

Report Highlights

An Assessment of Fees Charged by PA County Recorders of Deeds

House Resolution 1073 directed LB&FC staff to conduct a review of the fees collected by county Recorders of Deeds and to assess whether the current structure of fees needs to be updated. We found:

- **Fees to record deeds, mortgages, and many other documents can be difficult to determine.** While a few counties have flat fees (e.g., Philadelphia and Allegheny), most counties set fees using combination of a base fee (\$13), along with per page, per name, per parcel, and per margin notation fees. This level of complexity can make it difficult to determine accurate fees, both at the Recorder office and for those seeking to have records recorded.
 - **Recorders collect many fees that do not directly relate to the activities necessary to record documents.** Recording fees, established in 1982, are only a small portion of the total fees collected to record most documents. All counties must collect \$36 in state surcharges (primarily to support PA judicial operations) as well as a \$5 county records improvement fee. To that, many counties also add optional fees allowed by state law, such as a UPI fee (typically \$10-\$20), affordable housing fee (typically about \$13), and blight demolition fee (\$15). With all these additional fees, total fees to record a deed or mortgage can exceed \$90. Because deeds and mortgages are typically recorded together, the fee to the consumer is effectively doubled.
 - **Larger counties tend to collect more revenue per document filed than smaller counties.** Based on our survey of county Recorders, counties with populations below 100,000 collected an average of \$39 per document recorded (excluding state surcharges) versus an average of \$56 per document in counties with populations over 100,000. Variation ranged from three counties collecting an average of less than \$30 per document to four counties that reported collecting an average of over \$75 per document.
 - **Recorders from larger counties are much more likely to report that the fees they collect exceed the cost to operate their offices than are Recorders from smaller counties.** Of the 16 responding counties with populations of less than 100,000, 11 reported the fees they collect are not sufficient to cover the costs to operate their offices. In contrast, of the 13 responding counties with 200,000+ populations, all but one reported that their fee revenue significantly exceeds (by at least 25%) their operational costs. This might be expected as larger counties tend to have higher total fees and can take advantage of economies of scale that are not available to the smaller counties.
 - **Recorders chose “allow Recorders to set their own base fees up to a legislatively mandated maximum, with counties allowed to include additional fees by ordinance” as their most preferred option should the legislature require a predictable fee structure.** This was the preferred option for 23 of the 48 responding Recorders from both small and large counties. The second most popular option (different flat fees for different classes of counties) was preferred by 14 Recorders.
 - **Due to changes in the federal Truth in Lending Act, many states are moving toward “predictable” Recorder fees to avoid delays and penalties at settlement.** Fifteen states have enacted such predictable fee statutes, but the approach used varies widely.
- Recommendation:** We recommend the legislature set a statewide base fee for 2A-8th class counties at ≈\$20 for deeds, mortgages, and other documents that are subject to the state judicial surcharge. We also recommend the legislature allow counties to increase the base fee to as much as ≈\$40 upon recommendation of the Recorder and through county ordinance (the current procedure for establishing UPI fees). Per page/name/parcel/marginal note fees would not be allowed for these types of documents.