



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3703

Introduced 2/5/2026, by Sen. Graciela Guzmán

SYNOPSIS AS INTRODUCED:

20 ILCS 1205/6

55 ILCS 5/3-5018.2

55 ILCS 5/4-12002.3

735 ILCS 5/15-1301

765 ILCS 5/11

from Ch. 110, par. 15-1301

from Ch. 30, par. 10

Specifies that the amendatory Act may be referred to as the Affordability Crisis in Housing Act. Amends the Financial Institutions Act. Requires that the Department of Financial and Professional Regulation establish, maintain, and publish on its website a registry of nominees of mortgagees. Amends the Counties Code. Requires each county board to adopt revisions to its predictable fee schedule to include an additional \$150 fee for a nominee of a mortgagee to record a mortgage, including an assignment, extension, amendment, or subordination, beginning no later than one year after the effective date of the amendatory Act. Creates an exception for the recording of a release of mortgage by the nominee of the mortgagee. Provides that of the additional \$150, \$120 is to be collected by the county as an additional Rental Housing Support Program State surcharge and deposited into the Rental Housing Support Program Fund, and \$30 is to be collected by the county as a county fee with \$25 to be used by the county for development and maintenance of its affordable housing capacity and \$5 to be deposited into the recorder's special funds created to defray the cost of providing electronic or automated access to the county's property records. Amends the Code of Civil Procedure. Provides that a lien is not created if a nominee of a mortgagee fails to provide the recorder with the cover sheet required to accompany a mortgage under the Conveyances Act. Amends the Conveyances Act. Requires that all mortgages or assignments of mortgage recorded by or for a nominee must be recorded with a cover sheet explaining any fees that are charged, the identity of the nominee of the mortgagee, and the process that may be used by the mortgagor to track the mortgage.

LRB104 20602 JRC 34093 b

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 1. Short title. This Act may be referred to as the
5 Affordability Crisis in Housing Act.

6 Section 3. Legislative intent.

7 (a) In 2005, the General Assembly found that there was a
8 compelling State interest in enacting the Rental Housing
9 Support Program Act because in many parts of this State large
10 numbers of citizens were unable to secure affordable rental
11 housing.

12 (b) Twenty years later, the General Assembly finds that
13 the issue of affordability has progressed into a severe crisis
14 requiring immediate attention and additional resources. The
15 Rental Housing Support Program Act is the only source of State
16 funding currently available to severely cost-burdened renters.
17 One in 3 Illinois households currently pays more than
18 one-third of their income toward rent, and one in 6 households
19 pay over one-half of their income in rent. An additional
20 294,000 affordable rental units are needed in the State to
21 meet the needs of these households. Illinois should build on
22 the successes of the Rental Housing Support Program Act to
23 meet this current crisis. The Rental Housing Support Program

1 receives a small portion of real estate recording fees, but it
2 is estimated that a majority of mortgages recorded in Illinois
3 are recorded by a nominee and use private databases to track
4 later assignments. This private mortgage tracking loophole
5 leads to a significant loss of recording fees, including those
6 collected under the Counties Code for purposes of the Rental
7 Housing Support Program.

8 (c) Private mortgage tracking systems make it difficult
9 for Illinois homeowners to find information on the current and
10 past owners of their mortgages because the ability of clerks'
11 and recorders' offices to track these mortgages is impaired.
12 The private tracking loophole is widely considered to have
13 contributed significantly to the 2008 mortgage foreclosure
14 crisis and continues to burden homeowners and introduce
15 instability into the mortgage market.

16 Section 5. The Financial Institutions Act is amended by
17 changing Section 6 as follows:

18 (20 ILCS 1205/6)

19 Sec. 6. General powers and duties. In addition to the
20 powers and duties provided by law and imposed elsewhere in
21 this Act, the Division has the following powers and duties:

22 (1) To administer and enforce the Consumer Installment
23 Loan Act and its implementing rules.

24 (2) To administer and enforce the Currency Exchange

1 Act and its implementing rules.

2 (3) To administer and enforce the Debt Management
3 Service Act and its implementing rules.

4 (4) To administer and enforce the Debt Settlement
5 Consumer Protection Act and its implementing rules.

6 (5) To administer and enforce the Illinois Development
7 Credit Corporation Act and its implementing rules.

8 (6) To administer and enforce the Payday Loan Reform
9 Act and its implementing rules.

10 (7) To administer and enforce the Safety Deposit
11 License Act and its implementing rules.

12 (8) To administer and enforce the Sales Finance Agency
13 Act and its implementing rules.

14 (9) To administer and enforce the Title Insurance Act
15 and its implementing rules.

16 (10) To administer and enforce the Transmitters of
17 Money Act and its implementing rules.

18 (11) To administer and enforce the Predatory Loan
19 Prevention Act and its implementing rules.

