

2009

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2009

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 22, 2008	January 2, 2009
2	December 29, 2008	January 9, 2009
3	January 5, 2009	January 16, 2009
4	January 12, 2009	January 23, 2009
5	January 20, 2009	January 30, 2009
6	January 26, 2009	February 6, 2009
7	February 2, 2009	February 13, 2009
8	February 9, 2009	February 20, 2009
9	February 17, 2009	February 27, 2009
10	February 23, 2009	March 6, 2009
11	March 2, 2009	March 13, 2009
12	March 9, 2009	March 20, 2009
13	March 16, 2009	March 27, 2009
14	March 23, 2009	April 3, 2009
15	March 30, 2009	April 10, 2009
16	April 6, 2009	April 17, 2009
17	April 13, 2009	April 24, 2009
18	April 20, 2009	May 1, 2009
19	April 27, 2009	May 8, 2009
20	May 4, 2009	May 15, 2009
21	May 11, 2009	May 22, 2009
22	May 18, 2009	May 29, 2009

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
23	May 26, 2009	June 5, 2009
24	June 1, 2009	June 12, 2009
25	June 8, 2009	June 19, 2009
26	June 15, 2009	June 26, 2009
27	June 22, 2009	July 6, 2009
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33	August 3, 2009	August 14, 2009
34	August 10, 2009	August 21, 2009
35	August 17, 2009	August 28, 2009
36	August 24, 2009	September 4, 2009
37	August 31, 2009	September 11, 2009
38	September 8, 2009	September 18, 2009
39	September 14, 2009	September 25, 2009
40	September 21, 2009	October 2, 2009
41	September 28, 2009	October 9, 2009
42	October 5, 2009	October 16, 2009
43	October 13, 2009	October 23, 2009
44	October 19, 2009	October 30, 2009
45	October 26, 2009	November 6, 2009
46	November 2, 2009	November 13, 2009
47	November 9, 2009	November 20, 2009
48	November 16, 2009	November 30, 2009
49	November 23, 2009	December 4, 2009
50	November 30, 2009	December 11, 2009
51	December 7, 2009	December 18, 2009
52	December 14, 2009	December 28, 2009

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 11 to July 1, 2009.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Unearned Premium Computation
- 2) Code Citation: 50 Ill. Adm. Code 911
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
911.5	Repeal
911.10	Repeal
911.20	Repeal
- 4) Statutory Authority: Implementing Sections 379.1 and 393.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/379.1, 393.1 and 401]
- 5) A Complete Description of the Subjects and Issues Involved: This Part was originally adopted in 1963, with subsequent formal codification into the Illinois Administrative Code in March of 1983. No further revisions to this Part were ever filed.

In 1980, the accounting standard of practice was statutorily set by PA 81-735. Because Section 136 of the Illinois Insurance Code supersedes the requirements of this Part, the Division is repealing this regulation.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this repealer? None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this repealer: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

Eve Blackwell-Lewis
Senior Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

or

Craig Cellini
Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
3rd Floor
Springfield, Illinois 62767-0001

217/782-2867

217/785-0813

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2009

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 911

UNEARNED PREMIUM RESERVE COMPUTATION ([REPEALED](#))

Section

911.5	Introduction
911.10	Application and Effective Date
911.20	Calculation of the Unearned Premium Reserve

AUTHORITY: Implementing Sections 379.1 and 393.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/379.1, 393.1 and 401].

SOURCE: Amended November 8, 1963; codified at 7 Ill. Reg. 3462; repealed at 33 Ill. Reg. _____, effective _____.

Section 911.5 Introduction

This Part is Issued by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code which empowers the Director "... *to make reasonable rules and regulations as may be necessary for making effective...*" insurance laws of this State. It is the purpose of this Part to implement Sections 379.1 and 393.1 of the Illinois Insurance Code by providing for the method to be used to determine the amount of the unearned premium reserve.

Section 911.10 Application and Effective Date

This Part applies to all insurance companies authorized to transact the kind or kinds of business enumerated in Class 2 and 3 of Section 4 of the Illinois Insurance Code. It shall become effective January 1, 1964.

Section 911.20 Calculation of the Unearned Premium Reserve

The unearned premium reserve shall never be less, in the aggregate, than the company's actual liability to all its insureds for the return of gross unearned premiums, after deducting reinsurance in authorized companies. In the calculation of the company's actual liability to all its insureds, the reserve shall be computed pursuant to the method commonly referred to as the "monthly pro rata method."

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 10
- 3) Section Number: 10.120 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13]
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking is the result of the Food and Nutrition Act of 2008. The Act changes the name of the Food Stamp Program to the Supplemental Nutrition Assistance Program (SNAP).

