



## **Developer (School Mitigation) Fees** **Basic Information**

### **Construction Type**

#### **New Residential**

Per square foot for “assessable space” defined as “space within the perimeter of a residential structure, not including any carport, walkway, garage, overhang, patio, detached accessory structure or similar area.”

#### **Additions to Residential**

Per square foot for projects exceeding 500 square feet of assessable space within the perimeter of the existing residence. 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**

Per square foot for a mobile home placed on a new pad for which fees had not been previously paid.

#### **Commercial and Industrial**

Per square foot for covered and enclosed space.

#### **Qualified Senior Housing**

Senior housing developments as defined by California 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.

#### **Developer Fee Collection Hours and Location**

Monday – Friday (excluding District holidays), 7:30 a.m. to 4:30 p.m.

Generally, TUSD is closed Fridays during the summer for energy savings the week of Thanksgiving, and the last week of December.

Travis Unified School District Business Services Office  
2751 De Ronde Drive  
Fairfield, CA 94533

#### **Developer Fee Contact Information**

For fee applicability and questions contact:

Travis USD 707-437-4604 x1227

## **Frequently Asked Questions**

### **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, remain.

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

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

### **3. What is the different "level" of fees?**

There are three levels of fees – Level 1, Level 2 and Level 3. Level 1 fees are established by the State of California and are considered the basic mitigation fee. With the adoption of Senate Bill 50 and Proposition 1A in 1998, school districts which meet certain requirements are given an option of adopting alternative school fees, also known as Level 2 and Level 3 fees. In general, Level 2 and Level 3 fees apply solely to residential construction. More specifically, the Level 2 fee is intended to represent fifty percent (50%) of a school district's school facility construction costs per new home served, and is applicable when the State Allocation Board is apportioning state school facility funding to school districts. The Level 3 fee on the other hand is intended to represent one hundred percent (100%) of a school district's school facility construction costs per new home served, and is applicable when the State Allocation Board officially declares that it is no longer making apportionments of state school facility funding to school districts.

### **4. How are Level 2 fees calculated?**

Level 2 fees are calculated 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 school facility program.

**5. 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 the process the District prepares a document called a “certificate of compliance”, that it issues to a fee payer. The certificate of compliance reflects 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.

**6. What types of development are subject to a Level 1 fee?**

Developer fees must be paid with respect to new commercial and industrial construction (not including square footage for existing site construction when building permit was first issued).

**7. 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.”

**8. What types of development are subject to Level 2 fees?**

Level 2 fees apply solely to residential construction: a. new residential construction; b. “other” residential construction when there is an increase of 500 square feet in assessable space; and c. location, installation, or occupancy of manufactured homes and mobile homes.

**9. What exemptions exist for school fees?**

Senior Citizen Housing: California Government Code Sections 65995.1 and 65995.2 provide that school districts may only charge the Commercial/Industrial Fee for qualified senior citizen housing. The District requires proof from the developer that the project qualifies as senior citizen housing in the form of CC&Rs or conditional use permits. Additional requirements apply for the Senior Citizen Housing exemption. Church and Religious Organizations: Pursuant to California 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 California 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. Other requirements apply including time lines.

**10. What is the effective date of the school fees?**

Generally, the fees are updated in the June. However, there are specific effective dates for each type of fee based on specific circumstances. For the current fees: All Residential (new, additions and mobile homes), the effective date is June 9, 2021.

**11. What triggers the higher Level 3 school fees?**

Level III school fees are effective when the State of California has depleted school construction bond funds and declares as such.