



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB2358

Introduced 2/14/2023, by Rep. Curtis J. Tarver, II

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-5018	from Ch. 34, par. 3-5018
55 ILCS 5/3-5018.1	
55 ILCS 5/4-12002	from Ch. 34, par. 4-12002
55 ILCS 5/4-12002.1	
310 ILCS 105/15	
310 ILCS 105/30 new	

Amends the Counties Code. Changes the Rental Housing Support Program State surcharge a county recorder must collect on each real-estate related document from \$9 to \$18. Increases the fee a county may charge for recording documents. Makes conforming changes. Amends the Rental Housing Support Program Act. Provides that, as part of the Illinois Housing Development Authority's request-for-proposals process for soliciting proposals from local administering agencies and for awarding grants, best efforts will be used to prioritize local administering agencies that serve the county in which annual receipts were collected upon receipt of current data from the Department of Revenue applicable to the annual receipts. Provides that the Authority shall use best efforts through outreach to local administering agencies to encourage at least one local administering agency to serve each county (rather than working with each county to ensure that at least one local administering agency is located within each county). Creates the Illinois Rental Housing Support Program Funding Allocation Task Force, which shall study and make recommendations regarding the equitable distribution of rental housing support funds across the State and shall also work with the Authority as funding allocations will be required to be adjusted due to data released by the United States Census Bureau on the 2020 decennial census. Effective January 1, 2024.

LRB103 26303 AWJ 52663 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 5. The Counties Code is amended by changing  
5 Sections 3-5018, 3-5018.1, 4-12002, and 4-12002.1 as follows:

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

7 Sec. 3-5018. Traditional fee schedule. Except as provided  
8 for in Sections 3-5018.1, 4-12002, and 4-12002.1, the recorder  
9 elected as provided for in this Division shall receive such  
10 fees as are or may be provided for him or her by law, in case  
11 of provision therefor: otherwise he or she shall receive the  
12 same fees as are or may be provided in this Section, except  
13 when increased by county ordinance or resolution pursuant to  
14 the provisions of this Section, to be paid to the county clerk  
15 for his or her services in the office of recorder for like  
16 services.

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

22 For recording deeds or other instruments wherein the  
23 premises affected thereby are referred to by document number

1 and not by legal description, a fee of \$1 in addition to that  
2 hereinabove referred to for each document number therein  
3 noted.

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

11 For recording any document that affects an interest in  
12 real property other than documents which solely affect or  
13 relate to an easement for water, sewer, electricity, gas,  
14 telephone or other public service, the recorder shall charge a  
15 fee of \$1 per document to all filers of documents not filed by  
16 any State agency, any unit of local government, or any school  
17 district. Fifty cents of the \$1 fee hereby established shall  
18 be deposited into the County General Revenue Fund. The  
19 remaining \$0.50 shall be deposited into the Recorder's  
20 Automation Fund and may not be appropriated or expended for  
21 any other purpose. The additional amounts available to the  
22 recorder for expenditure from the Recorder's Automation Fund  
23 shall not offset or reduce any other county appropriations or  
24 funding for the office of the recorder.

25 For recording maps or plats of additions or subdivisions  
26 approved by the county or municipality (including the

1 spreading of the same of record in map case or other proper  
2 books) or plats of condominiums, \$50 for the first page, plus  
3 \$1 for each additional page thereof except that in the case of  
4 recording a single page, legal size 8 1/2 x 14, plat of survey  
5 in which there are no more than two lots or parcels of land,  
6 the fee shall be \$12. In each county where such maps or plats  
7 are to be recorded, the recorder may require the same to be  
8 accompanied by such number of exact, true and legible copies  
9 thereof as the recorder deems necessary for the efficient  
10 conduct and operation of his or her office.

11 For non-certified copies of records, an amount not to  
12 exceed one-half of the amount provided in this Section for  
13 certified copies, according to a standard scale of fees,  
14 established by county ordinance or resolution and made public.  
15 The provisions of this paragraph shall not be applicable to  
16 any person or entity who obtains non-certified copies of  
17 records in the following manner: (i) in bulk for all documents  
18 recorded on any given day in an electronic or paper format for  
19 a negotiated amount less than the amount provided for in this  
20 paragraph for non-certified copies, (ii) under a contractual  
21 relationship with the recorder for a negotiated amount less  
22 than the amount provided for in this paragraph for  
23 non-certified copies, or (iii) by means of Internet access  
24 pursuant to Section 5-1106.1.

