



# Monterey County

## Item No.4

### Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

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August 18, 2022

**Introduced:** 7/21/2022

**Current Status:** Agenda Ready

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**Matter Type:** General Agenda Item

- a. . Receive a report on the status of the County's compliance with Assembly Bill 1466 modifying discriminatory restrictive covenants;
- b. Consider supporting that the Board of Supervisors authorize staff to further research and develop a proposed restrictive covenant modification education project for Monterey County; and
- c. Provide direction to staff.

Presenters: Taylor Price, Assistant Planner, Melanie Beretti, Principal Planner, HCD, Alicia Sotelo, Assistant County Clerk-Recorder, Clerk Recorder, and Krista Hanni, Planning, Evaluation, and Policy Manager, Health.

#### RECOMMENDATION:

It is recommended that the Health, Housing and Human Services Committee of the Board of Supervisors:

- a. Receive a report on the status of the County's compliance with Assembly Bill 1466 modifying discriminatory restrictive covenants;
- b. Consider supporting that the Board of Supervisors authorize staff to further research and develop a proposed restrictive covenant modification education project; and
- c. Provide direction to staff.

#### SUMMARY:

Restrictive covenants, legal agreements on deeds or real property restricting individuals based on race or ethnicity, were a method used to discriminate against certain groups and segregate neighborhoods in the United States and were particularly prominent from the 1920s to 1948. Though unenforceable since 1948 and made explicitly illegal by the 1968 Fair Housing Act, these discriminatory covenants and language remain in agreements related to real property throughout the United State and here in Monterey County. California state law not only provides for a process by which restrictive covenants can be modified, as of July 1, 2022, state law requires the county recorder for each county to develop an implementation plan (see Attachment A) and establish a program to identify and redact unlawfully restrictive language from recorded California real property records via the recordation of a Restrictive Covenant Modification document. The county recorder shall retain each nonredacted record for future reference and public request needs.

The County of Monterey Assessor-Clerk/Recorder's Office (ACRO) is complying with the new state law and staff will provide the Health, Housing and Human Services Committee a status report regarding these efforts. In addition, staff from the Housing and Community Development Department (HCD), Monterey County Health Department (MCHD), ACRO, and the Civil Rights Office are

collaborating to research and assess the feasibility of implementing a project to compliment state law to help the community connect, learn, and affirm that discriminatory housing practices are not consistent with Monterey County values. Staff will provide an overview of the Marin County Restrictive Covenant Project and staff is seeking direction from the Committee if it supports that the Board of Supervisors authorize staff to further research and develop a proposed restrictive covenant project for Monterey County.

DISCUSSION:

See Detailed Discussion - Attachment B.

OTHER AGENCY INVOLVEMENT:

The Recorder's Office and Office of County Counsel are charged with implementing the provisions of AB 1466. Staff from HCD, MCHD, Recorder's Office, Assessor's Office and the Civil Rights Office are collaborating to research and assess the feasibility of implementing a project similar to the Marin Project here in Monterey County.

Staff from HCD and MCHD presented an overview of the Marin Project to the Historic Advisory Committee (HAC) on June 13, 2022. The HAC members expressed strong support for staff to continue to research the feasibility and effort required to bring a similar project to Monterey County and present this research to the Board of Supervisors for consideration.

Staff from HCD, MCHD and the Recorder's Office will present an overview of the Marin Project to the County's Equal Opportunity and Civil Rights Advisory Commission at its meeting on July 20, 2022.

FINANCING:

Recorder's Office staff time to implement AB1466 and coordinate with County departments on this report is fully funded as part of the Recorder's Office Fiscal Year 2022-2023 Adopted Budget, Fund 001, Appropriation Unit ACR002. The Recorder's Office anticipates that vendor costs for FY 22-23 associated with AB 1466 implementation will also be funded as part of the Recorder's Adopted Budget. HCD staff time for analysis and to prepare this report is funded in the FY 2022-23 Adopted Budget, Fund 001, Appropriation Units HCD002, Unit 8543.

If the Committee supports and the Board of Supervisors ultimately authorizes staff to further research and develop a proposed restrictive covenant project for Monterey County similar the Marin Project with local adaptations, staff will return to the Committee and Board with recommended project activities, departmental staff roles, and estimated costs and resources necessary to implement.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Implementation of AB 1466 and considering expanding the County's current Equity Timeline effort supports the Board of Supervisor's Strategic Initiatives for Health and Human Services to promote access to equitable opportunities for healthy choices and health environments in collaboration with all communities. This work supports the County's efforts to communicate and coordinate amongst County departments and partner agencies to better provide equitable treatment and respect to all constituents.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Taylor Price, Assistant Planner, x5730

Reviewed by: Melanie Beretti, AICP, HCD Principal Planner, x5285

Reviewed by: Alicia Sotelo, Assistant County Clerk/Recorder, x6693

Reviewed by: Krista D. Hanni, MS, PhD, Planning, Evaluation, and Policy Manager, x4586

Reviewed by: Juan P. Rodriguez, Equal Opportunity Officer, x6614

Approved by: Erik Lundquist, AICP, HCD Director, x5154

Attachments:

Attachment A - Restrictive Covenant Modification Program - Implementation Plan (July 1, 2022)

Attachment B - Detailed Discussion