

# MARIN COUNTY

RESTRICTIVE COVENANT PROJECT

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Community Development Agency | County of Marin

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Social Equity Programs and Policies  
Community Development Agency | County of Marin



*“...hereafter no part of said property or any portion thereof shall be...occupied by any person not of the **Caucasian race**, it being intended hereby to restrict the use of said property...against occupancy as owners or tenants of any portion of said property for resident or other purposes by people of the **Negro or Mongolian race**.”*



Restrictive Covenant Project

# A Bold Social Experiment in Racial Relations





# Restrictive Covenant Project

## National Housing Act of 1949



Guaranteed Bank Loans

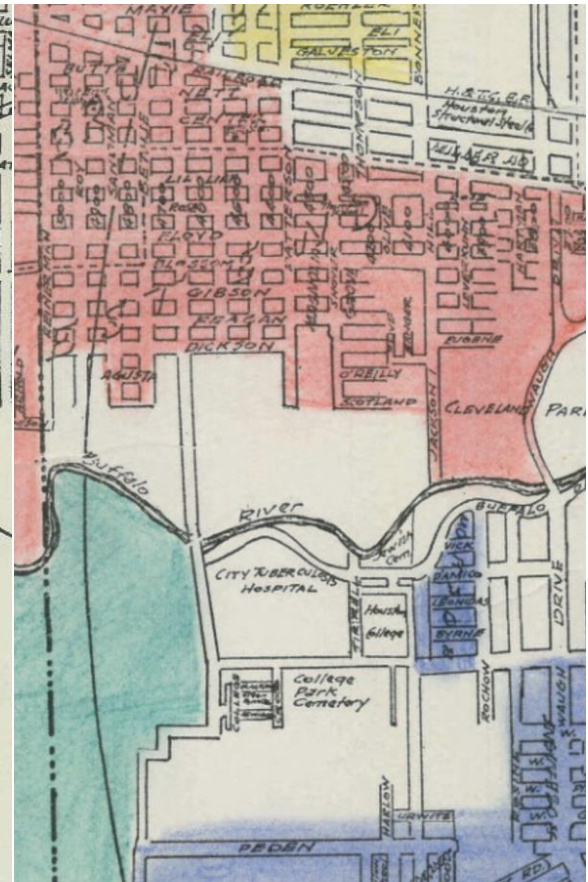
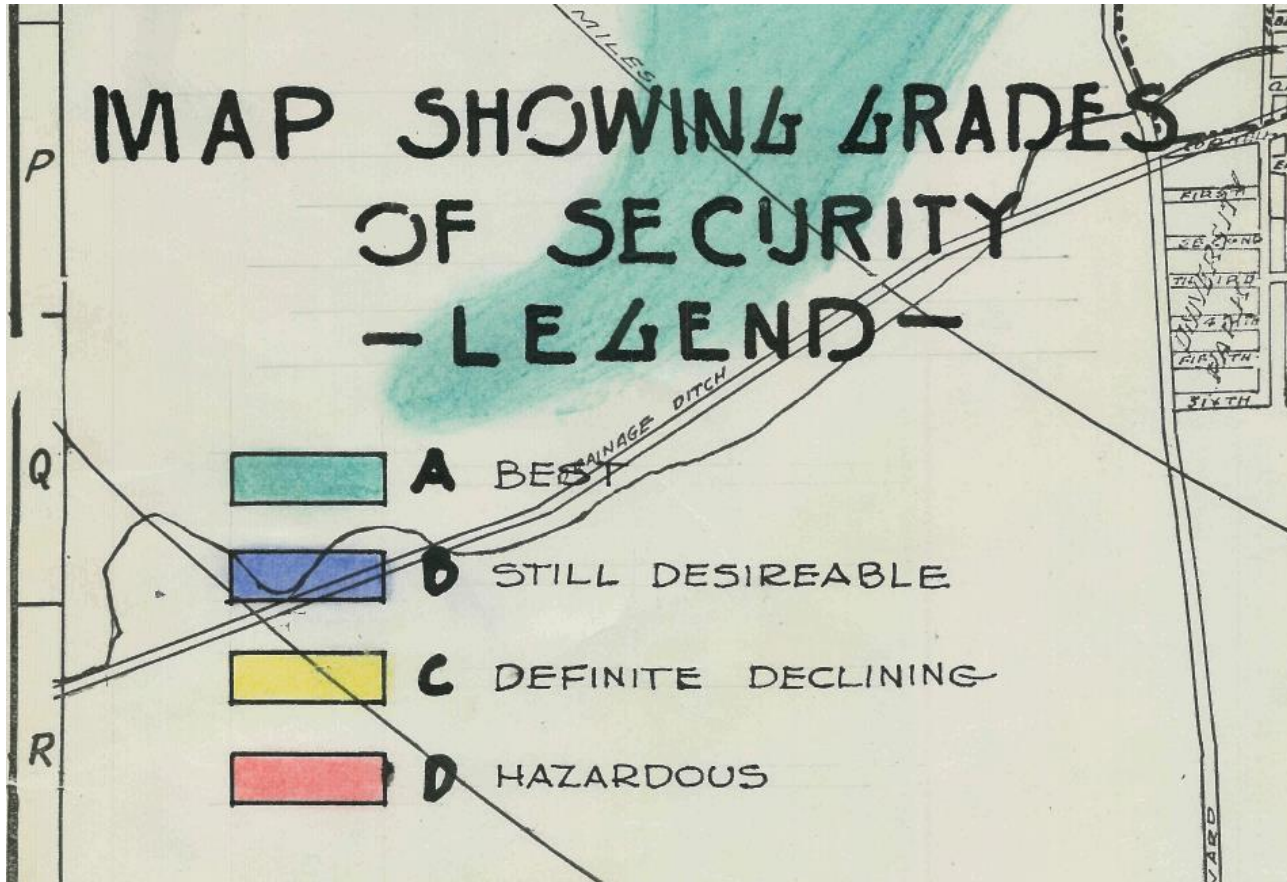