25 For certified copies of records, the same fees as for  
26 recording, but in no case shall the fee for a certified copy of

1 a map or plat of an addition, subdivision or otherwise exceed  
2 \$10.

3 Each certificate of such recorder of the recording of the  
4 deed or other writing and of the date of recording the same  
5 signed by such recorder, shall be sufficient evidence of the  
6 recording thereof, and such certificate including the indexing  
7 of record, shall be furnished upon the payment of the fee for  
8 recording the instrument, and no additional fee shall be  
9 allowed for the certificate or indexing. A physical or  
10 electronic image of the recorder's stamp satisfies the  
11 signature requirement for recorded instruments prior to, on,  
12 and after the effective date of this amendatory Act of the  
13 102nd General Assembly.

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

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

25 (2) The document shall be legibly printed in black  
26 ink, by hand, type, or computer. Signatures and dates may

1 be in contrasting colors if they will reproduce clearly.

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

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

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

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

19 The county board of any county may provide for an  
20 additional charge of \$3 for filing every instrument, paper, or  
21 notice for record, (1) in order to defray the cost of  
22 converting the county recorder's document storage system to  
23 computers or micrographics and (2) in order to defray the cost  
24 of providing access to records through the global information  
25 system known as the Internet.

26 A special fund shall be set up by the treasurer of the

1 county and such funds collected pursuant to Public Act 83-1321  
2 shall be used (1) for a document storage system to provide the  
3 equipment, materials and necessary expenses incurred to help  
4 defray the costs of implementing and maintaining such a  
5 document records system and (2) for a system to provide  
6 electronic access to those records.

7 The county board of any county that provides and maintains  
8 a countywide map through a Geographic Information System (GIS)  
9 may provide for an additional charge of \$3 for filing every  
10 instrument, paper, or notice for record (1) in order to defray  
11 the cost of implementing or maintaining the county's  
12 Geographic Information System and (2) in order to defray the  
13 cost of providing electronic or automated access to the  
14 county's Geographic Information System or property records. Of  
15 that amount, \$2 must be deposited into a special fund set up by  
16 the treasurer of the county, and any moneys collected pursuant  
17 to this amendatory Act of the 91st General Assembly and  
18 deposited into that fund must be used solely for the  
19 equipment, materials, and necessary expenses incurred in  
20 implementing and maintaining a Geographic Information System  
21 and in order to defray the cost of providing electronic access  
22 to the county's Geographic Information System records. The  
23 remaining \$1 must be deposited into the recorder's special  
24 funds created under Section 3-5005.4. The recorder may, in his  
25 or her discretion, use moneys in the funds created under  
26 Section 3-5005.4 to defray the cost of implementing or

1 maintaining the county's Geographic Information System and to  
2 defray the cost of providing electronic access to the county's  
3 Geographic Information System records.

4 The recorder shall collect an \$18 ~~a \$9~~ Rental Housing  
5 Support Program State surcharge for the recordation of any  
6 real estate-related document. Payment of the Rental Housing  
7 Support Program State surcharge shall be evidenced by a  
8 receipt that shall be marked upon or otherwise affixed to the  
9 real estate-related document by the recorder. The form of this  
10 receipt shall be prescribed by the Department of Revenue and  
11 the receipts shall be issued by the Department of Revenue to  
12 each county recorder.

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

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



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

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

24 A statement of the costs of providing each service,  
25 program and activity shall be prepared by the county board.  
26 All supporting documents shall be public record and subject to

1 public examination and audit. All direct and indirect costs,  
2 as defined in the United States Office of Management and  
3 Budget Circular A-87, may be included in the determination of  
4 the costs of each service, program and activity.

5 (Source: P.A. 102-838, eff. 5-13-22.)

6 (55 ILCS 5/3-5018.1)

7 Sec. 3-5018.1. Predictable fee schedule.

8 (a) As used in this Section:

9 "Nonstandard document" means:

10 (1) a document that creates a division of a then  
11 active existing tax parcel identification number;

12 (2) a document recorded pursuant to the Uniform  
13 Commercial Code;

14 (3) a document which is non-conforming, as described  
15 in paragraphs (1) through (5) of Section 3-5018;

16 (4) a State lien or a federal lien;

17 (5) a document making specific reference to more than  
18 5 tax parcel identification numbers in the county in which  
19 it is presented for recording; or

20 (6) a document making specific reference to more than  
21 5 other document numbers recorded in the county in which  
22 it is presented for recording.

