



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3878

Introduced 2/22/2021, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-5018	from Ch. 34, par. 3-5018
55 ILCS 5/3-5018.1	
55 ILCS 5/4-12002	from Ch. 34, par. 4-12002
55 ILCS 5/4-12002.1	
310 ILCS 105/10	
310 ILCS 105/15	

Amends the Counties Code. Changes the Rental Housing Support Program State surcharge a county recorder must collect on each real-estate related document from \$9 to \$18. Increases the fee a county may charge for recording documents. Makes conforming changes. Amends the Rental Housing Support Program Act. Provides that annual receipts distributed under the Rental Housing Support Program shall be distributed with priority to local administering agencies from the county in which the annual receipts were collected. Provides that the Illinois Housing Development Authority shall wait at least 6 months after annual receipts are deposited into the Rental Housing Support Program Fund before distributing the annual receipts. Provides that the Authority shall work with each county to ensure that at least one local administering agency is located within each county.

LRB102 14197 AWJ 19549 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing
5 Sections 3-5018, 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.

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

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

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

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

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

25 For recording maps or plats of additions or subdivisions
26 approved by the county or municipality (including the

1 spreading of the same of record in map case or other proper
2 books) or plats of condominiums, \$50 for the first page, plus
3 \$1 for each additional page thereof except that in the case of
4 recording a single page, legal size 8 1/2 x 14, plat of survey
5 in which there are no more than two lots or parcels of land,
6 the fee shall be \$12. In each county where such maps or plats
7 are to be recorded, the recorder may require the same to be
8 accompanied by such number of exact, true and legible copies
9 thereof as the recorder deems necessary for the efficient
10 conduct and operation of his or her office.

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

25 For certified copies of records, the same fees as for
26 recording, but in no case shall the fee for a certified copy of

1 a map or plat of an addition, subdivision or otherwise exceed
2 \$10.

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

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

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

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

24 (3) The document shall be on white paper of not less
25 than 20-pound weight and shall have a clean margin of at
26 least one-half inch on the top, the bottom, and each side.

1 Margins may be used for non-essential notations that will
2 not affect the validity of the document, including but not
3 limited to form numbers, page numbers, and customer
4 notations.

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

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

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

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

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

1 document records system and (2) for a system to provide
2 electronic access to those records.

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

26 The recorder shall collect a \$18 ~~\$9~~ Rental Housing Support

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

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

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

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

26 The foregoing fees allowed by this Section are the maximum

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

20 A statement of the costs of providing each service,
21 program and activity shall be prepared by the county board.
22 All supporting documents shall be public record and subject to
23 public examination and audit. All direct and indirect costs,
24 as defined in the United States Office of Management and
25 Budget Circular A-87, may be included in the determination of
26 the costs of each service, program and activity.

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

2 (55 ILCS 5/3-5018.1)

3 Sec. 3-5018.1. Predictable fee schedule.

4 (a) As used in this Section:

5 "Nonstandard document" means:

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

8 (2) a document recorded pursuant to the Uniform
9 Commercial Code;

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

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

13 (5) a document making specific reference to more than
14 5 tax parcel identification numbers in the county in which
15 it is presented for recording; or

16 (6) a document making specific reference to more than
17 5 other document numbers recorded in the county in which
18 it is presented for recording.

19 "Standard document" means any document other than a
20 nonstandard document.

21 (b) On or before January 1, 2019, a county shall adopt and
22 implement, by ordinance or resolution, a predictable fee
23 schedule that eliminates surcharges or fees based on the
24 individual attributes of a standard document to be recorded.
25 The initial predictable fee schedule approved by a county

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

18 A predictable fee schedule ordinance or resolution adopted
19 under this Section shall list standard document fees,
20 including document class flat fees as required by subsection
21 (c), and non-standard document fees.

22 Before approval of an ordinance or resolution under this
23 Section, the recorder or county clerk shall post a notice in
24 their office at least 2 weeks prior, but not more than 4 weeks
25 prior, to the public meeting at which the ordinance or
26 resolution may be adopted. The notice shall contain the

1 proposed ordinance or resolution number, if any, the proposed
2 document class flat fees for each classification, and a
3 reference to this Section or this amendatory Act of the 100th
4 General Assembly.

