



**Butte County Clerk-Recorder/Registrar of Voters
Restrictive Covenant Modification Program
Implementation Plan**

Government Code § 12956.3

Hall of Records
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INTRODUCTION

OVERVIEW

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 protected classes 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 (AB 1466) and California Government Code section 12956.3 (GC §12956.3) the Butte County Clerk-Recorder's Office (Clerk-Recorder) has developed the following Restrictive Covenant Modification Program Implementation Plan (Plan). It has been developed with the goal of identifying any unlawful language, though unenforceable, within our records. Once identified, the Clerk-Recorder will record redactions consistent with AB 1466.

Plan

This Plan will necessarily involve coordination between the Clerk-Recorder, County Counsel, as well as local community organizations and elements of the Real Estate sector including but not limited to Title Companies, Escrow Companies and Real Estate Brokers and Agents.

With county land records in various formats, identifying all of the relevant records and recording the modifications will be a lengthy and arduous process that will be measured in years. The Clerk-Recorder believes this Plan will be a step in the right direction to achieving this goal. If necessary, the Plan will be revised to meet the needs of the Clerk-Recorder.

Partnerships

The Clerk-Recorder will work with various other entities to effectively implement this Plan.

Community Volunteers

In addition to the Clerk-Recorder's full-time Archivist, much of the research and identification work may be assigned to our Archive Division Community Volunteers. The work required by AB 1466 may be added to the list of tasks with which they already assist the Clerk-Recorder. We will also explore an opportunity to work with student volunteers. In this way we could potentially provide experience in their field of study while they assist the Clerk-Recorder in the record identification process.

Real Estate Sector

Real estate professionals will play a vital role in the successful execution of AB 1466. The Clerk-Recorder will communicate with these professionals to clarify their duties in regard to notifying those with ownership interests in land or those acquiring interest in land as to possible unlawful restrictive

covenants on the land. The Clerk-Recorder will also ensure that the real estate professionals have the necessary forms and instructions to provide to the land owners.

County Counsel

The Clerk-Recorder will work closely with County Counsel to establish clear and effective means of communication and tracking the review and determinations necessary on restrictive covenants that have been identified as possibly unlawful.

Outside Vendors

At this time, the Clerk-Recorder has no plans to contract with a third-party vendor to assist in the identification of records in need of Restrictive Covenant Modifications. However, should such an arrangement appear to be efficient or advantageous in the future, the Clerk-Recorder will explore those options.

Process

Our first step is implementation of a new recording system that will assist in digitizing our records. This recording system will provide increased efficiency in searching for and identifying records for this program in the future.

Public Submissions

The Clerk-Recorder is prepared to assist members of the public who come forward with land records they believe contain unlawful restrictive covenants. The public will be aided in their efforts in several ways:

1. During office hours, our public research area in our lobby will be staffed and available for the public to use to aid in their searches.
2. The Clerk-Recorder will provide copies of this Plan, instructions and forms both online at www.buttevotes.net and in hard copy in the Hall of Records (located at 155 Nelson Avenue Oroville, CA) for the public to reference.
3. Ensuring that the Real Estate Sector also has the necessary forms to distribute.
4. Volunteer Program: Should any members of the public wish to join our staff and student interns in conducting the research, they may be allowed to volunteer to assist the Clerk-Recorder.

Tracking

The Clerk-Recorder will document and track all parcels/records identified as possibly containing a restrictive covenant subject to a modification. This log will include all identified records, records sent to County Counsel for review, County Counsel's determination, and the date in which the resultant modification is recorded.