

HB 2136

FILED

2006 MAR 30 A 10: 02

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

House Bill No. 2136

(By Delegates Amores, Webster and Palumbo)



Passed March 9, 2006

In Effect Ninety Days from Passage

FILED

2006 MAR 30 A 10: 02

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 2136

(BY DELEGATES AMORES, WEBSTER AND PALUMBO)

[Passed March 9, 2006; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-18, relating to certain unlawful covenants or restrictions; requiring the clerk of the county commission to execute, record and post a disclaimer; and suggested form of disclaimer.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §36-4-18, to read as follows:

ARTICLE 4. COVENANTS.

§36-4-18. Recorded disclaimer of unlawful restrictions.

1 The clerk of the county commission shall execute, record
2 and post in a prominent place in the county record room a
3 document that disclaims the validity and enforceability of
4 certain restrictions and covenants in deeds. The document shall
5 contain a disclaimer in substantially the following form:

6 “Except as provided in section eight, article eleven-a,
7 chapter five of the code of West Virginia, it is the law of this
8 state that certain covenants or restrictions that are based on
9 race, color, religion, ancestry, sex, familial status, blindness,
10 handicap or national origin are invalid and unenforceable. If an
11 invalid covenant or restriction is contained in a document that
12 is recorded in this county, the invalid covenant or restriction is
13 void notwithstanding its recordation.”

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



Chairman House Committee

Originating in the House.

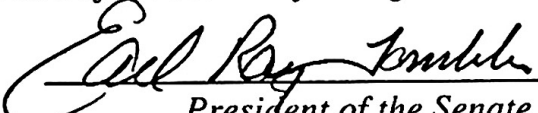
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 28th
day of March, 2006.



Governor

PRESENTED TO THE
GOVERNOR

MAR 23 2006

Time 3:15 p.m.