



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB1795

Introduced 2/15/2013, by Sen. Iris Y. Martinez

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-5018	from Ch. 34, par. 3-5018
55 ILCS 5/4-12002	from Ch. 34, par. 4-12002
310 ILCS 105/5	

Amends the Counties Code. Establishes a \$1 per document recording fee for certain filers for any document that affects an interest in real property other than documents which solely affect or relate to an easement for water, sewer, electricity, gas, telephone, or other public service. Provides that \$0.50 of the \$1 fee shall be deposited into the Recorder's Automation Fund and may not be appropriated or expended for any other purpose. Provides that the additional amounts available to the recorder for expenditure from the Recorder's Automation Fund shall not offset or reduce any other county appropriations or funding for the office of the recorder. Establishes a similar \$1 per document recording fee in counties exceeding 1,000,000 for certain filers for any document that affects an interest in real property other than documents which solely affect or relate to an easement for water, sewer, electricity, gas, telephone, or other public service. Provides that \$0.50 of the \$1 fee shall be deposited into the County Recorder Document Storage System Fund. Makes other changes. Amends the Rental Housing Support Program Act. Adds a legislative finding regarding the negative effects of unaffordable rental rates and persons who benefit from the Rental Housing Support Program including all individuals who record real estate related documents by helping to stabilize real estate values, rental property owners by subsidizing the portion of rent that many of their tenants are unable to pay, individuals who own real estate by providing an option for affordable rental housing should they one day face foreclosure, and tenants who participate in the program by providing them with rental assistance. Effective immediately.

LRB098 10585 KTG 40847 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning property.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing  
5 Sections 3-5018 and 4-12002 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 for the first  
16 4 pages thereof, plus \$1 for each additional page thereof, plus  
17 \$1 for each additional document number therein noted. The  
18 aggregate minimum fee for recording any one instrument shall  
19 not be less than \$12.

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

1 For recording assignments of mortgages, leases or liens,  
2 \$12 for the first 4 pages thereof, plus \$1 for each additional  
3 page thereof. However, except for leases and liens pertaining  
4 to oil, gas and other minerals, whenever a mortgage, lease or  
5 lien assignment assigns more than one mortgage, lease or lien  
6 document, a \$7 fee shall be charged for the recording of each  
7 such mortgage, lease or lien document after the first one.

8 For recording any document that affects an interest in real  
9 property other than documents which solely affect or relate to  
10 an easement for water, sewer, electricity, gas, telephone or  
11 other public service, the recorder shall charge a fee of \$1 per  
12 document to all filers of documents not filed by any State  
13 agency, any unit of local government, or any school district.  
14 Fifty cents of the \$1 fee hereby established shall be deposited  
15 into the County General Revenue Fund. The remaining \$0.50 shall  
16 be deposited into the Recorder's Automation Fund and may not be  
17 appropriated or expended for any other purpose. The additional  
18 amounts available to the recorder for expenditure from the  
19 Recorder's Automation Fund shall not offset or reduce any other  
20 county appropriations or funding for the office of the  
21 recorder.

22 For recording maps or plats of additions or subdivisions  
23 approved by the county or municipality (including the spreading  
24 of the same of record in map case or other proper books) or  
25 plats of condominiums, \$50 for the first page, plus \$1 for each  
26 additional page thereof except that in the case of recording a

1 single page, legal size 8 1/2 x 14, plat of survey in which  
2 there are no more than two lots or parcels of land, the fee  
3 shall be \$12. In each county where such maps or plats are to be  
4 recorded, the recorder may require the same to be accompanied  
5 by such number of exact, true and legible copies thereof as the  
6 recorder deems necessary for the efficient conduct and  
7 operation of his or her office.

8 For non-certified copies of records, an amount not to  
9 exceed one-half of the amount provided in this Section for  
10 certified copies, according to a standard scale of fees,  
11 established by county ordinance and made public. The provisions  
12 of this paragraph shall not be applicable to any person or  
13 entity who obtains non-certified copies of records in the  
14 following manner: (i) in bulk for all documents recorded on any  
15 given day in an electronic or paper format for a negotiated  
16 amount less than the amount provided for in this paragraph for  
17 non-certified copies, (ii) under a contractual relationship  
18 with the recorder for a negotiated amount less than the amount  
19 provided for in this paragraph for non-certified copies,  
20 or (iii) by means of Internet access pursuant to Section  
21 5-1106.1.

