

# **2021 NEW LAW WORKBOOK**

**A SUMMARY OF LEGISLATION AFFECTING COUNTY RECORDERS**



**COUNTY RECORDERS' ASSOCIATION OF CALIFORNIA**

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# **2021 New Law Workbook**

Presented by

## **County Recorders' Association of California**

**Legislative Committee**

**Document Reference Manual Committee**

**Uniform Practice Committee**

**Sacramento, California**

**December 14-17, 2021**

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# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** AB 218

**Chapter:** 577

**Author:** Ward

**Topic:** Change of gender and sex identifier

**Impact:** Major

**Summary:** Creates, as of January 1, 2023, a process for a petitioner seeking a change of gender to also request that their marriage license and certificate and their children's birth certificates be reissued with updated information about the petitioner.

Requires the State Registrar to transmit copies of the newly established birth certificate or marriage license to the County Recorder for filing.

If the recorder is not able to forward the original certificate to the State Registrar, the recorder shall effectually seal a cover over the copy of the original certificate in a manner as not to deface or destroy the copy and forward a verified statement of the action to the State Registrar. Thereafter the information contained in the record shall be available only upon written request of the registrant or on order of a court of record.

**Effect:** An act to amend Sections 1276 and 1277 of the Code of Civil Procedure, and to amend Sections 102426 and 102430 of, to amend, repeal, and add Sections 103400 and 103725 of, and to repeal and add Article 7 (commencing with Section 103425) of Chapter 11 of Part 1 of Division 102 of, the Health and Safety Code, relating to vital records.

**Actions Required:** Inform staff

**Presenter:** Melissa Garcia. Riverside County

**Notes:**

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** AB 345

**Chapter:** 343

**Author:** Quirk-Silva

**Topic:** Accessory dwelling units: separate conveyance

**Impact:** Information Only

**Summary:** The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and requires a local agency that has not adopted an ordinance to ministerially approve an application for an accessory dwelling unit, and sets forth required ordinance standards, including that the ordinance prohibit the sale or conveyance of the accessory dwelling unit separately from the primary residence.

Existing law, notwithstanding the prohibition described above, authorizes a local agency to, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met, including that the property was built or developed by a qualified nonprofit corporation and that the property is held pursuant to a recorded tenancy in common agreement. Existing law requires that tenancy in common agreement to, among other things, allocate to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.

This bill would require each local agency to allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if the above-described conditions are met. The bill would impose an additional condition on a tenancy in common agreement subject to these provisions and recorded on or after December 31, 2021, to include specified information, including a delineation of all areas of the property that are for the exclusive use of a cotenant, delineation of each

## **2021 Chaptered Bill Analysis For 2022 Implementation**

cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, and improvements associated with the property, and procedures for dispute resolution among cotenants before resorting to legal action.

By imposing additional duties on local governments in the administration of the development of accessory dwelling units, the bill would impose a state-mandated local program.

**Effect:** An act to amend Sections 65852.2 and 65852.26 of the Government Code, relating to land use.

**Actions Required:** Inform staff

**Presenter:** Melinda Greene, Santa Barbara County

**Notes:**

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** AB 439

**Chapter:** 53

**Author:** Bauer-Kahan

**Topic:** Certificates of death: gender identity

**Impact:** Information Only

**Summary:** Existing law requires a person completing the certificate of death to record the decedent's gender identity as reported by the informant, unless the person is presented with specified legal documents showing a different gender identity. Existing law requires the person completing the certificate of death to record the decedent's gender identity as indicated in the specified legal documents, or if the specified documents are not presented, as indicated by the person or a majority of persons with control over the disposition of the remains, as specified.

This bill would authorize the decedent's gender identity to be recorded as female, male, or nonbinary.

**Effect:** Amend Section 102875 of the Health and Safety Code, relating to certificates of death.

**Actions Required:** Inform staff

**Presenter:** Andrew B. Graham, Sacramento County

**Notes:**

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** AB 583

**Chapter:** 620

**Author:** Davies

**Topic:** Remote Marriage License Issuance & Solemnization

**Impact:** Important

**Summary:** Authorizes a county clerk to issue a marriage license, including a confidential marriage license, or solemnize or witness a marriage ceremony using remote technology, as defined, except for the marriage of a minor.

**Effect:** Add and repeal Part 5 (commencing with Section 550) of Division 3 of, the Family Code.

**Actions Required:** Inform staff

**Presenter:** Carol Sutherland, Santa Cruz County

**Notes:** Contains an urgency clause to take effect immediately.

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** AB 721

**Chapter:** 349

**Author:** Bloom

**Topic:** Covenant and restrictions: affordable housing

**Impact:** Important

**Summary:** Authorizes owners of affordable housing development to submit a copy of the original restrictive covenant and a restrictive covenant modification document pursuant to Section 12956.2 of the Government Code that modifies or removes any existing restrictive covenant language that restricts the number, size, or location of the residences that may be built on the property, or that restricts the number of persons or families that may reside on the property, to the extent necessary to allow the affordable housing development to proceed under the existing declaration of restrictive covenants.

AB721 requires Recorders to submit documentation received within five business days to County Counsel. Requires County Counsel to make determinations, including whether the original restrictive covenant document contains an unlawful restriction in violation of these provisions and whether the property qualifies as an affordable housing development within 15 days. If County Counsel is unable to make a determination, they shall specify the documentation that is needed in order to make the determination.

Recorders shall not record the modification document if County Counsel finds that the original restrictive covenant document does not contain a restriction prohibited by this section or finds that the property does not qualify as an affordable housing development.

Modification documents shall be indexed in the same manner as the original restrictive covenant

## **2021 Chaptered Bill Analysis For 2022 Implementation**

document being modified. It shall contain a recording reference to the original restrictive covenant document, in the form of a book and page or instrument number, and date of the recording. The effective date of the terms and conditions of the modification document shall be the same as the effective date of the original restrictive covenant document.

Requires counties to charge regular recording fees and SB2 fees. No certified copy required.

**Effect:** Adds Section 714.6 to the Civil Code, relating to real property.

**Actions Required:** Inform staff

**Presenter:** Katharine Campos, Yolo County

**Notes:**

# 2021 Chaptered Bill Analysis For 2022 Implementation

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<b>Title</b>	RESTRICTIVE COVENANT MODIFICATION – AFFORDABLE HOUSING CIV 714.6
<b>Purpose</b>	To allow the recordation of a document to redact restrictive covenants that restrict the number, size, or location of the residences that may be built on the property, or the number of persons or families that may reside on the property from a previously recorded document after local County Counsel or Designee determines such language violates the fair housing laws and is void
<b>Requirements</b>	<ol style="list-style-type: none"> <li>1. Name(s) of owner(s) of affordable housing development/Requesting Party</li> <li>2. Identification of document page number and language in violation</li> <li>3. Recording reference of document with unlawful restrictive covenant</li> <li>4. Attached copy of referenced document (<b>Redacting</b> the unlawful restrictive language)</li> <li>5. Signature(s) of owner(s) of affordable housing development(s)</li> <li>6. Signature(s) acknowledged</li> <li>7. <b>Approval by County Counsel or Designee</b></li> </ol>
<b>Fees</b>	Regular
<b>Legal References</b>	GOV 12956.2, 12956.2 (d) (indexing), 27287(ack), 27361.6 (rec.ref.), CIV 714.6
<b>Comments</b>	The County recorder shall make the Restrictive Covenant modification form available to the public either electronically or in paper form per GOV 12956.2(g). Form and supporting documentation must be submitted to County Counsel for review within 5 days. County Counsel determination must be completed within 15 days (Per AB721 1/1/2022). See the AB 1466 Restrictive Covenant Modification chapter in the introduction of the DRIM for more information.
<b>Index of the Restrictive Covenant Modification</b>	Local Use
<b>Grantor:</b> Owner of Affordable Housing Development	Index of the Original Document
<b>Title as Restrictive Covenant Modification (per AB 1466 1/1/2022)</b>	Original Grantor/Grantee name(s) Original Title(s)

RECORDING REQUESTED BY \_\_\_\_\_  
AND WHEN RECORDED MAIL TO \_\_\_\_\_

SAMPLE

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY, STATE/ZIP \_\_\_\_\_

Added 2021

## RESTRICTIVE COVENANT MODIFICATION - AFFORDABLE HOUSING CIV 714.6

The following referenced document contains a restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision Section 12955, or ancestry that violates state and federal fair housing laws and that restriction is void.

