



Rep. Curtis J. Tarver, II

Filed: 4/20/2021

10200HB3878ham001

LRB102 14197 AWJ 25671 a

1 AMENDMENT TO HOUSE BILL 3878

2 AMENDMENT NO. _____. Amend House Bill 3878 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Sections 3-5018, 3-5018.1, 4-12002, and 4-12002.1 as follows:

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

7 Sec. 3-5018. Traditional fee schedule. Except as provided
8 for in Sections 3-5018.1, 4-12002, and 4-12002.1, the recorder
9 elected as provided for in this Division shall receive such
10 fees as are or may be provided for him or her by law, in case
11 of provision therefor: otherwise he or she shall receive the
12 same fees as are or may be provided in this Section, except
13 when increased by county ordinance or resolution pursuant to
14 the provisions of this Section, to be paid to the county clerk
15 for his or her services in the office of recorder for like
16 services.

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

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

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

18 For recording any document that affects an interest in
19 real property other than documents which solely affect or
20 relate to an easement for water, sewer, electricity, gas,
21 telephone or other public service, the recorder shall charge a
22 fee of \$1 per document to all filers of documents not filed by
23 any State agency, any unit of local government, or any school
24 district. Fifty cents of the \$1 fee hereby established shall
25 be deposited into the County General Revenue Fund. The
26 remaining \$0.50 shall be deposited into the Recorder's

1 Automation Fund and may not be appropriated or expended for
2 any other purpose. The additional amounts available to the
3 recorder for expenditure from the Recorder's Automation Fund
4 shall not offset or reduce any other county appropriations or
5 funding for the office of the recorder.

6 For recording maps or plats of additions or subdivisions
7 approved by the county or municipality (including the
8 spreading of the same of record in map case or other proper
9 books) or plats of condominiums, \$50 for the first page, plus
10 \$1 for each additional page thereof except that in the case of
11 recording a single page, legal size 8 1/2 x 14, plat of survey
12 in which there are no more than two lots or parcels of land,
13 the fee shall be \$12. In each county where such maps or plats
14 are to be recorded, the recorder may require the same to be
15 accompanied by such number of exact, true and legible copies
16 thereof as the recorder deems necessary for the efficient
17 conduct and operation of his or her office.

18 For non-certified copies of records, an amount not to
19 exceed one-half of the amount provided in this Section for
20 certified copies, according to a standard scale of fees,
21 established by county ordinance or resolution and made public.
22 The provisions of this paragraph shall not be applicable to
23 any person or entity who obtains non-certified copies of
24 records in the following manner: (i) in bulk for all documents
25 recorded on any given day in an electronic or paper format for
26 a negotiated amount less than the amount provided for in this

1 paragraph for non-certified copies, (ii) under a contractual
2 relationship with the recorder for a negotiated amount less
3 than the amount provided for in this paragraph for
4 non-certified copies, or (iii) by means of Internet access
5 pursuant to Section 5-1106.1.

6 For certified copies of records, the same fees as for
7 recording, but in no case shall the fee for a certified copy of
8 a map or plat of an addition, subdivision or otherwise exceed
9 \$10.

10 Each certificate of such recorder of the recording of the
11 deed or other writing and of the date of recording the same
12 signed by such recorder, shall be sufficient evidence of the
13 recording thereof, and such certificate including the indexing
14 of record, shall be furnished upon the payment of the fee for
15 recording the instrument, and no additional fee shall be
16 allowed for the certificate or indexing.

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

22 (1) The document shall consist of one or more
23 individual sheets measuring 8.5 inches by 11 inches, not
24 permanently bound and not a continuous form. Graphic
25 displays accompanying a document to be recorded that
26 measure up to 11 inches by 17 inches shall be recorded

1 without charging an additional fee.

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

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

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

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

17 A document that does not conform to these standards shall not
18 be recorded except upon payment of the additional fee required
19 under this paragraph. This paragraph, as amended by this
20 amendatory Act of 1995, applies only to documents dated after
21 the effective date of this amendatory Act of 1995.

