



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4505

Introduced 1/31/2012, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-5018

from Ch. 34, par. 3-5018

55 ILCS 5/1131 new

Amends the Counties Code. Authorizes Lake County to establish an affordable housing trust fund. Provides that Lake County may, by ordinance or resolution, provide for an affordable housing trust fund surcharge in the amount of \$5 for the recordation of any real estate-related document to fund the affordable housing trust fund. Defines "affordable housing trust fund" and "real estate-related document". Effective immediately.

LRB097 17794 KMW 63010 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section
5 3-5018 and by adding Section 1131 as follows:

6 (55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

7 Sec. 3-5018. Fees. The recorder elected as provided for in
8 this Division shall receive such fees as are or may be provided
9 for him or her by law, in case of provision therefor: otherwise
10 he or she shall receive the same fees as are or may be provided
11 in this Section, except when increased by county ordinance
12 pursuant to the provisions of this Section, to be paid to the
13 county clerk for his or her services in the office of recorder
14 for like services.

15 For recording deeds or other instruments, \$12 for the first
16 4 pages thereof, plus \$1 for each additional page thereof, plus
17 \$1 for each additional document number therein noted. The
18 aggregate minimum fee for recording any one instrument shall
19 not be less than \$12.

20 For recording deeds or other instruments wherein the
21 premises affected thereby are referred to by document number
22 and not by legal description, a fee of \$1 in addition to that
23 hereinabove referred to for each document number therein noted.

1 For recording assignments of mortgages, leases or liens,
2 \$12 for the first 4 pages thereof, plus \$1 for each additional
3 page thereof. However, except for leases and liens pertaining
4 to oil, gas and other minerals, whenever a mortgage, lease or
5 lien assignment assigns more than one mortgage, lease or lien
6 document, a \$7 fee shall be charged for the recording of each
7 such mortgage, lease or lien document after the first one.

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

20 For non-certified copies of records, an amount not to
21 exceed one-half of the amount provided in this Section for
22 certified copies, according to a standard scale of fees,
23 established by county ordinance and made public. The provisions
24 of this paragraph shall not be applicable to any person or
25 entity who obtains non-certified copies of records in the
26 following manner: (i) in bulk for all documents recorded on any

1 given day in an electronic or paper format for a negotiated
2 amount less than the amount provided for in this paragraph for
3 non-certified copies, (ii) under a contractual relationship
4 with the recorder for a negotiated amount less than the amount
5 provided for in this paragraph for non-certified copies,
6 or (iii) by means of Internet access pursuant to Section
7 5-1106.1.

8 For certified copies of records, the same fees as for
9 recording, but in no case shall the fee for a certified copy of
10 a map or plat of an addition, subdivision or otherwise exceed
11 \$10.

12 Each certificate of such recorder of the recording of the
13 deed or other writing and of the date of recording the same
14 signed by such recorder, shall be sufficient evidence of the
15 recording thereof, and such certificate including the indexing
16 of record, shall be furnished upon the payment of the fee for
17 recording the instrument, and no additional fee shall be
18 allowed for the certificate or indexing.

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

- 24 (1) The document shall consist of one or more
25 individual sheets measuring 8.5 inches by 11 inches, not
26 permanently bound and not a continuous form. Graphic

1 displays accompanying a document to be recorded that
2 measure up to 11 inches by 17 inches shall be recorded
3 without charging an additional fee.

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

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

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

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

19 A document that does not conform to these standards shall not
20 be recorded except upon payment of the additional fee required
21 under this paragraph. This paragraph, as amended by this
22 amendatory Act of 1995, applies only to documents dated after
23 the effective date of this amendatory Act of 1995.

24 The county board of any county may provide for an
25 additional charge of \$3 for filing every instrument, paper, or
26 notice for record, (1) in order to defray the cost of

1 converting the county recorder's document storage system to
2 computers or micrographics and (2) in order to defray the cost
3 of providing access to records through the global information
4 system known as the Internet.

5 A special fund shall be set up by the treasurer of the
6 county and such funds collected pursuant to Public Act 83-1321
7 shall be used (1) for a document storage system to provide the
8 equipment, materials and necessary expenses incurred to help
9 defray the costs of implementing and maintaining such a
10 document records system and (2) for a system to provide
11 electronic access to those records.

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

1 System records. The remaining \$1 must be deposited into the
2 recorder's special funds created under Section 3-5005.4. The
3 recorder may, in his or her discretion, use moneys in the funds
4 created under Section 3-5005.4 to defray the cost of
5 implementing or maintaining the county's Geographic
6 Information System and to defray the cost of providing
7 electronic access to the county's Geographic Information
8 System records.

9 Any county that establishes an affordable housing trust
10 fund pursuant to Section 5-1131 of this Code may provide by
11 ordinance or resolution for an affordable housing trust fund
12 surcharge in the amount of \$5 for the recordation of any real
13 estate-related document for the sole purpose of funding the
14 affordable housing trust fund.

15 The recorder shall collect a \$10 Rental Housing Support
16 Program State surcharge for the recordation of any real
17 estate-related document. Payment of the Rental Housing Support
18 Program State surcharge shall be evidenced by a receipt that
19 shall be marked upon or otherwise affixed to the real
20 estate-related document by the recorder. The form of this
21 receipt shall be prescribed by the Department of Revenue and
22 the receipts shall be issued by the Department of Revenue to
23 each county recorder.

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

1 One dollar of each surcharge shall be retained by the
2 county in which it was collected. This dollar shall be
3 deposited into the county's general revenue fund. Fifty cents
4 of that amount shall be used for the costs of administering the
5 Rental Housing Support Program State surcharge and any other
6 lawful expenditures for the operation of the office of the
7 recorder and may not be appropriated or expended for any other
8 purpose. The amounts available to the recorder for expenditure
9 from the surcharge shall not offset or reduce any other county
10 appropriations or funding for the office of the recorder.

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

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

24 The foregoing fees allowed by this Section are the maximum
25 fees that may be collected from any officer, agency, department
26 or other instrumentality of the State. The county board may,

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

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

24 (Source: P.A. 96-1356, eff. 7-28-10.)

1 Sec. 1131. Affordable housing trust fund pilot program;
2 surcharge. Lake County may establish an affordable housing
3 trust fund. Lake County may provide by ordinance or resolution
4 for an affordable housing trust fund surcharge in the amount of
5 \$5 for the recordation of any real estate-related document for
6 the sole purpose of funding the affordable housing trust fund.

7 For purposes of this Section, "affordable housing trust
8 fund" means a trust fund established by the county board of
9 Lake County by resolution or ordinance for the purpose of
10 providing financial support for affordable housing activities
11 that address the housing needs of low-income and
12 moderate-income households as determined by the county board.

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.