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OFFICE OF THE COUNTY CLERK, RECORDER &
REGISTRAR OF VOTERS

440 Fifth Street, Room 206
Hollister, California 95023
www.sbcvote.us

MEMORANDUM

Date: November 13, 2017

To: General Public, Industry & Agency Partners, Title Companies

From: Joe Paul Gonzalez, County Clerk-Auditor-Recorder (Registrar of Voters)

Re: Government Code section 27388.1 – Affordable Housing & Job Act Fee
(Senate Bill-2)

Effective January 1, 2018, the Governor signed Senate Bill 2 in order to fund the State's Affordable Housing & Jobs Act (SB-2), Government Code section 27388.1 requires that documents accepted for recording at the San Benito County Recorder's Office be charged an additional seventy-five dollars (\$75) fee as follows:

“...a fee of seventy-five dollars (\$75) 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)...”

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 prior to depositing with the County 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:

1. A Documentary Transfer Tax (DTT) Declaration stating that the transfer is subject to payment of the DTT including the amount of DTT due and to be paid at the time of recording; and/or
2. Exempt from fee per GC sec 27388.1(a)(2); recorded concurrently “in connection with” a transfer subject to the imposition of DTT; or
3. Exempt from fee per GC sec 27388.1(a)(2); recorded concurrently “in connection with” a transfer of real property that is a residential dwelling to an owner-occupier; or
4. Exempt from fee per GC sec 27388.1(a)(1); fee cap of \$225 reached; or
5. Exempt from fee per GC sec 27388.1(a)(1); not related to real property.

Failure to declare a specified statutory exemption will result in the imposition of the \$75 Building Homes and Jobs Act fee. The County Recorder is mandated to collect and deposit these fees on behalf of the State with the State Treasurer for the purpose of funding this State of California program.

NOTE: SB-2 was signed by the Governor and filed with the Secretary of State September 29, 2017, Effective January 1, 2018