20 (12) To administer and enforce the Motor Vehicle
21 Retail Installment Sales Act and its implementing rules.

22 (13) To administer and enforce the Retail Installment
23 Sales Act and its implementing rules.

24 (14) To administer and enforce the Illinois Credit
25 Union Act and its implementing rules.

26 (15) To administer and enforce the Collection Agency

1 Act and its implementing rules.

2 (16) To administer and enforce the Consumer Legal
3 Funding Act and its implementing rules.

4 (17) To administer and enforce this Act and any other
5 Act administered by the Director or Division.

6 (18) To authorize and administer examinations to
7 ascertain the qualifications of applicants and licensees
8 for which the examination is held.

9 (19) To conduct hearings in proceedings to revoke,
10 suspend, refuse to renew, or take other disciplinary
11 action regarding licenses, charters, certifications,
12 registrations, or authorities of persons as authorized in
13 any Act administered by the Division.

14 (20) To establish, maintain, and publish on its public
15 website a registry of nominees of mortgagees as defined in
16 Section 11 of the Conveyances Act and to adopt and enforce
17 rules necessary for the administration and enforcement of
18 the Affordability Crisis in Housing Act including, but not
19 limited to, rules concerning the maintenance of a
20 nonpublic administrative database that is only accessible
21 by county clerks.

22 Whenever the Division is authorized or required by law to
23 consider some aspect of criminal history record information
24 for the purpose of carrying out its statutory powers and
25 responsibilities, then, upon request and payment of fees in
26 conformance with the requirements of Section 2605-400 of the

1 Illinois State Police Law, the Illinois State Police is
2 authorized to furnish, pursuant to positive identification,
3 the information contained in State files that is necessary to
4 fulfill the request.

5 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;
6 102-975, eff. 1-1-23; 103-154, eff. 6-30-23; 103-1014, eff.
7 8-9-24.)

8 Section 10. The Counties Code is amended by changing
9 Sections 3-5018.2 and 4-12002.3 as follows:

10 (55 ILCS 5/3-5018.2)

11 Sec. 3-5018.2. Predictable fee schedule for recordings in
12 first and second class counties.

13 (a) The fees of the recorder in counties of the first and
14 second class for recording deeds or other instruments in
15 writing and maps of plats of additions, subdivisions, or
16 otherwise and for certifying copies of records shall be paid
17 in advance and shall conform to this Section. The fees or
18 surcharges shall not, unless otherwise provided in this
19 Section, be based on the individual attributes of a document
20 to be recorded, including, but not limited to, page count;
21 number, length, or type of legal descriptions; number of tax
22 identification or other parcel-identifying code numbers;
23 units; number of common addresses; number of references
24 contained as to other recorded documents or document numbers;

1 or any other individual attribute of the document. The fees
2 charged under this Section shall be inclusive of all county
3 and State fees that the county may elect or is required to
4 impose or adjust, including, but not limited to, GIS fees,
5 automation fees, document storage fees, and the Rental Housing
6 Support Program State and county surcharges.

7 (b) A county of the first or second class shall adopt and
8 implement, by ordinance or resolution, a predictable fee
9 schedule as provided in subsection (c) ~~that eliminates~~
10 ~~surcharges or fees based on the individual attributes of a~~
11 ~~document to be recorded~~. If a county has previously adopted an
12 ordinance or resolution adopting a predictable fee schedule,
13 the county must adopt an ordinance or resolution revising that
14 predictable fee schedule to be consistent with this Section.
15 After a document class predictable fee is approved by a county
16 board consistent with this Section, the county board may, by
17 ordinance or resolution, increase the document class
18 predictable fee and collect the increased fees if the
19 established fees are not sufficient to cover the costs of
20 providing the services related to the document class for which
21 the fee is to be increased.

22 For the purposes of the fee charged, the ordinance or
23 resolution shall divide documents into the classifications
24 specified in subsection (c), and shall establish a single,
25 all-inclusive county and State-imposed aggregate predictable
26 fee charged for each classification of document at the time of

1 recording for that document. Each document, unless otherwise
2 provided in this Section, shall fall within one of the
3 document class predictable fee classifications set by
4 subsection (c), and fees for each document class shall be
5 charged only as allowed by this Section.

6 Before approval of an ordinance or resolution under this
7 subsection that creates or modifies a predictable fee
8 schedule, the recorder or county clerk shall post a notice in
9 the recorder's or clerk's office at least 2 weeks prior, but
10 not more than 4 weeks prior, to the public meeting at which the
11 ordinance or resolution may be adopted. The notice shall
12 contain the proposed ordinance or resolution number, if any,
13 the proposed document class predictable fees for each
14 classification, and a reference to this Section and this
15 amendatory Act of the 103rd General Assembly. A predictable
16 fee schedule takes effect 60 days after an ordinance or
17 resolution is adopted, unless the fee schedule was previously
18 created and the ordinance or resolution is a modification
19 allowed under this Section.

