



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Details

File #:	24-1630	Version:	1	Name:	PREDICTABLE RECORDING FEE ORDINANCE AMENDMENT
Type:	Ordinance Amendment	Status:		Status:	Approved
File created:	2/21/2024	In control:		In control:	Finance Committee
On agenda:	2/29/2024	Final action:		Final action:	3/14/2024
Title:	PROPOSED ORDINANCE AMENDMENT				

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 - Administration, Article IV - Officers and Employees, Division 2 - County Clerk, Subdivision I. - In General, Section 2-168 shall be amended as follows:

Sec. 2-168. Bulk database index information.

(a) This Section shall be known as "The Clerk Bulk Database Index Information Ordinance".

(b) The Office of the Clerk is granted authority to negotiate contracts with industry customers (commercial and noncommercial entities) for the purpose of providing access to the Computerized Indexing System in accordance with the provisions set forth herein.

(c) All contracts and agreements shall be presented to the Cook County Board of Commissioners for approval and execution.

(d) The County and the Clerk shall be held harmless and indemnified by Title Industry Customers for the use of any data, records or documents accessed from the Bulk Database Index Information System. The County and Clerk shall make no guarantee as to the accuracy of the data, records or documents contained within the Bulk Database Index Information System. All data, records or documents shall be provided "as is" without any warranty of any kind, expressed or implied, including but not limited to, the warranties of performance, merchantability and fitness for particular purpose.

(e) All Title Industry Customers shall be responsible for access fee, connectivity, network maintenance costs and charges in connection with accessing the Bulk Index Information Database.

(f) All Title Industry Customers will be charged no more than \$0.10 per line of indexing data.

(g) All money paid by Industry Customers will be collected by the Clerk and shall be remitted to the County Treasurer within 30 days of receipt by the Clerk.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 - Administration, Article IV - Officers and Employees, Division 2 - County Clerk, Subdivision II. - Fees, Sections 2-171, 2-210, 2-210.1, 2-211, 2-216 and 2-219 shall be amended as follows:

Sec. 2-171. - Duty to collect fees.

The County Clerk shall collect the following:

(a) Fees authorized by 55 ILCS 5/4-12003 (fees of County Clerk in third class counties), unless otherwise provided by ordinance.

(b) Fees authorized by 55 ILCS 5/4-12002.3 (Predictable fee schedule for recordings in third class counties), and as may be amended, unless otherwise provided by ordinance. Fees required to

be collected by 55 ILCS 5/4-12002 (fees of Recorder [Clerk] in third class counties), unless otherwise provided by ordinance.

The County Clerk shall otherwise collect fees as provided by County Ordinance.

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 five tax parcel identification numbers in the county in which it is presented for recording; or

(6) A document making specific reference to more than five 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.

(a) Pursuant to 55 ILCS 5/4-12002.3, third class counties are required to adopt and implement, by ordinance or resolution, a predictable fee schedule for:

(1) Deeds as described in 55 ILCS 5/4-12002.3(c)(1);

(2) Leases, lease amendments and similar transfer of interest documents as described in 55 ILCS 5/4-12002.3(c)(2);

(3) Mortgages, including assignments, extensions, amendments, subordinations, and mortgage releases as described in 55 ILCS 5/4-12002.3(c)(3);

(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 as described in 55 ILCS 5/4-12002.3(c)(4);

(5) "Irregular document" means: A document described in paragraphs (A) through (E) of 55 ILCS 5/4-12002.3(c)(5);

(6) "Blanket document" means: A document described in 55 ILCS 5/4-12002.3(c)(6):

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

(ii) A document making specific reference to more than five other document numbers recorded in the county in which it is presented for recording.

(7) "Miscellaneous document" means: A document described in 55 ILCS 5/4-12002.3(c)(7) as not otherwise falling within 55 ILCS 5/4-12002.3(c)(1) to 55 ILCS 5/4-12002.3(c)(6) or as otherwise classified under paragraphs (b), (c) and (d) herein.

(b) Plat means a document described in 55 ILCS 5/4-12002.3(d).

(c) The Clerk shall collect a fee as provided by state law for non-fixture filing "U" document recorded under the Uniform Commercial Code; State lien or a federal lien and releases as described in 55 ILCS 5/4 12002.3(e); and documents recorded under the Mechanics Lien Act and Labor and Storage Lien Act.

(d) 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.

