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Imperial County Clerk/Recorder's Office

Restrictive Covenant Modification Program

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, familial status, age, national origin, ancestry, disability, source of income as defined in subdivision(p) of Section 12955, veteran or military status, or genetic information. Government Code section 12956.2(a) provides that any deed or any other recorded instrument that contains unlawfully restrictive 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, a Title Company, Escrow Company, County Recorder, Real Estate Broker, Real Estate Agent, or other person whom 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 shall be recorded with the unlawful restrictive covenant redacted.

Plan:

Pursuant to 2021 legislation set forth in Assembly Bill (AB) 1466 and California Government Code Section 12956.3, the Imperial County Clerk/Recorder's Office has created the following Restrictive Covenant Modification Plan. The first phase of this process shall be to identify possible unlawful language contained within the records of Imperial County Clerk/Recorder's Office. This will be accomplished through the use of Optical Character Recognition (OCR) automation. Once the unlawful restrictive language is identified it shall be sent to the County Counsel for review along with proposed redactions consistent with AB1466 and shall be recorded as directed.

Implementation Plan:

Imperial County is looking to begin our implementation of our AB1466 compliance in the early part of 2023. As Imperial County has only been in existence since 1907 our total volume of recorded documents is estimated to be 262,770 documents with an estimated Positive Restrictive Covenant Document count to be only 17,311. We don't believe our job will be as difficult as most other counties with much larger volumes of recorded documents and as we intend to have cooperative effort with BMI Imaging Systems, we expect to complete the process within three years.