



## COUNTY OF SAN LUIS OBISPO OFFICE OF THE CLERK-RECORDER

# SAN LUIS OBISPO COUNTY RESTRICTIVE COVENANT MODIFICATION PROGRAM Implementation Plan

## BACKGROUND

(Government Code §12955 - §12957)

The California Fair Employment and Housing Act prohibits discrimination in housing based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry. 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 title company, escrow company, county recorder, real estate broker, real estate agent, or other person also 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. Because the County Recorder is unable to change previously recorded documents, the original document containing the offending restrictive covenant will remain in the Recorder's records unmodified.

Pursuant to the 2021 legislation set forth in Assembly Bill (AB) 1466 and California Government Code Section 12956.3 (GC §12956.3), the San Luis Obispo County Clerk-Recorder's Office has developed the following Restrictive Covenant Modification Implementation Plan. The initial facet of this plan is to identify potential unlawful language contained within the records of our county. This will be done through manual review by office staff, or by Optical Character Recognition (OCR) automation as available. San Luis Obispo County has two separate systems containing digitized official records: document images dated from August 8, 2001 to present are contained in the Tyler Technologies Eagle Recorder (EagleRecorder) system, and documents dated prior to that are contained in the BMI Digital Reel system. The document images contained within EagleRecorder are archive quality and lend themselves to effective OCR results. Older image quality is varied and may require reimaging, enhancement, or manual review as necessary. Searches for unlawful language will be conducted utilizing recommended key terms. Documents dating around 1900 and

back are handwritten and will most likely require manual review. Once unlawful language is identified and verified by County Counsel, redactions consistent with AB1466 will be recorded free of charge.

**IMPLEMENTATION PLAN – 3 Phases, 6-year plan**

Phase	Fiscal Year(s)	Official Record Years	Services	Vendor
Phase 1	FY 2022-23	2001 – Present	OCR	TBD
Phase 2	FY 2023-24 – FY 2025-26	1900 - 2001	OCR/Reimaging as needed	TBD
Phase 3	FY 2026-27 – FY 2027-28	1850 - 1900	OCR/Reimaging/ Manual review of handwritten documents	TBD

The San Luis Obispo County Clerk-Recorder will solicit vendor proposals to assist with OCR processes for existing images, reimaging of subpar micrographics, and indexing services as needed. One vendor to complete all services is preferred but is not guaranteed. This process also lends itself to finally housing all recorded document images in one system, which would be a benefit to both Recorder staff and the public alike. The San Luis Obispo Clerk-Recorder has not requested the adoption of the \$2.00 recording fee to fund this project, but that decision may be revisited once final costs are known.

**PROCESS**

Step 1: Locating the document with unlawful language will be initiated by office staff upon manual review or through Optical Character Recognition (OCR) automation.

Step 2: Preparation of Redacted Restrictive Covenant Modification Document including coversheet with a copy of the original document containing the unlawful language.

Step 3: Submission to County Counsel for review/approval. The review process may take up to 90 days.

Step 4: Upon County Counsel’s approval, the San Luis Obispo County Recorder will record and index the Redacted Restrictive Covenant Modification.

**REQUESTS & SUBMISSIONS FROM THE PUBLIC**

In cases where a member of the public notifies our office of a potential restrictive covenant containing unlawful language, this [template coversheet](#) is to be completed and submitted to

the San Luis Obispo County Clerk-Recorder with a copy of the original document containing the unlawful language marked for redaction. Upon County Counsel's review and determination, the Restrictive Covenant Modification will be recorded at no fee. For further details, contact our office at 805-781-5080, or [www.slovote.com](http://www.slovote.com).

### **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 Restrictive Covenant Modification.

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

### **Resources**

[Assembly Bill No. 1466](#)

[California Government Code Section 12956.3](#)

[California Government Code Section 27388.2](#)

[Restrictive Covenant Modification Coversheet](#)