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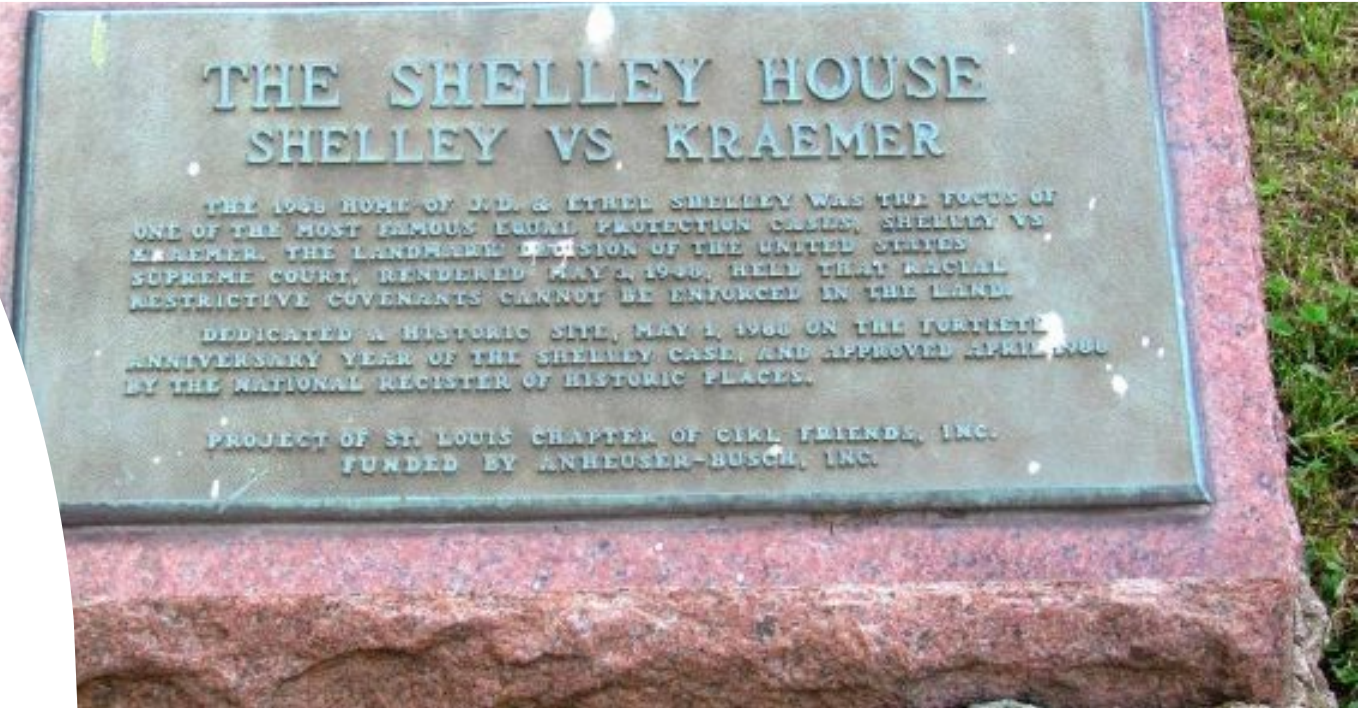
Restrictive Covenant Modifications

Board of Supervisors Meeting

October 4, 2022

Scheduled Agenda Item

Presented by: Housing and
Community Development,
Monterey County Health
Department, and Monterey County
Clerk/Recorder's Office



Recommendation:

- Receive a report on the status of the County's compliance with Assembly Bill 1466 modifying discriminatory restrictive covenants;
- Authorize staff to further research and develop a proposed restrictive covenant modification education project; and
- Provide further direction to staff, as appropriate.



Presentation Overview



History



Restrictive Covenant Modifications (AB 1466)



Marin County Restrictive Covenant Project



Monterey County Efforts



Closing Remarks

- What is a covenant?
 - A legally enforceable restriction in a deed
- What is a restrictive covenant?
 - A covenant that prohibits the selling or renting to people of a specific race or ethnic background
 - Used to segregate neighborhoods

Attention
White Home
Buyers!