23 "Standard document" means any document other than a  
24 nonstandard document.

25 (b) On or before January 1, 2019, a county shall adopt and

1 implement, by ordinance or resolution, a predictable fee  
2 schedule that eliminates surcharges or fees based on the  
3 individual attributes of a standard document to be recorded.  
4 The initial predictable fee schedule approved by a county  
5 board shall be set only as allowed under subsections (c) and  
6 (d) and any subsequent predictable fee schedule approved by a  
7 county board shall be set only as allowed under subsection  
8 (e). Except as to the recording of standard documents, the  
9 fees imposed by Section 3-5018 shall remain in effect. Under a  
10 predictable fee schedule, no charge shall be based on: page  
11 count; number, length, or type of legal descriptions; number  
12 of tax identification or other parcel identifying code  
13 numbers; number of common addresses; number of references  
14 contained as to other recorded documents or document numbers;  
15 or any other individual attribute of the document except as  
16 expressly provided in this Section. The fee charged under this  
17 Section shall be inclusive of all county and State fees that  
18 the county may elect or is required to impose or adjust,  
19 including, but not limited to, GIS fees, automation fees,  
20 document storage fees, and the Rental Housing Support Program  
21 State surcharge.

22 A predictable fee schedule ordinance or resolution adopted  
23 under this Section shall list standard document fees,  
24 including document class flat fees as required by subsection  
25 (c), and non-standard document fees.

26 Before approval of an ordinance or resolution under this

1 Section, the recorder or county clerk shall post a notice in  
2 their office at least 2 weeks prior, but not more than 4 weeks  
3 prior, to the public meeting at which the ordinance or  
4 resolution may be adopted. The notice shall contain the  
5 proposed ordinance or resolution number, if any, the proposed  
6 document class flat fees for each classification, and a  
7 reference to this Section or this amendatory Act of the 100th  
8 General Assembly.

9 A predictable fee schedule takes effect 60 days after an  
10 ordinance or resolution is adopted.

11 (c) Pursuant to an ordinance or resolution adopted under  
12 subsection (b), the recorder elected as provided for in this  
13 Division shall receive such fees as are or may be provided for  
14 him or her by law, in case of provision thereof: otherwise he  
15 or she shall receive the same fees as are or may be provided in  
16 this Section except when increased by county ordinance or  
17 resolution pursuant to the provisions of this Section, to be  
18 paid to the county clerk for his or her services in the office  
19 of recorder for like services. For the purposes of the fee  
20 charged, the ordinance or resolution shall divide standard  
21 documents into the following classifications and shall  
22 establish a single, all inclusive, county and State-imposed  
23 aggregate fee charged for each such classification of document  
24 at the time of recording for that document, which is called the  
25 document class flat fee. A standard document is not subject to  
26 more than one classification at the time of recording for the

1 purposes of imposing any fee. Each standard document shall  
2 fall within one of the following document class flat fee  
3 classifications and fees for each document class shall be  
4 charged only as allowed by this subsection (c) and subsection  
5 (d):

6 (1) Deeds. The aggregate fee for recording deeds shall  
7 not be less than \$31 ~~\$21~~ (being a minimum \$13 ~~\$12~~ county  
8 fee plus \$18 ~~\$9~~ for the Rental Housing Support Program  
9 State surcharge). Inclusion of language in the deed as to  
10 any restriction; covenant; lien; oil, gas, or other  
11 mineral interest; easement; lease; or a mortgage shall not  
12 alter the classification of a document as a deed.

13 (2) Leases, lease amendments, and similar transfer of  
14 interest documents. The aggregate fee for recording  
15 leases, lease amendments, and similar transfers of  
16 interest documents shall not be less than \$31 ~~\$21~~ (being a  
17 minimum \$13 ~~\$12~~ county fee plus \$18 ~~\$9~~ for the Rental  
18 Housing Support Program State surcharge).

19 (3) Mortgages. The aggregate fee for recording  
20 mortgages, including assignments, extensions, amendments,  
21 subordinations, and mortgage releases shall not be less  
22 than \$31 ~~\$21~~ (being a minimum \$13 ~~\$12~~ county fee plus \$18  
23 ~~\$9~~ for the Rental Housing Support Program State  
24 surcharge).

