

**RESOLUTION NO. 2022-XXX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA REDUCING THE FEE FOR HOME OCCUPATION PERMITS AUTHORIZED IN ACCORDANCE WITH CHAPTER 41, ARTICLE II, SECTION 41-192.3 OF THE SANTA ANA MUNICIPAL CODE FROM THREE HUNDRED TWENTY (\$320.00) DOLLARS TO FIFTY DOLLARS AND THIRTY-TWO CENTS (\$50.32)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

**Section 1.** The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

A. On November 1, 1982, the City Council adopted Ordinance No. NS-1654 establishing a Regulation of Home Occupations scheme setting forth the conditions for conducting home occupation activities from a residentially zoned premises, codified as Section 41-192.2 of the Santa Ana Municipal Code (SAMC). Contemporaneously, the City adopted a requirement for a Home Occupation Permit as may be set by resolution of the City Council, codified as SAMC Section 41-192.3.

B. On July 20, 1987, the City Council adopted Ordinance No. NS-1922, which comprehensively revised SAMC Chapter 21 (Business License Tax Code) pertaining to business license taxation of all business conducted within the City, including home based occupations.

C. On February 4, 2013, the City Council adopted Ordinance No. NS-2841, modifying the Business License Tax Code, and in part specifically addressing home based business and home based occupations, allowing home based businesses/home occupations to elect alternative methods of business license tax assessment.

D. On November 8, 2022, the voters of the City of Santa Ana approved a Voter Ballot Measure (Measure W) restructuring business license tax rates for all businesses conducted within the City, including home based businesses / home based occupations.

E. On November 8, 2022, along with the passage of comprehensive business license tax rate restructuring under Measure W, a Tax Holiday was also adopted as part of Measure W. The primary purpose of the Tax Holiday is to afford unlicensed businesses doing business in the City to obtain a current business license without penalty and without regard to any prior arrearage. A substantial number of the unlicensed businesses subject to the Tax Holiday provision of Measure W are home based businesses / home occupations.

To legally operate, such home based business are required to obtain a Home Occupation Permit. The fee for the Home Occupation Permit, which was \$25.00 in 1982, increased over the intervening years to \$320.00. At the same time, the comparable Certificate of Occupancy fee (SAMC Section 8-95) applicable to commercially based businesses, which was \$50.00 in 1982, increased over the intervening years to \$499.36.

F. On June 7, 2022, the City Council approved the miscellaneous fee schedule for fiscal year 2022-23, where the Certificate of Occupancy inspection fee was reduced to \$134.24 for business/mercantile occupancies less than 5,000 square feet in area.

G. An analogous reduction in the Home Occupation Permit fee, adjusted for (1) home business occupancies not to exceed 400 square feet and (2) not requiring physical inspection of the home residence, would equal \$50.32.

**Section 2.** The City Council hereby establishes the Home Occupation Permit fee at fifty dollars and thirty-two cents (\$50.32), lowering it from three hundred twenty (\$320.00) dollars. The \$50.32 fee shall become effective January 1, 2023.

**Section 3.** This Resolution, upon its adoption by the City Council, shall take effect January 1, 2023, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho, City Attorney

By: John M. Funk  
John M. Funk  
Chief Assistant City Attorney

AYES: Councilmembers \_\_\_\_\_

NOES: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

NOT PRESENT: Councilmembers \_\_\_\_\_

## CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, \_\_\_\_\_, Clerk of the Council, do hereby certify the attached Resolution No. 2022 - \_\_\_\_\_ to be the original resolution adopted by the City Council of the City of Santa Ana on \_\_\_\_\_, 2022.

Date: \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Council  
City of Santa Ana