

# Attachment C

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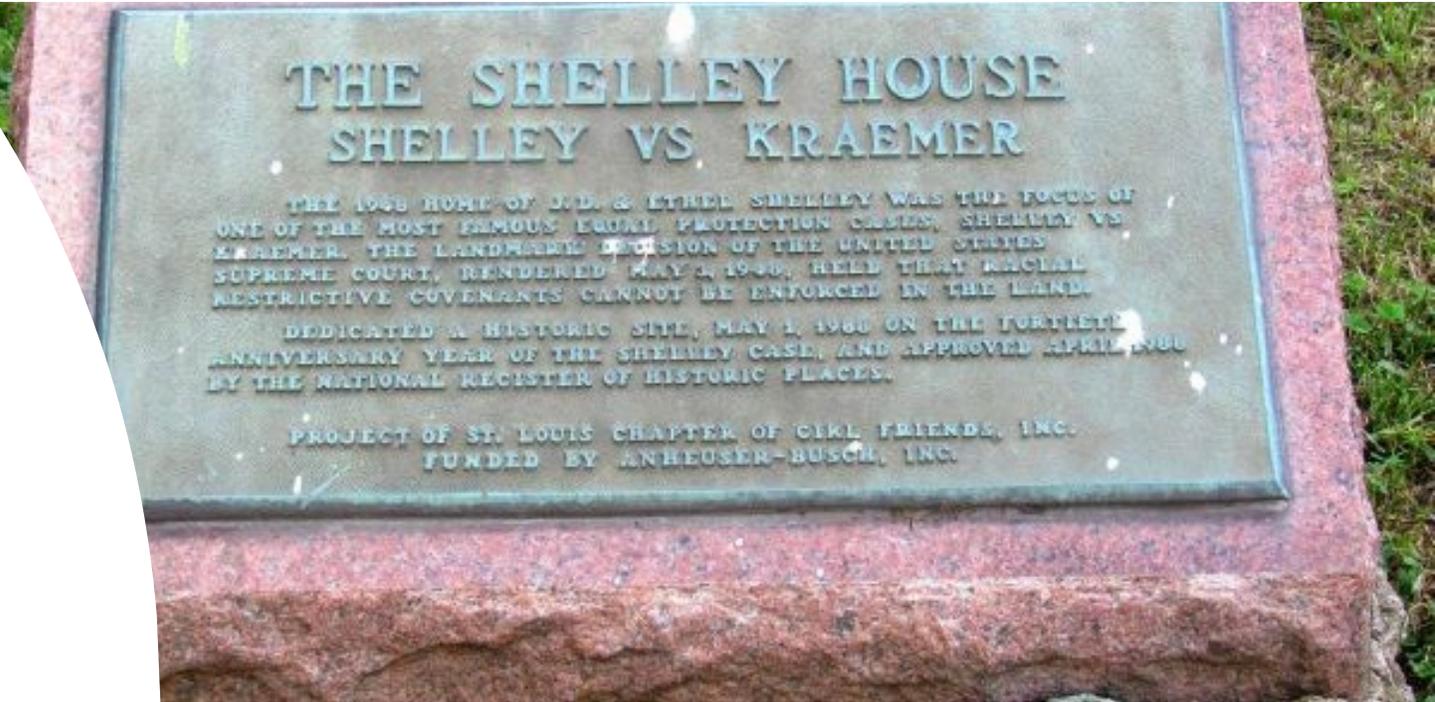
# Restrictive Covenant Modifications

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**

# History

- 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

RECORDING REQUESTED BY  
MORRIS F. STARKEY, Trustee  
OF Author's Family Trust-8  
DATED January 23, 1986  
L&L MAPS RECORDED MAP NO.

RECORDED AT REQUEST OF  
GRANTOR  
VOL 845 PAGE 534  
1306 NOV 25 AM 10 30  
OFFICIAL RECORDS  
INCLUDE COUNTY CLERK  
FILING FEE \$4.00  
FEE \$4.00

DAVID  
MICROGRAPHICS 16045  
FEE \$1.00 PAID

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**Individual Quitclaim Deed**  
THIS FORM PUBLISHED BY TITLE INSURANCE CO. A.P.S. 82-050-14

The undersigned grantor(s) declare(s) this is a bona fide gift and grantor received nothing therefor except the fee of \$4.00 in return. X & U 11911  
( ) I received the full value of property conveyed, or  
( ) I received less than full value of price and consideration remaining at time of sale.  
( ) I have resided in the City of \_\_\_\_\_ and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
William F. Daniels and Donna Daniels, Husband and Wife

do hereby RELEASED AND FOREVER QUITCLAIM to  
Morris F. Starkey, Trustee of Author's Family Trust-8, under Instrument  
dated January 23, 1986.

The following described real property in the County of Tuolumne State of California:

PARCEL X  
Parcel 4, as shown on that certain Parcel Map entitled "Lady Washington Quarter Mile" portion of Subdivision Lot 11 of Section 4, and portion of the NW one-quarter of Section Nine, T. 1N., R. 16 E. N.D.B. 8", recorded February 17, 1972 in Book 1 of Parcel Maps at Page 21.

EXCEPTING THEREFROM any portion of said land lying within Sumner's Road Mining Claim, being mineral entry No. 232, being lot 46, embracing a portion of Section 9, Township 1 North, Range 16 East, Tuolumne County, California.