Pursuant to Section 12956.2 of the Government Code, this document is being recorded solely for the purpose of redacting and eliminating that restrictive covenant as shown on page(s) \_\_\_\_\_ of the document recorded on \_\_\_\_\_ (date) in Book \_\_\_\_\_ and Page \_\_\_\_\_ or Instrument Number \_\_\_\_\_ of the Official Records of the County of \_\_\_\_\_, State of California

Attached hereto is a true, correct and complete copy of the document referenced above, with the unlawful restrictive covenant redacted.

This modification document shall be indexed in the same manner as the original document pursuant to subdivision (d) of Section 12956 of the Government Code.

The effective date of the terms and conditions of this modification document shall be the same as the effective date of the original document referenced above.

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_

\_\_\_\_\_, County Counsel, or their designee, pursuant to paragraph (1) of subdivision (b) of Section 12956.2 of the Government Code, hereby states that it has determined that the original document referenced above contains an unlawful restriction and this modification may be recorded.

Or

\_\_\_\_\_, County Counsel, or their designee, pursuant to paragraph (1) of subdivision (b) of Section 12956.2 of the Government Code, finds that the original document does not contain an unlawful restriction, or the modification document contains modifications not authorized, and this modification may not be recorded

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
By: \_\_\_\_\_  
Deputy County Counsel, or Designee

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** AB 751

**Chapter:** 623

**Author:** Irwin

**Topic:** Vital records: certified copies: electronic requests

**Impact:** Important

**Summary:** Existing law generally authorizes the State Registrar, a local registrar, or a county recorder to furnish a certified copy of a birth, death, or marriage certificate to an authorized person, as defined, who submits a written, faxed, or digitized image of a request accompanied by a notarized statement, sworn under penalty of perjury, that the applicant is an authorized person. Existing law, until January 1, 2022, additionally authorizes these officials to accept an electronic request for a certified copy of these records if the request is accompanied by an electronic verification of identity and an electronic statement sworn under penalty of perjury.

The bill would delete the January 1, 2022, sunset date for authorizing an official to accept an electronic request, thereby applying those provisions indefinitely. By expanding the crime of perjury applicable to an electronic statement sworn under penalty of perjury, the bill would impose a state-mandated local program. The bill would also specify the guidelines for the electronic verification of identity and require the completion of a privacy risk assessment, as required by those guidelines..

**Effect:** Amend and repeal Section 103526 of the Health and Safety Code, relating to vital records.

**Actions Required:** Inform staff

**Presenter:** Andrew B. Graham, Sacramento County

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** AB 959

**Chapter:** 268

**Author:** Mullin

**Topic:** Park Districts: ordinances: nuisances; abatement

**Impact:** Information Only

**Summary:** Existing law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Existing law authorizes 3 or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, to organize and incorporate, but requires that all the territory in the proposed district be contiguous. Existing law requires the board of directors to superintend, control, and make available to all the inhabitants of the district all public recreation lands and facilities, as provided. Existing law requires the board of directors to act only by ordinance, resolution, or a motion duly recorded in the minutes of a meeting of the board.

This bill would authorize the board of directors of a district, by ordinance, to declare that an encroachment onto district lands constitutes a nuisance. The bill would authorize a district that adopts such a nuisance ordinance to establish a nuisance abatement procedure, which would include notice and hearing requirements, and to collect abatement and related administrative costs and penalties, including through a nuisance abatement lien, as specified. The bill would authorize a county recorder to impose a fee on a district to reimburse the costs of processing and recording a nuisance abatement lien and providing notice. The bill would additionally authorize a district to initiate a civil action to abate a nuisance in the name of the district, as specified.

Existing law provides that a violation of an

## **2021 Chaptered Bill Analysis For 2022 Implementation**

ordinance, rule, or regulation adopted by the board of directors of a district is a misdemeanor punishable by a fine or imprisonment in the county jail, as provided.

This bill would provide that the above provision does not apply to a violation of an ordinance adopted pursuant to the bill's provisions.

**Effect:** An act to add Section 5558.5 to the Public Resources Code, relating to park districts.

**Actions Required:** Inform staff

**Presenter:** David Valenzuela, Ventura County

**Notes:**

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** AB 1094

**Chapter:** 177

**Author:** Arambila

**Topic:** Sexual Orientation and gender identity data collection pilot project

**Impact:** Information Only

**Summary:** Existing law establishes the State Department of Public Health under the direction of the State Public Health Officer, and sets forth the powers and duties of the State Public Health Officer, including designation as the State Registrar of Vital Statistics. Existing law authorizes the department to establish and maintain the California Electronic Violent Death Reporting System (CEVDRS), to collect data on violent deaths from data sources, including, but not limited to, death certificates, law enforcement reports, and coroner or medical examiner reports.

Existing law sets forth the duties and authority of a county coroner, and authorizes a county board of supervisors, by ordinance, to abolish the office of coroner and provide instead for the office of medical examiner, to be appointed by the board and to exercise the powers and perform the duties of the coroner. Existing law requires the coroner to inquire into and determine the circumstances, manner, and cause of all violent deaths in the coroner's jurisdiction.

This bill would require the department to establish a 3-year pilot program in up to 6 counties that agree to participate, for the identification and collection by coroners and medical examiners of gender identity and sexual orientation in cases of violent death. The bill would require the counties to be trained in the data collection by a public or private agency with expertise in identifying and collecting clinical data pertaining to sexual orientation and gender identity, as specified. Following the training, the bill would require a coroner or medical examiner to begin data

## **2021 Chaptered Bill Analysis For 2022 Implementation**

collection and to aggregate, deidentify, and annually report the data to the board of supervisors and the department. The bill would require the department to include the pilot program data in the CEVDRS. The bill would make its provisions inoperative on the date the State Public Health Officer certifies that the final year of data from the pilot program has been entered in the CEVDRS, and would repeal the provisions on the January 1 following that date.

**Effect:** An act to add and repeal Article 6 (commencing with Section 102935) of Chapter 6 of Part 1 of Division 102 of the Health and Safety Code, relating to health data collection.

**Actions Required:** Inform staff

**Presenter:** David Valenzuela, Ventura County

**Notes:**

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** AB 1466

**Chapter:** 359

**Author:** McCarty

**Topic:** Real Property: discriminatory restrictions

**Impact:** Major

**Summary:** This bill, which addresses unlawful restrictive covenants (that may contain discriminatory language) and the recording of Restrictive Covenant Modifications (RCMs), affects existing laws on two distinct dates in 2022-- January 1, 2022, and July 1, 2022. The bill defines terms 'redaction' and 'redacted' and alters the language that must appear on the cover sheet provided by the Recorder and other entities accompanying copies of declarations, governing documents, and deeds pursuant to GC 12956.1(b)(1). AB1466 also clarifies that neither the Recorder, nor the county, are liable if RCMs are not identified or redacted.

Beginning January 1, 2022:

Requires Recorders to make modification forms available to the public in their offices or on their websites.

Restrictive Covenant Modifications shall be indexed as "Restrictive Covenant Modifications." The Recorder shall make the index of Restrictive Covenant Modifications publicly available in the office and shall allow for searching for this title if the Recorder's office provides an online index.

Beginning July 1, 2022:

Requires Recorders to establish a restrictive covenant program to assist in the redaction of unlawfully restrictive covenants that are in violation of GC 12955(l) The program plan shall:

Outline how the Recorder will carry out identifying and redacting. An implementation plan that shall be

## 2021 Chaptered Bill Analysis For 2022 Implementation

made publicly available.