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

7 (c) Pursuant to an ordinance or resolution adopted under
8 subsection (b), the recorder elected as provided for in this
9 Division shall receive such fees as are or may be provided for
10 him or her by law, in case of provision thereof: otherwise he
11 or she shall receive the same fees as are or may be provided in
12 this Section except when increased by county ordinance or
13 resolution pursuant to the provisions of this Section, to be
14 paid to the county clerk for his or her services in the office
15 of recorder for like services. For the purposes of the fee
16 charged, the ordinance or resolution shall divide standard
17 documents into the following classifications and shall
18 establish a single, all inclusive, county and State-imposed
19 aggregate fee charged for each such classification of document
20 at the time of recording for that document, which is called the
21 document class flat fee. A standard document is not subject to
22 more than one classification at the time of recording for the
23 purposes of imposing any fee. Each standard document shall
24 fall within one of the following document class flat fee
25 classifications and fees for each document class shall be
26 charged only as allowed by this subsection (c) and subsection

1 (d):

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

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

15 (3) Mortgages. The aggregate fee for recording
16 mortgages, including assignments, extensions, amendments,
17 subordinations, and mortgage releases shall not be less
18 than \$31 ~~\$21~~ (being a minimum \$13 ~~\$12~~ county fee plus \$18
19 ~~\$9~~ for the Rental Housing Support Program State
20 surcharge).

21 (4) Easements not otherwise part of another
22 classification. The aggregate fee for recording easements
23 not otherwise part of another classification, including
24 assignments, extensions, amendments, and easement releases
25 not filed by a State agency, unit of local government, or
26 school district shall not be less than \$31 ~~\$21~~ (being a

1 minimum \$13 ~~\$12~~ county fee plus \$18 ~~\$9~~ for the Rental
2 Housing Support Program State surcharge).

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

16 (d) If an ordinance or resolution establishing a
17 predictable fee schedule is adopted pursuant to subsection (b)
18 and any document class flat fee exceeds \$21, the county board
19 shall:

20 (1) obtain from the clerk or recorder an analysis of
21 the average fees collected for the recording of each of
22 the classifications under subsection (c) based on the 3
23 previous years of recording data, and, if a cost study has
24 not been performed, set respective document class flat
25 fees for each of the 5 document classifications at the
26 average for that class rounded upward to the next whole

1 dollar amount; or

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

12 (e) After a document class flat fee is approved by a county
13 board under subsection (b), the county board may, by ordinance
14 or resolution, increase the document class flat fee and
15 collect the increased fees only if the increase is justified
16 by a cost study that shows that the fees allowed by subsections
17 (c) and (d) are not sufficient to cover the cost of providing
18 the service related to the document class for which the fee is
19 to be increased. A statement of the costs of providing each
20 service, program, and activity shall be prepared by the county
21 board. All supporting documents shall be public record and
22 subject to public examination and audit. All direct and
23 indirect costs, as defined in the United States Office of
24 Management and Budget Circular A-87, may be included in the
25 determination of the costs of each service, program, and
26 activity.

1 Nothing in this Section precludes a county board from
2 adjusting amounts or allocations within a given document class
3 flat fee as long as the document class flat fee is not
4 increased.

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

6 (55 ILCS 5/4-12002) (from Ch. 34, par. 4-12002)

7 Sec. 4-12002. Fees of recorder in third class counties.
8 Except as provided for in Section 4-12002.1, the fees of the
9 recorder in counties of the third class for recording deeds or
10 other instruments in writing and maps of plats of additions,
11 subdivisions or otherwise, and for certifying copies of
12 records, shall be paid in advance and shall be as follows:

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

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

22 For recording deeds or other instruments wherein more than
23 one tract, parcel or lot is described and such additional
24 tract, or tracts, parcel or parcels, lot or lots is or are
25 described therein as falling in a separate or different

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

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

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

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

1 \$200.

