



## Assessor-Recorder

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### MARIPOSA 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 129563 (GC 12956.3), the Mariposa County Assessor-Recorder's Office (ARO) 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 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.

#### Milestones and Timeline

We determined that our office has approximately 188 CCR documents in our records. Our goal is to review the existing CCR documents at a rate of 38 documents per year, ending by December 2027.

## Approaches – Manual

While some of the 188 records are in typed and digital format, there are a number of the records that are handwritten and in books. They will require more labor-intensive review and process. The office has a manual process in place to locate and review the documents with the unlawful language.

### Process

We have established a Restrictive Covenant Modification Program (RECOMP) in our office. The Assessor/Recorder Clerks will be responsible for (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.

The Assessor/Recorder Clerks may use the assistance of student interns in this process.

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

Step 1: Locating the document with unlawful language – this step may be initiated by the Assessor/Recorder Clerks or student interns.

Step 2: Preparation of Redacted Restrictive Covenant Modification Document including coversheet – this step may be performed by the Assessor/Recorder Clerk or student intern 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 Assessor/Recorder Clerks will record and index the Redacted Restrictive Covenant Modification.

### Requests and Submissions from the Public

While the Assessor/Recorder Clerks and student interns will make strides towards accomplishing the goals of AB 1466 (2021), we are also prepared to receive submissions of redacted restrictive covenant modification 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 available on our website

The Assessor/Recorder Clerks will submit the proposed Redacted Restrictive Covenant Modification, once it has been prepared, to the County Counsel for review. The review process may take up to 90 days. Upon receiving County Counsel's approval of the document, the Assessor/Recorder Clerks 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 RCM.

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

## Webpage Posting

This implementation Plan is posted at the Assessor/Recorder's webpage.

## Resources:

Assembly Bill No. 1466

California Government Code Section 12956.3

California Government Code Section 27388.2

COVERSHEET – Redacted Restrictive Covenant Modification (Template)