

2018 New Law Workbook

A SUMMARY OF LEGISLATION AFFECTING COUNTY RECORDERS



COUNTY RECORDERS' ASSOCIATION OF CALIFORNIA

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2018 New Law Workbook

Presented by

County Recorders' Association of California

Document Reference and Indexing Manual Committee

Mutual Problems/Uniform Practice Committee

Sacramento, California

December 12-14, 2018

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2018 Chaptered Bill Analysis

Bill Number: AB 110

Chapter: 8

Author: Committee on Budget

Topic: Recording fees

Impact: Important

Summary: Existing law imposes a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per single parcel of real property, not to exceed \$225. Existing law exempts from this fee any real estate instrument, paper, or notice recorded in connection with a transfer subject to the imposition of a documentary transfer tax, as provided, or with a transfer of real property that is a residential dwelling to an owner-occupier.

This bill would additionally exempt from this fee any real estate instrument, paper, or notice executed or recorded by the federal government pursuant to the Uniform Federal Lien Registration Act, or by the state, or any county, municipality, or other political subdivision of the state. The bill would provide that these exemptions apply retroactively to any real estate instrument, paper, or notice executed or recorded by the federal government, or by the state, or any county, municipality, or other political subdivision of the state on or after January 1, 2018. The bill would also state that the exemption for real estate instruments, papers, or notices executed or recorded by the state, or any county, municipality, or other political subdivision of the state is declaratory of existing law.

Effect: An act to amend Sections 7284.6 and 27388.1 of the Government Code relating to government services, and making an appropriation therefor, to take effect immediately.

2018 Chaptered Bill Analysis

Actions Required: Inform staff

Presenter: David Valenzuela, Ventura

Notes: None

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	AB 1289
Chapter:	907
Author:	Arambula
Topic:	Real Property Disclosure Requirements
Impact:	Information Only
Summary:	Revises definitions of several key terms appearing throughout portions of the Civil Code governing the transfer of real property and associated disclosure requirements, and makes various other technical and clarifying changes.
Effect:	Amends Sections 1086, 1087, 1088, 1102, 1102.1, 1102.2, 1102.3, 1102.4, 1102.5, 1102.6a, 1102.6b, 1102.6c, 1102.9, 1102.155, 1103, 1103.1, 1103.2, 1103.3, 1103.4, 1103.5, 1103.8, 1103.9, 2079, 2079.6, 2079.7, 2079.8, 2079.9, 2079.10, 2079.10.5, 2079.10a, 2079.13, 2079.14, 2079.15, 2079.16, 2079.17, 2079.21, and 2079.22 of, to add Sections 1102.18, 1103.15, and 2079.25 to, to repeal Sections 1090, 1102.14, 1103.14, and 2079.18 of, and to repeal and add Section 1089 of, the Civil Code, relating to real estate.
Actions Required:	None
Presenter:	Wendy Sorensen, Marin County
Notes:	

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number: AB 1526

Chapter: 247

Author: Kalra

Topic: Debt Collection

Impact: Information Only

Summary: This bill would prohibit a debt collector from sending a written communication to a debtor attempting to collect a time-barred debt without providing specified written notices stating that the debtor may not be sued for the debt, but that the debt, depending on its age, may be reported as unpaid to credit reporting agencies, as specified.

Effect: Amends Section 1788.14 of the Civil Code, and to amend Section 337 of the Code of Civil Procedure, relating to debt collection.

Actions Required: None

Presenter: Melanie Frazer, Shasta County

Notes:

2018 Chaptered Bill Analysis

Bill Number:	AB 1739
Chapter:	65
Author:	Chau
Topic:	Nonprobate transfers; revocable transfer on death deeds
Impact:	Minor
Summary:	This bill clarifies that it is not necessary to record the pages that include the common questions about the use of the form, and a failure to record those pages does not affect the effectiveness of a revocable transfer on death deed. The bill applied these provisions to revocable transfer on death deeds executed before, on, or after the effective date of these provisions, as specified
Effect:	Amends Probate Code Section 5626
Actions Required:	Inform staff
Presenter:	Val Wood, San Diego
Notes:	Contains an urgency clause and went into effect on July 9, 2018.

