

1 AN ACT concerning lending practices.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) The following shall be exempt from inspection and
9 copying:

10 (a) Information specifically prohibited from
11 disclosure by federal or State law or rules and regulations
12 adopted under federal or State law.

13 (b) Information that, if disclosed, would constitute a
14 clearly unwarranted invasion of personal privacy, unless
15 the disclosure is consented to in writing by the individual
16 subjects of the information. The disclosure of information
17 that bears on the public duties of public employees and
18 officials shall not be considered an invasion of personal
19 privacy. Information exempted under this subsection (b)
20 shall include but is not limited to:

21 (i) files and personal information maintained with
22 respect to clients, patients, residents, students or
23 other individuals receiving social, medical,
24 educational, vocational, financial, supervisory or
25 custodial care or services directly or indirectly from
26 federal agencies or public bodies;

27 (ii) personnel files and personal information
28 maintained with respect to employees, appointees or
29 elected officials of any public body or applicants for
30 those positions;

31 (iii) files and personal information maintained
32 with respect to any applicant, registrant or licensee

1 by any public body cooperating with or engaged in
2 professional or occupational registration, licensure
3 or discipline;

4 (iv) information required of any taxpayer in
5 connection with the assessment or collection of any tax
6 unless disclosure is otherwise required by State
7 statute;

8 (v) information revealing the identity of persons
9 who file complaints with or provide information to
10 administrative, investigative, law enforcement or
11 penal agencies; provided, however, that identification
12 of witnesses to traffic accidents, traffic accident
13 reports, and rescue reports may be provided by agencies
14 of local government, except in a case for which a
15 criminal investigation is ongoing, without
16 constituting a clearly unwarranted per se invasion of
17 personal privacy under this subsection; and

18 (vi) the names, addresses, or other personal
19 information of participants and registrants in park
20 district, forest preserve district, and conservation
21 district programs.

22 (c) Records compiled by any public body for
23 administrative enforcement proceedings and any law
24 enforcement or correctional agency for law enforcement
25 purposes or for internal matters of a public body, but only
26 to the extent that disclosure would:

27 (i) interfere with pending or actually and
28 reasonably contemplated law enforcement proceedings
29 conducted by any law enforcement or correctional
30 agency;

31 (ii) interfere with pending administrative
32 enforcement proceedings conducted by any public body;

33 (iii) deprive a person of a fair trial or an
34 impartial hearing;

35 (iv) unavoidably disclose the identity of a
36 confidential source or confidential information

1 furnished only by the confidential source;

2 (v) disclose unique or specialized investigative
3 techniques other than those generally used and known or
4 disclose internal documents of correctional agencies
5 related to detection, observation or investigation of
6 incidents of crime or misconduct;

7 (vi) constitute an invasion of personal privacy
8 under subsection (b) of this Section;

9 (vii) endanger the life or physical safety of law
10 enforcement personnel or any other person; or

11 (viii) obstruct an ongoing criminal investigation.

12 (d) Criminal history record information maintained by
13 State or local criminal justice agencies, except the
14 following which shall be open for public inspection and
15 copying:

16 (i) chronologically maintained arrest information,
17 such as traditional arrest logs or blotters;

18 (ii) the name of a person in the custody of a law
19 enforcement agency and the charges for which that
20 person is being held;

21 (iii) court records that are public;

22 (iv) records that are otherwise available under
23 State or local law; or

24 (v) records in which the requesting party is the
25 individual identified, except as provided under part
26 (vii) of paragraph (c) of subsection (1) of this
27 Section.

28 "Criminal history record information" means data
29 identifiable to an individual and consisting of
30 descriptions or notations of arrests, detentions,
31 indictments, informations, pre-trial proceedings, trials,
32 or other formal events in the criminal justice system or
33 descriptions or notations of criminal charges (including
34 criminal violations of local municipal ordinances) and the
35 nature of any disposition arising therefrom, including
36 sentencing, court or correctional supervision,

1 rehabilitation and release. The term does not apply to
2 statistical records and reports in which individuals are
3 not identified and from which their identities are not
4 ascertainable, or to information that is for criminal
5 investigative or intelligence purposes.

