

Committee Action:  
Do Pass \_\_\_\_\_  
Amend & Do Pass \_\_\_\_\_  
Other \_\_\_\_\_

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**Assembly Committee on Judiciary**

This measure may be considered for action during today's work session.

**SENATE BILL 368 (R1)**

**Revises provisions relating to real property. (BDR 10-989)**

**Sponsored By:** Senators Harris, Spearman, Doñate, and Neal, et al.  
**Date Heard:** May 12, 2023  
**Fiscal Notes:** Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

Senate Bill 368 revises provisions governing how a property owner may record a Restrictive Covenant Modification form concerning void and unenforceable language in any written instrument related to real property which includes restrictions or prohibitions based on discriminatory factors including, but not limited to, race, gender, color, disability, and religion. The bill removes provisions relating to the filing of a declaration of removal and instead provides that, upon determining that a restriction or prohibition is void and unenforceable, a district court must issue an order directing the county recorder to record a Restrictive Covenant Modification form. The Real Estate Division and county recorders are required to develop the form in consultation and make it available free of charge.

The original written instrument will be maintained for historical purposes. The filing of a petition for a Restrictive Covenant Modification form does not constitute grounds to delay any probate proceeding, divorce proceeding, or bankruptcy proceeding to which the property owner is a party.

**Amendments:** There is one proposed amendment for this measure.

Senator Harris proposed adding Assemblywomen Bilbray-Axelrod and Hansen as cosponsors to the bill.