Create a timeline for the plan's elements to be completed and submit regular updates about the plan's status.

Authorizes any person including those who do not have an ownership interest in the property including Recorders, to record Restrictive Covenant Modifications to address unlawful restrictive covenants.

Provides that Restrictive Covenant Modifications may be recorded without local recording fees and are exempt from SB2 fees.

Negates the need for RCM signers to be notarized prior to recording

By Board of Supervisors Approval, authorizes counties to increase fees by \$2 for the first page of each document subject to fees, to fund the Recorder's implementation of the Restrictive Covenant Program. The \$2 fee is not authorized on documents exempt from SB2 fees.

The Recorder shall submit completed original CC&R and modification cover sheet to County Counsel for review and approval prior to recording. County Counsel must review, return, and inform the Recorder of their determination within a reasonable time, not to exceed 3 months.

Ongoing

Before December 31, 2022, AB 1466 requires CRAC to convene a best practices meeting to share concepts on RCM modification implementation. Recorders will meet annually until December 31, 2027, to discuss the RCM program.

Before January 1, 2023, CRAC shall submit status reports on the RCM program to the Legislature. Reports may include the number of documents that have been redacted and the timelines to complete needed steps.

**Effect:** Amends Sections 12956.1, 12956.2, 27282 and 27388.1 and adds Sections 12956.3 and 27388.2 to

## **2021 Chaptered Bill Analysis For 2022 Implementation**

the Government Code, relating to real property.

**Actions Required:** Inform staff/update modification form

**Presenter:** Jodi Olson, Marin County  
Katharine Campos, Yolo County

# 2021 Chaptered Bill Analysis For 2022 Implementation

## 268 (Effective 1/1/2022)

<b>Title</b>	<b>RESTRICTIVE COVENANT MODIFICATION</b>
<b>Purpose</b>	To allow the recordation of a document to strike out blatant racial, religious, or other restrictive covenants from a previously recorded document after local County Counsel determines such language violates the fair housing laws and is void
<b>Requirements</b>	<ol style="list-style-type: none"> <li>1. Name(s) of owner</li> <li>2. Identification of document page number and language in violation</li> <li>3. Recording reference of document with unlawful restrictive covenant</li> <li>4. Attached copy of referenced document (must be complete document striking out the unlawful restrictive language)</li> <li>5. Signature(s) of owner(s)</li> <li>6. Signature(s) acknowledged</li> <li>7. Approval by County Counsel</li> </ol>
<b>Fees</b>	Regular Fees may be waived at the discretion of the Recorder
<b>Legal References</b>	GOV 12956.2, 12956.2(c) (indexing), 27287 (ack), 27361.6 (rec.ref.)
<b>Comments</b>	The county recorder shall make the Restrictive Covenant modification form available to the public per GOV 12956.2(e)
<b>Index</b>	Modification shall be indexed in the same manner as the original document being modified <b>Title as Restrictive Covenant Modification (per AB1466 1/1/2022)</b>

RECORDING REQUESTED BY \_\_\_\_\_  
AND WHEN RECORDED MAIL TO \_\_\_\_\_

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY, STATE/ZIP \_\_\_\_\_

Rev. 2020

space above this line for Recorder's use only

### RESTRICTIVE COVENANT MODIFICATION

I(We) \_\_\_\_\_ have an ownership interest of record in the property located at \_\_\_\_\_ that is covered by the document described below.

The following referenced document contains a restriction 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 as defined in subdivision (p) of Section 12955, or ancestry that violates state and federal fair housing laws and that restriction is void. Pursuant to Section 12956.2 of the Government Code, this document is being recorded solely for the purpose of eliminating that restrictive covenant as shown on page(s) \_\_\_\_\_ of the document recorded on \_\_\_\_\_ (date) in Book \_\_\_\_\_ and Page \_\_\_\_\_ or Instrument Number \_\_\_\_\_ of the Official Records of the County of \_\_\_\_\_.

This modification document shall be indexed in the same manner as the original document pursuant to Government Code Section 12956.2(c).  
The effective date of the terms and conditions of this modification document shall be the same as the effective date of the original document referenced above.

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_

SAMPLE

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

Approved: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Deputy County Counsel

# 2021 Chaptered Bill Analysis For 2022 Implementation

**268 (Effective 7/1/2022)**

SAMPLE

RECORDING REQUESTED BY \_\_\_\_\_  
AND WHEN RECORDED MAIL TO \_\_\_\_\_

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY, STATE, ZIP \_\_\_\_\_

space above this line for Recorder's use only

Rev. 7/1/2022

<b>Title</b>	<b>RESTRICTIVE COVENANT MODIFICATION</b>
<b>Purpose</b>	To allow the recording of a document to <b>redact</b> blatant racial, religious, or other restrictive covenants from a previously recorded document after local County Counsel or <i>Designee</i> determines such language violates the fair housing laws and is void
<b>Requirements</b>	<ol style="list-style-type: none"> <li>1. Name(s) of <i>Requesting Party</i>(s)</li> <li>2. Identification of document page number and language in violation</li> <li>3. Recording reference of document with unlawfully restrictive covenant</li> <li>4. Attached copy of referenced document (<i>Redacting</i> the unlawfully restrictive language)</li> <li>5. Signature(s) of <i>Requesting Party</i>(s)</li> <li>6. Approval by County Counsel or <i>Designee</i></li> </ol>
<b>Fees</b>	Regular Fees may be waived at the discretion of the Recorder, <i>Exempt from SB2 Fee</i>
<b>Legal References</b>	GOV 12956.2, 12956.2 (d) (indexing), 27361.6 (rec.ref.), 27388.1(SB2 Fee)
<b>Comments</b>	The county recorder shall make the Restrictive Covenant modification form available to the public either electronically or in paper form per GOV 12956.2(g). <i>If the Recorder locates the Restrictive Covenant through the mandated program (per AB1466 7/1/2022) then they will be listed as the requesting party and sign before submitting to County Counsel for review. Form and supporting documentation must be submitted to County Counsel for review and determination must be completed within three months from the date the request for recordation is made (Per AB1466 7/1/2022). See the AB 1466 Restrictive Covenant Modification chapter in the introduction of the DRIM for more information.</i>
<b>Index of the Restrictive Covenant Modification</b> <i>Index of the Original Document</i>	
<b>Executing Requesting Party(s)</b>	<i>Original Grantor/Grantee name(s)</i>
<b>Title as Restrictive Covenant Modification (per AB1466 1/1/2022)</b>	<i>Original Title(s)</i>

### RESTRICTIVE COVENANT MODIFICATION

The following referenced document contains a restriction based on **age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information**, national origin, source of income as defined in subdivision Section 12955, or ancestry that violates state and federal fair housing laws and that restriction is void.

Pursuant to Section 12956.2 of the Government Code, this document is being recorded solely for the purpose of **redacting and** eliminating that restrictive covenant as shown on page(s) \_\_\_\_\_ of the document recorded on \_\_\_\_\_ (date) in Book \_\_\_\_\_ and Page \_\_\_\_\_ or Instrument Number \_\_\_\_\_ of the Official Records of the County of \_\_\_\_\_, State of California.

**Attached hereto is a true, correct and complete copy of the document referenced above, with the unlawful restrictive covenant redacted.**

This modification document shall be indexed in the same manner as the original document pursuant to **subdivision (g) of Section 12956** of the Government Code.

The effective date of the terms and conditions of this modification document shall be the same as the effective date of the original document referenced above.

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_

\_\_\_\_\_  
County Counsel, or their designee, pursuant to paragraph (f) of subdivision (b) of Section 12956.2 of the Government Code, hereby states that it has determined that the original document referenced above contains an unlawful restriction and this modification may be recorded.