25 (4) Easements not otherwise part of another  
26 classification. The aggregate fee for recording easements

1 not otherwise part of another classification, including  
2 assignments, extensions, amendments, and easement releases  
3 not filed by a State agency, unit of local government, or  
4 school district shall not be less than \$31 ~~\$21~~ (being a  
5 minimum \$13 ~~\$12~~ county fee plus \$18 ~~\$9~~ for the Rental  
6 Housing Support Program State surcharge).

7 (5) Miscellaneous. The aggregate fee for recording  
8 documents not otherwise falling within classifications set  
9 forth in paragraphs (1) through (4) and are not  
10 nonstandard documents shall not be less than \$31 ~~\$21~~  
11 (being a minimum \$13 ~~\$12~~ county fee plus \$18 ~~\$9~~ for the  
12 Rental Housing Support Program State surcharge). Nothing  
13 in this subsection shall preclude an alternate predictable  
14 fee schedule for electronic recording within each of the  
15 classifications set forth in this subsection (c). If the  
16 Rental Housing Support Program State surcharge is amended  
17 and the surcharge is increased or lowered, the aggregate  
18 amount of the document flat fee attributable to the  
19 surcharge in the document may be changed accordingly.

20 (d) If an ordinance or resolution establishing a  
21 predictable fee schedule is adopted pursuant to subsection (b)  
22 and any document class flat fee exceeds \$31 ~~\$21~~, the county  
23 board shall:

24 (1) obtain from the clerk or recorder an analysis of  
25 the average fees collected for the recording of each of  
26 the classifications under subsection (c) based on the 3

1 previous years of recording data, and, if a cost study has  
2 not been performed, set respective document class flat  
3 fees for each of the 5 document classifications at the  
4 average for that class rounded upward to the next whole  
5 dollar amount; or

6 (2) if a cost study has been completed within the last  
7 3 years that shows \$31 ~~\$21~~ is not sufficient to cover the  
8 costs of providing the services related to each document  
9 class, obtain from the clerk or recorder an analysis of  
10 the average fees collected for the recording of each of  
11 the document classifications under subsection (c) from the  
12 date of the cost study and set respective document class  
13 flat fees for each of the 5 document classifications at  
14 the average for that document class rounded upward to the  
15 next whole dollar amount.

16 (e) After a document class flat fee is approved by a county  
17 board under subsection (b), the county board may, by ordinance  
18 or resolution, increase the document class flat fee and  
19 collect the increased fees only if the increase is justified  
20 by a cost study that shows that the fees allowed by subsections  
21 (c) and (d) are not sufficient to cover the cost of providing  
22 the service related to the document class for which the fee is  
23 to be increased. A statement of the costs of providing each  
24 service, program, and activity shall be prepared by the county  
25 board. All supporting documents shall be public record and  
26 subject to public examination and audit. All direct and

1 indirect costs, as defined in the United States Office of  
2 Management and Budget Circular A-87, may be included in the  
3 determination of the costs of each service, program, and  
4 activity.

5 Nothing in this Section precludes a county board from  
6 adjusting amounts or allocations within a given document class  
7 flat fee as long as the document class flat fee is not  
8 increased.

9 (Source: P.A. 100-271, eff. 8-22-17.)

10 (55 ILCS 5/4-12002) (from Ch. 34, par. 4-12002)

11 Sec. 4-12002. Fees of recorder in third class counties.  
12 Except as provided for in Section 4-12002.1, the fees of the  
13 recorder in counties of the third class for recording deeds or  
14 other instruments in writing and maps of plats of additions,  
15 subdivisions or otherwise, and for certifying copies of  
16 records, shall be paid in advance and shall be as follows:

17 For recording deeds or other instruments \$20 for the first  
18 2 pages thereof, plus \$2 for each additional page thereof. The  
19 aggregate minimum fee for recording any one instrument shall  
20 not be less than \$20.

21 For recording deeds or other instruments wherein the  
22 premises affected thereby are referred to by document number  
23 and not by legal description the recorder shall charge a fee of  
24 \$4 in addition to that hereinabove referred to for each  
25 document number therein noted.



1           For recording deeds or other instruments wherein more than  
2 one tract, parcel or lot is described and such additional  
3 tract, or tracts, parcel or parcels, lot or lots is or are  
4 described therein as falling in a separate or different  
5 addition or subdivision the recorder shall charge as an  
6 additional fee, to that herein provided, the sum of \$2 for each  
7 additional addition or subdivision referred to in such deed or  
8 instrument.

