



STATE OF ILLINOIS
CIRCUIT COURT OF COOK COUNTY

Chancery Division Mortgage Foreclosure Mediation Program

PROGRESS REPORT

August 29, 2016

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CHIEF JUDGE
CIRCUIT COURT OF COOK COUNTY

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EXECUTIVE SUMMARY

This report provides an analysis and evaluation of the current and projected efficiency, productivity, and financial health of Year 6 of the Mortgage Foreclosure Mediation Program (“Program”). Methods of analysis include trend and ratios of outcomes of mediation, units of service provided for housing counseling, legal aid, and mediation, as well as efficiency of court hearings.

Results of the data provided by service providers on the Program show an increase in the rate of successful negotiations with lenders to modify loans and keep homeowners in the home. Additionally, the results show that the rate of servicing continues to increase with each year of the Program, the rate of success of mediation is on par with other programs throughout the country facing a similar rate of foreclosures and that the service providers are improving efficiency during each year of the Program with a minimal change to the budget from the first year to the upcoming year. Moreover, the results show that the time it takes a case to complete mediation has dropped dramatically and is approaching the completion rates of other programs. Efforts to improve the Program’s efficiency will continue to make sure the completion rates and agreement rates remain as successful as possible.

Overall, the report finds the prospects of the Program to be positive. The Program is producing better results as it continues to provide the proper resources to negotiate agreements with lenders on behalf of the homeowner and to provide housing counseling and legal aid services to a large part of Cook County homeowners facing foreclosure.

Moreover, changes to the Program have kept the Program free of backlog and have continually increased the number of resolutions being reached at earlier points in foreclosure cases. These earlier resolutions are attributed to the case manager system and increased efforts by housing counselors and legal aid to resolve cases in lieu of a formal mediation session. As a result, the time it takes to complete mediation has dropped from more than a year to approximately 12 weeks.

In addition to the elimination in the backlog, other notable highlights of the Program during Year 5 include:

- 4% increase in any type of agreement at any point in the foreclosure;
- 17% increase in the completion rate of cases in the Program; and
- 13% increase in resolutions without a formal mediation session (includes agreements reached through case managers and legal aid attorneys).

To continue and improve on the progress made in Year 5 of the Program, the report identifies the following recommendations:

- Continuing to improve the efficiency of court hearings by continuing to adjust and refine the use of case managers to oversee and manage cases and the related document exchange;
- Reducing vendor costs in any area to match the stabilization of foreclosure filings or pending case load without compromising the services provided to homeowners;
- Maintaining efficiency in mediation sessions by continuing to effectively triage cases through case management; and
- Working with the changing foreclosure landscape in Cook County and identifying trends to make the Program work more efficiently with the needs of Cook County.

While the analysis set out here is based on current, accurate data, it is subject to change based on various factors. Examples of those factors can include reductions in funding, changes to federal programs (such as HARP, HAMP, and HAFA), new case law that changes how the court must handle foreclosure cases, or new statutes passed by the General Assembly that impact services being provided. Additionally, regulations implemented by the National Mortgage Settlement Agreement and the Consumer Financial Protection Bureau may impact the efficiency and volume of the Program.

PART I GENERAL INFORMATION AND OVERVIEW

The Circuit Court of Cook County Mortgage Foreclosure Mediation Program (“Program”) is a court-annexed program that encourages homeowners in foreclosure to come to court so they can obtain free housing counseling and legal services to help them resolve their foreclosure cases. The Program is the most comprehensive in the nation and provides more services and resources at no cost to homeowners in foreclosure than comparable programs.

To date, more than 70% of homeowners going through the Program have reached an agreement with their lenders. Of those agreements, 67% are agreements to save the home through a loan modification. The remaining agreements are for dignified exits. All Program participants received assistance in understanding the foreclosure process and their rights throughout the process.

The Program began, in part, on April 19, 2010, with a hotline to schedule appointments with housing counselors and attorneys. Six years later, nearly 87,000 housing counseling sessions have been completed, over 126,000 people have received free legal advice, and nearly 6,000 households have entered the mediation process by court order. The results are encouraging: seven (7) out of ten (10) households that enter the Program reach an agreement with their lender. That agreement could be to save the home through a modification of the loan, or it could be an alternative solution to transfer ownership to the bank. Whatever agreement is reached, it must be mutually acceptable to all parties. The current figures for the Program, as of March 31, 2016, (the sixth Program year), are attached with this report at **Appendix A**.

OVERVIEW OF FORECLOSURES

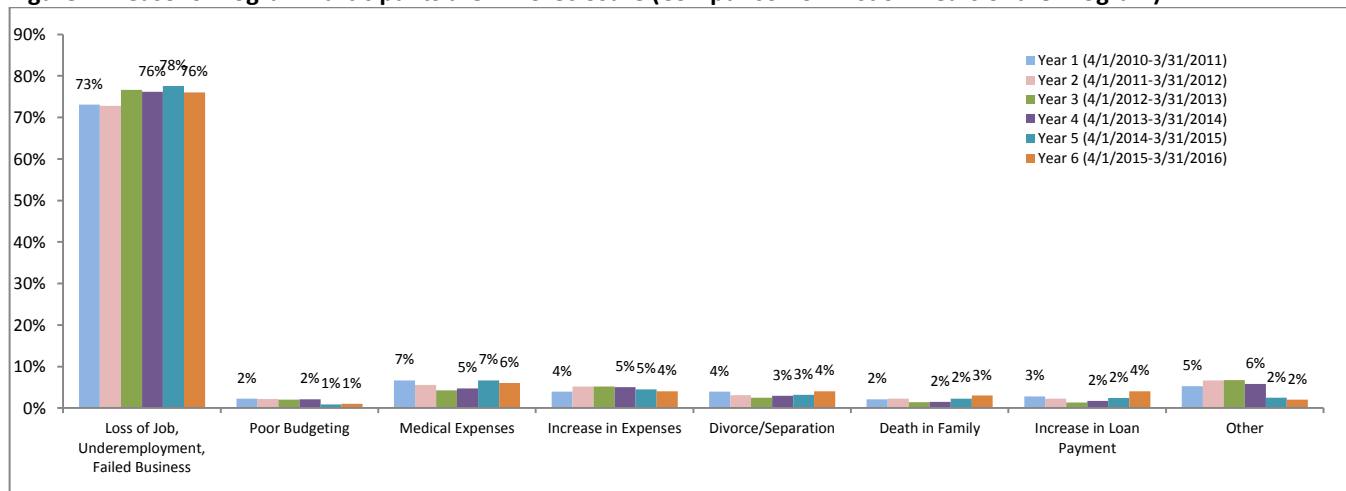
Mortgage foreclosures steadily and rapidly rose in Cook County over the past 12 years resulting in record filings for the Circuit Court of Cook County. According to the records of the Clerk of the Circuit Court, filings since 2000 are as follows:

| | | | | | | | |
|------|--------|------|--------|------|---------------------|------|--------|
| 2000 | 12,705 | 2005 | 16,494 | 2010 | 50,621 | 2015 | 15,008 |
| 2001 | 16,228 | 2006 | 22,248 | 2011 | 41,135 ¹ | | |
| 2002 | 17,450 | 2007 | 32,651 | 2012 | 41,993 ² | | |
| 2003 | 15,815 | 2008 | 43,876 | 2013 | 24,854 ³ | | |
| 2004 | 15,632 | 2009 | 47,049 | 2014 | 17,205 ⁴ | | |

As of July 31, 2016, there were 26,682 cases pending in the Circuit Court of Cook County. Approximately 85% of those pending cases are foreclosures involving residential properties. (For a more complete breakdown of foreclosure filing statistics, see **Appendix B.**)

Since 2009, the majority of the residential foreclosure filings have been for loans made to individuals with income, no credit problems, and no mortgage fraud. In other words, the working class and middle class families continue to go into foreclosure. Nearly three (3) out of every four (4) households are ending up in foreclosure because of unemployment. The unemployment rate is still high, and the households entering foreclosure have lost all or a substantial portion of household income due to job loss or other pay reductions. Moreover, many foreclosures are for households where the unemployment benefits have expired, and the household is still under- or un-employed. The reasons for default have remained consistent over all six years of the Program:

Figure 1: Reasons Program Participants are in Foreclosure (Comparison of First Six Years of the Program)⁵



¹ The drop in total new filings during the calendar year 2011 can be attributed to the moratoriums imposed on the large lenders (such as Bank of America, Wells Fargo, JPMorgan Chase, Citibank, etc.) for correction of paperwork and procedures that were faulty and discovered during the robo-signing investigation.

² The filings in 2012 remained consistent with carryover issues from the robo-signing investigation and implementation of the new regulations resulting from the National Mortgage Settlement Agreement.

³ The drop in new filings from 2012 to 2013 can likely be attributed to full implementation of loss mitigation rules from the National Mortgage Settlement Agreement and decisions by the banks to delay foreclosure filings.

⁴ The filings in 2014 showed a stabilization of new filings that remained consistent between 1,200 -1,500 new cases per month.

⁵ Data for Figures 1 and 2 come directly from the HUD-certified housing counseling agencies providing services for the Circuit Court of Cook County Mortgage Foreclosure Mediation Program. The agencies are required to report certain information to NeighborWorks America, the organization appointed by Congress to manage the National Foreclosure Mitigation Counseling (NFMC) Program. In addition to reporting this information to NeighborWorks America, the housing counseling agencies report NFMC information on the Program to the Illinois Housing Development Authority and the Circuit Court of Cook County. This data represents reasons for default indicated by Program participants who have completed housing counseling through the Program.

The data in Figure 1 suggests that the continuation of foreclosure filings, though reducing in volume, is directly tied to the unemployment rate in Illinois. The more income that is lost in a household, the more difficult it will be for that homeowner to sustain a modification and save the home. New filings in 2015 and into 2016 remain stabilized. Despite that stabilization, 76% of defendants cited loss of job and loss of income as the reason for default. This continues to indicate that the population that has been unemployed for a long period remains the primary reason for foreclosures.

