

AMENDED IN SENATE JUNE 15, 2026

AMENDED IN ASSEMBLY APRIL 16, 2026

AMENDED IN ASSEMBLY APRIL 9, 2026

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CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1857

Introduced by Assembly Member Aguiar-Curry
(Principal coauthor: Assembly Member Wicks)
(Coauthors: Assembly Members ~~Kalra~~ Bonta, Kalra, and Schiavo)

February 11, 2026

An act to add Section 714.8 to the Civil Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1857, as amended, Aguiar-Curry. Unlawfully restrictive covenants: grocery stores and supermarkets.

Existing law makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in real property that effectively prohibits or restricts certain land uses, including the installation or use of a solar energy system or construction or use of an accessory dwelling unit or junior accessory dwelling unit on certain lots. Existing law authorizes a person who holds or is acquiring an ownership interest of record in property that the person believes is the subject of an unlawfully restrictive covenant, as specified, to record a restrictive covenant modification document. Before recording the document, existing law requires the county recorder to submit the modification document and the original document to the county counsel,

who is required to determine whether the original document contains an unlawful restriction.

This bill would make void and unenforceable against an interested party any covenant, restriction, or condition contained in any deed, contract, security instrument, lease, or other recorded or unrecorded instrument affecting the transfer or sale of any interest in real property that effectively prohibits or restricts the use of that property as a grocery store or supermarket, as defined, if a grocery store or supermarket *either* previously operated on the property and has ceased operations *or is no longer in actual operation within a commercial project or shopping center* and an approved restrictive covenant modification document has been recorded in the public record. The bill would entitle an interested party, as defined, to establish that an existing restrictive covenant is unenforceable by submitting a restrictive covenant modification document to the county recorder, in accordance with certain procedures, to allow the grocery store or supermarket development to proceed. By imposing additional duties on county officials, this bill would impose a state-mandated local program. The bill would include findings and declarations relating to these provisions.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Food insecurity and affordability are converging crises in
- 4 California. More than one in five Californians is experiencing
- 5 hunger, while food prices have increased by nearly 30 percent
- 6 since 2020.
- 7 (b) Food insecurity is exacerbated by longstanding racial and
- 8 economic inequities, with Black and Latino households being over
- 9 twice as likely to be food insecure compared to White counterparts,
- 10 92 percent of Native American households in the Klamath Basin
- 11 of northern California suffering from food insecurity, and Asian

1 American, Native Hawaiian, and Pacific Islander communities in
2 southern California suffering from great rates of food insecurity.

3 (c) Food insecurity has severe and lasting consequences for
4 public health, child development, and educational and economic
5 outcomes. Even a single experience of hunger during childhood
6 can have lifelong impacts. Food insecurity imposes substantial
7 public costs, including more than \$7,000,000,000 annually in health
8 care costs in California, the most in the nation.

9 (d) California produces more than one-half of the vegetables
10 and approximately three-quarters of the fruits and nuts grown in
11 the United States. Persistent hunger reflects barriers to physical,
12 economic, and cultural access to food, rooted in racial
13 discrimination, disinvestment, land use exclusion, and market
14 manipulation.

15 (e) Two million seven hundred thousand low-income
16 Californians live in urban and rural areas that maintain low
17 geographical access to grocery stores, with one-half of Black
18 neighborhoods across the United States having neither a
19 supermarket nor a full-service grocery store.

20 (f) Restrictive covenants contained in deeds, leases, and other
21 land use documents prohibit the use of commercial property for
22 food retail purposes, preventing food retailers from establishing
23 at a site, and therefore operating as private land use barriers that
24 reduce food access, limit consumer choice, suppress competition,
25 and create conditions for the high cost of food.

26 (g) Historic redlining and racial segregation have shaped the
27 geographic distribution of food retailers in California. Restrictive
28 covenants function as a structural barrier to food access by
29 reinforcing these patterns of disinvestment, resulting in Black,
30 Indigenous, and people of color (BIPOC) neighborhoods being
31 disproportionately more likely to live in food deserts compared to
32 their White counterparts.

33 (h) Restrictive covenants in housing deeds, which were used to
34 prohibit non-White families from owning homes, were rendered
35 judicially unenforceable by the United States Supreme Court in
36 1948. California law now prohibits the enforcement of such
37 covenants and requires their identification and disavowal in
38 property records.

