

How Long Are Deed Restrictions Enforceable?

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While no single time frame defines when deed restrictions in general are no longer enforceable, a particular deed restriction might specify a time in which that restriction no longer applies. There are other factors preventing some deed restrictions from being enforced.

Real Estate

- When conveying ownership of real estate from one owner to another, there normally are encumbrances attached to the real estate, limiting the new owner's use of the property. This encumbrance might be a deed restriction.

Encumbrances

- Encumbrances on real estate include liens, easements and deed restrictions. A lien is a claim a creditor places against the property to secure a debt, such as a mortgage lien or property tax lien. Easements typically apply to the rights of others to use the property, such as a utility easement that allows the power company access to the property yet does not give the power company ownership of any part of the land. Deed restrictions restrict the use of the property.

Deed Restrictions

- The initial developer of a subdivision or a previous owner of the land is the party whom often imposes the deed restriction prior to conveying title to a new owner. The intent of the restriction is normally to ensure the property use conforms to the subdivision. For example, deed restrictions might restrict the type of farm animals a homeowner can keep on the property.

Laws

- A deed restriction is not valid if it violates local, state or federal laws. For example, prior to the civil rights movement, common deed restrictions included provisions preventing certain ethnic groups from purchasing property. Today those types of restrictions violate fair housing laws. Some deed restrictions also can be deemed invalid if they are judged unreasonable and don't mutually benefit all the property owners in the subdivision. Courts might set aside broad restrictions or those preventing the free transfer of land.

Time

- Some deed restrictions have time limitations. In those instances, the restriction might state the restriction is effective for a specific number of years from a certain date. It is possible to extend the time limit if all parties agree. For example, if the restriction restricts horses from the property, and the current owner of the property agrees with the restriction, he can have it extended if the time frame has expired.