

AMENDED IN ASSEMBLY MAY 23, 2008

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 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.

(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 county recorder ~~that~~ *who* 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 *written* instrument before the property is transferred. *The bill would authorize the county recorder to charge a fee, not to exceed his or her reasonable costs, for providing a copy of a deed or other written instrument that requires modification.* 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.~~

*(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 no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

- 1 SECTION 1. Section 27203.5 is added to the Government
- 2 Code, to read:
- 3 27203.5. (a) A county recorder ~~that~~ *who* provides a copy of a
- 4 deed or other written instrument relating to title to real property,
- 5 or 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

1 occupy the property on account of any basis listed in subdivision  
2 (a) or (d) of Section 12955, as those bases are defined in Sections  
3 12926 and 12926.1, subdivision (m) and paragraph (1) of  
4 subdivision (p) of Section 12955, and Section 12955.2, with respect  
5 to any person or persons, shall cause that provision to be stricken  
6 from the deed or other *written* instrument before the property is  
7 transferred. *The county recorder may charge a fee, not to exceed*  
8 *his or her reasonable costs, for providing a copy of a deed or other*  
9 *written instrument that requires modification pursuant to this*  
10 *section.*

11 (b) Notwithstanding subdivision (a), with respect to familial  
12 status, subdivision (a) shall not be construed to apply to housing  
13 for older persons, as defined in Section 12955.9. With respect to  
14 familial status, nothing in subdivision (a) shall be construed to  
15 affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5 of the  
16 Civil Code, relating to housing for senior citizens. Subdivision (d)  
17 of Section 51 and Section 1360 of the Civil Code and subdivisions  
18 (n), (o), and (p) of Section 12955 shall apply to subdivision (a).

19 ~~SEC. 2.— If the Commission on State Mandates determines that~~  
20 ~~this act contains costs mandated by the state, reimbursement to~~  
21 ~~local agencies and school districts for those costs shall be made~~  
22 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
23 ~~4 of Title 2 of the Government Code.~~

24 *SEC. 2. No reimbursement is required by this act pursuant to*  
25 *Section 6 of Article XIII B of the California Constitution because*  
26 *a local agency or school district has the authority to levy service*  
27 *charges, fees, or assessments sufficient to pay for the program or*  
28 *level of service mandated by this act, within the meaning of Section*  
29 *17556 of the Government Code.*