GOALS OF THE PROGRAM

The purpose of the Program is to:

- **Encourage Homeowners to Come to Court to Resolve Their Cases:** Homeowners receive information about the Mortgage Foreclosure Mediation Program when they are served with summonses in the mortgage foreclosure action pursuant to Chancery Division General Administrative Order No. 2010-01 entered on April 8, 2010. Also, plaintiffs' counsel are required to serve a Notice of Initial Case Management to homeowners that includes information on the Program and notifies them that they are able to call the Program hotline to start receiving help immediately.
- **Reach Mutually Acceptable Agreements Between a Homeowner and Lender:** The Program assists Cook County residents facing foreclosure to reach a mutually acceptable solution with their lenders. If the home can be saved through a modification, the Program will assist in finalizing the modification. If the home cannot be saved (generally, due to lack of income), the Program will help the homeowner negotiate a dignified exit from the property and ensure that the homeowner has the assistance necessary in making alternative housing arrangements, such as finding rental assistance programs available in diverse neighborhoods.
- **Provide Free Legal Advice and Housing Counseling:** The Program provides resources to assist Cook County residents in foreclosure *at no cost to the residents*. Free assistance includes:
 - Legal advice (access to attorneys at no cost to the homeowner);
 - Housing counseling (access to HUD-certified housing counselors at no cost to the homeowner); and
 - Referrals to other resources that may be necessary for the homeowner (at no cost), such as programs that specialize in renter assistance, veteran assistance, credit counseling, or access to other legal aid agencies to assist with legal issues that are outside the area of foreclosures.
- **Educate Homeowners:** The Program informs Cook County residents facing foreclosure about their rights and all the options legally available to them.
- **Assist Homeowners in Making Informed Decisions:** The Program assists homeowners with making informed decisions about how to strategically resolve their foreclosures and ensure that the homeowners understand all their options through multiple meetings with attorneys and housing counselors at no cost to the homeowner.
- **Ensure Equal Justice Under the Law:** The Program makes the legal process of foreclosure easier for self-represented litigants to understand their rights and responsibilities during foreclosure.

- **Provide a Single Point of Contact at Court:** Provides a case manager for homeowners who show up to court without a lawyer and who are trying to reach an agreement. The case manager is the one point of contact for homeowners at the court about their cases.
- **Discourage Abandonment of Property:** The Program encourages Cook County residents to stay in their homes if they are in default under the mortgage or have been served with a summons for a mortgage foreclosure case until they are legally obligated to leave.
- **Keep Loss Mitigation Document Exchange in Front of the Judge:** The case manager system works effectively to triage cases and to ensure that those cases in which a homeowner seeks a loan modification stay in front of a judge until a payment plan or a denial is reached. At that point, the case will either be dismissed or sent to mediation, respectively. This system keeps the formal mediation component efficient and timely and ensures accountability for both sides during the modification review process.

HOW THE GOALS ARE MET

The Program uses a case-by-case approach to achieve its goals. Thus, in one case the best solution for a homeowner may be to leave the home while in another case, a homeowner's best solution may be a modification. Whatever the result, Program participants are educated and informed about all the options available to them. These goals are met by:

- **Saving Homes Whenever Possible.** Whenever a homeowner enters the Program with sufficient income to sustain a permanent modification to loan, the Program works to obtain that modification and dismiss the case.
- **Reaching Agreements Between a Borrower and a Lender.** Any agreement reached between a homeowner and a lender through the Program is desirable because – no matter whether the homeowner keeps the home or transfers ownership to the lender – the agreement is acceded by all sides.
- **Keeping Borrowers in the Home as Long as Legally Possible without Detriment to the Lender.** If a homeowner has suffered a full or substantial loss of income in the household (e.g., job loss) making modifications of the loan impossible, the Program works to ensure that the homeowner understands why a modification is not possible and what the other options are in the foreclosure. In any case, homeowners will know their rights under the foreclosure and how long they can stay in the home. The legal aid attorneys advise the homeowners that it is not necessarily in their interest to unwittingly delay the foreclosure process and will advise them about the best solution for a dignified exit. Whenever possible, the Program works to obtain a mutually acceptable agreement with the lender to negotiate enough time for the borrower to make alternate living arrangements and vacate the property with dignity.
- **Educating Borrowers and the Community.** The Program helps to inform homeowners about the foreclosure process. Homeowners who voluntarily choose not to pursue any arrangements with the lender do so after being fully educated about their rights under the law and the consequences of such a decision.
- **Treating Borrowers in Foreclosure with Dignity and Respect throughout the Legal Process.** Most homeowners in foreclosure do not have private attorneys and must come to court alone without an understanding of the process. The Program provides compassionate attorneys, housing counselors, and neutral mediators to help homeowners learn how to represent themselves and to determine and achieve their goals. Everyone providing services does so with the utmost respect to the homeowner facing foreclosure.

Homeowners are requested to fill out a survey after completing the mediation process. The satisfaction rate has consistently remained high at 95 percent. While every home cannot be saved, maintaining homeowners' dignity and treating them with respect throughout the process is an important and integral value that enhances the Program.

PART II PROCESS

The basic process is made up of nine (9) steps and the resolutions depend on the particular circumstances of each homeowner going through the Program. *Nearly three (3) out of every four (4) homeowners entering the Program have fallen behind on their mortgage payments and entered foreclosure because the household has sustained total or substantial loss of the major household income due to unemployment.*

Step 1 – SUMMONS: Summons is prepared and issued by foreclosing bank.

Step 2 – OUTREACH:

Community outreach groups provide door-to-door contacts and community informational events to educate homeowners about the Program and how to receive help.

- *Benefits to homeowner:*
 - Information about court
 - Guidance and assistance for making a housing counseling appointment or signing up for a housing counseling workshop
 - Single point of contact within in the community to ask additional questions
 - Fraud prevention

Step 3 – INDIVIDUAL HOUSING COUNSELING APPOINTMENTS

After the housing counseling workshop, homeowners meet one-on-one with a housing counselor to review financial documents and to prepare income packets that will assist the homeowner in obtaining a loan modification or other solution option with the lender. On average, it takes 11.4 hours of individual housing counseling for a single household to reach an agreement or until mediation occurs.

- *Benefits to homeowner:*
 - A single point of contact with a HUD-certified housing counselor in the homeowner's community
 - Assistance in determining the best options available to the homeowner
 - Assistance in determining an affordable budget and reassessment of living expenses
 - Fraud and scam avoidance

Step 4 – PRE-COURT LEGAL AID

Pre-court legal aid is legal advice given by the Chicago Legal Clinic at no cost to the homeowner. Chicago Legal Clinic attorneys are located at the Chancery Advice Desk (Richard J. Daley Center, CL-16), the mortgage foreclosure courtrooms (Richard J. Daley Center, 28th Floor hallway), and at the Cook County Administration Building at 69 West Washington Street. The attorneys do not represent the homeowners in court but offer legal advice and assist homeowners in preparing the proper documents for court.

- *Benefits to homeowner:*
 - A single point for free legal advice
 - Education and information about the legal process
 - Education and information about homeowners' rights and responsibilities during the foreclosure process
 - Fraud and scam avoidance

Step 5 – IN COURT CASE MANAGEMENT/STATUS HEARINGS

In-court case management is a process in which case managers assist judges and their staff by screening foreclosure cases for possible referral to mediation. Case managers are attorneys employed by the court. They

do not give legal advice and are neutral. They also facilitate information exchange between the parties when a homeowner is trying to negotiate an agreement with the bank.

- *Benefits to the homeowner:*
 - Single point of contact at the court
 - A court employee to answer questions and to direct to the right resources
 - Court staff available at the hearing, both prior to and after appearing before a judge, to answer questions on court procedures

Step 6 – PRE-MEDIATION CASE MANAGEMENT/STATUS HEARINGS

Pre-mediation case management is a continuation of Step 6 in which case managers follow-up on court ordered instructions to exchange information between the parties. Pre-mediation case management is the direct oversight by the court of document exchange prior to any referral to mediation. This front-end oversight provides accountability for both the homeowner and the lender and ensures that only those parties who are seriously negotiating an agreement and have an issue participate in mediation and that those cases that can be resolved without mediation are resolved in a timely manner.

- *Benefits to the homeowner and the bank:*
 - Equal accountability for both the homeowner and the lender
 - Single point of contact at the court to report status of the case prior to a court hearing (more efficient court hearings)
 - Improves efficiency and streamlines administration of cases

Step 7 – MEDIATION

Mediation is a method of settling disputes that is facilitated by a neutral third party who is not a judge. It is an opportunity for both the lender and the homeowner to sit down with each other to discuss the legal issues outside of a court setting. The discussion will determine whether a resolution is available that all parties will agree to. An attorney is provided to any unrepresented homeowner for the mediation sessions at no cost to the homeowner.

- *Benefits to the homeowner:*
 - An opportunity to save the home
 - An opportunity to be heard outside of court
 - An opportunity to talk to the lender outside of court
 - An opportunity to have representation by a lawyer during discussions with the lender
 - Education about which resolutions will work for the homeowner and the options the homeowner has available
 - Facilitates the parties' ability to control the outcome of the case
 - Results in the ability of the homeowner to keep the home when possible

Step 8 – POST-MEDIATION STATUS HEARING

Post-mediation status hearings are those hearings before a judge to explain the outcome of mediation or to provide the parties additional time to complete the mediation and finish their discussion about potential resolutions to the pending foreclosure.

CASE MANAGER SYSTEM

The sixth year of the Program marks the fourth full year of using the case manager system. The court originally hired nine (9) case managers for the ten (10) mortgage foreclosure calendars during the second year of the Program. Since the initial launch of the case manager system, foreclosure filings have stabilized and the

Program currently employs five (5) case managers for the ten (10) mortgage foreclosure calendars. This is a reduction in two staff case managers from year 5 of the Program. All case managers are attorneys.⁶ During the sixth year of the Program, resolutions at the case management stage are maintaining a steady pace.

