



County of Monterey

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

Legislation Details (With Board Report)

File #: 22-890 **Name:** Restrictive covenants (AB 1466)
Type: General Agenda Item **Status:** Passed
File created: 9/13/2022 **In control:** Board of Supervisors
On agenda: 10/4/2022 **Final action:** 10/4/2022
Title: a. Receive a report on the status of the County's compliance with Assembly Bill 1466 modifying discriminatory restrictive covenants;
b. Authorize staff to further research and develop a proposed restrictive covenant modification education project for Monterey County;
c. Provide further direction to staff, as appropriate.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A – Restrictive Covenant Modification Program – Implementation Plan (July 1, 2022), 3. Attachment B – Detailed Discussion, 4. Attachment C – PowerPoint Presentation, 5. Completed Board Order Item No. 15

Date	Ver.	Action By	Action	Result
10/4/2022	1	Board of Supervisors	approved	Pass

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

RECOMMENDATION:

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

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 States and here in Monterey County. Restrictive covenants have been identified in Monterey County, particularly in Pacific Grove Retreat and Pebble Beach but are not exclusive to those areas. Most restrictive covenants in Monterey County were created in the 1930s and early 1940s.

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 Recorder's Office (RO) is complying with the new state law and staff will provide the Board of Supervisors with a status report regarding these efforts. In addition, staff from Housing and Community Development Department (HCD), Monterey County Health Department (MCHD), RO, and the Civil Rights Office are collaborating to research and assess the feasibility of implementing a virtual education project on restrictive covenants in Monterey County to complement 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. Staff are seeking direction from the Board of Supervisors to authorize staff to further research and develop a proposed restrictive covenant virtual education project for Monterey County.

DISCUSSION:

See Detailed Discussion - Attachment B.

OTHER AGENCY INVOLVEMENT:

The RO is charged with implementing the provisions of AB 1466. County Counsel is charged with reviewing the identified restrictive covenant documents and approving or rejecting the submission within 90 days. Staff from HCD, MCHD, RO 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 concept to the Board of Supervisors for consideration.

Staff from HCD, MCHD, and RO presented an overview of the Marin Project to the County's Equal Opportunity and Civil Rights Advisory Commission (EOCRAC) on July 20, 2022. The EOCRAC 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 concept to the Board of Supervisors for consideration.

Staff from HCD, MCHD, and the RO presented an overview of the Marin Project to the County's Health, Housing & Human Services Committee (HHHSC) at its rescheduled meeting on August 18, 2022. Committee members agreed and supported staff's recommendation to continue to research the feasibility and effort required to bring a similar project to Monterey County and present this concept to the Board of Supervisors for consideration.

FINANCING:

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

If the Board of Supervisors ultimately authorizes staff to further research and develop a proposed restrictive covenant project for Monterey County similar to the Marin Project with local adaptations, staff will return to the 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:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

_____ Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer service, accountability and transparency.

X Health and Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and health environments in collaboration with communities.

_____ Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

_____ Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

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

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

The following attachments are on file with the Clerk of the Board:

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

Attachment B - Detailed Discussion

Attachment C - PowerPoint Presentation