9           For recording any document that affects an interest in  
10 real property other than documents which solely affect or  
11 relate to an easement for water, sewer, electricity, gas,  
12 telephone or other public service, the recorder shall charge a  
13 fee of \$1 per document to all filers of documents not filed by  
14 any State agency, any unit of local government, or any school  
15 district. Fifty cents of the \$1 fee hereby established shall  
16 be deposited into the County General Revenue Fund. The  
17 remaining \$0.50 shall be deposited into the County Recorder  
18 Document Storage System Fund and may not be appropriated or  
19 expended for any other purpose. The additional amounts  
20 available to the recorder for expenditure from the County  
21 Recorder Document Storage System Fund shall not offset or  
22 reduce any other county appropriations or funding for the  
23 office of the recorder.

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

1 contained therein.

2 For certified copies of records the same fees as for  
3 recording, but in no case shall the fee for a certified copy of  
4 a map or plat of an addition, subdivision or otherwise exceed  
5 \$200.

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

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

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

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

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

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

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

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

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

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

21          The recorder shall collect an \$18 ~~a \$9~~ Rental Housing  
22          Support Program State surcharge for the recordation of any  
23          real estate-related document. Payment of the Rental Housing  
24          Support Program State surcharge shall be evidenced by a  
25          receipt that shall be marked upon or otherwise affixed to the  
26          real estate-related document by the recorder. The form of this

1 receipt shall be prescribed by the Department of Revenue and  
2 the receipts shall be issued by the Department of Revenue to  
3 each county recorder.

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

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

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

21 The fee requirements of this Section apply to units of  
22 local government and school districts.

23 Regardless of any other provision in this Section, the  
24 maximum fee that may be collected from the Department of  
25 Revenue for filing or indexing a lien, certificate of lien  
26 release or subordination, or any other type of notice or other

1 documentation affecting or concerning a lien is \$5. Regardless  
2 of any other provision in this Section, the maximum fee that  
3 may be collected from the Department of Revenue for indexing  
4 each additional name in excess of one for any lien,  
5 certificate of lien release or subordination, or any other  
6 type of notice or other documentation affecting or concerning  
7 a lien is \$1.

8 (Source: P.A. 100-1034, eff. 1-1-19.)

9 (55 ILCS 5/4-12002.1)

10 Sec. 4-12002.1. Predictable fee schedule for recordings in  
11 third class counties.

12 (a) As used in this Section:

13 "Nonstandard document" means:

14 (1) a document that creates a division of a then  
15 active existing tax parcel identification number;

16 (2) a document recorded pursuant to the Uniform  
17 Commercial Code;

18 (3) a document which is non-conforming, as described  
19 in paragraphs (1) through (5) of Section 4-12002;

20 (4) a State lien or a federal lien;

21 (5) a document making specific reference to more than  
22 5 tax parcel identification numbers in the county in which  
23 it is presented for recording; or

24 (6) a document making specific reference to more than  
25 5 other document numbers recorded in the county in which

1           it is presented for recording.

2           "Standard document" means any document other than a  
3 nonstandard document.

4           (b) On or before January 1, 2020, a county shall adopt and  
5 implement, by ordinance or resolution, a predictable fee  
6 schedule that eliminates surcharges or fees based on the  
7 individual attributes of a standard document to be recorded.  
8 The initial predictable fee schedule approved by a county  
9 board shall be set only as allowed under subsection (c) and any  
10 subsequent predictable fee schedule approved by a county board  
11 shall be set only as allowed under subsection (d). Except as to  
12 the recording of standard documents, the fees imposed by  
13 Section 4-12002 shall remain in effect. Under a predictable  
14 fee schedule, which only applies to standard documents, no  
15 charge shall be based on: page count; number, length, or type  
16 of legal descriptions; number of tax identification or other  
17 parcel identifying code numbers; number of common addresses;  
18 number of references contained as to other recorded documents  
19 or document numbers; or any other individual attribute of the  
20 document except as expressly provided in this Section. The fee  
21 charged under this Section shall be inclusive of all county  
22 and State fees that the county may elect or is required to  
23 impose or adjust, including, but not limited to, GIS fees,  
24 automation fees, document storage fees, and the Rental Housing  
25 Support Program State surcharge.

26           A predictable fee schedule ordinance or resolution adopted

1 under this Section shall list standard document fees,  
2 including document class flat fees as required by subsection  
3 (c), and nonstandard document fees.