20 Nothing in this Section precludes a county board from
21 adjusting amounts or allocations within a given document class
22 predictable fee when the document class predictable fee is not
23 increased or precludes an alternate predictable fee schedule
24 for electronic recording within each of the classifications
25 under subsection (c).

26 The county board may, by ordinance or resolution, increase

1 the fees allowed in the predictable fee schedule if the
2 increase is justified by an acceptable cost study or internal
3 analysis of a minimum of 3 years showing that the fees allowed
4 by this Section are not sufficient to cover the cost of
5 providing the service.

6 A statement of the cost of providing each service,
7 program, and activity shall be prepared by the county board.
8 All supporting documents to the statement are public records
9 and subject to public examination and audit. All direct and
10 indirect costs, as defined in the United States Office of
11 Management and Budget Circular A-87, may be included in the
12 determination of the costs of each service, program, and
13 activity.

14 If the Rental Housing Support Program State surcharge is
15 amended and the surcharge is increased or lowered, the
16 aggregate amount of the document predictable fee attributable
17 to the surcharge in the document may be changed accordingly.
18 If any fee or surcharge is changed by State statute, the county
19 may increase the document class fees by the same amount
20 without any cost study.

21 (c) A predictable fee schedule ordinance or resolution
22 adopted under this Section shall list document fees, including
23 document class predictable fees. The document classes shall be
24 as follows:

25 (1) Deeds. The aggregate fee for recording deeds shall
26 not be less than \$31 (being a minimum \$13 county fee plus

1 \$18 for the Rental Housing Support Program State
2 surcharge). Inclusion of language in the deed as to any
3 restriction; covenant; lien; oil, gas, or other mineral
4 interest; easement; lease; or a mortgage shall not alter
5 the classification of a document as a deed.

6 (2) Leases, lease amendments, and similar transfer of
7 interest documents. The aggregate fee for recording
8 leases, lease amendments, and similar transfers of
9 interest documents shall not be less than \$31 (being a
10 minimum \$13 county fee plus \$18 for the Rental Housing
11 Support Program State surcharge).

12 (3) Mortgages. The aggregate fee for recording
13 mortgages, including assignments, extensions, amendments,
14 subordinations, and mortgage releases shall not be less
15 than \$31 (being a minimum \$13 county fee plus \$18 for the
16 Rental Housing Support Program State surcharge unless
17 otherwise provided in subsection (c-1)).

18 (4) Easements not otherwise part of another
19 classification. The aggregate fee for recording easements
20 not otherwise part of another classification, including
21 assignments, extensions, amendments, and easement releases
22 not filed by a State agency, unit of local government, or
23 school district, shall not be less than \$31 (being a
24 minimum \$13 county fee plus \$18 for the Rental Housing
25 Support Program State surcharge).

26 (5) Nonstandard documents. Any document presented that

1 does not conform to the following standards, even if it
2 may qualify for another document class, may be recorded
3 under this document class (5) if the nonstandard document
4 allows a legible reproduction of the document presented:

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

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

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

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

26 (E) The document shall not have any attachment

1 stapled or otherwise affixed to any page.

2 (F) The document makes specific reference to 5 or
3 fewer tax parcels, units, property identification
4 numbers, or document numbers.

5 The aggregate fee for recording a nonstandard document
6 shall not be less than \$31 (being a minimum \$13 county fee
7 plus \$18 for the Rental Housing Support Program State
8 surcharge). A county may adopt by ordinance and publish
9 with its fee schedule an additional fee or formula for a
10 document that makes specific reference to more than 5 tax
11 parcels, units, property identification numbers, or
12 document numbers.

13 (6) (Blank).

14 (7) Miscellaneous. The aggregate fee for recording
15 documents that do not otherwise fall within
16 classifications under paragraphs (1) through (6) or
17 paragraph (8) or (9) and that are not otherwise exempted
18 documents shall not be less than \$31 (being a minimum \$13
19 county fee plus \$18 for the Rental Housing Support Program
20 State surcharge).

21 (8) Maps or plats of additions, subdivisions, or
22 otherwise. For recording maps or plats of additions,
23 subdivisions, or otherwise, the minimum fee shall be \$50.

24 (9) Other. Documents presented that meet the following
25 criteria shall be charged as follows, notwithstanding
26 document classes (1) through (8):

1 (A) A document recorded pursuant to the Uniform
2 Commercial Code shall be charged as provided in the
3 Uniform Commercial Code or as otherwise by law.