Levittown NY



# Restrictive Covenant Project

## Redlining





# Historical Effects of Racial Discrimination

- Homelessness and Poverty
- Disability and Lower Life Expectancy
- Lower rates of homeownership and lower rates of mortgage approvals
- Lower high school graduation rates
- Higher unemployment rates
- Gentrification of neighborhoods



## Attorney General Becerra: Sausalito Marin City School District Agrees to End Segregation in Its Schools



# Restrictive Covenant Project

## Wealth Inequality



### The Value of Real Estate and Homeownership:

- Finance **College Educations**
- Fund **Retirements**
- Support **Children's Home Ownership**
- **Generational Wealth**



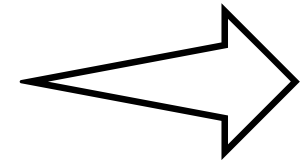
...lock will be permitted  
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...ence.

...til such time as public mains for s  
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...action, location on the lot, and tile di  
...ordance with the requirements of the Oreg

No person of any race other than those of  
...ce shall use or occupy any building on any  
...ovenant shall not prevent occupancy by domes  
...ent rect domiciled with an owner or tenant.

No dwelling house shall be used or occup  
...sidence purposes. All buildings shall be  
...hin one year from time construction there  
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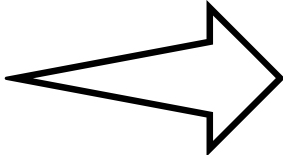
Records a Restrictive Covenant Modification document





Restrictive Covenant Project

# Community Development Agency



Certifies racially restrictive language is illegal and inconsistent with County values



# Restrictive Covenant Project Check Out Our Website

## Restrictive Covenant Project Homepage

[www.marincounty.org/main/restrictive-covenants-project](http://www.marincounty.org/main/restrictive-covenants-project)



### Overview



The Restrictive Covenant Project aims to inform and educate Marin County residents of the history and significance of government policies and programs that were intentionally discriminatory and helped create segregated communities in Marin. The use of racially restrictive covenants prohibited the purchase, lease, or occupation of a piece of property to a particular group of people, primarily Black and African Americans. And while those covenants are illegal today, many continue to remain in property deeds throughout Marin.

Through the collaboration of the [Community Development Agency](#), the [County's Office of Equity](#) and the [Assessor-Recorder's Office](#), residents of Marin are able to certify and affirm that illegal and racially restrictive covenants are unconstitutional and violate current laws and County values. Residents, former residents, and families who currently or formerly lived in Marin are encouraged to share personal stories about their lived experiences beginning with the Marinship years, to help create a narrative history of our County.

[Subscribe to this page](#)

#### Quick Links

- [How to Participate](#)
- [Additional Resources](#)
- [Gallery](#)

[About the Project](#) | [History](#) | [Contact](#)

Homeowners can identify any illegal or unlawful restrictive covenant and have the language acknowledged in their property deeds. Illegal and unlawful language may be submitted to the County's Community Development Agency for review and to certify such covenants cannot be enforced, are illegal, and are inconsistent with Marin County laws and values. This certified document can be placed on top of the homeowner's title report for future and potential buyers.

In addition, State law authorizes a person who holds an ownership interest of record in a property that is the subject of a racially or otherwise unlawfully restrictive covenant, to record a Restrictive Covenant Modification document to have the illegal language stricken. Homeowners can [record a Restrictive Covenant Modification](#) with the [Assessor-Recorder's office](#).

You are invited to share stories, photos, or experiences about the impact of racial covenants in Marin and how it has affected your life and the lives of those you know and love. Sharing will help us learn collectively as a County.

♥ [Learn more about how all residents can participate.](#)

## Restrictive Covenant Project Library Page

[www.marinlibrary.org/restrictive-covenant-resources/](http://www.marinlibrary.org/restrictive-covenant-resources/)

### Restrictive Covenant Resources

[California Room homepage >](#)



### INTRODUCTION

Welcome to Marin County's resource and learning page focused on restrictive covenants, discriminatory housing policies and laws that shaped the make-up of Marin County. The mission of the Marin County Restrictive Covenant Project is to share information to help the Marin County community connect, learn and affirm that discriminatory housing practices are not consistent with Marin County values. This page includes information and perspectives gathered from local and national sources about unfair housing practices and the impact at the local level in Marin County. The information on this page and the associated links are not comprehensive; though, we do expect the resources accessible through this page to grow. The current resources are listed by medium and date.