4 Before approval of an ordinance or resolution under this  
5 Section, the recorder or county clerk shall post a notice in  
6 his or her office at least 2 weeks prior, but not more than 4  
7 weeks prior, to the public meeting at which the ordinance or  
8 resolution may be adopted. The notice shall contain the  
9 proposed ordinance or resolution number, if any, the proposed  
10 document class flat fees for each classification, and a  
11 reference to this Section or this amendatory Act of the 100th  
12 General Assembly.

13 A predictable fee schedule takes effect 60 days after an  
14 ordinance or resolution is adopted.

15 (c) Pursuant to an ordinance or resolution adopted under  
16 subsection (b), the recorder elected as provided for in this  
17 Division shall receive such fees as are or may be provided for  
18 him or her by law, in case of provision thereof: otherwise he  
19 or she shall receive the same fees as are or may be provided in  
20 this Section except when increased by county ordinance or  
21 resolution pursuant to the provisions of this Section, to be  
22 paid to the county clerk for his or her services in the office  
23 of recorder for like services. For the purposes of the fee  
24 charged, the ordinance or resolution shall divide standard  
25 documents into the following classifications and shall  
26 establish a single, all-inclusive, county and State-imposed

1 aggregate fee charged for each such classification of document  
2 at the time of recording for that document, which is called the  
3 document class flat fee. A standard document is not subject to  
4 more than one classification at the time of recording for the  
5 purposes of imposing any fee. Each standard document shall  
6 fall within one of the following document class flat fee  
7 classifications and fees for each document class shall be  
8 charged only as allowed by this subsection (c) and subsection  
9 (d):

10 (1) Deeds. The aggregate fee for recording deeds shall  
11 not be less than \$39 ~~\$29~~ (being a minimum \$21 ~~\$20~~ county  
12 fee plus \$18 ~~\$9~~ for the Rental Housing Support Program  
13 State surcharge). Inclusion of language in the deed as to  
14 any restriction; covenant; lien; oil, gas, or other  
15 mineral interest; easement; lease; or a mortgage shall not  
16 alter the classification of a document as a deed.

17 (2) Leases, lease amendments, and similar transfer of  
18 interest documents. The aggregate fee for recording  
19 leases, lease amendments, and similar transfers of  
20 interest documents shall not be less than \$39 ~~\$29~~ (being a  
21 minimum \$21 ~~\$20~~ county fee plus \$18 ~~\$9~~ for the Rental  
22 Housing Support Program State surcharge).

23 (3) Mortgages. The aggregate fee for recording  
24 mortgages, including assignments, extensions, amendments,  
25 subordinations, and mortgage releases shall not be less  
26 than \$39 ~~\$29~~ (being a minimum \$21 ~~\$20~~ county fee plus \$18



1       ~~\$9~~ for the Rental Housing Support Program State  
2       surcharge).

3           (4) Easements not otherwise part of another  
4       classification. The aggregate fee for recording easements  
5       not otherwise part of another classification, including  
6       assignments, extensions, amendments, and easement releases  
7       not filed by a State agency, unit of local government, or  
8       school district shall not be less than \$39 ~~\$29~~ (being a  
9       minimum \$21 ~~\$20~~ county fee plus \$18 ~~\$9~~ for the Rental  
10      Housing Support Program State surcharge).

11          (5) Miscellaneous. The aggregate fee for recording  
12      documents not otherwise falling within classifications set  
13      forth in paragraphs (1) through (4) and are not  
14      nonstandard documents shall not be less than \$39 ~~\$29~~  
15      (being a minimum \$21 ~~\$20~~ county fee plus \$18 ~~\$9~~ for the  
16      Rental Housing Support Program State surcharge). Nothing  
17      in this subsection shall preclude an alternate predictable  
18      fee schedule for electronic recording within each of the  
19      classifications set forth in this subsection (c). If the  
20      Rental Housing Support Program State surcharge is amended  
21      and the surcharge is increased or lowered, the aggregate  
22      amount of the document flat fee attributable to the  
23      surcharge in the document may be changed accordingly.

24          (d) After a document class flat fee is approved by a county  
25      board under subsection (b), the county board may, by ordinance  
26      or resolution, increase the document class flat fee and

1 collect the increased fees if the established fees are not  
2 sufficient to cover the costs of providing the services  
3 related to the document class for which the fee is to be  
4 increased.