Title	Revocable Transfer on Death Deed (Revocable TOD Deed)				
Purpose	Transfers real property to a designated beneficiary upon the death of the owner (transferor) without a probate proceeding				
Requirements	<ol style="list-style-type: none"> 1. Name of transferor/owner 2. Name of beneficiary(ies) 3. Legal description 4. Signature of transferor/owner 5. Signature acknowledged <p>* Document type is NOT subject to Documentary Transfer Tax and does NOT require a Preliminary Change of Ownership Report</p>				
Fees	Regular				
Legal References	<p>Probate - 5620-5628, 5624 (ack), 5642 (form), 5656 (a) (DTT/PCOR)*</p> <p>Pursuant to AB 139, the provision for recording a Revocable TOD Deed has a sunset date of 1/1/2021, unless it is extended or deleted by new legislation.</p> <p>Note: If a co-owner wishes to name a beneficiary, a separate form must be created and recorded.</p>				
Comments	<p>Note: Pursuant to Probate Code 5680(a), an Affidavit of Death (Probate Code 210) may be recorded to establish the fact of death of the transferor.</p> <p>Pursuant to AB 1739, Chapter 65 (chaptered on 7/9/18), the "Common Questions" are not required to be recorded. This applies to RTDD's recorded on or after the effective date of this act.</p>				
Index	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Local Use</td> <td>Ordinances/Opinions</td> </tr> <tr> <td>Grantor: Transferor/Owner Grantee: Beneficiary(ies)</td> <td></td> </tr> </table>	Local Use	Ordinances/Opinions	Grantor: Transferor/Owner Grantee: Beneficiary(ies)	
Local Use	Ordinances/Opinions				
Grantor: Transferor/Owner Grantee: Beneficiary(ies)					

RECORDING REQUESTED BY _____

AND WHEN RECORDED MAIL TO _____

NAME _____

ADDRESS _____

CITY, STATE/ZIP _____

added 2016

Revocable Transfer on Death Deed (Revocable TOD Deed)

Assessor's Parcel Number

IMPORTANT NOTICE:

THIS DEED MUST BE RECORDED ON OR BEFORE 60 DAYS AFTER IT IS SIGNED AND NOTARIZED

Use this deed to transfer the residential property described below directly to your named beneficiaries when you die. YOU SHOULD CAREFULLY READ ALL OF THE INFORMATION ON THE OTHER PAGES OF THIS FORM. You may wish to consult an attorney before using this deed. It may have results that you do not want. Provide only the information asked for in the form. DO NOT INSERT ANY OTHER INFORMATION OR INSTRUCTIONS. This form MUST be RECORDED on or before 60 days after the date it is signed and notarized or it will not be effective.

SAMPLE

PROPERTY DESCRIPTION

Print the legal description of the residential property affected by this deed:

BENEFICIARY(IES)

Print the FULL NAME(S) of the person(s) who will receive the property on your death (DO NOT use general terms like "my children") and state the RELATIONSHIP that each named person has to you (spouse, son daughter, friend, etc.)

TRANSFER ON DEATH

I transfer all of my interest in the described property to the named beneficiary(ies) on my death. I may revoke this deed. When recorded, this deed revokes any TOD deed that I made before signing this deed.

Sign and print your name below (your name should exactly match the name shown on your title documents):

Date

NOTE: This deed only transfers MY ownership share of the property. The deed does NOT transfer the share of any co-owner of the property. Any co-owner who wants to name a TOD beneficiary must execute and RECORD a SEPARATE deed.