(e) Fees. The fees to be charged for the recordation of documents contained in each classification as set forth herein shall be as set out in Section 32-1.

Sec. 2-210.1. - Waiver of nonrequired fees for transfer on death instruments.

(a) The fees for recording Transfer on Death Instruments shall be as follows:

(1) The total fee to be charged for the recording of Transfer on Death Instruments shall be

\$41.00 to the County plus the Rental Housing Support Program State surcharge imposed by 55 ILCS 5/4-12002.3. 55 ILCS 5/4-12002 and 55 ILCS 5/4-12002.1

(2) This fee shall be the same for electronic recording of Transfer on Death Instruments.

(3) If the Rental Housing Support Program State surcharge is amended and the surcharge is increased or lowered, the aggregate amount of the document flat fee attributable to the surcharge in the document may be changed accordingly.

(b) The Cook County Clerk shall not collect any additional fees beyond those imposed by [subsection] 2-210.1(a) in regard to Transfer on Death Instruments.

(c) This Section shall take effect on July 1, 2023.

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

The Clerk 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), 55 ILCS 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 5/4-12002.3 (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 or Clerk 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 Clerk pursuant to this provision shall be required to indicate that the request is made for "OFFICIAL PURPOSES." The Clerk 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. 2-216. Internet document copy fee.

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

(b) For payment of the fees set forth referred to in Subsection (a) of this Section, the Clerk is authorized to accept electronic payment by any credit card County approved payment method. Any additional convenience fees or processing fees imposed on transactions, including, but not limited to, electronic purchases of certified or non-certified copies of previously recorded documents, 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 Clerk may impose a third-party convenience fee or surcharge processing fee upon such payments to the extent allowable under the applicable credit card service agreement. Such a convenience fee shall not exceed the actual cost to the County for such transactions by applicable law or service agreement; or

(2) The Clerk 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, including third party fees related to electronic certification of previously recorded documents or other official records. These agreements may authorize the third-party payment agent and electronic certification provider to retain a service fee out of the payments collected, or to impose an additional convenience fee on payments made for electronic certification of previously recorded documents or other official records by County approved payment method;

(3) Receipt by the Clerk of the amount of the fee paid by credit card or through a third party

payment agent authorized by the Clerk, less the amount of any service fee retained under the Clerk's 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. 2-219. - Certified and Noncertified document copy.

(a) Authorization to provide. The Cook County Clerk is hereby authorized to provide, upon request, certified and noncertified copies of deeds and other recorded instruments.

(b) Disclaimer. Such non-certified copies shall have affixed thereto, the following statement:

"THIS DOCUMENT MAY OR MAY NOT BE A TRUE AND CORRECT COPY OF THE RECORDS OF THE OFFICE OF THE COOK COUNTY CLERK."

(c) Limitation on requests. Requests for certified and noncertified copies shall be limited to documents in their entirety.

(d) Fee. The Clerk is hereby authorized to charge a fee for certified and noncertified copies, equal to one half of the fee authorized by law for certified copies, as provided by the Counties Code, Fees of Recorder in Third Class Counties, 55 ILCS 5/4-12002.3 and Section 32-1 as amended by P.A. 93-671, effective June 1, 2004.

(e) The Clerk is authorized to collect additional fees as may be the case for electronic certification as provided under Section 2-216 and Section 32-1.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, 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		
2-161(b)	Tax maps, per mylar	1.00
2-172(a)	Fees for County Clerk services:	
2-172(a)(1)	Certifying from official records the general taxes levied and paid, for each year, for each lot or tract	5.00
2-172(a)(2)	Issuing a certificate of deposit for redemption from sold or forfeited taxes, for original	10.00
	Each duplicate	10.00
2-172(a)(3)	Searches requested by buyers at annual tax sale, for each lot or tract, first year searched	10.00
	Each additional year	3.00
2-172(a)(4)	Preparation of estimate of cost of redemption, for each tract or lot	3.00
2-172(a)(5)	Issuance of tax deed	35.00
2-172(a)(6)	Assumed business name filing fee	50.00
2-172(a)(7)	Amendments to assumed business name filing fee	25.00
2-172(a)(7)	Report of all redemptions for sold or forfeited taxes submitted to County Clerk within seven-day period	20.00
2-172(a)(8)	Certification of multiple years' taxes paid with the filing of a plat of subdivision, dedication or vacation	50.00
2-172(b)	Fees deposited to County general fund:	
2-172(b)(1)	Issuance of original certificate of deposit for redemption from sold or forfeited taxes	10.00
	Each duplicate	3.00

