



**Re: Rental Housing Support Program Act,  
\$10.00 Surcharge on Recorded Real Estate Documents.  
Public Act 94- 118. (Senate Bill 0075)**

On July 3<sup>rd</sup>, 2005, Governor Blagojevich signed Senate Bill 0075 into law. The new law is Public Act 94-118. The law creates a \$10.00 state surcharge to be added to the cost of recording real estate-related documents in all Illinois counties. The law creates the Rental Housing Support Fund that is to be funded from the surcharge on recordings.

The Act amends the Counties Code to provide:

The recorder shall collect a \$10 Rental Housing Support Program State surcharge for the recordation of any real estate-related document (See amended 55 ILCS 5/3-5018 and 55 ILCS 5/4-2002)

The Act defines a real estate-related document as:

any recorded document that affects an interest in real property excluding documents which solely affect or relate to an easement for water, sewer, electricity, gas, telephone or other public service. (See Section 7 of the Act.)

A \$10 state surcharge will be added to the cost of recording nearly every document associated with real estate closings -- documents including, but not limited to, deeds, mortgages, assignments of rents, certificates of release, releases, memoranda of leases and contracts, easement grants (other than for public utilities), subdivision plats, condominium declarations, town home declarations and shopping center declarations. The \$10 state surcharge will also apply to documents generally recorded outside of closings -- documents including, but not limited to, mechanics lien claims, commercial real estate broker liens and other adverse liens. The \$10 state surcharge does not apply to documents solely relating to public utility easements. The Act also provides that the recorder shall not collect the \$10 state surcharge from any state agency, unit of local government, or school district.

The law takes affect July 5<sup>th</sup>, 2005. However, officials with the Illinois Housing Development Authority and the Illinois Department of Revenue have stated that the recording fee increases begin August 1<sup>st</sup>, 2005. In its informational Bulletin FY2006-01, the Illinois Department of Revenue advises all county recorders that:

**EFFECTIVE AUGUST 1, 2005, ALL ILLINOIS COUNTY RECORDERS MUST COLLECT THE RENTAL HOUSING SUPPORT PROGRAM FUND STATE SURCHARGE FOR THE RECORDING OF ALL REAL ESTATE-RELATED DOCUMENTS EXECUTED OR SIGNED ON OR AFTER AUGUST 1, 2005.**

Chicago Title will collect at closing the \$10 surcharge per document for closings that take place on or after August 1<sup>st</sup>, 2005 and pay this surcharge to the Recorder of Deeds when documents are recorded.