

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 24-0587.02 Yelana Love x2295

**SENATE BILL 24-145**

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**SENATE SPONSORSHIP**

**Gardner**, Gonzales, Kirkmeyer, Liston, Michaelson Jenet, Priola, Roberts

**HOUSE SPONSORSHIP**

**Snyder and Rutinel**, Bacon, Bird, Boesenecker, Clifford, Jodeh, Kipp, Lindsay, Lindstedt, Marshall, Pugliese, Rutinel, Soper, Valdez, Weissman

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**Senate Committees**  
Judiciary

**House Committees**  
Judiciary

HOUSE  
3rd Reading Unamended  
April 8, 2024

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**A BILL FOR AN ACT**

101      **CONCERNING THE ENACTMENT OF THE "UNIFORM UNLAWFUL**  
102      **RESTRICTIONS IN LAND RECORDS ACT".**

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HOUSE  
2nd Reading Unamended  
April 5, 2024

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

SENATE  
3rd Reading Unamended  
March 5, 2024

**Colorado Commission on Uniform State Laws.** Current law declares a restriction in a land record unlawful if the restriction is based on race, color, religion, national origin, sex, familial status, disability, or other personal characteristics.

The bill enacts the "Uniform Unlawful Restrictions in Land Records Act (2023)" (act), as drafted by the Uniform Law Commission,

SENATE  
Amended 2nd Reading  
March 4, 2024

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

which establishes a process for a person to remove these unlawful restrictions from a title or other document related to real property.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 36.5 to  
3 title 38 as follows:

4 **ARTICLE 36.5**

5 **Uniform Unlawful Restrictions in Land Records Act**

6 **38-36.5-101. Title.** THIS ARTICLE 36.5 MAY BE CITED AS THE  
7 "UNIFORM UNLAWFUL RESTRICTIONS IN LAND RECORDS ACT".

8 **38-36.5-102. Definitions.** AS USED IN THIS ARTICLE 36.5:

9 (1) "AMENDMENT" MEANS A DOCUMENT THAT REMOVES AN  
10 UNLAWFUL RESTRICTION.

11 (2) "ASSOCIATION OF OWNERS" HAS THE SAME MEANING AS  
12 "ASSOCIATION" AS SET FORTH IN SECTION 38-33.3-103 (3).

13 (3) "COMMON INTEREST COMMUNITY" HAS THE SAME MEANING AS  
14 SET FORTH IN SECTION 38-33.3-103 (8).

15 (4) "DOCUMENT" MEANS A RECORD RECORDED OR ELIGIBLE TO BE  
16 RECORDED IN LAND RECORDS.

17 (5) "GOVERNING INSTRUMENT" HAS THE SAME MEANING AS  
18 "DECLARATION", AS DEFINED IN SECTION 38-33.3-103 (13).

19 (6) "GRANTEE INDEX" MEANS THE GRANTEE INDEX MAINTAINED  
20 IN A RECORDER'S OFFICE PURSUANT TO SECTION 30-10-408.

21 (7) "GRANTOR INDEX" MEANS THE GRANTOR INDEX MAINTAINED  
22 IN A RECORDER'S OFFICE PURSUANT TO SECTION 30-10-408.

23 (8) "LAND RECORDS" MEANS THE REAL ESTATE RECORDS IN THE  
24 OFFICE OF THE RECORDER PURSUANT TO SECTION 30-10-406 (1).

25 (9) "OWNER" MEANS A PERSON THAT HAS A FEE INTEREST IN REAL

1 PROPERTY.

2 (10) "PERSON" MEANS AN INDIVIDUAL, BUSINESS TRUST, ESTATE,  
3 TRUST, CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY,  
4 ASSOCIATION, JOINT VENTURE, PUBLIC CORPORATION OR OTHER BUSINESS  
5 OR NONPROFIT ENTITY, GOVERNMENT OR GOVERNMENTAL SUBDIVISION,  
6 AGENCY, OR INSTRUMENTALITY, OR OTHER LEGAL ENTITY.