2-172(b)(2)	Search of general taxes and special assessments, each lot or tract, first year searched	10.00	
	Each additional year or fraction thereof	3.00	
2-172(b)(3)	Preparation of estimate of an estimate of cost redemption concerning property sold, etc., for nonpayment of general taxes and special assessments	3.00	
2-172(b)(4)	Issuance of tax deed	35.00	
2-172(c)(3)	Fee for issuing a duplicate certificate of deposit for redemption	10.00	
2-172(c)(3)	Each duplicate (\$3.00 to County General Fund; \$7.00 to Clerk Automation)	10.00	
2-172(c)(4)	Issuance of tax deed (\$35.00 to County General Fund; \$65.00 to Clerk Automation)	100.00	
2-172(c)(5)	Report of all redemptions for sold or forfeited taxes submitted to County Clerk within seven-day period (\$10.00 to County General Fund; \$10.00 to Clerk Automation)	20.00	
2-172(c)(6)	Certification of multiple years' taxes paid in conjunction with filing of a plat of subdivision, dedication or vacation (\$10.00 to County General Fund; \$40.00 to Clerk Automation)	50.00	
2-173(a)	Vital records automation fee	2.00	
2-173(b)	Marriage application automation fee	7.50	
2-173(c)	Civil union application automation fee	7.50	
2-173(d)	Commemorative Certificate automation fee	10.00	
2-174	Vital records:		
2-174(a)	Birth records, first copy	15.00	
	Each additional copy	4.00	
2-174(b)	Marriage records, first copy	15.00	
	Each additional copy	4.00	
	Marriage license application fee	52.50	
2-174(c)	Death records, first copy	15.00	
	Each additional copy	4.00	
2-174(d)	Genealogical birth, death or marriage certificate, first copy	15.00	
	Subsequent copies, per copy	4.00	
2-174(c)	Emergency vital records, on an overnight basis	25.00	
2-174(g)	Civil union record, first copy	15.00	
	Each additional copy	4.00	
	Civil union license application fee	52.50	
2-174(h)	Commemorative Certificate fee	55.00	
2-175(a)	Copy of legal description	3.00	
2-175(a)	Copy of certified legal description	10.00	
2-205(h)	Remote user access to computerized indexing system, per transaction	0.10	
2-210(c)2-210(a)(6)	Non-Standard Deeds or Other Blanket Document Instruments that are priced by page** (first two pages) per 55 ILCS 5/4-12002 55 ILCS 5/4-12002.3 referencing from 6 and up to 25 PINs or 6 and up to 25 previously recorded document numbers	73.00 182.00	
2-210(c)2-210(a)(6)	Blanket Document per 55 ILCS 5/4-12002.3 referencing from 26 or more PINs or 26 or more previously recorded document numbers	257.00	
2-210(c)	Non-Standard Deeds or Other Instruments that are priced by page (Each additional page after first two pages) per 55 ILCS 5/4-12002	2.00	
2-210(c)	Grantor/Grantee Affidavit per 55 ILCS 5/4-12002	2.00	

