



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

File #: 19-0855, Version: 1

PROPOSED ORDINANCE AMENDMENT

PREDICTABLE RECORDING FEE ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 - Administration, Article IV - Officers and Employees, Division 3 - Recorder of Deeds, Subdivision II. - Fees, Sections 2-210 through 2-217, shall be amended as follows:

Subdivision II. - Fees

Sec. 2-210. - Predictable Recording Fees.

(a) Pursuant to 55 ILCS 5/4-12002.1, effective January 1, 2019, third class counties are required to adopt and implement, by ordinance or resolution, a predictable fee schedule that eliminates surcharges or fees based on the individual attributes of a standard document to be recorded. Under a predictable fee schedule, which only applies to standard documents as defined by 55 ILCS 5/4-12002.1, no charge shall be based on: page count; number, length, or type of legal descriptions; number of tax identification or other parcel identifying code numbers; number of common addresses; number of references contained as to other recorded documents or document numbers; or any other individual attribute of the document except as expressly provided in 55 ILCS 5/4-12002.1.

(b) For nonstandard documents, the fees imposed by Section 55 ILCS 5/3-5018 and/or Section 55 ILCS 5/4-12002 shall remain in effect.

(c) As defined by 55 ILCS 5/4-12002.1(a), “nonstandard document” means:

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

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

(3) a document which is non-conforming, as described in paragraphs (1) through (5) of Section 4-12002 [55 ILCS 5/4-12002];

(4) a State lien or a federal lien;

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

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

(d) As defined by 55 ILCS 5/4-12002.1(a), “standard document” means any document other than a nonstandard document.

(e) The predictable fees charged pursuant to this ordinance shall be inclusive of all county and State fees that the county may elect or is required to impose or adjust, including, but not limited to, GIS fees, automation fees, document storage fees, and the Rental Housing Support Program State surcharge.

(f) Pursuant to 55 ILCS 5/4-12002.1(b), the predictable fee schedule takes effect 60 days after this ordinance is adopted.

(g) For the purposes of determining the fee to be charged for recording a document, standard documents shall be divided into the following classifications:

(1) Deeds;

(2) Leases, lease amendments and similar transfer of interest documents;

(3) Mortgages, including assignments, extensions, amendments, subordinations, and mortgage releases;

(4) Easements not otherwise part of another classification, including assignments, extensions, amendments, and easement releases not filed by a State agency, unit of local government, or school district;

(5) Miscellaneous documents that are not nonstandard documents and do not otherwise fall within the other classifications set forth in paragraphs (1) through (4) above.

(h) Fees. The fees to be charged for the recordation of documents contained in each classification as set forth in paragraph (g) above shall be as set out in Section 32-1. A standard document is not subject to more than one classification at the time of recording for the purposes of imposing any fee.

Sec. 2-211. - Exemption for County officials, departments and agencies.

The Recorder of Deeds shall not collect the fees authorized by 505 ILCS 60/2 (fee for recording name under Farm Names Act), 505 ILCS 60/4 (fee for canceling registration under Farm Names Act); 55 ILCS 5/3-5015 (certificates of discharge or release from active military duty), 5/3-5018 (fee for recording deeds, plats, etc.), 55 ILCS 5/3-5037 (re-recording instruments destroyed by fire or other casualty), 55 ILCS 5/3-5039 (certificate of transcript of abstract books), 55 ILCS 5/3-5043 (fee for tax or judgment search), 55 ILCS 5/4-12002 (fee for recording deeds, plats, etc.), 770 ILCS 45/3 (fee for recording notice of lien under Labor and Storage Lien Act), 770 ILCS 45/5 (fee for recording release of lien under Labor and Storage Lien Act) or any other statute or ordinance which authorizes the payment of fees to the Recorder of Deeds from which local government units are not otherwise exempt, for any services provided to or on behalf of the County, its officials, departments or agencies for official purposes. Any County officials, department or agency requesting services from the Recorder of Deeds pursuant to this provision shall be required to indicate that the request is made for "OFFICIAL PURPOSES." The Recorder of Deeds shall establish and keep a record of the fee exempt services rendered to each County official, department or agency. Such records shall be available on request, to the Chief Financial Officer of the County.

Sec. 2-212. - Exemption from recorder's fee for lien recordation in connection with the Chicago Homeowner Assistance Program.

The Recorder of Deeds shall not collect fees authorized by the Illinois Compiled Statutes for lien recordation in connection with the Chicago Homeowner Assistance Program. Each such lien shall be clearly designated "Chicago Homeowner Assistance Program - Lien." The Recorder of Deeds shall establish and keep a record of the fee exempt services rendered in connection with the program.

Sec. 2-213. - Document Storage Filing fee.

(a) The County Recorder of Deeds shall in addition to the fees provided therein charge an additional fee as set out in Section 32-1 for the filing of every instrument, paper or notice for record.