7 (11) "RECORD", USED AS A NOUN, MEANS INFORMATION:

8 (a) INSCRIBED ON A TANGIBLE MEDIUM; OR

9 (b) STORED IN AN ELECTRONIC OR OTHER MEDIUM AND  
10 RETRIEVABLE IN PERCEIVABLE FORM.

11 (12) "RECORDER" MEANS A COUNTY CLERK AND RECORDER.

12 (13) "REMOVE" MEANS ELIMINATE ANY APPARENT OR  
13 PURPORTEDLY CONTINUING EFFECT ON TITLE TO REAL PROPERTY.

14 (14) "UNLAWFUL RESTRICTION" MEANS A PROHIBITION,  
15 RESTRICTION, COVENANT, OR CONDITION IN A DOCUMENT THAT PURPORTS  
16 TO INTERFERE WITH OR RESTRICT THE TRANSFER, USE, OR OCCUPANCY OF  
17 REAL PROPERTY:

18 (a) ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN,  
19 SEX, FAMILIAL STATUS, DISABILITY, OR OTHER PERSONAL  
20 CHARACTERISTICS; AND

21 (b) IN VIOLATION OF OTHER LAW OF THIS STATE, INCLUDING  
22 SECTION 24-34-502, REGARDING UNFAIR OR DISCRIMINATORY HOUSING  
23 PRACTICES, OR FEDERAL LAW.

24 **38-36.5-103. Amendment by owner. AN OWNER OF REAL**  
25 PROPERTY SUBJECT TO AN UNLAWFUL RESTRICTION MAY SUBMIT TO THE  
26 RECORDER FOR RECORDATION IN THE LAND RECORDS AN AMENDMENT TO  
27 REMOVE THE UNLAWFUL RESTRICTION, BUT ONLY AS TO THE OWNER'S

1 PROPERTY.

2 **38-36.5-104. Amendment by association of owners.** (1) THE  
3 GOVERNING BODY OF AN ASSOCIATION OF OWNERS IDENTIFIED IN A  
4 GOVERNING INSTRUMENT MAY, WITHOUT A VOTE OF THE MEMBERS OF THE  
5 ASSOCIATION, AMEND THE GOVERNING INSTRUMENT TO REMOVE AN  
6 UNLAWFUL RESTRICTION.

7 (2) A MEMBER OF AN ASSOCIATION OF OWNERS MAY REQUEST, IN  
8 A RECORD THAT SUFFICIENTLY IDENTIFIES AN UNLAWFUL RESTRICTION IN  
9 THE GOVERNING INSTRUMENT, THAT THE GOVERNING BODY EXERCISE ITS  
10 AUTHORITY UNDER SUBSECTION (1) OF THIS SECTION. NO LATER THAN  
11 NINETY DAYS AFTER THE GOVERNING BODY RECEIVES THE REQUEST, THE  
12 GOVERNING BODY SHALL DETERMINE REASONABLY AND IN GOOD FAITH  
13 WHETHER THE GOVERNING INSTRUMENT INCLUDES THE UNLAWFUL  
14 RESTRICTION. IF THE GOVERNING BODY DETERMINES THE GOVERNING  
15 INSTRUMENT INCLUDES THE UNLAWFUL RESTRICTION, THE GOVERNING  
16 BODY, NO LATER THAN NINETY DAYS AFTER THE DETERMINATION, SHALL  
17 AMEND THE GOVERNING INSTRUMENT TO REMOVE THE UNLAWFUL  
18 RESTRICTION.

19 (3) AN OFFICER OF THE ASSOCIATION OF OWNERS DESIGNATED BY  
20 THE ASSOCIATION OF OWNERS OR, IN THE ABSENCE OF DESIGNATION, THE  
21 PRESIDENT OF THE ASSOCIATION OF OWNERS, ACTING ON BEHALF OF THE  
22 ASSOCIATION OF OWNERS, SHALL PREPARE, EXECUTE, RECORD, AND  
23 CERTIFY AN AMENDMENT ADOPTED PURSUANT TO THIS SECTION.