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	AB 1771
Chapter:	989
Author:	Bloom
Topic:	Planning and zoning: regional housing needs assessment
Impact:	Information Only
Summary:	This bill makes changes to the regional housing needs assessment (RHNA) plan objectives, methodology, and distribution process. Changes prior requirements set by Department of Housing and Community Development that Council of Governements must comply with.
Effect:	Amends Sections 65584, 65584.01, 65584.04, 65584.05, and 65584.06 of the Government Code, relating to housing.
Actions Required:	None
Presenter:	Melanie Frazer, Shasta County
Notes:	

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	AB 1943
Chapter:	254
Author:	Waldron
Topic:	Manufactured housing: foundation systems: installation: common interest developments
Impact:	Information Only
Summary:	<p>The Mobilehome Parks Act requires the Department of Housing and Community Development to establish regulations for manufactured home, mobilehome, and commercial modular foundation systems. Existing law requires an owner or licensed contractor to obtain a building permit from the appropriate enforcement agency to install a manufactured home, mobilehome, or commercial modular on a foundation system by, among other things, submitting written evidence that the manufactured home, mobilehome, or commercial modular owner owns, holds title to, or is purchasing the real property where the manufactured home, mobilehome, or commercial modular is to be installed. A willful violation of those provisions is a crime.</p> <p>This bill would specify that a registered owner of a manufactured home or mobilehome in a mobilehome park that is converted or proposed to be converted to a resident-owned subdivision, stock cooperative, or condominium project, may submit written evidence of that owner's resident ownership in the mobilehome park in order to comply with this requirement.</p>
Effect:	An act to amend Section 18551 of the Health and Safety Code
Actions Required:	None
Presenter:	Danielle Rifilato, Santa Barbara County
Notes:	

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	AB 2162
Chapter:	753
Author:	Chiu
Topic:	Planning and zoning: housing development: supportive housing.
Impact:	Information Only
Summary:	Streamlines affordable housing developments that include a percentage of supportive housing units and onsite services.
Effect:	An act to amend Section 65583 of, and to add Article 11 (commencing with Section 65650) to Chapter 3 of Division 1 of Title 7 of, the Government Code, relating to land use.
Actions Required:	None
Presenter:	Wendy Sorensen, Marin County
Notes:	Units within the development are subject to a recorded affordability restriction for 55 years.

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	AB 2225
Chapter:	535
Author:	Assembly Member Limón
Topic:	Storing and recording electronic media
Impact:	Information Only
Summary:	<p>This bill allows for public records to be stored in electronic media or in a cloud computing storage server, in addition to microfilm. The bill calls for the Secretary of State (SOS) in consultation with the California Department of Technology (CDT), to set uniform statewide standards and establishes that a cloud computing storage service that complies with International Organization for Standardization ISO/EIC 27001;2013 shall be considered a trusted system. Requires any State agency and local government system interconnection have a written agreement to protect public records. These standards are articulated in the Secretary of State's uniform statewide standards for Trustworthy Electronic Document or Record Preservation, the State Administrative Manual.</p>
Effect:	<p>SOS Alex Padilla supports this bill because it creates procedures to ensure public records are part of a "trusted system". Opposition does not like that the security standards will be under the SOS.</p>
Actions Required:	none
Presenter:	Melinda Greene, Santa Barbara
Notes:	

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	AB 2490
Chapter:	541
Author:	Chiu
Topic:	Vital records: homeless persons
Impact:	Information Only
Summary:	This bill requires the State Registrar to issue, without a fee, up to 3 copies a year of a certified record of live birth to a person who can verify his or her status as a homeless person or a homeless child or youth under the provisions described above, and would authorize the State Registrar to provide additional copies at his or her discretion.
Effect:	Amends Health and Safety Code Section 103577
Actions Required:	None
Presenter:	Val Wood, San Diego
Notes:	

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number: AB 2561

Chapter: 147

Author: Flora

Topic: Vital Records: local registrar; copy of records

Impact: Important

Summary: This bill would revise and recast that provision and would instead require each local registrar of births and deaths to transmit a copy of each original birth certificate and death certificate to the county recorder for the special county record, and, at the same time, forward the original certificates to the State Registrar. The bill would delete the exemption for the local registrar that serves a health jurisdiction over 550,000. This bill would instead require the disposal of those records after 2 years from the date of registration. By adding to the duties of local entities, the bill would impose a state-mandated local program. The bill would authorize the county recorder to instead accept the State Registrar's copies as a special county record of events. This bill would eliminate the requirement that the State Registrar transmit copies of an amendment to the local registrar unless the amendment is made within 2 years of the registration of the original record.