- **What Do the Case Managers Do?** Case managers do not provide advice to either side. Rather, the case manager is a neutral party who maintains updated information on residential foreclosure cases. They assist on those cases where a homeowner is self-represented, lives in the home, and is trying to reach an agreement with the lender. The case managers triage the cases as they come to court, follow-up on the steps taken, facilitate the exchange of information and communication between the parties, and report the status of the case to the judge prior to the next status date.
- **Why Do the Court and the Program Need Case Managers?** Case managers are needed to efficiently manage and keep track of nearly 40,000 cases spread across ten foreclosure calendars. In those cases where a homeowner is participating and actively trying to reach an agreement with the lender, the judge is now able to order each side – the lender and the homeowner – to complete certain document exchange for a modification or to attempt to work out a resolution prior to any referral to mediation.
- **What Are the Benefits of the Case Managers?:** Adding the case managers to the staff of the court for mortgage foreclosures brings many benefits to homeowners, attorneys, and the court.
 - *Earlier Resolutions and Dismissals:* The case managers facilitate exchange of documents and communication between the homeowner and the lender at the earliest point possible. The case managers triage the cases for the judge to set accountability deadlines by court order for each side where a homeowner is trying to reach an agreement with the lender. Nearly 3,000 resolutions have been reached at the beginning of foreclosure cases through this system, and this trend is only expected to increase in Year 6 of the Program. The resolutions increased nearly 70% at the case management stage from the prior year.
 - *Equal Accountability to the Lender and the Homeowner in Court:* The case manager system prompts more follow up status hearings in front of the judge prior to any case being referred to mediation. These additional status hearings require that each side, both homeowners and the lenders, comply with a court order concerning document exchange and review before the case can proceed either to mediation or through foreclosure. The parties are required to follow up with the case managers prior to the status hearing, and the case managers will be alerted to non-compliance by either side. For a copy of the case management order used by the court and the case management system, please see **Appendix C**. The case management order is available in English, Spanish, and Polish.
 - *Single Point of Contact at Court for Homeowners and Lender Attorneys:* The case managers provide a single, neutral point of contact for both the homeowners and the lender attorneys regarding the case. The case managers do not and cannot give legal advice, yet they are a resource to facilitate communication between the homeowner and the lender and also with the court. Additionally, homeowners who do not have attorneys have a single point of contact at the court to ask non-legal and procedural questions, such as where to obtain legal advice.
 - *Increased Communications Between Parties:* Increased communication between the parties is a direct result of communications with the case managers. The case managers do not communicate with one side without informing the other. Using the case managers as a single point of contact and as a communication facilitator helps ensure that the parties and the court understand everyone's position as the case progresses.

⁶ The case managers began working in January 2012. All attorneys have diverse backgrounds and are dedicated to public interest work. Of the current case managers, two are African-American, one is Hispanic, and two are Caucasian. One speaks Spanish, one speaks Polish, one speaks Yoruba, and four are women. All attorneys have been in practice three or more years.

- *Increased Language Accessibility for Non-English Speaking Homeowners:* Out of the seven case managers, four speak foreign languages. The case managers can communicate with homeowners in Spanish, Polish, and Yoruba. Moreover, the case management status order is now available in Spanish and Polish. Providing the ability for homeowners to communicate in a native language increases access to justice by helping homeowners to more fully understand what the court expects them to do following a court appearance and for the case managers to fully understand what resolution homeowners are trying to reach with the lenders.

PART III Program Results

The Program started, in part, on April 19, 2010. As a result, the court now has five full years of data to report. From April 19, 2010, through March 31, 2016, the Program has assisted tens of thousands of Cook County residents:

Community Outreach

- 159,085 visits were made to homes by community outreach workers
- 97,584 people were contacted by outreach workers
- 78,666 homes were visited by community outreach workers

Hotline & Housing Counseling

- 155,046 people called the hotline or made requests for appointments through the Circuit Court's web site
- 86,889 housing counseling sessions were completed
- 36,361 housing counseling sessions were scheduled through the hotline
- 9,506 households attended housing counseling workshops (started in September 2011)
- 366 housing counseling workshops held (started in September 2011)

Legal Aid & Mediation

- 126,389 people received free legal assistance at court
- 13,618 cases completed the mediation program
- 8,643 mediation sessions were held
- 9,728 cases reached an agreement with the bank (68%)
- 5,932 cases were referred to mediation and appointed free representation at the mediation
- 6,517 cases reached an agreement with the bank to keep the home (44% retention, 65% of all agreements)

Program results continue to rise. For example, the sixth year of the Program has shown:

- a 2% increase in the number of agreements reached at any point during the Program;
- a 71% rate of success in reaching agreements with lenders through the mediation process; and
- an increase to 48% of homes being saved as a result of the Program.

These results are consistent, if not better, than other comparable programs in areas with a similar foreclosure rate to Cook County.

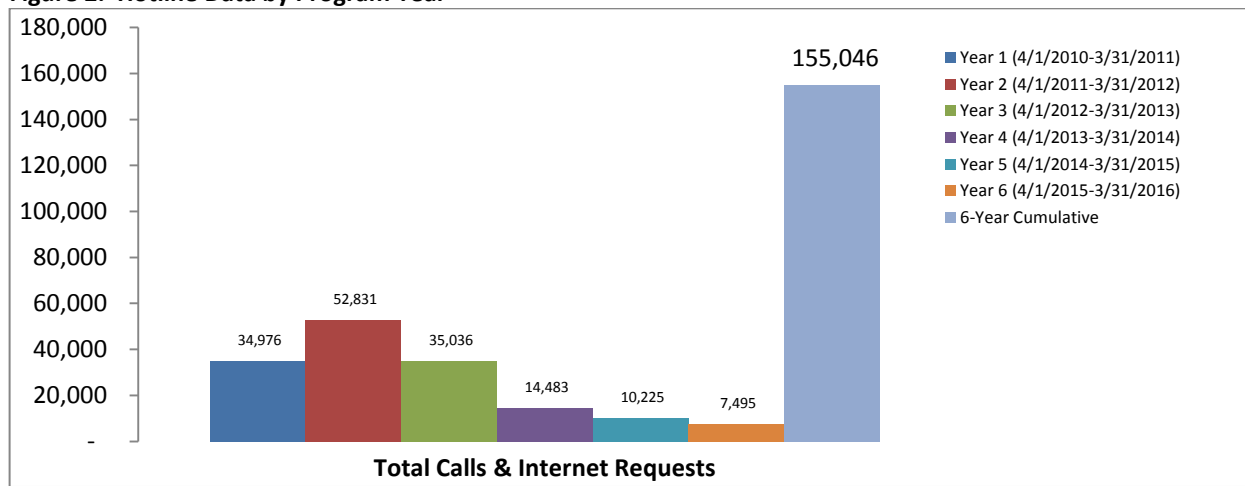
Following is a summary of the results in each of the three main areas of professional services. Data is provided to the court from the contracting parties: The Chicago Bar Foundation, Illinois Housing Development Authority, and The Chicago Community Trust. Each of these three agencies oversee and manage the legal aid and mediation services, housing counseling services, and outreach services, respectively. The data is reported to them by their subcontracting service providers and in turn reported to the court.

Hotline and Housing Counseling

The hotline for the Program is operated by the Illinois Housing Development Authority (IHDA). IHDA also oversees all the housing counseling services provided to the Program participants.

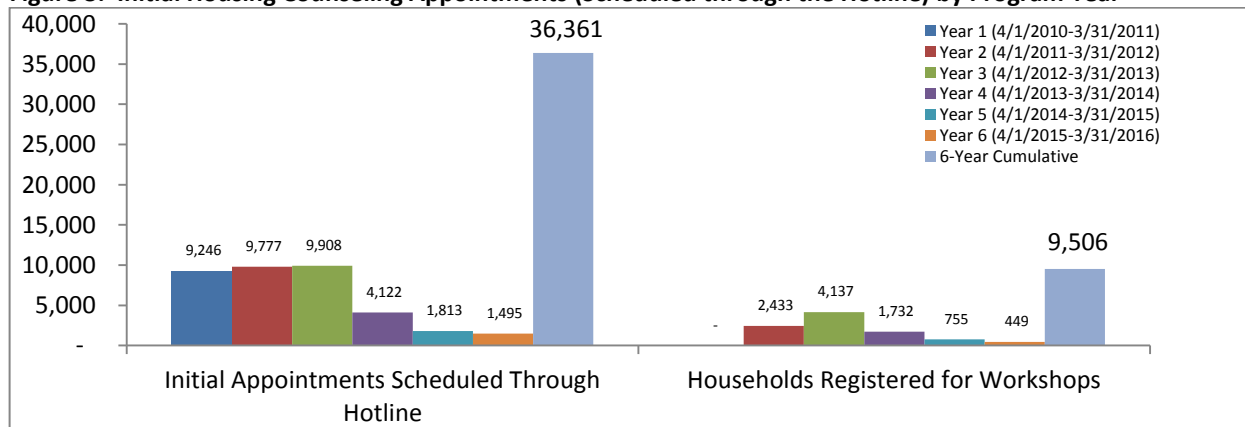
The hotline remains a vital resource to homeowners in saving their homes (see Figure 2 below). Of the callers who disclosed how they learned about the hotline, 57% reported learning about the hotline through the court summons after being served with the foreclosure complaint. Another 26% reported being directed to call by court staff or a judge. Another 5% reported that an outreach worker told them about the hotline. Another 8% reported that a friend told them and 1% reported that the bank referred them to the hotline. Moreover, 14% of callers also reported being military veterans.

Figure 2: Hotline Data by Program Year⁷



Use of the hotline to schedule housing counseling appointments and housing counseling workshops remain strong (see Figure 3 below). There was a decrease in initial housing counseling session scheduling because more callers were already working with a housing counselor. Moreover, there was a 49% decrease in the need to refer callers to other resources from Year 5 to Year 6. That means only 2% of the callers during Year 6 could not be assisted directly by the hotline. Therefore, despite the overall drop in hotline calls and scheduling during Year 6, 98% of the callers were assisted by the hotline.

Figure 3: Initial Housing Counseling Appointments (Scheduled through the Hotline) by Program Year⁸



⁷ Data for Figure 3 provided by the Illinois Housing Development Authority.

⁸ Data for Figure 4 provided by the Illinois Housing Development Authority.