24 (4) AN AMENDMENT UNDER THIS SECTION IS EFFECTIVE  
25 NOTWITHSTANDING ANY PROVISION OF THE GOVERNING INSTRUMENT OR  
26 OTHER LAW OF THIS STATE THAT REQUIRES A VOTE OF THE MEMBERS OF  
27 THE ASSOCIATION OF OWNERS TO AMEND THE GOVERNING INSTRUMENT.

1                   **38-36.5-105. Requirements and limitations of amendment.**

2           (1) AN AMENDMENT UNDER THIS ARTICLE 36.5 MUST IDENTIFY, FOR AN  
3           AMENDMENT BY AN OWNER PURSUANT TO SECTION 38-36.5-103, THE  
4           OWNER, AND FOR AN AMENDMENT BY AN ASSOCIATION OF OWNERS  
5           PURSUANT TO SECTION 38-36.5-104, THE NAME OF THE COMMON INTEREST  
6           COMMUNITY AND THE ASSOCIATION. ALL AMENDMENTS MUST INCLUDE A  
7           DESCRIPTION OF THE REAL PROPERTY AFFECTED AND A REFERENCE TO THE  
8           DOCUMENT RECORDED IN THE LAND RECORDS CONTAINING THE UNLAWFUL  
9           RESTRICTION. ALL AMENDMENTS MUST INCLUDE A CONSPICUOUS  
10          STATEMENT IN SUBSTANTIALLY THE FOLLOWING FORM: "THIS AMENDMENT  
11          REMOVES FROM THIS DEED OR OTHER DOCUMENT AFFECTING TITLE TO  
12          REAL PROPERTY AN UNLAWFUL RESTRICTION AS DEFINED UNDER THE  
13          UNIFORM UNLAWFUL RESTRICTIONS IN LAND RECORDS ACT. THIS  
14          AMENDMENT DOES NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF A  
15          RESTRICTION THAT IS NOT AN UNLAWFUL RESTRICTION."

16               (2) (a) THE AMENDMENT MUST BE EXECUTED AND  
17          ACKNOWLEDGED IN THE MANNER REQUIRED FOR RECORDATION OF A  
18          DOCUMENT IN THE LAND RECORDS. THE AMENDMENT MUST BE RECORDED  
19          IN THE LAND RECORDS OF EACH COUNTY IN WHICH THE DOCUMENT  
20          CONTAINING THE UNLAWFUL RESTRICTION IS RECORDED.

21               (b) FOR AN AMENDMENT BY AN OWNER PURSUANT TO SECTION  
22          38-36.5-103, THE RECORDER SHALL INDEX THE AMENDMENT IN THE  
23          GRANTOR AND GRANTEE INDEX IN THE NAME OF THE RECORD OWNER. FOR  
24          AN AMENDMENT BY AN ASSOCIATION OF OWNERS PURSUANT TO SECTION  
25          38-36.5-104, THE RECORDER SHALL INDEX THE AMENDMENT IN THE  
26          GRANTEE INDEX IN THE NAME OF THE COMMON INTEREST COMMUNITY  
27          CREATED PURSUANT TO THE GOVERNING INSTRUMENT AND IN THE NAME

1 OF THE ASSOCIATION OF OWNERS AND IN THE GRANTOR INDEX IN THE  
2 NAME OF THE RECORD OWNER.

3 (3) THE AMENDMENT DOES NOT AFFECT THE VALIDITY OR  
4 ENFORCEABILITY OF ANY RESTRICTION THAT IS NOT AN UNLAWFUL  
5 RESTRICTION.

6 (4) THE AMENDMENT OR A FUTURE CONVEYANCE OF THE  
7 AFFECTED REAL PROPERTY IS NOT A REPUBLICATION OF A RESTRICTION  
8 THAT OTHERWISE WOULD EXPIRE BY PASSAGE OF TIME UNDER OTHER LAW  
9 OF THIS STATE.

