

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 412**

**Representative Craig**

**Cosponsors: Representatives Antonio, Ashford, Boccieri, Boggs, Boyd, Brown, Cera, Clyde, Duffey, Galonski, Holmes, Howse, Ingram, Kelly, Kent, Leland, Lepore-Hagan, Miller, O'Brien, Ramos, Reece, Rogers, Sheehy, Smith, K., Sprague, Sweeney, Sykes, West**

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**A BILL**

To amend section 109.15 and to enact section 1  
317.115 of the Revised Code to authorize county 2  
recorders, at the request of certain persons, to 3  
redact discriminatory covenants from real 4  
property instruments displayed on the internet, 5  
or to record modifications of those instruments. 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 109.15 be amended and section 7  
317.115 of the Revised Code be enacted to read as follows: 8

**Sec. 109.15.** The attorney general shall prepare suitable 9  
forms of contracts, obligations, and other like instruments of 10  
writing for the use of state officers, when requested by the 11  
governor, secretary of state, auditor of state, or treasurer of 12  
state. 13

The attorney general, in conjunction with the Ohio 14  
recorders' association, shall prepare and provide to county 15  
recorders a redaction form and a modification form for use under 16

section 317.115 of the Revised Code. 17

Sec. 317.115. (A) As used in this section: 18

(1) "Real property instrument" means a deed, mortgage, 19  
installment contract, lease, memorandum of trust, or any other 20  
instrument pertaining to real property that is recorded by the 21  
county recorder under section 317.08 of the Revised Code. 22

(2) "Discriminatory covenant" means any provision in a 23  
real property instrument that forbids or restricts the 24  
conveyance, encumbrance, leasing, or mortgaging of the property 25  
to any person of a specified race, color, religion, sex, 26  
military status, familial status, ancestry, disability, or 27  
national origin. 28

(B) The county recorder shall make available to the public 29  
redaction forms and modification forms. Any of the following 30  
persons who believe that a real property instrument contains a 31  
discriminatory covenant may request, on a form developed by the 32  
attorney general, that the county recorder redact the 33  
discriminatory covenant from view by the general public on the 34  
internet, or record a modification document in which the person 35  
has stricken the discriminatory covenant in the instrument, by 36  
completing and filing a redaction form or a modification form 37  
with the county recorder at the specified time: 38

(1) An attorney, or a title insurance company or title 39  
agent authorized to do business in this state, at the time of a 40  
transfer or sale of interest in real property that is the 41  
subject of the real property instrument; 42

(2) A homeowner of record in the real property instrument, 43  
at any time. 44

(C) The county recorder shall accept at no charge, and 45

review and record, a redaction form and the real property 46  
instrument that is the subject of the form, and may redact the 47  
discriminatory covenant from view by the general public on the 48  
internet. 49

(D) The county recorder shall accept at no charge a 50  
modification form with a complete copy of the current real 51  
property instrument that is the subject of the form attached to 52  
the form with the discriminatory covenant stricken, or with a 53  
complete list of all nondiscriminatory covenants that are in the 54  
instrument. The modification form and the attachments shall be 55  
recorded and indexed in the same manner and shall have the same 56  
effect as the original real property instrument being modified. 57  
The modification form and attachments shall have noted on them a 58  
recording reference to the original real property instrument in 59  
the form of a book and page or instrument number, and the date 60  
of their recording. A modification form and attachments must be 61  
presented to the county recorder in the same manner as 62  
prescribed by law for any real property filing that is not 63  
required to first be presented to the county auditor. 64

(E) Notwithstanding any law to the contrary, any person 65  
who, in good faith and in the usual course of business, delivers 66  
to the county recorder a real property instrument that contains 67  
a discriminatory covenant that is void and unenforceable by law 68  
shall be immune from civil liability. In addition, such delivery 69  
shall not constitute a discriminatory housing practice. This 70  
division shall not apply to any person who: 71

(1) Represents or attempts to represent that the 72  
discriminatory covenant is valid and enforceable; or 73

(2) Honors or exercises or attempts to honor or exercise 74  
the discriminatory covenant. 75

(F) If, under this section, the attorney, title insurance 76  
company or agent, or homeowner of record causes to be recorded a 77  
modification form and attachments that contain modifications not 78  
authorized by this section, the county recorder shall not incur 79  
liability for recording the modification form and attachments. 80  
The liability that may result from the recordation is the sole 81  
responsibility of the person who caused the modified 82  
recordation. 83

(G) A county recorder with whom a redaction form or 84  
modification form is filed under this section may refuse a 85  
redaction or modification request if the language in the real 86  
property instrument does not meet the definition of a 87  
discriminatory covenant under division (A) of this section. Such 88  
refusal shall be made to the filer in writing. 89

**Section 2.** That existing section 109.15 of the Revised 90  
Code is hereby repealed. 91