39 (i) In 2023, the State of California declared that every human
40 being has the right to access sufficient affordable and healthy food,

1 affirming the state's responsibility to remove barriers that prevent
2 Californians from obtaining affordable and healthy food.

3 (j) It is therefore a matter of statewide concern to eliminate
4 private land use restrictions that impede access to food. The
5 Legislature finds that voiding restrictive covenants that prohibit
6 or limit grocery and supermarket uses is a reasonable and necessary
7 exercise of the state's power to protect public health, promote
8 equity, and advance the welfare of all Californians.

9 SEC. 2. Section 714.8 is added to the Civil Code, immediately
10 following Section 714.7, to read:

11 714.8. (a) This section shall be known as, and may be cited
12 as, the Grocery Store Access Act.

13 (b) For purposes of this section, "grocery store" or
14 "supermarket" means ~~any retailer that sells food items~~; *a retail*
15 *store in this state that sells a broad range of perishable and*
16 *nonperishable household food products for offsite consumption,*
17 *such as fresh meat, poultry, and seafood, fresh produce, dairy*
18 *products, frozen foods, canned foods, dry foods, baked goods, and*
19 *beverages.*

20 (c) Any covenant, restriction, or condition contained in any
21 deed, contract, security instrument, lease, or other recorded or
22 unrecorded instrument affecting the transfer or sale of any interest
23 in real property that effectively prohibits or restricts the use of that
24 property as a grocery store or supermarket shall be void and
25 unenforceable against an interested party if both of the following
26 conditions are met:

27 (1) A grocery store or supermarket, as defined in subdivision
28 (b), ~~previously either~~:

29 (A) *Previously* operated on the property and has ceased
30 operations.

31 (B) *Is no longer in actual operation within a commercial project*
32 *or shopping center pursuant to paragraphs (1) and (2) of*
33 *subdivision (i).*

34 (2) An approved restrictive covenant modification document
35 has been recorded in the public record as provided for in this
36 section.

37 (d) (1) An interested party shall be entitled to establish that an
38 existing restrictive covenant is unenforceable pursuant to ~~paragraph~~
39 ~~(1) of~~ subdivision (c) by submitting a restrictive covenant
40 modification document pursuant to Section 12956.2 of the

1 Government Code that modifies or removes any existing restrictive
2 covenant language that restricts or prohibits the use of the property
3 as a grocery store or supermarket, to the extent necessary to allow
4 the grocery store or supermarket development to proceed under
5 the existing declaration of restrictive covenants.

6 (2) (A) The interested party shall submit to the county recorder
7 a copy of the original restrictive covenant and any documents the
8 ~~owner~~ *interested party* believes necessary to establish that a grocery
9 ~~store or supermarket previously operated on the property. meet~~
10 *either of the conditions in paragraph (1) of subdivision (c).* Those
11 documents shall be submitted prior to, or simultaneously with, the
12 submission of the request for recordation of the restrictive covenant
13 modification document, and may include, but are not limited to,
14 business license records, health department permits, Alcoholic
15 Beverage Control Act license records, or county assessor records.

16 (B) Before recording the restrictive covenant modification
17 document, pursuant to subdivision (b) of Section 12956.2 of the
18 Government Code, the county recorder shall, within five business
19 days of receipt, submit the documentation provided to the county
20 recorder by the ~~owner~~ *interested party* pursuant to subparagraph
21 (A) and the modification document to the county counsel for
22 review. The county counsel shall determine whether the original
23 restrictive covenant document restricts the property in a manner
24 prohibited by subdivision (c), whether the ~~owner~~ *interested party*
25 has submitted documents sufficient to establish that the property
26 ~~qualifies as a grocery store or supermarket development under this~~
27 ~~section, meet either of the conditions in paragraph (1) of~~
28 *subdivision (c),* whether any notice required under this section has
29 been provided, whether any exemption provided in subdivision
30 (g) applies, and whether the restriction may no longer be enforced
31 against the ~~owner of the grocery store or supermarket development~~
32 ~~and that the~~ *owner interested party and that the interested party*
33 may record a modification document pursuant to this section.

