



SUTTER COUNTY CLERK-RECORDER

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 Sutter County Clerk-Recorder 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 identified proceeding with redacting such language per the provisions in AB1466.

PLAN

A multi-faceted approach to this program is the most effective means to accomplishing compliance with the guidelines of AB1466. The initial step is the location or identification of any documents with potentially unlawful language contained in our records, forwarding said document(s) to County Counsel for review, then if confirmed, proceeding to record a modification document with the unlawful restrictive covenant redacted.

APPROACHES - MANUAL AND AUTOMATED

While most of our records are in typed and digital (different from digitized) format, there are a significant number of handwritten records in books. In preparation for this project, Sutter County re-imaged older records with Optical Character Recognition (OCR) technology to facilitate the review process. However, OCR will not be 100% accurate and therefore a manual process will be needed in addition in order to locate and review the documents with the unlawful language.

There are vendors in the process of creating software to automate this process and once options are made available, we will explore those as an alternative to performing this process in-house. The timeline for completion would be dependent on cost recovery.

PROCESS

We have established a process in our office that will include the following steps: (1) location of the 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.

REQUESTS AND SUBMISSIONS FROM THE PUBLIC

With the utilization of technology, staff will make significant strides towards accomplishing the goals of AB1466. Our office is 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. The template coversheet is also available on our website.

Once the proposed Redacted Restrictive Covenant Modification has been prepared by staff, it will be submitted to County Counsel for review and approval for redaction. The review process may take up to 90 days. Upon receiving County Counsel's approval, 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 will be identified in the index as Redacted Restrictive Covenant Modification. The proposed Redacted Restrictive Covenant Modification documents that were not approved by County Counsel will be tracked in a database.

WEBPAGE POSTING

This Plan is posted at the County Clerk-Recorder's webpage and can be found here: <https://www.suttercounty.org/government/county-departments/clerk-recorder>.

RESOURCES

[Assembly Bill No. 1466](#)

[California Government Code Section 12956.3](#)

[California Government Code Section 27388.2](#)

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