

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

23 Section 7. Definitions. In this Act:

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

26 "Program" means the Rental Housing Support Program.

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

1 Section 10. Creation of program. The Rental Housing
2 Support Program is created within the Illinois Housing
3 Development Authority. The Authority shall administer the
4 program.

5 Section 15. Grants to local administering agencies.

6 (a) Under the program, the Authority shall make grants
7 to local administering agencies to provide subsidies to
8 landlords to enable the landlords to charge rent affordable
9 for low-income tenants. Grants shall also include an amount
10 for the operating expenses of local administering agencies.

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
18 governmental bodies, local housing authorities, or
19 not-for-profit organizations. The Authority shall set forth
20 in rules the financial and capacity requirements necessary
21 for an organization to qualify as a local administering
22 agency.

23 (d) The Authority shall distribute grants to local
24 administering agencies according to the following geographic
25 distribution formula: of funds received to support the
26 program, 50% must go to Chicago; 20% must go to the Chicago
27 suburban counties of Cook (excluding Chicago), DuPage, Lake,
28 Kane, Will, and McHenry; 15% must go to small metropolitan
29 areas ("small metropolitan areas" are defined as:
30 Springfield, Rockford, Peoria, Decatur, Champaign-Urbana,
31 Bloomington-Normal, Rock Island, DeKalb, Madison County,
32 Moline, Pekin, Rantoul, and St. Clair County); and 15 % must
33 go to rural areas.

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

13 (f) The Chicago Low-Income Housing Trust Fund has an
14 existing program that matches the function and purpose of the
15 program described in this Act and meets the specific criteria
16 set forth in Section 25. Therefore, the Chicago Low-Income
17 Housing Trust Fund shall be the local administering agency of
18 the program for Chicago and shall receive the funds
19 designated for Chicago under the geographic distribution
20 formula set forth in subsection (d)

21 Section 20. Grants to developers.

22 (a) The Authority may award grants under the program
23 directly to developers of new affordable rental housing for
24 long-term operating support to enable the rent on such units
25 to be affordable. Developers of such new housing shall apply
26 directly to the Authority for this type of grant under the
27 program.

28 (b) The Authority shall prescribe by rule the
29 application requirements and the qualifications necessary for
30 a developer and a development to qualify for a grant under
31 the program. In any event, however, to qualify for a grant,
32 the development must satisfy the criteria set forth in
33 Section 25, unless waived by the Authority based on special

1 circumstances and in furtherance of the purpose of the
2 program to increase the supply of affordable rental housing.

3 (c) The Authority must use 10% of its funds in any given
4 year on grants under this Section. In any given year, the
5 Authority is not required to spend the 10% of its funds that
6 accrues in that year but may add all or part of that 10% to
7 the 10% allocation for subsequent years for the purpose of
8 funding grants under this Section.

9 Section 25. Criteria for awarding grants. The Authority
10 shall adopt rules to govern the awarding of grants and the
11 continuing eligibility for grants under Sections 15 and 20.
12 Requests for proposals under Section 20 must specify that
13 proposals must satisfy these rules. The rules must contain
14 and be consistent with, but need not be limited to, the
15 following criteria:

16 (1) Eligibility for tenancy in the units supported
17 by grants must be limited to households with gross income
18 at or below 30% of the area median income, determined by
19 the Authority using statistical data it deems to be
20 reliable and as specific as possible for the area in
21 which the grant will be made. Fifty percent of the units
22 that are supported by any grant must be set aside for
23 households whose income is at or below 15% of the area
24 median income, provided that localities and developers
25 may negotiate flexibility in this set-aside with the
26 Authority if they demonstrate that they have been unable
27 to locate sufficient tenants in this lower income range.
28 Tenants must have sufficient income to be able to afford
29 the tenant's share of the rent.

30 (2) Local administering authorities must include
31 2-bedroom, 3-bedroom, and 4-bedroom units among those
32 intended to be supported by grants under the program. In
33 grants under Section 15, the precise number of these

1 units among all the units intended to be supported by a
2 grant must be based on need in the community for larger
3 units and other factors that the Authority specifies in
4 rules. The local administering agency must specify the
5 basis for the numbers of these units that are proposed
6 for support under a grant. Local administering agencies
7 must make a good faith effort to comply with this
8 allocation of unit sizes. In grants awarded under Section
9 20, developers and the Authority shall negotiate the
10 numbers and sizes of units to be built in a project and
11 supported by the grant.

12 (3) Under grants awarded under Section 15, local
13 administering authorities must pay subsidies to landlords
14 on a quarterly basis and in advance of the quarter paid
15 for.

16 (4) Local administering agencies and developers
17 must specify how vacancies in units supported by a grant
18 must be advertised, and with respect to each vacancy they
19 must include provisions for outreach to local homeless
20 shelters, organizations that work with people with
21 disabilities, and others interested in affordable
22 housing.

23 (5) The local administering agency or developer
24 must establish a schedule for the tenant's rental
25 obligation for units supported by a grant. The tenant's
26 share of the rent must be a flat amount based on the size
27 of the unit and the household's income category. In
28 establishing the schedule for the tenant's rental
29 obligation, the local administering agency or developer
30 must use 30% of gross income within an income range as a
31 guide, and it may charge an additional or lesser amount
32 depending on the size of the unit.

33 (6) The amount of the subsidy provided under a
34 grant for a unit must be the difference between the

1 amount of the tenant's obligation and the total amount of
2 rent for the unit. The total amount of rent for the unit
3 must be negotiated between the local administering
4 authority and the landlord under Section 15, or between
5 the Authority and the developer under Section 20, based
6 on the operating expenses for the unit and using fair
7 market rent as a guideline.

