

# SB3167



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB3167

Introduced 2/1/2012, by Sen. Terry Link

#### 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 17793 KMW 63009 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.