Effect: An act to amend Sections 102365 and 103245 of, to repeal Section 102340 of, and to repeal and add Section 102335 of, the Health and Safety Code, relating to local records.

Actions Required: Inform staff

Presenter: Portia Sanders, Los Angeles

Notes:

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	AB 2663
Chapter:	919
Author:	Friedman
Topic:	Property taxation: change in ownership: exclusion: local registered domestic partners.
Impact:	Information Only
Summary:	Creates a retrospective change in ownership exclusion for transfers of property between same-sex local registered domestic partners from January 1, 2000, to June 26, 2015.
Effect:	An act to amend Section 62 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.
Actions Required:	Inform staff
Presenter:	Wardell House, Santa Clara County
Notes:	<p>As passed, Excluded from "change in ownership" any property transfer occurring on and after January 1, 2000, to June 26, 2015, inclusive, between local registered domestic partners.</p> <p>Required the county assessor to reverse the reassessment of any property of a transferee that was reassessed in contravention of this bill's provisions on a prospective basis (i.e., "retrospective" change in ownership exclusion) upon the transferee filing an application to the county assessor of the county in which the property is located.</p> <p>Required the transferee to file, no later than June 30, 2022, an application with the county assessor to request the reassessment reversal.</p> <p>Specified that the retrospective exclusion that this bill creates is to be liberally construed to provide this bill's benefits to local registered domestic partner.</p>

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	AB 2750
Chapter:	131
Author:	Obernolte
Topic:	Certified copies of death records
Impact:	Major
Summary:	<p>Existing law authorizes the State Registrar, a local registrar, or a county recorder to furnish a certified copy of a death record to an authorized person and defines the term “authorized person” for these purposes. Existing law requires certain types of applicants for a certified record to execute a statement sworn under penalty of perjury that he or she is an authorized person who is allowed to receive the certified record.</p> <p>This bill would expand the definition of “authorized person” for the purposes of furnishing a certified copy of a death record, to include: an agent under power of attorney for health care, “Competent” surviving spouse / surviving adult child / surviving parent(s) / surviving adult sibling, surviving “Competent” adult person(s) respectively in the next degrees of kinship, and an appointed conservator of a person or estate.</p> <p>By expanding the definition of “authorized person(s)” to include individuals who are required to execute a statement sworn under penalty of perjury in order to receive a certified record, the bill would expand the crime of perjury, thereby imposing a state-mandated local program.</p>
Effect:	Amends Section 103526 of the Health and Safety Code, relating to vital records.
Actions Required:	Inform Staff / Update forms
Presenter:	Andrew B. Graham, Sacramento County

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	AB 2967
Chapter:	551
Author:	Quirk-Silva
Topic:	Foster Care: Certified record of live birth
Impact:	Major
Summary:	<p>Existing law requires the State Registrar, local registrar, or county recorder to, upon request and payment of the required fee, supply to an applicant a certified copy of the record of a birth, fetal death, death, marriage, or marriage dissolution registered with the official. This bill would require each local registrar or county recorder to issue, without a fee, a certified record of live birth to any person who demonstrates that he or she is a youth who has been placed in foster care, as defined. The bill would authorize the youth, or any person who is lawfully entitled to request that record on behalf of a youth placed in foster care, to make that request. The bill would require a county welfare agency that has relevant knowledge regarding the youth to verify that the youth has been placed in foster care for purposes of these provisions. The bill would also require the department to develop an affidavit attesting to an applicant's status as a youth placed in foster care and the completed affidavit, as described, would be deemed sufficient verification for these purposes. The bill would prohibit charging a person applying for a certified record of live birth a fee for verification of his or her eligibility</p>
Effect:	Amends Section 8910 of the California Code, relating local government
Actions Required:	Staff Training
Presenter:	Andrew B. Sacramento County
Notes:	Provisions become operative on July 1, 2019

