

Frequently Asked Questions

Developer Fees

Developer fees are collected on construction projects within the School District boundaries.

Developer Fees are collected by appointment. Please call (909) 628-1201 ext. 1201 to schedule an appointment.

Fees are paid at Chino Valley Unified School District at 5130 Riverside Drive, Chino, CA 91710

1 What are Developer Fees?

Developer fees are fees that are paid by property owners and developers to school districts to mitigate the impact created by new development within a school district's boundaries on the school district's facilities. Fees are typically paid to the school district as a condition of a property developer or owner obtaining a building permit from the city or county for a construction project. School districts have been authorized by law since January 1, 1987, to impose developer fees, but the laws have changed over time as a result of litigation, state bond measures, legislation, and other events. However, the basic propositions that fees may only be collected if the need for additional or improved facilities has been "justified," and that fees may only be expended to accommodate growth generated from new development, remains true.

2 What are the statutes that authorize the collection of developer fees?

Education Code section 17620 et seq. authorizes the collection of developer fees; Government Code section 65995 et seq. establishes the types of fees and rates; Government Code section 66000 sets the process for justifying fees and appealing or challenging fees. Government Code sections 65995.5 – 65995.7 establish the procedures for the adoption of Level 2 fees.

3 How are Level 2 fees calculated?

Level 2 fees are calculated for each school district, unified or non-unified, using a statutory methodology. Accordingly, the Level 2 fee amount will vary for each school district, but Level 2 fees should not be adopted unless the fee amount will exceed the state-established Level 1 fee amount. Level 2 fees are deemed to

represent 50% of a school district's school facility costs for purposes of obtaining state construction funding from the SFP.

4 When are the different types of fees collected?

Fees are collected at the time the building permit is obtained from the city or the county. As part of that process each district that imposes developer fees should prepare a document called a "certificate of compliance", that it will issue to a fee payer. The certificate of compliance should reflect the number of square feet and type of construction upon which fees are to be paid. The city or county building department is responsible for providing square footage calculations. The builder is directed to pay the district or may pay the city or county, if the latter collects fees on the district's behalf.

5 What types of development are subject to a Level 1 fee?

Developer fees must be paid with respect to:

- a. new commercial and industrial construction (not including square footage for existing site construction when building permit was first issued);
- b. new residential construction;
- c. "other" residential construction when there is an increase of 500 square feet in assessable space; and
- d. Location, installation, or occupancy of manufactured homes and mobile homes.

6: How does the district compute the total square footage on which a fee may be charged?

Generally, the city or county is responsible to provide a calculation of the total square footage of a residential or commercial project for purposes of the payment of developer fees, and must do so in accordance with building department standards. However, with respect to residential construction, fees are only charged per square foot of "assessable space", and with respect to commercial/industrial construction, fees are only charged per square foot of "chargeable covered and enclosed space"

7 What types of development are subject to Level 2 fees?

Level 2 fees apply solely to a new residential construction if the district has met the requirements for imposition.

8 What exemptions exist for school fees?

Senior Citizen Housing: Government Code Sections 65995.1 and 65995.2 provides that school districts may only charge the Commercial/Industrial Fee for qualified senior citizen housing. School districts should require proof from the

developer that the project qualifies as senior citizen housing in the form of CC&Rs.

Church and Religious Organizations: Pursuant to Government Code Section 65995(d), school districts may not levy developer fees on any facility used exclusively for religious purposes and exempt from property taxation under California law.

Private Full-Time Day School: A private full-time day school offers instruction in the several tranches of study required to be taught in the public schools and attendance is required to be taken. The district may request a copy of the affidavit that private schools are required to file pursuant to Education Code Section 33190.

Government Agencies.

Residential Additions Less than 500 Square Feet.

Reconstruction of a Structure Destroyed in a Disaster: The reconstruction of a structure destroyed as a result of a disaster is exempted from developer fees. However, the exemption does not apply if the square footage of the reconstructed structure exceeds the square footage of the structure that was destroyed.

9 What are the current fee rates?

The current developer fees are effective until September of 2009. Proposed change to the residential fee rate will be published 30 days prior to the September Board meeting.

New Residential Construction: \$5.94 per square foot for “assessable space” – defined as “space within the perimeter of a residential structure, not including any carpet, walkway, garage, overhang, patio, detached accessory structure or similar area.”

Additions to Residences: \$5.94 per square foot for projects exceeding 500 square feet of assessable space. The fee applies to the total increase in square footage. There is no fee for residential additions of 500 square feet or less.

Mobile Homes: \$5.94 for a mobile home placed on a new pad for which fees had not been previously paid.

Commercial/Industrial Construction: \$0.47 per square foot for covered and enclosed space.

Senior Housing: Senior Housing development as defined by Civil Code Section 51.3 are charged the commercial fee. Should the facility be converted to standard residential use, the balance of the fee would be paid at that time.

(Information provided by courtesy of Miller Brown Dannis)