6 (e) Records that relate to or affect the security of
7 correctional institutions and detention facilities.

8 (f) Preliminary drafts, notes, recommendations,
9 memoranda and other records in which opinions are
10 expressed, or policies or actions are formulated, except
11 that a specific record or relevant portion of a record
12 shall not be exempt when the record is publicly cited and
13 identified by the head of the public body. The exemption
14 provided in this paragraph (f) extends to all those records
15 of officers and agencies of the General Assembly that
16 pertain to the preparation of legislative documents.

17 (g) Trade secrets and commercial or financial
18 information obtained from a person or business where the
19 trade secrets or information are proprietary, privileged
20 or confidential, or where disclosure of the trade secrets
21 or information may cause competitive harm, including all
22 information determined to be confidential under Section
23 4002 of the Technology Advancement and Development Act.
24 Nothing contained in this paragraph (g) shall be construed
25 to prevent a person or business from consenting to
26 disclosure.

27 (h) Proposals and bids for any contract, grant, or
28 agreement, including information which if it were
29 disclosed would frustrate procurement or give an advantage
30 to any person proposing to enter into a contractor
31 agreement with the body, until an award or final selection
32 is made. Information prepared by or for the body in
33 preparation of a bid solicitation shall be exempt until an
34 award or final selection is made.

35 (i) Valuable formulae, computer geographic systems,
36 designs, drawings and research data obtained or produced by

1 any public body when disclosure could reasonably be
2 expected to produce private gain or public loss. The
3 exemption for "computer geographic systems" provided in
4 this paragraph (i) does not extend to requests made by news
5 media as defined in Section 2 of this Act when the
6 requested information is not otherwise exempt and the only
7 purpose of the request is to access and disseminate
8 information regarding the health, safety, welfare, or
9 legal rights of the general public.

10 (j) Test questions, scoring keys and other examination
11 data used to administer an academic examination or
12 determined the qualifications of an applicant for a license
13 or employment.

14 (k) Architects' plans, engineers' technical
15 submissions, and other construction related technical
16 documents for projects not constructed or developed in
17 whole or in part with public funds and the same for
18 projects constructed or developed with public funds, but
19 only to the extent that disclosure would compromise
20 security, including but not limited to water treatment
21 facilities, airport facilities, sport stadiums, convention
22 centers, and all government owned, operated, or occupied
23 buildings.

24 (l) Library circulation and order records identifying
25 library users with specific materials.

26 (m) Minutes of meetings of public bodies closed to the
27 public as provided in the Open Meetings Act until the
28 public body makes the minutes available to the public under
29 Section 2.06 of the Open Meetings Act.

30 (n) Communications between a public body and an
31 attorney or auditor representing the public body that would
32 not be subject to discovery in litigation, and materials
33 prepared or compiled by or for a public body in
34 anticipation of a criminal, civil or administrative
35 proceeding upon the request of an attorney advising the
36 public body, and materials prepared or compiled with

1 respect to internal audits of public bodies.

2 (o) Information received by a primary or secondary
3 school, college or university under its procedures for the
4 evaluation of faculty members by their academic peers.

5 (p) Administrative or technical information associated
6 with automated data processing operations, including but
7 not limited to software, operating protocols, computer
8 program abstracts, file layouts, source listings, object
9 modules, load modules, user guides, documentation
10 pertaining to all logical and physical design of
11 computerized systems, employee manuals, and any other
12 information that, if disclosed, would jeopardize the
13 security of the system or its data or the security of
14 materials exempt under this Section.

15 (q) Documents or materials relating to collective
16 negotiating matters between public bodies and their
17 employees or representatives, except that any final
18 contract or agreement shall be subject to inspection and
19 copying.

20 (r) Drafts, notes, recommendations and memoranda
21 pertaining to the financing and marketing transactions of
22 the public body. The records of ownership, registration,
23 transfer, and exchange of municipal debt obligations, and
24 of persons to whom payment with respect to these
25 obligations is made.