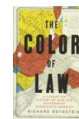
### LEARN MORE

Learn more about the project and how to participate on the County's website:

- [About the project](#)
- [How to participate](#)
- [Gallery](#)

On this page: [Books](#) | [Films](#) | [Current News](#) | [Articles](#) | [Article Clips](#) | [Booklets](#) | [BOS Resolutions](#)

### BOOKS



[The Color of Law](#)  
by Richard Rothstein



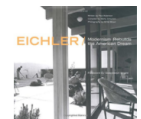
[Unjust Deeds](#)  
by Jeffrey D. Gonda



[Marinship at War](#)  
by Charles Wollenberg



[The Second Gold Rush](#)  
by Marilyn S. Johnson  
(p.182,99,228)



[Eichler](#)  
by Paul Adamson  
(p.197-204)



Restrictive Covenant Project

# Marin County Housing Element





**Marin County Housing Element – AB 686**  
Affirmatively Furthering Fair Housing



## Fair Housing Laws

- Fair Housing Laws = Civil Rights Laws
- Title VIII of the Civil Rights Act of 1968 prohibits discrimination in the sale, rental and financing of housing, and housing-related transactions, based on:
  - Race
  - Color
  - National Origin
  - Religion
  - Sex
  - Disability
  - Marital Status
  - Familial Status



**EQUAL HOUSING  
OPPORTUNITY**



# California's Fair Employment and Housing Act (FEHA)

Prohibits  
housing  
discrimination  
based upon:

Race

Color

Religion

Sex

Gender, gender identity, gender expression

Sexual orientation

Marital status

National origin

Ancestry

Familial status

Source of income

Disability

Veteran or military status

Genetic information



## Fair Housing Choice

**Fair housing choice** means that individuals and families have the information, opportunity, and options to live where they choose without unlawful discrimination and other barriers related to race, color, religion, sex, familial status, national origin, disability, or other protected characteristics.

Fair housing choice encompasses:

- **(1) Actual choice**, which means the existence of realistic housing options;
- **(2) Protected choice**, which means housing that can be accessed without discrimination; and
- **(3) Enabled choice**, which means realistic access to sufficient information regarding options so that any choice is informed.



# Affirmatively Furthering Fair Housing in California

- To promote **inclusive communities**
- Further housing **choice**
- Address **racial and economic disparities** through government programs, policies, and operations
- Applies to all public agencies in all activities related to housing and community development







## Summary of AB 686 Requirements

All public agencies are required to administer programs and activities relating to housing and community development in a manner to AFFH and take no action that is materially inconsistent with this obligation.



**Outreach**



**Assessment  
of Fair  
Housing**



**Site  
Analysis**



**Priorities,  
Goals, and  
Actions**

## Community Engagement: Early, Often, Ongoing and More



A diligent effort to include public participation from **all economic segments** of the community.



Means **going beyond simply giving the public an opportunity** to provide input.



Should be **proactively and broadly** conducted through a **variety of methods** to assure access and participation.

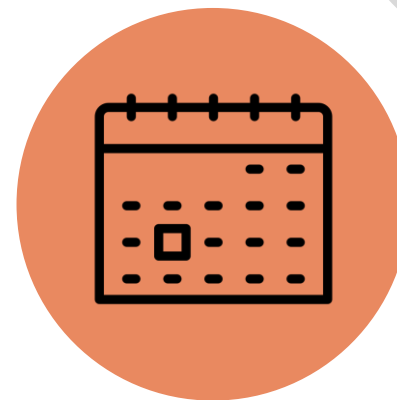
## Important Components of Meaningful Engagement

- **Early, Often and Ongoing**
- **Translation** of materials and making translation available at meetings
- Working with **CBOs and other community stakeholders** to develop effective outreach and engagement plans
- Making accessible information materials that **avoid use of overly technical language**
- Offering **mini-grants to CBOs and other stakeholders** to assist with engagement of low-income households and protected classes



## Outreach

- Jurisdictions should seek meeting sites that are **transit-accessible** and/or consider options to assist residents without vehicle access with transportation.
- Meetings should be held **outside of work hours**, including on evenings and weekends, to facilitate participation.
- **In-person and electronic** options for participation should also be made available.
- Drafts of the housing element should be made available to the public for review and comment with **ample time** before submission to the Department of Housing and Community Development (HCD) for review both in-person and electronically.





Marin County Housing Element – AB 686

# Community Engagement Strategies

**Focus  
Groups**

**Community  
Leaders**

**Businesses**

**In Home  
Workers**



## Assessment of Fair Housing

- Must identify and **analyze patterns, trends, conditions, and practices** that result in less fair housing choice and must address all of the following assessment components utilizing available federal, state, and local data and knowledge:
  - Summary of **fair housing enforcement and outreach capacity**;
  - **Integration and segregation patterns, and trends** related to people with protected characteristics;
  - **Racially or ethnically concentrated areas of poverty and/or areas of affluence**;
  - **Disparities in access to opportunity** for people with protected characteristics, including persons with disabilities; and
  - **Disproportionate housing needs** including risk of displacement.

