

Mapping Marin County's Past through Unlawful Restrictions

Overview: Marin County's Restrictive Covenant Project aims to inform and educate residents about the impacts of exclusionary housing policies from past decades.

Challenge: Although discriminatory restrictions that limit property use based on race, religion, gender, and other characteristics have been unenforceable since 1948 and illegal since the 1968 Fair Housing Act, exclusions are still found in recorded documents from before that time. Homeowners are often shocked when they find blatantly discriminatory language in paperwork provided to them in title and property records. Race restrictions were common in the 1930s and 1940s, with examples such as: "No person of the African, Japanese, Chinese or of any Mongolian descent shall be allowed to purchase, own, lease or occupy said real property."

Although property owners were able to record modifications to unlawful restrictions on their own properties prior to the passage of AB 1466, the 2021 law requires Recorders and other real estate professionals to proactively identify and redact unlawful restrictive covenants. Beginning July 1, 2022, California recorders are charged with locating illegal restrictions in prior recordings and preparing modifications to clarify these restrictions are void. Recorded modifications must include a copy of the original document with discriminatory language stricken, and County Counsel must approve modifications prior to recording.

Solution: In addition to complying with AB 1466 by searching for and redacting exclusionary language in recorded documents; the Marin County Recorder's Office, in partnership with the Office of Equity, Community Development Agency, and Board of Supervisors, has taken further steps to educate the community on the history, significance, and negative impact of restrictive covenants. Through the Marin County Restrictive Covenant Project, the community can certify and affirm that discrimination is illegal and violates County values. The Recorder's Office has identified and located parcels affected by past

restrictive covenants on parcel maps. These parcel maps are then used by the County's GIS team to create a digital map that shows neighborhoods that were purposely closed off to persons of color.

Marin County staff have provided community outreach to engage with residents and other stakeholders in a conversation that both acknowledges and condemns this part of Marin's history, while promoting community healing through open dialogue.

Users of the Restrictive Covenant Project online map platform can select an area or neighborhood, and learn more about illegal restrictions that affected it, including the original recording date of the restrictive document and the unlawful language it contains. Users can also learn if a modification has been recorded to address the illegal language. The map is updated monthly with new information as it is discovered.

Innovation: Although pinpointing areas on a map that were covered by restrictions is not part of AB1466's requirement, identification of neighborhoods and communities that were impacted by exclusionary restrictions provides opportunities for residents to learn how past segregation affected their neighborhoods.

Results: Maps resulting from this project have promoted increased engagement from community members as they learn about the lasting impacts of past segregation and the generational wealth gaps that segregation has promoted.

Replicability: Marin County's website includes the time progression map that was created by the Marin County GIS team. Staff from the Marin County Recorder's Office are happy to work with other counties who wish to create their own maps, reflecting the location of restrictive covenants.

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Additional Materials: <https://data.marincounty.org/stories/s/Restricted-Covenants-Time-Progression/ng8c-5j78/> & <https://www.marincounty.org/main/restrictive-covenants-project>