22 The county board of any county may provide for an
23 additional charge of \$3 for filing every instrument, paper, or
24 notice for record, (1) in order to defray the cost of
25 converting the county recorder's document storage system to
26 computers or micrographics and (2) in order to defray the cost

1 of providing access to records through the global information
2 system known as the Internet.

3 A special fund shall be set up by the treasurer of the
4 county and such funds collected pursuant to Public Act 83-1321
5 shall be used (1) for a document storage system to provide the
6 equipment, materials and necessary expenses incurred to help
7 defray the costs of implementing and maintaining such a
8 document records system and (2) for a system to provide
9 electronic access to those records.

10 The county board of any county that provides and maintains
11 a countywide map through a Geographic Information System (GIS)
12 may provide for an additional charge of \$3 for filing every
13 instrument, paper, or notice for record (1) in order to defray
14 the cost of implementing or maintaining the county's
15 Geographic Information System and (2) in order to defray the
16 cost of providing electronic or automated access to the
17 county's Geographic Information System or property records. Of
18 that amount, \$2 must be deposited into a special fund set up by
19 the treasurer of the county, and any moneys collected pursuant
20 to this amendatory Act of the 91st General Assembly and
21 deposited into that fund must be used solely for the
22 equipment, materials, and necessary expenses incurred in
23 implementing and maintaining a Geographic Information System
24 and in order to defray the cost of providing electronic access
25 to the county's Geographic Information System records. The
26 remaining \$1 must be deposited into the recorder's special

1 funds created under Section 3-5005.4. The recorder may, in his
2 or her discretion, use moneys in the funds created under
3 Section 3-5005.4 to defray the cost of implementing or
4 maintaining the county's Geographic Information System and to
5 defray the cost of providing electronic access to the county's
6 Geographic Information System records.

7 The recorder shall collect a \$18 ~~\$9~~ Rental Housing Support
8 Program State surcharge for the recordation of any real
9 estate-related document. Payment of the Rental Housing Support
10 Program State surcharge shall be evidenced by a receipt that
11 shall be marked upon or otherwise affixed to the real
12 estate-related document by the recorder. The form of this
13 receipt shall be prescribed by the Department of Revenue and
14 the receipts shall be issued by the Department of Revenue to
15 each county recorder.

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

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 \$18 ~~\$9~~ of
24 each surcharge collected in the preceding month to the
25 Department of Revenue and the Department shall deposit these
26 amounts in the Rental Housing Support Program Fund. Subject to

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

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

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

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

8 (Source: P.A. 100-271, eff. 8-22-17; 100-1034, eff. 1-1-19.)

9 (55 ILCS 5/3-5018.1)

10 Sec. 3-5018.1. Predictable fee schedule.

11 (a) As used in this Section:

12 "Nonstandard document" means:

13 (1) a document that creates a division of a then
14 active existing tax parcel identification number;

15 (2) a document recorded pursuant to the Uniform
16 Commercial Code;

17 (3) a document which is non-conforming, as described
18 in paragraphs (1) through (5) of Section 3-5018;

19 (4) a State lien or a federal lien;

20 (5) a document making specific reference to more than
21 5 tax parcel identification numbers in the county in which
22 it is presented for recording; or

23 (6) a document making specific reference to more than
24 5 other document numbers recorded in the county in which
25 it is presented for recording.

1 "Standard document" means any document other than a
2 nonstandard document.

3 (b) On or before January 1, 2019, a county shall adopt and
4 implement, by ordinance or resolution, a predictable fee
5 schedule that eliminates surcharges or fees based on the
6 individual attributes of a standard document to be recorded.
7 The initial predictable fee schedule approved by a county
8 board shall be set only as allowed under subsections (c) and
9 (d) and any subsequent predictable fee schedule approved by a
10 county board shall be set only as allowed under subsection
11 (e). Except as to the recording of standard documents, the
12 fees imposed by Section 3-5018 shall remain in effect. Under a
13 predictable fee schedule, no charge shall be based on: page
14 count; number, length, or type of legal descriptions; number
15 of tax identification or other parcel identifying code
16 numbers; number of common addresses; number of references
17 contained as to other recorded documents or document numbers;
18 or any other individual attribute of the document except as
19 expressly provided in this Section. The fee charged under this
20 Section shall be inclusive of all county and State fees that
21 the county may elect or is required to impose or adjust,
22 including, but not limited to, GIS fees, automation fees,
23 document storage fees, and the Rental Housing Support Program
24 State surcharge.

