California Government Code § 27388.1 Buildings Homes and Jobs Act

TAX GRID

DOCUMENTS W/Exemption	
1 document, 1 document title = $0 No DTT **TOTAL - $0**	All documents which have a valid exemption stated on the face of the document are exempt and NO tax will be assessed. All documents that currently record at NO FEE are exempt.
INDIVIDUAL & IN CONNECTION WITH DOCUMENTS- DTT PAID	
1 document, 1 document title = $0 DTT Paid **TOTAL - $0**	Any document with paid DTT is exempt and NO tax will be assessed.
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 tax will be assessed.
INDIVIDUAL DOCUMENTS- NO DTT	
1 document, 1 document title = $75 No DTT **TOTAL - $75**	1st title charged $75 includes any parcel
1 document, 2 document titles = $150 No DTT **TOTAL = $150**	
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.
CONCURRENT DOCUMENTS	
3 documents, 3 document titles = $225 No DTT **TOTAL = $225**	
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:

1. 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 taxes will be calculated as one parcel being the same as one transaction with the single charge of $75.

2. Transaction is defined and “refers to an instrument, paper or notice presented together and related to the same parties and property.” (County Recorder’s Association of California)

3. 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.”

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EXEMPTIONS:

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 tax will be assessed.

The following exemptions which may apply include:

1. GC 27388.1 (a) (2) – documents subject to the imposition of documentary transfer tax (DTT) and the DTT is paid at the time of recording;
2. GC 27388.1 (a) (2) - documents recorded "in connection with" a transfer subject to the DTT;
3. GC 27388.1 (a) (2) - documents recorded "in connection with" a transfer of real property that is an owner occupied residential dwelling;
4. GC 27388.1 (a) (1) - documents recorded "in connection with" a transfer in which tax cap of $225 has been already reached; or,
5. GC 27388.1 (a) (1) - documents not related to real property.

Failure to declare an exemption will result in the imposition of the $75 Building Homes and Jobs Act tax.

Taxes collected are deposited to the State and may not be available for refund.

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