



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB0075

Introduced 1/26/2005, by Sen. Iris Y. Martinez

#### SYNOPSIS AS INTRODUCED:

New Act

30 ILCS 105/5.640 new

55 ILCS 5/3-5018

55 ILCS 5/4-12002

from Ch. 34, par. 3-5018

from Ch. 34, par. 4-12002

Creates the Rental Housing Support Program Act. Provides for grants from the Illinois Housing Development Authority to local administering agencies to provide subsidies for landlords to charge rent affordable for low-income tenants. Also provides for grants from the Illinois Housing Development Authority to developers of affordable rental housing. Sets forth criteria for the awarding of grants. Requires the Authority to establish an operating reserve for the program. Amends the State Finance Act to create the Rental Housing Support Program Fund, a special fund in the State treasury. Amends the Counties Code. Provides that the county recorder shall collect a \$10 surcharge for the recordation of any real estate-related document, one dollar of which shall be deposited into the county's general revenue fund and \$9 of which shall be deposited into the Rental Housing Support Program Fund. Sets forth the conditions upon which and purposes for which expenditures may be made from the Accounts. Effective July 1, 2005.

LRB094 06315 AJ0 36390 b

1 AN ACT concerning housing.

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

4 Section 1. Short title. This Act may be cited as the  
5 Rental Housing Support Program Act.

6 Section 5. Legislative findings and purpose. The General  
7 Assembly finds that in many parts of this State, large numbers  
8 of citizens are faced with the inability to secure affordable  
9 rental housing. Due to either insufficient wages or a shortage  
10 of affordable rental housing stock, or both, many families have  
11 difficulty securing decent housing, are subjected to  
12 overcrowding, pay too large a portion of their total monthly  
13 income for housing and consequently suffer the lack of other  
14 basic needs, live in substandard or unhealthy housing, or  
15 experience chronic housing instability. Instability and  
16 inadequacy in housing limits the employability and  
17 productivity of many citizens, adversely affects family health  
18 and stress levels, impedes children's ability to learn, and  
19 produces corresponding drains on public resources. It is the  
20 purpose of this Act to create a State program to help  
21 localities address the need for decent, affordable, permanent  
22 rental housing.

23 Section 7. Definitions. In this Act:

24 "Authority" means the Illinois Housing Development  
25 Authority.

26 "Developer" means any entity that receives a grant under  
27 Section 20.

28 "Program" means the Rental Housing Support Program.

29 "Real estate-related document" means any recorded document  
30 that affects an interest in real property excluding documents  
31 which solely affect or relate to an easement for water, sewer,

1 electricity, gas, telephone or other public service.

2 "Unit" means a rental apartment unit receiving a subsidy by  
3 means of a grant under this Act. "Unit" does not include  
4 housing units intended as transitional or temporary housing.

5 Section 10. Creation of Program and distribution of funds.

6 (a) The Rental Housing Support Program is created within  
7 the Illinois Housing Development Authority. The Authority  
8 shall administer the program and adopt rules for its  
9 implementation.

10 (b) The Authority shall distribute amounts appropriated  
11 for the Program from the Rental Housing Support Program Fund  
12 and any other appropriations provided for the Program as  
13 follows:

14 (1) A proportionate share of the annual appropriation,  
15 as determined under subsection (d) of Section 15 of this  
16 Act shall be distributed to municipalities with a  
17 population greater than 2,000,000. Those municipalities  
18 shall use at least 10% of those funds in accordance with  
19 Section 20 of this Act, and all provisions governing the  
20 Authority's actions under Section 20 shall govern the  
21 actions of the corporate authorities of a municipality  
22 under this Section. As to the balance of the annual  
23 distribution, the municipality shall designate a  
24 non-profit organization that meets the specific criteria  
25 set forth in Section 25 of this Act to serve as the "local  
26 administering agency" under Section 15 of this Act.

27 (2) Of the remaining appropriation after the  
28 distribution in paragraph (1) of this subsection, the  
29 Authority shall designate at least 10% for the purposes of  
30 Section 20 of this Act in areas of the State not covered  
31 under paragraph (1) of this subsection.

32 (3) The remaining appropriation after the  
33 distributions in paragraphs (1) and (2) of this subsection  
34 shall be distributed according to Section 15 of this Act in  
35 areas of the State not covered under paragraph (1) of this

1 subsection.