25 A predictable fee schedule ordinance or resolution adopted
26 under this Section shall list standard document fees,

1 including document class flat fees as required by subsection
2 (c), and non-standard document fees.

3 Before approval of an ordinance or resolution under this
4 Section, the recorder or county clerk shall post a notice in
5 their office at least 2 weeks prior, but not more than 4 weeks
6 prior, to the public meeting at which the ordinance or
7 resolution may be adopted. The notice shall contain the
8 proposed ordinance or resolution number, if any, the proposed
9 document class flat fees for each classification, and a
10 reference to this Section or this amendatory Act of the 100th
11 General Assembly.

12 A predictable fee schedule takes effect 60 days after an
13 ordinance or resolution is adopted.

14 (c) Pursuant to an ordinance or resolution adopted under
15 subsection (b), the recorder elected as provided for in this
16 Division shall receive such fees as are or may be provided for
17 him or her by law, in case of provision thereof: otherwise he
18 or she shall receive the same fees as are or may be provided in
19 this Section except when increased by county ordinance or
20 resolution pursuant to the provisions of this Section, to be
21 paid to the county clerk for his or her services in the office
22 of recorder for like services. For the purposes of the fee
23 charged, the ordinance or resolution shall divide standard
24 documents into the following classifications and shall
25 establish a single, all inclusive, county and State-imposed
26 aggregate fee charged for each such classification of document

1 at the time of recording for that document, which is called the
2 document class flat fee. A standard document is not subject to
3 more than one classification at the time of recording for the
4 purposes of imposing any fee. Each standard document shall
5 fall within one of the following document class flat fee
6 classifications and fees for each document class shall be
7 charged only as allowed by this subsection (c) and subsection
8 (d):

9 (1) Deeds. The aggregate fee for recording deeds shall
10 not be less than \$31 ~~\$21~~ (being a minimum \$13 ~~\$12~~ county
11 fee plus \$18 ~~\$9~~ for the Rental Housing Support Program
12 State surcharge). Inclusion of language in the deed as to
13 any restriction; covenant; lien; oil, gas, or other
14 mineral interest; easement; lease; or a mortgage shall not
15 alter the classification of a document as a deed.

16 (2) Leases, lease amendments, and similar transfer of
17 interest documents. The aggregate fee for recording
18 leases, lease amendments, and similar transfers of
19 interest documents shall not be less than \$31 ~~\$21~~ (being a
20 minimum \$13 ~~\$12~~ county fee plus \$18 ~~\$9~~ for the Rental
21 Housing Support Program State surcharge).

22 (3) Mortgages. The aggregate fee for recording
23 mortgages, including assignments, extensions, amendments,
24 subordinations, and mortgage releases shall not be less
25 than \$31 ~~\$21~~ (being a minimum \$13 ~~\$12~~ county fee plus \$18
26 ~~\$9~~ for the Rental Housing Support Program State

1 surcharge).

2 (4) Easements not otherwise part of another
3 classification. The aggregate fee for recording easements
4 not otherwise part of another classification, including
5 assignments, extensions, amendments, and easement releases
6 not filed by a State agency, unit of local government, or
7 school district shall not be less than \$31 ~~\$21~~ (being a
8 minimum \$13 ~~\$12~~ county fee plus \$18 ~~\$9~~ for the Rental
9 Housing Support Program State surcharge).

