

February 14, 2023

The Honorable Emil Bergquist, Chairperson
House Committee on Local Government
300 SW 10th Avenue, Room 281-N
Topeka, Kansas 66612

Dear Representative Bergquist:

SUBJECT: Fiscal Note for HB 2376 by House Committee on Local Government

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2376 is respectfully submitted to your committee.

HB 2376 would amend the Kansas Act Against Discrimination (KAAD). HB 2376 would make any restrictive covenant recitals on real property in any deed, plat, declaration, restriction, covenant, or other conveyance filed at any time in the Office of the Register of Deeds in any county in violation of portions of the KAAD void and unenforceable. The restrictive covenant could be released by the owner of the real property subject to such covenant by recording a certificate of release of prohibited covenants. The certificate recorded with the Register of Deeds would be subject to recording fees.

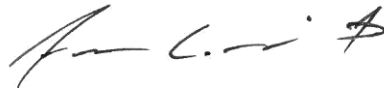
The bill would also prohibit any city or county from adopting or enforcing any ordinance, resolution or regulation related to discrimination based on race, religion, color, sex, disability, national origin, or ancestry that is more restrictive than the KAAD or any other provisions of the law related to such discrimination. No agent of any city or county shall take action with respect to any such ordinance, resolution, or regulation. Any ordinance, resolution or regulation adopted prior to July 1, 2023, and prohibited by the KAAD or any other provisions of the law, would be void and unenforceable. If the Board of Directors of an association amends any declaration or other governing document that includes a restrictive covenant by removing the restrictive covenant, the declaration or governing document would be subject to recording fees of the Register of Deeds.

If the city or county determines that an inactive homeowners' association's restrictive covenant violates discrimination laws, then the city or county could upon adoption of a resolution by the governing body of the city or county remove the restrictive covenant by recording a

certificate of release of prohibited covenants with the Register of Deeds. No signature or other consent of the property owner affected by the recording would be necessary to file the certificate of release. The certificate of release would not affect the validity of any property interest recorded within the original or redacted plat. The city or county would not incur any liability arising from recording any certificate of release. The city or county would not be charged a fee for any recording, and the recording would be exempt from survey requirements.

The Kansas Human Rights Commission and the Kansas Association of Counties indicate HB 2376 would not have a fiscal effect. The League of Kansas Municipalities indicates HB 2376 would have a negligible fiscal effect on the cities.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Ruth Glover, Human Rights Commission
Jay Hall, Kansas Association of Counties
Wendi Stark, League of Kansas Municipalities