4 (B) A State tax lien or a federal tax lien shall be
5 charged as otherwise provided by law or ordinance,
6 except that the minimum fee that shall be collected
7 from the Department of Revenue for filing or indexing
8 a tax lien, certificate of lien release or
9 subordination, or any other type of notice or other
10 documentation affecting or concerning a tax lien is
11 \$11, and the minimum fee that shall be collected from
12 the Department of Revenue or Internal Revenue Service
13 for indexing each additional name in excess of one for
14 any lien, certificate of lien release or
15 subordination, or any other type of notice or other
16 documentation affecting or concerning a lien is \$1.

17 (C) A document recorded by a unit of local
18 government, State agency, or public utility, as that
19 term is defined in Section 3-105 of the Public
20 Utilities Act, may be charged a minimum fee for any
21 instrument presented for recording that falls under
22 the guideline of the predictable fee schedule as
23 follows: a \$12 county fee, a \$3 GIS fee, and a \$3
24 automation fee, document storage fee, or both. Fees
25 under this subparagraph may be increased or any other
26 applicable fee may be imposed if adopted by a county

1 board resolution or ordinance and justified by an
2 acceptable cost study showing that the fees allowed by
3 this subparagraph are not sufficient to cover the cost
4 of providing the service.

5 (D) For recording any document that affects an
6 interest in real property, other than documents which
7 solely affect or relate to an easement for water,
8 sewer, electricity, gas, telephone, or other public
9 service, the recorder shall charge a minimum fee of \$1
10 per document to all filers of documents not filed by
11 any State agency, any unit of local government, any
12 public utility, as that term is defined in Section
13 3-105 of the Public Utilities Act, or any school
14 district. Half of the fee shall be deposited into the
15 county general revenue fund. The remaining half shall
16 be deposited into the County Recorder Document Storage
17 System Fund and may not be appropriated or expended
18 for any other purpose. The additional amounts
19 available to the recorder for expenditure from the
20 County Recorder Document Storage System Fund shall not
21 offset or reduce any other county appropriations or
22 funding for the office of the recorder.

23 (c-1) Notwithstanding any other provision of this Section,
24 each county board of a county of the first or second class
25 shall, by ordinance or resolution, adopt revisions to the
26 predictable fee schedule it has established under subsection

1 (c) to provide that, beginning no later than one year after the
2 effective date of this amendatory Act of the 104th General
3 Assembly, the aggregate fee for a nominee of a mortgagee to
4 record a mortgage, including an assignment, extension,
5 amendment, or subordination, shall not be less than the
6 aggregate fee provided under paragraph (3) of subsection (c)
7 plus an additional \$150 per document. Of the additional \$150,
8 \$120 shall be collected by the county as an additional Rental
9 Housing Support Program State surcharge and deposited into the
10 Rental Housing Support Program Fund as provided in this
11 Section, and \$30 shall be collected by the county as an
12 additional county fee. Of the additional \$30 county fee, \$25
13 shall be used by the county for development and maintenance of
14 its affordable housing capacity, and \$5 shall be deposited
15 into the recorder's special funds created under Section
16 3-5005.4 to defray the cost of providing electronic or
17 automated access to the county's property records. The
18 recorder may, at the recorder's discretion, use moneys in the
19 funds created under Section 3-5005.4 to defray the cost of
20 providing electronic or automated access to the county's
21 property records. The additional fee described in this
22 subsection (c-1) does not apply if the document to be filed is
23 a release of mortgage by the nominee of a mortgagee. As used in
24 this Section, "nominee of a mortgagee" means any person or
25 entity who (i) serves as mortgagee in the land records for a
26 mortgage loan registered on a national electronic database

1 that tracks changes in mortgage servicing and beneficial
2 ownership interests in residential mortgage loans on behalf of
3 its members and (ii) is a nominee or agent for the owner of the
4 promissory note or the subsequent buyer, transferee, or
5 beneficial owner of the note.

6 (d) For certified and non-certified copies of records, the
7 recorder and county may set a predictable fee for all copies
8 that does not exceed the highest total recording fee in any
9 established document classes, unless the copy fee is otherwise
10 provided in statute or ordinance. The total fee for a
11 certified copy of a map or plat of an addition, subdivision, or
12 otherwise may not exceed \$200.

13 The fees allowed under this subsection apply to all
14 records, regardless of when they were recorded, based on
15 current recording fees. These predictable fees for certified
16 and non-certified copies shall apply to portions of documents
17 and to copies provided in any format, including paper,
18 microfilm, or electronic. A county may adopt a per-line
19 pricing structure for copies of information in database
20 format.

21 (e) As provided under subsection (c), the recorder shall
22 collect an \$18 Rental Housing Support Program State surcharge
23 for the recordation of any real estate-related document. As
24 provided under subsection (c-1), the recorder shall collect an
25 additional \$120 Rental Housing Support Program State surcharge
26 for the recordation of any document that is subject to the fee

1 described in subsection (c-1). Payment of the Rental Housing
2 Support Program State surcharge shall be evidenced by a
3 receipt that shall be marked upon or otherwise affixed to the
4 real estate-related document by the recorder. The form of this
5 receipt shall be prescribed by the Department of Revenue and
6 the receipts shall be issued by the Department of Revenue to
7 each county recorder.

