97TH GENERAL ASSEMBLY
State of Illinois
2011 and 2012
HB3183


SYNOPSIS AS INTRODUCED:

735 ILCS 5/Art. XV Pt. 18 heading new
735 ILCS 5/15-1801 new
735 ILCS 5/15-1802 new
735 ILCS 5/15-1803 new

Amends the Code of Civil Procedure. Creates the Homeowner Bill of Rights in the Article known as the Illinois Mortgage Foreclosure Law. Provides that a mortgagee shall have access to all communications between the mortgagor and the mortgagee and between the mortgagee and any third party concerning the mortgagor, the mortgagee, and the mortgage note. Defines terms. Provides that the mortgagor may utilize a HUD-certified counselor to act as an intermediary or agent in interactions with the mortgagee.
AN ACT concerning civil law.

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

Section 5. The Code of Civil Procedure is amended by adding Part 18 to Article XV as follows:

(735 ILCS 5/Art. XV Pt. 18 heading new)


(735 ILCS 5/15-1801 new)

Sec. 15-1801. Application. This Article applies to residential property.

(735 ILCS 5/15-1802 new)

Sec. 15-1802. Access to records. Each mortgagor shall have the right to:

(1) have access to the mortgagee's record of all communications between the mortgagor and the mortgagee and of all communications between the mortgagee and any third party about the mortgagor, the mortgage, or the mortgage loan. "Communications" for purposes of this Section include, but are not limited to: correspondence; documents; memoranda; notices; written summaries of telephone or in-person conversations or messages; any
electronic communications such as email, including attachments; and all retrievable information that is in electronic or computer storage, in printed form;

(2) if the mortgagee is not the owner of the mortgage note, a description of the manner of the transfer of the ownership of the mortgage note, the identity and contact information of the owner or assignee of the mortgage note, along with copies of any document showing the transfer of ownership of the mortgage note and any pooling or servicing agreement that includes the mortgage note; and

(3) if the mortgagor is denied assistance under the Making Home Affordable Program or the Home Affordable Modification Program (HAMP) pursuant to the Emergency Economic Stabilization Act of 2008, as amended by the American Recovery and Reinvestment Act of 2009, information about other alternate assistance programs and options potentially available to the mortgagor.

(735 ILCS 5/15-1803 new)

Sec. 15-1803. Communication with certified housing counselor. Each mortgagor shall have the right, in any communication or interaction with the mortgagee, to have a third party HUD-certified housing counselor act as the intermediary between the mortgagor and the mortgagee, upon the mortgagor's request. In that instance, the mortgagee shall communicate with the housing counselor as it would with the
mortgagee. The housing counselor must be notified by the mortgagee of any offer or issue related to the mortgagor's mortgage or mortgage note as to which the mortgagor is being counseled.