
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1857 (Aguiar-Curry) - Unlawfully restrictive covenants: grocery stores and supermarkets

Version: June 15, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: JUD. 13 - 0

Mandate: Yes

Consultant: Bob Franzoia

Bill Summary: AB 1857 would make void and unenforceable a covenant that prohibits or restricts the use of a property as a grocery store or supermarket, if a grocery store or supermarket previously operated on that property. By imposing additional duties on county officials, this bill would impose a state mandated local program.

Fiscal Impact: Unknown, local costs for county recorders and county counsels. While county recorder costs are fee-supported and not likely to be subject to state reimbursement, county counsel costs could be reimbursable, subject to a determination by the Commission on State Mandates. (General Fund)

Background: 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. 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 may record a restrictive covenant modification document. Before recording the document, the county recorder is required 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.

Related Legislation: AB 721 (Bloom) Chapter 349/2021 renders unenforceable any recorded covenants, conditions, restrictions, or private limits that restrict the number, size, or location of units, or the number of residents or families that may reside on a property, if a property owner developing a housing project consisting entirely of affordable units records a restrictive covenant affordable housing modification document, as specified.

AB 1050 (Schultz) Chapter 504/2025 authorizes an individual or entity that wants to develop housing on an existing commercial property, to apply to remove any covenants that restrict the density of the housing that may be built on that property.

Staff Comments: This bill defines “grocery store” or “supermarket” to mean a retail store in this state that sells a broad range of perishable and nonperishable household food products for offsite consumption, such as fresh meat, poultry, and seafood, fresh produce, dairy products, frozen foods, canned foods, dry foods, baked goods, and beverages.