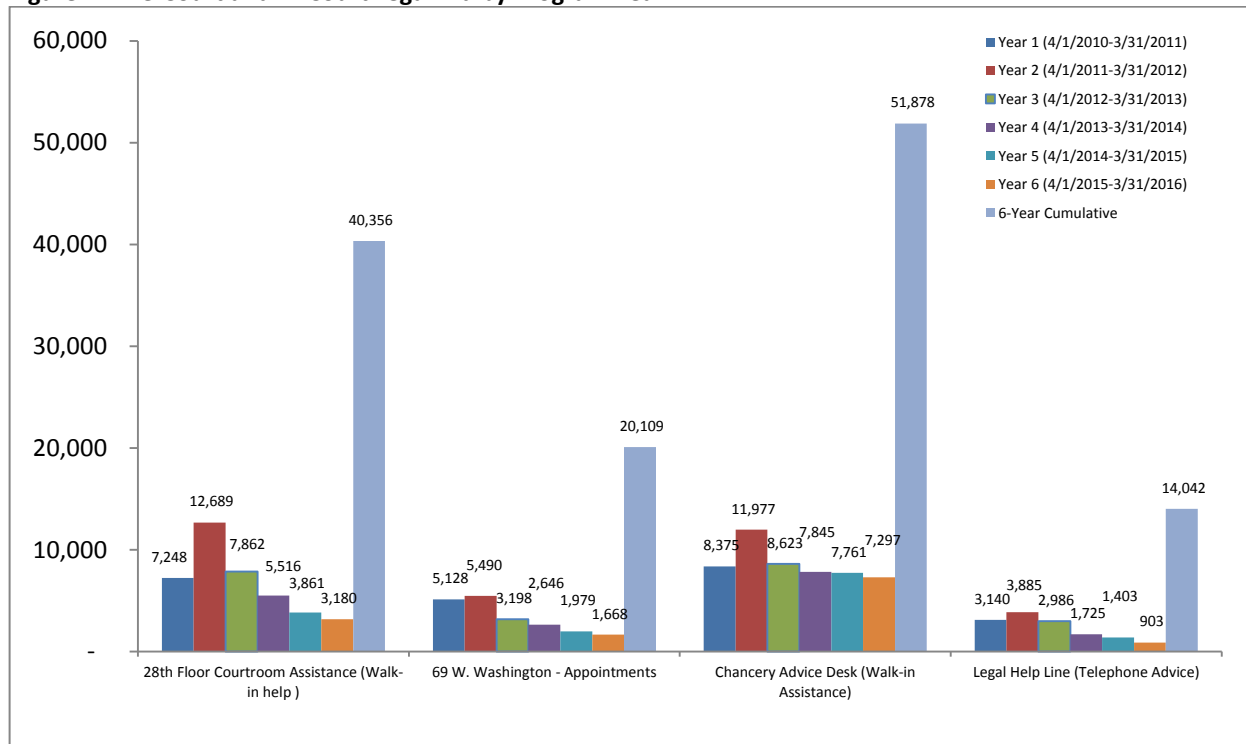
Pre-Court and In-Court Legal Aid

As part of the legal aid and mediation services administered by The Chicago Bar Foundation, the Chicago Legal Clinic provides three (3) attorneys dedicated to providing free legal advice to homeowners in foreclosure. The legal advice is available four different ways:

- *Walk-in Service – Chancery Advice Desk, Room CL-16, Daley Center:* Any unrepresented homeowner may go to Room CL16 between 9 a.m. and 4 p.m., Monday through Friday, and receive free legal advice on a first come-first serve basis. The lawyers will assist and advise the homeowners on all aspects of the case.
- *Walk-in Service – 28th Floor, Daley Center:* Any unrepresented homeowner who is on the 28th floor for court (where all the foreclosure courtrooms are located) may meet with the attorney sitting in the hallway to answer questions and receive legal advice before or after the homeowner attends court.
- *By Appointment –Cook County Administration Building, 69 W. Washington Street, 14th Floor:* A homeowner who has met with a HUD-certified housing counselor will receive an appointment with an attorney to receive free legal advice and continue the steps for the Program.
- *Over the Phone:* The phone line is available for brief legal advice and to answer basic questions for those homeowners who may have difficulty going downtown during the daytime working hours.

Program attorneys assist up to 50 persons seeking legal advice on a foreclosure per day. As of the end of Year 6, the attorneys assisted over 126,000 people with legal advice. (See Figure 4 below.)

Figure 4: Pre-Court and In-Court Legal Aid by Program Year⁹



⁹ Data for Figure 5 provided by the Chicago Legal Clinic as reported to The Chicago Bar Foundation.

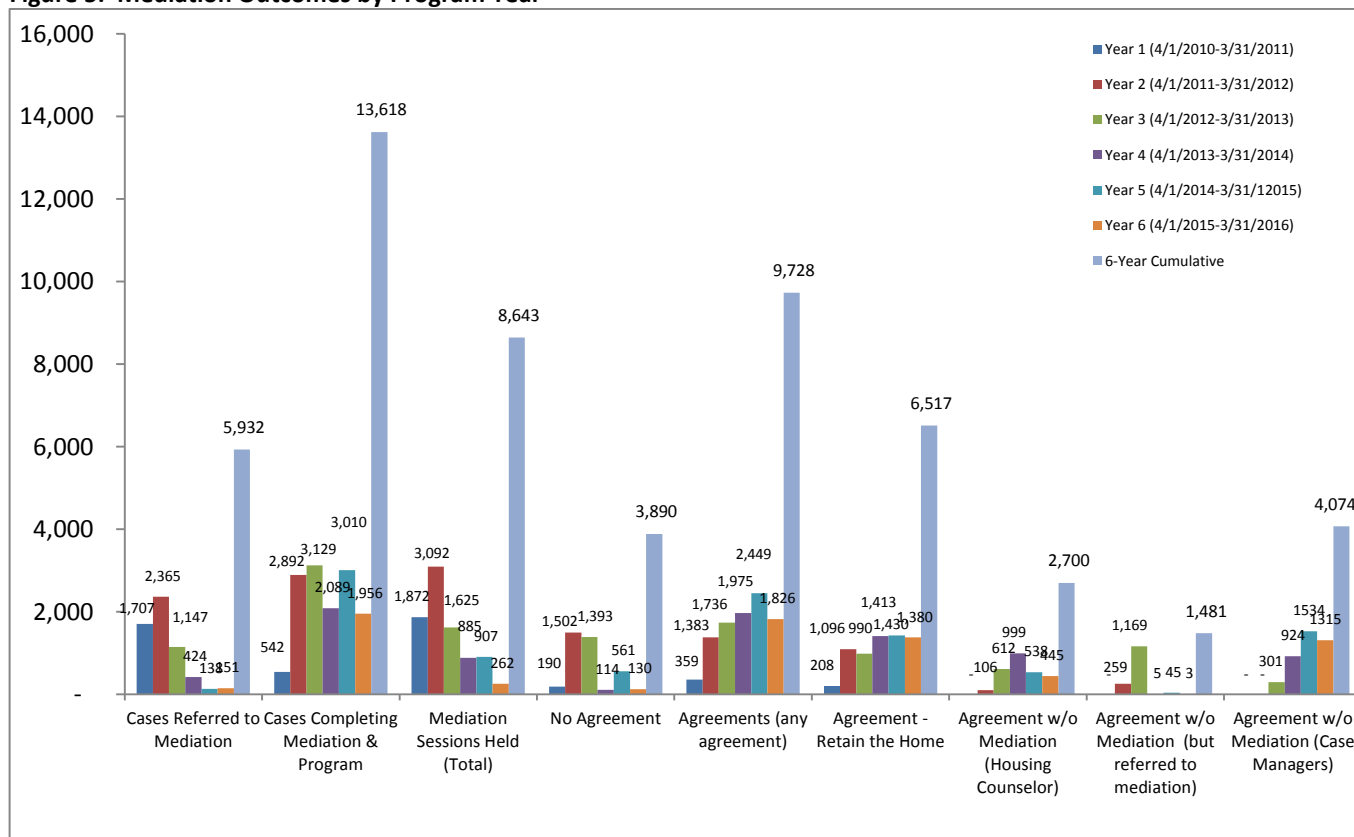
Mediation Outcomes and All Resolutions

An additional part of the legal aid and mediation services administered by The Chicago Bar Foundation includes legal representation at mediation sessions at no cost to the homeowner. Chicago Volunteer Legal Services (CVLS) is appointed in almost every case referred to mediation. During the fifth year of the Program, the following progress is notable:

- 23% increase in any agreement with the lender
- 13% increase in agreements without a formal mediation session, through case managers
- 17% increase in cases completing the Program and mediation
- 2% increase in retentions of homes

The data in Figure 5 below show these increases in positive mediation outcomes.

Figure 5: Mediation Outcomes by Program Year¹⁰



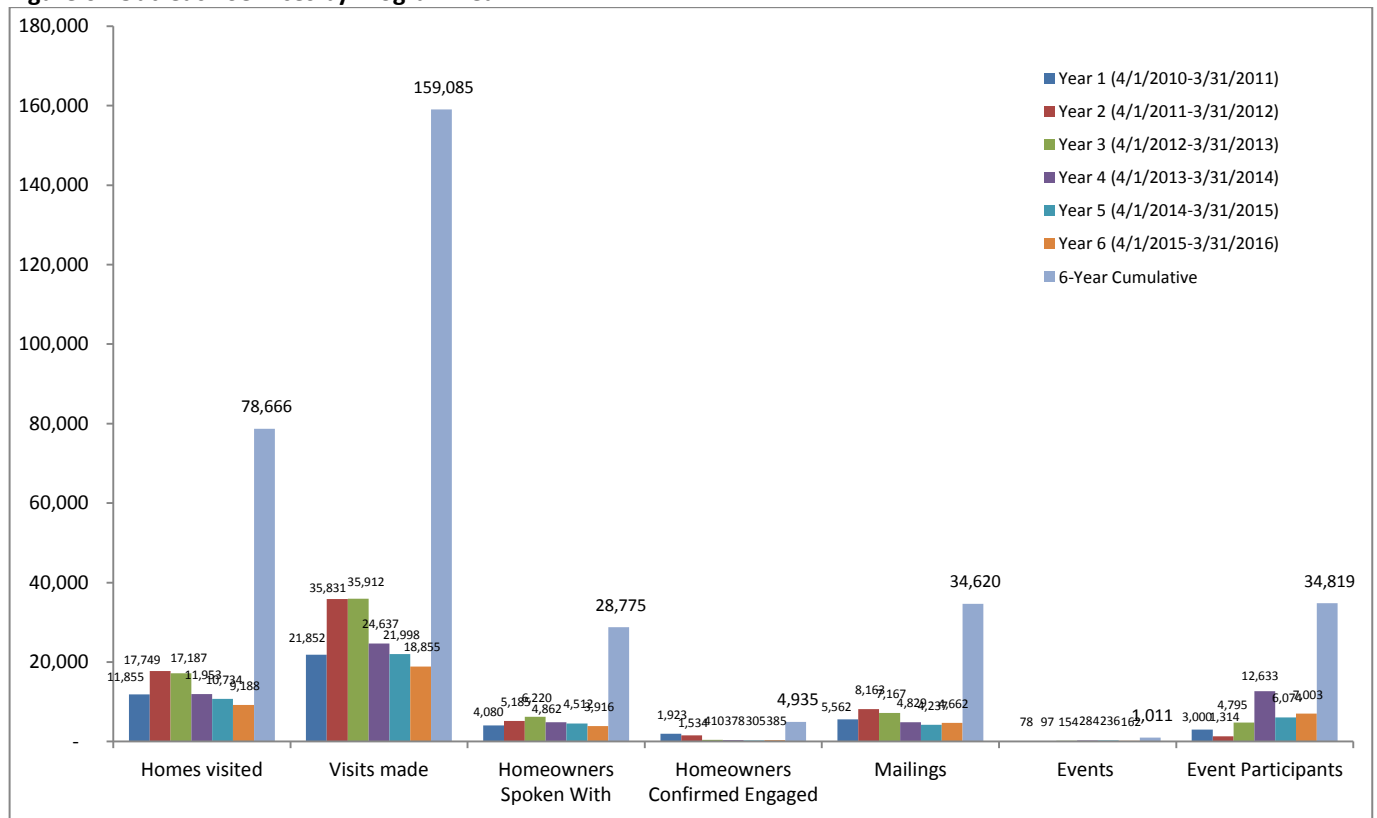
¹⁰ Data for Figure 6 provided by The Center for Conflict Resolution, Chicago Volunteer Legal Services Foundation, and Illinois Housing Development Authority (resolutions by housing counselors).