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

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

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

25 (f) A county board in counties of the first and second
26 class may allow, by ordinance, a recorder to charge the

1 following fees in addition to those fees otherwise allowed
2 under this Section:

3 (1) Automation fee. A minimum automation fee of \$3 may
4 be charged for filing every instrument, paper, or notice
5 for record in order to defray the cost of converting the
6 recorder's document storage system to computers or
7 micrographics and in order to defray the cost of providing
8 access to records through the Internet. A special fund
9 shall be established by the treasurer of a county, and the
10 moneys collected through the automation fee shall be
11 deposited into the special fund and used for a document
12 storage system to provide the equipment, materials, and
13 necessary expenses incurred to help defray the costs of
14 implementing and maintaining the document record system
15 and for a system to provide electronic access to those
16 records.

17 (2) GIS fee. In a county that provides and maintains a
18 countywide map through a geographic information system, a
19 minimum GIS fee of \$3 may be charged for filing every
20 instrument, paper, or notice for record in order to defray
21 the cost of implementing or maintaining the county's
22 geographic information system and in order to defray the
23 cost of providing electronic or automated access to the
24 county's geographic information system or property
25 records. Of that amount, a minimum of \$2 must be deposited
26 into a special fund established by the treasurer of the

1 county, and any moneys collected through the GIS fee shall
2 be deposited into that special fund and used for the
3 equipment, materials, and necessary expenses incurred in
4 implementing and maintaining the geographic information
5 system and to defray the cost of providing electronic
6 access to the county geographic information system
7 records. The remaining \$1 must be deposited into the
8 recorder's special funds created under Section 3-5005.4.
9 The recorder may, at the recorder's discretion, use moneys
10 in the funds created under Section 3-5005.4 to defray the
11 cost of implementing or maintaining the county's
12 geographic information system and to defray the cost of
13 providing electronic access to the county's geographic
14 information system records.

15 (Source: P.A. 103-400, eff. 1-1-24; 103-884, eff. 1-1-25.)

16 (55 ILCS 5/4-12002.3)

17 Sec. 4-12002.3. Predictable fee schedule for recordings in
18 third class counties.

19 (a) The fees of the recorder in counties of the third class
20 for recording deeds or other instruments in writing and maps
21 of plats of additions, subdivisions, or otherwise and for
22 certifying copies of records shall be paid in advance and
23 shall conform to this Section. The fees or surcharges shall
24 not, unless otherwise provided in this Section, be based on
25 the individual attributes of a document to be recorded,

1 including, but not limited to, page count; number, length, or
2 type of legal descriptions; number of tax identification or
3 other parcel-identifying code numbers; number of common
4 addresses; number of references contained as to other recorded
5 documents or document numbers; or any other individual
6 attribute of the document. The fees charged under this Section
7 shall be inclusive of all county and State fees that the county
8 may elect or is required to impose or adjust, including, but
9 not limited to, GIS fees, automation fees, document storage
10 fees, and the Rental Housing Support Program State and county
11 surcharges.

12 (b) A county of the third class shall adopt and implement,
13 by ordinance or resolution, a predictable fee schedule as
14 provided in subsection (c) ~~that eliminates surcharges or fees~~
15 ~~based on the individual attributes of a document to be~~
16 ~~recorded~~. If a county has previously adopted an ordinance or
17 resolution adopting a predictable fee schedule, the county
18 must adopt an ordinance or resolution revising that
19 predictable fee schedule to be consistent with this Section.
20 After a document class predictable fee is approved by a county
21 board consistent with this Section, the county board may, by
22 ordinance or resolution, increase the document class
23 predictable fee and collect the increased fees if the
24 established fees are not sufficient to cover the costs of
25 providing the services related to the document class for which
26 the fee is to be increased.

1 For the purposes of the fee charged, the ordinance or
2 resolution shall divide documents into the classifications
3 specified in subsection (c), and shall establish a single,
4 all-inclusive county and State-imposed aggregate predictable
5 fee charged for each classification of document at the time of
6 recording for that document. Each document, unless otherwise
7 provided in this Section, shall fall within one of the
8 document class predictable fee classifications set by
9 subsection (c), and fees for each document class shall be
10 charged only as allowed by this Section.