Or  
\_\_\_\_\_  
County Counsel, or their designee, pursuant to paragraph (f) of subdivision (b) of Section 12956.2 of the Government Code, finds that the original document does not contain an unlawful restriction, or the modification document contains modifications not authorized, and this modification may not be recorded.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
By: \_\_\_\_\_  
Deputy County Counsel, or Designee

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** SB 8

**Chapter:** 161

**Author:** Skinner

**Topic:** Housing Crisis Act of 2019

**Impact:** Information Only

**Summary:** This bill amends Section 2 of Chapter 654 of the Statutes of 2019, relating to housing. The bill clarifies that "housing development project" means a use consisting of residential units, mixed-use developments, and transitional or supportive housing. Provides additional limits and exemptions to the requirements within the law.

**Effect:** Amends Section 65589.5, 65905.5, 65913.10, 65940, 65941.1, 65943, 65950, 66300, and 66301 of the California Government Code, relating to housing

**Actions Required:** Inform staff

**Presenter:** Laura Wilson, Contra Costa County

**Notes:** Refers to affordability restriction and easement recordings, but does not affect the recorder's office otherwise.

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** SB 9

**Chapter:** 162

**Author:** Atkins

**Topic:** Housing Development Approvals

**Impact:** **Information Only**

**Summary:** The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

**Effect:** Amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

**Actions Required:** Inform staff

**Presenter:** Carol Sutherland, Santa Cruz County

**Notes:**

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** SB 51

**Chapter:** 130

**Author:** Durazo and Carillo

**Topic:** Subject matter

**Impact:** Information Only

**Summary:** Amends the Roberti Act order of sale for SR 710 surplus residential properties in LA to provide that, after surplus residential properties have been offered for sale to the present tenants who meet specified requirements.

The sale of property located within the State Route 710 corridor in the City of Los Angeles to a housing-related entity will promote the preservation and creation of affordable housing consistent with Section 54235 of the Government Code.

The surplus residential property shall be subject to a covenant recorded against the property to ensure its use as affordable housing pursuant to this paragraph.

**Effect:** Amends Section 54234 of the Government Code

**Actions Required:** Inform staff

**Presenter:** Monique Blakely, Los Angeles County

**Notes:** Urgency Clause

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** SB 63

**Chapter:** 382

**Author:** Stern, Coauthors - Senators Dodd, Rubio, Assembly Members Friedman, Mathis, Muratsuchi and Wood

**Topic:** Fire Prevention: Vegetation Management

**Impact:** Information Only

**Summary:** Bill makes multiple changes to state law to enhance fire prevention effort by CAL FIRE, including among other things, improved vegetation management, and expanding the areas where enhanced fire safety building standards apply.

**Effect:** Amends sections 51177, 51178, 51178.5, 51182 and 51189 of the Government Code and sections 13108.5 of the Health and Safety Code, and to amend sections 4124.5 and 4291 and add and repeal sections 4123.8, 4291.5 and 4291.6 of the Public Resources Code relating to fire prevention.

**Actions Required:** Authorizes the recordation of a notice of abatement lien be recorded in the county where the real property is located.

**Presenter:** Frederick Garcia, Placer County

**Notes:** Approved by the Governor - 09/28/2021

# 2021 Chaptered Bill Analysis For 2022 Implementation

RECORDING REQUESTED BY \_\_\_\_\_  
AND WHEN RECORDED MAIL TO \_\_\_\_\_

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY, STATE/ZIP \_\_\_\_\_

Rev. 2021  
space above this line for Recorder's use only

## NOTICE OF ABATEMENT LIEN

WHEREAS a duly noticed public hearing was conducted on the question of whether or not a continuing violation of local Ordinance \_\_\_\_\_ existed, and \_\_\_\_\_

WHEREAS it was determined that such violation did exist and such violation was ordered abated on \_\_\_\_\_ and \_\_\_\_\_

WHEREAS the violation was abated by the County of \_\_\_\_\_ on \_\_\_\_\_ and \_\_\_\_\_

WHEREAS the cost of such abatement amounted to be \$ \_\_\_\_\_

NOW THEREFORE be it known that an Abatement Lien exists on the property owned by \_\_\_\_\_ and described as follows: \_\_\_\_\_

SAMPLE

The amount of such lien shall be \$ \_\_\_\_\_ plus interest and other costs which may hereafter become due.

Dated: \_\_\_\_\_ Local Agency Official \_\_\_\_\_

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

**NOTICE OF ABATEMENT LIEN**

**Purpose**  
To evidence a lien against real property for recovery of various local agency abatement costs

**Requirements**

1. Name(s) of owner(s)
2. Address(es) of owner(s)
3. Description / identification of real property
4. Date of abatement ordered
5. Date abatement complete
6. Amount of lien
7. Signature of local agency official
8. Signature acknowledged

**Fees**

Regular

**Legal References**

Admin 138 (substandard bldg)  
Govt - 25845(c) , 27287 (ack), 27288.1 (parties affected), 38773.1 (fee), 51189 (d)(2)  
B & P - 5499.12 (advertising display)

**Comments**

May require lien notification

<b>Index</b>	<b>Ordinances/Opinions</b>
Local Use	
Grantor = Owner	
Grantee = Public Agency	

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** SB 290

**Chapter:** 340

**Author:** Skinner

**Topic:** Density Bonus Law

**Impact:** Information Only

**Summary:** This bill modifies the existing Density Bonus Law, and requires that a city or county grant one incentive or concession for a student housing development project to include at least 20% of the total units in a rental property for lower income students and families of moderate incomes.

**Effect:** Amends Section 65400 and 65915 of the California Government Code, relating to housing

**Actions Required:** Inform staff

**Presenter:** Laura Wilson, Contra Costa County

**Notes:** Refers to affordability restriction, covenants, and deed restrictions, but does not affect the recorder's office otherwise.

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** SB 315

**Chapter:** 215

**Author:** Roth

**Topic:** Revocable transfer on death deeds (RTODD)

**Impact:** Minor

**Summary:** Extends the RTODD statute's operation until January 1, 2032, with the Commission to deliver a second follow-up study by January 1, 2031.

Requires that the deed be signed by two witnesses who were both present when the RTODD was signed or acknowledged by the transferor, and requires that the witnesses be competent to provide evidence in an action to contest the validity of the RTODD.

Provides that if a beneficiary of an RTODD also signs as a witness, the RTODD would be presumed to be the product of fraud or undue influence.

Provides for a transfer of real property via an RTODD into a trust; and allows use of an RTODD to transfer real property to a public entity or private nonprofit entity.

Makes a variety of technical and minor substantive changes to improve the clarity and operation of the law.

Specifies that its provisions do not apply to RTODDs that were signed before January 1, 2022.

**Effect:** Amends Section 27281 of the Government Code and Probate Code Sections 5600 et. al.

**Actions Required:** Inform staff

**Presenter:** Monique Blakely, Los Angeles County

**Notes:** Impacts Assessors

# 2021 Chaptered Bill Analysis For 2022 Implementation

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

*Added 2016, Rev. 2021*

## Revocable Transfer on Death Deed (Revocable TOD Deed)

Assessor's Parcel Number \_\_\_\_\_  
 This document is exempt from documentary transfer tax under Rev. & Tax. Code § 11930. This document is exempt from preliminary change of ownership report under Rev. & Tax. Code § 480.3.

**IMPORTANT NOTICE:**  
 THIS DEED MUST BE RECORDED ON OR BEFORE 60 DAYS AFTER THE DATE IT IS 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 notarized or it will not be effective.

SAMPLE

Print the legal description of the residential property affected by this deed:  
 PROPERTY DESCRIPTION  
 BENEFICIARY(IES)

Name the person(s) or entity(ies) who will receive the described property on your death IF YOU ARE NAMING A PERSON, state the persons FULL NAME (DO NOT use general terms like "my children"). You may also wish to state the RELATIONSHIP that the person has to you (spouse, son, daughter, friend, etc.), but this is not required. IF YOU ARE NAMING A TRUST, state the full name of the trust, the name of the trustee(s), and the date shown on the signature page of the trust. IF YOU ARE NAMING A PRIVATE OR PUBLIC ENTITY, state the name of the entity as precisely as you can.

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.

