

AFFORDABLE HOUSING AND JOBS ACT FEE

Effective January 1, 2018, pursuant to SB2, documents accepted for recording at the Fresno County Recorder may be charged an additional \$75 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).

This fee will be calculated per document, with a maximum of \$225 based on the number of documents and titles.

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.

This requirement is being made in accordance with the legislative amendment of Government Code Section 27388.1.

DOCUMENTS WITH EXEMPTION

1 document, 1 document title = \$0 No DTT (Documentary Transfer Tax) TOTAL - \$0	All documents which have a valid exemption stated on the face of the document are exempt and NO fee will be assessed.
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INDIVIDUAL & CONCURRENT DOCUMENTS - DTT PAID

1 document, 1 document title = \$0 DTT Paid TOTAL - \$0	Any document with paid DTT is exempt and NO fee will be assessed.
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4 documents each with 1 document title = \$0 DTT Paid on one document TOTAL - \$0	Any document(s) submitted in the same transaction "in connection with" documents that has DTT paid are exempt and NO fee will be assessed.
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INDIVIDUAL DOCUMENTS - NO DTT

1 document, 1 document title = \$75 No DTT TOTAL - \$75	1st title charged \$75 includes any parcel
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1 document, 2 document titles = \$150 No DTT TOTAL = \$150	
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1 document, 4 document titles = \$225 No DTT TOTAL = \$225	\$75 cannot be assessed on remaining documents, titles or parcels because the cap is reached.
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CONCURRENT DOCUMENTS

3 documents, 3 document titles = \$225 No DTT TOTAL = \$225	
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4 documents, 5 document titles = \$225 No DTT TOTAL = \$225	\$75 cannot be assessed on remaining documents, titles or parcels because the cap is reached.
NO CAP – UNRELATED DOCUMENTS	
5 documents– 1 title each No DTT, non-related, but sent in together TOTAL: \$75.00 x 5 = \$375.00	Because these documents are unrelated, each will be charged the \$75. For example, 5 lien releases mailed in together with 5 different names.

NOTES:

- 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 SB2 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 fee established by § 27361 of this code.”