

1. Why does the District Charge Developer Fees?

To fund school facilities needed as a result of development. Government Code § 65995, Education Code § 17620 and Assembly Bill 2926, also known as the “1986 School Facilities Legislation,” granted school districts the right to levy fees to offset the impacts to school facilities from new residential and commercial industrial developments.

SHUSD is limited, as are most California school districts, in funding for school facilities. Furthermore, if the District does not collect all the developer fees it is legally entitled to, the District may be considered ineligible to receive certain State funding.

2. Where can the District charge Developer Fees?

The District may only charge school fees inside District boundaries. Education Code § 17620(a)(1) permits school districts to levy fees against any construction within the boundaries of the district. District boundaries include all of the City of St. Helena and many surrounding areas in Napa County.

3. How/when are the fees levied?

1. Residential:

A. On any **new** residential construction. Hallways and other common areas are also levied fees pursuant to the CC&Rs that developers will adopt where condo owners have proportional ownership to these common areas.

B. On any residential additions over 500 square feet. This is an accumulative number. In other words, the 500 square feet minimum is applied to the building throughout the course of the structure’s life.

C. Accessory Dwelling Units (“ADUs”). ADUs are separate residential units that can house a new family that generates new students. Fees are assessed against all new ADU square footage in the same manner as with any other **new** residential construction. ADUs are not additions to existing residential structures. Therefore, the exemption for additions of 500 square feet or less are not applicable. A new ADU is charged fees even if it is, for example, only 300 square feet. However, if an addition is added to an existing ADU, the addition exemption would apply.

Note that the impact fee restrictions on ADUs imposed by Senate Bill 13 (“SB 13”) are only applicable to impact fees levied by cities, counties, and special districts. **School districts are independently authorized to levy school developer fees per Education Code §17620.** SB 13 does not modify, suspend, or mention Education Code § 17620. Accordingly, SB 13 does not restrict school districts’ levies of school fees on ADUs. For the same reasons, AB 881 does not limit the levy of school developer fees on ADUs.

D. Excluded. The following are excluded from the fees: Carports, walkways, garages, overhangs or patios, enclosed patios, detached accessory structures that are not a separate residence (see ADU section above for more information on these), exclusively religious facilities, exclusively private full-time day schools, owned and operated federal facilities, owned and operated state facilities, owned and operated local agency facilities, construction to make a residential dwelling more accessible to

a disabled person (requires a statement from a doctor), reconstruction of a structure destroyed in a disaster, replacement of a manufactured home on the original pad, replacement of a mobile home on the original pad, and greenhouses.

2. Commercial/industrial development:

Covered and enclosed spaces of commercial or industrial construction

Includes: hotels, inns, motels, tourist homes, short-term (30 days or less) lodging, senior citizen housing (restricted to 55 years old and over, Civil Code, § 51.3), residential care facilities for the elderly (Health & Safety Code, § 1569.2(k)), multilevel facility for the elderly (Gov. Code, § 14432(d)(9)), mobile home development limited to older persons (55 – 62), and private universities.

Excludes: storage areas incidental to the development, garages, parking structures, unenclosed walkways, or utility or disposal area, and residential hotels.

****A “wine storage cave” does not count as storage area and is not exempt under developer fee law.*

4. How much are the fees?

Fees Subject to Change: SHUSD charges Level I fees that are subject to change each even-numbered year in January and are effective 60 days from the date that the District elects to adopt the fee increase. Current residential fees are \$5.17 per square foot and current commercial fees are \$0.84 per square foot, except for mini-storage which is charged \$0.16 per square foot.

5. Where do I pay my developer fees?

Fees must be paid IN PERSON at 465 Main Street, St. Helena, CA 94574. Fees are collected M-F 8:00am – 4:00pm.

6. What are the acceptable payment methods?

SHUSD only accepts check or money order-NO CASH OR ATM/CREDIT CARDS.

1. Checks or money orders made to: St. Helena Unified School District
2. Returned checks will receive a \$25.00 processing fee.
3. The fees must be paid prior to the issuance of a building permit

7. Can I protest my fees?

Yes. The protest procedure is as follows:

1. Tender payment in full.
2. Protest must be made in writing and received by the District within 90 calendar days of the date the fees were paid. Protest must state:
 - A. That the required payment is tendered under protest, and
 - B. The factual elements of the dispute and legal theory forming the basis for the protest.
3. Address all correspondence to:
Attn: Chief Business Official
465 Main Street
St. Helena, CA 94574

8. Are there refunds of fees?

Previously paid developer fees can be refunded only if construction does not commence, as provided in Education Code §17624 and Government Code § 65995.

To obtain a refund, you must provide certification from the city or county that the project has been canceled. Allow 30 to 60 days to receive the refund. The District will withhold \$50.00 from the original amount paid for the developer fee as an application fee.

9. Is there a time limit for refunds on school fees?

Yes. While Education Code § 17624 authorizes refunds, per Civil Code § 338(a), the statute of limitations for a refund is three (3) years from the date that a refund becomes available. A refund becomes available once the building permit that Developer Fees were paid on expires.

10. Are remodeling projects assessed Residential Fees?

Yes, Level 1 Fees are applied to remodeling that adds more than 500 square feet. If more than 500 square feet is added, all of the space added is subject to the fee.

11. Will fees be assessed on a use conversion, i.e., commercial property to residential?

Yes, changing the use from commercial/industrial to residential is considered “New Residential Construction” and will be assessed the current Level I fee. This holds true even if there is no construction per se, as this will be the first time the space has been used as a residence, which opens up the space to the potential to house school-aged children.

If the developer can prove that fees were paid for the original commercial/industrial construction, a credit for this payment may be applied to the amount of new residential fees assessed. However, the burden of proof lies with the developer.

If, in the future, the space is converted back to commercial space, NO REFUND/CREDIT may be issued.