10 (5) Miscellaneous. The aggregate fee for recording
11 documents not otherwise falling within classifications set
12 forth in paragraphs (1) through (4) and are not
13 nonstandard documents shall not be less than \$31 ~~\$21~~
14 (being a minimum \$13 ~~\$12~~ county fee plus \$18 ~~\$9~~ for the
15 Rental Housing Support Program State surcharge). Nothing
16 in this subsection shall preclude an alternate predictable
17 fee schedule for electronic recording within each of the
18 classifications set forth in this subsection (c). If the
19 Rental Housing Support Program State surcharge is amended
20 and the surcharge is increased or lowered, the aggregate
21 amount of the document flat fee attributable to the
22 surcharge in the document may be changed accordingly.

23 (d) If an ordinance or resolution establishing a
24 predictable fee schedule is adopted pursuant to subsection (b)
25 and any document class flat fee exceeds \$31 ~~\$21~~, the county
26 board shall:

1 (1) obtain from the clerk or recorder an analysis of
2 the average fees collected for the recording of each of
3 the classifications under subsection (c) based on the 3
4 previous years of recording data, and, if a cost study has
5 not been performed, set respective document class flat
6 fees for each of the 5 document classifications at the
7 average for that class rounded upward to the next whole
8 dollar amount; or

9 (2) if a cost study has been completed within the last
10 3 years that shows \$31 ~~\$21~~ is not sufficient to cover the
11 costs of providing the services related to each document
12 class, obtain from the clerk or recorder an analysis of
13 the average fees collected for the recording of each of
14 the document classifications under subsection (c) from the
15 date of the cost study and set respective document class
16 flat fees for each of the 5 document classifications at
17 the average for that document class rounded upward to the
18 next whole dollar amount.

19 (e) After a document class flat fee is approved by a county
20 board under subsection (b), the county board may, by ordinance
21 or resolution, increase the document class flat fee and
22 collect the increased fees only if the increase is justified
23 by a cost study that shows that the fees allowed by subsections
24 (c) and (d) are not sufficient to cover the cost of providing
25 the service related to the document class for which the fee is
26 to be increased. A statement of the costs of providing each

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

8 Nothing in this Section precludes a county board from
9 adjusting amounts or allocations within a given document class
10 flat fee as long as the document class flat fee is not
11 increased.

12 (Source: P.A. 100-271, eff. 8-22-17.)

13 (55 ILCS 5/4-12002) (from Ch. 34, par. 4-12002)

14 Sec. 4-12002. Fees of recorder in third class counties.
15 Except as provided for in Section 4-12002.1, the fees of the
16 recorder in counties of the third class for recording deeds or
17 other instruments in writing and maps of plats of additions,
18 subdivisions or otherwise, and for certifying copies of
19 records, shall be paid in advance and shall be as follows:

20 For recording deeds or other instruments \$20 for the first
21 2 pages thereof, plus \$2 for each additional page thereof. The
22 aggregate minimum fee for recording any one instrument shall
23 not be less than \$20.

24 For recording deeds or other instruments wherein the
25 premises affected thereby are referred to by document number

1 and not by legal description the recorder shall charge a fee of
2 \$4 in addition to that hereinabove referred to for each
3 document number therein noted.

4 For recording deeds or other instruments wherein more than
5 one tract, parcel or lot is described and such additional
6 tract, or tracts, parcel or parcels, lot or lots is or are
7 described therein as falling in a separate or different
8 addition or subdivision the recorder shall charge as an
9 additional fee, to that herein provided, the sum of \$2 for each
10 additional addition or subdivision referred to in such deed or
11 instrument.

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

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

5 For certified copies of records the same fees as for
6 recording, but in no case shall the fee for a certified copy of
7 a map or plat of an addition, subdivision or otherwise exceed
8 \$200.

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

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

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

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

24 (1) The document shall consist of one or more
25 individual sheets measuring 8.5 inches by 11 inches, not
26 permanently bound and not a continuous form. Graphic

1 displays accompanying a document to be recorded that
2 measure up to 11 inches by 17 inches shall be recorded
3 without charging an additional fee.

