

**SAN BENITO COUNTY CLERK-RECORDER'S OFFICE**  
**RESTRICTIVE COVENANT MODIFICATION PROGRAM**  
**IMPLEMENTATION PLAN**

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 the 2021 legislation set forth in Assembly Bill (AB) 1466 and California Government Code Section 12956.3 (GC §12956.3), the San Benito County Clerk-Recorder's Office (CRO) has developed the following Restrictive Covenant Modification Program Implementation Plan (Plan). It has been developed on the principle of identifying any unlawful language contained within our records, most notably the restrictive covenants, and once located, we will record redactions consistent with AB1466.

**Steps of action:**

**Step 1:** Identifying & locating documents that contain unlawful language using OCR (Optical Character Recognition) we plan on using existing technology from BMI Imaging Systems. This step may be initiated through multiple faceted efforts between volunteers, interns, and a designated timeframe for employees monthly. The Recorder's office will be collecting the fee for a few years before subcontracting the mandate.

**Step 2:** Requests and submissions from the public. We will provide Restrictive Covenant Modification forms on the website, and in our office for the public & Recorder’s office use. This step may be performed by any member of the public who locates any document containing the unlawful restrictive language.

**Step 3:** Submission to County Counsel for review/approval. The Redacted Restrictive Covenant Modification Document and materials will be provided to County Counsel for review. The review period is up to 90 days.

**Step 4:** Upon County Counsel’s approval, the SBC Recorder office will record and index the Redacted Restrictive Covenant Modification.

**Timeline:**

SBC’s goal is to review 10,000-20,000 documents a year starting first with the year San Benito County was founded in 1874 and working forward. On January 1st, 2023, we will begin identifying documents containing restrictions. On June 1st, 2023, we will begin submitting documents to county council for review. Lastly, on Sept 1<sup>st</sup>, 2023, we will begin recording the Restrictive Covenant Modifications found through this method. We expect this project to be completed by 2029.

2023	1874-1894
2024	1895-1915
2025	1916-1936
2026	1937-1957
2027	1958-1978
2028	1979-1999
2029	2000-2020

**Tracking:**

The Recorder’s Office will attempt to track recorded Modifications by Assessor Parcel Numbers.