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

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

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

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

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

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

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

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

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

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

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

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

26 The recorder shall not collect the Rental Housing Support

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

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

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

17 The fee requirements of this Section apply to units of
18 local government and school districts.

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

1 certificate of lien release or subordination, or any other
2 type of notice or other documentation affecting or concerning
3 a lien is \$1.

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

5 (55 ILCS 5/4-12002.1)

6 Sec. 4-12002.1. Predictable fee schedule for recordings in
7 third class counties.

8 (a) As used in this Section:

9 "Nonstandard document" means:

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

12 (2) a document recorded pursuant to the Uniform
13 Commercial Code;

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

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

17 (5) a document making specific reference to more than
18 5 tax parcel identification numbers in the county in which
19 it is presented for recording; or

20 (6) a document making specific reference to more than
21 5 other document numbers recorded in the county in which
22 it is presented for recording.

23 "Standard document" means any document other than a
24 nonstandard document.

25 (b) On or before January 1, 2020, a county shall adopt and

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

22 A predictable fee schedule ordinance or resolution adopted
23 under this Section shall list standard document fees,
24 including document class flat fees as required by subsection
25 (c), and nonstandard document fees.

26 Before approval of an ordinance or resolution under this

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

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

11 (c) Pursuant to an ordinance or resolution adopted under
12 subsection (b), the recorder elected as provided for in this
13 Division shall receive such fees as are or may be provided for
14 him or her by law, in case of provision thereof: otherwise he
15 or she shall receive the same fees as are or may be provided in
16 this Section except when increased by county ordinance or
17 resolution pursuant to the provisions of this Section, to be
18 paid to the county clerk for his or her services in the office
19 of recorder for like services. For the purposes of the fee
20 charged, the ordinance or resolution shall divide standard
21 documents into the following classifications and shall
22 establish a single, all-inclusive, county and State-imposed
23 aggregate fee charged for each such classification of document
24 at the time of recording for that document, which is called the
25 document class flat fee. A standard document is not subject to
26 more than one classification at the time of recording for the

1 purposes of imposing any fee. Each standard document shall
2 fall within one of the following document class flat fee
3 classifications and fees for each document class shall be
4 charged only as allowed by this subsection (c) and subsection
5 (d):

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

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

19 (3) Mortgages. The aggregate fee for recording
20 mortgages, including assignments, extensions, amendments,
21 subordinations, and mortgage releases shall not be less
22 than \$39 ~~\$29~~ (being a minimum \$21 ~~\$20~~ county fee plus \$18
23 ~~\$9~~ for the Rental Housing Support Program State
24 surcharge).

25 (4) Easements not otherwise part of another
26 classification. The aggregate fee for recording easements

1 not otherwise part of another classification, including
2 assignments, extensions, amendments, and easement releases
3 not filed by a State agency, unit of local government, or
4 school district shall not be less than \$39 ~~\$29~~ (being a
5 minimum \$21 ~~\$20~~ county fee plus \$18 ~~\$9~~ for the Rental
6 Housing Support Program State surcharge).

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

20 (d) After a document class flat fee is approved by a county
21 board under subsection (b), the county board may, by ordinance
22 or resolution, increase the document class flat fee and
23 collect the increased fees if the established fees are not
24 sufficient to cover the costs of providing the services
25 related to the document class for which the fee is to be
26 increased.

1 Nothing in this Section precludes a county board from
2 adjusting amounts or allocations within a given document class
3 flat fee when the document class flat fee is not increased.
4 (Source: P.A. 100-1034, eff. 1-1-19.)

5 Section 10. The Rental Housing Support Program Act is
6 amended by changing Sections 10 and 15 as follows:

7 (310 ILCS 105/10)

8 Sec. 10. Creation of Program and distribution of funds.

9 (a) The Rental Housing Support Program is created within
10 the Illinois Housing Development Authority. The Authority
11 shall administer the Program and adopt rules for its
12 implementation.