Community Outreach

Community outreach is administered by The Chicago Community Trust which oversees twelve (12) community organizations targeting the hardest hit Cook County neighborhoods. Door-knocking is used as a neighborhood oriented method for informing and educating homeowners who have recently gone into foreclosure about the Program and the free resources available. That means the information comes to the homeowners from a trusted source within the community rather than the homeowner needing to seek out assistance or fall victim to a fraudulent scheme.

For every home that enters foreclosure, outreach workers must make an average of two (2) visits to either make contact with a homeowner or determine that no contact can be made. Door-knocking also delivers information to renters who require different advice and allows for collection of information on vacant and abandoned properties for municipalities. During the fifth year of the Program, outreach workers sustained the same number of visits throughout all of Cook County. (See Figure 6 below.)

Figure 6: Outreach Services by Program Year¹¹



As Figure 6 demonstrates, the focus of the community organizations is on reaching homeowners on an individual basis through door-knocking. In addition, community events are hosted by the organizations to supplement door-knocking and to reach some of those homeowners who may not be reachable through door-knocking.

¹¹ Data for Figure 7 provided by The Chicago Community Trust, as reported by the outreach organizations.

PART IV BUDGET AND GOALS FOR YEAR 7 (APRIL 1, 2016-MARCH 31, 2017)

The court recognizes that feedback on the Program is important, particularly from individuals going through the Program. The court's primary concern continues to be that no one is "lost" in the system or is unduly confused by the Program.

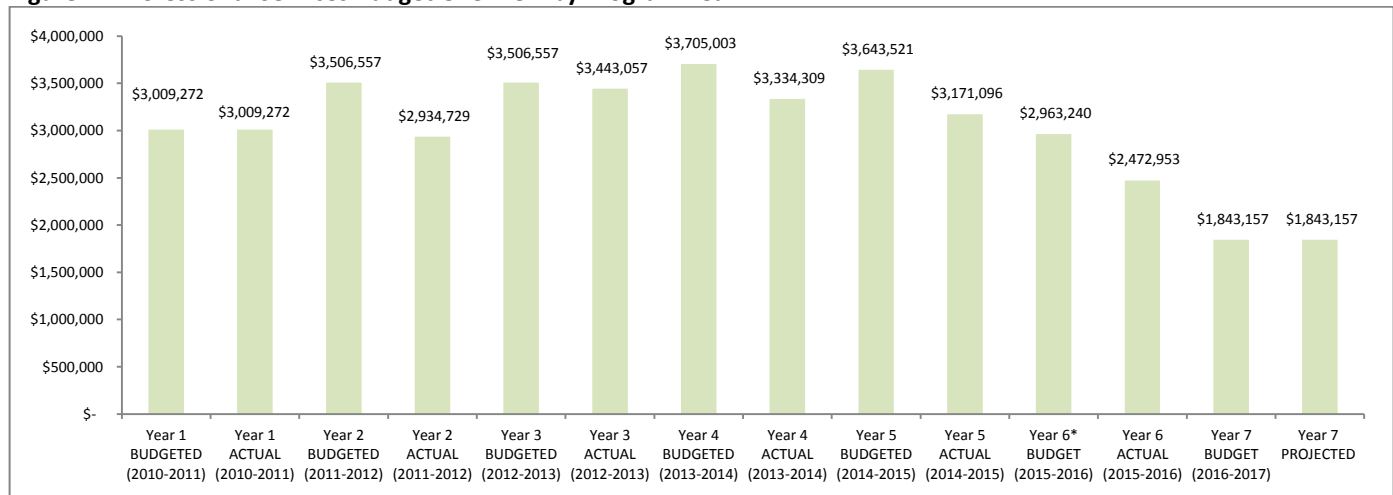
Year 6 of the Program achieved the improvement goals set by the court to improve efficiency and accountability and also scaled back the size and staff of the Program to accommodate fewer foreclosures. Mediations remained on schedule with no backlog, courtroom efficiency continues to improve, and the backlog of generally pending cases was significantly reduced. Resolutions continually occur at earlier points in the litigation. In Year 7, the court will continue its focus on improving efficiency wherever possible and on evaluating the need to shift or reduce resources to match a new level of foreclosure filings. Although still substantial, filings remained consistent from Year 5 to Year 6. That consistency has allowed the court and its vendors to reallocate resources and reduce costs. Part of the reduction in costs includes leaving non-essential positions open as employees turn over. Positions are only filled if the quality of service would deteriorate if the position remains unfilled. Additionally, the fee-for-service nature of housing counseling and mediation sessions allow for a natural cost savings.

In July 2013, a Request for Proposals (RFP) was issued for 3-year contracts for each component of the Program. That RFP resulted in approval of three contracts for each of the three components for services covering years 2014-2016. The vendors selected were The Chicago Bar Foundation (CBF), Illinois Housing Development Authority (IHDA), and The Chicago Community Trust (CCT). These were the only three vendors who submitted proposals for this RFP. A new RFP is in process for renewal contracts.

Budget Overview

The court continues to try to keep professional service cost amounts to a minimum. As Figure 7 below demonstrates, the professional services budget has reduced significantly since Year 2 and is expected to remain below budget for Year 7, per the contracts entered into as a result of the RFP.

Figure 7: Professional Services Budget Overview by Program Year¹²



¹² Budget amounts in Figure 8 reflect the amounts spent during the program year (April 1 through March 31) and do not coincide with the County's fiscal year (December 1 through November 30). The County fiscal year 2016 budget for the Program from December 1, 2015 through November 30, 2016 is \$1,973,073.

The sixth year of the Program was \$490,287 under budget. This savings can be attributed to a drop in filings and the fee-for-service arrangement between IHDA and the HUD-certified housing counseling agencies implemented during the second year of the Program. This arrangement allows for reimbursement for a certain number of workshops upon completion and reimbursement upon submission of completed housing counseling files to IHDA and CVLS. This structure demands a higher level of service from the housing counselors and required additional training by IHDA to make sure that the service provided met IHDA's expectations. The results of this structure have been promising: Over the course of the last four years, there has been a 72% increase in the agreements reached directly through housing counselors at an earlier stage in the foreclosure case, and the services have become more cost-effective.

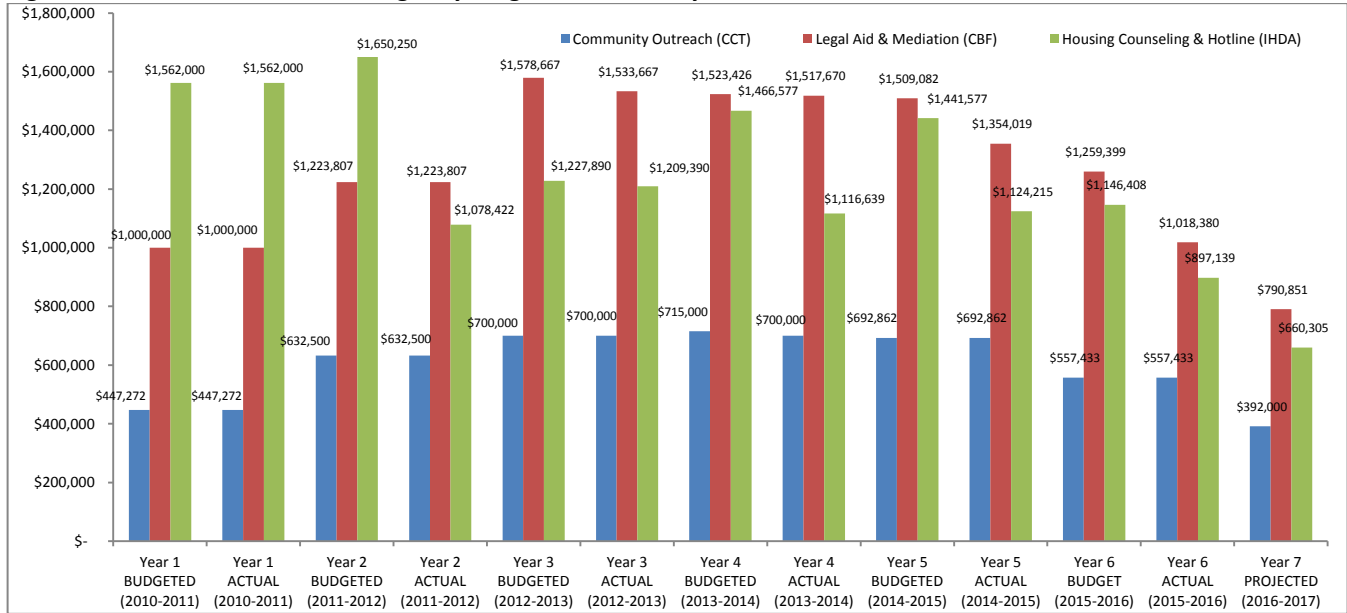
The tiered payout structure for the housing counselors remains the same as the fee-for-service compensation model implemented in Year 2 (2011). The fee-for-service structure sets a maximum payment amount per client for each housing counseling agency at \$500. There is no double billing allowed for the same client even if the client changes agencies. A housing counseling agency can obtain the maximum amount of \$500 for a file in two ways:

- (1) *Two-tiered payout.* Under a two-tiered payment, the housing counseling agency must submit a complete and accurate file to IHDA for payment at two different points in the housing counseling. Most payments for housing counseling files are provided through the two-tiered payout. The two points of payment are as follows:
 - \$150 per case upon submission of a complete loan modification packet to lender (proof of submission must be provided)
 - \$350 per case when either (1) the case is resolved by the housing counselor (a modification or other resolution is finalized) without mediation; or (2) the case is referred to mediation, CVLS is appointed, and the housing counselor gives a complete and updated packet to CVLS.
- (2) *One-time payout of \$500.* A housing counseling agency can submit the file for the client once to IHDA for the maximum payout of \$500 only if a housing counselor resolves the case with no prior submissions for payment under the two-tiered structure or for the same client in any other capacity or by another agency.

