Ordinance amending the Business and Tax Regulations Code to require the amount of real property transfer tax paid to be shown on the face of a recorded document, and to conform the declaration of tax owed to existing law, by requiring a declaration that the tax was computed without excluding the value of existing liens and encumbrances remaining on the property.

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 strikethrough 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 Business and Tax Regulations Code is hereby amended by revising Sections 1111 and 1113, to read as follows:

SEC. 1111. RECORDING PAYMENT OF TAX.

The Recorder shall collect the tax hereby imposed and deposit the same to the General Fund. The Recorder shall not record any deed, instrument or writing subject to the tax imposed by this ordinance unless the tax is paid.

A declaration of the amount of the tax due, signed by the party determining the tax or his agent shall appear on the face of every document subject to tax hereunder which is submitted for recordation, or if the party submitting the document for recordation so requests, the declaration may be placed on a separate paper. The declaration shall include a statement that the
consideration or value on which the tax due was computed was, or that it was not, exclusive of
the value of liens or encumbrances remaining on the interest or property conveyed at the time
of sale. If the party submitting the document for recordation has requested that the declaration be
placed upon a separate paper, the separate paper shall be affixed to the document by the Recorder
after the permanent record is made and before the original is returned as specified in Section 27321 of
the Government Code.

With every document subject to tax hereunder which is submitted for recordation, there
shall also be submitted a separate affidavit stating all relevant information that is necessary
for the determination of the proper transfer tax. A form for such affidavit shall be prepared by
the County Recorder. The affidavit form shall include the following notice: "NOTICE: Any
material misrepresentation of fact in this affidavit is a misdemeanor under Section 1116 of the
Real Property Transfer Tax Ordinance. Any person who makes such a misrepresentation is
subject to prosecution for such offense."

In accepting a document for recordation, the County Recorder shall rely upon the
declaration of the amount of tax due and upon the affidavit of relevant information
accompanying the document.

Every document subject to tax hereunder which is submitted for recordation shall show
on the face of the document, or in a separate document the location of the lands, tenements
or other realty described in the document.

**SEC. 1113. CLAIMS FOR REFUNDS.**

Claims for refunds of taxes imposed pursuant to this ordinance shall be governed by
the provisions of Sections 6.15-1, 6.15-3, and 6.15-4 of the *San Francisco Business and Tax*
Regulations Code, as those sections currently read and as they may be amended, or
interpreted by regulations, in the future. The references in those sections to a "return" shall
mean the transfer tax affidavit, the references to "tax period" shall mean date of transfer, and
the references to the "Tax Collector" shall mean the Recorder. If a refund claim is allowed
under this section or Section 1113.1, the Controller will not pay the refund unless the taxpayer
first records a document that reflects payment of tax in an amount reduced by the amount of
the refund. This requirement does not apply if the taxpayer elected to record the deed in accordance
with Section 1111 without any statement of transfer tax paid:

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

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

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

By: Carole F. Ruwart
Deputy City Attorney

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Ordinance amending the Business and Tax Regulations Code to require the amount of real property transfer tax paid to be shown on the face of a recorded document, and to conform the declaration of tax owed to existing law, by requiring a declaration that the tax was computed without excluding the value of existing liens and encumbrances remaining on the property.

June 10, 2015 Budget and Finance Sub-Committee - RECOMMENDED

June 16, 2015 Board of Supervisors - PASSED, ON FIRST READING
Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

June 23, 2015 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 150495

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/23/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

[Signature]

Mayor

[Signature]

Date Approved

7/2/2015