

# 2015 New Law Workbook

*A SUMMARY OF LEGISLATION AFFECTING COUNTY RECORDERS*



**County Records' Association of California**

# **2015 New Law Workbook**

*Presented by*

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

***Legislative Committee***

***Document Reference Manual Committee***

***Uniform Practice Committee***

**Sacramento, California**

**December 9, 2015**

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# 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 2</b>
<b>Chapter Number:</b>	319
<b>Author:</b>	Alejo
<b>Topic:</b>	Community revitalization authority
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	Authorizes local governments to create Community Revitalization and Investment Authorities (authorities) to use tax increment revenue to improve the infrastructure, assist businesses, and support affordable housing in disadvantaged communities.
<b>Effect:</b>	Adds Division 4 (commencing with Section 62000) to Title 6 of the Government Code, relating to economic development. <b>Creates a new recordable document: Notice of Affordability Restrictions on Transfer of Property.</b>
<b>Actions Required:</b>	Determine the requirements and format for the new document
<b>Presenter:</b>	Wardell House, Santa Clara County
<b>Notes:</b>	This bill allows local government officials to establish a Community Revitalization and Investment Authority (authority) and use property tax increment revenues to finance the implementation of a community revitalization plan within a community revitalization and investment area. This bill specifies: <ul style="list-style-type: none"><li>• Process for creating an authority;</li><li>• Criteria for establishing a community revitalization and investment area;</li><li>• Powers and duties that apply to an authority;</li></ul>

## 2015 Chaptered Bill Analysis

### Notes (cont'd):

- Process for adopting a community revitalization and investment plan;
- How tax increment revenues are allocated to, and used by, an authority;
- An authority's obligations relating to affordable housing; and
- Reporting, accountability, and audit requirements.

Title  
**NOTICE OF AFFORDABILITY RESTRICTIONS ON TRANSFER OF PROPERTY**

Purpose  
To give notice of affordability restrictions per Government Code §62101 \*

- Requirements
1. Name of current owner
  2. Name of the authority
  - \*\* 3. A recitation of the affordability covenants or restrictions
  - \*\* 4. Record concurrently with the covenants or restrictions and reference the concurrently recorded document
  - \*\* 5. The date the covenants or restrictions expire
  6. The street address of the property
  7. The assessor's parcel number
  8. The legal description of the property
  9. Signature(s) of authority / current owner
  10. Signature acknowledged

Fees  
Regular recording fees for all parties including public agencies

Legal References  
GC 62101(f)(1)(C)(3) recording; GC 62101 (f)(1)(C)(6) fees; GC 62101(f)(1)(C)(5) indexing  
GC 27287 (acknowledgement)

Comments  
\* Also see DRIM Page 291 - "Notice of Affordability Restrictions..." H & S §33334.3  
\*\* These items are listed per the language of the bill, but at the discretion of the recorder may be considered legal sufficiency and not a basis for rejecting the document.

Local Use

Index	Ordinances/Opinions
Grantor: Owner(s) Grantee: Authority	

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 DEVELOPEMENT**

# 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 139</b>
<b>Chapter Number:</b>	293
<b>Author:</b>	Gatto
<b>Topic:</b>	Nonprobate transfers: revocable transfer upon death deeds
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	Seeks to establish, until January 1, 2021, a new, non-probate method for conveying real property upon death through a revocable transfer upon death deed (RTDD)
<b>Effect:</b>	<p>Amends Sections 2337 and 2040 of the Family Code, amends Sections 250, 267, 279, 2580, 5000, 5302, 13111, 13206, and 13562 of, amends and renumbers Sections 5600, 5601, 5602, 5603, and 5604 of, adds Section 69 to, adds the heading of Chapter 3 (commencing with Section 5040) to Part 1 of Division 5 of, adds and repeals Part 4 (commencing with Section 5600) of Division 5 of, and repeals the heading of Part 4 (commencing with Section 5600) of Division 5 of, the Probate Code, relating to nonprobate transfers.</p> <p><b>Creates a new recordable document: Simple Revocable Transfer On Death (TOD) Deed.</b></p>
<b>Actions Required:</b>	Determine the requirements and format for the new document
<b>Presenter:</b>	Wardell House, Santa Clara County
<b>Notes:</b>	<p>Allows an interest in certain residential real property to be transferred on death by recording an RTDD signed and acknowledged by the record owner of the property, with the capacity to contract, and designating a beneficiary or beneficiaries.</p> <p>The deed transfers ownership of that property interest upon the death of the owner and is effective for any</p>