2 Section 15. Grants to local administering agencies.

3 (a) Under the program, the Authority shall make grants to  
4 local administering agencies to provide subsidies to landlords  
5 to enable the landlords to charge rent affordable for  
6 low-income tenants. Grants shall also include an amount for the  
7 operating expenses of local administering agencies. Operating  
8 expenses for local administering agencies shall not exceed 10%  
9 for grants under \$500,000 and shall not exceed 7% for grants  
10 over \$500,000.

11 (b) The Authority shall develop a request-for-proposals  
12 process for soliciting proposals from local administering  
13 agencies and for awarding grants. The request-for-proposals  
14 process and the funded projects must be consistent with the  
15 criteria set forth in Section 25 and with additional criteria  
16 set forth by the Authority in rules implementing this Act.

17 (c) Local administering agencies may be local governmental  
18 bodies, local housing authorities, or not-for-profit  
19 organizations. The Authority shall set forth in rules the  
20 financial and capacity requirements necessary for an  
21 organization to qualify as a local administering agency and the  
22 parameters for administration of the grants by local  
23 administering agencies.

24 (d) The Authority shall distribute grants to local  
25 administering agencies according to a formula based on U.S.  
26 Census data. The formula shall determine percentages of the  
27 funds to be distributed to the following geographic areas: (i)  
28 Chicago; (ii) suburban areas: Cook County (excluding Chicago),  
29 DuPage County, Lake County, Kane County, Will County, and  
30 McHenry County; (iii) small metropolitan areas: Springfield,  
31 Rockford, Peoria, Decatur, Champaign-Urbana,  
32 Bloomington-Normal, Rock Island, DeKalb, Madison County,  
33 Moline, Pekin, Rantoul, and St. Clair County; and (iv) rural  
34 areas, defined as all areas of the State not specifically named  
35 in items (i), (ii), and (iii) of this subsection. A geographic

1 area's percentage share shall be determined by the total number  
2 of households that have an annual income of less than 50% of  
3 State median income for a household of 4 and that are paying  
4 more than 30% of their income for rent. The geographic  
5 distribution shall be re-determined by the Authority each time  
6 new U.S. Census data becomes available. The Authority shall  
7 phase in any changes to the geographic formula to prevent a  
8 large withdrawal of resources from one area that could  
9 negatively impact households receiving rental housing support.

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

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

29 Section 20. Grants for affordable housing developments.

30 (a) The Authority may award grants under the program  
31 directly for the development of affordable rental housing for  
32 long-term operating support to enable the rent on such units to  
33 be affordable. Developers of such new housing shall apply  
34 directly to the Authority for this type of grant under the  
35 program.

1 (b) The Authority shall prescribe by rule the application  
2 requirements and the qualifications necessary for a developer  
3 and a development to qualify for a grant under the program. In  
4 any event, however, to qualify for a grant, the development  
5 must satisfy the criteria set forth in Section 25, unless  
6 waived by the Authority based on special circumstances and in  
7 furtherance of the purpose of the program to increase the  
8 supply of affordable rental housing.

9 (c) The Authority must use at least 10% of the funds  
10 generated for the Program in any given year for grants under  
11 this Section. In any given year, the Authority is not required  
12 to spend the 10% of its funds that accrues in that year but may  
13 add all or part of that 10% to the 10% allocation for  
14 subsequent years for the purpose of funding grants under this  
15 Section.

16 Section 25. Criteria for awarding grants. The Authority  
17 shall adopt rules to govern the awarding of grants and the  
18 continuing eligibility for grants under Sections 15 and 20.  
19 Requests for proposals under Section 20 must specify that  
20 proposals must satisfy these rules. The rules must contain and  
21 be consistent with, but need not be limited to, the following  
22 criteria:

23 (1) Eligibility for tenancy in the units supported by  
24 grants to local administering agencies must be limited to  
25 households with gross income at or below 30% of the median  
26 family income for the area in which the grant will be made.  
27 Fifty percent of the units that are supported by any grant  
28 must be set aside for households whose income is at or  
29 below 15% of the area median family income for the area in  
30 which the grant will be made, provided that local  
31 administering agencies may negotiate flexibility in this  
32 set-aside with the Authority if they demonstrate that they  
33 have been unable to locate sufficient tenants in this lower  
34 income range. Income eligibility for units supported by  
35 grants to local administering agencies must be verified

