



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1398

Introduced 2/11/2009, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-5018

from Ch. 34, par. 3-5018

55 ILCS 5/5-1131 new

Amends the Counties Code. Authorizes a county to establish an affordable housing trust fund. Defines an "affordable housing trust fund". Provides that any county that establishes an affordable housing trust fund may provide by ordinance or resolution for a surcharge on the recordation of any "real estate-related document" for the purpose of funding the trust fund. Provides for the collection of the surcharge. Effective immediately.

LRB096 04775 RLJ 14839 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing
5 Sections 3-5018 and Section 4-12002 and by adding Section
6 5-1131 as follows:

7 (55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

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

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

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

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

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

20 For certified copies of records the same fees as for
21 recording, but in no case shall the fee for a certified copy of
22 a map or plat of an addition, subdivision or otherwise exceed
23 \$10.

24 Each certificate of such recorder of the recording of the
25 deed or other writing and of the date of recording the same
26 signed by such recorder, shall be sufficient evidence of the

1 recording thereof, and such certificate including the indexing
2 of record, shall be furnished upon the payment of the fee for
3 recording the instrument, and no additional fee shall be
4 allowed for the certificate or indexing.

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

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

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

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

26 (4) The first page of the document shall contain a

1 blank space, measuring at least 3 inches by 5 inches, from
2 the upper right corner.

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

5 A document that does not conform to these standards shall not
6 be recorded except upon payment of the additional fee required
7 under this paragraph. This paragraph, as amended by this
8 amendatory Act of 1995, applies only to documents dated after
9 the effective date of this amendatory Act of 1995.

10 The county board of any county may provide for an
11 additional charge of \$3 for filing every instrument, paper, or
12 notice for record, (1) in order to defray the cost of
13 converting the county recorder's document storage system to
14 computers or micrographics and (2) in order to defray the cost
15 of providing access to records through the global information
16 system known as the Internet.

17 A special fund shall be set up by the treasurer of the
18 county and such funds collected pursuant to Public Act 83-1321
19 shall be used (1) for a document storage system to provide the
20 equipment, materials and necessary expenses incurred to help
21 defray the costs of implementing and maintaining such a
22 document records system and (2) for a system to provide
23 electronic access to those records.

24 The county board of any county that provides and maintains
25 a countywide map through a Geographic Information System (GIS)
26 may provide for an additional charge of \$3 for filing every

1 instrument, paper, or notice for record (1) in order to defray
2 the cost of implementing or maintaining the county's Geographic
3 Information System and (2) in order to defray the cost of
4 providing electronic access to the county's Geographic
5 Information System records. Of that amount, \$2 must be
6 deposited into a special fund set up by the treasurer of the
7 county, and any moneys collected pursuant to this amendatory
8 Act of the 91st General Assembly and deposited into that fund
9 must be used solely for the equipment, materials, and necessary
10 expenses incurred in implementing and maintaining a Geographic
11 Information System and in order to defray the cost of providing
12 electronic access to the county's Geographic Information
13 System records. The remaining \$1 must be deposited into the
14 recorder's special funds created under Section 3-5005.4. The
15 recorder may, in his or her discretion, use moneys in the funds
16 created under Section 3-5005.4 to defray the cost of
17 implementing or maintaining the county's Geographic
18 Information System and to defray the cost of providing
19 electronic access to the county's Geographic Information
20 System records.

21 Any county that establishes an affordable housing trust
22 fund pursuant to Section 5-1131 of this Code may provide by
23 ordinance or resolution for an affordable housing trust fund
24 surcharge for the recordation of any real estate-related
25 document for the purpose of funding that affordable housing
26 trust fund in the amount of \$5 in 2009 and 2010 and thereafter

1 as may be determined by the county board. The total amount of
2 the surcharge shall not exceed \$7 between 2011 and 2014, \$9
3 between 2015 and 2018, and \$10 thereafter. The county board
4 shall not increase the surcharge more frequently than once in
5 any 4-year period.

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

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

21 The recorder shall not collect the affordable housing trust
22 fund surcharge or the Rental Housing Support Program State
23 surcharge from any State agency, any unit of local government
24 or any school district.

25 One dollar of each surcharge shall be retained by the
26 county in which it was collected. This dollar shall be

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

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

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

22 The foregoing fees allowed by this Section are the maximum
23 fees that may be collected from any officer, agency, department
24 or other instrumentality of the State. The county board may,
25 however, by ordinance, increase the fees allowed by this
26 Section and collect such increased fees from all persons and

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

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

22 (Source: P.A. 93-256, eff. 7-22-03; 94-118, eff. 7-5-05.)

23 (55 ILCS 5/5-1131 new)

24 Sec. 5-1131. Affordable housing trust fund; surcharge. Any
25 county may establish an affordable housing trust fund. Any

1 county that establishes an affordable housing trust fund may
2 provide by ordinance or resolution for an affordable housing
3 trust fund surcharge for the recordation of any real
4 estate-related document for the purpose of funding that
5 affordable housing trust fund in the amount of \$5 in 2009 and
6 2010 and thereafter as may be determined by the county board.
7 The total amount of the surcharge shall not exceed \$7 between
8 2011 and 2014, \$9 between 2015 and 2018, and \$10 thereafter.
9 The county board shall not increase the surcharge more
10 frequently than once in any 4-year period.

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

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

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