THE PURPOSE OF THIS CONVEYANCE IS TO RELINQUISH ANY AND ALL MINERAL RIGHTS HELD BY THE GRANTOR HEREIN.

Dated OCT 18<sup>TH</sup> 1986 William F. Daniels  
William F. Daniels  
Donna Daniels

STATE OF CALIFORNIA }  
COUNTY OF Los Angeles } ss.  
On 18<sup>TH</sup> Oct 86 before me, the undersigned, a Notary Public in and for said State, personally appeared  
William F. Daniels and Donna Daniels  
known to me  
to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that they executed the same.  
WITNESS my hand and official seal.

Notary Public  
VOL 845 PAGE 534

16045

1986  
OCT 18 1986  
COUNTY OF LOS ANGELES

Title Order No. \_\_\_\_\_ Edition of Loan No. \_\_\_\_\_

MAIL TAX STATEMENTS AS DIRECTED ABOVE END OF DOCUMENT

**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**

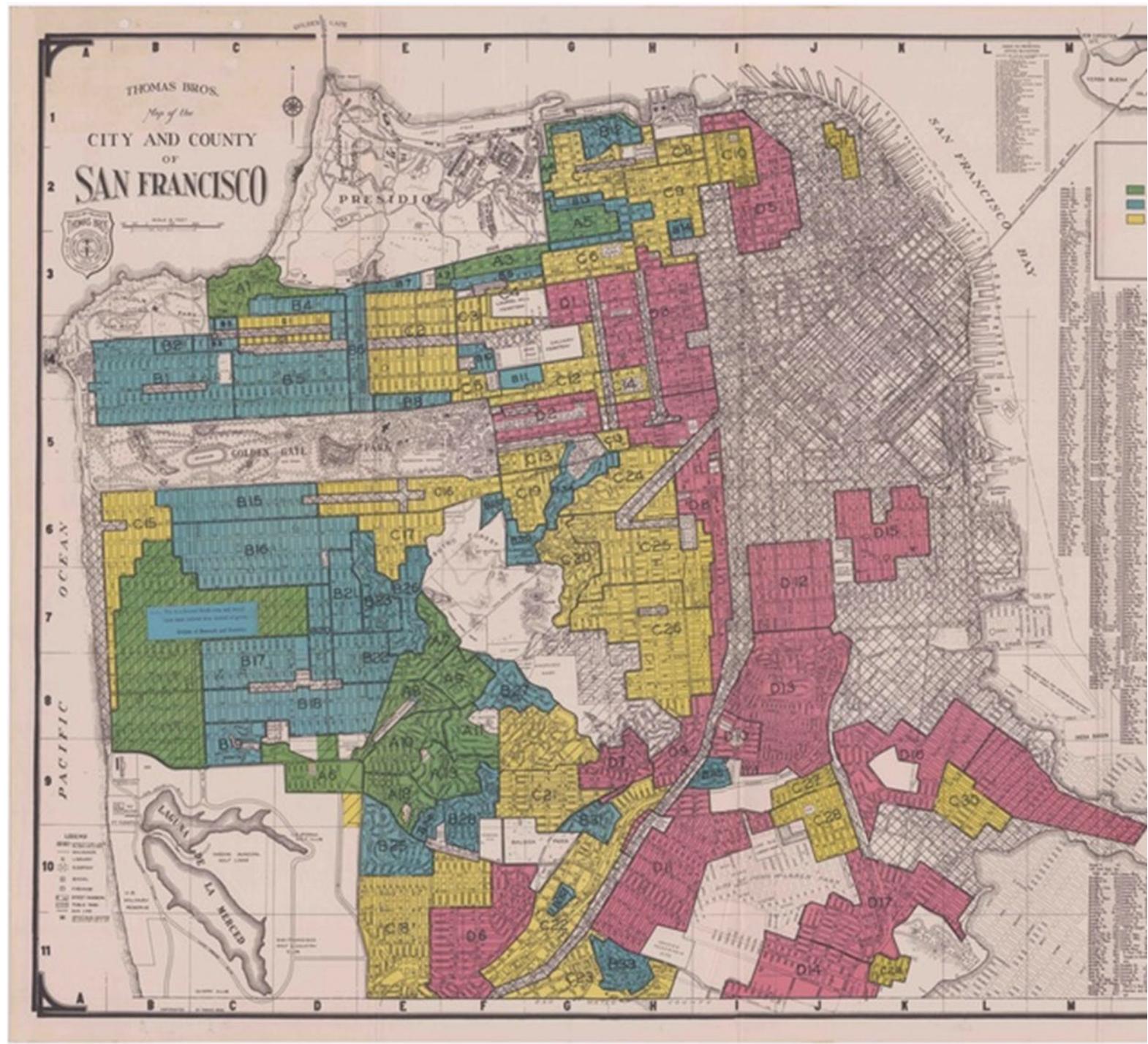
**Eckington High View  
Bloomingdale Edgewood**

For further information apply to:  
Executive Committee of

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

- 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

That, 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;

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

shall be used for any purpose other than residential purposes, and no person shall employ any person or persons as 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://www.knightlab.com/timelinejs/)



**PLAN FOR REAL**

**Living**

**MISSION PARK**

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.

atmosphere.<sup>50</sup> 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."<sup>51</sup> 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 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...](http://www.its.caltech.edu/~kousser/r...)



## 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.

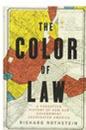
## LEARN MORE

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



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