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	AB 3041
Chapter:	306
Author:	Cunningham
Topic:	Real estate transfer fees: prohibition
Impact:	Minor
Summary:	AB 3041 would prohibit, on a going-forward basis, the imposition of Private Transfer Fees (PTF) that do not provide a “direct benefit” to the home
Effect:	An act to add Section 1098.6 to the Civil Code, relating to real estate transfer fees.
Actions Required:	Inform staff
Presenter:	Wardell House, Santa Clara County
Notes:	This bill prohibits developers from creating new property covenants, conditions, or restrictions that force subsequent owners to pay specially designated fees every time the property is transferred, unless the fee provides a “direct benefit” to the property, as defined in federal law.

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Title	
* PAYMENT OF TRANSFER FEE REQUIRED	
Purpose	To evidence a transfer fee as a payment requirement imposed in any covenant, condition or restriction in any document affecting the transfer or sale of real property
Requirements	<ol style="list-style-type: none"> Name(s) of all current owner(s) subject to the transfer fee Description / Identification of real property Assessor's parcel number Amount of the fee Actual examples of the fee, if property is residential Date or circumstances in which the transfer fee payment expires Purpose for which the funds will be used Entity to which funds will be paid and specific contact information regarding where the funds will be sent Signature(s) of the authorized representative of the entity Signature(s) acknowledged
Fees	Regular
Legal References	CC - 1098, 1098.6 , 4098.5, 1102.6(e)
Comments	* Title of document shall be in at least a 14-point boldface type. The Recorder shall only be responsible for examining items 1, 2, 3, 8, 9, and 10 of the requirement listed above.
Index	Local Use
Ordinances/Opinions	
Grantor = Owner	
Grantee = Entities and individual(s)	

RECORDING REQUESTED BY _____

AND WHEN RECORDED MAIL TO _____

(NAME ADDRESS CITY, STATE/ZIP)

Rev. 2012

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PAYMENT OF TRANSFER FEE REQUIRED (Notice)

This notice of transfer fee required pursuant to Section 1098.5 of the California Civil Code ("Notice") is made by _____ . The name(s) of the Owner(s) subject to the fee are _____ .

The property subject to the fee is located in _____ County, California and is described as follows :

The fee will be paid to _____ at _____ .

Authorized Representative

SAMPLE

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	SB 273
Chapter:	660
Author:	Hill
Topic:	Marriage and domestic partnership: minors
Impact:	Minor
Summary:	<p>If the court issues an order granting the parties permission to marry, and if one or both of the parties are 17 years of age or younger, the bill would make the parties eligible to request a marriage license no earlier than 30 days from the time the court order was issued. The bill would exempt from the above-described requirements a minor who is 17 years of age and who has achieved a high school diploma or a high school equivalency certificate. The bill would exempt from the above-described 30-day waiting requirement a minor who is 16 or 17 years of age and who is pregnant or whose prospective spouse is pregnant.</p> <p>Existing law requires the person solemnizing the marriage to return the marriage license, as specified, to the county recorder of the county in which the license was issued within 10 days after the ceremony. This bill would also require the person solemnizing the marriage to include with the marriage license a copy of the court order granting permission to marry, if one or both of the parties to the marriage were minors at the time of solemnization of the marriage.</p> <p>Existing law requires the local registrar of marriages, who is the county recorder, to transmit to the State Registrar of Vital Statistics all marriage certificates accepted for registration, as specified. This bill would also require the local registrar to submit to the State Registrar, at least annually, the total number of marriage certificates and the age and gender of each party, as specified, concerning marriage certificates in which one or both of the parties were minors at the time of solemnization of the marriage. The bill would authorize</p>

2018 Chaptered Bill Analysis For 2019 Implementation

the local registrar to dispose of this information no earlier than 2 years after the local registrar submits the information to the State Registrar, and to immediately dispose of the copy of the court order after that submission.

