

AMENDED IN ASSEMBLY MAY 7, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2204

Introduced by Assembly Member De La Torre

February 20, 2008

An act to add Section ~~782.6 to the Civil~~ 27203.5 to the Government Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

AB 2204, as amended, De La Torre. Real property: discriminatory restrictions.

Existing

(1) *Existing* law declares that any provision in any deed of real property in California that purports to restrict the right of any person to sell, lease, rent, use, or occupy the property to persons having any specified characteristic, including, but not limited to, race, color, religion, sex, marital status, national origin, ancestry, familial status, disability, source of income, or sexual orientation, by providing for payment of a penalty, forfeiture, reverter, or otherwise, is void.

Existing law also provides that any deed or other written instrument that relates to title to real property, or any written covenant, condition, or restriction annexed or made a part of, by reference or otherwise, any deed or instrument, that contains any provision that purports to forbid, restrict, or condition the right of any person or persons to sell, buy, lease, rent, use, or occupy the property on account of any of the above-specified characteristics, shall be deemed to be revised to omit that provision.

This bill would require a ~~title insurance company involved in any transfer of real property~~ county recorder that provides a copy of any

deed or other written instrument relating to title to real property, or any written covenant, condition, or restriction annexed or made a part of, by reference or otherwise, the deed or instrument, that contains any provision that purports to forbid, restrict, or condition the right of any person or persons to sell, buy, lease, rent, use, or occupy the property on account of any of the above-specified characteristics, with respect to any person or persons, to cause that provision to be stricken from the deed or other instrument before the property is transferred. *By increasing the duties of county recorders, this bill would impose a state-mandated local program.*

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 27203.5 is added to the Government Code,
- 2 to read:
- 3 27203.5. (a) A county recorder that provides a copy of a deed
- 4 or other written instrument relating to title to real property, or
- 5 any written covenant, condition, or restriction annexed or made
- 6 a part of, by reference or otherwise, the deed or instrument, that
- 7 contains any provision that purports to forbid, restrict, or condition
- 8 the right of any person or persons to sell, buy, lease, rent, use, or
- 9 occupy the property on account of any basis listed in subdivision
- 10 (a) or (d) of Section 12955, as those bases are defined in Sections
- 11 12926 and 12926.1, subdivision (m) and paragraph (1) of
- 12 subdivision (p) of Section 12955, and Section 12955.2, with respect
- 13 to any person or persons, shall cause that provision to be stricken
- 14 from the deed or other instrument before the property is
- 15 transferred.
- 16 (b) Notwithstanding subdivision (a), with respect to familial
- 17 status, subdivision (a) shall not be construed to apply to housing

1 for older persons, as defined in Section 12955.9. With respect to
 2 familial status, nothing in subdivision (a) shall be construed to
 3 affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5 of the
 4 Civil Code, relating to housing for senior citizens. Subdivision (d)
 5 of Section 51 and Section 1360 of the Civil Code and subdivisions
 6 (n), (o), and (p) of Section 12955 shall apply to subdivision (a).

7 SEC. 2. If the Commission on State Mandates determines that
 8 this act contains costs mandated by the state, reimbursement to
 9 local agencies and school districts for those costs shall be made
 10 pursuant to Part 7 (commencing with Section 17500) of Division
 11 4 of Title 2 of the Government Code.

12 SECTION 1. ~~Section 782.6 is added to the Civil Code, to read:~~

13 ~~782.6. (a) A title insurance company involved in any transfer~~
 14 ~~of real property that provides a copy of a deed or other written~~
 15 ~~instrument relating to title to real property, or any written covenant,~~
 16 ~~condition, or restriction annexed or made a part of, by reference~~
 17 ~~or otherwise, the deed or instrument, that contains any provision~~
 18 ~~that purports to forbid, restrict, or condition the right of any person~~
 19 ~~or persons to sell, buy, lease, rent, use, or occupy the property on~~
 20 ~~account of any basis listed in subdivision (a) or (d) of Section~~
 21 ~~12955 of the Government Code, as those bases are defined in~~
 22 ~~Sections 12926 and 12926.1, subdivision (m) and paragraph (1)~~
 23 ~~of subdivision (p) of Section 12955, and Section 12955.2 of the~~
 24 ~~Government Code, with respect to any person or persons, shall~~
 25 ~~cause that provision to be stricken from the deed or other~~
 26 ~~instrument before the property is transferred.~~

27 ~~(b) Notwithstanding subdivision (a), with respect to familial~~
 28 ~~status, subdivision (a) shall not be construed to apply to housing~~
 29 ~~for older persons, as defined in Section 12955.9 of the Government~~
 30 ~~Code. With respect to familial status, nothing in subdivision (a)~~
 31 ~~shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11,~~
 32 ~~and 799.5, relating to housing for senior citizens. Subdivision (d)~~
 33 ~~of Section 51 and Section 1360 of this code and subdivisions (n),~~
 34 ~~(o), and (p) of Section 12955 of the Government Code shall apply~~
 35 ~~to subdivision (a).~~