

Good afternoon, I'm Anne McGihon and I Chair the Colorado Commission on Uniform Laws. Pursuant to SJR23-003, 6 Colorado uniform law commissioners were appointed for 2 year terms. We are part of the Uniform Law Commission.

The ULC is a nonprofit formed in 1892 to create nonpartisan state legislation. Over 350 volunteer commissioners—work together to draft laws ranging from the Uniform Commercial Code to acts on property, trusts and estates, family law, criminal law and other areas where uniformity of state law is desirable.

ULC members must be lawyers, qualified to practice law. They are practicing lawyers, judges, legislators and legislative staff and law professors, who have been appointed by state governments as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands to research, draft and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

The ULC strengthens the federal system by providing rules and procedures that are consistent from state to state but that also reflect the diverse experience of the states.

The ULC is a working organization – commissioners participate in drafting acts, and then discuss and consider and amend drafts of other commissioners.

Our process for approving a Uniform Law includes first a Study Committee, which recommends whether the topic is appropriate for a uniform law. If so, a Drafting Committee is formed which includes a Chair and a Reporter, often a law professor, who is an expert in the topic.

The drafting committee presents its first draft at the Annual Meeting, where it is analyzed and fully discussed by the entire ULC during a line by line reading on the floor. Comments are taken and the draft is revised over the next year. At the following annual meeting, there is a 2nd reading, complete with discussion. Often revisions are made and the drafting committee returns to the floor until there is satisfaction with the draft.

At the conclusion of the annual meeting, there is a full vote of the states on each final act.

The Colorado Commission on Uniform State Laws then considers what acts it will present to the General Assembly. Our meetings and agendas are posted, and we take public testimony on the acts we are considering. We work with stakeholders to try and resolve concerns, especially as there may be variations required by existing Colorado law.



Statement of Jane Sternecky, Legislative Counsel for the Uniform Law Commission, to the Colorado Senate Judiciary Committee in support of Senate Bill 24-145 to adopt the Uniform Unlawful Restrictions in Land Records Act.

Chair Gonzales, Vice Chair Roberts, and Members of the Committee:

Thank you for considering Senator Gardner and Representative Snyder's legislation to enact SB24-145, the Uniform Unlawful Restrictions in Land Records Act. The Uniform Unlawful Restrictions in Land Records Act is a uniform act produced by the Uniform Law Commission (ULC), which is a non-profit organization formed in 1892 to draft non-partisan model legislation in the areas of the law for which uniformity among the states is advisable. The ULC is comprised of Commissioners from all 50 states, Puerto Rico, the District of Columbia, and the U.S. Virgin Islands. Colorado has a long and successful history of enacting uniform acts, including the Uniform Commercial Code, the Uniform Law on Notarial Acts, and the Uniform Trust Code.

SB24-145 creates a mechanism for property owners to record an amendment that effectively removes an unlawful restriction contained within their property records. From the beginning of the late 1800s through the mid-1900s, owners and developers of real property used these restrictions to limit the ownership, leasing, and occupancy of real property on the basis of race, religion, color, national origin, and other now-protected personal characteristics. These restrictions furthered harmful stereotypes, encouraged discrimination, and significantly limited housing opportunities and economic mobility for people of color and other minority groups throughout the United States.

In 1948, the United States Supreme Court determined that racially restrictive covenants were unenforceable, and in 1968, the Fair Housing Act made it illegal to record discriminatory restrictive covenants. However, these discriminatory covenants, or unlawful restrictions, still linger in the property records for individual homes and common interest communities in every single state. SB24-145 creates a path forward for states to begin addressing our country's regrettable history of lawful discrimination in housing.

Under the process created by SB24-145, property owners can functionally remove any unlawful restriction they encounter in their land records. To remove the restriction, single-family homeowners can fill out the sample amendment form contained within the bill and have the completed amendment recorded in the land records for their home.

For Coloradans who own property in a condominium, co-op, or planned community, SB24-145 allows them to request that their association's governing body remove the unlawful restriction from the governing documents. Once a unit owner has requested the removal, the governing body is empowered to seamlessly remove the unlawful restriction by amendment, without having to provide advanced notice or conduct a vote of the unit owners. Additionally, even when a member of the association has not requested the removal of an unlawful restriction, SB24-145 authorizes a common interest community board to remove the restriction on its own volition without a vote from the association as a whole.

By creating a simple process to remove offensive and unlawful restrictions, the Uniform Unlawful Restrictions in Land Records, SB24-145, will allow Coloradans to address the painful history of discrimination that lurks in their property records while still leaving the historical record intact. By preserving the historical records, SB24-145 ensures that the history of discrimination in our country can be researched by future generations, and will allow the property to be transferred or mortgaged without undermining the insurability of title.

Thank you for your consideration. I welcome your questions.