



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5252

Introduced 2/8/2012, by Rep. Angelo Saviano

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-5018	from Ch. 34, par. 3-5018
55 ILCS 5/4-12002	from Ch. 34, par. 4-12002
310 ILCS 105/97 new	

Amends the Counties Code and the Rental Housing Support Program Act. Removes language requiring one dollar of each surcharge to be retained by the county in which it was collected and deposited into the county's general revenue fund. Provides that each recorder shall submit the surcharges (rather than \$9 of each surcharge) collected in the preceding month to the Department of Revenue and the Department shall deposit these amounts in the Rental Housing Support Program Fund. Adds a severability clause to the Rental Housing Support Program Act. Effective immediately.

LRB097 16333 KTG 61488 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning housing.

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 and 4-12002 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 The recorder shall collect a \$10 Rental Housing Support  
10 Program State surcharge for the recordation of any real  
11 estate-related document. Payment of the Rental Housing Support  
12 Program State surcharge shall be evidenced by a receipt that  
13 shall be marked upon or otherwise affixed to the real  
14 estate-related document by the recorder. The form of this  
15 receipt shall be prescribed by the Department of Revenue and  
16 the receipts shall be issued by the Department of Revenue to  
17 each county recorder.

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

21 ~~One dollar of each surcharge shall be retained by the~~  
22 ~~county in which it was collected. This dollar shall be~~  
23 ~~deposited into the county's general revenue fund. Fifty cents~~  
24 ~~of that amount shall be used for the costs of administering the~~  
25 ~~Rental Housing Support Program State surcharge and any other~~  
26 ~~lawful expenditures for the operation of the office of the~~

1 ~~recorder and may not be appropriated or expended for any other~~  
2 ~~purpose. The amounts available to the recorder for expenditure~~  
3 ~~from the surcharge shall not offset or reduce any other county~~  
4 ~~appropriations or funding for the office of the recorder.~~

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

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

19 The foregoing fees allowed by this Section are the maximum  
20 fees that may be collected from any officer, agency, department  
21 or other instrumentality of the State. The county board may,  
22 however, by ordinance, increase the fees allowed by this  
23 Section and collect such increased fees from all persons and  
24 entities other than officers, agencies, departments and other  
25 instrumentalities of the State if the increase is justified by  
26 an acceptable cost study showing that the fees allowed by this

1 Section are not sufficient to cover the cost of providing the  
2 service. Regardless of any other provision in this Section, the  
3 maximum fee that may be collected from the Department of  
4 Revenue for filing or indexing a lien, certificate of lien  
5 release or subordination, or any other type of notice or other  
6 documentation affecting or concerning a lien is \$5. Regardless  
7 of any other provision in this Section, the maximum fee that  
8 may be collected from the Department of Revenue for indexing  
9 each additional name in excess of one for any lien, certificate  
10 of lien release or subordination, or any other type of notice  
11 or other documentation affecting or concerning a lien is \$1.

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

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

20 (55 ILCS 5/4-12002) (from Ch. 34, par. 4-12002)

21 Sec. 4-12002. Fees of recorder in third class counties. The  
22 fees of the recorder in counties of the third class for  
23 recording deeds or other instruments in writing and maps of  
24 plats of additions, subdivisions or otherwise, and for  
25 certifying copies of records, shall be paid in advance and

1 shall be as follows:

2 For recording deeds or other instruments \$20 for the first  
3 2 pages thereof, plus \$2 for each additional page thereof. The  
4 aggregate minimum fee for recording any one instrument shall  
5 not be less than \$20.

6 For recording deeds or other instruments wherein the  
7 premises affected thereby are referred to by document number  
8 and not by legal description the recorder shall charge a fee of  
9 \$4 in addition to that hereinabove referred to for each  
10 document number therein noted.

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

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

23 For certified copies of records the same fees as for  
24 recording, but in no case shall the fee for a certified copy of  
25 a map or plat of an addition, subdivision or otherwise exceed  
26 \$200.

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

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

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

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

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

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

25 (3) The document shall be on white paper of not less  
26 than 20-pound weight and shall have a clean margin of at

1 least one-half inch on the top, the bottom, and each side.  
2 Margins may be used only for non-essential notations that  
3 will not affect the validity of the document, including but  
4 not limited to form numbers, page numbers, and customer  
5 notations.

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

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

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

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

25 The recorder shall not collect the Rental Housing Support  
26 Program State surcharge from any State agency, any unit of

1 local government or any school district.

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

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 the  
17 surcharges ~~\$9 of each surcharge~~ collected in the preceding  
18 month to the Department of Revenue and the Department shall  
19 deposit these amounts in the Rental Housing Support Program  
20 Fund. Subject to appropriation, amounts in the Fund may be  
21 expended only for the purpose of funding and administering the  
22 Rental Housing 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 fee requirements of this Section apply to units of

1 local government and school districts.

2       Regardless of any other provision in this Section, the  
3 maximum fee that may be collected from the Department of  
4 Revenue for filing or indexing a lien, certificate of lien  
5 release or subordination, or any other type of notice or other  
6 documentation affecting or concerning a lien is \$5. Regardless  
7 of any other provision in this Section, the maximum fee that  
8 may be collected from the Department of Revenue for indexing  
9 each additional name in excess of one for any lien, certificate  
10 of lien release or subordination, or any other type of notice  
11 or other documentation affecting or concerning a lien is \$1.  
12 (Source: P.A. 93-671, eff. 6-1-04; 94-118, eff. 7-5-05.)

13       Section 10. The Rental Housing Support Program Act is  
14 amended by adding Section 97 as follows:

15       (310 ILCS 105/97 new)

16       Sec. 97. Severability. If any provisions of this Act or its  
17 application to any person or circumstance is held invalid, the  
18 invalidity of that provision or application does not affect  
19 other provisions or applications of this Act that can be given  
20 effect without the invalid provision or application.

21       Section 99. Effective date. This Act takes effect upon  
22 becoming law.