



Rep. Arthur Turner

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10100HB3360ham001

LRB101 09884 LNS 57552 a

1 AMENDMENT TO HOUSE BILL 3360

2 AMENDMENT NO. _____. Amend House Bill 3360 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Sections 15-1504.1 and by reenacting and changing
6 Section 15-1507.1 as follows:

7 (735 ILCS 5/15-1504.1)

8 Sec. 15-1504.1. Filing fee for Foreclosure Prevention
9 Program Fund, Foreclosure Prevention Program Graduated Fund,
10 and Abandoned Residential Property Municipality Relief Fund.

11 (a) Fee paid by all plaintiffs with respect to residential
12 real estate. With respect to residential real estate, at the
13 time of the filing of a foreclosure complaint, the plaintiff
14 shall pay to the clerk of the court in which the foreclosure
15 complaint is filed a fee of \$50 for deposit into the
16 Foreclosure Prevention Program Fund, a special fund created in

1 the State treasury. The clerk shall remit the fee collected
2 pursuant to this subsection (a) to the State Treasurer to be
3 expended for the purposes set forth in Section 7.30 of the
4 Illinois Housing Development Act. All fees paid by plaintiffs
5 to the clerk of the court as provided in this subsection (a)
6 shall be disbursed within 60 days after receipt by the clerk of
7 the court as follows: (i) 98% to the State Treasurer for
8 deposit into the Foreclosure Prevention Program Fund, and (ii)
9 2% to the clerk of the court to be retained by the clerk for
10 deposit into the Circuit Court Clerk Operation and
11 Administrative Fund to defray administrative expenses related
12 to implementation of this subsection (a). Notwithstanding any
13 other law to the contrary, the Foreclosure Prevention Program
14 Fund is not subject to sweeps, administrative charge-backs, or
15 any other fiscal maneuver that would in any way transfer any
16 amounts from the Foreclosure Prevention Program Fund into any
17 other fund of the State.

18 (a-5) Additional fee paid by plaintiffs with respect to
19 residential real estate.

20 (1) Until January 1, 2025 ~~2020~~, with respect to
21 residential real estate, at the time of the filing of a
22 foreclosure complaint and in addition to the fee set forth
23 in subsection (a) of this Section, the plaintiff shall pay
24 to the clerk of the court in which the foreclosure
25 complaint is filed a fee for the Foreclosure Prevention
26 Program Graduated Fund and the Abandoned Residential

1 Property Municipality Relief Fund as follows:

2 (A) The fee shall be \$500 until January 1, 2021;
3 \$450 starting January 1, 2021; \$400 starting January 1,
4 2022; \$350 starting January 1, 2023; \$300 starting
5 January 1, 2024; and \$300 starting January 1, 2025 if:

6 (i) the plaintiff, together with its
7 affiliates, has filed a sufficient number of
8 foreclosure complaints so as to be included in the
9 first tier foreclosure filing category and is
10 filing the complaint on its own behalf as the
11 holder of the indebtedness; or

12 (ii) the plaintiff, together with its
13 affiliates, has filed a sufficient number of
14 foreclosure complaints so as to be included in the
15 first tier foreclosure filing category and is
16 filing the complaint on behalf of a mortgagee that,
17 together with its affiliates, has filed a
18 sufficient number of foreclosure complaints so as
19 to be included in the first tier foreclosure filing
20 category; or

21 (iii) the plaintiff is not a depository
22 institution and is filing the complaint on behalf
23 of a mortgagee that, together with its affiliates,
24 has filed a sufficient number of foreclosure
25 complaints so as to be included in the first tier
26 foreclosure filing category.

1 (B) The fee shall be \$250 until January 1, 2021;
2 \$225 starting January 1, 2021; \$200 starting January 1,
3 2022; \$175 starting January 1, 2023; \$150 starting
4 January 1, 2024; and \$125 starting January 1, 2025 if:

5 (i) the plaintiff, together with its
6 affiliates, has filed a sufficient number of
7 foreclosure complaints so as to be included in the
8 second tier foreclosure filing category and is
9 filing the complaint on its own behalf as the
10 holder of the indebtedness; or

11 (ii) the plaintiff, together with its
12 affiliates, has filed a sufficient number of
13 foreclosure complaints so as to be included in the
14 first or second tier foreclosure filing category
15 and is filing the complaint on behalf of a
16 mortgagee that, together with its affiliates, has
17 filed a sufficient number of foreclosure
18 complaints so as to be included in the second tier
19 foreclosure filing category; or

20 (iii) the plaintiff, together with its
21 affiliates, has filed a sufficient number of
22 foreclosure complaints so as to be included in the
23 second tier foreclosure filing category and is
24 filing the complaint on behalf of a mortgagee that,
25 together with its affiliates, has filed a
26 sufficient number of foreclosure complaints so as

1 to be included in the first tier foreclosure filing
2 category; or

3 (iv) the plaintiff is not a depository
4 institution and is filing the complaint on behalf
5 of a mortgagee that, together with its affiliates,
6 has filed a sufficient number of foreclosure
7 complaints so as to be included in the second tier
8 foreclosure filing category.