13 (b) The Authority shall distribute amounts for the Program
14 solely from annual receipts on deposit in the Rental Housing
15 Support Program Fund that are appropriated in each year for
16 distribution by the Authority for the Program, and not from
17 any other source of funds for the Authority, as follows:

18 (1) A proportionate share of annual receipts on
19 deposit appropriated to the Fund each year, as determined
20 under subsection (d) of Section 15 of this Act, shall be
21 distributed to municipalities with a population greater
22 than 2,000,000. Those municipalities shall use at least
23 10% of those funds in accordance with Section 20 of this
24 Act, and all provisions governing the Authority's actions

1 under Section 20 shall govern the actions of the corporate
2 authorities of a municipality under this Section. As to
3 the balance of the annual distribution, the municipality
4 shall designate a non-profit organization that meets the
5 specific criteria set forth in Section 25 of this Act to
6 serve as the "local administering agency" under Section 15
7 of this Act.

8 (2) Of the remaining annual receipts on deposit
9 appropriated to the Fund each year after the distribution
10 in paragraph (1) of this subsection, the Authority shall
11 designate at least 10% for the purposes of Section 20 of
12 this Act in areas of the State not covered under paragraph
13 (1) of this subsection.

14 (3) The remaining annual receipts on deposit
15 appropriated to the Fund each year after the distributions
16 in paragraphs (1) and (2) of this subsection shall be
17 distributed according to Section 15 of this Act in areas
18 of the State not covered under paragraph (1) of this
19 subsection.

20 (4) Annual receipts distributed under paragraphs (1)
21 and (2) of this subsection (b) and under Section 15 shall
22 be distributed with priority to local administering
23 agencies from the county in which the annual receipts were
24 collected.

25 (5) The Authority shall wait at least 6 months after
26 annual receipts are deposited into the Fund before

1 distributing the annual receipts.

2 (Source: P.A. 99-97, eff. 7-22-15.)

3 (310 ILCS 105/15)

4 Sec. 15. Grants to local administering agencies.

5 (a) Under the program, the Authority shall make grants to
6 local administering agencies to provide subsidies to landlords
7 to enable the landlords to charge rent affordable for
8 low-income tenants. Grants shall also include an amount for
9 the operating expenses of local administering agencies. On an
10 annual basis, operating expenses for local administering
11 agencies shall not exceed 10% for grants under \$500,000 and
12 shall not exceed 7% for grants over \$500,000. If a grant to a
13 local administering agency covers more than one year, the
14 Authority shall calculate operating expenses on an annual pro
15 rata share of the grant. If the annual pro rata share is
16 \$500,000 or less, then the fee shall be 10%; if the annual pro
17 rata share is greater than \$500,000, then the fee shall be 7%.

18 (b) The Authority shall develop a request-for-proposals
19 process for soliciting proposals from local administering
20 agencies and for awarding grants. The request-for-proposals
21 process and the funded projects must be consistent with the
22 criteria set forth in Section 25 and with additional criteria
23 set forth by the Authority in rules implementing this Act.

24 (c) Local administering agencies may be local governmental
25 bodies, local housing authorities, or not-for-profit

1 organizations. The Authority shall set forth in rules the
2 financial and capacity requirements necessary for an
3 organization to qualify as a local administering agency and
4 the parameters for administration of the grants by local
5 administering agencies. The Authority shall work with each
6 county to ensure that at least one local administering agency
7 is located within each county.

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

1 available. The Authority shall phase in any changes to the
2 geographic formula to prevent a large withdrawal of resources
3 from one area that could negatively impact households
4 receiving rental housing support. Up to 20% of the funds
5 allocated for rural areas, as defined in this subsection, may
6 be set aside and awarded to one administering agency to be
7 distributed throughout the rural areas in the State to
8 localities that desire a number of subsidized units of housing
9 that is too small to justify the establishment of a full local
10 program. In those localities, the administering agency may
11 contract with local agencies to share the administrative tasks
12 of the program, such as inspections of units.

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

24 (f) In order to maintain consistency for households
25 receiving rental housing support, the Authority shall, to the
26 extent possible given funding resources available in the

1 Rental Housing Support Program, continue to fund local
2 administering agencies at the same level on an annual basis,
3 unless the Authority determines that a local administering
4 agency is not meeting the criteria set forth in Section 25 or
5 is not adhering to other standards set forth by rule by the
6 Authority.

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