5 Nothing in this Section precludes a county board from  
6 adjusting amounts or allocations within a given document class  
7 flat fee when the document class flat fee is not increased.

8 (Source: P.A. 100-1034, eff. 1-1-19.)

9 Section 10. The Rental Housing Support Program Act is  
10 amended by changing Section 15 and by adding Section 30 as  
11 follows:

12 (310 ILCS 105/15)

13 Sec. 15. Grants to local administering agencies.

14 (a) Under the program, the Authority shall make grants to  
15 local administering agencies to provide subsidies to landlords  
16 to enable the landlords to charge rent affordable for  
17 low-income tenants. Grants shall also include an amount for  
18 the operating expenses of local administering agencies. On an  
19 annual basis, operating expenses for local administering  
20 agencies shall not exceed 10% for grants under \$500,000 and  
21 shall not exceed 7% for grants over \$500,000. If a grant to a  
22 local administering agency covers more than one year, the  
23 Authority shall calculate operating expenses on an annual pro  
24 rata share of the grant. If the annual pro rata share is

1 \$500,000 or less, then the fee shall be 10%; if the annual pro  
2 rata share is greater than \$500,000, then the fee shall be 7%.

3 (b) The Authority shall develop a request-for-proposals  
4 process for soliciting proposals from local administering  
5 agencies and for awarding grants. The request-for-proposals  
6 process and the funded projects must be consistent with the  
7 criteria set forth in Section 25 and with additional criteria  
8 set forth by the Authority in rules implementing this Act. As  
9 part of the request-for-proposals process and subject to the  
10 requirements contained in subsection (d), best efforts will be  
11 used to prioritize local administering agencies that serve the  
12 county in which annual receipts were collected upon receipt of  
13 current data from the Department of Revenue applicable to the  
14 annual receipts.

15 (c) Local administering agencies may be local governmental  
16 bodies, local housing authorities, or not-for-profit  
17 organizations. The Authority shall set forth in rules the  
18 financial and capacity requirements necessary for an  
19 organization to qualify as a local administering agency and  
20 the parameters for administration of the grants by local  
21 administering agencies. The Authority shall use best efforts  
22 through outreach to local administering agencies to encourage  
23 at least one local administering agency to serve each county,  
24 subject to subsection (d).

25 (d) The Authority shall distribute grants to local  
26 administering agencies according to a formula based on U.S.

1 Census data. The formula shall determine percentages of the  
2 funds to be distributed to the following geographic areas: (i)  
3 Chicago; (ii) suburban areas: Cook County (excluding Chicago),  
4 DuPage County, Lake County, Kane County, Will County, and  
5 McHenry County; (iii) small metropolitan areas: Springfield,  
6 Rockford, Peoria, Decatur, Champaign-Urbana,  
7 Bloomington-Normal, Rock Island, DeKalb, Madison County,  
8 Moline, Pekin, Rantoul, and St. Clair County; and (iv) rural  
9 areas, defined as all areas of the State not specifically  
10 named in items (i), (ii), and (iii) of this subsection. A  
11 geographic area's percentage share shall be determined by the  
12 total number of households that have an annual income of less  
13 than 50% of State median income for a household of 4, as  
14 determined by the U.S. Department of Housing and Urban  
15 Development, and that are paying more than 30% of their income  
16 for rent. The geographic distribution shall be re-determined  
17 by the Authority each time new U.S. Census data becomes  
18 available. The Authority shall phase in any changes to the  
19 geographic formula to prevent a large withdrawal of resources  
20 from one area that could negatively impact households  
21 receiving rental housing support. Up to 20% of the funds  
22 allocated for rural areas, as defined in this subsection, may  
23 be set aside and awarded to one administering agency to be  
24 distributed throughout the rural areas in the State to  
25 localities that desire a number of subsidized units of housing  
26 that is too small to justify the establishment of a full local

1 program. In those localities, the administering agency may  
2 contract with local agencies to share the administrative tasks  
3 of the program, such as inspections of units.

4 (e) In order to ensure applications from all geographic  
5 areas of the State, the Authority shall create a plan to ensure  
6 that potential local administering agencies have ample time  
7 and support to consider making an application and to prepare  
8 an application. Such a plan must include, but is not limited  
9 to: an outreach and education plan regarding the program and  
10 the requirements for a local administering agency; ample time  
11 between the initial notice of funding ability and the deadline  
12 to submit an application, which shall not be less than 9  
13 months; and access to assistance from the Authority or another  
14 agency in considering and preparing the application.