34 (C) Pursuant to Section 12956.2 of the Government Code, the
35 county counsel shall return the documents and inform the county
36 recorder of the county counsel's determination within 15 days of
37 submission to the county counsel. If the county counsel is unable
38 to make a determination, the county counsel shall specify the
39 documentation that is needed in order to make the determination.
40 If the county counsel has authorized the county recorder to record

1 the modification document, that authorization shall be noted on
2 the face of the modification or on a cover sheet affixed thereto,
3 and the county recorder shall notify the ~~owner or submitting party~~
4 *interested party* of the county counsel's determination without
5 delay so that the notice described in subparagraph (D) may be
6 given.

7 (D) Upon being notified that the county counsel has authorized
8 the county recorder to record the modification document, the
9 interested party may mail, by certified mail to anyone who the
10 interested party knows has an interest in the property or in the
11 restrictive covenant, a copy of the modification document, together
12 with a copy of this section and a written explanation that the
13 modification has been applied for and approved for recordation
14 by the county counsel pursuant to this section. That notice shall
15 be deemed given if the notice is actually received by the intended
16 recipient or if the notice is mailed by certified mail both to an
17 address for notice indicated in the restrictive covenant, if any, and
18 to the intended recipient's address as shown in the last equalized
19 assessment roll, if that address reasonably can be ascertained from
20 the assessment roll. The interested party may also publish notice
21 pursuant to Section 6061 of the Government Code identifying that
22 a modification document pursuant to this section has been
23 submitted to the county recorder and approved for recordation by
24 the county counsel, and that the modification document is available
25 for public inspection in the office of the county recorder. The notice
26 shall also identify the property by assessor's parcel number and
27 mailing address. If no mailing address has been assigned for the
28 property, then the property shall be identified instead by its nearest
29 intersection. If the interested party elects to publish notice in this
30 manner, then notice shall be deemed given to anyone whose interest
31 does not appear of record or for whom an address for notice does
32 not appear of record and cannot reasonably be ascertained from
33 the assessment roll. Notice as described in this subparagraph is
34 optional, and failure to provide it shall not, in any manner,
35 invalidate a restrictive covenant modification document recorded
36 pursuant to this section.

37 (E) The county recorder shall not record the modification
38 document if the county counsel finds ~~that the original restrictive~~
39 ~~covenant document does not contain a restriction prohibited by~~
40 ~~this section or if the county counsel finds that a grocery store or~~

1 ~~supermarket did not previously operate on the property. any reason~~
2 ~~why the modification document is not appropriate under the terms~~
3 ~~of this section.~~

4 (F) A modification document shall be indexed in the same
5 manner as the original restrictive covenant document being
6 modified. It shall contain a recording reference to the original
7 restrictive covenant document, in the form of a book and page or
8 instrument number, and date of the recording. The effective date
9 of the terms and conditions of the modification document shall be
10 the same as the effective date of the original restrictive covenant
11 document, subject to any intervening amendments or modifications,
12 except to the extent modified by the recorded modification
13 document.

14 (3) If an interested party causes to be recorded a modification
15 document pursuant to this section that modifies or removes a
16 restrictive covenant that is not authorized by this section, the county
17 shall not incur liability for recording the document. The liability
18 that may result from the unauthorized recordation shall be the sole
19 responsibility of the ~~grocery store or supermarket owner~~ *interested*
20 *party* who ~~caused~~ *submitted* the unauthorized *modification*
21 *document* for recordation.

22 (4) A restrictive covenant that was originally invalidated by this
23 section shall become and remain enforceable while the property
24 subject to the restrictive covenant modification is utilized in any
25 manner that violates the terms of the restrictions required by this
26 section.

27 (5) If the property is utilized in any manner that violates the
28 terms of the restrictions required by this section, the city or county
29 may, after notice and an opportunity to be heard, record a notice
30 of that violation. If the interested party complies with the applicable
31 restrictions, the ~~owner~~ *interested party* may apply to the agency
32 of the city or county that recorded the notice of violation for a
33 release of the notice of violation, and, if approved by the city or
34 county, a release of the notice of violation may be recorded.

35 (6) The county recorder may charge a standard recording fee
36 to an interested party who submits a modification document for
37 recordation pursuant to this section.

38 (e) This section shall only apply to restrictive covenants that
39 restrict or prohibit the use of the property as a grocery store or
40 supermarket.

