

COUNTY OF TEHAMA

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Tehama County Restrictive Covenant Modification Program (AB 1466) 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 California Government Code section 12956.3(b), the Tehama County Recorder has adopted the following plan:

The initial phase will identify documents with potential unlawful language. Digitized digital records can be reviewed with Optical Character Recognition (OCR) which includes records from December 1990. Handwritten and typed records will require staff review of each document.

Tehama County Recorder will flag the intended language to be redacted, and identified documents will be sent to County counsel for review, which must be completed within 90 days. Recorder staff will track detailed information regarding the document such as current assessor parcel number, situs address, the document number of the original unredacted restrictive covenant, the document number of the redacted restrictive covenant and the dates of identification and redaction. This process will begin in January of 2023.

Requests and submissions by the public will be forwarded to County Counsel for review following the same procedure identified above.