11 Before approval of an ordinance or resolution under this
12 subsection that creates or modifies a predictable fee
13 schedule, the recorder or county clerk shall post a notice in
14 the recorder's or clerk's office at least 2 weeks prior, but
15 not more than 4 weeks prior, to the public meeting at which the
16 ordinance or resolution may be adopted. The notice shall
17 contain the proposed ordinance or resolution number, if any,
18 the proposed document class predictable fees for each
19 classification, and a reference to this Section and this
20 amendatory Act of the 103rd General Assembly. A predictable
21 fee schedule takes effect 60 days after an ordinance or
22 resolution is adopted, unless the fee schedule was previously
23 created and the ordinance or resolution is a modification
24 allowed under this Section.

25 Nothing in this Section precludes a county board from
26 adjusting amounts or allocations within a given document class

1 predictable fee when the document class predictable fee is not
2 increased or precludes an alternate predictable fee schedule
3 for electronic recording within each of the classifications
4 under subsection (c).

5 If the Rental Housing Support Program State surcharge is
6 amended and the surcharge is increased or lowered, the
7 aggregate amount of the document predictable fee attributable
8 to the surcharge in the document may be changed accordingly.
9 If any fee or surcharge is changed by State statute, the county
10 may increase the document class fees by the same amount
11 without any cost study.

12 (c) A predictable fee schedule ordinance or resolution
13 adopted under this Section shall list document fees, including
14 document class predictable fees. The document classes shall be
15 as follows:

16 (1) Deeds. The aggregate fee for recording deeds shall
17 not be less than \$39 (being a minimum \$21 county fee plus
18 \$18 for the Rental Housing Support Program State
19 surcharge). Inclusion of language in the deed as to any
20 restriction; covenant; lien; oil, gas, or other mineral
21 interest; easement; lease; or a mortgage shall not alter
22 the classification of a document as a deed.

23 (2) Leases, lease amendments, and similar transfer of
24 interest documents. The aggregate fee for recording
25 leases, lease amendments, and similar transfers of
26 interest documents shall not be less than \$39 (being a

1 minimum \$21 county fee plus \$18 for the Rental Housing
2 Support Program State surcharge).

3 (3) Mortgages. The aggregate fee for recording
4 mortgages, including assignments, extensions, amendments,
5 subordinations, and mortgage releases shall not be less
6 than \$39 (being a minimum \$21 county fee plus \$18 for the
7 Rental Housing Support Program State surcharge unless
8 otherwise provided in subsection (c-1)).

9 (4) Easements not otherwise part of another
10 classification. The aggregate fee for recording easements
11 not otherwise part of another classification, including
12 assignments, extensions, amendments, and easement releases
13 not filed by a State agency, unit of local government, or
14 school district, shall not be less than \$39 (being a
15 minimum \$21 county fee plus \$18 for the Rental Housing
16 Support Program State surcharge).

17 (5) Irregular documents. Any document presented that
18 does not conform to the following standards, even if it
19 may qualify for another document class, may be recorded
20 under this document class (5) if the irregularity allows a
21 legible reproduction of the document presented:

22 (A) The document shall consist of one or more
23 individual sheets measuring 8.5 inches by 11 inches,
24 not permanently bound, and not a continuous form.
25 Graphic displays accompanying a document to be
26 recorded that measure up to 11 inches by 17 inches

1 shall be recorded without charging an additional fee.

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

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

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

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

19 The aggregate fee for recording an irregular document
20 shall not be less than \$39 (being a minimum \$21 county fee
21 plus \$18 for the Rental Housing Support Program State
22 surcharge).

23 (6) Blanket recordings. For any document that makes
24 specific reference to more than 5 tax parcels or property
25 identification numbers, or makes reference to 5 or more
26 document numbers, the aggregate fee shall be not less than

1 \$39 (being a minimum \$21 county fee plus \$18 for the Rental
2 Housing Support Program State surcharge). A county may
3 adopt by ordinance and publish with its fee schedule an
4 additional fee or formula for each parcel, property
5 identification number, or document reference, above 5,
6 contained in an accepted document.

7 (7) Miscellaneous. The aggregate fee for recording
8 documents not otherwise falling within classifications
9 under paragraphs (1) through (6) and are not otherwise
10 exempted documents shall not be less than \$39 (being a
11 minimum \$21 county fee plus \$18 for the Rental Housing
12 Support Program State surcharge).

13 (c-1) Notwithstanding any other provision of this Section,
14 each county board of a county of the third class shall, by
15 ordinance or resolution, adopt revisions to the predictable
16 fee schedule it has established under subsection (c) to
17 provide that, beginning no later than one year after the
18 effective date of this amendatory Act of the 104th General
19 Assembly, the aggregate fee for a nominee of a mortgagee to
20 record a mortgage, including an assignment, extension,
21 amendment, or subordination, shall not be less than the
22 aggregate fee provided under paragraph (3) of subsection (c)
23 plus an additional \$150 per document. Of the additional \$150,
24 \$120 shall be collected by the county as an additional Rental
25 Housing Support Program State surcharge and deposited into the
26 Rental Housing Support Program Fund as provided in this