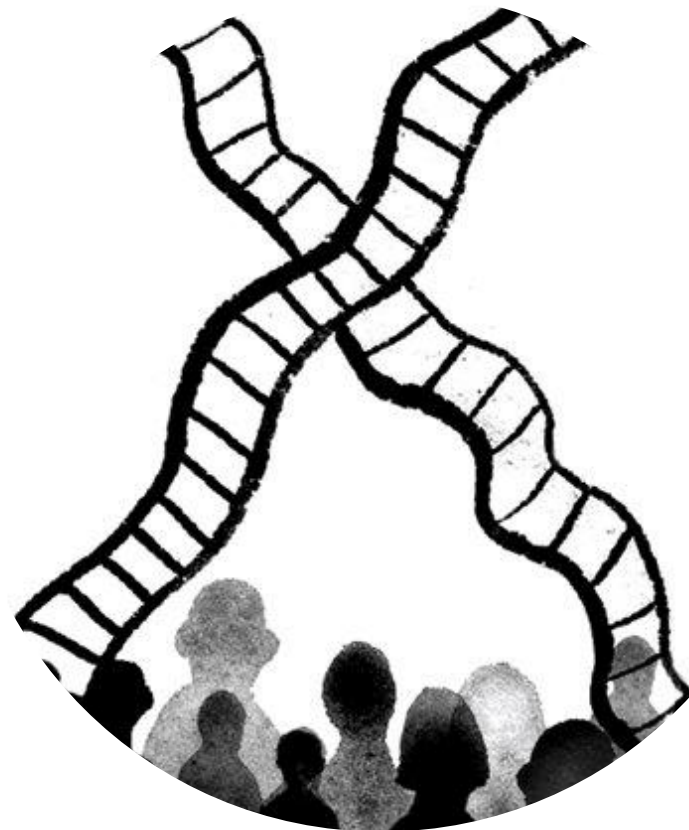
## Site Inventory



- Must demonstrate **adequate sites zoned** for the development of housing for households at each income level sufficient to accommodate the number of new housing units needed at each income level as identified in the RHNA
- An analysis of **site capacity** to accommodate the RHNA, and whether the identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.

## Identify and Prioritize Contributing Factors

- **Identify fair housing issues** and significant contributing factors.
- Prioritize contributing factors, giving **highest priority to those factors that most limit or deny fair housing choice**, access to opportunity, or negatively impact fair housing or civil rights compliance.
- Discuss **strategic approaches** to inform and strongly connect to goals and actions.
- **Goals and actions should stem** directly from contributing factors.





# Goals and Actions

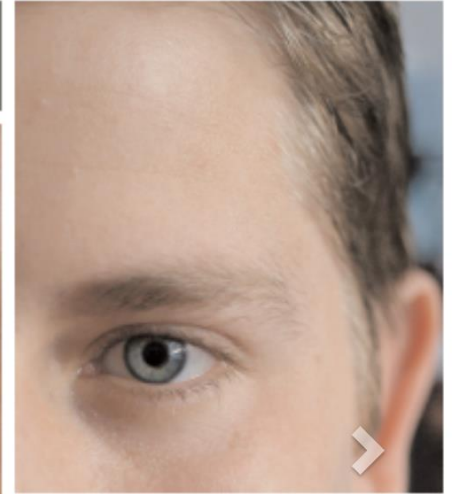




## Affirmatively Furthering Fair Housing

- **Addresses** significant disparities in housing needs and in access to opportunities;
- **Replaces** segregated living patterns with truly integrated and balanced living patterns;
- **Transforms** racially and ethnically concentrated areas of poverty into areas of opportunity; and
- **Fosters** and maintains compliance with civil rights and fair housing laws.

YOUR CREDIT STATUS WILL AFFECT  
YOUR ABILITY TO BUY A HOUSE.



YOUR RACIAL STATUS  
SHOULD NOT.

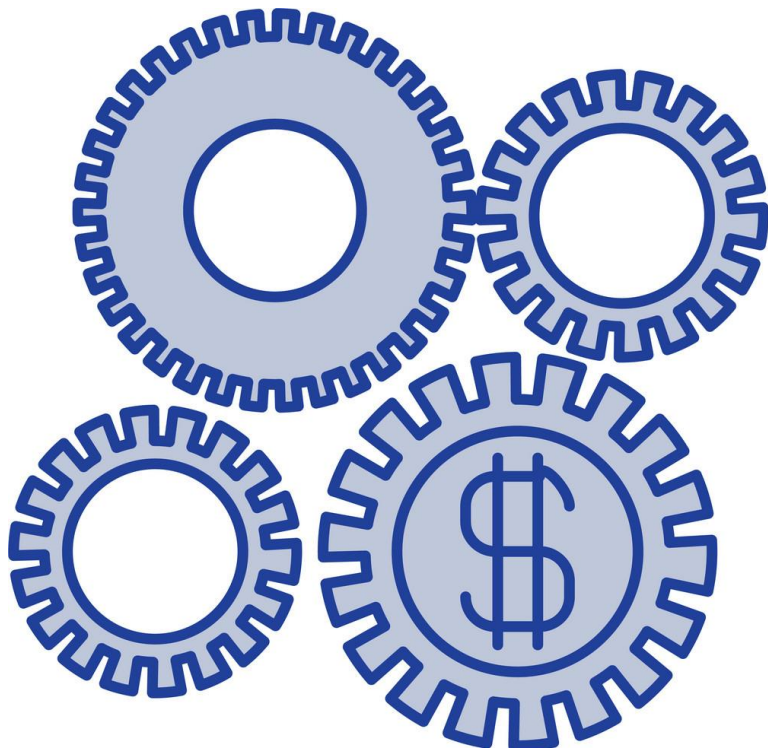
# Replacing Segregated Living Patterns with Truly Integrated and Balanced Living Patterns

- **Community benefits agreements** that balance development proposals with tangible, local benefits to residents - investments that meet community-identified needs, such as infrastructure and community amenities
- **Inclusionary zoning** requirements
- **Zoning for a variety of housing types**, particularly those that may be lacking from the community or neighborhood, including multifamily housing





# Transforming Racially and Ethnically Concentrated Areas of Poverty into Areas of Opportunity



- **Economic development** strategies
- **Neighborhood improvements** such as safe routes to school, transit, parks, schools, bike and pedestrian infrastructure
- **Preservation of affordable housing** where low-income households live