The Largest Restricted White Community in Washington

Invites your attention
to the decision of

The U. S. Supreme Court

—that negroes cannot buy
in a restricted white section

Buy or Rent
in the 'section known as

Eckington High View
Bloomington Edgewood

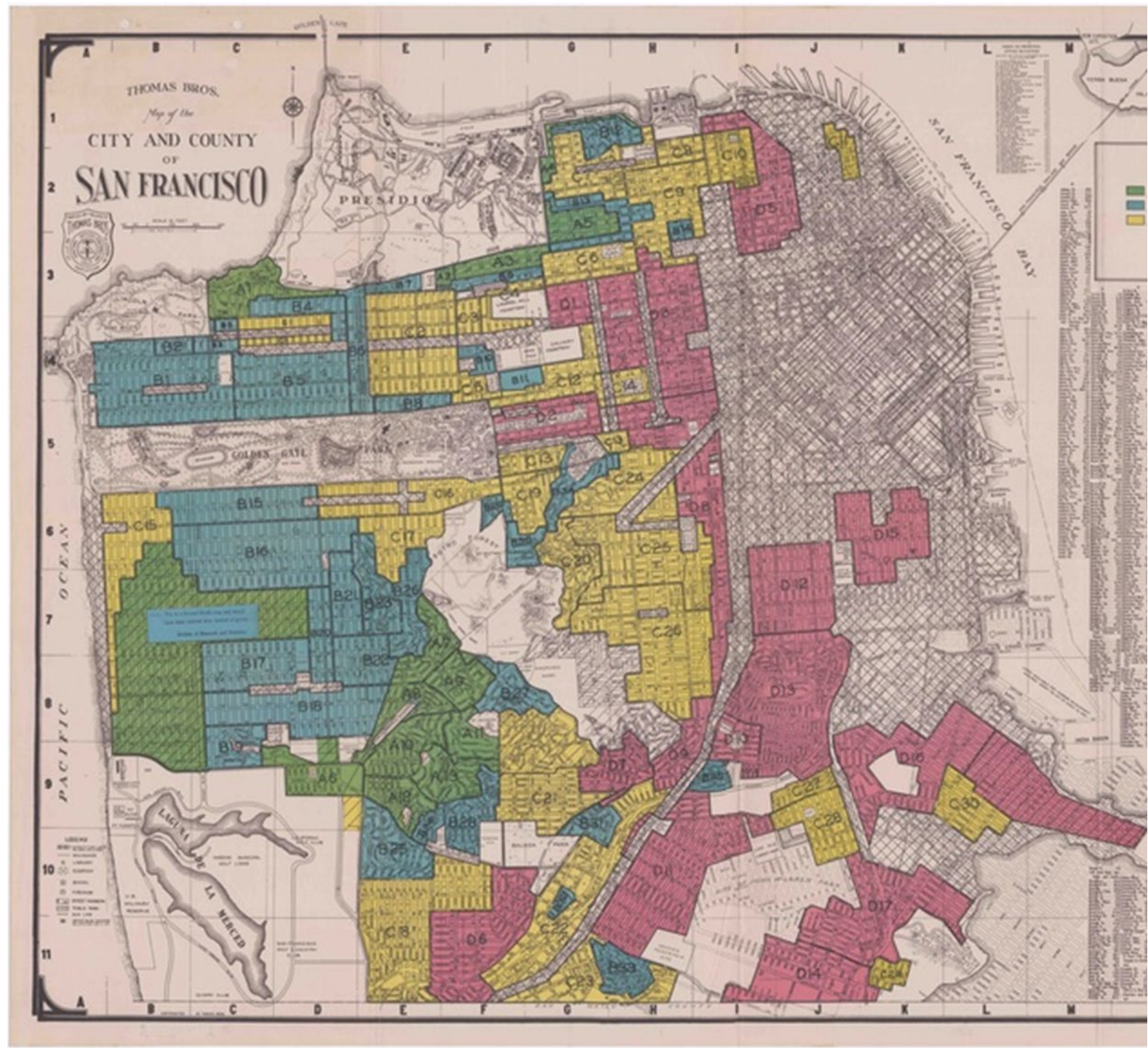
For further information apply to:
Executive Committee of