- 2-210(c) 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 4.00
 - 2-210(c) 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 2.00
 - 2-210(c) 2-210(b) Plats of additions or subdivisions**, * per 55 ILCS 5/4-12002 55 ILCS 5/4-12002.3 142.00 151.00
 - 2-210(c) 2-210(b) Each additional tract, parcel or lot contained in a Plat per 55 ILCS 5/4-12002 55 ILCS 5/4-12002.3 2.00
 - 2-210(c) 2-210(a)(5) Additional flat fee penalty for documents which are non-conforming irregular documents, as described in paragraphs (1) through (5) of 55 ILCS 5/4-12002 (first two pages)** per 55 ILCS 5/4-12002 55 ILCS 5/4-12002.3 73.00 88.00
 - 2-210(c) 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 4.00
 - 2-210(c) (d) Rental Housing Support Program Fee per 55 ILCS 5/4-12002 55 ILCS 5 Article 4, Division 4-12 per 55 ILCS 5/4-12002.3 \$18.00
 - 2-210(c) (d) Additional fee 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 55 ILCS 5 Article 4, Division 4-12 per 55 ILCS 5/4-12002.3 1.00
 - 2-210(c) State or Federal Liens (flat fee)** 38.00
 - 2-210(c) Per additional name in excess of one listed on state or federal lien or release 1.00
 - 2-210(c) Certificate of Discharge or Release of State or Federal Liens** 38.00
 - 2-210(c) Mechanics Liens and Labor and Storage Lien filings and satisfaction or releases of Mechanic's Liens (first four pages)** per 770 ILCS 60/38 and 770 ILCS 45/3 45.00
 - 2-210(c) Each additional page (Mechanic's Liens) and Labor and Storage Lien Act per 770 ILCS 60/38 and 770 ILCS 45/3 1.00
 - 2-210(c) Each additional document number noted (Mechanic's Liens) and Labor and Storage Lien Act per 770 ILCS 60/38 and 770 ILCS 45/3 1.00
 - 2-210(c) UCC "U" Filings - Terminations** per 810 ILCS 5/9-710 38.00
 - 2-210(c) UCC "U" Filings - Continuations, Partial Releases and Amendments** per 810 ILCS 5/9-525 53.00
- *Rental Housing Support Fee does not apply to documents recorded by any State agency, any unit of local government or any school district
 **Includes Document Storage and GIS Fees
 ***This fee does not apply to documents that affect or relate to easements for water, sewer, electricity, gas, telephone or other public service
- FEES FOR STANDARD DOCUMENTS
 FEES FOR RECORDING DOCUMENTS
- 2-210(g)(1) 2-210(a)(1) Fee for recording standard deeds**, * 107.00

- 2-210(g)(1) 2-210(a)(2) Fee for recording standard leases, lease amendments and similar transfer of interest documents **, * 107.00
- 2-210(g)(1) 2-210(a)(3) Fee for recording standard mortgages, including assignments, extensions, amendments, subordinations, and mortgage releases **, * 107.00
- 2-210(g)(1) 2-210(a)(4) 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**, * 107.00
- 2-210(g)(5) 2-210(a)(7) Fee for recording miscellaneous documents that are not nonstandard irregular documents and do not otherwise fall within any other classifications **, * 107.00
- 2-210(g)(1) All standard documents which are exempt from the State Rental Housing Support Program Fee* 88.00
- 2-210(g)(5) and 2-210.1 Fee for recording Transfer on Death Instruments 41.00
- OTHER FEES
- 2-213 Document Storage fee 10.00
- 2-214 GIS fee, additional charge 23.00
- 2-216(a) Electronic copies of non-certified documents from Clerk's website, per document 5.00
- 2-217 Postal fees:
- 2-217(a) Mail Handling Fee, per Document submitted by mail or commercial shipping carrier 5.00
- 2-217(b) Mail box rental, per box, per month 50.00
- 2-218 UCC filing fee, per page 2.00
- 2-219 Copies of certified documents, per document 55.00
- 2-219 Copies of non-certified documents, per document 27.50
- 2-220(c) Custom Mapping: Per hour labor fee (in 15 minute increments) and a 15% administrative fee. 50.00
- 2-251(a) Copies of microfilm, microfiche and image copies of documents 2.00
- 2-252 Written descriptions of real estate, per description 1.00
- 2-253 Proof of payment bills, per copy 1.00
- 2-254 Tax delinquent property listing:
 - Computer printout (real estate printout, \$250.00 and special assessment printout, \$250.00) 500.00
 - Use of magnetic tape (real estate tape, \$150.00 and special assessment tape, \$150.00) 300.00
- 2-255 "Uncollectible" notation upon tax records, per notation 2.00
- 2-257 Mortgage lender enhanced payment processing 2.00
- 2-258 Refund reissuance fee 30.00
- 2-633(a)(6) Annual lobbyist registration fee, per entity and per exclusive lobbyist 350.00
- 2-637(a) Lobbyist registration, late filing fee, per day 100.00
- 2-637(b) Violations of the Lobbyist Registration Ordinance other than Section 2-637(a) 250.00

Effective Date: Ordinance Amendments shall be effective April 1, 2024.

Sponsors: JOHN P. DALEY, SCOTT R. BRITTON

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/14/2024	1	Board of Commissioners	approve	Pass
3/13/2024	1	Finance Committee	recommend for approval	Pass
2/29/2024	1	Board of Commissioners	refer	Pass