1 annually by landlords and submitted to local administering  
2 agencies. Tenants must have sufficient income to be able to  
3 afford the tenant's share of the rent. For grants awarded  
4 under Section 20, eligibility for tenancy in units  
5 supported by grants must be limited to households with a  
6 gross income at or below 30% of area median family income  
7 for the area in which the grant will be made. Fifty percent  
8 of the units that are supported by any grant must be set  
9 aside for households whose income is at or below 15% of the  
10 median family income for the area in which the grant will  
11 be made, provided that developers may negotiate  
12 flexibility in this set-aside with the Authority or  
13 municipality as defined in subsection (b) of Section 10 if  
14 it demonstrates that it has been unable to locate  
15 sufficient tenants in this lower income range. The  
16 Authority shall determine what sources qualify as a  
17 tenant's income.

18 (2) Local administering agencies must include  
19 2-bedroom, 3-bedroom, and 4-bedroom units among those  
20 intended to be supported by grants under the program. In  
21 grants under Section 15, the precise number of these units  
22 among all the units intended to be supported by a grant  
23 must be based on need in the community for larger units and  
24 other factors that the Authority specifies in rules. The  
25 local administering agency must specify the basis for the  
26 numbers of these units that are proposed for support under  
27 a grant. Local administering agencies must make a good  
28 faith effort to comply with this allocation of unit sizes.  
29 In grants awarded under Section 20, developers and the  
30 Authority or municipality, as defined in subsection (b) of  
31 Section 10, shall negotiate the numbers and sizes of units  
32 to be built in a project and supported by the grant.

33 (3) Under grants awarded under Section 15, local  
34 administering agencies must enter into a payment contract  
35 with the landlord that defines the method of payment and  
36 must pay subsidies to landlords on a quarterly basis and in

1 advance of the quarter paid for.

2 (4) Local administering agencies and developers must  
3 specify how vacancies in units supported by a grant must be  
4 advertised and they must include provisions for outreach to  
5 local homeless shelters, organizations that work with  
6 people with disabilities, and others interested in  
7 affordable housing.

8 (5) The local administering agency or developer must  
9 establish a schedule for the tenant's rental obligation for  
10 units supported by a grant. The tenant's share of the rent  
11 must be a flat amount, calculated annually, based on the  
12 size of the unit and the household's income category. In  
13 establishing the schedule for the tenant's rental  
14 obligation, the local administering agency or developer  
15 must use 30% of gross income within an income range as a  
16 guide, and it may charge an additional or lesser amount.

17 (6) The amount of the subsidy provided under a grant  
18 for a unit must be the difference between the amount of the  
19 tenant's obligation and the total amount of rent for the  
20 unit. The total amount of rent for the unit must be  
21 negotiated between the local administering authority and  
22 the landlord under Section 15, or between the Authority or  
23 municipality, as defined in subsection (b) of Section 10,  
24 and the developer under Section 20, using comparable rents  
25 for units of comparable size and condition in the  
26 surrounding community as a guideline.

27 (7) Local administering agencies and developers,  
28 pursuant to criteria the Authority develops in rules, must  
29 ensure that there are procedures in place to maintain the  
30 safety and habitability of units supported under grants.  
31 Local administering agencies must inspect units before  
32 supporting them under a grant awarded under Section 15.

33 (8) Local administering agencies must provide or  
34 ensure that tenants are provided with a "bill of rights"  
35 with their lease setting forth local landlord-tenant laws  
36 and procedures and contact information for the local



1 administering agency.

2 (9) A local administering agency must create a plan  
3 detailing a process for helping to provide information,  
4 when necessary, on how to access education, training, and  
5 other supportive services to tenants living in units  
6 supported under the grant. The plan must be submitted as a  
7 part of the administering agency's proposal to the  
8 Authority required under Section 15.

9 (10) Local administering agencies and developers may  
10 not use funding under the grant to develop or support  
11 housing that requires that a tenant has a particular  
12 diagnosis or type or presence of disability as a condition  
13 of eligibility for occupancy unless the requirement is  
14 mandated by another funding source for the housing.

15 (11) In order to plan for periodic fluctuations in  
16 program revenue, the Authority shall establish by rule a  
17 mechanism for establishing a reserve fund and the level of  
18 funding that shall be held in reserve either by the  
19 Authority or by local administering agencies.