### WITNESSES

To be valid, this deed must be signed by two persons, both present at the same time, who witness your signing of the deed or your acknowledgment that it is your deed. The signatures of the witnesses do not need to be acknowledged by a notary public.

Witness #1 Print and sign your name \_\_\_\_\_  
 Witness #2 Print and sign your name \_\_\_\_\_

APPROPRIATE ACKNOWLEDGMENT FOR TRANSFEROR/OWNER SHOULD APPEAR HERE

**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**

1. Name of transferor/owner
2. Name of beneficiary(ies)
3. Description/identification of real property
4. Signature of transferor/owner
5. Signature of transferor/owner acknowledged
6. Signature of two witnesses who were present at signing or acknowledgment

\* Document type is NOT subject to Documentary Transfer Tax and does NOT require a Preliminary Change of Ownership Report

\* Does not require an acceptance or a certificate of consent at the time of recording if transferring to a political corp or govt agency (See Certificate of Acceptance/Consent of Revocable Transfer on Death Deed)

**Fees**  
 Regular

**Legal References**  
 Probate - 5620-5628, 5624 (ack), 5642 (form), 5656 (a) (DTT/PCOR)\*  
 Pursuant to **SB 315 (2021)**, the provision for recording a Revocable TOD Deed has a sunset date of 1/1/2032, unless it is extended or deleted by new legislation.

Note: If a co-owner wishes to name a beneficiary, a separate form must be created and recorded.

**Comments**  
 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. 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.

**Index**

Local Use	Ordinances/Opinions
Grantor: Grantee: Beneficiary(ies)	

# 2021 Chaptered Bill Analysis For 2022 Implementation

318

<b>Title</b>	<b>Revocation of Revocable Transfer on Death Deed (Revocable TOD Deed)</b>
<b>Purpose</b>	Revokes ANY previously recorded Revocable Transfer on Death (TOD) Deed *
<b>Requirements</b>	<ol style="list-style-type: none"> <li>1. Name of transferor/owner</li> <li>2. Description/identification of real property</li> <li>3. Signature of transferor/owner</li> <li>4. Signature of transferor/owner acknowledged</li> <li>5. <i>Signature of two witnesses who were present at signing or acknowledgment</i></li> </ol>
<b>Fees</b>	Regular
<b>Legal References</b>	Probate - 5630-5632, 5632(a) & 5624 (ack), 5644 (form), 5656(a) (DIT/PCOR)**
<b>Comments</b>	<p>* Recording reference(s) and name(s) of beneficiary(ies) are not required                  ** Document type is NOT subject to Documentary Transfer Tax and does NOT require a Preliminary Change of Ownership Report</p>
<b>Index</b>	Local Use
	Ordinances/Opinions
	Grantor: Transferor/Owner

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO

---

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY, STATE/ZIP \_\_\_\_\_

Added 2016, Rev. 2021

## Revocation of Revocable Transfer on Death (TOD) Deed

Assessor's Parcel Number:  
This deed revocation is exempt from documentary transfer tax under Rev. & Tax. Code 11930.  
This deed revocation is exempt from preliminary change of ownership report under Rev. & Tax Code 480.3.

**IMPORTANT NOTICE: THIS FORM MUST BE RECORDED TO BE EFFECTIVE**

This revocation form **MUST** be RECORDED on or before 60 days after the date it is notarized or it will not be effective. This revocation form only affects a transfer on death deed that YOU made. A transfer on death deed made by a co-owner of your property is not affected by this revocation form. A co-owner who wants to revoke a transfer on death deed that they made must complete and RECORD a SEPARATE revocation form.

SAMPLE

Print the legal description of the property affected by this revocation:  
PROPERTY DESCRIPTION

REVOCAION  
I revoke any TOD deed to transfer the described property that I executed before executing this form.

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

WITNESSES  
To be valid, this form must be signed by two persons, both present at the same time, who witness your signing of the form or your acknowledgment that it is your form. The signatures of the witnesses do not need to be acknowledged by a notary public.

Witness #1 Print and sign your name  
Witness #2 Print and sign your name  
APPROPRIATE ACKNOWLEDGMENT FOR TRANSFEROR/OWNER SHOULD APPEAR HERE

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** SB 572

**Chapter:** 335

**Author:** Hertzberg

**Topic:** Labor Commissioner: enforcement lien: lien on real property

**Impact:** Minor

**Summary:** Existing law vests with the Labor Commissioner the authority to hear employee complaints regarding the payment of wages and other employment-related issues. Existing law imposes various civil penalties for violations of state law, including on employers for failure to pay minimum wage, on successors to judgment debtors, on persons who do not hold a valid state contractor's license and employ workers to perform services for which a license is required, and on persons who violate provisions relating to minor employees. Existing law permits the commissioner to, as an alternative to a judgment lien, create a lien on real property to recover amounts due under final orders in favor of an employee named in the order.

This bill would authorize the Labor Commissioner to create, as an alternative to a judgment lien, a lien on real property to secure amounts due to the commissioner under any final citation, findings, or decision, as provided. The bill would require the commissioner, among other things, to include specified information on the certificate of lien to be recorded on the relevant party's real property and to issue a certificate of release once the amount due, including any interest and costs, has been paid.

**Effect:** Add Section 90.8 to the Labor Code, relating to employment.

**Actions Required:** Inform staff

**Presenter:** Andrew B. Graham, Sacramento County

**Notes:**

# 2021 Chaptered Bill Analysis For 2022 Implementation

<b>Title</b> <div style="border: 1px solid black; padding: 2px; text-align: center;"> <b>CERTIFICATE OF LIEN - LABOR COMMISSIONER</b> </div>	
<b>Purpose</b> To evidence a lien against real property upon an order becoming final	RECORDING REQUESTED BY _____ AND WHEN RECORDED MAIL TO _____  NAME _____ ADDRESS _____ CITY, STATE/ZIP _____
<b>Requirements</b> 1. Name(s) of owner(s) 2. Amount of unpaid tax 3. Signature of Labor Commissioner 4. Signature acknowledged	space above this line for Recorder's use only  <div style="text-align: center;"> <b>CERTIFICATE OF LIEN</b>  <b>LABOR CODE §98.2(g)(1)</b> </div>
<b>Fees</b> Free	Claimant and Plaintiff _____ vs. Defendant _____ State Claim No.: _____
<b>Legal References</b> Labor - 90.8 (a) through (c), 98.2(g) (1) through (3), Govt - 27201 (b)(2) (signature), 27287 (ack), 27288.1 (names)	TO WHOM IT MAY CONCERN:  The Labor Commissioner, Chief, Division of Labor Standards Enforcement, hereby certifies that _____ owes wages, damages, and penalties in the amount of: _____ _____ (\$ _____) as ordered and awarded by the Labor Commissioner under Labor Code §98.1 which is now final.  Therefore, pursuant to Labor Code §98.2(g), the amount ordered and awarded, together with interest as provided by Labor Code §98.1(c) or otherwise allowed by law, shall be a lien in favor of the Claimant and Plaintiff identified in the caption above, against all interests in real property of: _____
<b>Comments</b>	within the county in which this certificate is filed for a period of ten (10) years from the date this certificate is filed with the County Recorder.
Index Grantor = Defendant(s) Grantee = Labor Commissioner	By: _____ Deputy Labor Commissioner  Dated: _____
Local Use Ordinances/Opinions	LABOR COMMISSIONER, CHIEF DIVISION OF LABOR STANDARDS ENFORCEMENT

SAMPLE

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

# 2021 Chaptered Bill Analysis For 2022 Implementation

304

<b>Title</b>	<b>RELEASE OF CERTIFICATE OF LIEN - LABOR COMMISSIONER</b>
<b>Purpose</b>	To evidence a release of lien against from all or part of the real property subject to the lien
<b>Requirements</b>	<ol style="list-style-type: none"> <li>1. Name of owner(s)</li> <li>2. Recording reference to the certificate of lien</li> <li>3. Signature of Labor Commissioner</li> <li>4. Signature acknowledged</li> </ol>
<b>Fees</b>	Government Release Fee
<b>Legal References</b>	Labor - <b>90.8 (d)</b> , 98.2 (g) (4) Govt - 27288.1, 27361.3 (fee), 27361.6 (rec ref), 27287 (ack)
<b>Comments</b>	
<b>Index</b>	Local Use
<b>Grantor =</b>	Labor Commissioner
<b>Grantee =</b>	Owner(s)

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

SAMPLE

Rev. 2018  
space above this line for Recorder's use only

**RELEASE OF CERTIFICATE OF LIEN - LABOR COMMISSIONER**

*Document sample under development*

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** SB 574

**Chapter:** 644

**Author:** Laird

**Topic:** Agricultural Preserves: Williamson Act

**Impact:** Information Only

**Summary:** Under the California Land Conservation Act of 1965, the board of supervisors or city council may grant tentative approval for a cancellation by petition of a landowner as to all or any part of land subject to a contract, as specified.

