
Wisconsin Legislative Council

ACT MEMO



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2023 Wisconsin Act 210
[2023 Senate Bill 439]

**Discriminatory Restrictions in
Instruments Affecting Real
Property**

2023 WISCONSIN ACT 210

2023 Wisconsin Act 210 generally prohibits the use of discriminatory restrictions in instruments and deeds affecting real property. It defines a discriminatory restriction to mean a restriction, covenant, or condition that prohibits or restricts the ownership, transfer, encumbrance, rental, occupancy, or use of real property on the basis of membership in a protected class.¹ The act states that discriminatory restrictions are void and null, prohibits persons from filing or recording instruments with discriminatory restrictions, and prohibits persons from drafting a discriminatory statement in an instrument.

The act also allows an owner of real property with an instrument that contains a discriminatory restriction to record a certificate to discharge and release the discriminatory restriction from the instrument. It details the information that must be in the certificate and includes a sample certificate form. Additionally, when a certificate to discharge and release is filed, the register of deeds must, if possible, include on the previously filed or recorded document a notation of the document number of the certificate, when the certificate was filed or recorded, and the volume and page number of the certificate if assigned.

Effective date: March 24, 2024, except for provisions relating to filing and recording a certificate of discharge and release of discriminatory restrictions, which take effect September 1, 2024.

For a full history of the bill, visit the Legislature's [bill history page](#).

AG:ksm

¹ “Member of a protected class” is defined as a group of natural persons or person who may be categorized because of sex, race, color, disability, sexual orientation, religion, national origin, marital status, family status, status as a victim of domestic abuse, stalking, lawful source of income, age, or ancestry. [s. 106.50 (1m) (nm), Stats.]