News from the City!

Atascadero is Warm, Welcoming and Inclusive - Now Even More So

October, 2020 - By City Manager, Rachelle Rickard

Atascadero is a dynamic community with deeply held values of civility and decency. On October 13, 2020, the City Council passed Resolution 2020-073 and proclaimed for the public record that the City of Atascadero “will not tolerate racial bias and welcomes warmly and without reservation neighbors of all races and ethnicities in our community.”

In 2019 and prior to events earlier this year that sparked social advocacy, activism, protests and the ongoing national conversation regarding the importance of diversity and inclusion, the Atascadero Chamber of Commerce established a Diversity Council that is dedicated to empowering our business community to celebrate diversity through education and kindness. This past summer, community members and groups seeking to end any social, economic, personal safety and other disparities that may exist for people of color, reached out to the City of Atascadero, seeking to understand what has already been and still can be accomplished in the area of police reform and other important issues.

A Council sub-committee comprised of Mayor Moreno and Council Member Funk, along with the City Manager and Police Chief, met with representatives of R.A.C.E. Matters to begin a dialog. At the same time, a growing awareness began about the form of property deed that had been used by Atascadero’s founders for lots of land in the original Colony of Atascadero back in 1913, which included a common but morally repugnant clause excluding all non-white races from ownership of the property covered by the deed. In the spirit of truth and reconciliation, the City of Atascadero has now gone on record to repudiate historical racial restriction on ownership and deeply regrets that it was once considered it acceptable.

That historical type of restrictive deed covenant is certainly not unique to Atascadero. In fact, it’s been estimated that by the time they were ruled unenforceable by the Supreme Court in 1948, more than half of all residential properties in the entire country contained these types of covenants that are illegal, unenforceable and immoral. However, since covenants run with the land, they become part of the historic title in perpetuity and the majority of owners may not even be aware that their properties are subject to racially restrictive covenants.

The City, County or other agency cannot remove these covenants, only property owners have that ability should they choose to do so. The process to remove deed covenants had once been very expensive and time consuming, but in California, it is now a simple process for property owners to remove them, with the only cost being that of notarization. In Atascadero, our City staff will be happy to perform this service at no cost for Atascadero residents.

Any Atascadero landowner can redact a racially discriminate covenant from their Colony Property Deed by taking the following steps:
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1. Complete the SLO County Clerk Recorders Office Restrictive Covenant Modification Form, which can be found at https://www.slocounty.ca.gov/Departments/Clerk-Recorder/Forms-Documents/Recording/Commonly-Recorded-Restrictive-Covenant-Modification.aspx

2. Bring the completed (unsigned) form to Atascadero City Hall for signing and notarization, along with two forms of photo identification (please be sure to call ahead to make an appointment at 805-461-5000. Notarization at City Hall will be completed free of charge).

3. The landowner must make a copy of their deed and include a copy of the specific verbiage that they want redacted.

4. The landowner then needs to deliver the signed and notarized Restrictive Covenant Modification form and the copy of their deed to the San Luis Obispo County Clerk Recorders Office in San Luis Obispo. The landowner’s updated document will show that the verbiage was redacted and the original will be returned to the property owner.

An alternative option could be to add a covenant to existing deeds with language that acknowledges the racist clause, repudiates the unlawful clause and states instead that neighbors of all races and ethnicities are welcomed with enthusiasm. The San Luis Obispo County Clerk Recorders Office agreed that property owners can add verbiage to their deeds, but they suggest that prior to doing so, owners be sure to contact their attorney.

With either option, we believe that each Atascadero property owner taking the time and effort to make this change to their deeds will be a strong message with a positive impact.

As always, if you have any questions regarding this or another topic related to the City of Atascadero, feel free to contact me at rrickard@atascadero.org.