



RESTRICTIVE COVENANT MODIFICATION PROGRAM IMPLEMENTATION PLAN

PURSUANT TO 2021 ASSEMBLY BILL (AB) 1466 AND CALIFORNIA GOVERNMENT CODE SECTION 12956.3, THE KERN COUNTY RECORDER'S OFFICE HAS DEVELOPED THE FOLLOWING 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 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 Kern County Recorder's Office (KCRO) 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.

Plan steps

This is a project that requires the KCRO to make programming enhancements to our existing records management system. In the event necessary enhancements cannot be achieved the KCRO will solicit necessary vendor(s) services in order to meet statutory requirements.

Workflows must be developed in order to process the several steps required. In concept it is expected restrictive covenant language will be identified and captured through an Optical Character Recognition (OCR) process. Workflow is to include locating, routing, queuing, and redacting restrictive language.



Timeline

We determined that our office possess approximately 12 million documents in our records. Our goal is to complete the review of our existing records at the following rate of documents per year, ending by December 2028.

YEARS	DOCUMENTS	# of IMAGES (approx. 3.5 images per document)
2023	1,500,000	5,250,000
2024	3,000,000	10,500,000
2025	3,000,000	10,500,000
2026	3,375,000	11,812,500
2027	870,000	3,045,000
2028	384,000	1,344,000
TOTAL	12,129,000	42,451,000

Progression

While most of the 12 million records are in typed and digital (different from digitized) format, there are a significant number of the records that are handwritten and in books, as is the case in all Counties in California. The handwritten records will require more labor-intensive review and process. Kern County handwritten records have been digitized and the plan is to also review these records using technology capable of OCR; however, with OCR, we expect a significant amount of additional time needed for manual review. It is expected this process will be later refined using AI technology. At a later stage, it is hoped an enhanced use of both the manual and automated processes will be achieved for optimum level of implementing this program.

It is expected updates to this Plan will be made and will be provided after the project is implemented and progress can be evaluated and better projected.

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Public Access and Tracking

AB 1466 requires all counties to title these documents as “Restrictive Covenant Modifications” in their recording systems. All Restrictive Covenant Modification documents can be located through the KCRO Index, which is created using the Grantor/Grantee information Per Government Code 27280.5. All documents are made available for public viewing and purchasing so these titles can be identified and researched further by any interested party.

Resources

[2021 ASSEMBLY BILL \(AB\) 1466](#)

[CALIFORNIA GOVERNMENT CODE SECTION 12956.3](#)