Under this tiered structure, many housing counselors submitted files at the first step of the process (\$150 – loan modification packet submitted) and are either still trying to work out a resolution or are waiting for a judge to refer it to mediation. Year 5 of the Program has resulted in continued accountability and productivity from all housing counselors and resulted in more cases being paid for complete and accurate services. This higher quality of work resulted in a higher rate of payment on the files submitted. That means the file submission by housing counselors is now on pace with the budgeted amount for file reimbursement.

The court expects the total amount for professional services to remain comparable to prior years for the sixth year of the Program (for a total cost of \$3,200,000). Figure 9 below demonstrates the change in professional services budgets for the fifth year of the Program, as compared to the previous four (4) years. The budget, as approved through the RFP process, is structured to accommodate the maximum possible filings and any increase in foreclosure filings that may occur, as some law firms predict. However, if the filings remain at the current level, as the past 12 months have indicated for stability, and the pending case load in the court continues to decline, the costs of the Program will decrease with the decrease in need for services.

Figure 8: Professional Services Budget by Program Year and by Vendor



A comparison of the individual vendor budgets over the years is as follows:

Figure 9: Community Outreach Professional Services Budget by Program Year

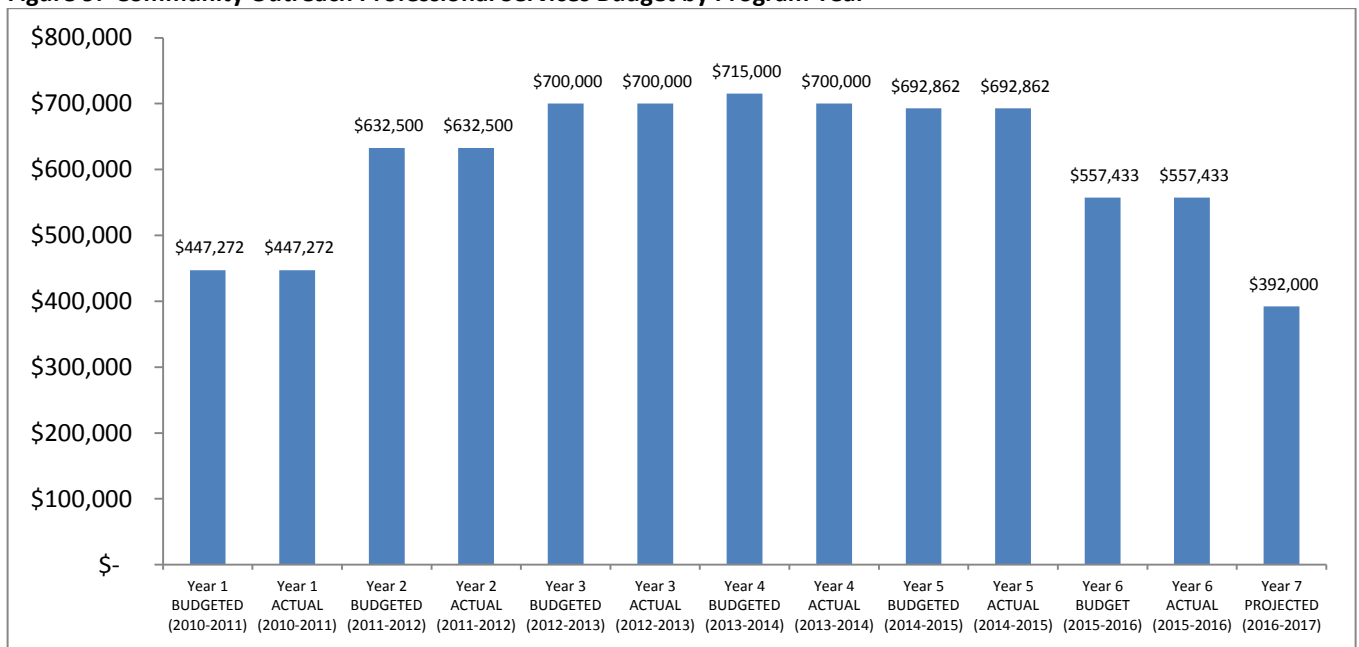


Figure 10: Legal Aid & Mediation Professional Services Budget by Program Year

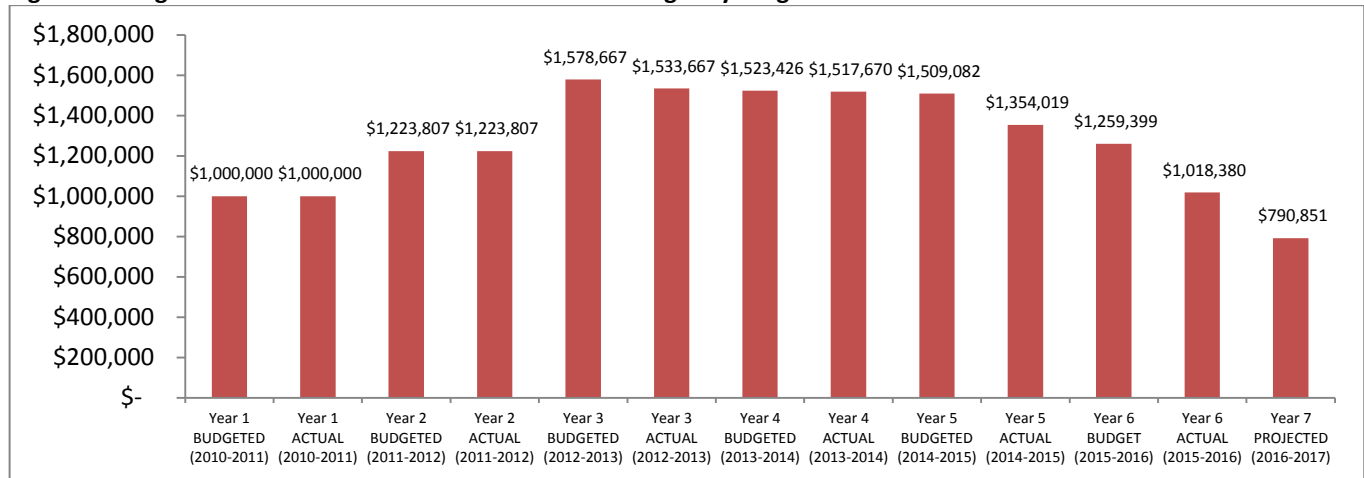
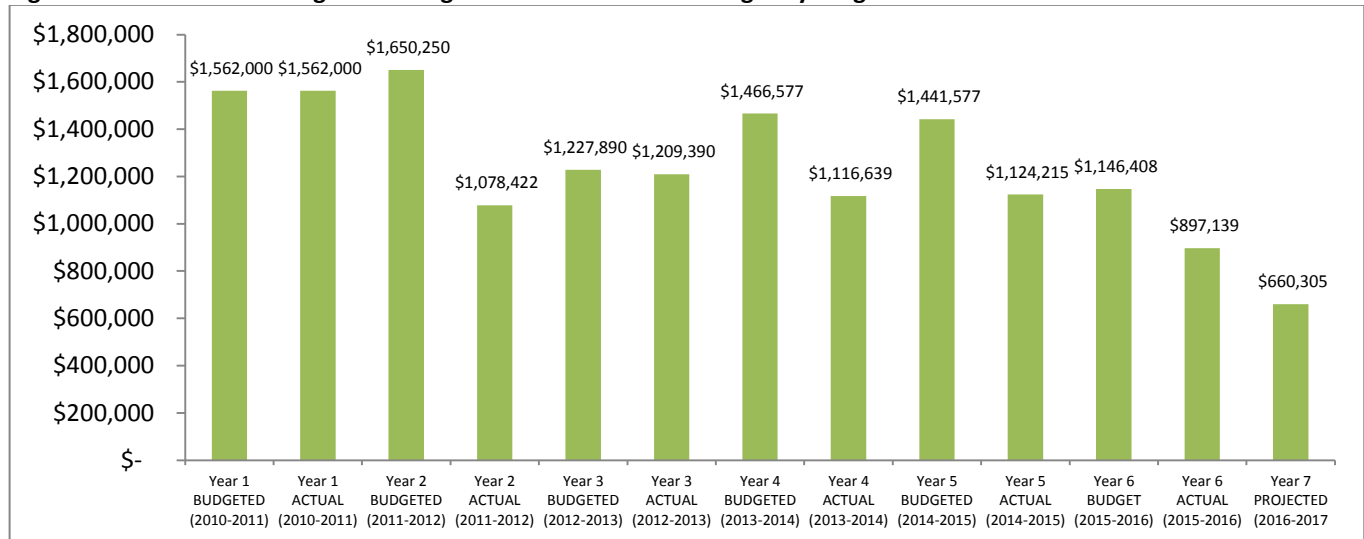


Figure 11: Hotline & Housing Counseling Professional Services Budget by Program Year



Goals for the Seventh Year of the Program

The court has worked diligently to implement and modify Program services and to adapt the Program to changes in the banking industry. However, changes may still be needed over time and with feedback. For example, the court seeks to improve on the following services in the coming year:

- *Improve the efficiency of court hearings:* The court expects that court hearings will continue to become more efficient as the filings remain stabilized, and the case managers continue the high rate of settlement at an early stage. The case managers are providing a valuable monitoring system that will reduce backlogs while also providing much needed assistance for the judges hearing the cases.
- *Improve quality of housing counseling services:* The court and IHDA are working together to continue training for the housing counselors to ensure that the rate of resolutions through housing counselors remains high and to ensure that income packets are consistently prepared properly. The court and IHDA seek to ensure that only the highest quality of housing counseling is provided in the Program.