26 (s) The records, documents and information relating to
27 real estate purchase negotiations until those negotiations
28 have been completed or otherwise terminated. With regard to
29 a parcel involved in a pending or actually and reasonably
30 contemplated eminent domain proceeding under Article VII
31 of the Code of Civil Procedure, records, documents and
32 information relating to that parcel shall be exempt except
33 as may be allowed under discovery rules adopted by the
34 Illinois Supreme Court. The records, documents and
35 information relating to a real estate sale shall be exempt
36 until a sale is consummated.

1 (t) Any and all proprietary information and records
2 related to the operation of an intergovernmental risk
3 management association or self-insurance pool or jointly
4 self-administered health and accident cooperative or pool.

5 (u) Information concerning a university's adjudication
6 of student or employee grievance or disciplinary cases, to
7 the extent that disclosure would reveal the identity of the
8 student or employee and information concerning any public
9 body's adjudication of student or employee grievances or
10 disciplinary cases, except for the final outcome of the
11 cases.

12 (v) Course materials or research materials used by
13 faculty members.

14 (w) Information related solely to the internal
15 personnel rules and practices of a public body.

16 (x) Information contained in or related to
17 examination, operating, or condition reports prepared by,
18 on behalf of, or for the use of a public body responsible
19 for the regulation or supervision of financial
20 institutions or insurance companies, unless disclosure is
21 otherwise required by State law.

22 (y) Information the disclosure of which is restricted
23 under Section 5-108 of the Public Utilities Act.

24 (z) Manuals or instruction to staff that relate to
25 establishment or collection of liability for any State tax
26 or that relate to investigations by a public body to
27 determine violation of any criminal law.

28 (aa) Applications, related documents, and medical
29 records received by the Experimental Organ Transplantation
30 Procedures Board and any and all documents or other records
31 prepared by the Experimental Organ Transplantation
32 Procedures Board or its staff relating to applications it
33 has received.

34 (bb) Insurance or self insurance (including any
35 intergovernmental risk management association or self
36 insurance pool) claims, loss or risk management

1 information, records, data, advice or communications.

2 (cc) Information and records held by the Department of
3 Public Health and its authorized representatives relating
4 to known or suspected cases of sexually transmissible
5 disease or any information the disclosure of which is
6 restricted under the Illinois Sexually Transmissible
7 Disease Control Act.

8 (dd) Information the disclosure of which is exempted
9 under Section 30 of the Radon Industry Licensing Act.

10 (ee) Firm performance evaluations under Section 55 of
11 the Architectural, Engineering, and Land Surveying
12 Qualifications Based Selection Act.

13 (ff) Security portions of system safety program plans,
14 investigation reports, surveys, schedules, lists, data, or
15 information compiled, collected, or prepared by or for the
16 Regional Transportation Authority under Section 2.11 of
17 the Regional Transportation Authority Act or the St. Clair
18 County Transit District under the Bi-State Transit Safety
19 Act.

20 (gg) Information the disclosure of which is restricted
21 and exempted under Section 50 of the Illinois Prepaid
22 Tuition Act.

23 (hh) Information the disclosure of which is exempted
24 under the State Officials and Employees Ethics Act.

25 (ii) Beginning July 1, 1999, information that would
26 disclose or might lead to the disclosure of secret or
27 confidential information, codes, algorithms, programs, or
28 private keys intended to be used to create electronic or
29 digital signatures under the Electronic Commerce Security
30 Act.

31 (jj) Information contained in a local emergency energy
32 plan submitted to a municipality in accordance with a local
33 emergency energy plan ordinance that is adopted under
34 Section 11-21.5-5 of the Illinois Municipal Code.

35 (kk) Information and data concerning the distribution
36 of surcharge moneys collected and remitted by wireless

1 carriers under the Wireless Emergency Telephone Safety
2 Act.

3 (ll) Vulnerability assessments, security measures, and
4 response policies or plans that are designed to identify,
5 prevent, or respond to potential attacks upon a community's
6 population or systems, facilities, or installations, the
7 destruction or contamination of which would constitute a
8 clear and present danger to the health or safety of the
9 community, but only to the extent that disclosure could
10 reasonably be expected to jeopardize the effectiveness of
11 the measures or the safety of the personnel who implement
12 them or the public. Information exempt under this item may
13 include such things as details pertaining to the
14 mobilization or deployment of personnel or equipment, to
15 the operation of communication systems or protocols, or to
16 tactical operations.