## 2015 Chaptered Bill Analysis

**Notes (cont'd):**

RTDD made by a transferor who dies on or after January 1, 2016, regardless of when the RTDD was executed or recorded.

No RTDD may be executed on or after January 1, 2021, but any RTDD properly executed before that date remains valid and may be revoked after that date.

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 acknowledged

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

Fees  
Regular

Legal References  
Probate - 5620-5628, 5624 (ack), 5642 (form), 5656 (a) (DTT/PCOR)\*

Comments  
Note: Pursuant to Probate Code 5680(a), an Affidavit of Death may be recorded to establish the death of the transferor.

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

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
ADDRESS  
CITY, STATE/ZIP

space above this line for Recorder's use only

**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

Title	<b>Revocation of Revocable Transfer on Death Deed (Revocable TOD Deed)</b>
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Purpose	Revokes a previously recorded Revocable Transfer on Death (TOD) Deed
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Requirements	<ol style="list-style-type: none"> <li>1. Name of transferor/owner</li> <li>* 2. Name of beneficiary(ies)</li> <li>* 3. Recording reference to revocable transfer on death deed</li> <li>4. Description/identification of real property</li> <li>5. Signature of transferor/owner</li> <li>6. Signature acknowledged</li> </ol> <p>** Document type is NOT subject to Documentary Transfer Tax and does NOT require a Preliminary Change of Ownership Report</p>
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Fees	Regular
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Legal References	Probate - 5630-5632, 5632(a) & 5624 (ack), 5644 (form), 5656(a) (DTT/PCOR)** *Govt 27361.6 (rec. ref.), 27288.1(b) (names)
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Comments	* While the beneficiary name(s) and recording reference are not set out in the statutory form, they are required pursuant to Government Code.
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Local Use	
Index	Ordinances/Opinions
Grantor: Beneficiary(ies) Grantee: Transferor/Owner	

RECORDING REQUESTED BY	<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div>
AND WHEN RECORDED MAIL TO	
NAME ADDRESS CITY, STATE/ZIP	

space above this line for Recorder's use only

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

Assessor's Parcel Number:

IMPORTANT NOTICE: THIS FORM MUST BE RECORDED TO BE EFFECTIVE

This revocation form MUST be RECORDED before your death 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 he/she made must complete and RECORD a SEPARATE revocation form.

**SAMPLE**

PROPERTY DESCRIPTION

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

REVOCATION

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

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

# 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 313</b>
<b>Chapter Number:</b>	320
<b>Author:</b>	Atkins
<b>Topic:</b>	Enhanced infrastructure financing districts
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	<p>This bill revises the duties of a public financing authority, so that the public financing authority, instead of the legislative body, will perform specified duties related to the preparation, proposal, and adoption of the infrastructure financing plan and the adoption of the formation of the district.</p> <p>This bill would authorize the enhanced infrastructure financing district to finance the acquisition, construction, or rehabilitation of housing for persons of very low income for rent or purchase.</p>
<b>Effect:</b>	Amends Sections 53398.51, 53398.51.1, 53398.52, 53398.56, 53398.57, 53398.62, 53398.63, 53398.64, 53398.66, 53398.67, 53398.68, 53398.69, and 53398.75 of, and repeals and adds Section 53398.74 of, the Government Code, relating to enhanced infrastructure financing districts.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Deva Proto, Sonoma County
<b>Notes:</b>	<p>District can record covenants or restrictions requiring that housing units built pursuant to this section remain available at affordable housing costs to and occupied by persons and families of very low, low, or moderate income households.</p> <p>Adds very low income option to recorded covenants and restrictions.</p>

## 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 432</b>
<b>Chapter Number:</b>	32
<b>Author:</b>	Chang
<b>Topic:</b>	Civil procedure: electronic signatures
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	<p>Defines the term “electronic signature”, for purposes of the Code of Civil Procedure, to mean an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.</p> <p>Provides that an electronic signature, as defined under this bill, by a court or judicial officer shall be as effective as an original signature.</p>
<b>Effect:</b>	Amends Section 17 of, and adds Section 34 to, the Code of Civil Procedure, relating to civil procedure.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Monique Blakely, Los Angeles County

# 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 661</b>
<b>Chapter Number:</b>	76
<b>Author:</b>	Mathis
<b>Topic:</b>	Counties: recording: real estate instruments
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	<p>Existing law authorizes the board of supervisors to adopt, by resolution, a fee of up to \$10 for each recording of a real estate instrument, paper, or notice required or permitted by law to be recorded, except as specified. Existing law defines the term “real estate instrument” to exclude a deed, instrument, or writing recorded in connection with a transfer subject to a documentary transfer tax.</p> <p>This bill would recast this latter exclusion from a “real estate instrument” as a statement that the above-described fee does not apply to any real estate instrument, paper, or notice accompanied by a declaration stating that the transfer is subject to a documentary transfer tax, is recorded concurrently with a transfer subject to a documentary transfer tax, or is presented for recording within the same business day as, and is related to the recording of, a transfer subject to a documentary transfer tax.</p>
<b>Effect:</b>	Amends Section 27388 of the Government Code, relating to local government.
<b>Actions Required:</b>	Revise staff training material, handouts, fee schedules, website, etc.
<b>Presenter:</b>	Doug Allen, Marin County
<b>Notes:</b>	The CRAC-sponsored bill was amended and may require clean-up legislation to clarify ambiguity over the language, “...accompanied by a declaration stating...”

## 2015 Chaptered Bill Analysis

**Notes (cont'd):**

A declaration on a separate piece of paper must be made part of the public record, be attached to the original document, and incur an additional \$3.00 fee.

## 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 668</b>
<b>Chapter Number:</b>	698
<b>Author:</b>	Gomez
<b>Topic:</b>	Property taxation: assessment: affordable housing
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	This bill requires a county assessor to consider, when valuing real property for property taxation purposes, a recorded contract with a nonprofit corporation that restricts the use of the land for at least 30 years for affordable housing or affordable rent.
<b>Effect:</b>	Amends Section 402.1 of the Revenue and Taxation Code, relating to taxation.
<b>Actions Required:</b>	None
<b>Presenter:</b>	William Rousseau, Sonoma County
<b>Notes:</b>	<p>Adds to the documents the assessor shall consider when valuing real property:</p> <ul style="list-style-type: none"><li>• A recorded greenway easement;</li><li>• A contract with a non-profit corporation where the following apply:<ul style="list-style-type: none"><li>– The corporation has received a welfare exemption for properties intended to be sold to low-income families who participate in a special no-interest loan program.</li><li>– The contract restricts the use of the land for at least 30 years to owner-occupied housing at affordable costs;</li><li>– The contract includes a deed of trust in favor of the nonprofit corporation to ensure compliance;</li></ul></li></ul>

## 2015 Chaptered Bill Analysis

### Notes (cont'd):

- The local housing authority or an equivalent agency, or, if none exists, the city attorney or county counsel, has made a finding that the long-term restrictions serve a public purpose; and
- The contract is recorded and provided to the assessor.

## 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 731</b>
<b>Chapter Number:</b>	303
<b>Author:</b>	Gallagher
<b>Topic:</b>	Maintenance of the codes
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	Changes the authority to record a lien from Section 697.510 to Section 697.010 of the Code of Civil Procedure
<b>Effect:</b>	Makes non-substantive changes in various provisions of law, relating to the maintenance of the codes.
<b>Actions Required:</b>	None
<b>Presenter:</b>	David Valenzuela, Ventura County

# 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 778</b>
<b>Chapter Number:</b>	84
<b>Author:</b>	Maienschein
<b>Topic:</b>	Fees: military service records
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	<p>This bill permits a county recorder to furnish a certified copy of specified military records in response to a written, faxed, or digitized image of a request accompanied by a legible notarized statement that the requester is the person who is the subject of the record, a family member or legal representative of that person, a county office that provides veterans' benefits services, or a federal official, as specified.</p> <p>The bill would also permit an official to furnish a certified copy of these records to a requester in person upon taking a sworn statement, as provided.</p>
<b>Effect:</b>	Amends Section 6107 of the Government Code, relating to fees.
<b>Actions Required:</b>	Inform staff; develop internal process.
<b>Presenter:</b>	Val Wood, San Diego County

## 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 807</b>
<b>Chapter Number:</b>	634
<b>Author:</b>	Stone
<b>Topic:</b>	Real estate transfer fees: recorded documents
<b>Impact:</b>	<b>Minor</b>
<b>Summary:</b>	<p>This bill is intended to ensure that private transfer fees on real property are recorded with the county and disclosed to prospective purchasers.</p> <p>To accomplish the intended objective, this bill clarifies the following:</p> <ul style="list-style-type: none"><li>• The definition of private transfer fees to capture any fee that must be paid "as the result of" the transfer of the property;</li><li>• The calculation method, if the fee is not a flat fee or a percentage of the sales price; and</li><li>• Required disclosures must appear in a single document and cannot be incorporated by reference into other documents.</li></ul>
<b>Effect:</b>	Amends Sections 1098, 1098.5, and 1102.6e of the Civil Code, relating to real estate transfer fees.
<b>Actions Required:</b>	Review the requirements for Payment of Transfer Fee Required (Page 290 of the DRIM).
<b>Presenter:</b>	Monique Blakely, Los Angeles County
<b>Notes:</b>	This bill does not change the recorder's responsibilities for examining and indexing a Payment of Transfer Fee Required document as specified in Civil Code Section 1098.5(c).

## 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 959</b>
<b>Chapter Number:</b>	565
<b>Author:</b>	Chiu
<b>Topic:</b>	Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	<p>Requires the Department of Health Care Services (DHCS), the Department of Public Health (DPH), the Department of Social Services (DSS), and the Department of Aging (CDA) to collect voluntary self-identification information on sexual orientation and gender identity, beginning no later than July 1, 2018.</p> <p>Additionally, this bill prohibits the public disclosure of personal identifying information that would allow the identification of an individual who provided voluntary self-identification information pertaining to sexual orientation and gender identity.</p>
<b>Effect:</b>	Adds Section 8310.8 to the Government Code, relating to data collection.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Monique Blakely, Los Angeles County

## 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 964</b>
<b>Chapter Number:</b>	522
<b>Author:</b>	Chau
<b>Topic:</b>	Civil law: privacy
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	<p>Defines the word "encrypted" as used in California's Data Breach Notification Law to mean rendered unusable, unreadable, or indecipherable to an unauthorized person through a security technology or methodology generally accepted in the field of information security.</p> <p>Additionally, this bill defines data breach notification requirements.</p>
<b>Effect:</b>	Amends Sections 1798.29 and 1798.82 of the Civil Code, relating to civil law.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Monique Blakely, Los Angeles County

## 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1267</b>
<b>Chapter Number:</b>	208
<b>Author:</b>	Bloom
<b>Topic:</b>	Lawsuits, liens, and other encumbrances
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	<p>Prohibits a person from filing or recording a lawsuit, lien, or other encumbrance against any person or entity, knowing that it is false with the intent to harass the person or entity or to influence or hinder the person in discharging his or her official duties if the person is a public officer or employee. Provides for a civil penalty not to exceed \$5,000.</p> <p>If the court determines that the lien or other encumbrance is in violation of Section 765.010, the court shall issue an order striking and releasing the lien or other encumbrance and may award costs and reasonable attorney's fees to the petitioner to be paid by the lien or other encumbrance claimant. If the court determines that the lien or other encumbrance is valid, the court shall issue an order so stating and may award cost and reasonable attorney's fees to the encumbrance claimant to be paid by the petitioner. <b>The court may direct that such an order shall be recorded.</b></p>
<b>Effect:</b>	Amends Sections 765.030, 765.040, and 765.060 of, repeals and adds Section 765.010 of, the Code of Civil Procedure, and repeals Section 6223 of the Government Code, relating to lawsuits, liens, and other encumbrances.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Candace Grubbs, Butte County
<b>Notes:</b>	Should reduce the number of attempts to record false liens on public officials or employees.

# 2015 Chaptered Bill Analysis

**Bill Number:** SB 161

**Chapter Number:** 44

**Author:** Vidak

**Topic:** Uniform Fraudulent Transfer Act

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

**Summary:** Renames the act to the Uniform Voidable Transactions Act. This bill specifies the burden of proof in making and defending a claim for relief and the basis for determining the governing law for a claim of relief under the act.

A transfer made by a debtor is voidable as to a creditor whose claim arose before the transfer was made if the debtor did not receive a reasonably equivalent value in exchange for the transfer, and the debtor was insolvent (debts greater than assets) at the time or became insolvent as a result of the transfer.

**Effect:** Amends Sections 3439, 3439.01, 3439.02, 3439.04, 3439.05, 3439.06, 3439.07, 3439.08, 3439.09, 3446, and 3447 of; amends and renumbers Sections 3439.11 and 3439.12 of; and amends, renumbers, and adds Section 3439.10 of, the Civil Code; amends Sections 5420, 7420, 15905.02, 15911.27, 17704.03, 17711.08, and 18640 of the Corporations Code; amends Sections 283 and 9653 of the Probate Code; and amends Section 2104 of the Public Utilities Code, relating to civil law.

**Actions Required:** None

**Presenter:** Frederick Garcia, Contra Costa County

## 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 184</b>
<b>Chapter Number:</b>	269
<b>Author:</b>	Governance and Finance Committee
<b>Topic:</b>	Local government: omnibus bill
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	<p>Cleans up gender-specific language and outdated business practices.</p> <p>Allows a document to be returned to the party after recordation.</p>
<b>Effect:</b>	<p>Amends Sections 27202, 27203, 27203.5, 27210, 27211, 27230, 27231, 27256, 27257, 27320, 27321, 27321.5, 27360, 66497, and 66499.7 of, and repeals Section 27251 of, the Government Code; amends Sections 5470, 5473.4, 5474.4, and 5474.5 of the Health and Safety Code; amends Sections 20150.1, 20200, 22010, 22014, 22015, 22017, 22030, 22034, 22036, 22039, 22043, and 22044 of, and adds Section 22042.5 to, the Public Contract Code; amends Sections 8333, 8335, 36627, 36705, and 36718 of, and adds Section 36509.5 to, the Streets and Highways Code; and amends Sections 35406 and 37921 of the Water Code, relating to local government.</p>
<b>Actions Required:</b>	Inform staff
<b>Presenter:</b>	Doug Allen, Marin County
<b>Notes:</b>	<p>Portions of this bill were sponsored by CRAC to clarify statutes governing county recorders' activities and conform state law to current document recording practices.</p>

## 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 188</b>
<b>Chapter Number:</b>	270
<b>Author:</b>	Hancock
<b>Topic:</b>	Municipal utility district: utility charges: delinquencies
<b>Impact:</b>	<b>Minor</b>
<b>Summary:</b>	Repeals the January 1, 2016 sunset date and indefinitely extends the authority for Municipal Utility Districts to record a lien on real property for payment of delinquent water and sewer service charges rendered to a lessee, tenant, or subtenant, and collect those delinquent charges through county property tax rolls (only applies to master-metered multi-family residential water and sewer services in which the utility account is in the landlord's name). Also repeals committee reporting requirements.
<b>Effect:</b>	Amends and repeals Section 12811.1 of the Public Utilities Code, relating to utility charges.
<b>Actions Required:</b>	DRIM committee needs to add the certificate of lien and release of lien documents to the DRIM.
<b>Presenter:</b>	Joani Finwall, San Bernardino County
<b>Notes:</b>	<p>East Bay MUD (in Alameda and Contra Costa) is currently the only district (out of 5) affected by these provisions.</p> <p>The certificate and release of lien documents were included in 2010 New Law Workbook (SB 1035, Chapter 485, Statutes of 2010) but were inadvertently omitted from the DRIM.</p>

Title **Certificate of Lien - Municipal Utility District**

Purpose  
To evidence a lien against real property for the non-payment of water and sewer charges by a municipal utility district (MUD)

Requirements

1. Name(s) and address(es) of owner(s)/(person(s) liable)
2. Legal description of real property
3. Amount of delinquency
4. Name of municipal utility district
5. Signiture of municipal utility district
6. Signature acknowledged

Fees  
Regular

Legal References  
PUC 12811.1; GOV. 27287 (ack), 27288.1 (names of parties)

Comments  
Local Use

Index	Ordinances/Opinions
Grantor: Owner(s) Grantee: Municipal Utility District	

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 DEVELOPEMENT

Title **Release of Lien - Municipal Utility District**

Purpose  
To release real property from the effect of a municipal utility district (MUD) lien

Requirements

1. Name(s) of owner(s)/(person(s) liable)
2. Name of municipal utility district
3. Recording reference to lien
4. Signature of municipal district
5. Signature acknowledged

Fees  
Regular

Legal References  
PUC 12811.1; GOV 27287 (ack.), 27288.1 (names parties), 27361.6 (recording reference)

Comments

Local Use

Index	Ordinances/Opinions
Grantor: Municipal Utility District Grantee: Owner(s)	

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 DEVELOPEMENT**

## 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 272</b>
<b>Chapter Number:</b>	795
<b>Author:</b>	Hertzberg
<b>Topic:</b>	The California Public Records Act: local agencies: inventory
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	<p>This bill requires each local agency, except a local educational agency, in implementing the California Public Records Act, to create a catalog of enterprise systems, as defined, to make the catalog publicly available upon request in the office of the person or officer designated by the agency's legislative body, and to post the catalog on the local agency's Internet Web site.</p> <p>The bill requires the catalog to disclose a list of the enterprise systems utilized by the agency, and, among other things, the current system vendor and product, unless, on the facts of the particular case, the public interest served by not disclosing that information clearly outweighs the public interest served by disclosure, in which case the local agency may instead provide a system name, brief title, or identifier of the system.</p> <p>Because the bill would require local agencies to perform additional duties, it would impose a state-mandated local program</p>
<b>Effect:</b>	Adds Section 6270.5 to the Government Code, relating to public records.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Doug Allen, Marin County
<b>Notes:</b>	The local agency must complete and post the catalog by July 1, 2016, and update it annually thereafter.

## 2015 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 570</b>
<b>Chapter Number:</b>	543
<b>Author:</b>	Jackson
<b>Topic:</b>	Personal information: privacy: breach
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	<p>Creates a standard format for data breach notices with subheadings to improve readability, improves access to substitute data breach notices by requiring a conspicuous link to the substitute notice on the businesses or agency Internet homepage, and requires the link and the notice to remain posted for at least 30 days. Specifically, this bill:</p> <ul style="list-style-type: none"><li>• Requires data breach notices to be titled "Notice of Data Breach" and requires the content of the breach notice to be presented under specific headings: "What Happened," "What Information Was Involved," "What We Are Doing," "What You Can Do," and "For More Information."</li><li>• Provides an optional model security breach notification form in table format and specifies that use of the model form constitutes compliance with this bill.</li><li>• Requires conspicuous posting of a substitute breach notice on the business or agency web site for at least 30 days.</li></ul>
<b>Effect:</b>	Amends Sections 1798.29 and 1798.82 of the Civil Code, relating to personal information.
<b>Actions Required:</b>	In the event of a data breach, local agencies must comply with the new data breach notice requirements.
<b>Presenter:</b>	Victoria Rodriguez, Riverside County
<b>Notes:</b>	These changes to California's breach notification law will help ensure that critical information pertaining to a

## 2015 Chaptered Bill Analysis

### Notes (cont'd):

breach is communicated effectively to California residents, empowering them to take appropriate steps to protect themselves from the consequences of a data breach.

This bill is related to AB 964 (Chapter 522, Statutes of 2015) which amends California's Data Breach Notification Law by defining "encrypted" to mean rendered unusable, unreadable, or indecipherable through a security technology or methodology generally accepted in the field of information technology.

# 2015 Chaptered Bill Analysis

**Bill Number:** SB 801

**Chapter Number:** 391

**Author:** Governance and Finance Committee

**Topic:** Property tax postponement

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

**Summary:** This bill consolidates several minor, technical changes to the Property Tax Postponement program to ensure that it is implemented correctly. Among other things, this bill:

- Eliminates outdated references to “certificates of eligibility” that were previously used;
- Permits the Controller to release a lien if there is a foreclosure on an obligation secured by a lien that is senior in recording priority;
- Standardizes the definition of a claimant so that all references include blind and disabled persons, as defined.
- Eliminates references to certain duties on the part of local tax officials, with respect to lien notices, to conform to the superseding duties of the Controller in preparing and filing the notice of lien for postponed taxes with the county recorder at the time payment is made, and specifies payments by the Controller to the county and the refund by the county of taxes paid when a taxpayer successfully appeals his or her denial of postponement under the law;
- Clarifies that the interest rate on existing loans made prior to the postponement law’s suspension will continue to accrue at the rate specified prior to the suspension of the program;
- Removes references regarding the eligibility of mobilehome properties to participate in the program and adds references specifying that co-op properties are eligible for the program; and
- Deletes and updates outdated references and makes other technical and conforming changes.

## 2015 Chaptered Bill Analysis

**Effect:** Amends Sections 16180, 16182, 16183, 16190, 16191, and 16192 of the Government Code; and amends Sections 2515, 20505, 20586, 20601, 20602, 20603, 20621, 20622, 20627, 20630, 20630.5, 20638, 20639.2, 20640.2, 20640.3, 20640.4, 20640.6, 20640.7, 20640.8, 20640.9, 20645.5, and 20645.6 of, and repeals Sections 20633, 20639.3, 20639.4, 20639.5, 20639.6, 20639.7, 20639.8, and 20639.9 of, the Revenue and Taxation Code, relating to taxation.

**Actions Required:** None

**Presenter:** Teresa Williamson, San Joaquin County

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## Prior Year Laws

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## 2014 Chaptered Bill Analysis

**Bill Number:** AB 1951

**Chapter Number:** 334

**Author:** Gomez

**Topic:** Vital records: birth certificates

**Impact:** **Minor**

**Summary:** Commencing January 1, 2016, instead requires the State Registrar, with regard to identification of the parents, to modify the certificate of live birth to contain 2 lines that both read "Name of Parent" and contain, next to each parent's name, 3 checkboxes with the options of mother, father, and parent to describe the parent's relationship to the child. Also requires that all local registrars, deputy registrars, and subregistrars use the modified certificate of live birth, update all forms to incorporate the modification, and discard all forms in use before the modification.

For a birth occurring prior to January 1, 2016, authorizes a parent to amend specified parental titles on the certificate of live birth to the parent relationship designation described above. If the birth mother is listed on the certificate of live birth, requires the birth mother's name, date of birth, and place of birth to be linked to her medical and social information, and requires that the linkage be confidential, as specified. Makes technical and conforming changes.

**Effect:** Amended, repealed, and added Sections 102425 and 102430 of, added Sections 102425.1 and 102425.2 to, and repealed Section 102150 of, the Health and Safety Code, relating to vital records.

**Actions Required:** May want to change applications to include the title "Parent".

**Presenter:** Portia Sanders, Los Angeles County

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 940</b>
<b>Chapter Number:</b>	553
<b>Author:</b>	Jackson
<b>Topic:</b>	California Conservatorship Jurisdiction Act
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	Enacted, <b>operative January 1, 2016</b> , except as specified, the California Conservatorship Jurisdiction Act which is intended to be a modified version of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.
<b>Effect:</b>	Amended Section 1913 of the Code of Civil Procedure, added Section 70663 to the Government Code, amended Sections 1455, 1471, 1821, 1834, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1890, 2107, 2200, 2300, 2352, 2505, 2650, and 3800 of, added Sections 1301.5 and 1851.1 to, and added Chapter 8 (commencing with Section 1980) to Part 3 of Division 4 of, the Probate Code, relating to conservatorships.
<b>Actions Required:</b>	Could create a new document in the DRIM
<b>Presenter:</b>	David Valenzuela, Ventura County



Miscellaneous additions,  
corrections, and amendments to the  
Document Recording and Indexing  
Manual (DRIM)

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## VIII

**UNIFORM RECORDING RULES COUNTY RECORDERS' ASSOCIATION OF CALIFORNIA**

Rules of recording procedure have been adopted by a majority vote of the County Recorders' Association of California to establish uniformity among County Recorders in the acceptance, indexing, processing and return of documents wherever the State laws and codes, court decisions and legal opinions do not specifically control.

The effectiveness of these rules is dependent on the degree of voluntary compliance by each County Recorder.

1. A certified copy of a document must contain all of the information required for recording.
2. All pages of a document shall be filmed.
3. A document should be returned to the filer if one of several acknowledgments or signature lines is incomplete. On request of the filer, it should subsequently be accepted if the signature of at least one principal party is properly acknowledged. A document complete in other respects is sufficient as to that party for recording purposes. (L.A. training manual)
4. Papers not part of the original record shall not be attached to certified copies of recorded documents when these documents are presented for recording. Cover sheets and affidavits executed pursuant to Govt. 27361.7(illegible document), however, may be attached to a certified copy.
5. A document should be accepted for recording even if the acknowledgment is placed before the execution.
6. Documents being re-recorded need to be resigned and re-acknowledged and/or re-verified, unless it is for the sole purpose of correcting the "chain of title" (example: correcting the order that the documents are recorded). All documents shall have noted on their face the reason for re-recording. A completed coversheet will be required to provide adequate space for the new recording information.
7. The execution of a document transferring title may be used in lieu of an additional signature to the Documentary Transfer Tax declaration provided such tax declaration contains language that so incorporates the execution.
8. The Government Release Fee should be charged on full releases of governmental liens or satisfaction of judgment documents. Partial release or matured installment should be charged the regular recording fee. If multiple releases are contained in a single document and the references to the liens to be released indicate multiple documents the full release shall be charged for each recording reference.
9. Only that portion of a document that is illegible need be copied in order to comply with Government Code 27361.7.
10. An assignment of partnership interest shall be accepted for recording if signed and acknowledged by the assignor.
11. The words "We, the undersigned" or "I, the undersigned" are acceptable in lieu of names in the caption of documents (Childs vs. Newfield 1934).
12. All "exhibits" or "attachments" shall be clearly identified as such and be referenced in and related to the primary document.
13. Purple ink shall be used when certifying copies of Recorders' records. Whenever possible the wording of the certification shall read substantially as follows: "This is a true certified copy of the record if it bears the seal, imprinted in purple ink, of the County Recorder". The words "imprinted in purple ink" should not be placed at the end or beginning of a sentence in order to impede the altering of the copy.