Bloomington Owners	North Capitol Citizens' Association
P. W. Pritchett, Chairman	Henry Gilligan, President
2651 North Capitol St.	2304 1st St. N.W.
W. T. Richardson, Secy.	Jesse W. Morgan, Secy.
78 S St. N.W.	47 Seaton St. N.W.

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History

- 1948 Shelley v. Kraemer
- 1968 Fair Housing Act
- Restrictive Covenants in Monterey County



Purpose of Restrictive Covenant Modification (RCM)

- Restrictive Covenant Modification allows redacting blatant racial, religious, or other restrictive covenants from real property documents if such language violates fair housing laws.
- Government Code section 12956.1 now requires the unlawfully restrictive language to be redacted and blacked out so it is not visible.
- Government Code section 12956.2 now allows any person to submit an RCM document to the Recorder for review.

Restrictive Covenant Modification (RCM) Process

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

SPACE DIRECTLY ABOVE RESERVED FOR RECORDER'S USE

RESTRICTIVE COVENANT MODIFICATION (Unlawful Restrictive Language Covenant, Racial or Otherwise)

Unlawful Restrictive Language Covenant review requested by:

☐ I(We) _____ have an ownership interest of record or are acquiring interest in the property that is covered by the document described below.

☐ Title Company, Escrow Company, Real Estate Broker, Real Estate Agent, or other party _____
(Individual / Company Name)

☐ Monterey County Recorder

The following referenced document contains a restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income, as defined in Section 12955 of the Government Code, or ancestry, that violates state and federal fair housing laws, and is void. Pursuant to Section 12956.2 of the Government Code, this document is being recorded solely for the purpose of redacting and eliminating that restrictive covenant as shown on page(s) _____ of the document recorded on _____ in book _____ and page _____, or as instrument number _____, of the official records of the County of Monterey, State of California. Attached hereto is a true, correct, and complete copy of the document referenced above, with the unlawful restrictive covenant redacted. This modification document shall be indexed in the same manner as the original document being modified, pursuant to subdivision (d) of Section 12956 of the Government Code. The effective date of the terms and conditions of the modification document shall be the same as the effective date of the original document referenced above.

Signature of Submitting Party: _____ Date: _____

Printed Name: _____

_____ County Counsel, or their designee, pursuant to paragraph (1) of subdivision (b) of Section 12956.2 of the Government Code, hereby states that it has determined that the original document referenced above contains an unlawful restriction and this modification may be recorded.

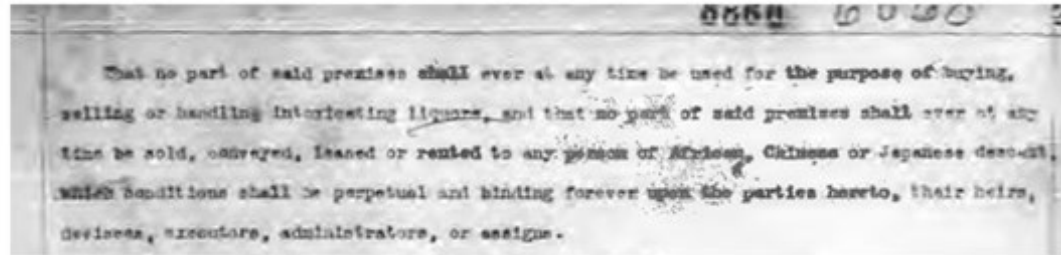
OR

_____ County Counsel, or their designee, pursuant to paragraph (1) of subdivision (b) of Section 12956.2 of the Government Code, finds that the original document does not contain an unlawful restriction, or the modification document contains modifications not authorized, and this modification may not be recorded.