17 (mm) Maps and other records regarding the location or
18 security of a utility's generation, transmission,
19 distribution, storage, gathering, treatment, or switching
20 facilities.

21 (nn) Law enforcement officer identification
22 information or driver identification information compiled
23 by a law enforcement agency or the Department of
24 Transportation under Section 11-212 of the Illinois
25 Vehicle Code.

26 (oo) Records and information provided to a residential
27 health care facility resident sexual assault and death
28 review team or the Residential Health Care Facility
29 Resident Sexual Assault and Death Review Teams Executive
30 Council under the Residential Health Care Facility
31 Resident Sexual Assault and Death Review Team Act.

32 (pp) Information provided to the predatory lending
33 database created pursuant to Article 3 of the Residential
34 Real Property Disclosure Act, except to the extent
35 authorized under that Article.

36 (2) This Section does not authorize withholding of

1 information or limit the availability of records to the public,
2 except as stated in this Section or otherwise provided in this
3 Act.

4 (Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281,
5 eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43,
6 eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03;
7 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff.
8 8-21-03; 93-617, eff. 12-9-03.)

9 Section 10. The Residential Real Property Disclosure Act
10 is amended by adding an Article caption immediately before
11 Section 1 as follows:

12 ARTICLE 1
13 SHORT TITLE

14 Section 15. The Residential Real Property Disclosure Act is
15 amended by adding an Article caption immediately before Section
16 5 as follows:

17 ARTICLE 2
18 DISCLOSURES

19 Section 20. The Residential Real Property Disclosure Act is
20 amended by adding an Article caption and by adding Sections 70,
21 72, 74, and 76 immediately after Section 65 as follows:

22 ARTICLE 3
23 PREDATORY LENDING DATABASE

24 (765 ILCS 77/70 new)

25 Sec. 70. Predatory lending database pilot program.

26 (a) As used in this Article:

27 "Borrower" means a person seeking a mortgage loan.

28 "Broker" means a "broker" or "loan broker", as defined in
29 subsection (p) of Section 1-4 of the Residential Mortgage

1 License Act of 1987.

2 "Closing agent" means an individual assigned by a title
3 insurance company or a broker or originator to ensure that the
4 execution of documents related to the closing of a real estate
5 sale or the refinancing of a real estate loan and the
6 disbursement of closing funds are in conformity with the
7 instructions of the entity financing the transaction.

8 "Department" means the Department of Financial and
9 Professional Regulation.

10 "Exempt person" means that term as it is defined in
11 subsections (d)(1) and (d)(1.5) of Section 1-4 of the
12 Residential Mortgage License Act of 1987.

13 "Lender" means that term as it is defined in subsection (g)
14 of Section 1-4 of the Residential Mortgage License Act.

15 "Licensee" means that term as it is defined in subsection
16 (e) of Section 1-4 of the Residential Mortgage License Act of
17 1987.

18 "Mortgage loan" means that term as it is defined in
19 subsection (f) of Section 1-4 of the Residential Mortgage
20 License Act of 1987.

21 "Originator" means a "loan originator" as defined in
22 subsection (hh) of Section 1-4 of the Residential Mortgage
23 License Act of 1987, except an exempt person.

24 "Pilot program area" means all areas within Cook County
25 designated as such by the Department due to the high rate of
26 foreclosure on residential home mortgages that is primarily the
27 result of predatory lending practices. The Department shall
28 designate the pilot program area within 30 days after the
29 effective date of this amendatory Act of the 94th General
30 Assembly.

31 "Title insurance company" means any domestic company
32 organized under the laws of this State for the purpose of
33 conducting the business of guaranteeing or insuring titles to
34 real estate and any title insurance company organized under the
35 laws of another State, the District of Columbia, or a foreign
36 government and authorized to transact the business of

1 guaranteeing or insuring titles to real estate in this State.