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

7 (3) The document shall be on white paper of not less
8 than 20-pound weight and shall have a clean margin of at
9 least one-half inch on the top, the bottom, and each side.
10 Margins may be used only for non-essential notations that
11 will not affect the validity of the document, including
12 but not limited to form numbers, page numbers, and
13 customer notations.

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

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

19 A document that does not conform to these standards shall not
20 be recorded except upon payment of the additional fee required
21 under this paragraph. This paragraph, as amended by this
22 amendatory Act of 1995, applies only to documents dated after
23 the effective date of this amendatory Act of 1995.

24 The recorder shall collect a \$18 ~~\$9~~ Rental Housing Support
25 Program State surcharge for the recordation of any real
26 estate-related document. Payment of the Rental Housing Support

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

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

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

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

24 The fee requirements of this Section apply to units of
25 local government and school districts.

26 Regardless of any other provision in this Section, the

1 maximum fee that may be collected from the Department of
2 Revenue for filing or indexing a lien, certificate of lien
3 release or subordination, or any other type of notice or other
4 documentation affecting or concerning a lien is \$5. Regardless
5 of any other provision in this Section, the maximum fee that
6 may be collected from the Department of Revenue for indexing
7 each additional name in excess of one for any lien,
8 certificate of lien release or subordination, or any other
9 type of notice or other documentation affecting or concerning
10 a lien is \$1.

11 (Source: P.A. 100-1034, eff. 1-1-19.)

12 (55 ILCS 5/4-12002.1)

13 Sec. 4-12002.1. Predictable fee schedule for recordings in
14 third class counties.

15 (a) As used in this Section:

16 "Nonstandard document" means:

17 (1) a document that creates a division of a then
18 active existing tax parcel identification number;

19 (2) a document recorded pursuant to the Uniform
20 Commercial Code;

21 (3) a document which is non-conforming, as described
22 in paragraphs (1) through (5) of Section 4-12002;

23 (4) a State lien or a federal lien;

24 (5) a document making specific reference to more than
25 5 tax parcel identification numbers in the county in which

1 it is presented for recording; or

2 (6) a document making specific reference to more than
3 5 other document numbers recorded in the county in which
4 it is presented for recording.

5 "Standard document" means any document other than a
6 nonstandard document.

7 (b) On or before January 1, 2020, a county shall adopt and
8 implement, by ordinance or resolution, a predictable fee
9 schedule that eliminates surcharges or fees based on the
10 individual attributes of a standard document to be recorded.
11 The initial predictable fee schedule approved by a county
12 board shall be set only as allowed under subsection (c) and any
13 subsequent predictable fee schedule approved by a county board
14 shall be set only as allowed under subsection (d). Except as to
15 the recording of standard documents, the fees imposed by
16 Section 4-12002 shall remain in effect. Under a predictable
17 fee schedule, which only applies to standard documents, no
18 charge shall be based on: page count; number, length, or type
19 of legal descriptions; number of tax identification or other
20 parcel identifying code numbers; number of common addresses;
21 number of references contained as to other recorded documents
22 or document numbers; or any other individual attribute of the
23 document except as expressly provided in this Section. The fee
24 charged under this Section shall be inclusive of all county
25 and State fees that the county may elect or is required to
26 impose or adjust, including, but not limited to, GIS fees,

1 automation fees, document storage fees, and the Rental Housing
2 Support Program State surcharge.

3 A predictable fee schedule ordinance or resolution adopted
4 under this Section shall list standard document fees,
5 including document class flat fees as required by subsection
6 (c), and nonstandard document fees.

7 Before approval of an ordinance or resolution under this
8 Section, the recorder or county clerk shall post a notice in
9 his or her office at least 2 weeks prior, but not more than 4
10 weeks prior, to the public meeting at which the ordinance or
11 resolution may be adopted. The notice shall contain the
12 proposed ordinance or resolution number, if any, the proposed
13 document class flat fees for each classification, and a
14 reference to this Section or this amendatory Act of the 100th
15 General Assembly.