Effect: Amends Sections 302, 303, 304, and 423 of the Family Code, and adds Sections 102233 and 102356 to the Health & Safety Code, relating to marriage

Actions Required: Staff Training

Presenter: Andrew B. Graham, Sacramento County

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number: SB 721

Chapter: 445

Author: Senator Jim Beall

Topic: Inspection for Contractors: decks and balconies

Impact: Information Only

Summary: Requires an inspection of buildings with balconies or decks with three or more multifamily dwelling units. Requires the owner to have a licensed inspection. Provides that the purpose of the inspection is to verify that all building assemblies, including load-bearing components and their associated waterproofing elements, are in safe working condition and free from any hazardous condition caused by fungus, decay, or improper alteration to the extent that the safety of the public or the occupants is not endangered. The existing code allows for liens to be recorded for violations and County Recorders may charge a City to record the lien and notice the owner. The City may recover costs incurred for recording from the owner.

Effect: The Building Safety Lien shall have the force, effect, and priority of a judgment lien.

Actions Required: DRIM update for Building and Safety Lien and Release

Presenter: Melinda Greene, Santa Barbara

Notes:

EVEN

Title	BUILDING SAFETY LIEN
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Purpose	To evidence a lien against real property for the payment of a civil penalty assessed
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Requirements	<ol style="list-style-type: none"> 1. Name(s) of owner(s) 2. Address(es) of owner(s) 3. Legal description 4. Street address 5. Assessors parcel number 6. Amount of lien 7. Name of local agency creating lien 8. Signature of local agency official 9. Signature acknowledged
---------------------	--

Fees	Regular fee plus lien fee if applicable
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Legal References	H&S - 17973 (j) (1), 17973 (j) (4) (fee); Govt - 27287 (ack)
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Comments	
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Index	Local Use
Grantor = Owner	Ordinances/Opinions
Grantee = Public Agency	

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO	NAME ADDRESS CITY, STATE, ZIP
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TITLE OF DOCUMENT

SAMPLE

DOCUMENT SAMPLE IS UNDER DEVELOPMENT

EVEN

Title	RELEASE OF BUILDING SAFETY LIEN
--------------	--

Purpose	<i>To release property from the effect of a Building Safety Lien</i>
----------------	--

Requirements	<ol style="list-style-type: none"> 1. Name(s) of owner(s) 2. Address(es) of owner(s) 3. Legal description 4. Street address 5. Assessors parcel number 6. Amount of lien 7. Recording reference to Building Safety Lien 8. Name of local agency creating lien 9. Signature of local agency official 10. Signature acknowledged
---------------------	--

Fees	Regular
-------------	---------

Legal References	H&S - 17973 (j) (1), 17973 (j) (2), 17973 (j) (4) (fee); Govt - 27287 (ack), 27361.6 (rec ref)
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Comments	Release OR Discharge of Building and Safety Lien have the same recording requirements
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Index	Local Use
Ordinances/Opinions	
Grantor = Public Agency	
Grantee = Owner	

RECORDING REQUESTED BY	
AND WHEN RECORDED MAIL TO	
NAME	
ADDRESS	
CITY, STATE, ZIP	

space above this line for Recorder's Use only

TITLE OF DOCUMENT

SAMPLE

DOCUMENT SAMPLE IS UNDER DEVELOPMENT

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	SB 818
Chapter:	404
Author:	Beall
Topic:	Mortgages and deeds of trust: foreclosure
Impact:	Information Only
Summary:	This bill reenacts various provisions of the California Homeowner Bill of Rights Act and makes other changes. The bill establishes a variety of requirements in connection with foreclosures on mortgages and deeds of trust, including restriction on mortgage servicers actions while a borrower is attempting to secure a loan modification or has submitted a loan modification application.
Effect:	An act to amend Section 2924 of, to amend and repeal Sections 2923.4, 2923.5, 2923.6, 2924.12, 2924.15, and 2924.17 of, to add Sections 2923.55, 2924.9, 2924.10, 2924.18, and 2924.19 to, to repeal Sections 2920.5 and 2923.7 of, and to repeal and add Section 2924.11 of, the Civil Code, relating to mortgages.
Actions Required:	None
Presenter:	Paula Pesut, Placer County
Notes:	

