

[Administrative Code - Eliminating Mayor’s Office of Housing and Community Development Escrow Account Administration Fee]

Ordinance amending the Administrative Code to eliminate the Mayor’s Office of Housing and Community Development escrow account administration fee.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font. **Additions to Codes** are in *single-underline italics Times New Roman font*. **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~. **Board amendment additions** are in double-underlined Arial font. **Board amendment deletions** are in ~~Arial font~~. **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. The Administrative Code is hereby amended by revising Section 8.43, to read as follows:

SEC. 8.43. MAYOR’S OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT ADMINISTRATIVE FEES.

(a) Authority. The Mayor's Office of Housing *and Community Development* or its successor (“MOHCD”) is hereby authorized to charge fees to defray the cost of issuing, administering, and processing documents related to certain housing transactions. Said fees shall be due at the time of filing an application. Failure to pay such fees shall result in a return of the application as incomplete to the applicant. Any persons requesting or requiring the following services shall pay the following fees:

Mortgage Credit Certificate	\$600 per application
Refinance Mortgage Credit Certificate	\$600 per application

1	Down-payment assistance loan	\$500 per application
2	First-time homebuyer loan	\$500 per application
3	<i>Escrow account administration</i>	<i>\$200 per borrower</i>
4	Loan subordination fee, single family	\$500 per subordination
5	borrowers	
6	Loan servicing fee, multifamily rental projects	\$2,000 per application plus time and
7		materials charges
8		

9

10 *Fees charged for o*Other actions not specified above shall be based on actual costs that
11 MOHCD incurs in administering and processing the action or procedure and shall be charged
12 on a time and materials basis. MOHCD shall provide the applicant with a written estimate of
13 said costs at the time of application, and the applicant shall pay such fees prior to the time
14 that the application is deemed complete. To the extent that the estimated fees do not cover
15 actual costs, any outstanding amount due shall be a condition of MOHCD's final decision on
16 the action or procedure. To the extent that the estimated fees exceeded the actual costs,
17 MOHCD shall refund the excess amount to the applicant within a reasonable period after
18 MOHCD's final decision on the action or procedure.

19 (b) Additional Costs. In instances where administration of any application or
20 document is or will exceed the fee amount established pursuant to Subsection 8.43(a), the
21 Director of the Mayor's Office of Housing *and Community Development*, in his or her discretion,
22 may require an applicant to pay a sum in excess of the subject fee amounts. This additional
23 sum shall be sufficient to recover actual costs that MOHCD incurs and shall be charged on a
24 time and materials basis. The Director also may charge any time or materials costs that other
25 agencies, boards, commissions, or departments of the City, including the City Attorney's,

1 Office, incur in connection with the processing or administration of a particular application.
2 Whenever additional fees are or will be charged, the Director, upon request of the applicant,
3 shall provide in writing the basis for the additional fees or an estimate of the additional fees to
4 be charged.

5 (c) Payment of fees charged under this Code does not waive the fee requirements of
6 other ordinances and rules and regulations pursuant thereto.

7 (d) Fee Calculation Method. Establishment of the fees for each category and use
8 specified in Subsection 8.43(a) shall be based on the Department's actual costs to process
9 and administer the particular application. Said fees may include the actual costs that other
10 agencies, boards, commission, or department of the City incur in connection with processing
11 or administering these programs. Beginning with fiscal year 2011-2012, fees set in this
12 Section may be adjusted each year, without further action by the Board of Supervisors, to
13 reflect changes in the relevant Consumer Price Index, as determined by the Controller. No
14 later than April 15th of each year, the Director shall submit ~~its~~ MOHCD's current fee schedule
15 to the Controller, who shall apply the price index adjustment to produce a new fee schedule
16 for the following year. No later than May 15th of each year, the Controller shall file a report
17 with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees
18 produce sufficient revenue to support the costs of providing the services for which each fee is
19 assessed, and (b) the fees do not produce revenue which is significantly more than the costs
20 of providing the services for which each fee is assessed. The Controller shall, if necessary,
21 adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that
22 the Mayor's Office of Housing and Community Development recovers the costs of operation
23 without producing revenue that is significantly more than such costs. The adjusted rates shall
24 become operative on July 1.

1 Section 2. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: 
16 JON GIVNER
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: 140591

Date Passed: July 22, 2014

Ordinance amending the Administrative Code to eliminate the Mayor's Office of Housing and Community Development escrow account administration fee.

June 20, 2014 Budget and Finance Committee - RECOMMENDED

June 16, 2014 Budget and Finance Committee - CONTINUED

July 08, 2014 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

July 15, 2014 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

July 22, 2014 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee
Excused: 1 - Avalos

File No. 140591

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
7/22/2014 by the Board of Supervisors of
the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

7/31/2014

Date Approved