## **Marin County Housing Element**

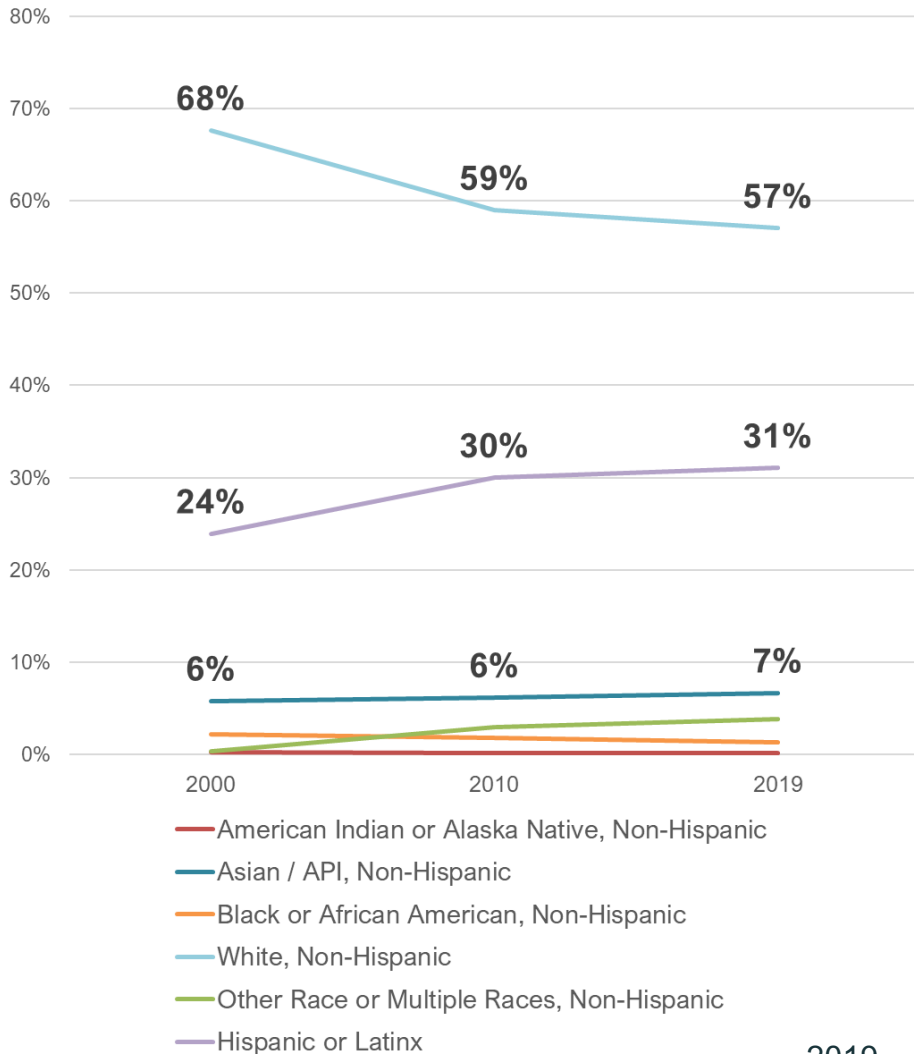
Fair Housing & Equity → [CITY OF SAN RAFAEL](#)



# Marin County Housing Element | Fair Housing & Equity

## City of San Rafael

### San Rafael Racial Breakdown Over Time



2019

	2000	2010	2019
<b>American Indian or Alaska Native, Non-Hispanic</b>	117	107	75
<b>Asian, Non-Hispanic</b>	3,171	3,556	3,917
<b>Black or African American, Non-Hispanic</b>	1,175	1,024	792
<b>White, Non-Hispanic</b>	36,960	34,031	33,509
<b>Other Race or Multiple Races, Non-Hispanic</b>	168	1,693	2,240
<b>Hispanic/Latinx</b>	13,070	17,302	18,242
<b>Total</b>	<b>54,661</b>	<b>57,713</b>	<b>58,775</b>

