

70-10

FILE NO. 100045

ORDINANCE NO.

1 [Increasing Real Estate Recordation Fee.]

2
3 Ordinance amending ~~Article XIII, Section 8.24-5, San Francisco~~ of the Administrative
4 Code to increase the recordation fee to \$3.00 from \$2.00 at the time of for recording
5 real estate instruments, and authorizing the Controller to adjust the fee upon notice
6 from the District Attorney, to become operative on its effective date or on July 1, 2009,
7 whichever is later, and making environmental findings.

8 NOTE: Additions are *single-underline italics Times New Roman*;
9 deletions are *strike-through italics Times New Roman*.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are ~~strikethrough-normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Environmental Findings. The Planning Department has determined that the
14 actions contemplated in this Ordinance are in compliance with the California Environmental
15 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
16 on file with the Clerk of the Board of Supervisors in File No. 100045 and is
17 incorporated herein by reference.

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19 Section 2. The San Francisco Administrative Code is hereby amended by amending
20 Section 8.24-5 to read as follows:

21 SEC. 8.24-5. REAL ESTATE FRAUD PROSECUTION RECORDATION FEE.

22 (a) Establishment of Fee. Pursuant to Section 27388 of the California Government
23 Code, there is hereby established a fee of \$3.00 ~~\$2.00~~ that shall be paid to the Recorder at the
24 time of recording every real estate instrument, paper, or notice required or permitted by law.
25 This fee may be adjusted by the Controller, upon notice from the District Attorney, that the

Supervisor David Chiu
BOARD OF SUPERVISORS

1 allowable recordation fee has been increased. Such fee shall be collected, administered, and
2 expended in accordance with Section 27388 of the California Government Code. Money
3 collected pursuant to this Section shall be used to fund programs to enhance the capacity of
4 local police and prosecutors to deter, investigate, and prosecute real estate fraud crimes and
5 other purposes hereafter authorized by State law.

6 (b) Real Estate Fraud Prosecution Trust Fund Committee. There is hereby
7 established a Real Estate Fraud Prosecution Trust Fund Committee ("Committee") composed
8 of the District Attorney, City Administrator, and City Attorney, each of whom may appoint an
9 appropriate representative to serve on the committee. The Committee shall review
10 applications and make determinations by majority vote as to the award of funds using the
11 procedures and criteria required by Section 27388 of the California Government Code.

12 (c) Annual Review. The Board of Supervisors shall annually review the effectiveness
13 of the District Attorney in deterring, investigating, and prosecuting real estate fraud crimes
14 based upon information provided by the District Attorney in an annual report submitted to the
15 Board of Supervisors in accordance with Section 27388(d) of the Government Code.

16 (d) Administration of Funds. Pursuant to Section 27388(g) of the Government Code,
17 no money collected pursuant to this Section shall be expended to offset a reduction in any
18 other source of funds. Funds from the Real Estate Fraud Prosecution Trust Fund shall be
19 used only in connection with criminal investigations or prosecutions involving recorded real
20 estate documents.

21 (e) Monies in this fund, including all interest earned, shall be deemed provided for
22 specific purposes, as stated in this ordinance, and shall be carried forward at the end of each
23 fiscal year, consistent with the provisions of the City Charter.
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1 Section 3. This ordinance shall become operative on its effective date or on July 1,
2 2009 whichever is later.

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4 APPROVED AS TO FORM:

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6 By:



7 Sallie P. Gibson
8 Deputy City Attorney
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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 100045

Date Passed: March 30, 2010

Ordinance amending Section 8.24-5 of the Administrative Code to increase the recordation fee to \$3.00 from \$2.00 for recording real estate instruments, and authorizing the Controller to adjust the fee upon notice from the District Attorney, to become operative on its effective date or July 1, 2009, whichever is later, and making environmental findings.

March 23, 2010 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell and Mirkarimi

Excused: 1 - Alioto-Pier

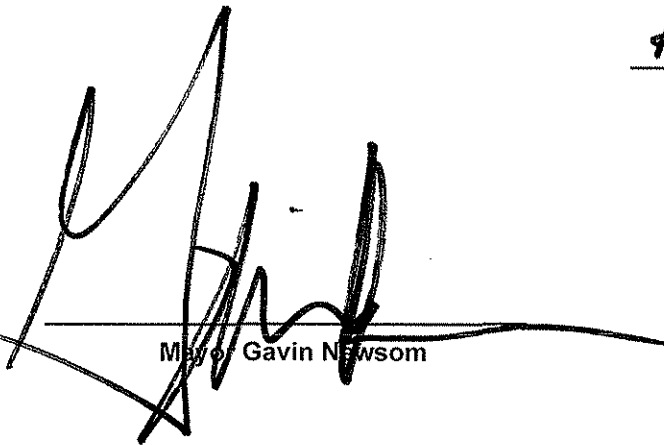
March 30, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell and Mirkarimi

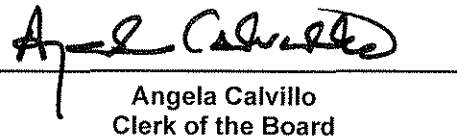
Excused: 1 - Alioto-Pier

File No. 100045

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/30/2010 by the Board of Supervisors of the City and County of San Francisco.



Mayor Gavin Newsom



Angela Calvillo
Clerk of the Board

4/08/2010
Date Approved