2 (b) A predatory lending database pilot program is
3 established within the pilot program area. The pilot program
4 shall continue for 4 years after its creation and shall be
5 administered in accordance with Article 3 of this Act. The
6 database created under this program shall be maintained and
7 administered by the Department. The database shall be designed
8 to allow brokers, originators, credit counselors, title
9 insurance companies, and closing agents to submit information
10 to the database online. The database shall not be designed to
11 allow those entities to retrieve information from the database,
12 except as otherwise provided in this Article. Information
13 submitted by the broker or originator to the Department may be
14 used to populate the online form submitted by a credit
15 counselor, title insurance company, or closing agent.

16 (c) Within 10 days after taking a mortgage application, the
17 broker or originator for any mortgage on residential property
18 within the pilot program area must submit to the predatory
19 lending database all of the information required under Section
20 72 and any other information required by the Department by
21 rule. Within 7 days after receipt of the information, the
22 Department shall compare that information to credit counseling
23 standards developed by the Department by rule and issue to the
24 borrower and the broker or originator a determination of
25 whether credit counseling is recommended for the borrower. The
26 borrower may not waive credit counseling. If at any time after
27 submitting the information required under Section 72 the broker
28 or originator (i) changes the terms of the loan or (ii) issues
29 a new commitment to the borrower, then, within 5 days
30 thereafter, the broker or originator shall re-submit all of the
31 information required under Section 72 and, within 4 days after
32 receipt of the information re-submitted by the broker or
33 originator, the Department shall compare that information to
34 credit counseling standards developed by the Department by rule
35 and shall issue to the borrower and the broker or originator a
36 new determination of whether credit counseling is recommended

1 for the borrower based on the information re-submitted by the
2 broker or originator.

3 (d) If the Department recommends credit counseling for the
4 borrower under subsection (c), then the Department shall notify
5 the borrower of all HUD-certified counseling agencies located
6 within the State and direct the borrower to interview with a
7 counselor associated with one of those agencies. Within 10 days
8 after receipt of the notice of HUD-certified counseling
9 agencies, the borrower shall select one of those agencies and
10 shall engage in an interview with a counselor associated with
11 that agency. Within 7 days after interviewing the borrower, the
12 credit counselor must submit to the predatory lending database
13 all of the information required under Section 74 and any other
14 information required by the Department by rule. Any costs
15 associated with credit counseling provided under the pilot
16 program shall be paid by the broker or originator.

17 (e) The broker or originator and the borrower may not take
18 any legally binding action concerning the loan transaction
19 until the later of the following:

20 (1) the Department issues a determination not to
21 recommend credit counseling for the borrower in accordance
22 with subsection (c); or

23 (2) the Department issues a determination that credit
24 counseling is recommended for the borrower and the credit
25 counselor submits all required information to the database
26 in accordance with subsection (d).

27 (f) Within 10 days after closing, the title insurance
28 company or closing agent must submit to the predatory lending
29 database all of the information required under Section 76 and
30 any other information required by the Department by rule.

31 (g) Upon recording the mortgage, the title insurance
32 company or closing agent must simultaneously file with the
33 recorder a certificate of its compliance with the requirements
34 of this Article, as generated by the database. If the title
35 insurance company or closing agent fails to file the
36 certificate of compliance, then the mortgage is not recordable.

1 In addition, if any lis pendens for a residential mortgage
2 foreclosure is recorded on the property within the pilot
3 program area, a certificate of service must be simultaneously
4 recorded that affirms that a copy of the lis pendens was filed
5 with the Department. If the certificate of service is not
6 recorded, then the lis pendens pertaining to the residential
7 mortgage foreclosure in question is not recordable and is of no
8 force and effect.

9 (h) All information provided to the predatory lending
10 database under the program is confidential and is not subject
11 to disclosure under the Freedom of Information Act, except as
12 otherwise provided in this Article. Any borrower may authorize
13 in writing the release of database information. The Department
14 may use the information in the database without the consent of
15 the borrower: (i) for the purposes of administering and
16 enforcing the pilot program; (ii) to provide relevant
17 information to a credit counselor providing credit counseling
18 to a borrower under the pilot program; or (iii) to the
19 appropriate law enforcement agency or the applicable
20 administrative agency if the database information demonstrates
21 criminal, fraudulent, or otherwise illegal activity.

