



County of Fresno

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Fresno County Recorder Restrictive Covenant Modification 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 a Restrictive Covenant Modification document for recordation. If County Counsel confirms the existence of unlawfully restrictive language, the modification document is recorded with the unlawful restrictive covenant redacted.

Pursuant to the 2021 legislation set forth in Assembly Bill 1466 and California Government Code 12956.3, the Fresno County Recorder's Office has developed the following Restrictive Covenant Modification 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

A multi-faceted approach to this program is the most effective means to accomplishing compliance with the guidelines of AB1466. The initial facet is the identification of documents with potential unlawful language contained in our records. This will be achieved by using a combination of automatic and manual approaches. Records that are typed and in a digital format will be reviewed using technology capable of Optical Character Recognition (OCR). While most of our records can be reviewed using OCR, older handwritten records will require a more labor-intensive review and process.

Our goal is to review our existing records in three phases with a completion date of December 2027. Phase one will be a review of typewritten records from 1854 – 1908. Staff in the office will manually review this time frame. Phase two will be a review of records from 1909 – 1980

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using OCR technology. Documents recorded after 1981 were digitized at the time of recording, giving us more options for OCR review.

Process

Once a restrictive covenant is located and verified, we must initiate the redaction process. The steps to follow are:

1. Redact the restrictive covenant language.
2. Provide an original (unredacted) and redacted copy of the document to County Counsel for review. The review period is up to 90 days.
3. Track County Counsel's approval or rejection of the modified document.
4. If the modified document is approved by County Counsel, record and index.

Requests and Submissions from the Public

As we move forward toward accomplishing the goals of AB1466, we are prepared to receive submissions of unlawful language from the public. These submissions will be forwarded to County Counsel for review following the same process described above.

Webpage Posting

This Implementation Plan is posted on the Fresno County Recorder's webpage and can be found at the following link: [Recorder | County of Fresno](#)

Resources:

[Assembly Bill No. 1466](#)

[California Government Code Section 12956.3](#)

[California Government Code Section 27388.2](#)

[Restrictive Covenant Modification Form \(fresno.ca.us\)](#)