

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB914

Hearing Date: Thursday January 25, 2024
Committee On: Judiciary
Introducer: Cavanaugh, J.
One Liner: Adopt the Uniform Unlawful Restrictions in Land Records Act

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Blood, Bosn, DeBoer, DeKay, Holdcroft, Ibach, McKinney, Wayne
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator John Cavanaugh, J.
Larry Ruth
Steven L. Wilhorn

Representing:

Opening Presenter
Nebraska Uniform Law Commission
Self

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB914 creates the Uniform Unlawful Restrictions in Land Records Act ("the Act"). The Act creates a process for property owners and governing bodies of HOA's to remove restrictions on real property that are based on race, color, religion, national origin, sex, familial status, disability, or other personal characteristic or that otherwise violate the law. Each section is summarized as follows:

Section 1: LB914 creates the Uniform Unlawful Restrictions in Land Records Act.

Section 2: Defines the following terms: Amendment, document, governing instrument, index, land records, owner, person, record, recorder, remove, and unlawful restriction.

Section 3: Allows the owner of real property that is subject to an unlawful restriction to submit an amendment to the recorder of land records to remove the unlawful restriction. The amendment only applies to the owner's property.



Section 4: Allows the governing body of an HOA to amend the instrument that governs the HOA to remove an unlawful restriction without a vote of the members of the association. Also, an owner may request the governing body of an HOA to remove an unlawful restriction from the governing instrument. When a governing body receives the request, the body shall determine whether the instrument does in fact contain an unlawful restriction within 90 days. If it does, then the body is required to amend the instrument within 90 days. The governing body may execute an amendment notwithstanding any other provision of the governing instrument or other law of this state.

Section 5: Provides for certain requirements related to the form and substance of an amendment under the Act. Requires that the amendment be executed in the same manner required for the recordation of land records and recorded in each county where the unlawful restriction has been recorded. Amendments made under the Act do not affect the validity or enforceability of restrictions that are lawful.

Section 6: Contains a template for the form that may be used by an owner to make an amendment under this Act.

Section 7: Creates certain duties for the recorder when an amendment is submitted under the Act and exempts them from liability.

Section 8: Requires courts to consider the promotion of uniformity in applying and construing the Act.

Section 9: The Act modifies, limits, or supersedes the federal Electronic Signatures in Global and National Commerce Act. However, it does not modify, limit, or supersede 15 USC 7001(c), which governs consumer disclosures, or authorize electronic delivery of notices described in 15 USC 7003(b).

Section 10: Severability clause.

Justin Wayne, Chairperson