10 **38-36.5-106. Form for amendment.** (1) AN OWNER MAKING AN  
11 AMENDMENT PURSUANT TO THIS ARTICLE 36.5 MUST USE A FORM  
12 SUBSTANTIALLY EQUIVALENT TO THE FOLLOWING FORM:

13 AMENDMENT BY OWNER TO REMOVE AN UNLAWFUL RESTRICTION  
14 THIS AMENDMENT IS RECORDED UNDER THE STATE'S UNIFORM UNLAWFUL  
15 RESTRICTIONS IN LAND RECORDS ACT, ARTICLE 36.5 OF TITLE 38,  
16 COLORADO REVISED STATUTES (THE ACT), BY AN OWNER OF AN INTEREST  
17 IN REAL PROPERTY SUBJECT TO AN UNLAWFUL RESTRICTION AS DEFINED  
18 UNDER THE ACT.

19 (1) NAME OF OWNER: \_\_\_\_\_

20 (2) OWNER'S PROPERTY THAT IS SUBJECT TO THE UNLAWFUL  
21 RESTRICTION IS DESCRIBED AS FOLLOWS:

22 ADDRESS: \_\_\_\_\_

23 LEGAL DESCRIPTION: \_\_\_\_\_

24 (3) THIS AMENDMENT AMENDS THE FOLLOWING DOCUMENT:

25 TITLE OF DOCUMENT BEING AMENDED: \_\_\_\_\_

26 RECORDING DATE OF DOCUMENT BEING AMENDED:

27 \_\_\_\_\_

1                   RECORDING INFORMATION (BOOK/PAGE OR INSTRUMENT  
2                   NUMBER):\_\_\_\_\_

3       THIS AMENDMENT REMOVES FROM THE DOCUMENT DESCRIBED IN  
4       PARAGRAPH (3) ALL UNLAWFUL RESTRICTIONS AS DEFINED UNDER THE  
5       ACT. REMOVAL OF AN UNLAWFUL RESTRICTION THROUGH THIS  
6       AMENDMENT DOES NOT AFFECT THE VALIDITY AND ENFORCEABILITY OF  
7       ANY OTHER RESTRICTION THAT IS NOT AN UNLAWFUL RESTRICTION AS  
8       DEFINED UNDER THE ACT AT THE TIME OF FILING THIS AMENDMENT. THIS  
9       AMENDMENT IS NOT EFFECTIVE IF THE PROPERTY IS SUBJECT TO A  
10      GOVERNING INSTRUMENT AS DEFINED UNDER THE ACT.

11     OWNER'S SIGNATURE:\_\_\_\_\_

12     DATE:\_\_\_\_\_

13     NOTARY ACKNOWLEDGMENT:\_\_\_\_\_

14     ==

15             (2) AN ASSOCIATION OF OWNERS MAKING AN AMENDMENT  
16     PURSUANT TO THIS ARTICLE 36.5 MUST USE A FORM SUBSTANTIALLY  
17     EQUIVALENT TO THE FOLLOWING FORM:

18                   AMENDMENT BY ASSOCIATION OF OWNERS TO REMOVE  
19                   AN UNLAWFUL RESTRICTION

20     THIS AMENDMENT IS RECORDED UNDER THE STATE'S UNIFORM UNLAWFUL  
21     RESTRICTIONS IN LAND RECORDS ACT, ARTICLE 36.5 OF TITLE 38,  
22     COLORADO REVISED STATUTES (THE ACT), BY AN ASSOCIATION OF  
23     OWNERS IDENTIFIED IN A GOVERNING INSTRUMENT THAT CONTAINS AN  
24     UNLAWFUL RESTRICTION AS DEFINED UNDER THE ACT.