Companion amendments are also being proposed to 89 Ill. Adm. Code 121.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
10.250	Amendment	33 Ill. Reg. 4500; March 27, 2009
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department with the two most recent regulatory agendas were published.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 10
GENERAL ADMINISTRATIVE PROVISIONS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section	
10.101	Incorporation by Reference
10.110	Applicability
10.120	Definitions
10.130	Assistance Programs
10.140	Assistance Program Restrictions

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section	
10.210	Rights of Clients
10.220	Nondiscrimination
10.225	Grievance Rights of Clients
10.230	Confidentiality of Case Information
10.235	Case Records
10.250	Reporting Change of Circumstances
10.263	Reporting Child Abuse/Neglect
10.268	Reporting Elder Abuse/Neglect
10.270	Notice to Client
10.280	Right to Appeal
10.281	Continuation of Assistance Pending Appeal
10.282	Time Limit for Filing an Appeal
10.283	Examining Department Records
10.284	Child Care
10.290	Voluntary Repayment of Assistance
10.295	Correction of Underpayments
10.300	Recovery of Assistance
10.310	Estate Claims
10.320	Real Property Liens
10.330	Filing and Renewal of Liens
10.340	Foreclosure of Liens

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10.350	Release of Liens
10.360	Personal Injury Claims
10.370	Convictions of Fraud – Eligibility
10.380	Single Conviction of Fraud – Administrative Review Board

SUBPART C: APPLICATION PROCESS

Section	
10.410	Application for Assistance
10.415	Local Office Action on Application for Public Assistance
10.420	Time Limitations on the Disposition of an Application
10.430	Approval of an Application and Initial Authorization of Financial Assistance
10.438	General Assistance Approval Provisions
10.440	Denial of an Application

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective November 26, 1997; amended at 22 Ill. Reg. 19816, effective November 1, 1998; amended at 23 Ill. Reg. 6944, effective June 1, 1999; amended at 24 Ill. Reg. 7856, effective May 16, 2000; amended at 24 Ill. Reg. 18153, effective November 30, 2000; amended at 25 Ill. Reg. 7170, effective May 24, 2001; amended at 28 Ill. Reg. 1083, effective December 31, 2003; amended at 28 Ill. Reg. 5650, effective March 22, 2004; amended at 29 Ill. Reg. 8148, effective May 18, 2005; amended at 31 Ill. Reg. 6962, effective April 30, 2007; amended at 31 Ill. Reg. 7638, effective May 15, 2007; amended at 32 Ill. Reg. 4375, effective March 12, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART A: APPLICABILITY AND DEFINITIONS

Section 10.120 Definitions

"AABD-" or "Aid to the Aged, Blind or Disabled" – ~~Financial~~ financial assistance and medical assistance available to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration.

"Adequate Consideration-" = The receipt of goods, monies or services at least in the amount of the fair market value of the property sold.

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"Adult Cases:" — A case in which no child is included in the assistance unit.

"Adverse Action:" — Any action ~~that~~which reduces ~~SNAP food stamp~~ benefits or terminates participation in ~~SNAP the food stamp program~~ within a certification period.

"AFDC-F:" — Medical Assistance for an eligible child under DCFS guardianship.

"Agency Error:" — An action or inaction of the Department resulting in assistance benefits being furnished to or in behalf of a client for which the client is not eligible.

"Applicant:" — An individual requesting assistance by completion of a signed, written application form or a person in whose behalf a signed written application form requesting assistance is completed.

"Application:" — A request for assistance by means of a completed, signed designated form. For ~~SNAP food stamp~~ purposes, only a name, address and signature are needed on the form.

"Assistance Unit:" — The individual or individuals living together for whom the Department determines eligibility and, if eligible, provides financial and/or medical assistance as one unit.

"Beneficiary:" — Any person nominated in a will to receive an interest in property other than in a fiduciary capacity.

"Caretaker Relative:" or "Specified Relative" — A relative, as specified in this definition below, with whom a child must live to be eligible for TANF and who is providing care, supervision and a home for the child.

Blood or adoptive relatives within the fifth degree of kinship:

Father – Mother

Brother – Sister

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Grandmother – Grandfather (including up to great-great-great)

Uncle – Aunt (including up to great-great)

Nephew – Niece (including up to great-great)

First Cousin

First Cousin once removed (child of first cousin)

Second Cousin (child of great-aunt/uncle)

Step-Relatives:

Step-Father – Step-Mother

Step-Brother – Step-Sister

Person who is or has been married to one of the above relatives.

"Categorical Assistance Programs:" – TANF, AABD and related MANG programs.

"Categorically Eligible:" – The meeting of all eligibility requirements for a categorical assistance program other than financial need.

"Certification ~~for SNAP~~~~For Food Stamps~~:" – Authorization of eligibility of a household for ~~SNAP~~~~the food stamp program~~.

"Certification Period:" – The period of time for which a household is authorized to participate in ~~SNAP~~~~the food stamp program~~.