- *Maintain Efficiency in Mediations:* The Program will continue to use a proven triage method of cases in mediation that has CBF and IHDA working together to ensure only cases that are ready for mediation are scheduled.
- *Reduce Costs for Services:* As the foreclosure filings remain stabilized and court efficiency improves to reduce its own general backlog, the Program will adjust resources provided by the vendors to be the most cost-efficient and cost-saving for the Program.
- *Identify Specific Foreclosure Trends in Cook County:* Working with many years of foreclosure data, the court is now able to look more closely at specific trends within Cook County. That ability will allow the Program to reduce staff and resources while still maintaining a focus on the areas of Cook County that are still suffering from a high foreclosure rate. (See **Appendix C**, Foreclosure Heat Maps.)

APPENDIXES

APPENDIX A

CIRCUIT COURT OF COOK COUNTY • MORTGAGE FORECLOSURE MEDIATION PROGRAM STATISTICS •
CUMULATIVE FIGURES (PROGRAM YEAR 6)

| | | |
|--|---------|---|
| Percentage of homeowners seeking assistance and who lost the income in the household (Unemployment is the major reason for default) | 76% | Other reasons for default: <ul style="list-style-type: none"> Medical expenses (6%) Divorce/separation (4%) Increased household expenses (4%) Increased loan payment (4%) Death in family (3%) Poor budgeting (1%) Other (2%) |
| Success rate of mediations (Defined as reaching an agreement with the bank) | 71% | <ul style="list-style-type: none"> Agreement: 7 out of 10 people reach an agreement with their lender in the mediation process. (9,728/13,618) <ul style="list-style-type: none"> 5 out of 10 people (48%) obtain a permanent modification (save their home) in mediation. (6,517/13,618) This number includes those cases referred to mediation but where an agreement was reached without a mediator. 67% of the agreements reached are modifications (6,517/9,728) 3 out of every 5 people reach an agreement without a mediator. (8,255/13,618). This includes those cases referred to mediation but where <i>any</i> agreement was reached without a mediator.) 4,074 resolutions have been reached through case managers (i.e., no mediation; System began in 4/2012) 2,700 resolutions reported as having been reach through housing counselors (i.e., no mediation; tracking began 8/2011) No Agreement: 3 out of 10 people (32%) do not reach some sort of agreement with the lender. (3,890/13,618) |
| Number of people requesting appointments or additional information or both | 155,046 | <p>Approximately 2/3 of people requesting appointments do not receive appointments because they are:</p> <ul style="list-style-type: none"> not in foreclosure and are only in default (about 1/2 of the callers) seeking information only (about 1/4) are renters in commercial property (about 1/3 of callers) choose not to schedule an appointment (small portion) <p><i>Those who do not receive an appointment through this Program are given referrals to the appropriate resources for free help.</i> There were 146,999 telephone calls to the hotline through 3/31/16. Average call time is approximately 5 minutes per call. The rest were requested through the internet form (8,024).</p> |
| Number of people reached by community outreach workers | 97,584 | 159,085 visits were made to 78,666 homes and 1,011 community events held since 7/1/10. |
| Housing counseling sessions completed (individual appointments) | 86,889 | These are housing counseling appointments that follow the initial appointment scheduled by the hotline. There were 36,361 appointments scheduled by the hotline. There have been 153,037 hours of housing counseling provided. |
| Housing Counseling Workshops Held (through 11/30/2015) | 366 | Due to budget reductions in Fiscal Year 2016, the Program stopped workshops on December 1, 2015. Workshops were two hours, included a 40 minute presentation, and a brief intake to prepare for individual appointments. Workshops were hosted by the housing counseling agencies in neighborhoods throughout Cook County. |
| Households Registered for Counseling Workshops (through 11/30/2015) | 9,506 | Due to budget reductions in Fiscal Year 2016, the Program stopped workshops on December 1, 2015. |
| Number of people receiving free legal assistance with their paperwork at court | 126,389 | <p>Free legal advice is given by the Chicago Legal Clinic attorneys to any self-represented defendant in foreclosure. Advice is given as follows:</p> <ul style="list-style-type: none"> Immediately following the scheduled housing counseling appointment (20,109) At the Chancery Division Advice Desk (walk-in appointments) (51,878) On the 28th floor of the Daley Center outside the Mortgage Foreclosure Courtrooms (40,356) Over the phone (14,042) |
| Number of cases referred to mediation by court order | 5,932 | <p>A case is referred to mediation when the judge enters a court order.</p> <p>Approximately half of the cases referred are currently waiting for a response from the bank about a HAMP modification. Mediation is a 12-week to 9 month long process.</p> |
| Number of cases completing the process* | 13,618* | By court order, the bank cannot proceed on the foreclosure while the case is in mediation. There have been 8,643 mediation sessions held to complete 5,932 referred cases. (Note: "Referred cases" includes cases that reached resolution without a formal mediation session but a referral order was entered by the court.) |

APPENDIX B

FORECLOSURE CASES PENDING/FILINGS ANALYSIS 2006-2016 (AS OF JUNE 30, 2016)

Chancery Division, Circuit Court of Cook County

As of June 30, 2016, 6,813 new mortgage foreclosure cases were filed and 26,960 cases are pending. This filing total represents an 18% decrease in new filings from the new filings during the same period in 2015. The month of June showed a 19% decrease in filings from June 2015 and there was a 2% decrease from May 2016. There have been 10,247 disposed cases in 2016 as of June 30, 2016. The filings in the second quarter of 2016 totaled 3,222, which represents a 10% decrease from the 2016 first quarter filing numbers. The anticipated third quarter filings for 2016 may be within the range of 3,047 to 3,370. As with previous attempts to estimate filings, many external factors may significantly impact the actual number of filings.

Table 1: Annual Figures (2002-2016*)

| Year | Filings | Dispositions | Pending |
|-------|---------|--------------|---------|
| 2002 | 17,382 | 17,377 | 15,474 |
| 2003 | 15,616 | 18,567 | 14,249 |
| 2004 | 16,637 | 18,647 | 12,489 |
| 2005 | 16,497 | 15,152 | 14,442 |
| 2006 | 20,761 | 18,635 | 18,401 |
| 2007 | 32,269 | 22,293 | 26,936 |
| 2008 | 43,773 | 26,251 | 42,920 |
| 2009 | 47,049 | 35,410 | 55,340 |
| 2010 | 50,621 | 36,550 | 70,550 |
| 2011 | 41,135 | 32,344 | 77,948 |
| 2012 | 41,993 | 41,942 | 78,128 |
| 2013 | 24,854 | 43,652 | 59,351 |
| 2014 | 17,205 | 35,790 | 40,814 |
| 2015 | 15,008 | 24,020 | 30,598 |
| 2016* | 6,813 | 10,247 | 26,960 |

*Year-to-date

Table 2: Monthly Filings (2010-2016)

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
|---------------|--------|--------|--------|--------|--------|--------|-------|
| January | 3,859 | 3,658 | 3,101 | 2,759 | 1,594 | 1,459 | 1,039 |
| February | 3,578 | 3,390 | 3,764 | 2,574 | 1,511 | 1,460 | 1,244 |
| March | 4,542 | 4,484 | 3,852 | 2,365 | 1,532 | 1,545 | 1,308 |
| April | 4,879 | 3,203 | 4,055 | 2,580 | 1,597 | 1,446 | 1,190 |
| May | 3,861 | 3,225 | 3,875 | 2,092 | 1,358 | 1,179 | 1,024 |
| June | 4,757 | 3,533 | 3,724 | 1,580 | 1,397 | 1,239 | 1,008 |
| July | 4,512 | 3,145 | 4,831 | 1,885 | 1,289 | 1,116 | |
| August | 4,522 | 3,691 | 3,727 | 1,781 | 1,325 | 1,109 | |
| September | 4,569 | 3,030 | 3,040 | 1,822 | 1,393 | 1,070 | |
| October | 3,903 | 3,177 | 3,011 | 2,056 | 1,583 | 1,270 | |
| November | 3,543 | 2,936 | 2,563 | 1,585 | 1,164 | 1,002 | |
| December | 4,096 | 3,663 | 2,450 | 1,775 | 1,462 | 1,113 | |
| Yearly Totals | 50,621 | 41,135 | 41,993 | 24,854 | 17,205 | 15,008 | 6,813 |

Figure 1: Annual Figures - Filings, Dispositions, and Pending Cases (2002-2016)

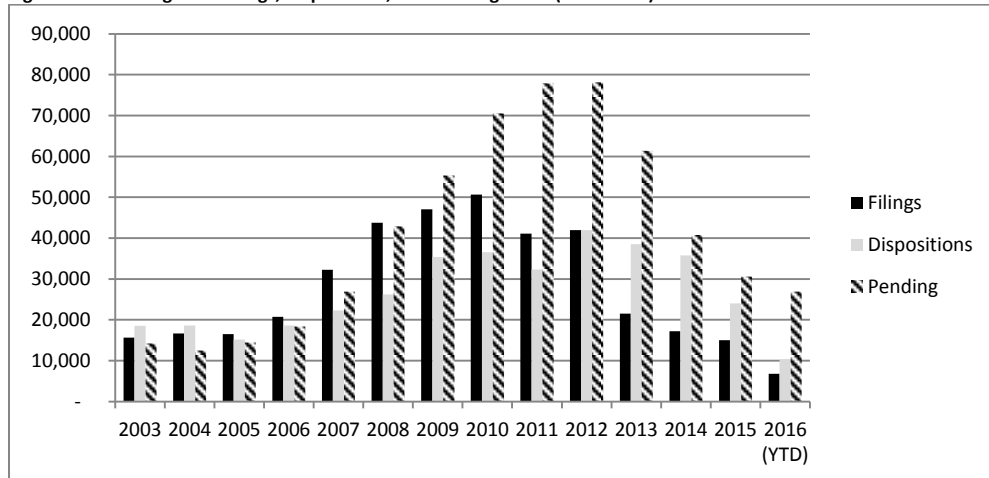


Figure 2: Foreclosure Filings by Month (2010-2016)