**Effect:** Amends Sections 51207, 51237.5, 51245, 51246, 51280.1, 51283, 51283.4, 51283.5, 51284, 51284.1, 51291, 51294, 51294.1, 51295, and 51297 of, to amend and renumber Section 51203 of, and to repeal Section 51249 of, the Government Code, relating to local government.

**Actions Required:** Inform staff

**Presenter:** Carol Sutherland, Santa Cruz County

**Notes:**

# 2021 Chaptered Bill Analysis For 2022 Implementation

**Bill Number:** SB 776

**Chapter:** 187

**Author:** Gonzalez

**Topic:** Safe drinking water and water quality

**Impact:** Important

**Summary:** Under existing law, the state board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the Federal Water Pollution Control Act and the Porter-Cologne Water Quality Control Act. Existing law establishes various programs authorizing the state board to provide financial assistance for water quality and drinking water purposes, including, among other programs, the State Water Pollution Control Revolving Fund program, pursuant to which state and federal funds are continuously appropriated from the State Water Pollution Control Revolving Fund to the state board for loans and other financial assistance for purposes related to the federal Clean Water Act. Existing law generally authorizes the state board to enforce the financial assistance programs.

This bill would consolidate the enforcement authority available to the state board to enforce the terms, conditions, and requirements of its financial assistance programs, as specified. As part of that consolidation, the bill would explicitly authorize the state board to recover any costs incurred in the enforcement of an agreement, to recover any amount of financial assistance provided to a recipient not expended for the authorized purposes, and to impose civil penalties in specified amounts on any person who violates any term of a financial assistance agreement.

This bill authorizes the State Water Resources Control Board to record a Notice of Lien/Real

# 2021 Chaptered Bill Analysis For 2022 Implementation

## Property Lien

SEC 6 Chapter 6.7 (commencing with Section 13490) is added to Division 7 of the Water Code, to read:

### CHAPTER 6.7. Cost Recovery, Enforcement, and Administration : 13492

(a) The state board may recover any costs incurred in the enforcement of an agreement, including any criminal, civil, or administrative action related to the agreement.

(b) (1) The state board may recover any amount of financial assistance provided to a recipient not expended for purposes authorized by the agreement up to the full amount of the agreement.

(2) Except as provided in paragraph (3), the Attorney General, upon request of the state board, shall bring an action in superior court to recover costs under this section.

(3) The state board may recover costs administratively as civil liability under Article 2.5 (commencing with Section 13323) of Chapter 5.

(c) The amount of the costs constitutes a lien on any property, including real property and personal property, obtained through, or improved with the proceeds of, the agreement. For real property liens under this section, the lien shall attach upon service of a copy of the notice of lien on the owner and upon the recordation of a notice of lien, if the notice identifies the property purchased with the financial assistance, the amount of the lien, and the owner of record of the property, in the office of the county recorder of the county in which the property is located. Upon recordation of a real property lien or notice to the recipient of a personal property lien, the lien shall have the same force, effect, and priority as a judgment lien, except that it attaches only to the property posted and described in the notice of lien, and shall continue for 10 years from the time of the recording of the notice, unless sooner released or otherwise discharged. Not later than 45 days from the date of receipt of a notice of

## **2021 Chaptered Bill Analysis For 2022 Implementation**

lien, the owner may petition the court for an order releasing the property from the lien or reducing the amount of the lien. In that court action, the state board shall establish that the costs were reasonable and necessary. The lien may be foreclosed by an action brought by the state board for a money judgment. The lien shall be renewable at the expiration of each 10-year period from the time of the recording of the notice unless it has been discharged or foreclosed.

**Effect:** An act to amend Section 11352 of the Government Code, to amend Sections 116340, 116385, 116766, and 116767 of the Health and Safety Code, and to add Chapter 6.7 (commencing with Section 13490) to Division 7 of the Water Code, relating to water.

**Actions Required:** Inform staff

**Presenter:** David Valenzuela, Ventura County

**Notes:** Creates a new document in the DRIM

# 2021 Chaptered Bill Analysis For 2022 Implementation

**EVEN**

<b>Title</b>	<b>Notice of Lien - Cost Recovery and Enforcement</b>
<b>Purpose</b>	To evidence a lien against real property to recover any amount of financial assistance provided to a recipient not expended for purposes authorized by an agreement
RECORDING REQUESTED BY _____ AND WHEN RECORDED MAIL TO _____	
NAME _____ ADDRESS _____ CITY, STATE/ZIP _____	_____

*Added 2021*  
space above this line for Recorder's use only

**TITLE OF DOCUMENT**

<b>Requirements</b>	<ol style="list-style-type: none"> <li>1. Name(s) of Owner(s)/Recipient(s)</li> <li>2. Description / Identification of real property</li> <li>3. Amount of lien</li> <li>4. Signature of State Water Resource Control Board</li> <li>5. Signature(s) acknowledged</li> </ol>
---------------------	--

<b>Fees</b>	Free
-------------	------

<b>Legal References</b>	Water 13492 (b)(1), 13492 (c) ; GC - 27287(ack)
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<b>Comments</b>	Authorizes the State Water Resources Control Board to record a Notice of Lien/Real Property Lien
-----------------	--

<b>Index</b>	Local Use
<b>Grantor= Owner/Recipient</b>	
<b>Grantee=State Board Agency</b>	Ordinances/Opinions

SAMPLE

**DOCUMENT SAMPLE IS UNDER DEVELOPMENT**

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# **Miscellaneous Additions, Corrections, & Amendments to the Document Recording and Indexing Manual (DRIM)**

# 2021 Chaptered Bill Analysis For 2022 Implementation

## Acknowledgments, Proofs and Verifications – Page A-8

### ACKNOWLEDGMENTS, PROOFS AND VERIFICATIONS (cont.)

#### b. Unsworn Statement (CCP – 2015.5)

An unsworn statement made in California may be in **substantially** the following form:

"I certify (or declare) under penalty of perjury that the foregoing is true and correct."  
(Date and Place) (Signature)

An unsworn statement made outside California may be in **substantially** the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct."  
(Date) (Signature)

#### Additional Notes:

Per the U.S. Notary Reference Manual, for California it states that the certificate of acknowledgment, including the signature and impression of the official seal, must be completely on one page. The official seal is not to be stamped on a separate page of the document. For other states you will need to review the manual regarding the issue.

Disregard the strike out clauses in the acknowledgment if they are marked incorrectly or not marked at all (examples: is/are, he/she/they, capacity(ies).

