

DISCHARGE OF PROHIBITED RESTRICTIVE COVENANTS ACT (EXCERPT)
Act 234 of 2022

565.866 Homeowners' or property owners' association; authority to discharge a prohibited restriction; requirements; execution; recording with register of deeds.

Sec. 6.

(1) A homeowners' or property owners' association, acting through a simple majority vote of its board, may record a discharge form to remove any prohibited restriction in a deed or other instrument that affects a property governed by the homeowners' or property owners' association.

(2) If the board of a homeowners' or property owners' association receives a written request by a member of the association that the board exercise its authority under subsection (1), the board shall determine within a reasonable time whether a prohibited restriction is present in a deed or other instrument. If the board determines that a prohibited restriction is present in a deed or other instrument, the board shall record a discharge form, as provided under this subsection and subsections (1), (3), (4), and (9).

(3) Board action under subsection (1) or (2) does not require the vote or approval of the property owners.

(4) A discharge form prepared under subsection (1) or (2) may be executed by any officer authorized by the board.

(5) The board of directors of an association of co-owners of a condominium, acting through a simple majority vote of the board, may record a discharge form to remove any prohibited restriction in a deed or other instrument that affects a property governed by the board.

(6) If the board of directors of an association of co-owners of a condominium receives a written request by a co-owner that the board exercise its authority under subsection (5), the board shall determine within a reasonable time whether a prohibited restriction is present in a deed or other instrument. If the board determines that a prohibited restriction is present in a deed or other instrument, the board shall record a discharge form, as provided under this subsection and subsections (5), (7), (8), and (9).

(7) Notwithstanding sections 90 and 90a of the condominium act, 1978 PA 59, MCL 559.190 and 559.190a, board action under subsection (5) or (6) does not require the vote or approval of the condominium co-owners or mortgagees.

(8) A discharge form prepared under subsection (5) or (6) may be executed by any officer authorized by the board.

(9) A discharge form prepared under this section must be recorded with the register of deeds for the county where the property is located.

History: 2022, Act 234, Imd. Eff. Dec. 13, 2022