



Santa Cruz County Recorder

Restrictive Covenant Modification 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 1466 and California Government Code 12956.3, the Santa Cruz County Recorder's Office has developed the following Restrictive Covenant Modification 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 identification of documents with potential unlawful language contained in our records. This will be achieved by using a combination of automatic and manual approaches. Records that are typed and in a digital format will be reviewed using technology capable of Optical Character Recognition (OCR).

While most of our records can be reviewed using OCR, older handwritten records will require a more labor intensive review and process.

Our goal is to review our existing records in three phases with a completion date of December 2027. Phase one will be a review of type written records from the 1900's – 1996 using OCR technology provided by BMI Imaging Systems. Phase two will be a review of records from 1996 – current using the same or similar OCR technology. Documents recorded since 1996 were digitized at the time of recording giving us more options for OCR review. Older handwritten records will need to be manually reviewed.

Process

Once a restrictive covenant is located and verified, we must initiate the process of redaction. The steps to follow are:

1. Redact the restrictive covenant language.
2. Provide an original (unredacted) and redacted copy of the document to County Counsel for review. The review period is up to 90 days.
3. Track County Counsel's approval or rejection of the modified document.
4. If the modified document is approved by County Counsel, record and index.

Requests and Submissions from the Public

As we move forward towards accomplishing the goals of AB1466, we are prepared to receive submissions of unlawful language from the public. These submissions will be forwarded to County Counsel for review following the same process described above.