9 (C) The fee shall be \$50 until January 1, 2021; \$45
10 starting January 1, 2021; \$40 starting January 1, 2022;
11 \$35 starting January 1, 2023; \$30 starting January 1,
12 2024; and \$25 starting January 1, 2025 if:

13 (i) the plaintiff, together with its
14 affiliates, has filed a sufficient number of
15 foreclosure complaints so as to be included in the
16 third tier foreclosure filing category and is
17 filing the complaint on its own behalf as the
18 holder of the indebtedness; or

19 (ii) the plaintiff, together with its
20 affiliates, has filed a sufficient number of
21 foreclosure complaints so as to be included in the
22 first, second, or third tier foreclosure filing
23 category and is filing the complaint on behalf of a
24 mortgagee that, together with its affiliates, has
25 filed a sufficient number of foreclosure
26 complaints so as to be included in the third tier

1 foreclosure filing category; or

2 (iii) the plaintiff, together with its
3 affiliates, has filed a sufficient number of
4 foreclosure complaints so as to be included in the
5 third tier foreclosure filing category and is
6 filing the complaint on behalf of a mortgagee that,
7 together with its affiliates, has filed a
8 sufficient number of foreclosure complaints so as
9 to be included in the first tier foreclosure filing
10 category; or

11 (iv) the plaintiff, together with its
12 affiliates, has filed a sufficient number of
13 foreclosure complaints so as to be included in the
14 third tier foreclosure filing category and is
15 filing the complaint on behalf of a mortgagee that,
16 together with its affiliates, has filed a
17 sufficient number of foreclosure complaints so as
18 to be included in the second tier foreclosure
19 filing category; or

20 (v) the plaintiff is not a depository
21 institution and is filing the complaint on behalf
22 of a mortgagee that, together with its affiliates,
23 has filed a sufficient number of foreclosure
24 complaints so as to be included in the third tier
25 foreclosure filing category.

26 (2) The clerk shall remit the fee collected pursuant to

1 paragraph (1) of this subsection (a-5) to the State
2 Treasurer to be expended for the purposes set forth in
3 Sections 7.30 and 7.31 of the Illinois Housing Development
4 Act and for administrative expenses. All fees paid by
5 plaintiffs to the clerk of the court as provided in
6 paragraph (1) shall be disbursed within 60 days after
7 receipt by the clerk of the court as follows:

8 (A) 28% to the State Treasurer for deposit into the
9 Foreclosure Prevention Program Graduated Fund;

10 (B) 70% to the State Treasurer for deposit into the
11 Abandoned Residential Property Municipality Relief
12 Fund; and

13 (C) 2% to the clerk of the court to be retained by
14 the clerk for deposit into the Circuit Court Clerk
15 Operation and Administrative Fund to defray
16 administrative expenses related to implementation of
17 this subsection (a-5).

18 (3) Until January 1, 2025 ~~2020~~, with respect to
19 residential real estate, at the time of the filing of a
20 foreclosure complaint, the plaintiff or plaintiff's
21 representative shall file a verified statement that states
22 which additional fee is due under paragraph (1) of this
23 subsection (a-5), unless the court has established another
24 process for a plaintiff or plaintiff's representative to
25 certify which additional fee is due under paragraph (1) of
26 this subsection (a-5).

1 (4) If a plaintiff fails to provide the clerk of the
2 court with a true and correct statement of the additional
3 fee due under paragraph (1) of this subsection (a-5), and
4 the mortgagor reimburses the plaintiff for any erroneous
5 additional fee that was paid by the plaintiff to the clerk
6 of the court, the mortgagor may seek a refund of any
7 overpayment of the fee in an amount that shall not exceed
8 the difference between the higher additional fee paid under
9 paragraph (1) of this subsection (a-5) and the actual fee
10 due thereunder. The mortgagor must petition the judge
11 within the foreclosure action for the award of any fee
12 overpayment pursuant to this paragraph (4) of this
13 subsection (a-5), and the award shall be determined by the
14 judge and paid by the clerk of the court out of the fund
15 account into which the clerk of the court deposits fees to
16 be remitted to the State Treasurer under paragraph (2) of
17 this subsection (a-5), the timing of which refund payment
18 shall be determined by the clerk of the court based upon
19 the availability of funds in the subject fund account. This
20 refund shall be the mortgagor's sole remedy and a mortgagor
21 shall have no private right of action against the plaintiff
22 or plaintiff's representatives if the additional fee paid
23 by the plaintiff was erroneous.

