

County of Santa Clara

Finance Agency
Office of the County Clerk-Recorder


County Government Center
70 W. Hedding Street, East Wing 1st floor
San Jose, California 95110-1705
(408) 299-5688



MEMORANDUM

DATE: December 18, 2017

TO: All Interested Parties

FROM: Wardell House, Jr., Assistant County Clerk-Recorder 

SUBJECT: Building Homes and Jobs Act Fee

Effective January 1, 2018, 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 Santa Clara County Clerk-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 shall be placed on the face of each document prior to depositing with the Clerk-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. Exempt from fee per GC §27388.1(a)(2); recorded concurrently "in connection with" a transfer subject to the imposition of DTT; or

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2. 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; or
3. Exempt from 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 Building Homes and Jobs Act fee. Fees are collected on behalf of the State and are deposited with the State for funding of the State program. The County Clerk-Recorder only collects the fee on behalf of the State.