



Sen. Iris Y. Martinez

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1 AMENDMENT TO SENATE BILL 799

2 AMENDMENT NO. _____. Amend Senate Bill 799 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 3-5018 as follows:

6 (55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

7 Sec. 3-5018. Fees. The recorder elected as provided for in
8 this Division shall receive such fees as are or may be provided
9 for him or her by law, in case of provision therefor: otherwise
10 he or she shall receive the same fees as are or may be provided
11 in this Section, except when increased by county ordinance
12 pursuant to the provisions of this Section, to be paid to the
13 county clerk for his or her services in the office of recorder
14 for like services.

15 For recording deeds or other instruments, \$12.50 ~~\$12~~ for

1 the first 4 pages thereof, plus \$1 for each additional page
2 thereof, plus \$1 for each additional document number therein
3 noted. The aggregate minimum fee for recording any one
4 instrument shall not be less than \$12.50 ~~\$12~~.

5 For recording deeds or other instruments wherein the
6 premises affected thereby are referred to by document number
7 and not by legal description, a fee of \$1 in addition to that
8 hereinabove referred to for each document number therein noted.

9 For recording assignments of mortgages, leases or liens,
10 \$12 for the first 4 pages thereof, plus \$1 for each additional
11 page thereof. However, except for leases and liens pertaining
12 to oil, gas and other minerals, whenever a mortgage, lease or
13 lien assignment assigns more than one mortgage, lease or lien
14 document, a \$7 fee shall be charged for the recording of each
15 such mortgage, lease or lien document after the first one.

16 For recording maps or plats of additions or subdivisions
17 approved by the county or municipality (including the spreading
18 of the same of record in map case or other proper books) or
19 plats of condominiums, \$50 for the first page, plus \$1 for each
20 additional page thereof except that in the case of recording a
21 single page, legal size 8 1/2 x 14, plat of survey in which
22 there are no more than two lots or parcels of land, the fee
23 shall be \$12. In each county where such maps or plats are to be
24 recorded, the recorder may require the same to be accompanied
25 by such number of exact, true and legible copies thereof as the
26 recorder deems necessary for the efficient conduct and

1 operation of his or her office.

2 For non-certified copies of records, an amount not to
3 exceed one-half of the amount provided in this Section for
4 certified copies, according to a standard scale of fees,
5 established by county ordinance and made public. The provisions
6 of this paragraph shall not be applicable to any person or
7 entity who obtains non-certified copies of records in the
8 following manner: (i) in bulk for all documents recorded on any
9 given day in an electronic or paper format for a negotiated
10 amount less than the amount provided for in this paragraph for
11 non-certified copies, (ii) under a contractual relationship
12 with the recorder for a negotiated amount less than the amount
13 provided for in this paragraph for non-certified copies,
14 or (iii) by means of Internet access pursuant to Section
15 5-1106.1.

16 For certified copies of records, the same fees as for
17 recording, but in no case shall the fee for a certified copy of
18 a map or plat of an addition, subdivision or otherwise exceed
19 \$10.

20 Each certificate of such recorder of the recording of the
21 deed or other writing and of the date of recording the same
22 signed by such recorder, shall be sufficient evidence of the
23 recording thereof, and such certificate including the indexing
24 of record, shall be furnished upon the payment of the fee for
25 recording the instrument, and no additional fee shall be
26 allowed for the certificate or indexing.

1 The recorder shall charge an additional fee, in an amount
2 equal to the fee otherwise provided by law, for recording a
3 document (other than a document filed under the Plat Act or the
4 Uniform Commercial Code) that does not conform to the following
5 standards:

6 (1) The document shall consist of one or more
7 individual sheets measuring 8.5 inches by 11 inches, not
8 permanently bound and not a continuous form. Graphic
9 displays accompanying a document to be recorded that
10 measure up to 11 inches by 17 inches shall be recorded
11 without charging an additional fee.

12 (2) The document shall be legibly printed in black ink,
13 by hand, type, or computer. Signatures and dates may be in
14 contrasting colors if they will reproduce clearly.