20 Section 85. The State Finance Act is amended by adding  
21 Section 5.640 as follows:

22 (30 ILCS 105/5.640 new)

23 Sec. 5.640. The Rental Housing Support Program Fund.

24 Section 90. The Counties Code is amended by changing  
25 Sections 3-5018 and 4-12002 as follows:

26 (55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

27 Sec. 3-5018. Fees. The recorder elected as provided for in  
28 this Division shall receive such fees as are or may be provided  
29 for him by law, in case of provision therefor: otherwise he  
30 shall receive the same fees as are or may be provided in this  
31 Section, except when increased by county ordinance pursuant to  
32 the provisions of this Section, to be paid to the county clerk

1 for his services in the office of recorder for like services.

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

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

11 For recording assignments of mortgages, leases or liens \$12  
12 for the first 4 pages thereof, plus \$1 for each additional page  
13 thereof. However, except for leases and liens pertaining to  
14 oil, gas and other minerals, whenever a mortgage, lease or lien  
15 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 maps or plats of additions or subdivisions  
19 approved by the county or municipality (including the spreading  
20 of the same of record in map case or other proper books) or  
21 plats of condominiums \$50 for the first page, plus \$1 for each  
22 additional page thereof except that in the case of recording a  
23 single page, legal size 8 1/2 x 14, plat of survey in which  
24 there are no more than two lots or parcels of land, the fee  
25 shall be \$12. In each county where such maps or plats are to be  
26 recorded, the recorder may require the same to be accompanied  
27 by such number of exact, true and legible copies thereof as the  
28 recorder deems necessary for the efficient conduct and  
29 operation of his office.

30 For certified copies of records the same fees as for  
31 recording, but in no case shall the fee for a certified copy of  
32 a map or plat of an addition, subdivision or otherwise exceed  
33 \$10.

34 Each certificate of such recorder of the recording of the  
35 deed or other writing and of the date of recording the same  
36 signed by such recorder, shall be sufficient evidence of the

1 recording thereof, and such certificate including the indexing  
2 of record, shall be furnished upon the payment of the fee for  
3 recording the instrument, and no additional fee shall be  
4 allowed for the certificate or indexing.

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

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

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

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

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

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

31 A document that does not conform to these standards shall not  
32 be recorded except upon payment of the additional fee required  
33 under this paragraph. This paragraph, as amended by this  
34 amendatory Act of 1995, applies only to documents dated after  
35 the effective date of this amendatory Act of 1995.

36 The county board of any county may provide for an

1 additional charge of \$3 for filing every instrument, paper, or  
2 notice for record, (1) in order to defray the cost of  
3 converting the county recorder's document storage system to  
4 computers or micrographics and (2) in order to defray the cost  
5 of providing access to records through the global information  
6 system known as the Internet.

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

14 The county board of any county that provides and maintains  
15 a countywide map through a Geographic Information System (GIS)  
16 may provide for an additional charge of \$3 for filing every  
17 instrument, paper, or notice for record (1) in order to defray  
18 the cost of implementing or maintaining the county's Geographic  
19 Information System and (2) in order to defray the cost of  
20 providing electronic access to the county's Geographic  
21 Information System records. Of that amount, \$2 must be  
22 deposited into a special fund set up by the treasurer of the  
23 county, and any moneys collected pursuant to this amendatory  
24 Act of the 91st General Assembly and deposited into that fund  
25 must be used solely for the equipment, materials, and necessary  
26 expenses incurred in implementing and maintaining a Geographic  
27 Information System and in order to defray the cost of providing  
28 electronic access to the county's Geographic Information  
29 System records. The remaining \$1 must be deposited into the  
30 recorder's special funds created under Section 3-5005.4. The  
31 recorder may, in his or her discretion, use moneys in the funds  
32 created under Section 3-5005.4 to defray the cost of  
33 implementing or maintaining the county's Geographic  
34 Information System and to defray the cost of providing  
35 electronic access to the county's Geographic Information  
36 System records.

1       The recorder shall collect a \$10 Rental Housing Support  
2 Program State surcharge for the recordation of any real  
3 estate-related document. Payment of the Rental Housing Support  
4 Program State surcharge shall be evidenced by a receipt that  
5 shall be marked upon or otherwise affixed to the real  
6 estate-related document by the recorder. The form of this  
7 receipt shall be prescribed by the Department of Revenue and  
8 the receipts shall be issued by the Department of Revenue to  
9 each county recorder.

10       One dollar of each surcharge shall be retained by the  
11 county in which it was collected. This dollar shall be  
12 deposited in the county's general revenue fund. This dollar  
13 shall be used as needed to defray the administrative costs  
14 incurred by the county recorder in collecting the Rental  
15 Housing Support Program State surcharge.