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	SB 989
Chapter:	660
Author:	Wieckowski
Topic:	State Highways: Route 84: Relinquishment
Impact:	Information Only
Summary:	Authorizes the California Transportation Commission to relinquish to the City of Fremont a specified portion of Route 84 within its city limits, upon terms and conditions the commission finds to be in the best interest of the state, if the department and the city enter into an agreement providing for that relinquishment.
Effect:	Amends Section 384 of the Streets and Highways Code, relating to highways.
Actions Required:	Inform staff
Presenter:	Barbara Dunmore, Contra Costa County
Notes:	The relinquishment will become effective immediately following recordation of the relinquishment resolution.

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	SB 1130
Chapter:	896
Author:	Leyva
Topic:	Property Tax Postponement: Residential Dwelling: Manufactured Home
Impact:	Information Only
Summary:	<p>Expands the definition a "residential dwelling" to include a manufactured home.</p> <p>Repeals the Senior Citizens Mobilehome Property Tax Postponement Law and replaces it with the Senior Citizens Manufactured Home Property Tax Postponement Law, commencing July 1, 2019. Blind, disabled, and/or individuals over the age of 62 who own manufactured homes may apply for property tax postponement. All sums paid by the Controller to the county tax collector for property taxes owed upon a manufactured home situated on real property owned by a claimant are required to be secured by a lien in favor of the state.</p>
Effect:	Amends Sections 16180, 16181, 16182, 16183, 16184, 16186 and 16192 of, and to repeal Article 4 (commencing with Section 16210) of Chapter 5 of Part 1 of Division 4 of Title 2 of, the Government Code, and to amend Sections 2514, 20503, 20505, 20583, 20585, 20586, 20640.2, and 20641 of, to add Section 20639.13 to, and to add Chapter 3.3 (commencing with 20639) to Part 10.5 of Division 2 of, the Revenue and Taxation Code.
Actions Required:	Inform staff
Presenter:	Barbara Dunmore, Contra Costa County
Notes:	

2018 Chartered Bill Analysis For 2019 Implementation

Bill Number:	SB 1183
Chapter:	136
Author:	Morrell
Topic:	Mortgages: deeds of trust: successors in interest
Impact:	Information Only
Summary:	<p>Existing state law regulates reverse mortgages and defines a reverse mortgage to mean a nonrecourse loan secured by real property if the loan provides cash advances to a borrower based on the equity or the value in a borrower's owner-occupied principal residence, the loan requires no payment of principal or interest until the entire loan becomes due and payable, and the loan is made by a specified licensed or chartered lender.</p> <p>Existing law prohibits a mortgage servicer, upon notification that a borrower has died by a person claiming to be a successor in interest, from recording a notice of default until the mortgage servicer gives an opportunity for the claimant to show that he or she is a successor in interest, as specified. Existing law requires a mortgage servicer, within 10 days of a claimant being deemed a successor in interest, to provide the successor in interest with information about the loan, as specified. Existing law also requires a mortgage servicer to allow a successor in interest to assume the deceased borrower's loan or to apply for foreclosure prevention alternatives on an assumable loan, as specified. Existing law provides other protections for these successors in interest and deems a mortgage servicer, mortgagee, or beneficiary of the deed of trust, or an agent thereof, to be in compliance with the above-described provisions if they comply with specified federal laws. Existing law makes these provisions inoperative on January 1, 2020.</p> <p>This bill would make those provisions inapplicable to reverse mortgages, as defined, and would delete certain obsolete references. .</p>

2018 Chaptered Bill Analysis For 2019 Implementation

Effect: An act to amend Section 2920.7 of the Civil Code, relating to mortgages and deeds of trust

