



HUGH NGUYEN

CLERK-RECORDER

BIRTH AND DEATH RECORDS
 FICTITIOUS BUSINESS NAMES
 MARRIAGE LICENSES/RECORDS
 NOTARY REGISTRATION
 ORANGE COUNTY ARCHIVES
 PASSPORTS
 PROPERTY RECORDS

Restrictive Covenant Modification (RCM) Implementation Plan

Section	Description
Background/ Government Code:	Pursuant to the 2021 legislation set forth in Assembly Bill (AB) 1466 and California Government Code Section 12956.3 (GC §12956.3), the Orange County Clerk-Recorder’s Office has developed the following Restrictive Covenant Modification Program Implementation Plan (Plan).
Outline/Timeline:	<p>Implementation will be carried out in several phases listed below:</p> <p>Note: Dates and phases are subject to change</p> <p>Phase I - Planning and Organizing. January 2022 – September 2022</p> <ul style="list-style-type: none"> Identifying documents with unlawful language. March 2022 and ongoing Processing documents with unlawful language. July 2022 and going forward. <p>Phase II- Our office will work with vendors who are subject matter experts to automatically locate documents with unlawful language through machine learning and Optical Character Recognition (OCR). May 2022 going forward.</p> <p>Phase III- For all remaining Handwritten (cursive) documents that are unable to be automated, our office will have Clerk-Recorder staff manually examine the documents for unlawful language and process. Estimated completion July 2027.</p>
Tracking/Public Access:	The newly recorded Redacted Restrictive Covenant Modification document will be tracked and available for review in our Official Records.
Resources:	<p>Assembly Bill No. 1466</p> <p>California Government Code Section 12956.3</p> <p>California Government Code Section 27388.2</p> <p>Orange County Clerk-Recorder Restrictive Covenant Modification P&P</p> <p>Restrictive Covenant Modification Form</p>
Progress Notes:	On track with Phase I – Planning and Organizing. As of July 1, 2022, Clerk-Recorder staff have processed 380 RCMs and submitted to County Counsel for review.

NORTH COUNTY BRANCH OFFICE
 WELLS FARGO BUILDING
 222 S. HARBOR BLVD., STE 110
 ANAHEIM, CALIFORNIA 92805

ORANGE COUNTY
 COUNTY ADMINISTRATION SOUTH
 601 N. ROSS STREET
 SANTA ANA, CALIFORNIA 92701

OLD ORANGE COUNTY
 COURTHOUSE
 211 W. SANTA ANA BLVD. ROOM 201
 SANTA ANA, CALIFORNIA 92701

SOUTH COUNTY BRANCH OFFICE
 LAGUNA HILLS CIVIC CENTER
 24031 EL TORO ROAD, SUITE 150
 LAGUNA HILLS, CALIFORNIA 92653

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 the 2021 legislation set forth in Assembly Bill (AB) 1466 and California Government Code Section 12956.3 (GC §12956.3), the Orange County Clerk-Recorder's Office has developed the following Restrictive Covenant Modification Program Implementation 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.

Outline and Timelines

Note: Dates and phases are subject to change.

A collaborative effort between vendors and Clerk-Recorder staff is the most effective means to accomplishing compliance with the guidelines of AB1466. A multi-phased approach has been established and details are listed below:

Phase I – Planning and Organizing January 2022 – September 2022. During this Phase, our office will gather the functional requirements needed to implement the plan, determine resources and staffing needs, assess training needs, and develop a strategy.

Our approach to identifying and processing Restrictive Covenant Modifications, whether automatic or manual, will be as follows:

- Step 1:** Locate the document with unlawful language – this step may be initiated manually through Clerk-Recorder staff or automatically through technology.
- Step 2:** Preparation of Redacted Restrictive Covenant Modification Document including coversheet – this step will be performed by Clerk-Recorder staff.
- 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, Clerk-Recorder staff will record and index the Redacted Restrictive Covenant Modification.

Phase II – May 2022 and going forward. Meet with vendors who are subject matter experts to try and automate the plan where possible and determine how to manually process documents that can’t be automatically processed.

Our office has made investments in digitizing all filmed records from 1889 to present. This allows us to automatically scan the vast majority of our recorded documents for unlawful language. Once a document has been identified through this automated process as having unlawful language, Clerk-Recorder staff will examine the document and determine if steps 2-4 listed above will be followed.

Phase III - Estimated completion date July 2027. For all remaining documents that are unable to be automated, our office will have Clerk-Recorder staff manually examine the documents for unlawful language or we will seek vendor expertise if available. A primary reason why documents won’t be able to be automated is because they are handwritten in cursive writing. Once a document has been identified to contain unlawful language, steps 2-4 listed above will be followed.

Tracking and Public Access

The newly recorded Redacted Restrictive Covenant Modification document will be tracked and available for review in our Official Records Index. It is identified in the index as “Restrictive Covenant Modification”.

The proposed Redacted Restrictive Covenant Modification documents that were not approved by County Counsel will be tracked and logged in our database.

Resources:

[Assembly Bill No. 1466](#)

[California Government Code Section 12956.3](#)

[California Government Code Section 27388.2](#)

[Orange County Clerk-Recorder Restrictive Covenant Modification P&P Restrictive Covenant Modification Form](#)