16 A predictable fee schedule takes effect 60 days after an
17 ordinance or resolution is adopted.

18 (c) Pursuant to an ordinance or resolution adopted under
19 subsection (b), the recorder elected as provided for in this
20 Division shall receive such fees as are or may be provided for
21 him or her by law, in case of provision thereof: otherwise he
22 or she shall receive the same fees as are or may be provided in
23 this Section except when increased by county ordinance or
24 resolution pursuant to the provisions of this Section, to be
25 paid to the county clerk for his or her services in the office
26 of recorder for like services. For the purposes of the fee

1 charged, the ordinance or resolution shall divide standard
2 documents into the following classifications and shall
3 establish a single, all-inclusive, county and State-imposed
4 aggregate fee charged for each such classification of document
5 at the time of recording for that document, which is called the
6 document class flat fee. A standard document is not subject to
7 more than one classification at the time of recording for the
8 purposes of imposing any fee. Each standard document shall
9 fall within one of the following document class flat fee
10 classifications and fees for each document class shall be
11 charged only as allowed by this subsection (c) and subsection
12 (d):

13 (1) Deeds. The aggregate fee for recording deeds shall
14 not be less than \$39 ~~\$29~~ (being a minimum \$21 ~~\$20~~ county
15 fee plus \$18 ~~\$9~~ for the Rental Housing Support Program
16 State surcharge). Inclusion of language in the deed as to
17 any restriction; covenant; lien; oil, gas, or other
18 mineral interest; easement; lease; or a mortgage shall not
19 alter the classification of a document as a deed.

20 (2) Leases, lease amendments, and similar transfer of
21 interest documents. The aggregate fee for recording
22 leases, lease amendments, and similar transfers of
23 interest documents shall not be less than \$39 ~~\$29~~ (being a
24 minimum \$21 ~~\$20~~ county fee plus \$18 ~~\$9~~ for the Rental
25 Housing Support Program State surcharge).

26 (3) Mortgages. The aggregate fee for recording

1 mortgages, including assignments, extensions, amendments,
2 subordinations, and mortgage releases shall not be less
3 than \$39 ~~\$29~~ (being a minimum \$21 ~~\$20~~ county fee plus \$18
4 ~~\$9~~ for the Rental Housing Support Program State
5 surcharge).

6 (4) Easements not otherwise part of another
7 classification. The aggregate fee for recording easements
8 not otherwise part of another classification, including
9 assignments, extensions, amendments, and easement releases
10 not filed by a State agency, unit of local government, or
11 school district shall not be less than \$39 ~~\$29~~ (being a
12 minimum \$21 ~~\$20~~ county fee plus \$18 ~~\$9~~ for the Rental
13 Housing Support Program State surcharge).

14 (5) Miscellaneous. The aggregate fee for recording
15 documents not otherwise falling within classifications set
16 forth in paragraphs (1) through (4) and are not
17 nonstandard documents shall not be less than \$39 ~~\$29~~
18 (being a minimum \$21 ~~\$20~~ county fee plus \$18 ~~\$9~~ for the
19 Rental Housing Support Program State surcharge). Nothing
20 in this subsection shall preclude an alternate predictable
21 fee schedule for electronic recording within each of the
22 classifications set forth in this subsection (c). If the
23 Rental Housing Support Program State surcharge is amended
24 and the surcharge is increased or lowered, the aggregate
25 amount of the document flat fee attributable to the
26 surcharge in the document may be changed accordingly.

1 (d) After a document class flat fee is approved by a county
2 board under subsection (b), the county board may, by ordinance
3 or resolution, increase the document class flat fee and
4 collect the increased fees if the established fees are not
5 sufficient to cover the costs of providing the services
6 related to the document class for which the fee is to be
7 increased.

8 Nothing in this Section precludes a county board from
9 adjusting amounts or allocations within a given document class
10 flat fee when the document class flat fee is not increased.

11 (Source: P.A. 100-1034, eff. 1-1-19.)

