

[Supporting California State Assembly Bill No. 1857 (Aguiar-Curry) - Unlawfully Restrictive Covenants: Grocery Stores and Supermarkets]

Resolution supporting California Assembly Bill No. 1857 (Aguiar-Curry), which voids and makes unenforceable restrictive covenants that prohibit the operation of a grocery store or supermarket on real property where one previously operated.

WHEREAS, California declared access to food a human right in 2023, yet more than one in five Californians experience hunger, and nearly three million low-income Californians live in food deserts without reliable access to affordable, healthy food; and

WHEREAS, Some large grocery chains and retailers, upon vacating a property, have placed restrictive covenants on the deed or lease barring any future grocery store or supermarket from operating on that site, in some cases for 15 to 50 years; and

WHEREAS, In Vallejo, Safeway placed a covenant on a former store site prohibiting grocery use for 15 years after its closure, leaving the surrounding community without a nearby supermarket until the restriction expired; and

WHEREAS, Grocery prices have risen nearly 30 percent since 2020, an independent analysis has found that more than half of recent grocery price increases are attributable to corporate profit margins rather than underlying costs; restrictive covenants compound this affordability crisis by eliminating competition in communities that can least absorb higher prices; and

WHEREAS, Food insecurity drives more than \$7 billion in annual health care costs in California, the highest of any state in the nation; and

WHEREAS, Assembly Bill No. 1857 is supported by San Francisco-based organizations working directly on food access, including GLIDE, the Food and Agriculture

1 Action Coalition Towards Sovereignty (FAACTS), and the San Francisco-Marin Food Bank;
2 and

3 WHEREAS, These restrictive covenants disproportionately affect low-income
4 communities and communities of color, and function in a manner similar to racially restrictive
5 housing covenants by using private contractual terms to entrench neighborhood
6 disinvestment; and

7 WHEREAS, California law already voids and makes unenforceable restrictive
8 covenants that block other important land uses, including solar energy systems and accessory
9 dwelling units, but does not currently extend that same protection to grocery store and
10 supermarket use; and

11 WHEREAS, Assembly Bill No. 1857, introduced by Assemblymember Cecilia Aguiar-
12 Curry, would make void and unenforceable any covenant, restriction, or condition in a deed,
13 contract, security instrument, lease, or other recorded or unrecorded instrument that prohibits
14 or restricts the use of real property as a grocery store or supermarket, where a grocery store
15 or supermarket previously operated on the property and has ceased operations, or is no
16 longer in operation within a commercial project or shopping center; and

17 WHEREAS, Assembly Bill No. 1857, would allow an interested party to establish that
18 an existing restrictive covenant is unenforceable by submitting a restrictive covenant
19 modification document to the county recorder, allowing grocery store or supermarket
20 redevelopment to proceed; and

21 WHEREAS, Assembly Bill No. 1857, was amended following negotiations with the
22 Land Title Association, California Grocers Association, California Retailers Association, and
23 California Business Properties Association to establish a local government administrative
24 process rather than automatically voiding all existing covenants, and to preserve the ability of
25 a shopping center to limit grocery use to a single operating store, ensuring the bill does not

1 disturb legitimate business arrangements while closing the loophole that allows vacant "dark
2 stores" to block competition; and

3 WHEREAS, Assembly Bill No. 1857, passed the Assembly floor by a vote of 72 to 0, is
4 co-sponsored by the California Food and Farming Network and is coauthored by
5 Assemblymember Buffy Wicks as principal coauthor and Assemblymembers Mia Bonta, Ash
6 Kalra, and Pilar Schiavo as coauthors; now, therefore, be it

7 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
8 hereby supports Assembly Bill No. 1857, which voids and makes unenforceable restrictive
9 covenants that prohibit the operation of a grocery store or supermarket on property where one
10 previously operated; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors urges the California State
12 Legislature and the Governor to enact Assembly Bill No. 1857, to help restore grocery access
13 to communities across California; and, be it

14 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall transmit a
15 copy of this Resolution to the Governor of California, the President pro Tempore of the
16 California State Senate, the Speaker of the California State Assembly, and Assemblymember
17 Cecilia Aguiar-Curry to express the City and County of San Francisco's strong support for this
18 legislation.



City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 260853

Date Passed: July 28, 2026

Resolution supporting California Assembly Bill No. 1857 (Aguiar-Curry), which voids and makes unenforceable restrictive covenants that prohibit the operation of a grocery store or supermarket on real property where one previously operated.

July 28, 2026 Board of Supervisors - ADOPTED

Ayes: 9 - Chan, Chen, Dorsey, Fielder, Mahmood, Mandelman, Melgar, Sauter and Sherrill

Excused: 1 - Walton

Absent: 1 - Wong

File No. 260853

**I hereby certify that the foregoing
Resolution was ADOPTED on 7/28/2026 by
the Board of Supervisors of the City and
County of San Francisco.**

f Angela Calvillo
Clerk of the Board

Unsigned

08/07/2026

Daniel Lurie
Mayor

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

08/07/2026
Date