



General Assembly

January Session, 2021

**Raised Bill No. 6665**

LCO No. 5772



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE REMOVAL OF RESTRICTIVE COVENANTS 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:

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

6 (b) Any person who identifies an unlawful restrictive covenant in an  
7 instrument recorded on the land records in any municipality may file a  
8 form with the town clerk in the municipality where the real property is  
9 located, requesting that such unlawful restrictive covenant be stricken  
10 from such instrument. Such form shall require the person to (1) provide  
11 his or her name, address and telephone number; (2) identify the volume  
12 and page of the land records for the instrument or instruments that are  
13 the subject of the request; and (3) provide any other information  
14 necessary to carry out the provisions of this section. The person filing

15 the form shall attach to the form two copies of the original instrument,  
16 one with the instrument in its original form and one indicating the  
17 language to be stricken from the instrument.

18 (c) A person filing a form under subsection (b) of this section, other  
19 than a person who is the sole owner of the real property that is the  
20 subject of the form, shall, not later than ten days after filing such form,  
21 mail a copy of such form and copies of the instruments to each person  
22 identified in the land records as having an ownership interest in such  
23 real property.

24 (d) Not later than five days after receiving the form and copies of  
25 instruments prescribed by subsection (b) of this section, the town clerk  
26 shall send a copy of such form and instruments to the municipal  
27 attorney or an attorney retained by the municipality to review such  
28 forms and instruments. Such attorney shall determine whether the  
29 original instrument contains an unlawful restrictive covenant and  
30 indicate any language that should be stricken.

31 (e) Not later than thirty days after receiving such form and  
32 instruments, the attorney shall complete the review under subsection  
33 (d) of this section and return the form and instruments to the town clerk.  
34 If the attorney indicates that an instrument filed on the land records  
35 should be modified to strike an unlawful restrictive covenant, the town  
36 clerk shall, not later than ten days after receiving the form and  
37 instruments from the attorney:

38 (1) Remove the original instrument from the land records;

39 (2) Produce a new instrument that is identical to the original  
40 instrument except that the unlawful restrictive covenant identified in  
41 the instructions from the attorney is stricken;

42 (3) Record and index such new instrument in the same manner as the  
43 original instrument; and

44 (4) Transfer the original instrument to the State Library for archiving

45 in accordance with subsection (i) of this section.

46 (f) (1) The effective date of the terms and conditions contained in the  
47 new instrument shall be the same as the effective date in the original  
48 instrument.

49 (2) The restrictions in the new instrument, once recorded, are the only  
50 restrictions that have any effect on the property, subject to (A) any  
51 covenants, conditions and restrictions that were recorded after the  
52 recording of the original instrument that contained the unlawful  
53 restrictive covenant, and (B) any covenants, conditions and restrictions  
54 that will be recorded after the new instrument is recorded.

55 (g) If a person causes a new instrument to be recorded under this  
56 section that is not in fact authorized by this section, (1) the town clerk  
57 shall not be liable for any damages resulting from the recording of the  
58 new instrument, and (2) the municipality shall not be liable for any  
59 damages resulting from the determination made pursuant to this  
60 section. Any liability that may result by a recording that is not  
61 authorized by this section shall be the sole responsibility of the person  
62 who caused the recording of the new instrument.

63 (h) Not later than December 1, 2021, the Office of Policy and  
64 Management shall develop a standardized form for the purposes of  
65 subsection (b) of this section. The town clerk in each municipality shall  
66 make such form available on the Internet web site of the municipality  
67 and at any place where a person may search land records in the  
68 municipality.

69 (i) The State Library shall establish an archive for original  
70 instruments transferred to the State Library by town clerks pursuant to  
71 subsection (e) of this section. Such archive shall be indexed in a manner  
72 that permits the identification of the prior location of each such original  
73 instrument on the land records of a municipality in this state.

74 Sec. 2. Section 46b-25 of the general statutes is repealed and the  
75 following is substituted in lieu thereof (*Effective October 1, 2021*):

76 No license may be issued by the registrar until both persons have  
77 appeared before the registrar and made application for a license. The  
78 registrar shall issue a license to any two persons eligible to marry under  
79 this chapter. The license shall be completed in its entirety, dated, signed  
80 and sworn to by each applicant and shall state each applicant's name,  
81 age, [race,] birthplace, residence, whether single, widowed or divorced  
82 and whether under the supervision or control of a conservator or  
83 guardian. The Social Security numbers of both persons shall be recorded  
84 in the "administrative purposes" section of the license. If the license is  
85 signed and sworn to by the applicants on different dates, the later date  
86 shall be deemed the date of application.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	New section
Sec. 2	<i>October 1, 2021</i>	46b-25

**Statement of Purpose:**

To prohibit restrictive covenants based on race, to provide a process to remove such covenants from instruments recorded on the land records in this state and to eliminate the race designation on marriage licenses.

*[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.]*