15 (3) The document shall be on white paper of not less
16 than 20-pound weight and shall have a clean margin of at
17 least one-half inch on the top, the bottom, and each side.
18 Margins may be used for non-essential notations that will
19 not affect the validity of the document, including but not
20 limited to form numbers, page numbers, and customer
21 notations.

22 (4) The first page of the document shall contain a
23 blank space, measuring at least 3 inches by 5 inches, from
24 the upper right corner.

25 (5) The document shall not have any attachment stapled
26 or otherwise affixed to any page.

1 A document that does not conform to these standards shall not
2 be recorded except upon payment of the additional fee required
3 under this paragraph. This paragraph, as amended by this
4 amendatory Act of 1995, applies only to documents dated after
5 the effective date of this amendatory Act of 1995.

6 The county board of any county may provide for an
7 additional charge of \$3.50 ~~\$3~~ for filing every instrument,
8 paper, or notice for record, (1) in order to defray the cost of
9 converting the county recorder's document storage system to
10 computers or micrographics and (2) in order to defray the cost
11 of providing access to records through the global information
12 system known as the Internet.

13 A special fund shall be set up by the treasurer of the
14 county and such funds collected pursuant to Public Act 83-1321
15 shall be used (1) for a document storage system to provide the
16 equipment, materials and necessary expenses incurred to help
17 defray the costs of implementing and maintaining such a
18 document records system and (2) for a system to provide
19 electronic access to those records. The amounts available to
20 the recorder for expenditure from the surcharge added to the
21 second paragraph of this Section 3-5018 by this amendatory Act
22 of the 97th General Assembly shall not offset or reduce any
23 other county appropriations or funding for the office of the
24 recorder.

25 The county board of any county that provides and maintains
26 a countywide map through a Geographic Information System (GIS)

1 may provide for an additional charge of \$3 for filing every
2 instrument, paper, or notice for record (1) in order to defray
3 the cost of implementing or maintaining the county's Geographic
4 Information System and (2) in order to defray the cost of
5 providing electronic access to the county's Geographic
6 Information System records. Of that amount, \$2 must be
7 deposited into a special fund set up by the treasurer of the
8 county, and any moneys collected pursuant to this amendatory
9 Act of the 91st General Assembly and deposited into that fund
10 must be used solely for the equipment, materials, and necessary
11 expenses incurred in implementing and maintaining a Geographic
12 Information System and in order to defray the cost of providing
13 electronic access to the county's Geographic Information
14 System records. The remaining \$1 must be deposited into the
15 recorder's special funds created under Section 3-5005.4. The
16 recorder may, in his or her discretion, use moneys in the funds
17 created under Section 3-5005.4 to defray the cost of
18 implementing or maintaining the county's Geographic
19 Information System and to defray the cost of providing
20 electronic access to the county's Geographic Information
21 System records.

22 The recorder shall collect a \$9 ~~\$10~~ Rental Housing Support
23 Program State surcharge for the recordation of any real
24 estate-related document. Payment of the Rental Housing Support
25 Program State surcharge shall be evidenced by a receipt that
26 shall be marked upon or otherwise affixed to the real

1 estate-related document by the recorder. The form of this
2 receipt shall be prescribed by the Department of Revenue and
3 the receipts shall be issued by the Department of Revenue to
4 each county recorder.

5 The recorder shall not collect the Rental Housing Support
6 Program State surcharge from any State agency, any unit of
7 local government or any school district.

8 ~~One dollar of each surcharge shall be retained by the~~
9 ~~county in which it was collected. This dollar shall be~~
10 ~~deposited into the county's general revenue fund. Fifty cents~~
11 ~~of that amount shall be used for the costs of administering the~~
12 ~~Rental Housing Support Program State surcharge and any other~~
13 ~~lawful expenditures for the operation of the office of the~~
14 ~~recorder and may not be appropriated or expended for any other~~
15 ~~purpose. The amounts available to the recorder for expenditure~~
16 ~~from the surcharge shall not offset or reduce any other county~~
17 ~~appropriations or funding for the office of the recorder.~~

18 On the 15th day of each month, each county recorder shall
19 report to the Department of Revenue, on a form prescribed by
20 the Department, the number of real estate-related documents
21 recorded for which the Rental Housing Support Program State
22 surcharge was collected. Each recorder shall submit \$9 of each
23 surcharge collected in the preceding month to the Department of
24 Revenue and the Department shall deposit these amounts in the
25 Rental Housing Support Program Fund. Subject to appropriation,
26 amounts in the Fund may be expended only for the purpose of

1 funding and administering the Rental Housing Support Program.