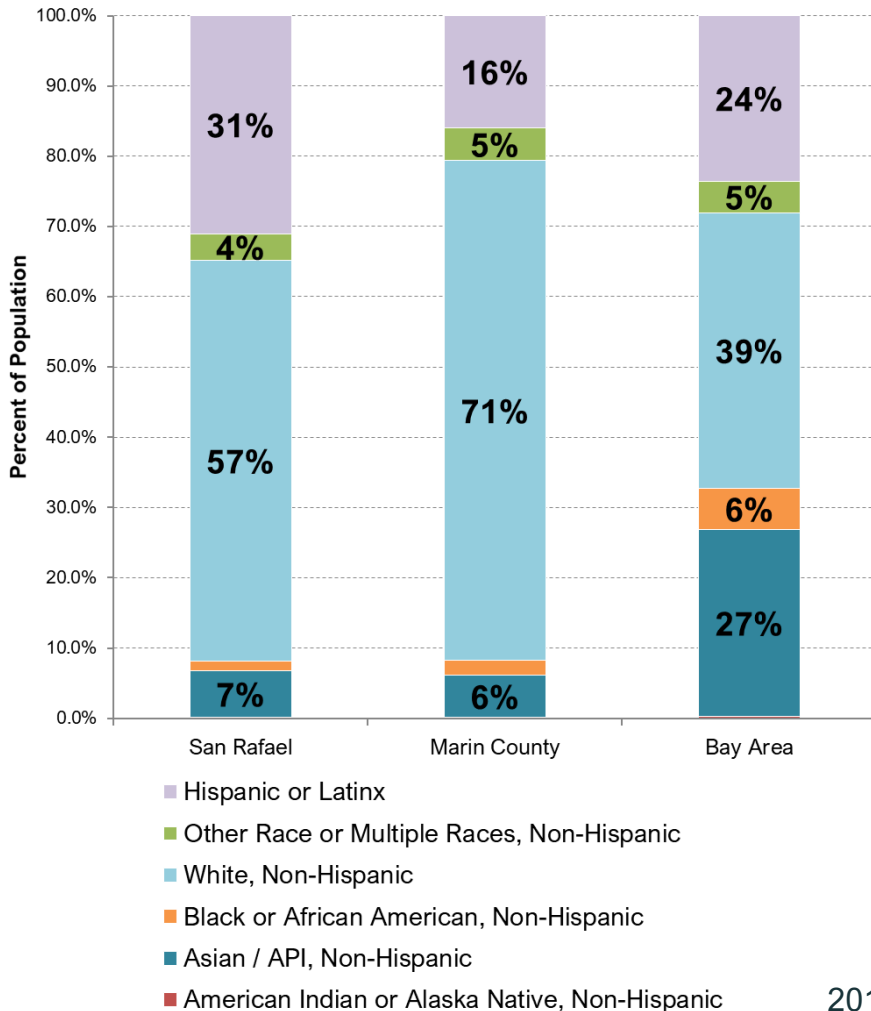
2019



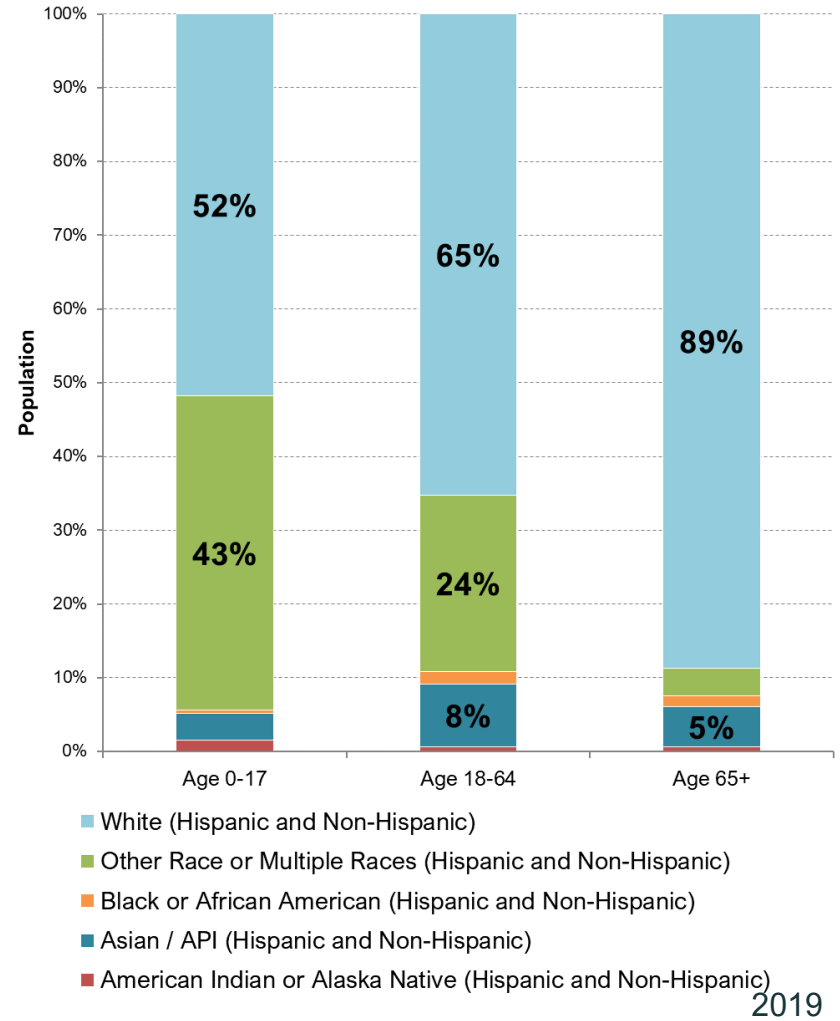
# Marin County Housing Element | Fair Housing & Equity