(b) Each such fee collected shall be placed in a special fund to be held by the Treasurer of the County.

(c) Such monies collected and placed in such special fund shall be used by the Recorder of Deeds to defray the cost of converting the document storage system of the Recorder of Deeds to computers or micrographics and such monies shall be used solely for a document storage system to provide the equipment, material and necessary expense and costs incurred in the implementing and maintaining of such a document records system.

(d) Upon the consolidation of the Office of the Recorder of Deeds with the Office of the County Clerk, this section will become applicable to the Office of the County Clerk.

Sec. 2-214. - GIS fee.

(a) The terms used in this Section shall have the meanings set forth below:

Additional charge is a charge as set out in Section 32-1, which is added to the existing fees imposed by the County Recorder of Deeds for the filing of every instrument, paper, or notice of record.

Countywide map is a parcel-based map of the County which includes all the supporting Geographic Information System.

Geographic information system is an organized collection of computer hardware, software, and geographic data designed to efficiently capture, store, update, manipulate, analyze, and display all forms of geographically referenced information.

(b) The additional charge will be distributed as follows:

(1) ~~Twelve~~ Seventeen dollars will be deposited into a distinct fund set up by the County Bureau of Technology. These monies will be used solely to finance equipment, materials, and other necessary expenses incurred in implementing and maintaining a geographic information system.

(2) ~~Three~~ Six dollars will be deposited by the Recorder of Deeds pursuant to 55 ILCS 5/3-5005.4 (deposit of fee income-special funds).

(c) Upon the consolidation of the Office of the Recorder of Deeds with the Office of the County Clerk, this section will become applicable to the Office of the County Clerk.

Sec. 2-215. - ~~Release deed.~~ Reserved.

~~The County Recorder of Deeds is hereby authorized to charge fees as set out in Section 32-1 for the preparation and execution of release deed upon production of a trust deed and note.~~

Sec. 2-216. - Internet document copy fee.

(a) For electronic copies of recorded documents obtained from the Recorder of Deeds' Internet website, the Recorder of Deeds is hereby authorized to charge a fee as set out in Section 32-1 per document.

(b) For payment of the fees set forth in Subsection (a) of this Section, the Recorder of Deeds is authorized to accept electronic payment by credit card. If a convenience fee is charged pursuant to Subsection (b)(1) or (b)(2) of this Section, such fee must be clearly posted.

(1) The Recorder of Deeds may impose a convenience fee or surcharge upon such payments to the extent

allowable under the applicable credit card service agreement. Such convenience fee shall not exceed the actual cost to the County for such transactions; or

- (2) The Recorder of Deeds may enter into agreements, subject to approval by the Board of Commissioners, with one or more financial institutions, Internet companies, or other business entities to act as third party payment agents for the payment of fees. These agreements may authorize the third party payment agent to retain a service fee out of the payments collected, or to impose an additional convenience fee;
- (3) Receipt by the Recorder of Deeds of the amount of the fee paid by credit card or through a third party payment agent authorized by the Recorder of Deeds, less the amount of any service fee retained under the Recorder of Deeds' agreement with the credit service provider or third party payment agent, shall be deemed receipt of the full amount of the fee or other charge and shall discharge the payment obligation in full.

Sec. 2-217. - Postal fee.

(a) When a customer of the Recorder of Deeds requests that a transaction be returned to the customer by the U.S. Postal Service, the Recorder of Deeds is hereby authorized to charge, in addition to the recording fees, a service charge as set out in Section 32-1 for each document that shall be mailed to the customer. When a customer of the Recorder of Deeds submits a document to be recorded by the Recorder of Deeds by mail or by commercial shipping carrier, the Recorder of Deeds is hereby authorized to charge, in addition to the recording fees, a mail handling fee as set out in Section 32-1 for each document that is submitted by mail or by commercial shipping carrier.

(b) The Recorder of Deeds is further authorized to rent mail type boxes to customers for delivery of its documents from the Recorder of Deeds office. The rental for each box per month shall be as set out in Section 32-1.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that that Chapter 32 - Fees, Section 32-1 - Fee Schedule be amended as follows:

Sec. 32-1. - Fee schedule.

The fees or charges provided for or required by the below-listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
CHAPTER 2, ADMINISTRATION		
<u>FEES FOR NONSTANDARD DOCUMENTS</u>		
2-210(c)	<u>Non-Standard Deeds or Other Instruments that are priced by page**(first two pages) per 55 ILCS 5/4-12002</u>	<u>53.00</u>
2-210(c)	<u>Non-Standard Deeds or Other Instruments that are priced by page (Each additional page after first two pages) per 55 ILCS 5/4-12002</u>	<u>2.00</u>
2-210(c)	<u>Grantor/Grantee Affidavit per 55 ILCS 5/4-12002</u>	<u>2.00</u>
2-210(c)	<u>Additional fee for documents wherein the premises affected thereby are referred to by document number and not by legal description, per document number per 55 ILCS 5/4-12002</u>	<u>4.00</u>
2-210(c)	<u>Additional fee for documents affecting multiple tracts, parcels or lots from different additions or subdivisions, per additional addition or subdivision per 55 ILCS 5/4-12002</u>	<u>2.00</u>
2-210(c)	<u>Plats of additions or subdivisions** per 55 ILCS 5/4-12002</u>	<u>133.00</u>

