

ASSEMBLY BILL

No. 985

Introduced by Assembly Member De La Torre

February 27, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

AB 985, as introduced, De La Torre. Real property: discriminatory restrictions.

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, except as specified.

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 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, except as specified.

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

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

1 SECTION 1. Section 782.6 is added to the Civil Code, to read:
2 782.6. (a) A title insurance company involved in any transfer
3 of real property that provides a copy of a deed or other written
4 instrument relating to title to real property, or any written covenant,
5 condition, or restriction annexed or made a part of, by reference
6 or otherwise, the deed or instrument, that contains any provision
7 that purports to forbid, restrict, or condition the right of any person
8 or persons to sell, buy, lease, rent, use, or occupy the property on
9 account of any basis listed in subdivision (a) or (d) of Section
10 12955 of the Government Code, as those bases are defined in
11 Sections 12926 and 12926.1, subdivision (m) and paragraph (1)
12 of subdivision (p) of Section 12955, and Section 12955.2 of the
13 Government Code, with respect to any person or persons, shall
14 cause that provision to be stricken from the deed or other
15 instrument before the property is transferred.
16 (b) Notwithstanding subdivision (a), with respect to familial
17 status, subdivision (a) shall not be construed to apply to housing
18 for older persons, as defined in Section 12955.9 of the Government
19 Code. With respect to familial status, nothing in subdivision (a)
20 shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11,
21 and 799.5, relating to housing for senior citizens. Subdivision (d)
22 of Section 51 and Section 1360 of this code and subdivisions (n),
23 (o), and (p) of Section 12955 of the Government Code shall apply
24 to subdivision (a).

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