12 Section 10. The Rental Housing Support Program Act is
13 amended by changing Section 15 and by adding Section 30 as
14 follows:

15 (310 ILCS 105/15)

16 Sec. 15. Grants to local administering agencies.

17 (a) Under the program, the Authority shall make grants to
18 local administering agencies to provide subsidies to landlords
19 to enable the landlords to charge rent affordable for
20 low-income tenants. Grants shall also include an amount for
21 the operating expenses of local administering agencies. On an
22 annual basis, operating expenses for local administering
23 agencies shall not exceed 10% for grants under \$500,000 and
24 shall not exceed 7% for grants over \$500,000. If a grant to a

1 local administering agency covers more than one year, the
2 Authority shall calculate operating expenses on an annual pro
3 rata share of the grant. If the annual pro rata share is
4 \$500,000 or less, then the fee shall be 10%; if the annual pro
5 rata share is greater than \$500,000, then the fee shall be 7%.

6 (b) The Authority shall develop a request-for-proposals
7 process for soliciting proposals from local administering
8 agencies and for awarding grants. The request-for-proposals
9 process and the funded projects must be consistent with the
10 criteria set forth in Section 25 and with additional criteria
11 set forth by the Authority in rules implementing this Act. As
12 part of the request-for-proposal process and subject to the
13 requirements contained in subsection (d), best efforts will be
14 used to prioritize local administering agencies that serve the
15 county in which annual receipts were collected upon receipt of
16 current data from the Department of Revenue applicable to the
17 annual receipts.

18 (c) Local administering agencies may be local governmental
19 bodies, local housing authorities, or not-for-profit
20 organizations. The Authority shall set forth in rules the
21 financial and capacity requirements necessary for an
22 organization to qualify as a local administering agency and
23 the parameters for administration of the grants by local
24 administering agencies. The Authority shall use best efforts
25 through outreach to local administering agencies to encourage
26 at least one local administering agency to serve each county,

1 subject to subsection (d).

2 (d) The Authority shall distribute grants to local
3 administering agencies according to a formula based on U.S.
4 Census data. The formula shall determine percentages of the
5 funds to be distributed to the following geographic areas: (i)
6 Chicago; (ii) suburban areas: Cook County (excluding Chicago),
7 DuPage County, Lake County, Kane County, Will County, and
8 McHenry County; (iii) small metropolitan areas: Springfield,
9 Rockford, Peoria, Decatur, Champaign-Urbana,
10 Bloomington-Normal, Rock Island, DeKalb, Madison County,
11 Moline, Pekin, Rantoul, and St. Clair County; and (iv) rural
12 areas, defined as all areas of the State not specifically
13 named in items (i), (ii), and (iii) of this subsection. A
14 geographic area's percentage share shall be determined by the
15 total number of households that have an annual income of less
16 than 50% of State median income for a household of 4, as
17 determined by the U.S. Department of Housing and Urban
18 Development, and that are paying more than 30% of their income
19 for rent. The geographic distribution shall be re-determined
20 by the Authority each time new U.S. Census data becomes
21 available. The Authority shall phase in any changes to the
22 geographic formula to prevent a large withdrawal of resources
23 from one area that could negatively impact households
24 receiving rental housing support. Up to 20% of the funds
25 allocated for rural areas, as defined in this subsection, may
26 be set aside and awarded to one administering agency to be

1 distributed throughout the rural areas in the State to
2 localities that desire a number of subsidized units of housing
3 that is too small to justify the establishment of a full local
4 program. In those localities, the administering agency may
5 contract with local agencies to share the administrative tasks
6 of the program, such as inspections of units.

7 (e) In order to ensure applications from all geographic
8 areas of the State, the Authority shall create a plan to ensure
9 that potential local administering agencies have ample time
10 and support to consider making an application and to prepare
11 an application. Such a plan must include, but is not limited
12 to: an outreach and education plan regarding the program and
13 the requirements for a local administering agency; ample time
14 between the initial notice of funding ability and the deadline
15 to submit an application, which shall not be less than 9
16 months; and access to assistance from the Authority or another
17 agency in considering and preparing the application.

