AB 1466 – REDACTING RESTRICTIVE COVENANTS
MARIN COUNTY RECORDER’S IMPLEMENTATION
RESTRICTIVE COVENANTS

A H I S T O R Y

1926  Restrictive Covenants became common after U.S. Supreme Court Case Corrigan v. Buckley declared racially-restrictive covenants to be legal and binding. Case led to widespread use throughout the U.S.

1948  U.S. Supreme Court Case Shelley v. Kraemer reversed the 1926 decision and declared restrictive covenants based on race violated the Equal Protection Clause of the 14th Amendment.

1968  Fair Housing Act of 1968 outlawed discrimination in real estate based on race, color, religion, national original and gender.
NEW LAW - AB 1466

BEGINNING JULY 1, 2022, AB 1466 REQUIRES

• RECORDERS
• TITLE AND ESCROW COMPANIES
• REAL ESTATE AGENTS AND BROKERS

TO REDACT ILLEGAL RESTRICTIVE LANGUAGE FOUND IN RECORDED DOCUMENTS

ALTHOUGH AB 1466 ALLOWS FOR RECORDERS TO COLLECT AN ADDITIONAL $2/DOCUMENT, MARIN HAS DECIDED NOT TO COLLECT THE FEE AT THIS TIME
Our Restrictive Covenant Team are locating and reviewing hundreds of C C & Rs (Conditions, Covenants and Restrictions) and other recordings from years ago, searching for illegal language.
Using recorded subdivision maps and Assessor Parcel Maps, the team has located many parcels that were covered by the restrictions.

In some cases, subdivisions were spread over many map pages!
CREATING THE MAP – A COLLABORATION WITH GIS

Using Assessor Parcel Numbers found in the locating process, we collaborated with IST/GIS to create a map.

The map appears on the Recorder's website, as well as on Marin Compass.

It can be viewed here:

Restrictive Covenants Time Progression | County of Marin Open Data Portal (marincounty.org)
The team got their Sharpies out and began redacting illegally restrictive language.

Redacted CC&Rs are attached to modifications of prior recordings, declaring them void.
MODIFICATIONS SIGNED

After the team prepared modifications for recording, Shelly Scott signed the modifications to be recorded.
FINALLY….MODIFICATIONS RECORDED

The Recorder’s Office has recorded approximately 55 modifications so far, that affect more than 800 parcels.
WE STILL HAVE MUCH WORK TO DO!

- We have reviewed 1,550 CC&R’s so far
- Approximately 8,500 homes built between 1925 and 1948 are still on the Assessor’s tax roll.
- We have many more documents to review.
AB 1466 required Recorders to develop and post their plan for locating and redacting illegal language by July 1, 2022.

For more information about our plan, visit us here:

www.marincounty.org/recorder
QUESTIONS?

- Thank you, Restrictive Covenant Modification Team:
  - Emilee Bozzard
  - Ellen Leo
  - Mike Infante
  - Gordon Tinsley