(f) (1) Any suit filed by a party that is deemed to have been given notice as described in subparagraph (D) of paragraph (2) of subdivision (d), which challenges the validity of a restrictive covenant modification document pursuant to this section, shall be filed within ~~35~~ 60 days of that notice.

(2) In any suit filed to enforce the rights provided in this section or defend against a suit filed against them, a prevailing interested party, and any successors or assigns, shall be entitled to recover, as part of any judgment, litigation costs and reasonable attorney's fees, provided that any judgment entered shall be limited to those costs incurred after the modification document was recorded as provided by subdivision (b).

(3) This subdivision shall not prevent the court from awarding any prevailing party litigation costs and reasonable attorney's fees otherwise authorized by applicable law, including, but not limited to, subdivision (d) of Section 815.7.

(g) (1) Provided that the restrictions are otherwise compliant with all applicable laws, this section does not invalidate local building codes, fire codes, health and safety regulations, or other rules regulating commercial uses of property, including, but not limited to, any of the following:

(A) The size, height, setback, or design of commercial structures.

(B) Parking, traffic circulation, loading, or access requirements.

(C) Signage, lighting, noise, or hours of operation.

(D) Health department permitting, food safety, or sanitation requirements applicable to food retail establishments.

(2) This section shall not be interpreted to authorize any use of property that is not otherwise consistent with the local general plan, zoning ordinances, and any applicable specific plan, conditional use permit, or other land use entitlement that applies to the property. Nothing in this section exempts a grocery store or supermarket from obtaining any permit, license, or approval otherwise required by state or local law.

(h) For the purpose of this section, an "interested party" shall mean any of the following:

(1) The owner or current lessee of the property.

(2) A person or entity that holds a right to acquire the property under an option agreement, purchase and sale agreement, or similar agreement.

1 (3) A person or entity that has submitted a complete application
2 for a business license, conditional use permit, or other land use
3 entitlement to a city or county for the purpose of operating a
4 grocery store or supermarket.

5 (4) A party under contract to lease the property for the purpose
6 of operating a grocery store or supermarket.

7 (i) This section does not apply to, and shall not be construed to
8 invalidate or render unenforceable, any of the following:

9 (1) An exclusive-use provision, radius restriction, or similar
10 covenant contained in a lease or sublease between a landlord and
11 a tenant, to the extent that the provision restricts the landlord from
12 leasing other premises within the same commercial project or
13 shopping center to a competing grocery store or supermarket,
14 provided that at least one grocery store or supermarket, as defined
15 in subdivision (b), is in actual operation within the commercial
16 project or shopping center at the time enforcement of the provision
17 is sought.

18 (2) A covenant or restriction that limits the number of grocery
19 store or supermarket tenants within a single commercial project
20 or shopping center, but does not prohibit all grocery store or
21 supermarket use of the ~~property~~ *property, provided that at least*
22 *one grocery store or supermarket is in actual operation within the*
23 *commercial project or shopping center at the time enforcement of*
24 *the provision is sought.*

25 (3) A restriction agreed to by a governmental entity as part of
26 a development agreement, disposition and development agreement,
27 or similar public land use entitlement, to the extent it regulates the
28 mix or density of retail uses within a specific development.

29 (4) A covenant, condition, or restriction that relates to purely
30 aesthetic objective design standards, fees or assessments for the
31 maintenance of common areas, or other obligations that do not
32 have the purpose or effect of prohibiting or restricting the use of
33 the property as a grocery store or supermarket.

34 (j) The invalidity or unenforceability of any restrictive covenant
35 pursuant to this section shall not affect the validity or enforceability
36 of the remaining provisions of the instrument in which the
37 restrictive covenant is contained. All such remaining provisions
38 shall continue in full force and effect.

39 (k) This section shall not be interpreted to modify, weaken, or
40 invalidate existing laws protecting affordable and fair housing and

1 prohibiting unlawful discrimination in the provision of housing,
2 or any applicable zoning, building, or land use regulation of a city,
3 county, or city and county.

4 SEC. 3. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 a local agency or school district has the authority to levy service
7 charges, fees, or assessments sufficient to pay for the program or
8 level of service mandated by this act, within the meaning of Section
9 17556 of the Government Code.