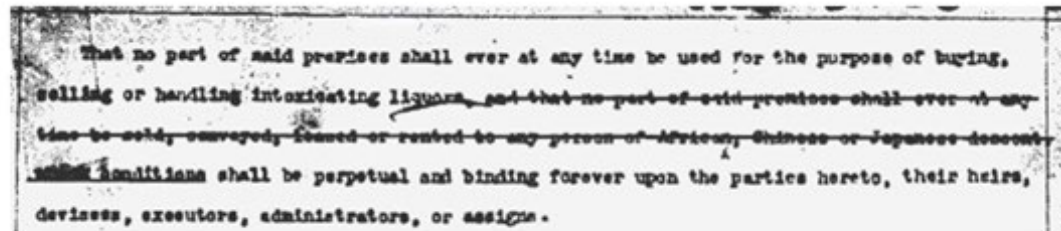
Monterey County Counsel

By: _____ Date: _____

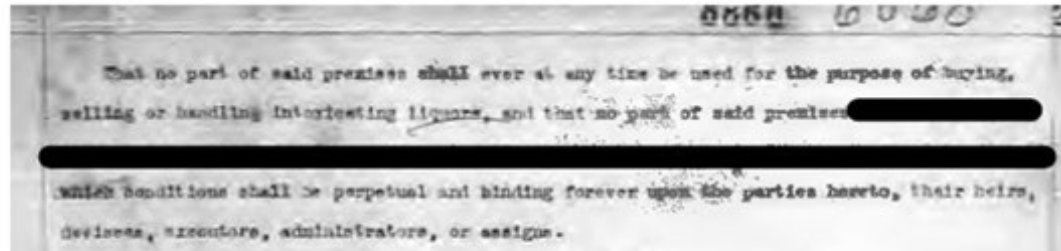
Printed Name _____, Deputy County Counsel



Original Document



Process prior to July 1, 2022 – strike through w Re-recording



Process effective July 1, 2022– masking so no longer visible

Monterey County Recorder's Office Restrictive Covenant Modifications webpage: [Restrictive Covenant Modifications | Monterey County, CA](#)

County of Monterey Assessor-County Clerk-Recorder

Restrictive Covenant Modification (RCM) Process

- AB 1466 requires the Recorder's Office to identify unlawful restrictive language from recorded real property documents.
- The Recorder's Office is working with their vendors to locate the unlawfully restrictive language. This process is currently expected to take approximately four to five years.

WITNESSETH

...at, **WHEREAS**, the parties hereto desire for their mutual benefit and for the benefit of the land of them hereinafter described, to improve and further the interests of the neighborhood and community and;

HEREAS, the parties are mutually desirous of restricting the use and occupancy of all of the property

NOW, THEREFORE, in consideration of the mutual covenants herein contained and other considerations, each of the parties hereto does mutually covenant, promise and agree with each other parties hereto as follows:

That prior to the 15th day of January, 1975, no part or parcel or parcels of land hereinafter described opposite the signatures of the respective owners thereof, or the improvements thereon

...ion that domestic servants of the occupants of said land, or any part thereof, may use the land and improvements in which their employers reside as may be reasonably

Monterey County Efforts

Monterey County Equity Timeline - [TimelineJS Embed \(knightlab.com\)](https://knightlab.com/timelinejs-embed/)

PLAN FOR REAL

Living

MISSION PARK

atmosphere.⁵⁰ More generally on the Monterey Peninsula, title company records consistently show evidence of deed restrictions through 1964 that excluded everyone considered nonwhite. Under the heading “Covenants and Conditions,” for example, the Del Monte Properties company routinely included the following clause, “Said premises shall not, nor shall any part thereof, or any improvements thereon at any time be occupied or used by Asiatics, Negroes, or any person born in the Turkish Empire, nor any lineal descendant of such person, except that persons of said races may be employed as household servants.”⁵¹ This boilerplate restriction by race in real estate deeds excluded Jews and Asians (including Filipinos) as well as African Americans by race from all of Pebble Beach and Carmel, most of Monterey, and some parts of Pacific Grove, as well as in specific neighborhoods in Seaside. For example, Bessie Kramer, a white woman who described Ord Terrace,

Example of language commonly used in deed restrictions. Excerpt from *Racial Beachhead: Diversity and Democracy in a Military Town* by Carol Lynn McKibben

Source: www.its.caltech.edu/~kousser/r...