1 Section, and \$30 shall be collected by the county as an
2 additional county fee. Of the additional \$30 county fee, \$25
3 shall be used by the county for development and maintenance of
4 its affordable housing capacity and \$5 shall be deposited into
5 the recorder's special funds created under Section 3-5005.4 to
6 defray the cost of providing electronic or automated access to
7 the county's property records. The recorder may, at the
8 recorder's discretion, use moneys in the funds created under
9 Section 3-5005.4 to defray the cost of providing electronic or
10 automated access to the county's property records. The
11 additional fee described in this subsection (c-1) does not
12 apply if the document to be filed is a release of mortgage by
13 the nominee of a mortgagee. As used in this Section, "nominee
14 of a mortgagee" means any person or entity who (i) serves as
15 mortgagee in the land records for a mortgage loan registered
16 on a national electronic database that tracks changes in
17 mortgage servicing and beneficial ownership interests in
18 residential mortgage loans on behalf of its members and (ii)
19 is a nominee or agent for the owner of the promissory note or
20 the subsequent buyer, transferee, or beneficial owner of the
21 note.

22 (d) For recording maps or plats of additions,
23 subdivisions, or otherwise (including the spreading of the
24 same of record in well bound books), \$100 plus \$2 for each
25 tract, parcel, or lot contained in the map or plat.

26 (e) Documents presented that meet the following criteria

1 shall be charged as otherwise provided by law or ordinance:

2 (1) a document recorded pursuant to the Uniform
3 Commercial Code; or

4 (2) a State lien or a federal lien.

5 Notwithstanding any other provision in this Section: (i)
6 the maximum fee that may be collected from the Department of
7 Revenue for filing or indexing a lien, certificate of lien
8 release or subordination, or any other type of notice or other
9 documentation affecting or concerning a lien is \$5; and (ii)
10 the maximum fee that may be collected from the Department of
11 Revenue for indexing each additional name in excess of one for
12 any lien, certificate of lien release or subordination, or any
13 other type of notice or other documentation affecting or
14 concerning a lien is \$1.

15 (f) For recording any document that affects an interest in
16 real property, other than documents which solely affect or
17 relate to an easement for water, sewer, electricity, gas,
18 telephone, or other public service, the recorder shall charge
19 a minimum fee of \$1 per document to all filers of documents not
20 filed by any State agency, any unit of local government, or any
21 school district. Half of the fee shall be deposited into the
22 county general revenue fund. The remaining half shall be
23 deposited into the County Recorder Document Storage System
24 Fund and may not be appropriated or expended for any other
25 purpose. The additional amounts available to the recorder for
26 expenditure from the County Recorder Document Storage System

1 Fund shall not offset or reduce any other county
2 appropriations or funding for the office of the recorder.

3 (g) For certified and non-certified copies of records, the
4 recorder and county may set a predictable fee for all copies
5 that does not exceed the highest total recording fee in any
6 established document classes, unless the copy fee is otherwise
7 provided in statute or ordinance. The total fee for a
8 certified copy of a map or plat of an addition, subdivision, or
9 otherwise may not exceed \$200.

10 The fees allowed under this subsection apply to all
11 records, regardless of when they were recorded, based on
12 current recording fees. These predictable fees for certified
13 and non-certified copies shall apply to portions of documents
14 and to copies provided in any format, including paper,
15 microfilm, or electronic. A county may adopt a per-line
16 pricing structure for copies of information in database
17 format.

18 (h) As provided under subsection (c), the recorder shall
19 collect an \$18 Rental Housing Support Program State surcharge
20 for the recordation of any real estate-related document. As
21 provided under subsection (c-1), the recorder shall collect an
22 additional \$120 Rental Housing Support Program State surcharge
23 for the recordation of any document that is subject to the fee
24 described in subsection (c-1). Payment of the Rental Housing
25 Support Program State surcharge shall be evidenced by a
26 receipt that shall be marked upon or otherwise affixed to the

1 real estate-related document by the recorder. The form of this
2 receipt shall be prescribed by the Department of Revenue and
3 the receipts shall be issued by the Department of Revenue to
4 each county recorder.

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

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

19 As used in this subsection, "real estate-related document"
20 means that term as it is defined in Section 7 of the Rental
21 Housing Support Program Act.

22 (Source: P.A. 103-400, eff. 1-1-24.)

23 Section 15. The Code of Civil Procedure is amended by
24 changing Section 15-1301 as follows:

1 (735 ILCS 5/15-1301) (from Ch. 110, par. 15-1301)

2 Sec. 15-1301. Lien Created. It ~~Except as provided in~~
3 ~~Section 15-1302, from the time a mortgage is recorded it~~ shall
4 be a lien from the time that a mortgage is recorded upon the
5 real estate that is the subject of the mortgage for all monies
6 advanced or applied or other obligations secured in accordance
7 with the terms of the mortgage or as authorized by law,
8 including the amounts specified in a judgment of foreclosure
9 in accordance with subsection (d) of Section 15-1603, unless
10 otherwise provided in Section 15-1302 or unless the nominee of
11 a mortgagee fails to provide the recorder with the cover sheet
12 required to accompany a mortgage under the Conveyances Act.