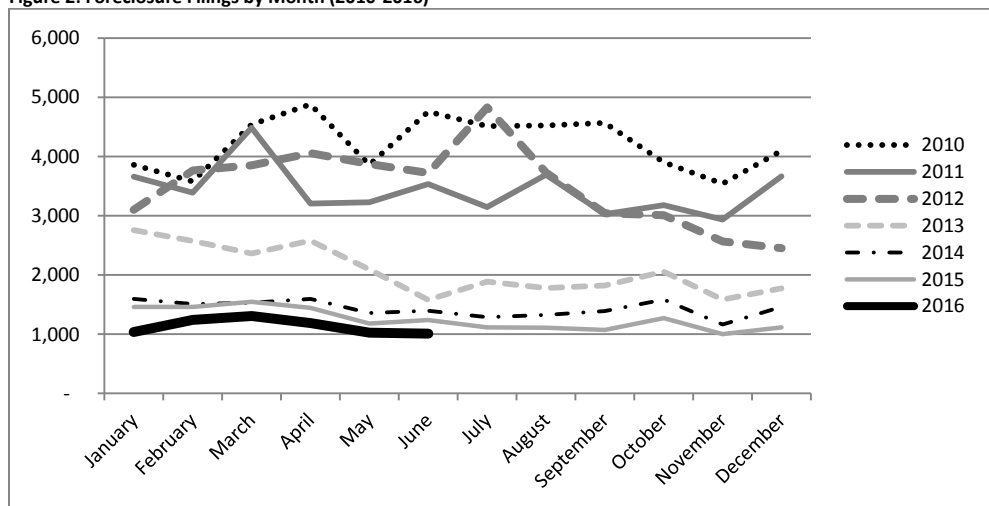


Table 3: Quarterly Figures (2006-2016)

| Quarter-Year | Pending | Filings |
|--------------|---------|---------|
| Q1-2006 | 16,031 | 4,829 |
| Q2-2006 | 13,198 | 4,510 |
| Q3-2006 | 12,539 | 5,434 |
| Q4-2006 | 18,401 | 5,988 |
| Q1-2007 | 20,389 | 7,496 |
| Q2-2007 | 18,611 | 6,635 |
| Q3-2007 | 25,511 | 8,323 |
| Q4-2007 | 26,936 | 9,815 |
| Q1-2008 | 32,044 | 10,833 |
| Q2-2008 | 35,570 | 10,367 |
| Q3-2008 | 37,627 | 11,382 |
| Q4-2008 | 42,920 | 11,191 |
| Q1-2009 | 45,331 | 13,296 |
| Q2-2009 | 43,136 | 5,647 |
| Q3-2009 | 46,231 | 14,102 |
| Q4-2009 | 55,340 | 14,004 |
| Q1-2010 | 60,766 | 11,979 |
| Q2-2010 | 64,211 | 13,497 |
| Q3-2010 | 67,223 | 13,603 |
| Q4-2010 | 70,550 | 11,542 |
| Q1-2011 | 74,154 | 11,532 |
| Q2-2011 | 75,521 | 9,961 |
| Q3-2011 | 76,923 | 9,866 |
| Q4-2011 | 77,948 | 9,776 |
| Q1-2012 | 78,048 | 10,717 |
| Q2-2012 | 79,998 | 11,654 |
| Q3-2012 | 81,578 | 11,598 |
| Q4-2012 | 78,128 | 8,024 |
| Q1-2013 | 75,533 | 7,698 |
| Q2-2013 | 69,424 | 6,252 |
| Q3-2013 | 62,684 | 5,488 |
| Q4-2013 | 59,351 | 5,416 |
| Q1-2014 | 54,326 | 4,637 |
| Q2-2014 | 49,231 | 4,352 |
| Q3-2014 | 46,037 | 4,007 |
| Q4-2014 | 40,814 | 4,209 |
| Q1-2015 | 37,883 | 4,464 |
| Q2-2015 | 36,537 | 3,864 |
| Q3-2015 | 32,093 | 3,295 |
| Q4-2015 | 30,598 | 3,385 |
| Q1-2016 | 28,829 | 3,591 |
| Q2-2016 | 26,960 | 3,222 |
| Q3-2016(e) | 23,196 | 3,284 |

APPENDIX C

Foreclosures per 100 Parcels by Census Tract (2015) Cook County

CHICAGO COMMUNITY AREA / COOK COUNTY REGION

- | | |
|-----------------------|---------------------------|
| 1 Rogers Park | 42 Woodlawn |
| 2 West Ridge | 43 South Shore |
| 3 Uptown | 44 Chatham |
| 4 Lincoln Square | 45 Avalon Park |
| 5 North Center | 46 South Chicago |
| 6 Lake View | 47 Burnside |
| 7 Lincoln Park | 48 Calumet Heights |
| 8 Near North Side | 49 Roseland |
| 9 Edison Park | 50 Pullman |
| 10 Norwood Park | 51 South Deering |
| 11 Jefferson Park | 52 East Side |
| 12 Forest Glen | 53 West Pullman |
| 13 North Park | 54 Riverdale |
| 14 Albany Park | 55 Hegewisch |
| 15 Portage Park | 56 Garfield Ridge |
| 16 Irving Park | 57 Archer Heights |
| 17 Dunning | 58 Brighton Park |
| 18 Montclare | 59 McKinley Park |
| 19 Belmont Cragin | 60 Bridgeport |
| 20 Hermosa | 61 New City |
| 21 Avondale | 62 West Elsdon |
| 22 Logan Square | 63 Gage Park |
| 23 Humboldt Park | 64 Clearing |
| 24 West Town | 65 West Lawn |
| 25 Austin | 66 Chicago Lawn |
| 26 West Garfield Park | 67 West Englewood |
| 27 East Garfield Park | 68 Englewood |
| 28 Near West Side | 69 Greater Grand Crossing |
| 29 North Lawndale | 70 Ashburn |
| 30 South Lawndale | 71 Auburn Gresham |
| 31 Lower West Side | 72 Beverly |
| 32 Loop | 73 Washington Heights |
| 33 Near South Side | 74 Mount Greenwood |
| 34 Armour Square | 75 Morgan Park |
| 35 Douglas | 76 O'Hare |
| 36 Oakland | 77 Edgewater |
| 37 Fuller Park | 311 North Cook |
| 38 Grand Boulevard | 312 Northwest Cook |
| 39 Kenwood | 313 West Cook |
| 40 Washington Park | 314 Southwest Cook |
| 41 Hyde Park | 315 South Cook |

- Over 1.82
- 1.07 to 1.82
- 0.63 to 1.07
- 0.34 to 0.63
- Under 0.34
- Insufficient Data

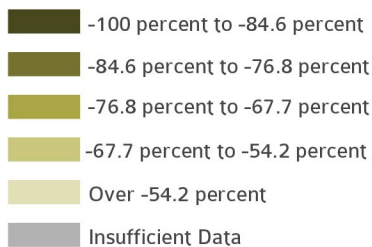
SOURCE: IHS DATA CLEARINGHOUSE

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AT DEPAUL UNIVERSITY**

Percent Change in Foreclosures by Census Tract (2010 to 2015) Cook County

CHICAGO COMMUNITY AREA / COOK COUNTY REGION

- | | |
|-----------------------|---------------------------|
| 1 Rogers Park | 42 Woodlawn |
| 2 West Ridge | 43 South Shore |
| 3 Uptown | 44 Chatham |
| 4 Lincoln Square | 45 Avalon Park |
| 5 North Center | 46 South Chicago |
| 6 Lake View | 47 Burnside |
| 7 Lincoln Park | 48 Calumet Heights |
| 8 Near North Side | 49 Roseland |
| 9 Edison Park | 50 Pullman |
| 10 Norwood Park | 51 South Deering |
| 11 Jefferson Park | 52 East Side |
| 12 Forest Glen | 53 West Pullman |
| 13 North Park | 54 Riverdale |
| 14 Albany Park | 55 Hegewisch |
| 15 Portage Park | 56 Garfield Ridge |
| 16 Irving Park | 57 Archer Heights |
| 17 Dunning | 58 Brighton Park |
| 18 Montclare | 59 McKinley Park |
| 19 Belmont Cragin | 60 Bridgeport |
| 20 Hermosa | 61 New City |
| 21 Avondale | 62 West Elsdon |
| 22 Logan Square | 63 Gage Park |
| 23 Humboldt Park | 64 Clearing |
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| 30 South Lawndale | 71 Auburn Gresham |
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| 32 Loop | 73 Washington Heights |
| 33 Near South Side | 74 Mount Greenwood |
| 34 Armour Square | 75 Morgan Park |
| 35 Douglas | 76 O'Hare |
| 36 Oakland | 77 Edgewater |
| 37 Fuller Park | 311 North Cook |
| 38 Grand Boulevard | 312 Northwest Cook |
| 39 Kenwood | 313 West Cook |
| 40 Washington Park | 314 Southwest Cook |
| 41 Hyde Park | 315 South Cook |



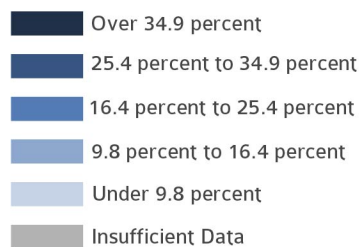
SOURCE: IHS DATA CLEARINGHOUSE

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Share of Parcels with at Least One Foreclosure Filing by Census Tract (2005 to 2015) Cook County

CHICAGO COMMUNITY AREA / COOK COUNTY REGION

- | | |
|-----------------------|---------------------------|
| 1 Rogers Park | 42 Woodlawn |
| 2 West Ridge | 43 South Shore |
| 3 Uptown | 44 Chatham |
| 4 Lincoln Square | 45 Avalon Park |
| 5 North Center | 46 South Chicago |
| 6 Lake View | 47 Burnside |
| 7 Lincoln Park | 48 Calumet Heights |
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SOURCE: IHS DATA CLEARINGHOUSE

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