25             (1) NAME OF OWNER:\_\_\_\_\_

26             (2) NAME OF ASSOCIATION:\_\_\_\_\_

27             (3) PROPERTY ENCUMBERED BY A GOVERNING INSTRUMENT

1 CONTAINING THE UNLAWFUL RESTRICTION IS DESCRIBED AS  
2 FOLLOWS:

3 LEGAL DESCRIPTION: \_\_\_\_\_

4 (4) THIS AMENDMENT AMENDS THE FOLLOWING DESCRIBED  
5 DOCUMENT:

6 TITLE OF DOCUMENT BEING AMENDED: \_\_\_\_\_

7 RECORDING DATE OF DOCUMENT BEING AMENDED:

8 \_\_\_\_\_

9 RECORDING INFORMATION (BOOK/PAGE OR INSTRUMENT  
10 NUMBER): \_\_\_\_\_

11 THIS AMENDMENT REMOVES FROM THE DOCUMENT DESCRIBED IN  
12 PARAGRAPH (4) ALL UNLAWFUL RESTRICTIONS AS DEFINED UNDER THE  
13 ACT. REMOVAL OF AN UNLAWFUL RESTRICTION THROUGH THIS  
14 AMENDMENT DOES NOT AFFECT THE VALIDITY AND ENFORCEABILITY OF  
15 ANY OTHER RESTRICTION THAT IS NOT AN UNLAWFUL RESTRICTION AS  
16 DEFINED UNDER THE ACT AT THE TIME OF FILING THIS AMENDMENT.

17 ASSOCIATION'S SIGNATURE: \_\_\_\_\_

18 DATE: \_\_\_\_\_

19 NOTARY ACKNOWLEDGMENT: \_\_\_\_\_

20 ==

21 **38-36.5-107. Duty and liability of recorder.** (1) THE RECORDER  
22 SHALL RECORD AN AMENDMENT SUBMITTED UNDER THIS ARTICLE 36.5,  
23 ADD THE AMENDMENT TO THE GRANTOR OR GRANTEE INDEX, AS  
24 APPROPRIATE, AND CROSS REFERENCE THE AMENDMENT TO THE  
25 DOCUMENT CONTAINING THE UNLAWFUL RESTRICTION.

26 (2) THE RECORDER AND THE RECORDER'S JURISDICTION ARE NOT  
27 LIABLE FOR RECORDING AN AMENDMENT UNDER THIS ARTICLE 36.5, FOR



1 THE ABSENCE OF A RECORDED AMENDMENT UNDER THIS ARTICLE 36.5, OR  
2 FOR ANY FAILURE OR INACCURACIES IN CROSS-REFERENCING THE  
3 AMENDMENT TO THE DOCUMENT CONTAINING THE UNLAWFUL  
4 RESTRICTION.

5 **38-36.5-108. Uniformity of application and construction.** IN  
6 APPLYING AND CONSTRUING THIS UNIFORM ACT, A COURT SHALL CONSIDER  
7 THE PROMOTION OF UNIFORMITY OF THE LAW AMONG JURISDICTIONS THAT  
8 ENACT IT.

9 **38-36.5-109. Relation to electronic signatures in global and**  
10 **national commerce act.** THIS ARTICLE 36.5 MODIFIES, LIMITS, OR  
11 SUPERSEDES THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL  
12 COMMERCE ACT, 15 U.S.C. SEC. 7001 ET SEQ., AS AMENDED, BUT DOES  
13 NOT MODIFY, LIMIT, OR SUPERSEDE 15 U.S.C. SEC. 7001 (c), OR  
14 AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN  
15 15 U.S.C. SEC. 7003 (b).

16 **SECTION 2. Act subject to petition - effective date.** This act  
17 takes effect at 12:01 a.m. on the day following the expiration of the  
18 ninety-day period after final adjournment of the general assembly; except  
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
20 of the state constitution against this act or an item, section, or part of this  
21 act within such period, then the act, item, section, or part will not take  
22 effect unless approved by the people at the general election to be held in  
23 November 2024 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.