# 2021 Chaptered Bill Analysis For 2022 Implementation

## Legal Description Update – Glossary Page 9

### GLOSSARY

- LAND SALES CONTRACT - See Installation Land Sales Contract
- LANDS, TENEMENTS, HEREDITAMENTS - Inheritable lands or interests in them.
- LATENT - Concealed.
- LATERAL SUPPORT - The support the soil gives to the land of an adjacent owner.
- LEASE - A contractual possessory interest in real property for a specific term.
- LEASEHOLD - The estate for years sealed by a lease.
- LEGACY - A gift of personal property by will.
- LEGAL DESCRIPTION OR DESCRIPTION/IDENTIFICATION OF REAL PROPERTY  
**LEGAL DESCRIPTION:**
- 1 - A description of real property sufficient to locate it on the ground by reference to government surveys or approved recorded maps.
  - 2 - A formal description of real property, including a description of any part subject to an easement or reservation, complete enough that a particular piece of land can be located and identified
  - 3 - An omnibus description would refer to "all property presently owned by the grantor" and may be accepted.
  - 4 - Reference to a prior recorded document. This implies that the prior document has a legal descriptions contained in it.
- Some Examples of Legal Descriptions:  
Metes & Bounds - a reference to distances and degrees of direction  
Lot & Block/Tract - a reference to a parcel in a subdivision identified by a number  
U.S. Government Survey - a reference to a section within a township and identified by a township and range number.
- DESCRIPTION/IDENTIFICATION OF REAL PROPERTY (CAN ALSO BE ONE OF THE ABOVE LEGAL DESCRIPTIONS):**
- 1 - Street address, sometimes referred to as the "common" address.
  - 2 - Assessor's Parcel Number. Please Note: Revenue & Taxation Code 327 prohibits the use of an APN as the only description on a deed or conveyance unless the map has been recorded.
- LESSEE - One who takes lands upon a lease.
- LESSOR - One who grants lands under a lease.
- LETTERS OF ADMINISTRATION - Formal written evidence of court appointment of a conservator of the person, or of the estate of an intestate decedent
- LETTERS OF CONSERVATORSHIP - Formal written evidence of court appointment of a conservator of the person, or of the estate, or of the person and estate of a conservatee.
- LETTERS OF GUARDIANSHIP - Formal written evidence of court appointment of a guardian, for the person, estate, or person and estate of a minor or an incompetent.
- LETTERS TESTAMENTARY - Formal written evidence of court appointment of a personal representative of the estate of a testate decedent.
- LEVY - Seizure of property by judicial process.
- LIEN - An encumbrance which makes property security for the payment of a debt or discharge of an obligation.
- LIFE BENEFICIARY - A person entitled to receive a benefit for life.
- LIFE ESTATE - An estate measured in duration by the lifetime of a natural person.
- LIMITATIONS, STATUTES OF - Statutes limiting the time within which parties having a cause of action must institute proceedings to enforce the same.
- LIMITED PARTNERSHIP - A partnership consisting of a general partner or partners and limited partners.  
The limited partners do not act as managers and their liability is limited to their invested capital.
- LINEAL - In a direct line.
- LIS PENDENS - A recorded notice of the pendency of an action.
- LITE PENDENTE - While the action is pending.
- LIVING TRUST - A trust becoming operative in the lifetime of the person creating it.
- LOAN POLICY - A policy of title insurance insuring the interest of the lender.
- LOAN TO VALUE RATIO - The percentage of a property's value that a lender can or may loan to borrower.
- LOSS PAYABLE CLAUSE - An endorsement to an insurance (fire) policy specifying parties (lenders) entitled to participate in proceeds in the event of loss.
- LOT SPLIT - A colloquial term for the division of one parcel into two or more parcels.

# 2021 Chaptered Bill Analysis For 2022 Implementation

## Assignment

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<b>Title</b>	<b>ASSIGNMENT</b>
<b>Purpose</b>	To assign / transfer ownership rights, beneficial interest, equitable interest, rents, royalties, profits, vendor / vendee interests, etc. in real property from one party to another
<b>Requirements</b>	<ol style="list-style-type: none"> <li>1. Name(s) of assignor(s)</li> <li>2. Name(s) of assignee(s)</li> <li>3. Recording reference to interest *</li> <li>4. Description / identification of interest assigned</li> <li>5. Signature(s) of assignor(s)</li> <li>6. Signature(s) acknowledged</li> </ol> <p><i>*An Assignment of Leases &amp; Rents OR an Assignment of Rents does not require a recording reference if recorded for the purpose of collecting lease or rent money for a possible FUTURE Rental or Lease Agreement. If the document is an Assignment of Assignment of Leases &amp; Rents OR an Assignment of Assignment of Rents, then a recording reference is required for the Assignment of Leases &amp; Rents OR the Assignment of Rents that was recorded and is being assigned.</i></p>
<b>Fees</b>	Regular * Possible Documentary Transfer Tax transaction
<b>Legal References</b>	CC - 1215 (DTT), <b>2938 (assignment of leases/rents)*</b> Govt - 27280, 27287 (ack), 27288 (parties affected), 27361.6 (rec. ref.)
<b>Comments</b>	
<b>Index</b>	Local Use Ordinances/Opinions
	Grantor = Assignor Grantee = Assignee

RECORDING REQUESTED BY \_\_\_\_\_  
AND WHEN RECORDED MAIL TO \_\_\_\_\_

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY, STATE/ZIP \_\_\_\_\_

Rev. 2021

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### ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby grants, assigns, and transfers to :

all \_\_\_\_\_ interest under that certain \_\_\_\_\_ dated \_\_\_\_\_, executed by \_\_\_\_\_,  
to \_\_\_\_\_, and recorded as Instrument No. \_\_\_\_\_ On \_\_\_\_\_  
Recorder of \_\_\_\_\_ at Page \_\_\_\_\_ of Official Records in the Office of the County  
as follows :

SAMPLE

Dated : \_\_\_\_\_ Assignor(s) \_\_\_\_\_

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

# 2021 Chaptered Bill Analysis For 2022 Implementation

## Notice of Intended Transfer of Retail Alcoholic Beverage License

<b>Title</b>	<b>NOTICE OF INTENDED TRANSFER OF RETAIL ALCOHOLIC BEVERAGE LICENSE</b>
<b>Purpose</b>	To evidence compliance with public notice requirements for the transfer of a retail alcoholic beverage license and to provide certified proof thereof
<b>Requirements</b>	<ol style="list-style-type: none"> <li>1. Name(s) and mailing address(es) of licensee(s)</li> <li>2. Name(s) and mailing address(es) of transferee(s)</li> <li>3. Type of license to be transferred</li> <li>4. Address of premises of license</li> <li>5. Name(s) and address(es) of escrow holder or guarantor</li> <li>6. Place of sale</li> <li>7. Description of total purchase price</li> <li>8. Signature(s) of transferor(s)</li> </ol>
<b>Fees</b>	Regular
<b>Legal References</b>	B & P - 24073
<b>Comments</b>	<p>ABC Form 227 - A certified copy of recorded notice plus an additional copy must accompany application to Alcoholic Beverage Control (ABC) for transfer of license.</p> <p>Transferee records in the office of the county recorder of the county or counties in which the premises to which the license has been issued are situated.</p>
<b>Index</b>	Local Use
<b>Grantee = Transferee</b>	Ordinances/Opinions
<b>Grantor = Transferor, Business name (if given)</b>	

  

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO NAME ADDRESS CITY, STATE/ZIP	space above this line for Recorder's use only Rev. 2021
<b>NOTICE OF INTENDED TRANSFER OF RETAIL ALCOHOLIC BEVERAGE LICENSE UNDER SECTIONS 24073 &amp; 24074 CALIFORNIA B&amp;P CODE</b>	
1. LICENSEE(S) NAME(S) <small>PREMISES ADDRESS(ES) TO WHICH THE LICENSE(S) HAS (HAVE) BEEN ISSUED</small>	MAILING ADDRESS IF DIFFERENT
2. INTENDED TRANSFEREE(S) NAME(S) ADDRESS <div style="font-size: 2em; text-align: center; opacity: 0.5;">SAMPLE</div> ZIP CODE	
3. KIND OF LICENSE(S) INTENDED TO BE TRANSFERRED (NAME AND NUMBER)	
4. NAME AND ADDRESS OF ESCROW HOLDER OR GUARANTOR	
5. Total consideration to be paid for the business and license (to include inventory whether actual cost, estimated cost, or not to exceed amount)	
Cash \$ _____ Checks _____ Promissory notes _____ Tangible and/or intangible property _____ TOTAL AMOUNT \$ _____	
6. The parties agree that the consideration for the transfer of the business and the license(s) is to be paid only after the Department of Alcoholic Beverage Control has approved the proposed transfer. The parties herein also agree and direct the above named escrow holder to make payment or distribution within a reasonable time after the completion of the transfer of the license(s) as provided in Section 24074 of the California Business and Professions Code.	
TRANSFEROR(S) SIGNATURES	TRANSFEREE(S) SIGNATURES

# 2021 Chaptered Bill Analysis For 2022 Implementation

## Certificate of Lien (Release) – Uninsured Employer

RECORDING REQUESTED BY _____ AND WHEN RECORDED MAIL TO _____	Rev. 2021 space above this line for Recorder's use only
NAME _____ ADDRESS _____ CITY, STATE/ZIP _____	

### CERTIFICATE OF LIEN - UNINSURED EMPLOYER

This certificate of lien is recorded pursuant to Labor Code 3720 against :

Name \_\_\_\_\_ Address \_\_\_\_\_

who has been determined to be illegally uninsured under State Workers Compensation as of \_\_\_\_\_, 20\_\_\_\_.