22 For certified copies of records, the same fees as for  
23 recording, but in no case shall the fee for a certified copy of  
24 a map or plat of an addition, subdivision or otherwise exceed  
25 \$10.

26 Each certificate of such recorder of the recording of the

1 deed or other writing and of the date of recording the same  
2 signed by such recorder, shall be sufficient evidence of the  
3 recording thereof, and such certificate including the indexing  
4 of record, shall be furnished upon the payment of the fee for  
5 recording the instrument, and no additional fee shall be  
6 allowed for the certificate or indexing.

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

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

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

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

1 notations.

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

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

7 A document that does not conform to these standards shall not  
8 be recorded except upon payment of the additional fee required  
9 under this paragraph. This paragraph, as amended by this  
10 amendatory Act of 1995, applies only to documents dated after  
11 the effective date of this amendatory Act of 1995.

12 The county board of any county may provide for an  
13 additional charge of \$3 for filing every instrument, paper, or  
14 notice for record, (1) in order to defray the cost of  
15 converting the county recorder's document storage system to  
16 computers or micrographics and (2) in order to defray the cost  
17 of providing access to records through the global information  
18 system known as the Internet.

19 A special fund shall be set up by the treasurer of the  
20 county and such funds collected pursuant to Public Act 83-1321  
21 shall be used (1) for a document storage system to provide the  
22 equipment, materials and necessary expenses incurred to help  
23 defray the costs of implementing and maintaining such a  
24 document records system and (2) for a system to provide  
25 electronic access to those records.

26 The county board of any county that provides and maintains

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

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

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

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

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

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



1 amounts in the Fund may be expended only for the purpose of  
2 funding and administering the Rental Housing Support Program.

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

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

25 A statement of the costs of providing each service, program  
26 and activity shall be prepared by the county board. All

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

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

7 (55 ILCS 5/4-12002) (from Ch. 34, par. 4-12002)

8 Sec. 4-12002. Fees of recorder in third class counties. The  
9 fees of the recorder in counties of the third class for  
10 recording deeds or other instruments in writing and maps of  
11 plats of additions, subdivisions or otherwise, and for  
12 certifying copies of records, shall be paid in advance and  
13 shall be as follows:

14 For recording deeds or other instruments \$20 for the first  
15 2 pages thereof, plus \$2 for each additional page thereof. The  
16 aggregate minimum fee for recording any one instrument shall  
17 not be less than \$20.

18 For recording deeds or other instruments wherein the  
19 premises affected thereby are referred to by document number  
20 and not by legal description the recorder shall charge a fee of  
21 \$4 in addition to that hereinabove referred to for each  
22 document number therein noted.

23 For recording deeds or other instruments wherein more than  
24 one tract, parcel or lot is described and such additional  
25 tract, or tracts, parcel or parcels, lot or lots is or are

1 described therein as falling in a separate or different  
2 addition or subdivision the recorder shall charge as an  
3 additional fee, to that herein provided, the sum of \$2 for each  
4 additional addition or subdivision referred to in such deed or  
5 instrument.

6 For recording any document that affects an interest in real  
7 property other than documents which solely affect or relate to  
8 an easement for water, sewer, electricity, gas, telephone or  
9 other public service, the recorder shall charge a fee of \$1 per  
10 document to all filers of documents not filed by any State  
11 agency, any unit of local government, or any school district.  
12 Fifty cents of the \$1 fee hereby established shall be deposited  
13 into the County General Revenue Fund. The remaining \$0.50 shall  
14 be deposited into the County Recorder Document Storage System  
15 Fund and may not be appropriated or expended for any other  
16 purpose. The additional amounts available to the recorder for  
17 expenditure from the County Recorder Document Storage System  
18 Fund shall not offset or reduce any other county appropriations  
19 or funding for the office of the recorder.

20 For recording maps or plats of additions, subdivisions or  
21 otherwise (including the spreading of the same of record in  
22 well bound books) \$100 plus \$2 for each tract, parcel or lot  
23 contained therein.

24 For certified copies of records the same fees as for  
25 recording, but in no case shall the fee for a certified copy of  
26 a map or plat of an addition, subdivision or otherwise exceed

1 \$200.

2 For non-certified copies of records, an amount not to  
3 exceed one half of the amount provided herein for certified  
4 copies, according to a standard scale of fees, established by  
5 county ordinance and made public.