8 (7) Local administering authorities and developers,
9 pursuant to criteria the Authority develops in rules,
10 must ensure that there are procedures in place to
11 maintain the safety and habitability of units supported
12 under grants according to local standards. Local
13 administering agencies must inspect units before
14 supporting them under a grant awarded under Section 15.

15 (8) Local administering agencies must provide or
16 ensure that tenants are provided with a "bill of rights"
17 with their lease setting forth local landlord-tenant laws
18 and procedures and contact information for the local
19 administering agency.

20 (9) A local administering agency must create a plan
21 detailing a process for helping to provide information
22 and referrals when necessary for education, training, and
23 other supportive services to tenants living in units
24 supported under the grant. The plan must be submitted as
25 a part of the administering agency's proposal to the
26 Authority required under Section 15.

27 (10) Local administering agencies and developers
28 may not use funding under the grant to develop or support
29 housing that segregates tenants according to presence of
30 or type of disability.

31 Section 30. Funding stream reserve. If the program
32 receives funding from a source that fluctuates (such as user
33 fees), the Authority must each year place 10% of the revenue

1 from that source in an operating reserve. The Authority must
2 continue to add to the reserve until the reserve contains an
3 amount equal to the annual rental subsidy commitment of the
4 program. The Authority shall draw on this reserve whenever
5 the revenue falls below commitments for rental subsidies. If
6 funds are withdrawn from the reserve, payments to the reserve
7 must recommence when revenue is sufficient and must continue
8 until the reserve reaches an amount equal to the annual
9 rental subsidy commitments.

10 Section 90. The State Finance Act is amended by adding
11 Section 5.595 as follows:

12 (30 ILCS 105/5.595 new)

13 Sec. 5.595. The Rental Housing Support Program Fund.

14 Section 95. The Counties Code is amended by changing
15 Sections 3-5018 and 4-12002 as follows:

16 (55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

17 Sec. 3-5018. Fees. The recorder elected as provided for
18 in this Division shall receive such fees as are or may be
19 provided for him by law, in case of provision therefor:
20 otherwise he shall receive the same fees as are or may be
21 provided in this Section, except when increased by county
22 ordinance pursuant to the provisions of this Section, to be
23 paid to the county clerk for his services in the office of
24 recorder for like services.

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

30 For recording deeds or other instruments wherein the

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

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

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

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

29 Each certificate of such recorder of the recording of the
30 deed or other writing and of the date of recording the same
31 signed by such recorder, shall be sufficient evidence of the
32 recording thereof, and such certificate including the
33 indexing of record, shall be furnished upon the payment of
34 the fee for recording the instrument, and no additional fee

1 shall be allowed for the certificate or indexing.

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

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

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

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

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

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

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

34 The county board of any county may provide for an

1 additional charge of \$3 for filing every instrument, paper,
2 or notice for record, in order to defray the cost of
3 converting the county recorder's document storage system to
4 computers or micrographics.

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

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

28 The recorder shall collect a \$10 surcharge over and above
29 any other fees collected under this Section. One dollar of
30 the surcharge shall be retained by the county in which it was
31 collected. Nine dollars of the State surcharge shall be
32 deposited into the Rental Housing Support Program Fund, a
33 special fund created in the State treasury. Subject to
34 appropriation, amounts in the Fund may be expended only for

1 the purpose of funding the Rental Housing Support Program.

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

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

31 (Source: P.A. 91-791, eff. 6-9-00; 91-886, eff. 1-1-01;
32 91-893, eff. 7-1-01; 92-16, eff. 6-28-01; 92-492, eff.
33 1-1-02.)

1 (55 ILCS 5/4-12002) (from Ch. 34, par. 4-12002)
2 Sec. 4-12002. Fees of recorder in third class counties.
3 The fees of the recorder in counties of the third class for
4 recording deeds or other instruments in writing and maps of
5 plats of additions, subdivisions or otherwise, and for
6 certifying copies of records, shall be paid in advance and
7 shall be as follows:

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

12 For recording deeds or other instruments wherein the
13 premises affected thereby are referred to by document number
14 and not by legal description the recorder shall charge a fee
15 of \$4 in addition to that hereinabove referred to for each
16 document number therein noted.

17 For recording deeds or other instruments wherein more
18 than one tract, parcel or lot is described and such
19 additional tract, or tracts, parcel or parcels, lot or lots
20 is or are described therein as falling in a separate or
21 different addition or subdivision the recorder shall charge
22 as an additional fee, to that herein provided, the sum of \$2
23 for each additional addition or subdivision referred to in
24 such deed or instrument.

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

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

33 For filing of each release of any chattel mortgage or
34 trust deed which has been filed but not recorded and for

1 indexing the same in the book to be kept for that purpose
2 \$10.

3 For processing the sworn or affirmed statement required
4 for filing a deed or assignment of a beneficial interest in a
5 land trust in accordance with Section 3-5020 of this Code,
6 \$2.

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

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

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

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

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

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

34 A document that does not conform to these standards shall not

1 be recorded except upon payment of the additional fee
2 required under this paragraph. This paragraph, as amended by
3 this amendatory Act of 1995, applies only to documents dated
4 after the effective date of this amendatory Act of 1995.

5 The recorder shall collect a \$10 surcharge over and above
6 any other fees collected under this Section. One dollar of
7 the surcharge shall be retained by the county in which it was
8 collected. Nine dollars of the State surcharge shall be
9 deposited into the Rental Housing Support Program Fund, a
10 special fund created in the State treasury. Subject to
11 appropriation, amounts in the Fund may be expended only for
12 the purpose of funding the Rental Housing Support Program.

13 The fee requirements of this Section apply to units of
14 local government and school districts.

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

26 (Source: P.A. 92-492, eff. 1-1-02.)