"Certifying Office:" – The DHS local office or General Assistance unit office responsible for certification of ~~SNAP~~~~food stamp program~~ participants.

"Child and Family Assistance Case:" – A General Assistance case in

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which case eligibility is based on pregnancy or the presence of an eligible child.

"Client:" The adult in the family or unit applying for assistance or receiving assistance on behalf of the family.

"Client Error:" A client's mistake, misunderstanding, misrepresentation or concealment of information or failure to report information promptly ~~that~~which results in financial and/or medical assistance being paid to or in behalf of a recipient for which the recipient is not eligible.

"Correspondent:" A specific individual who has been legally designated to handle the affairs of another individual, that is, parents, court-appointed guardian or conservator.

~~"Coupon Allotment:" The total dollar value of the food stamp coupons that a household is authorized to receive.~~

"DCFS:" Illinois Department of Children and Family Services.

"Department:" The Illinois Department of Human Services.

"Dependent Child:" A child age 18 or under who is living with a relative. If age 18, the child must be a full-time high school (or equivalent) student.

"Disbursing Order:" An invoice voucher form given to a client authorizing a vendor to provide specified goods and/or services.

"Disposition of an Application:" The determination of eligibility or ineligibility.

"Diverted Income:" Earned or unearned income of a parent used to meet the needs of ineligible person or persons, including the parent, their dependent child or children or their spouse.

"DOC:" Illinois Department of Corrections.

"DOL:" Illinois Department of Labor.

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~~"DPA." Illinois Department of Public Aid.~~

"Earmarked Income:" Income restricted for the use of an individual by court order or by legal stipulation of a contributor. Only income of a child may be considered earmarked for Departmental purposes. The income of an eligible child who has siblings in the home receiving TANF financial assistance cannot be earmarked.

"Earned Income:" Pay Remuneration derived through the receipt of wages or salary for services performed as an employee or profits from activity in which the individual is self-employed.

"Effective Date:" The date for which case action is authorized.

"Enrolled MANG Participant:" Person or unit meeting the nonfinancial factors of eligibility.

"Established ~~12~~Twelve-Month Period:" The period of 12 calendar months over which income is compared to the applicable MANG standard.

"Estate:" All real and personal property within an individual's estate as provided in Illinois probate law. For a decedent who received benefits under a long term care insurance policy in connection with which assets were disregarded, the term "estate" includes all real and personal property in which the individual had legal title or interest at the time of death (to the extent of such interest), including assets conveyed to a survivor, heir or assignee of the deceased person through joint tenancy, tenancy in common, survivorship, life estate, living trust or other arrangement.

"Expedited Issuance:" Authorization of ~~SNAP~~food stamp benefits after the household has been determined to be destitute or to have zero net income.

"Expedited Service:" An immediate processing of a ~~SNAP~~food stamp application and determination of eligibility for expedited issuance.

~~"FCS." The Food and Consumer Service of the United States Department~~

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~~of Agriculture.~~

"Final Administrative Decision:" — A decision made by the Department as a result of an appeal. It either upholds or reverses the appealed action or determines a lack of jurisdiction.

"Financial Assistance:" — Public ~~assistance~~Assistance paid in the form of a cash benefit to a recipient for income maintenance needs. Medical assistance and SNAP~~food stamp~~ benefits are not considered financial assistance.

"Financial Factors of Eligibility:" — Income, assets and Department levels of assistance.

"Financially Eligible:" — The meeting of all financial factors of eligibility.

"Fiscal Month:" — Begins on a given day in one calendar month and ends on the day prior to the same given day in the next calendar month.

"FNS" – The Food and Nutrition Service of the United States Department of Agriculture.

~~"Food Coupons." Same as food stamps.~~

~~"Food Stamp Benefits." The cash value of benefits that a food stamp unit receives from the program.~~

~~"Food Stamp Employment and Training." Employment and training program for food stamp recipients.~~

~~"Food Stamp Household or Unit." For purposes of the food stamp program, a household or unit is defined as any of the following:~~

~~An individual living alone;~~

~~An individual living with others, who customarily purchases food and prepares meals for home consumption separate and apart from others;~~

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~~A group of individuals who live together and customarily purchase food and prepare meals together for home consumption or who, because of their relationship, are required to qualify for food stamps as a unit.~~

"Full-Time Employment:" ~~_~~ Employment of 30 hours per week or more.

"GA:" ~~or "General Assistance"~~ – ~~Financial~~~~financial~~ and medical assistance available to eligible needy families or individuals who are ineligible to receive assistance through a categorical assistance program.

"GA Community Work and Training Program:" ~~_~~ A program, applicable to GA outside the City of Chicago only, designed to increase employability of General Assistance recipients through constructive work experience, adult education, vocational training and gainful employment.