18 (f) In order to maintain consistency for households
19 receiving rental housing support, the Authority shall, to the
20 extent possible given funding resources available in the
21 Rental Housing Support Program, continue to fund local
22 administering agencies at the same level on an annual basis,
23 unless the Authority determines that a local administering
24 agency is not meeting the criteria set forth in Section 25 or
25 is not adhering to other standards set forth by rule by the
26 Authority.

1 (Source: P.A. 97-952, eff. 1-1-13.)

2 (310 ILCS 105/30 new)

3 Sec. 30. Illinois Rental Housing Support Program Funding
4 Allocation Task Force.

5 (a) The Illinois Rental Housing Support Program Funding
6 Allocation Task Force is hereby created. The Task Force shall
7 consist of the following members:

8 (1) One member appointed by the President of the
9 Senate.

10 (2) One member appointed by the Minority Leader of the
11 Senate.

12 (3) One member appointed by the Speaker of the House
13 of Representatives.

14 (4) One member appointed by the Minority Leader of the
15 House of Representatives.

16 (5) One member appointed by the Illinois Housing
17 Development Authority.

18 (6) One member representing the Chicago Low-Income
19 Housing Trust Fund, appointed by the Board of Directors of
20 the Trust Fund.

21 (7) One member representing a local administering
22 agency from Cook County (excluding Chicago), DuPage
23 County, Lake County, Kane County, Will County, or McHenry
24 County, appointed by the Governor.

25 (8) One member, appointed by the Governor,

1 representing a local administering agency from a small
2 metropolitan area from one of the following areas:
3 Springfield, Rockford, Peoria, Decatur, Champaign, Urbana,
4 Bloomington, Normal, Rock Island, DeKalb, Madison County,
5 Moline, Pekin, Rantoul, or St. Clair County.

6 (9) One member representing a local administering
7 agency from a rural areas, appointed by the Governor. As
8 used in this paragraph, "rural area" means an area of the
9 State not specifically named in paragraphs (8) or (9).

10 (10) One member from an organization representing
11 Illinois clerks and recorders, appointed by the Governor.

12 (11) Up to two members representing a Section
13 501(c)(3) affordable housing advocacy organization,
14 appointed by the Governor.

15 (12) One additional member appointed by the Governor.

16 Members of the Task Force must be appointed no later than
17 30 days after the effective date of this amendatory Act of the
18 102nd General Assembly. If any members are not appointed with
19 the 30 day period, the entity or person responsible for making
20 the appointment shall be deemed to have forfeited the right to
21 make such appointment.

22 (b) Once appointed, the members shall elect a chairperson
23 and vice chairperson by a simple majority vote.

24 If a vacancy occurs on the Task Force, it shall be filled
25 according to the initial appointment.

26 At the discretion of the chair, additional individuals may

1 participate as nonvoting members in the meetings of the Task
2 Force.

3 Members of the Task Force shall serve without
4 compensation. The Illinois Housing Development Authority shall
5 provide staff and administrative services to the Task Force.

6 (c) Once all members have been appointed, the Task Force
7 shall meet not less than 3 times to carry out the duties
8 prescribed in this Section. Members of the Task Force may
9 attend such meetings virtually.

10 (d) A report delineating the Task Force's findings,
11 conclusions, and recommendations shall be submitted to the
12 General Assembly no later than March 31, 2022.

13 (e) The members of the Task Force are exempt from
14 requirements of the State Officials and Employees Ethics Act,
15 the Illinois Governmental Ethics Act, or any other applicable
16 law or regulation that would require Task Force members to
17 complete trainings, disclosures, or other filings since the
18 Task Force is of limited duration and is charged only with
19 delivering a non-binding report.

20 (f) The Task Force shall study and make recommendations
21 regarding the equitable distribution of rental housing support
22 funds across the State. The Task Force shall also work with the
23 Illinois Housing Development Authority as funding allocations
24 will be required to be adjusted due to data released by the
25 United States Census Bureau on the 2020 decennial census.

26 (g) This Section is repealed on March 31, 2023.

1 Section 99. Effective date. This Act takes effect January
2 1, 2022."