

# EL DORADO COUNTY RECORDER-CLERK



## RESTRICTIVE COVENANT MODIFICATION PROGRAM IMPLEMENTATION PLAN

Version 1.0

7/1/2022

Page 1 of 4

## **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 El Dorado County Recorder-Clerk'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**

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.

Recorded document images, prior to 1960, will need to be created. This will allow documents to be scanned through First American Data & Analytics CovenantGuard application. This application will identify unlawful language and allow both the Recorder-Clerk and County Counsel to review and process documents electronically. Our plan is designed to be flexible, working in conjunction with County Counsel, and making use of the best available technology.

## **Automated Process**

- Records in electronic format will be scanned using OCR technology to identify any potential unlawful restrictive language.
- Staff will review identified documents using the CovenantGuard application.

- Redacted Restrictive Covenant Modification documents will be automatically created within the CovenantGuard application and placed in County Counsel’s queue for review.
- County Counsel will receive an alert that there are documents pending their review.
- County Counsel will approve or reject the record, the Recorder-Clerk will receive an alert that records are ready to be recorded or filed as rejected.
- Approved redacted Restrictive Covenant Modification documents will be recorded and made available in our public official records.

### **Semi-Automated Process**

- Documents that cannot be read using OCR technology will be held in a separate queue within CovenantGuard, where recorder staff will manually review each page to determine if unlawful restrictive language is present.
- Records that are identified manually will continue through the process outlined above.

### **Timeline**

#### **2022**

- Execute contract with First American Data & Analytics for their CovenantGuard technology.
- Initial scan of documents from 1960 to present with CovenantGuard technology. This will identify documents containing unlawful language.
- Create a schedule, based on the information obtained from the initial scan, to roll out corrective measures for documents from 1960 to present and set a completion timeline.
  - This will be done in conjunction with our County Counsel office.
  - Revised plan will be available for public review and posted on the Recorder’s website by January 1, 2023.

#### **2023**

- Image documents from 1906 to 1960.
- Scan and identify documents from 1906 to 1960 with unlawful language through CovenantGuard technology.
- Create a schedule, based on the results of the scan, to roll out corrective measures for documents from 1906 to 1960 and set a completion timeline.
  - This will be done in conjunction with our County Counsel office.
  - Revised plan will be available for public review and posted on the Recorder’s website by January 1, 2024.

#### **2024**

- Image documents from 1850 to 1906.

- Scan and identify documents from 1850 to 1906 with unlawful language through CovenantGuard technology.
- Handwritten documents will be scanned through CovenantGuard, however this will require individual examination as well.
- Create a schedule, based on the results of the scan, to roll out corrective measures for documents from 1850 to 1906 and set a completion timeline.
  - This will be done in conjunction with our County Counsel office.
  - Revised plan will be available for public review and posted on the Recorder’s website by January 1, 2025.

### **Tracking and Public Access**

Members of the public may review all records identified with restrictive language by searching our indices for documents titled “Restrictive Covenant Modification”. In addition, the Recorder-Clerk will maintain a comprehensive list of all document numbers (original and new recordings) processed through this program, which will be available to the public upon request.

### **Webpage Posting**

This Implementation Plan is posted at the County Recorder-Clerk’s webpage at [www.edcgov.us/recorderclerk](http://www.edcgov.us/recorderclerk)