## City of San Rafael

### Racial Breakdown San Rafael, Marin and Bay Area



### Racial Breakdown by Age Group

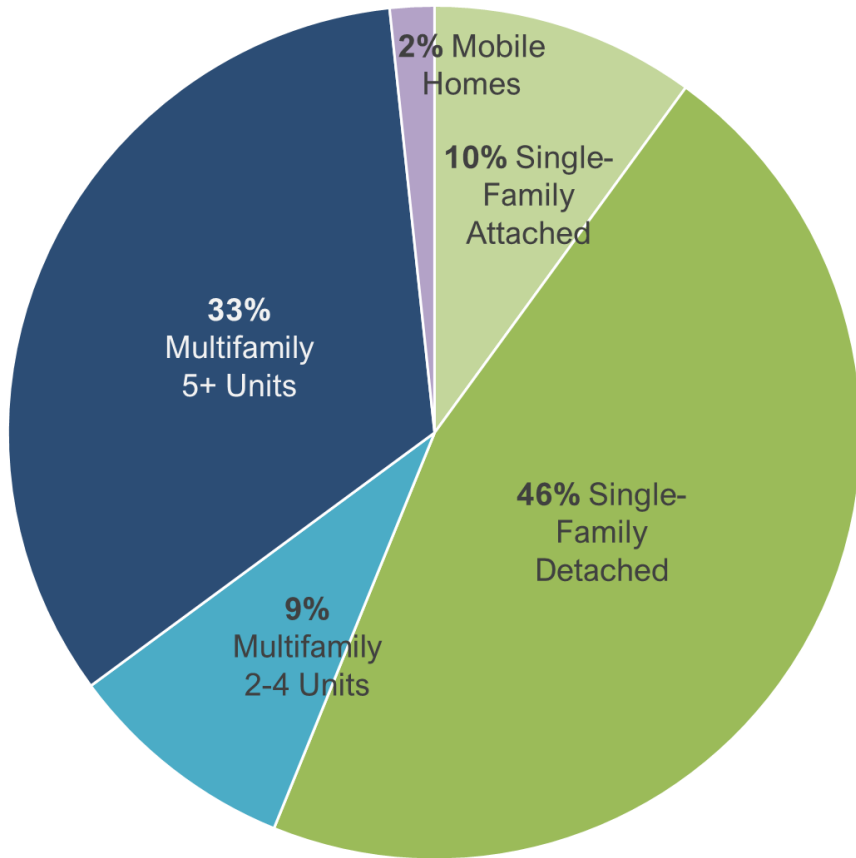




# Marin County Housing Element | Fair Housing & Equity

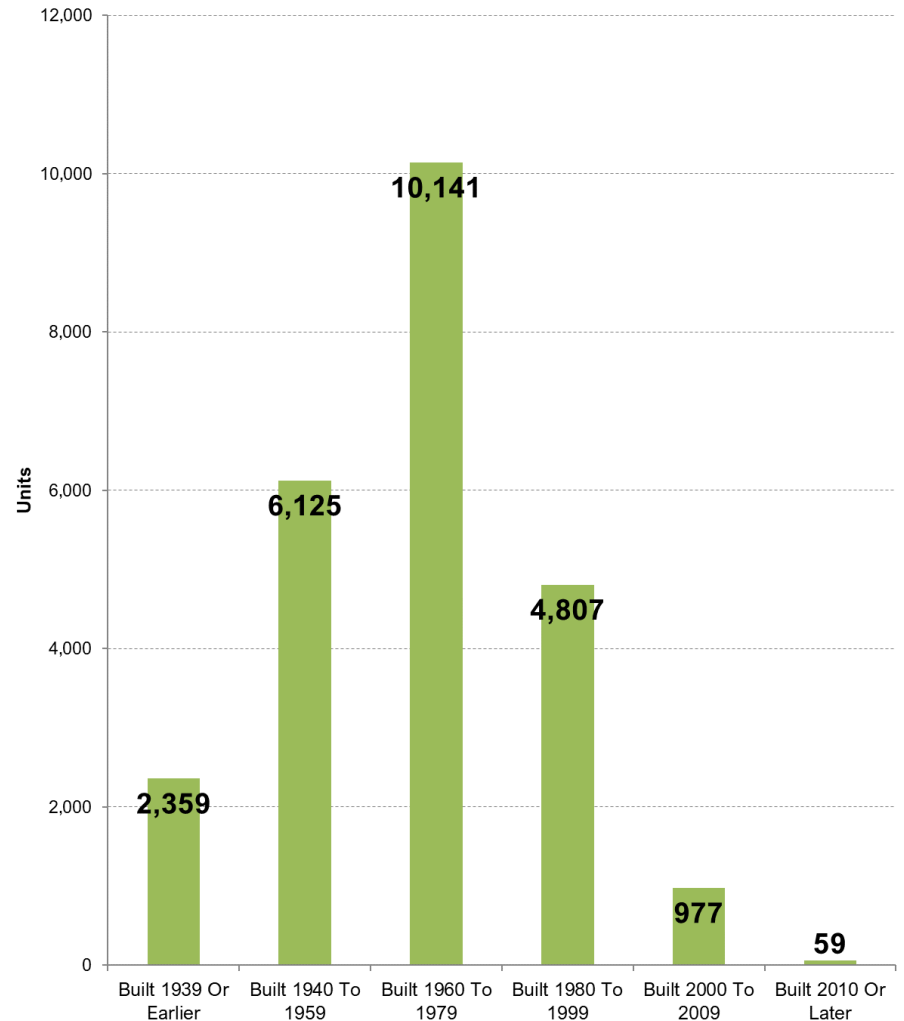
## City of San Rafael

### Housing Stock



2020

### Housing Units by Year Structure Built



2019





**Overcrowding by Tenure**

	<b>Owner Occupied</b>	<b>Renter Occupied</b>
<b>1 to 1.5 occupants/room</b>	0.0%	9.7%
<b>More than 1.5 occupants/room</b>	0.4%	11.7%

**Number of Bedrooms by Housing Tenure**

	<b>Owner Occupied</b>	<b>Renter Occupied</b>
<b>0 Bedrooms</b>	0%	13%
<b>1 Bedrooms</b>	4%	39%
<b>2 Bedrooms</b>	18%	32%
<b>3-4 Bedrooms</b>	72%	15%
<b>5 Or More Bedrooms</b>	6%	1%