24 (5) This subsection (a-5) is inoperative on and after
25 January 1, 2025 ~~2020~~.

26 (b) Not later than March 1 of each year, the clerk of the

1 court shall submit to the Illinois Housing Development
2 Authority a report of the funds collected and remitted pursuant
3 to this Section during the preceding year.

4 (c) As used in this Section:

5 "Affiliate" means any company that controls, is controlled
6 by, or is under common control with another company.

7 "Approved counseling agency" and "approved housing
8 counseling" have the meanings ascribed to those terms in
9 Section 7.30 of the Illinois Housing Development Act.

10 "Depository institution" means a bank, savings bank,
11 savings and loan association, or credit union chartered,
12 organized, or holding a certificate of authority to do business
13 under the laws of this State, another state, or the United
14 States.

15 "First tier foreclosure filing category" is a
16 classification that only applies to a plaintiff that has filed
17 175 or more foreclosure complaints on residential real estate
18 located in Illinois during the calendar year immediately
19 preceding the date of the filing of the subject foreclosure
20 complaint.

21 "Second tier foreclosure filing category" is a
22 classification that only applies to a plaintiff that has filed
23 at least 50, but no more than 174, foreclosure complaints on
24 residential real estate located in Illinois during the calendar
25 year immediately preceding the date of the filing of the
26 subject foreclosure complaint.

1 "Third tier foreclosure filing category" is a
2 classification that only applies to a plaintiff that has filed
3 no more than 49 foreclosure complaints on residential real
4 estate located in Illinois during the calendar year immediately
5 preceding the date of the filing of the subject foreclosure
6 complaint.

7 (d) In no instance shall the fee set forth in subsection
8 (a-5) be assessed for any foreclosure complaint filed before
9 the effective date of this amendatory Act of the 97th General
10 Assembly.

11 (e) Notwithstanding any other law to the contrary, the
12 Abandoned Residential Property Municipality Relief Fund is not
13 subject to sweeps, administrative charge-backs, or any other
14 fiscal maneuver that would in any way transfer any amounts from
15 the Abandoned Residential Property Municipality Relief Fund
16 into any other fund of the State.

17 (Source: P.A. 100-407, eff. 8-25-17.)

18 (735 ILCS 5/15-1507.1)

19 Sec. 15-1507.1. Judicial sale fee for Abandoned
20 Residential Property Municipality Relief Fund.

21 (a) Upon and at the sale of residential real estate under
22 Section 15-1507, the purchaser shall pay to the person
23 conducting the sale pursuant to Section 15-1507 a fee for
24 deposit into the Abandoned Residential Property Municipality
25 Relief Fund, a special fund created in the State treasury. The

1 fee shall be calculated at the rate of \$1 for each \$1,000 or
2 fraction thereof of the amount paid by the purchaser to the
3 person conducting the sale, as reflected in the receipt of sale
4 issued to the purchaser, provided that in no event shall the
5 fee exceed \$300. No fee shall be paid by the mortgagee
6 acquiring the residential real estate pursuant to its credit
7 bid at the sale or by any mortgagee, judgment creditor, or
8 other lienor acquiring the residential real estate whose rights
9 in and to the residential real estate arose prior to the sale.
10 Upon confirmation of the sale under Section 15-1508, the person
11 conducting the sale shall remit the fee to the clerk of the
12 court in which the foreclosure case is pending. The clerk shall
13 remit the fee to the State Treasurer as provided in this
14 Section, to be expended for the purposes set forth in Section
15 7.31 of the Illinois Housing Development Act.

16 (b) All fees paid by purchasers as provided in this Section
17 shall be disbursed within 60 days after receipt by the clerk of
18 the court as follows: (i) 98% to the State Treasurer for
19 deposit into the Abandoned Residential Property Municipality
20 Relief Fund, and (ii) 2% to the clerk of the court to be
21 retained by the clerk for deposit into the Circuit Court Clerk
22 Operation and Administrative Fund to defray administrative
23 expenses related to implementation of this Section.

24 (c) Not later than March 1 of each year, the clerk of the
25 court shall submit to the Illinois Housing Development
26 Authority a report of the funds collected and remitted during

1 the preceding year pursuant to this Section.

2 (d) Subsections (a) and (b) of this Section are operative
3 and shall become inoperative on January 1, 2025 ~~2017~~. This
4 Section is repealed on March 2, 2025 ~~2017~~.

5 (e) All actions taken in the collection and remittance of
6 fees under this Section before the effective date of this
7 amendatory Act of the 101st General Assembly are ratified,
8 validated, and confirmed.

9 (Source: P.A. 98-20, eff. 6-11-13; 99-493, eff. 12-17-15.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."