2-210(c)	<u>Each additional tract, parcel or lot contained in a Plat per 55 ILCS 5/4-12002</u>	<u>2.00</u>
2-210(c)	<u>Documents which are non-conforming, as described in paragraphs (1) through (5) of 55 ILCS 5/4-12002 (first two pages)** per 55 ILCS 5/4-12002</u>	<u>73.00</u>
2-210(c)	<u>Documents which are non-conforming, as described in paragraphs (1) through (5) of 55 ILCS 5/4-12002 (each additional page after first two pages) per 55 ILCS 5/4-12002</u>	<u>4.00</u>
2-210(c)	<u>Rental Housing Support Program Fee per 55 ILCS 5/4-12002</u>	<u>9.00</u>
2-210(c)	<u>Additional fee for documents that affect interests in real estate that are not filed by any State agency, any unit of local government or any school district.*** per 55 ILCS 5/4-12002</u>	<u>1.00</u>
2-210(c)	<u>State or Federal Liens (flat fee)**</u>	<u>38.00</u>
2-210(c)	<u>per additional name in excess of one listed on state or federal lien or release</u>	<u>1.00</u>
2-210(c)	<u>Certificate of Discharge or Release of State or Federal Liens**</u>	<u>38.00</u>
2-210(c)	<u>Mechanics Liens and satisfaction or releases of Mechanic's Liens (first four pages)** per 770 ILCS 60/38</u>	<u>45.00</u>
2-210(c)	<u>Each additional page (Mechanic's Liens) per 770 ILCS 60/38</u>	<u>1.00</u>
2-210(c)	<u>Each additional document number noted (Mechanic's Liens) per 770 ILCS 60/38</u>	<u>1.00</u>
2-210(c)	<u>UCC "U" Filings - Terminations** per 810 ILCS 5/9-710</u>	<u>38.00</u>
2-210(c)	<u>UCC "U" Filings - Continuations, Partial Releases and Amendments** per 810 ILCS 5/9-525</u>	<u>53.00</u>
	<u>*Rental Housing Support Fee does not apply to documents recorded by any State agency, any unit of local government or any school district</u>	
	<u>**Includes Document Storage and GIS Fees</u>	
	<u>***This fee does not apply to documents that affect or relate to easements for water, sewer, electricity, gas, telephone or other public service</u>	
	<u>FEES FOR STANDARD DOCUMENTS</u>	
2-210(g)(1)	<u>Fee for recording standard deeds</u>	<u>98.00</u>
2-210(g)(2)	<u>Fee for recording standard leases, lease amendments and similar transfer of interest documents</u>	<u>98.00</u>
2-210(g)(3)	<u>Fee for recording standard mortgages, including assignments, extensions, amendments, subordinations, and mortgage releases</u>	<u>98.00</u>
2-210(g)(4)	<u>Fee for recording standard easements not otherwise part of another classification, including assignments, extensions, amendments, and easement releases not filed by a State agency, unit of local government, or school district;</u>	<u>98.00</u>
2-210(g)(5)	<u>Fee for recording miscellaneous documents that are not nonstandard documents and do not otherwise fall within any other classifications</u>	<u>98.00</u>
2-210 (g)(1)	<u>All standard documents which are exempt from the State Rental Housing Support Program Fee*</u>	<u>88.00</u>

<u>OTHER FEES</u>		
2-213	<u>Filing Document Storage fee</u>	5.00 <u>10.00</u>
2-214	GIS fee, additional charge	15.00 <u>23.00</u>
2-215	Release deed, preparation and execution of upon production:	
	Notes up to \$10,000.00	50.00
	Notes over \$10,000.00 and including \$25,000.00	60.00
	Notes over \$25,000.00 and including \$50,000.00	80.00
	Notes over \$50,000.00 and including \$75,000.00	90.00
	Notes over \$75,000.00 and including \$200,000.00	100.00
	Notes over \$200,000.00 and including \$1,000,000.00, base fee	100.00
	Plus per \$1,000.00 over \$200,000.00	0.60
2-216(a)	Electronic copies of documents from Recorder's website, per document	2.50 <u>5.00</u>
2-217	Postal fees:	
2-217(a)	Per document mailed <u>Mail Handling Fee, per Document submitted by mail or commercial shipping carrier</u>	2.25 <u>5.00</u>
2-217(b)	Mail box rental, per box, per month	20.00 <u>50.00</u>

Effective date: This ordinance shall be in effect 60 days after adoption