22 (i) Nothing in this Article is intended to prevent a
23 borrower from making his or her own decision as to whether to
24 proceed with a transaction.

25 (j) Any person who violates any provision of this Article
26 commits an unlawful practice within the meaning of the Consumer
27 Fraud and Deceptive Business Practices Act.

28 (k) Not later than one year after the Department designates
29 the pilot program area and annually thereafter during the
30 existence of the pilot program, the Department shall report to
31 the Governor and to the General Assembly concerning its
32 administration and the effectiveness of the pilot program.

33 (765 ILCS 77/72 new)

34 Sec. 72. Originator; required information. As part of the
35 predatory lending database pilot program, the broker or

1 originator must submit all of the following information for
2 inclusion in the predatory lending database for each loan for
3 which the originator takes an application:

4 (1) The borrower's name, address, social security
5 number or taxpayer identification number, date of birth,
6 and income and expense information contained in the
7 mortgage application.

8 (2) The address, permanent index number, and a
9 description of the collateral and information about the
10 loan or loans being applied for and the loan terms,
11 including the amount of the loan, the rate and whether the
12 rate is fixed or adjustable, amortization or loan period
13 terms, and any other material terms.

14 (3) The borrower's credit score at the time of
15 application.

16 (4) Information about the originator and the company
17 the originator works for, including the originator's
18 license number and address, fees being charged, whether the
19 fees are being charged as points up front, the yield spread
20 premium payable outside closing, and other charges made or
21 remuneration required by the broker or originator or its
22 affiliates or the broker's or originator's employer or its
23 affiliates for the mortgage loans.

24 (5) Information about affiliated or third party
25 service providers, including the names and addresses of
26 appraisers, title insurance companies, closing agents,
27 attorneys, and realtors who are involved with the
28 transaction and the broker or originator and any moneys
29 received from the broker or originator in connection with
30 the transaction.

31 (6) All information indicated on the Good Faith
32 Estimate and Truth in Lending statement disclosures given
33 to the borrower by the broker or originator.

34 (7) Annual real estate taxes for the property, together
35 with any assessments payable in connection with the
36 property to be secured by the collateral and the proposed

1 monthly principal and interest charge of all loans to be
2 taken by the borrower and secured by the property of the
3 borrower.

4 (8) Information concerning how the broker or
5 originator obtained the client and the name of its referral
6 source, if any.

7 (9) Information concerning the notices provided by the
8 broker or originator to the borrower as required by law and
9 the date those notices were given.

10 (10) Information concerning whether a sale and
11 leaseback is contemplated and the names of the lessor and
12 lessee, seller, and purchaser.

13 (765 ILCS 77/74 new)

14 Sec. 74. Credit counselor; required information. As part of
15 the predatory lending database pilot program, a credit
16 counselor must submit all of the following information for
17 inclusion in the predatory lending database:

18 (1) The information called for in Section 72.

19 (2) Any information from the borrower that confirms or
20 contradicts the information called for under item (1) of
21 this Section.

22 (3) The name and address of the credit counselor.

23 (4) Information pertaining to the borrower's monthly
24 expenses that assists the credit counselor in determining
25 whether the borrower can afford the loans or loans for
26 which the borrower is applying.

27 (5) A list of the disclosures furnished to the
28 borrower, as seen and reviewed by the credit counselor, and
29 a comparison of that list to all disclosures required by
30 law.

31 (6) Whether the borrower provided tax returns to the
32 broker or originator or to the credit counselor, and, if
33 so, who prepared the tax returns.

34 (7) The date the loan commitment expires and whether a
35 written commitment has been given, together with the

1 proposed date of closing.

2 (8) A statement of the recommendations of the credit
3 counselor that indicates the counselor's response to each
4 of the following statements:

5 (A) The loan should not be approved due to indicia
6 of fraud.