Actions Required: None

Presenter: Paula Pesut, Placer County

Notes:

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	SB 1289
Chapter:	92
Author:	Committee on Judiciary
Topic:	Maintenance of the Codes
Impact:	Informational
Summary:	Maintenance of the Codes
Effect:	An act to amend Sections 15827, 15841 and 65863.11 of, the Government Code and 4615(c)(2) of the Civil Code relating to the maintenance of the codes.
Actions Required:	None
Presenter:	David Valenzuela, Ventura
Notes:	None

SURETY BOND - RELEASE OF LIEN	
Title	
Purpose	To release a claim of lien from property by substituting a bond as claimant's security for payment
Requirements	<ol style="list-style-type: none"> 1. Name(s) of principal(s) (owners, contractor, etc.) 2. Name of guarantor (surety) 3. Name of obligee 4. Recording reference to claim of lien 5. Signatures of principal and guarantor 6. Signature of guarantor acknowledged
Fees	Regular
Legal References	<p>CC - 4615 (c)(2), 8424, Govt - 27287 (ack), 27361.6 (rec. ref.) CC-3143 repealed in 2010, SB 189</p>
Comments	
Index	Local Use
Ordnances/Opinions	
Grantor = Principal, Surety (optional)	
Grantee = Oblige	

RECORDING REQUESTED BY _____

AND WHEN RECORDED MAIL TO _____

NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

Rev. 2013

space above this line for Recorder's use only

SURETY BOND

SAMPLE

Bond No. _____

KNOW ALL MEN BY THESE PRESENTS, That we _____

as Principal and _____, as Surety, are held and firmly bound unto _____

as Oblige; in the sum of _____ Dollars (\$ _____), lawful money of the United States of America, to payment of which, well and truly to be paid, we bind ourselves, our heirs, executors and successors, jointly and severally, firmly by these presents.

THE CONDITION ABOVE OBLIGATION IS SUCH, That WHEREAS _____, is the claimant under that certain mechanic's lien in the amount of _____ Dollars, recorded on _____, in the Office of the County Recorder of _____, State of California, with respect to property of the _____, located at _____, California.

WHEREAS said Principal disputes the correctness or validity of such claim of lien and desires to execute and record a bond pursuant to the provisions of Section 3143 of the Civil Code of the State of California to enable the real property above described to be freed from the affect of said claim of lien and any action brought to foreclose said lien.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the Principal shall pay any sum which said claimant may recover on said claim, together with his costs of suit in the action, if he recovers therein, then this obligation shall be void; otherwise to remain in full force and effect.

Signed, sealed and dated this _____ day of _____ 20 _____.

_____ Principal

_____ Guarantor

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

2018 Chaptered Bill Analysis For 2019 Implementation

Bill Number:	SB 1498
Chapter:	467
Author:	Com on Gove and Finance
Topic:	Local Government Omnibus Act of 2018
Impact:	Important
Summary:	This bill would revise various references to instruments submitted for recordation to include papers and notices and make other technical corrections.
Effect:	An act to amend Sections 12463.1, 25502.5, 27230, 27263, 27293, 27294, 27320, 27321, 27322.3, 27323, 27327, 27329, 27397, 34090, 34093, 34852, 34855, 34857, 36522, 36802, 37107, 37547, 37607, 37683, 38400, 38406, 38741, 38780, 38782, 39501, 39560, 39564, 39573, 39574, 39901, 40537, 40538, 40539, 40603, 40604, 40804, 40806, 40812, 40813, 40814, 41204, 41205, 41602, 41603, 41605, 41608, 41609, 41610, 41611, 41803.7, 43625, 43626, 53343.2, 53398.60, 53398.61, 53398.75, and 54930 of the Government Code, to amend Section 469 of the Revenue and Taxation Code, and to repeal Section 36626 of the Streets and Highways Code, relating to local government.
Actions Required:	Inform staff
Presenter:	Monique Blakely, Los Angeles
Notes:	