October 25, 2022

Honorable Board of Supervisors
Marin County Civic Center
San Rafael, CA 94903

SUBJECT: Receive Presentation Regarding the Marin County Recorder’s Progress with AB1466-Locating and Redacting Illegal Restrictive Covenants

Dear Board Members:

RECOMMENDATION: Receive presentation

SUMMARY: Beginning July 1, 2022, Assembly Bill 1466 requires California Recorders to prepare an implementation plan, outlining their process to locate and redact illegal restrictions found in recorded documents. Some recorded restrictions from many years ago prohibited the purchase, lease, or occupation of properties based on race, color, gender, marital status, sexual orientation, source of income, and other characteristics defined by Government Code 12956.1.

Although property owners have been able to modify illegal restrictions that pertain to their own properties for many years, AB 1466 shifts the responsibility for locating and modifying restrictions to California Recorders, title companies, escrow companies, and other real estate industry professionals.

The Marin County Recorder’s office is working diligently to locate illegally discriminatory restrictions in our recorded documents. We have begun redacting them and recording modifications to the original recordings. All modifications we have recorded thus far involve race-related restrictions. We have also worked with the County’s GIS team to produce “Restrictive Covenants Time Progression,” which is a map that reflects the location and recording dates of restrictive covenants throughout the County. We have added the map to our website, which can be accessed at www.marincounty.org/recorder.
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Because recorded documents in our office date back to 1856 and include many that are handwritten, our process of locating all illegal restrictions may take many years to complete. Today's presentation discusses our current process and our progress to date.

EQUITY IMPACT: The County is committed to building a racially equitable community. Understanding the effects of past discriminatory housing policies using recorded restrictions promotes an awareness and understanding of how past government policies impacted society. Redacting restrictive language in recorded documents confirms that Marin welcomes and promotes diversity throughout the county.

FISCAL IMPACT: There is no impact to the General Fund Net County Cost because of the Recorder's implementation of AB 1466. Although AB 1466 allows County Recorders to collect an additional $2 fee per document with your Board's approval, the Marin County Recorder has decided not to pursue the additional recording fee at this time.

REVIEWED BY:  
[ X ] County Administrator  
[ ] Department of Finance  
[ X ] County Counsel  
[ ] Human Resources

[ ] N/A  
[ X ] N/A  
[ ] N/A  
[ X ] N/A

Respectfully submitted,

Shelly Scott
Assessor-Recorder-County Clerk