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

A BILL

То	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.	
	1.0
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
<pre>national origin.</pre>	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

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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		
<pre>internet.</pre>	49	
(D) The county recorder shall accept at no charge a	50	
modification form with a complete copy of the current real		
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		
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.	
(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