



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3183

Introduced 2/24/2011, by Rep. Deborah Mell

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/Art. XV Pt. 18 heading new  
735 ILCS 5/15-1801 new  
735 ILCS 5/15-1802 new  
735 ILCS 5/15-1803 new

Amends the Code of Civil Procedure. Creates the Homeowner Bill of Rights in the Article known as the Illinois Mortgage Foreclosure Law. Provides that a mortgagee shall have access to all communications between the mortgagor and the mortgagee and between the mortgagee and any third party concerning the mortgagor, the mortgagee, and the mortgage note. Defines terms. Provides that the mortgagor may utilize a HUD-certified counselor to act as an intermediary or agent in interactions with the mortgagee.

LRB097 09263 AJO 49398 b

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Civil Procedure is amended by adding  
5 Part 18 to Article XV as follows:

6 (735 ILCS 5/Art. XV Pt. 18 heading new)

7 Part 18. Homeowner Bill of Rights.

8 (735 ILCS 5/15-1801 new)

9 Sec. 15-1801. Application. This Article applies to  
10 residential property.

11 (735 ILCS 5/15-1802 new)

12 Sec. 15-1802. Access to records. Each mortgagor shall have  
13 the right to:

14 (1) have access to the mortgagee's record of all  
15 communications between the mortgagor and the mortgagee and  
16 of all communications between the mortgagee and any third  
17 party about the mortgagor, the mortgage, or the mortgage  
18 loan. "Communications" for purposes of this Section  
19 include, but are not limited to: correspondence;  
20 documents; memoranda; notices; written summaries of  
21 telephone or in-person conversations or messages; any

1 electronic communications such as email, including  
2 attachments; and all retrievable information that is in  
3 electronic or computer storage, in printed form;

4 (2) if the mortgagee is not the owner of the mortgage  
5 note, a description of the manner of the transfer of the  
6 ownership of the mortgage note, the identity and contact  
7 information of the owner or assignee of the mortgage note,  
8 along with copies of any document showing the transfer of  
9 ownership of the mortgage note and any pooling or servicing  
10 agreement that includes the mortgage note; and

11 (3) if the mortgagor is denied assistance under the  
12 Making Home Affordable Program or the Home Affordable  
13 Modification Program (HAMP) pursuant to the Emergency  
14 Economic Stabilization Act of 2008, as amended by the  
15 American Recovery and Reinvestment Act of 2009,  
16 information about other alternate assistance programs and  
17 options potentially available to the mortgagor.

18 (735 ILCS 5/15-1803 new)

19 Sec. 15-1803. Communication with certified housing  
20 counselor. Each mortgagor shall have the right, in any  
21 communication or interaction with the mortgagee, to have a  
22 third party HUD-certified housing counselor act as the  
23 intermediary between the mortgagor and the mortgagee, upon the  
24 mortgagor's request. In that instance, the mortgagee shall  
25 communicate with the housing counselor as it would with the

1 mortgagee. The housing counselor must be notified by the  
2 mortgagee of any offer or issue related to the mortgagor's  
3 mortgage or mortgage note as to which the mortgagor is being  
4 counseled.