

MODOC COUNTY ASSESSOR-RECORDER'S OFFICE
RESTRICTIVE COVENANT MODIFICATION PROGRAM
IMPLEMENTATION PLAN

Background

The California Fair Employment and Housing Act prohibits discrimination in housing based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information. Government Code section 12956.2(a) provides that any deed or other recorded instrument that contains unlawfully discriminatory language forbidding or restricting the right of any person to sell, buy, lease, rent, use or occupy the property on account of any of the characteristics specified above, may be revised to remove such unlawful language. A person who holds an ownership interest in property that believes the property is the subject of an unlawfully restrictive covenant may submit for recordation a Restrictive Covenant Modification document. If the existence of unlawfully restrictive language is confirmed by County Counsel, the modification document is recorded with the unlawful restrictive covenant redacted.

Pursuant to the 2021 legislation set forth in Assembly Bill (AB) 1466 and California Government Code Section 12956.3 (GC §12956.3), the Modoc County Assessor-Recorder's Office has developed the following Restrictive Covenant Modification Program Implementation Plan (Plan). It has been developed on the principle of identifying any unlawful language contained within our records, most notably the restrictive covenants, and once located, we will record redactions consistent with AB1466.

Plan

A multi-faceted approach to this program is the most effective means to accomplishing compliance with the guidelines of AB1466. The initial facet is the location or identification of the any documents with potential unlawful language contained in our records. The objective of locating the unlawful language in a document is not a quick nor simple task.

Approaches - Manual and Automated

While some of the hundreds of thousands of records are in typed and digital (different from digitized) format, there are decades of the records that are handwritten and typed in books. They will require more labor-intensive review and process. The office, plan to review these records using technology capable of Optical Character Recognition (OCR); however, in order to utilize OCR, we must first have more of our images digitized. The office has requested funding to digitize more of our records. While the use of technology will significantly assist our efforts, we will not wait for the images to be digitized before proactively initiating our review of the records. Initially, our office has a manual process in place to locate and review the documents with the unlawful language.

Our approach to the process is as follows:

Step 1: Locating the document with unlawful language – this step may be initiated through the efforts of the staff, the public, and/or technology.

Step 2: Preparation of Redacted Restrictive Covenant Modification Document including coversheet – this step may be performed by the staff or a member of the public that may include the newly redacted language as well as a copy of the original document containing the unlawful language.

Step 3: Submission to County Counsel for review/approval – the Redacted Restrictive Covenant Modification Document and materials will be provided to County Counsel for review. The review period is up to 90 days.

Step 4: Upon County Counsel's approval, the staff will record and index the Redacted Restrictive Covenant Modification.

Requests and Submissions from the Public

While the utilization of technology, staff will make significant strides towards accomplishing the goals of AB 1466 (2021), we are also prepared to receive submissions of redacted restrictive covenants modifications from the public. In cases where a member of the public notifies our office of a potential restrictive covenant containing unlawful language, we will provide the template coversheet to be attached to the front of the redacted restrictive covenant document. We have also made the template coversheet on our website (or located below or hyperlinked here).

Once the proposed Redacted Restrictive Covenant Modification has been prepared/packaged by staff, it will be submitted to County Counsel for review and/or approval for redaction. The review process may take up to 90 days. Upon the Assessor/Recorder's office receiving County Counsel's approval for the Redacted Restrictive Covenant Modification document, the staff will record and index the approved Redacted Restrictive Covenant Modification document.

Tracking and Public Access

The newly recorded Redacted Restrictive Covenant Modification document will be tracked and available for review in our Official Records Index. It is identified in the index as RESTRICTIVE COVENANT MODIFICATION.

The proposed Redacted Restrictive Covenant Modification documents that were not approved by County Counsel will be tracked and logged in the staff's database.

Webpage Posting

This Implementation Plan is posted at the County Recorder's webpage and can be found in the following link:

(insert link here)

Resources:

[Assembly Bill No. 1466](#)

[California Government Code Section 12956.3](#)

[California Government Code Section 27388.2](#)

[COVERSHEET - Racially Restrictive Covenant Modification \(Template\)](#)