15 (f) In order to maintain consistency for households  
16 receiving rental housing support, the Authority shall, to the  
17 extent possible given funding resources available in the  
18 Rental Housing Support Program, continue to fund local  
19 administering agencies at the same level on an annual basis,  
20 unless the Authority determines that a local administering  
21 agency is not meeting the criteria set forth in Section 25 or  
22 is not adhering to other standards set forth by rule by the  
23 Authority.

24 (Source: P.A. 97-952, eff. 1-1-13.)

25 (310 ILCS 105/30 new)

1       Sec. 30. Illinois Rental Housing Support Program Funding  
2       Allocation Task Force.

3       (a) The Illinois Rental Housing Support Program Funding  
4       Allocation Task Force is hereby created. The Task Force shall  
5       consist of the following members:

6               (1) One member appointed by the President of the  
7               Senate.

8               (2) One member appointed by the Minority Leader of the  
9               Senate.

10              (3) One member appointed by the Speaker of the House  
11              of Representatives.

12              (4) One member appointed by the Minority Leader of the  
13              House of Representatives.

14              (5) One member appointed by the Illinois Housing  
15              Development Authority.

16              (6) One member representing the Chicago Low-Income  
17              Housing Trust Fund, appointed by the Board of Directors of  
18              the Trust Fund.

19              (7) One member representing a local administering  
20              agency from Cook County (excluding Chicago), DuPage  
21              County, Lake County, Kane County, Will County, or McHenry  
22              County, appointed by the Governor.

23              (8) One member, appointed by the Governor,  
24              representing a local administering agency from a small  
25              metropolitan area from one of the following areas:  
26              Springfield, Rockford, Peoria, Decatur, Champaign, Urbana,

1 Bloomington, Normal, Rock Island, DeKalb, Madison County,  
2 Moline, Pekin, Rantoul, or St. Clair County.

3 (9) One member representing a local administering  
4 agency from a rural areas, appointed by the Governor. As  
5 used in this paragraph, "rural area" means an area of the  
6 State outside of Cook County not specifically named in  
7 paragraph (7) or (8).

8 (10) One member from an organization representing  
9 Illinois clerks and recorders, appointed by the Governor.

10 (11) Up to 2 members representing a Section 501(c)(3)  
11 affordable housing advocacy organization, appointed by the  
12 Governor.

13 (12) One additional member appointed by the Governor.

14 Members of the Task Force must be appointed no later than  
15 30 days after the effective date of this amendatory Act of the  
16 103rd General Assembly. If any members are not appointed  
17 within the 30-day period, the entity or person responsible for  
18 making the appointment shall be deemed to have forfeited the  
19 right to make such appointment.

20 (b) Once appointed, the members shall elect a chairperson  
21 and vice chairperson by a simple majority vote.

22 If a vacancy occurs on the Task Force, it shall be filled  
23 according to the initial appointment.

24 At the discretion of the chair, additional individuals may  
25 participate as nonvoting members in the meetings of the Task  
26 Force.

1 Members of the Task Force shall serve without  
2 compensation. The Illinois Housing Development Authority shall  
3 provide staff and administrative services to the Task Force.

4 (c) Once all members have been appointed, the Task Force  
5 shall meet not less than 3 times to carry out the duties  
6 prescribed in this Section. Members of the Task Force may  
7 attend such meetings virtually.

8 (d) A report delineating the Task Force's findings,  
9 conclusions, and recommendations shall be submitted to the  
10 General Assembly no later than March 31, 2024.

11 (e) The members of the Task Force are exempt from  
12 requirements of the State Officials and Employees Ethics Act,  
13 the Illinois Governmental Ethics Act, or any other applicable  
14 law or regulation that would require Task Force members to  
15 complete trainings, disclosures, or other filings since the  
16 Task Force is of limited duration and is charged only with  
17 delivering a non-binding report.

18 (f) The Task Force shall study and make recommendations  
19 regarding the equitable distribution of rental housing support  
20 funds across the State. The Task Force shall also work with the  
21 Illinois Housing Development Authority as funding allocations  
22 will be required to be adjusted due to data released by the  
23 United States Census Bureau on the 2020 decennial census.

24 (g) This Section is repealed on March 31, 2025.

25 Section 99. Effective date. This Act takes effect January  
26 1, 2024.