1935

RESTRICTIVE COVENANTS

1940, African Americans, Latinos, Asian Americans

- Deed Covenants allowing racially specific restrictions on property, a practice that created a disparity in access to housing, and formed racially restricted segregated neighborhoods.
- Several newspaper advertisements for housing during the 1940's list the pictured clause from the Del Monte Properties company.
- In the background image, a December 6, 1947 Ad found in the Salinas Californian listing racial restrictions for new homes in the Mission Park neighborhood
- Listings are reflective of restrictive covenants being a common and acceptable practice on the central coast during this time period.



INTRODUCTION

Welcome to Marin County's resource and learning page focused on restrictive covenants, discriminatory housing policies and laws that shaped the make-up of Marin County. The mission of the Marin County Restrictive Covenant Project is to share information to help the Marin County community connect, learn and affirm that discriminatory housing practices are not consistent with Marin County values. This page includes information and perspectives gathered from local and national sources about unfair housing practices and the impact at the local level in Marin County. The information on this page and the associated links are not comprehensive; though, we do expect the resources accessible through this page to grow. The current resources are listed by medium and date.

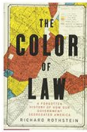
LEARN MORE

Learn more about the project and how to participate on the County's website:

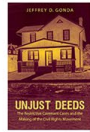
- [About the project](#)
- [How to participate](#)
- [Gallery](#)

On this page: [Books](#) | [Films](#) | [Current News](#) | [Articles](#) | [Article Clips](#) | [Booklets](#) | [BOS Resolutions](#)

BOOKS



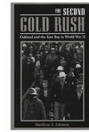
The Color of Law
by Richard Rothstein



Unjust Deeds
by Jeffrey D. Gonda



Marinship at War
by Charles Wollenberg



The Second Gold Rush
by Marilyn S. Johnson
(p.182-99,228)



Eichler
by Paul Adamson
(p.197-204)

Marin County Restrictive Covenant Project

Restrictive Covenant Project



Overview



[Start Slideshow](#)

The Restrictive Covenant Project aims to inform and educate Marin County residents of the history and significance of government policies and programs that were intentionally discriminatory and helped create segregated communities in Marin. The use of racially restrictive covenants prohibited the purchase, lease, or occupation of a piece of property to a particular group of people, primarily Black and African Americans. And while those covenants are illegal today, many continue to remain in property deeds throughout Marin.

Through the collaboration of the [Community Development Agency](#), the [County's Office of Equity](#) and the [Assessor-Recorder's Office](#), residents of Marin are able to certify and affirm that illegal and racially restrictive covenants are unconstitutional and violate current laws and County values. Residents, former residents, and families who currently or formerly lived in Marin are encouraged to share personal stories about their lived experiences beginning with the Marinship years, to help create a narrative history of our County.

[Subscribe to this page](#)

Quick Links

- [Frequently Asked Questions](#)
- [How to Participate](#)
- [Additional Resources](#)
- [Community Voices](#)

Marin County Free Library Restrictive Covenant webpage: [Restrictive Covenant Resources | Marin County Free Library \(marinlibrary.org\)](#)

Marin County Restrictive Covenant Project webpage: [Restrictive Covenant Project - County of Marin \(marincounty.org\)](#)

Monterey County Efforts

- Staff presented to the Historic Advisory Committee – June 13, 2022
- Staff met with Marin County to understand their efforts – July 7, 2022
- Staff presented to the Equal Opportunity and Civil Rights Advisory Commission – July 20, 2022
- Staff presented to the Health, Housing & Human Services Committee – August 18, 2022



Recommendation:

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