

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION ADJUSTING THE ASSESSOR-COUNTY CLERK-RECORDER
SCHEDULE OF FEES SET FORTH BY COUNTY ORDINANCE 2.90.030 TO
INCREASE THE CURRENT RECORDING FEE ON CERTAIN REAL ESTATE
INSTRUMENTS FROM \$3 TO \$6**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, State law has long recognized the significant public concern surrounding real estate fraud and the need for real estate fraud investigation and prosecution; and

WHEREAS, to cover the costs associated with regulating real estate fraud, Government Code section 27388 allows a county Board of Supervisors to impose a fee for the recording of real estate instruments and to use the fee to pay for the costs associated with real estate fraud investigation and prosecution; and

WHEREAS, pursuant to Government Code Section 27388, beginning with the 2017-2018 Fiscal Year, this Board approved the imposition of a \$3 recording fee on certain real estate instruments for the purpose of funding prosecution and deterrence of Real Estate Fraud crimes; and

WHEREAS, the District Attorney has continued the dedicated investigation and prosecution unit focusing on real estate fraud in every year since the 2017-2018 Fiscal

Year, submitting reports to the Board of Supervisors each year regarding the work of the Real Estate Fraud Unit and;

WHEREAS, the District Attorney's Real Estate Fraud Unit has been in existence for over seven years with a dedicated full-time Inspector and a part-time Prosecuting Attorney, and had proven its dedication to fighting real estate fraud in San Mateo County through performance and positive impact, and;

WHEREAS, analysis of the financial figures of the District Attorney's Real Estate Fraud Unit's first six years reveals that the \$3 recording fee has never fully covered the costs of running the Unit, covering only about 2/3 of the costs to operate the Unit, with the District Attorney's general budget covering roughly 1/3 of the costs each year, and;

WHEREAS, the District Attorney intends to implement a Real Estate Fraud Notification Program, which will involve hiring an outside company to generate letters to homeowners upon the recording of certain types of real estate documents, enabling homeowners to quickly learn whether a document they did not authorize was recorded on the title to their property, and directing recipients to contact the District Attorney's Office if they are unfamiliar with the recorded document, and;

WHEREAS, the District Attorney requests that this Board raise the recording fee from \$3 to \$6 per qualifying document in order to more fully cover the Real Estate Fraud Unit's existing program expenses and implementation of the Real Estate Fraud Notification Program, and;

WHEREAS, the District Attorney's requested increase of the recording fee will not result in increased resources or expenses to other County departments that would not be covered by the increased fee itself; and

WHEREAS, the San Mateo County Association of Realtors ("SAMCAR") supports the District Attorney's request to increase the recording fee.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED by the Board of Supervisors of the County of San Mateo that, effective January 7th 2025, the San Mateo County Assessor-County Clerk-Recorder's Schedule of Fees, which is set forth in San Mateo County Ordinance 2.90.030, is adjusted to increase from \$3 to \$6 the current recording fee on real estate instruments set forth in Government Code section 27388

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