



**OFFICE OF COUNTY CLERK-RECORDER**

**DONNA LINDER**  
**County Clerk-Recorder, Registrar of Voters &**  
**Commissioner of Civil Marriage**

*1021 "I" Street, Suite 101, Modesto, CA 95354*  
*Telephone: 209.525.5200*  
*Facsimile: 209.525.5802*

**STANISLAUS 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, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information.

Government Code §12956.2(a) provides that a person who holds ownership interest in a property who has reason to believe that the property is the subject of an unlawfully restrictive covenant may record a Restrictive Covenant Modification document. That modification document, with the unlawful language removed, would be recorded after review by county counsel.

Pursuant to the 2021 legislation set forth in Assembly Bill (AB) 1466 and California Government Code §12956.3 (GC §12956.3), the Stanislaus County Clerk-Recorder (SCR) has developed the following Restrictive Covenant Modification Program Implementation Plan (Plan). This plan was developed to identify any restrictive covenants with unlawful language contained in our records. Once identified, we will record redactions consistent with AB 1466.

**Plan**

The most effective approach to achieve AB 1466 compliance is to incorporate a multi-faceted plan. The first step is to identify any and all documents that contain potentially unlawful language. It is anticipated that this will be a time consuming, onerous task. Upon locating said documents a Restrictive Covenant Modification document that cross references the original offending document will be prepared. The document will then be submitted for legal review. Once approved, the Restrictive Covenant Modification document will be recorded as an official record, thus providing constructive notice to the public.

## **Process and Timeline**

As of this writing, our department currently has over 7 million documents in our records. Our goal is to complete the review of those documents no later than December 2027.

Within the department, the Recorder unit will be responsible for the following:

- (1) Identifying the relevant documents;
- (2) Beginning the redaction process;
- (3) Reviewing the documents to identify the unlawful language;
- (4) Preparing the document for redaction;
- (5) Presenting the document to County Counsel for review and approval of the proposed redaction;
- (6) Recording the redacted restrictive covenant modification document.

The Clerk Recorder timeline is tentatively scheduled as follows:

**Step 1:** Beginning Fiscal Year 2022/2023- Identifying the documents with the unlawful language. This step may be initiated by the Recorder Unit, and/ or technology.

**Step 2:** Beginning Fiscal Year 2023/2024- Preparation of the Redacted Restrictive Covenant Modification Document including coversheet. This step may be performed by the Recorder unit staff or an affected member of the public. This document may include the newly redacted language as well as a copy of the original document containing the unlawful language.

**Step 3:** Beginning Fiscal Year 2023/2024- The Redacted Restrictive Covenant Modification Documents and materials will be provided to County Counsel for mandatory review. That review period is limited to 90 days.

**Step 4:** Beginning Fiscal Year 2023/2024- No later than two (2) days after County Counsel approval, the Clerk Recorder Division will record and index the Redacted Restrictive Covenant Modification.

## **Requests and Submissions from the Public**

With the benefit of improved technology, the Clerk Recorder Department is prepared to serve the public in meeting the goals of AB 1466. When the public visits our office to enquire about a potential restrictive covenant contained in a document, we will provide the template coversheet. The coversheet will also be made available on our website at [www.stancounty.com/clerkrecorder/](http://www.stancounty.com/clerkrecorder/)

When the proposed Redacted Restrictive Covenant Modification has been prepared/packaged by the Clerk Recorder Department, it will be submitted to county counsel to commence the review process and/or approval. That review process may take up to 90 days. Upon receipt of County Counsel's approval, the Clerk Recorder Department will record and index the Modification document.

### **Tracking and Public Access**

Pursuant to Government Code §27257, a publicly accessible index is available to search for all documents in the Clerk Recorder database. The index is searchable by document type and name (owner/ seller/ grantor/ grantee).

The Restrictive Covenant Modification document will be indexed in the same manner as the original recorded document and the effective date of the terms and conditions shall be the same as the effective date of the original record. Additionally, the Restrictive Covenant Modification document will be searchable in the publicly available index with the title "RESTRICTIVE COVENANT MODIFICATION." This will allow for easy access for those documents with unlawful restrictive covenants.

### **Webpage Posting**

This implementation plan is currently available on the Stanislaus County Clerk Recorder's website and can be found at the following website:

[www.stancounty.com/clerkrecorder/](http://www.stancounty.com/clerkrecorder/)

### **Resources:**

[Assembly Bill No. 1466](#)

[California Government Code §12956.3](#)

[California Government Code §27388.2](#)

[COVERSHEET – Racially Restrictive Covenant Modification \(Template\)](#)