The above named employer has not secured the payment of compensation as provided by this division and this lien shall remain in effect for 10 years unless sooner released or otherwise discharged.

Dated : \_\_\_\_\_ State Workers Compensation Director \_\_\_\_\_

# SAMPLE

<b>Title</b>	<b>CERTIFICATE OF LIEN - UNINSURED EMPLOYER</b>
<b>Purpose</b>	To evidence a lien by the State Workers Compensation Director against an employer who is illegally uninsured.
<b>Requirements</b>	1. Name(s) and address(es) of employer(s) 2. Date employer was determined to be illegally uninsured 3. Signature of State Workers Compensation Director* 4. Seal of Director  <i>A Release of Certificate of Lien - Uninsured Employer is recorded with the same requirements as above, excluding item 2, and requires the recording reference to the lien being released.</i>
<b>Fees</b>	Lien is Free, Release is Government Release Fee
<b>Legal References</b>	Labor - 3720; Govt 27361.6 (rec ref) for the release, 27361.3 (fee)
<b>Comments</b>	* Facsimile signature is sufficient for the lien and the release
<b>Index - Lien</b>	Local Use
<b>Index - Release</b>	Grantor = State Workers Compensation Grantee = Employer/Debtor
<b>Index - Employer/Debtor</b>	Grantor = State Workers Compensation Grantee = Employer/Debtor

# 2021 Chaptered Bill Analysis For 2022 Implementation

## Grant of Assignment

222

<b>Title</b>	<b>GRANT OF ASSIGNMENT</b>
<b>Purpose</b>	To perfect, except as specified in law, the assignment of rents, issues and profits of real property given as additional security
<b>Requirements</b>	<ol style="list-style-type: none"> <li>1. Name(s) of grantor(s) / assignor(s)</li> <li>2. Name(s) of grantee(s) / assignee(s)</li> <li>3. Description / identification of property to be assigned</li> <li>4. Statement that interest assigned is given as additional security</li> <li>5. Signature(s) of grantor(s) / assignor(s) or (s)</li> <li>6. Signatures acknowledge</li> </ol>
<b>Fees</b>	<b>Regular</b>
<b>Legal References</b>	CC - 2938.1 Govt - 27287 (ack), 27288.1 (names)
<b>Comments</b>	<i>Deleted (2022) - Civil Code 2938.1 was repealed in 1996</i>
<b>Local Use</b>	
Index	Ordinances/Opinions
Grantor = Assignor	Grantee = Assignee

  

RECORDING REQUESTED BY \_\_\_\_\_

AND WHEN RECORDED MAIL TO \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE/ZIP \_\_\_\_\_

space above this line for \_\_\_\_\_

Rev. 2021

### GRANT OF ASSIGNMENT

The undersigned \_\_\_\_\_ hereby assigns to \_\_\_\_\_ as assignee, all rents, leases and profits pertaining to that certain D \_\_\_\_\_ additional security, all \_\_\_\_\_ in Book \_\_\_\_\_ at Page \_\_\_\_\_, recorded \_\_\_\_\_, Recorder's Series No. \_\_\_\_\_, Official Records of the County Recorder, County of \_\_\_\_\_, State of California and more particularly described as follows: \_\_\_\_\_

Dated: \_\_\_\_\_ Assignor \_\_\_\_\_

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

# 2021 Chaptered Bill Analysis For 2022 Implementation

## Restrictive Covenant Modification

258

<b>Title</b>	RESTRICTIVE COVENANT MODIFICATION – AFFORDABLE HOUSING CIV 714.6
<b>Purpose</b>	To allow the recording of a document to <b>redact restrictive covenants that restrict the number, size, or location of the residences that may be built on the property, or the number of persons or families that may reside on the property from a previously recorded document after local County Counsel or Designee</b> determines such language violates the fair housing laws and is void
<b>Requirements</b>	<ol style="list-style-type: none"> <li>1. Name(s) of owner(s) of affordable housing development/Requesting Party</li> <li>2. Identification of document page number and language in violation</li> <li>3. Recording reference of document with unlawful restrictive covenant</li> <li>4. Attached copy of referenced document (Redacting the unlawful restrictive language)</li> <li>5. Signature(s) of owner(s) of affordable housing development(s)</li> <li>6. Signature(s) acknowledged</li> <li>7. Approval by County Counsel or Designee</li> </ol>
<b>Fees</b>	Regular
<b>Legal References</b>	GOV 12956.2, 12956.2 (d) (indexing), 27287(ack), 27361.6 (rec.ref.), CIV 714.6
<b>Comments</b>	The county recorder shall make the Restrictive Covenant modification form available to the public either electronically or in paper form per GOV 12956.2(g). Form and supporting documentation must be submitted to County Counsel for review within 5 days, County Counsel determination must be completed within 15 days (Per AB721 1/1/2022). See the AB 1466 Restrictive Covenant Modification chapter in the introduction of the DRIM for more information.
<b>Index of the Restrictive Covenant Modification</b>	Local Use Index of the Original Document
<b>Grantor: Owner of Affordable Housing Development</b>	Original Grantor/Grantee name(s)
<b>Title as Restrictive Covenant Modification (per AB 1466 1/1/2022)</b>	Original Title(s)

RECORDING REQUESTED BY \_\_\_\_\_  
AND WHEN RECORDED MAIL TO \_\_\_\_\_

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY, STATE, ZIP \_\_\_\_\_

SAMPLE

Added 2021

### RESTRICTIVE COVENANT MODIFICATION - AFFORDABLE HOUSING CIV 714.6

The following referenced document contains a restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision Section 12955, or ancestry that violates state and federal fair housing laws and that restriction is void.

Pursuant to Section 12956.2 of the Government Code, this document is being recorded solely for the purpose of redacting and eliminating that restrictive covenant as shown on page(s) \_\_\_\_\_ of the document recorded on \_\_\_\_\_ (date) in Book \_\_\_\_\_ and Page \_\_\_\_\_ or Instrument Number \_\_\_\_\_ of the Official Records of the County of \_\_\_\_\_, State of California

Attached hereto is a true, correct and complete copy of the document referenced above, with the unlawful restrictive covenant redacted.

This modification document shall be indexed in the same manner as the original document pursuant to subdivision (d) of Section 12956 of the Government Code.

The effective date of the terms and conditions of this modification document shall be the same as the effective date of the original document referenced above.

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_

\_\_\_\_ County Counsel, or their designee, pursuant to paragraph (f) of subdivision (b) of Section 12956.2 of the Government Code, hereby states that it has determined that the original document referenced above contains an unlawful restriction and this modification may be recorded.

Or

\_\_\_\_ County Counsel, or their designee, pursuant to paragraph (f) of subdivision (b) of Section 12956.2 of the Government Code, finds that the original document does not contain an unlawful restriction, or the modification document contains modifications not authorized, and this modification may not be recorded

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
By: \_\_\_\_\_ Deputy County Counsel, or Designee

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE