

Notice of \$75 Fee Increase Effective 1/1/2018

Effective January 1, 2018, California Government Code section 27388.1 (SB2 – Building Homes and Jobs Act) requires that documents accepted for recording at the County Recorder’s Office be charged an additional seventy-five dollars (\$75.00) fee per title, unless exempted by statute.

A fee of seventy-five dollars (\$75.00) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees, per each single transaction per parcel of real property. The fee imposed by this section shall not exceed two hundred twenty-five dollars (\$225.00).

“**Real estate instrument, paper, or notice**” means a document relating to real property, including, but not limited to, the following: deed, grant deed, trustee’s deed, deed of trust, reconveyance, quit claim deed, fictitious deed of trust, assignment of deed of trust, request for notice of default, abstract of judgment, subordination agreement, declaration of homestead, abandonment of homestead, notice of default, release or discharge, easement, notice of trustee sale, notice of completion, UCC financing statement, mechanic’s lien, maps, and covenants, conditions, and restrictions.

- **This fee will be calculated per document, with a maximum of \$225.00 based on the number of documents and titles.**

- **Note:** The definition of a parcel is, “a piece of land of any size that is in one ownership.” (1984, American Institute of Real Estate Appraisers; The Dictionary of Real Estate Appraisal).
Recorders do not have the capability to decipher or interpret parcel information as this is not a function of the Recorder. As such, the Association has determined “Building Home and Job Act” fees will be calculated as one parcel being the same as one transaction with the single charge of \$75.
- Transaction is defined and “refers to an instrument, paper or notice presented together and related to the same parties and property.” (CRAC)
- Calculation per title - GC § 27361.1, states in part: “Whenever two or more instruments, papers, or notices are serially incorporated on one form or sheet, or are attached to one another, except as an **exhibit** marked as such, each instrument, paper, or notice shall be considered to be a separate instrument, paper, or notice for the purpose of computing the total fee established by § 27361 of this code.”

- The fee shall **not** be imposed on any real estate instrument, paper, or notice recorded in connection with a transfer subject to the imposition of a documentary transfer tax as defined in Section 11911 of the Revenue and Taxation Code or on

any real estate instrument, paper, or notice recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier.

- **A declaration of valid exemption may be placed on the face of each document, or on a document cover page, which shall become part of the document, prior to depositing with the Recorder. If no valid exemption is declared, the fee will be assessed.**

Exemptions:

Only an expressly limited number of statutory exemptions exist regarding the collection of this fee. When an exemption is applicable, **a valid declaration of exemption must be placed on the face of each document, or on the cover page, prior to depositing with the Recorder**, otherwise the fee will be assessed and collected. Following are samples of applicable statutory exemptions to be used on the first page of each document:

- Document is subject to the imposition of documentary transfer tax and includes a declaration showing the amount of documentary transfer tax paid at the time of recording
- Exempt from fee per GC 27388.1 (a) (2); recorded concurrently “in connection with” a transfer subject to the imposition of documentary transfer tax
- Exempt from fee per GC sec 27388.1 (a) (2); Document represents a transfer of real property that is a residential dwelling to an owner-occupier
- Exempt from fee per GC 27388.1 (a) (2); recorded concurrently “in connection with” a transfer of real property that is a residential dwelling to an owner-occupier
- Exempt from fee per GC 27388.1 (a) (1); fee cap of \$225.00 reached
- Exempt from the fee per GC 27388.1 (a) (1) Not related to real property

Failure to include a specified statutory exemption reason will result in the imposition of the \$75.00 Building Homes and Job Act fee.

Note: This fee is collected on behalf of the State of California and funds are deposited with the State of California. The County Recorder only collects the fee on behalf of the State of California. The recording staff has no discretion to exempt documents from the fee except as specifically provided by Government Code Section 27388.1.

NOTE: This fee is in addition to the county’s standard recording fees.