unenforceable. The bill would also establish mechanisms for property owners, cities, and counties to remove such restrictive covenants deemed to be void and unenforceable.

***Restrictive Covenants***

The bill would make any restrictive covenant on real property on any deed, plat, declaration, restriction, covenant, or other conveyance in violation of the KAAD void and unenforceable. The bill would allow for the owner of the real property to release such covenants from their property by recording a certificate of release of prohibited covenants with the Register of Deeds. The certificate of release would be subject to recording fees set by the county. The certificate of release would be required to have the following information:

- The name of the current owner of the real property;
- A legal description of the real property;
- The volume and page or the document number in which the original document containing the restrictive covenant is recorded;

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- A brief description of the restrictive covenant; and
- The citation to the location of the restrictive covenant in the original document.

### ***Homeowners Associations***

The bill would indicate when a board of directors of an association removes a restrictive covenant in violation of the KAAD, the recording of the amended document would be subject to county recording fees.

The bill would allow a city or county to adopt a resolution to record a certificate of release of prohibited covenants (certificate) if the homeowners association that established the prohibited covenant is not active and unable to release the prohibited covenants. The resolution could also remove more than one prohibited covenant. The bill would not require the signature or consent of any affected property owner to record a certificate.

The bill would not affect the validity of any property interest recorded within the original or redacted plat and would state no city or county would incur any liability arising from the recording of a certificate. The bill would also state that no fee could be charged to record a certificate, and any record of a certificate would be exempt from land surveys.

### ***Legislative Finding***

The bill would state a legislative finding regarding the 1968 Fair Housing Act.

### **Background**

The bill was introduced by the House Committee on Local Government at the request of Representative Penn.

### ***House Committee on Local Government***

In the House Committee hearing on February 15, 2023, Representative Penn and a representative of the Kansas Association of Realtors presented **proponent** testimony. The proponents generally stated the bill would provide homeowners a long-overdue tool to remove racially restrictive covenants.

Written-only proponent testimony was provided by representatives of the Kansas Association of Counties, Kansas Register of Deeds Association, Sedgwick County, and Unified Government of Wyandotte County and Kansas City, Kansas.

Neutral testimony was provided by a representative of the League of Municipalities. Written-only neutral testimony was submitted by a representative of the Community Associations Institute.

**Opponent** testimony was provided by representatives of Kansas Interfaith Action and the City of Roeland Park. The opponents generally stated enactment of the bill would open the door to housing discrimination against people for military status, sexual orientation, and gender identity who are not protected classes under KAAD.

Written-only opponent testimony was provided by representatives of the African American Affairs Commission; American Civil Liberties Union of Kansas; Center of Daring; cities of Mission, Overland Park, Roeland Park, and Wichita; Equality Kansas; M-Care Healthcare; and Voter Rights Network of Wyandotte County.

The House Committee amended the bill to remove a section prohibiting cities or counties from adopting or enforcing any ordinance, resolution, or regulation related to discrimination that is more restrictive than the KAAD and to add a Legislative finding regarding the 1968 Fair Housing Act.

## **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Human Rights Commission and Kansas Association of Counties indicate enactment of the bill would not have a fiscal effect. The League of Kansas Municipalities indicates the bill would have negligible effect.

Fair Housing Act; Kansas Act Against Discrimination; municipalities; restrictive covenants; homeowners association; register of deeds