6 For filing of each release of any chattel mortgage or trust  
7 deed which has been filed but not recorded and for indexing the  
8 same in the book to be kept for that purpose \$10.

9 For processing the sworn or affirmed statement required for  
10 filing a deed or assignment of a beneficial interest in a land  
11 trust in accordance with Section 3-5020 of this Code, \$2.

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

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

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

26 (3) The document shall be on white paper of not less

1 than 20-pound weight and shall have a clean margin of at  
2 least one-half inch on the top, the bottom, and each side.  
3 Margins may be used only for non-essential notations that  
4 will not affect the validity of the document, including but  
5 not limited to form numbers, page numbers, and customer  
6 notations.

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

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

12 A document that does not conform to these standards shall not  
13 be recorded except upon payment of the additional fee required  
14 under this paragraph. This paragraph, as amended by this  
15 amendatory Act of 1995, applies only to documents dated after  
16 the effective date of this amendatory Act of 1995.

17 The recorder shall collect a \$9 ~~\$10~~ Rental Housing Support  
18 Program State surcharge for the recordation of any real  
19 estate-related document. Payment of the Rental Housing Support  
20 Program State surcharge shall be evidenced by a receipt that  
21 shall be marked upon or otherwise affixed to the real  
22 estate-related document by the recorder. The form of this  
23 receipt shall be prescribed by the Department of Revenue and  
24 the receipts shall be issued by the Department of Revenue to  
25 each county recorder.

26 The recorder shall not collect the Rental Housing Support

1 Program State surcharge from any State agency, any unit of  
2 local government or any school district.

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

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

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

26 The fee requirements of this Section apply to units of

1 local government and school districts.

2       Regardless of any other provision in this Section, the  
3 maximum fee that may be collected from the Department of  
4 Revenue for filing or indexing a lien, certificate of lien  
5 release or subordination, or any other type of notice or other  
6 documentation affecting or concerning a lien is \$5. Regardless  
7 of any other provision in this Section, the maximum fee that  
8 may be collected from the Department of Revenue for indexing  
9 each additional name in excess of one for any lien, certificate  
10 of lien release or subordination, or any other type of notice  
11 or other documentation affecting or concerning a lien is \$1.  
12 (Source: P.A. 93-671, eff. 6-1-04; 94-118, eff. 7-5-05.)

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

15       (310 ILCS 105/5)

16       Sec. 5. Legislative findings and purpose. The General  
17 Assembly finds that in many parts of this State, large numbers  
18 of citizens are faced with the inability to secure affordable  
19 rental housing. Due to either insufficient wages or a shortage  
20 of affordable rental housing stock, or both, many families have  
21 difficulty securing decent housing, are subjected to  
22 overcrowding, pay too large a portion of their total monthly  
23 income for housing and consequently suffer the lack of other  
24 basic needs, live in substandard or unhealthy housing, or

1 experience chronic housing instability. Instability and  
2 inadequacy in housing limits the employability and  
3 productivity of many citizens, adversely affects family health  
4 and stress levels, and impedes children's ability to learn;  
5 such instability produces corresponding drains on public  
6 resources and contributes to an overall decline in real estate  
7 values. Unaffordable rental rates lead to frequent tenant  
8 turnover and difficulty filling vacancies, resulting in  
9 unstable income streams for rental property owners, the limited  
10 ability of owners to properly maintain their properties,  
11 substandard rental housing, and greater rates of foreclosure.  
12 High tenant turnover, poorly maintained properties, vacant and  
13 abandoned properties, and overcrowded housing negatively  
14 impact the safety and health of communities and the real estate  
15 values within such communities. Among others, the program  
16 created by this Act benefits (i) all individuals who record  
17 real estate related documents by helping to stabilize real  
18 estate values in the State, (ii) rental property owners by  
19 subsidizing the portion of rent that many of their tenants are  
20 unable to pay, (iii) those individuals who own real estate in  
21 the State by providing an option for affordable rental housing  
22 should they one day face foreclosure, and (iv) tenants who  
23 participate in the program by providing them with rental  
24 assistance and the ability to achieve financial stability so  
25 that they are able to become property owners themselves. It is  
26 the purpose of this Act to create a State program to help



1 localities address the need for decent, affordable, permanent  
2 rental housing.

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

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.