



SIERRA COUNTY CLERK-RECORDER'S OFFICE

RESTRICTIVE COVENANT MODIFICATION PROGRAM

BACKGROUND

(Government Code §12955 - §12957)

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 Sierra County Clerk-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.

IMPLEMENTATION PLAN

Milestones and timeline

We determined that our office has approximately 300,000 documents in our records. Our goal is to complete the review of our existing records by December 2027.

Approaches - Manual and Automated

While most of the records are in typed and digital format, there are a significant number of the records that are handwritten and in books. They will require more labor-intensive review and process. Our office has a manual process in place to locate and review the documents with the unlawful language. The use of both the manual and available automated processes will be utilized to achieve the optimum level of implementing this program.

Process

Our established procedures are to (1) locate any documents with potential unlawful language, (2) initiate the process for redaction, (3) review of the actual document to identify the unlawful language, (4) prepare the document for redaction, (5) present to County Counsel for review and approval of redaction, and, finally, (6) the recordation of the redacted restrictive covenant modification document.

In summary, our approach to the process is as follows:

Step 1: Locating the document with unlawful language – this step will be initiated by staff.

Step 2: Preparation of Redacted Restrictive Covenant Modification Document including coversheet – this step will be performed by staff 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, staff members will record and index the Redacted Restrictive Covenant Modification.

Requests and Submissions from the public

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 a coversheet to be attached to the front of the redacted restrictive covenant document.

Once the proposed Redacted Restrictive Covenant Modification has been prepared, it will be submitted to County Counsel for review and/or approval for redaction. The review process may take up to 90 days. Upon our office receiving County Counsel’s approval for the Redacted Restrictive Covenant Modification document, 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.

Webpage Posting

This Implementation Plan is posted on our county website at <https://www.sierracounty.ca.gov/220/Recorder>

Resources

Assembly Bill No. 1466
California Government Code Section 12956.3
California Government Code Section 27388.2
Racially Restrictive Covenant Modification Form