7 (B) The loan should be approved; no material
8 problems noted.

9 (C) The borrower cannot afford the loan.

10 (D) The borrower does not understand the
11 transaction.

12 (E) The borrower does not understand the costs
13 associated with the transaction.

14 (F) The borrower's monthly income and expenses
15 have been reviewed and disclosed.

16 (G) The rate of the loan is above market rate.

17 (H) The borrower should seek a competitive bid from
18 another broker or originator.

19 (I) There are discrepancies between the borrower's
20 verbal understanding and the originator's completed
21 form.

22 (J) The borrower is precipitously close to not
23 being able to afford the loan.

24 (K) The borrower understands the true cost of debt
25 consolidation and the need for credit card discipline.

26 (L) The information that the borrower provided the
27 originator has been amended by the originator.

28 (765 ILCS 77/76 new)

29 Sec. 76. Title insurance company or closing agent; required
30 information. As part of the predatory lending database pilot
31 program, a title insurance company or closing agent must submit
32 all of the following information for inclusion in the predatory
33 lending database:

34 (1) The borrower's name, address, social security
35 number or taxpayer identification number, date of birth,

1 and income and expense information contained in the
2 mortgage application.

3 (2) The address, permanent index number, and a
4 description of the collateral and information about the
5 loan or loans being applied for and the loan terms,
6 including the amount of the loan, the rate and whether the
7 rate is fixed or adjustable, amortization or loan period
8 terms, and any other material terms.

9 (3) Annual real estate taxes for the property, together
10 with any assessments payable in connection with the
11 property to be secured by the collateral and the proposed
12 monthly principal and interest charge of all loans to be
13 taken by the borrower and secured by the property of the
14 borrower as well as any required escrows and the amounts
15 paid monthly for those escrows.

16 (4) All itemizations and descriptions set forth in the
17 RESPA settlement statement including items to be
18 disbursed, payable outside closing "POC" items noted on the
19 statement, and a list of payees and the amounts of their
20 checks.

21 (5) The name and license number of the title insurance
22 company or closing agent together with the name of the
23 agent actually conducting the closing.

24 (6) The names and addresses of all originators,
25 brokers, appraisers, sales persons, attorneys, and
26 surveyors that are present at the closing.

27 (7) The date of closing, a detailed list of all notices
28 provided to the borrower at closing and the date of those
29 notices, and all information indicated on the Truth in
30 Lending statement and Good Faith Estimate disclosures.

31 Section 25. The Residential Real Property Disclosure Act is
32 amended by adding an Article caption immediately before Section
33 99 as follows:

34 ARTICLE 4

1

EFFECTIVE DATE

2

Section 30. The Consumer Fraud and Deceptive Practices Act
3 is amended by changing Section 2Z as follows:

4

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

5

6 Sec. 2Z. Violations of other Acts. Any person who knowingly
7 violates the Automotive Repair Act, the Home Repair and
8 Remodeling Act, the Dance Studio Act, the Physical Fitness
9 Services Act, the Hearing Instrument Consumer Protection Act,
10 the Illinois Union Label Act, the Job Referral and Job Listing
11 Services Consumer Protection Act, the Travel Promotion
12 Consumer Protection Act, the Credit Services Organizations
13 Act, the Automatic Telephone Dialers Act, the Pay-Per-Call
14 Services Consumer Protection Act, the Telephone Solicitations
15 Act, the Illinois Funeral or Burial Funds Act, the Cemetery
16 Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery
17 Sales Act, the High Risk Home Loan Act, subsection (a) or (b)
18 of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b)
19 of Section 3-10 of the Cigarette Use Tax Act, the Electronic
20 Mail Act, paragraph (6) of subsection (k) of Section 6-305 of
21 the Illinois Vehicle Code, Article 3 of the Residential Real
22 Property Disclosure Act, or the Automatic Contract Renewal Act
23 commits an unlawful practice within the meaning of this Act.
24 (Source: P.A. 92-426, eff. 1-1-02; 93-561, eff. 1-1-04; 93-950,
eff. 1-1-05.)