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

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

29       The foregoing fees allowed by this Section are the maximum  
30 fees that may be collected from any officer, agency, department  
31 or other instrumentality of the State. The county board may,  
32 however, by ordinance, increase the fees allowed by this  
33 Section and collect such increased fees from all persons and  
34 entities other than officers, agencies, departments and other  
35 instrumentalities of the State if the increase is justified by  
36 an acceptable cost study showing that the fees allowed by this

1 Section are not sufficient to cover the cost of providing the  
2 service. 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 A statement of the costs of providing each service, program  
13 and activity shall be prepared by the county board. All  
14 supporting documents shall be public record and subject to  
15 public examination and audit. All direct and indirect costs, as  
16 defined in the United States Office of Management and Budget  
17 Circular A-87, may be included in the determination of the  
18 costs of each service, program and activity.

19 (Source: P.A. 92-16, eff. 6-28-01; 92-492, eff. 1-1-02; 93-256,  
20 eff. 7-22-03.)

21 (55 ILCS 5/4-12002) (from Ch. 34, par. 4-12002)

22 Sec. 4-12002. Fees of recorder in third class counties. The  
23 fees of the recorder in counties of the third class for  
24 recording deeds or other instruments in writing and maps of  
25 plats of additions, subdivisions or otherwise, and for  
26 certifying copies of records, shall be paid in advance and  
27 shall be as follows:

28 For recording deeds or other instruments \$20 for the first  
29 2 pages thereof, plus \$2 for each additional page thereof. The  
30 aggregate minimum fee for recording any one instrument shall  
31 not be less than \$20.

32 For recording deeds or other instruments wherein the  
33 premises affected thereby are referred to by document number  
34 and not by legal description the recorder shall charge a fee of  
35 \$4 in addition to that hereinabove referred to for each

1 document number therein noted.

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

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

14 For certified copies of records the same fees as for  
15 recording, but in no case shall the fee for a certified copy of  
16 a map or plat of an addition, subdivision or otherwise exceed  
17 \$200.

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

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

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

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

33 (1) The document shall consist of one or more  
34 individual sheets measuring 8.5 inches by 11 inches, not  
35 permanently bound and not a continuous form. Graphic  
36 displays accompanying a document to be recorded that

1 measure up to 11 inches by 17 inches shall be recorded  
2 without charging an additional fee.

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

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

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

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

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

23 The recorder shall collect a \$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  
27 shall be marked upon or otherwise affixed to the real  
28 estate-related document by the recorder. The form of this  
29 receipt shall be prescribed by the Department of Revenue and  
30 the receipts shall be issued by the Department of Revenue to  
31 each county recorder.

32 One dollar of each surcharge shall be retained by the  
33 county in which it was collected. This dollar shall be  
34 deposited in the county's general revenue fund. This dollar  
35 shall be used as needed to defray the administrative costs  
36 incurred by the county recorder in collecting the Rental



1 Housing Support Program State surcharge.

2 On the 15th day of each month, each county recorder shall  
3 report to the Department of Revenue, on a form prescribed by  
4 the Department, the number of real estate-related documents  
5 recorded for which the Rental Housing Support Program State  
6 surcharge was collected. Each recorder shall submit \$9 of each  
7 surcharge collected in the preceding month to the Department of  
8 Revenue and the Department shall deposit these amounts in the  
9 Rental Housing Support Program Fund. Subject to appropriation,  
10 amounts in the Fund may be expended only for the purpose of  
11 funding and administering the Rental Housing Support Program.

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

15 The fee requirements of this Section apply to units of  
16 local government and school districts.

17 Regardless of any other provision in this Section, the  
18 maximum fee that may be collected from the Department of  
19 Revenue for filing or indexing a lien, certificate of lien  
20 release or subordination, or any other type of notice or other  
21 documentation affecting or concerning a lien is \$5. Regardless  
22 of any other provision in this Section, the maximum fee that  
23 may be collected from the Department of Revenue for indexing  
24 each additional name in excess of one for any lien, certificate  
25 of lien release or subordination, or any other type of notice  
26 or other documentation affecting or concerning a lien is \$1.

27 (Source: P.A. 92-492, eff. 1-1-02; 93-671, eff. 6-1-04.)

28 Section 99. Effective date. This Act takes effect July 1,  
29 2005.