13 (Source: P.A. 84-1462.)

14 Section 20. The Conveyances Act is amended by changing
15 Section 11 as follows:

16 (765 ILCS 5/11) (from Ch. 30, par. 10)

17 Sec. 11. (a) Mortgages of lands may be substantially in
18 the following form:

19 The Mortgagor (here insert name or names), mortgages and
20 warrants to (here insert name or names of mortgagee or
21 mortgagees), to secure the payment of (here recite the nature
22 and amount of indebtedness, showing when due and the rate of
23 interest, and whether secured by note or otherwise), the
24 following described real estate (here insert description

1 thereof), situated in the County of, in the State of
2 Illinois.

3 Dated (insert date).

4 (signature of mortgagor or mortgagors)

5 The names of the parties shall be typed or printed below
6 the signatures. Such form shall have a blank space of 3 1/2
7 inches by 3 1/2 inches for use by the recorder. However, the
8 failure to comply with the requirement that the names of the
9 parties be typed or printed below the signatures and that the
10 form have a blank space of 3 1/2 inches by 3 1/2 inches for use
11 by the recorder shall not affect the validity and effect of
12 such form.

13 Such mortgage, when otherwise properly executed, shall be
14 deemed and held a good and sufficient mortgage in fee to secure
15 the payment of the moneys therein specified; and if the same
16 contains the words "and warrants," the same shall be construed
17 the same as if full covenants of ownership, good right to
18 convey against incumbrances of quiet enjoyment and general
19 warranty, as expressed in Section 9 of this Act were fully
20 written therein; but if the words "and warrants" are omitted,
21 no such covenants shall be implied. When the grantor or
22 grantors in such deed or mortgage for the conveyance of any
23 real estate desires to release or waive his, her or their
24 homestead rights therein, they or either of them may release
25 or waive the same by inserting in the form of deed or mortgage

1 (as the case may be), provided in Sections 9, 10 and 11, after
2 the words "State of Illinois," in substance the following
3 words, "hereby releasing and waiving all rights under and by
4 virtue of the homestead exemption laws of this State."

5 Mortgages securing "reverse mortgage" loans shall be
6 subject to this Section except where requirements concerning
7 the definiteness of the term and amount of indebtedness
8 provisions of a mortgage would be inconsistent with the Acts
9 authorizing "reverse mortgage" loans, or rules and regulations
10 promulgated under those Acts.

11 Mortgages securing "revolving credit" loans shall be
12 subject to this Section.

13 (b) The provisions of subsection (a) regarding the form of
14 a mortgage are, and have always been, permissive and not
15 mandatory. Accordingly, the failure of an otherwise lawfully
16 executed and recorded mortgage to be in the form described in
17 subsection (a) in one or more respects, including the failure
18 to state the interest rate or the maturity date, or both, shall
19 not affect the validity or priority of the mortgage, nor shall
20 its recordation be ineffective for notice purposes regardless
21 of when the mortgage was recorded.

22 (c) As used in this Section, "nominee of a mortgagee"
23 means any person or entity who (i) serves as mortgagee in the
24 land records for a mortgage loan registered on a national
25 electronic database that tracks changes in mortgage servicing
26 and beneficial ownership interests in residential mortgage

1 loans on behalf of its members and (ii) is a nominee or agent
2 for the owner of the promissory note or the subsequent buyer,
3 transferee or beneficial owner of the note.

4 All mortgages or assignments of mortgage recorded by or
5 for a nominee of a mortgagee must be recorded with a cover
6 sheet that evidences the mortgagor's consent for that
7 instrument to be recorded by or for a nominee of a mortgagee.
8 The Department of Financial and Professional Regulation must
9 create a cover sheet template and accompanying guidance for
10 nominee recordings that requires the disclosure to the
11 borrower of, among other things:

12 (1) the identity and contact information for the
13 lender and the nominee;

14 (2) a notice that a lender may not require the use of a
15 nominee;

16 (3) a notice of all additional fees passed along to
17 the borrower as a result of the use of a nominee; and

18 (4) a notice nominee's website address for borrower to
19 access the current and past holders of the borrower's
20 mortgage.

21 If the recorded document includes a predatory lending
22 certificate cover sheet as required by the Residential Real
23 Property Disclosure Act, the required cover sheet under this
24 subsection must be on page 1 of the cover sheet so that it can
25 be read before the predatory lending certificate cover sheet.

26 (Source: P.A. 97-1164, eff. 6-1-13.)