2 For purposes of this Section, "real estate-related
3 document" means that term as it is defined in Section 7 of the
4 Rental Housing Support Program Act.

5 The foregoing fees allowed by this Section are the maximum
6 fees that may be collected from any officer, agency, department
7 or other instrumentality of the State. The county board may,
8 however, by ordinance, increase the fees allowed by this
9 Section and collect such increased fees from all persons and
10 entities other than officers, agencies, departments and other
11 instrumentalities of the State if the increase is justified by
12 an acceptable cost study showing that the fees allowed by this
13 Section are not sufficient to cover the cost of providing the
14 service. Regardless of any other provision in this Section, the
15 maximum fee that may be collected from the Department of
16 Revenue for filing or indexing a lien, certificate of lien
17 release or subordination, or any other type of notice or other
18 documentation affecting or concerning a lien is \$5. Regardless
19 of any other provision in this Section, the maximum fee that
20 may be collected from the Department of Revenue for indexing
21 each additional name in excess of one for any lien, certificate
22 of lien release or subordination, or any other type of notice
23 or other documentation affecting or concerning a lien is \$1.

24 A statement of the costs of providing each service, program
25 and activity shall be prepared by the county board. All
26 supporting documents shall be public record and subject to

1 public examination and audit. All direct and indirect costs, as
2 defined in the United States Office of Management and Budget
3 Circular A-87, may be included in the determination of the
4 costs of each service, program and activity.

5 (Source: P.A. 96-1356, eff. 7-28-10.)

6 Section 10. The Rental Housing Support Program Act is
7 amended by changing Section 5 as follows:

8 (310 ILCS 105/5)

9 Sec. 5. Legislative findings and purpose. The General
10 Assembly finds that in many parts of this State, large numbers
11 of citizens are faced with the inability to secure affordable
12 rental housing. Due to either insufficient wages or a shortage
13 of affordable rental housing stock, or both, many families have
14 difficulty securing decent housing, are subjected to
15 overcrowding, pay too large a portion of their total monthly
16 income for housing and consequently suffer the lack of other
17 basic needs, live in substandard or unhealthy housing, or
18 experience chronic housing instability. Instability and
19 inadequacy in housing limits the employability and
20 productivity of many citizens, adversely affects family health
21 and stress levels, and impedes children's ability to learn;
22 such instability produces corresponding drains on public
23 resources and contributes to an overall decline in real estate
24 values. Unaffordable rental rates lead to frequent tenant

1 turnover and difficulty filling vacancies, resulting in
2 unstable income streams for rental property owners, the limited
3 ability of owners to properly maintain their properties,
4 substandard rental housing, and greater rates of foreclosure.
5 High tenant turnover, poorly maintained properties, vacant and
6 abandoned properties, and overcrowded housing negatively
7 impact the safety and health of communities and the real estate
8 values within such communities. Among others, the program
9 created by this Act benefits (i) all individuals who record
10 real estate related documents by helping to stabilize real
11 estate values in the State, (ii) rental property owners by
12 subsidizing the portion of rent that many of their tenants are
13 unable to pay, (iii) those individuals who own real estate in
14 the State by providing an option for affordable rental housing
15 should they one day face foreclosure, and (iv) tenants who
16 participate in the program by providing them with rental
17 assistance and the ability to achieve financial stability so
18 that they are able to become property owners themselves. It is
19 the purpose of this Act to create a State program to help
20 localities address the need for decent, affordable, permanent
21 rental housing.

22 (Source: P.A. 97-892, eff. 8-3-12.)".