# Marin County Housing Element | Fair Housing & Equity

## City of San Rafael

### Income levels to Qualify for Affordable Housing in Marin County

Income Level	1-Person	2-Person	3-Person	4-Person
Extremely Low	\$38,400	\$43,850	\$49,350	\$54,800
Very Low	\$63,950	\$73,100	\$82,250	\$91,350
Low	\$102,450	\$117,100	\$131,750	\$146,350
Moderate	\$125,650	\$143,600	\$161,550	\$179,500
Area Median Income	\$104,700	\$119,700	\$134,650	\$149,600

Source: CA HCD 2021 Income Limits



# Marin County Housing Element | Fair Housing & Equity

## City of San Rafael

	2019	2014	2009
<b>Median Annual Renter Household Income</b>	\$61,595	\$44,506	\$45,369
<b>Market-Rate Rent 2-Bedroom</b>	\$3,170	\$1,956	\$1,658

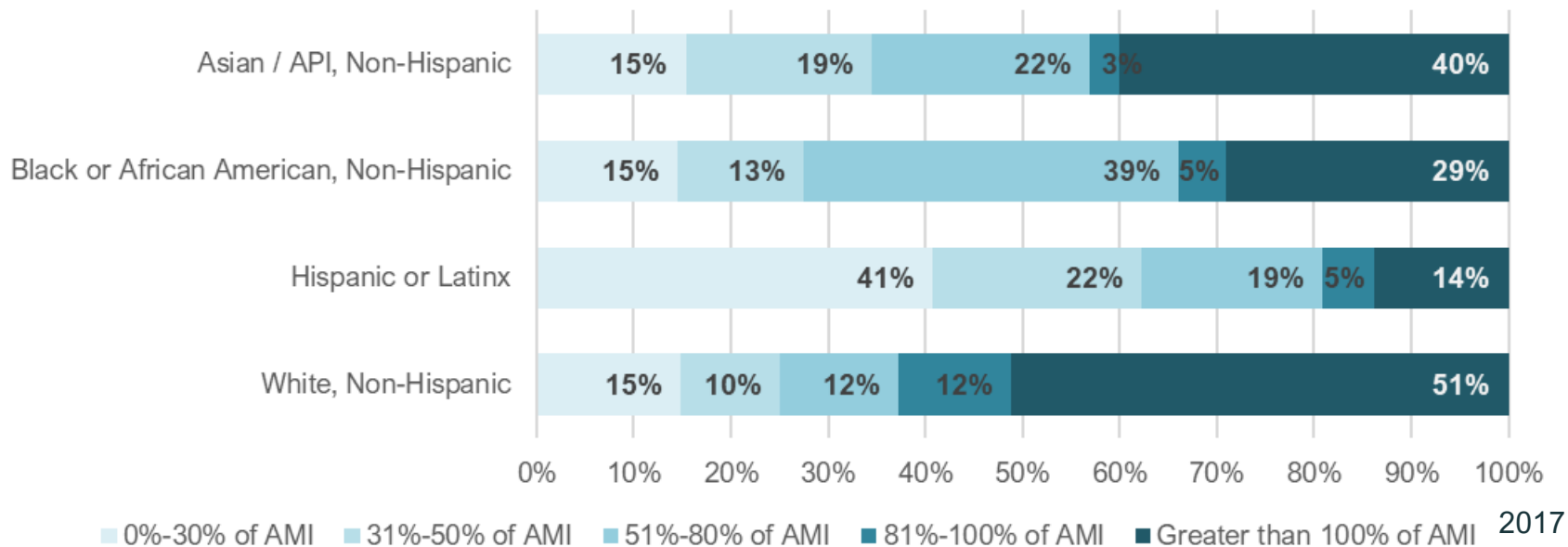
**Market-rate rent in Marin increased by 91% from 2009-2019 while incomes increased by 36% in San Rafael.**



# Marin County Housing Element | Fair Housing & Equity

## City of San Rafael

### Household Income Distribution by Race



### Tenure by Race

	White, non-Hispanic	Hispanic or Latinx	Black or African American (Hispanic and Non-Hispanic)*	Asian/API (Hispanic and Non-Hispanic)
<b>Owner-occupied</b>	64%	14%	15%	56%
<b>Renter-occupied</b>	36%	86%	85%	44%

\* Small sample size



## City of San Rafael

### Affordable housing = 30% of household income

- **Low-Income Household of 1:**
  - Income = \$102,450 | Housing Costs = \$2,561
- **Low-Income Household of 4:**
  - Income = \$146,350 | Housing Costs = \$3,659

Position	Gross Annual Income	Monthly Housing Costs
Senior on Fixed Income	\$18,516 (\$1,543/month)	\$463
Barista, Equator Coffees	\$35,360 (\$17/hour, 40 hours/week)	\$884
San Rafael High School Teacher	\$61,744	\$1,544
Fire Captain, San Rafael Fire Dept.	\$119,850	\$2,996



## Marin County Housing Element | Fair Housing & Equity

# County Fair Housing Initiatives

- **Countywide Website**
  - Project pages for each jurisdiction
  - Countywide Fair Housing Page
    - Jurisdiction Locator (What jurisdiction do you live in?)
- **Affirmative Marketing/Outreach Support**
  - Translation Services
  - Maps of Areas of Outreach
- **Demographic analysis over time**
  - Race/Ethnicity
  - Income
  - Housing Stock
- **Equitable Analysis of Sites**
- **Meaningful Actions**
  - Programs and Policies



**Questions**