"Grant:" ~~_~~ The total amount of a monthly financial assistance payment.

"Grant Cases:" ~~_~~ Public assistance cases authorized for financial assistance payments to the recipient.

"Head of Household:" ~~_~~ The person in whose name application is made for participation in ~~SNAP~~~~the food stamp program~~. This person is normally the individual who is the household's primary source of income.

"Hearing:" ~~_~~ The actual presentation and consideration of the issue under appeal before a hearing officer of the Department.

"Heir:" ~~_~~ Any person entitled under the statutes to an interest in property of a decedent.

"HFS" – Illinois Department of Healthcare and Family Services, formerly known as the Illinois Department of Public Aid (DPA).

"Initial Prorated Entitlement" ~~or "(IPE):"~~ ~~_~~ Financial assistance to cover the period from the initial point of eligibility (application for assistance or initial needs of a person being added to the assistance unit) through two days after the mailing date of the first regular monthly assistance warrant.

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"In-Kind Income:" Income received by or paid in behalf of an individual in a form other than money.

"Interim Assistance:" Assistance furnished to or in behalf of an individual financed totally from State and/or local funds for basic maintenance needs and furnished during the period beginning with the month in which the individual filed an application for Supplemental Security Income (SSI) and for which ~~the~~ individual was found eligible.

~~"JTPA:" Job Training Partnership Act.~~

"Local Governmental Unit:" Every county, city, village, incorporated town or township charged with the duty of providing public aid under General Assistance and County Veterans Assistance Commissions providing assistance to indigent war veterans and their families.

"Local Office:" Department of Human Services office that serves ~~clients~~ living within a designated geographical area.

"Lump-Sum Payment:" An extraordinary or non-recurring income payment received by a client.

"MAG:" or "Medical Assistance Grant"-cases – ~~Medical~~ medical assistance paid on behalf of a recipient of financial assistance.

"MANG:" or "Medical Assistance No Grant"-cases – ~~Medical~~ medical assistance paid on behalf of a recipient of categorical assistance who is not receiving financial assistance.

"MANG(AABD):" Medical assistance available to individuals who have sufficient income and assets to meet all maintenance needs other than medical care and who are receiving Supplemental Security Income benefits or who are determined to be aged, blind or disabled by the Department of Human Services.

"MANG(C):" Medical Assistance to Needy Families with Children, ~~which is~~ available to families with one or more children who would qualify for TANF on the basis of non-financial eligibility factors but have

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sufficient income and assets to meet all maintenance needs other than medical care.

"Medicaid-" – Medical assistance issued by the Department under provisions of Title XIX of the Social Security Act (42 USCU.S.C. 1396); MAG and MANG.

"Medical Assistance-" – Medicaid.

"MediPlan Card-" – A document that identifies individuals for whom HFS~~the Department of Public Aid~~ will pay for essential medical services and supplies.

"Migrant Worker-" – Any person residing temporarily in and employed in Illinois who moves seasonally from one place to another for the purpose of employment in agricultural activities, including the planting, raising or harvesting of any agricultural or horticultural commodities and the handling, packing or processing of ~~thosesuch~~ commodities on the farm where produced or at the point of first processing.

"OASDI-" or "Old Age, Survivors, and Disability Insurance" – Ofteneften termed "Social Security".

"OJT-" – On-the-job training~~On the Job Training~~ programs sponsored through the TANF Program, Supplemental Nutrition Assistance~~Food Stamp~~ Employment and Training Program or WIA~~JTPA~~.

"Participant-" – A person taking part in SNAP~~the food stamp program~~ or a Departmental employment and training program.

"Recipient-" – An individual who receives benefits under an assistance program.

"SNAP" – Supplemental Nutrition Assistance Program, formerly known as the Food Stamp Program. A food and nutrition supplement program available to individuals and families.

"SNAP Benefits" – The cash value of benefits that a SNAP unit receives from the program.

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"SNAP Household" or "SNAP Unit" – For purposes of SNAP, a household or unit is defined as any of the following:

An individual living alone;

An individual living with others, who customarily purchases food and prepares meals for home consumption separate and apart from others;

A group of individuals who live together and customarily purchase food and prepare meals together for home consumption or who, because of their relationship, are required to qualify for SNAP as a unit.

"Specified Relative:" – Same as caretaker relative.

"Spendedown:" – The amount by which a client's nonexempt income during the eligibility period exceeds the MANG income and asset standards.

"SSA:" – The Social Security Administration of the Department of Health and Human Services.

"SSI:" or "Supplemental Security Income" – Aa program administered by the Social Security Administration providing monthly aid to aged, blind and disabled~~Aged, Blind and Disabled~~ individuals.

"Student:" – An individual who is enrolled at least half time (as defined by the institution) in any grade school, high school, vocational school, technical school, training program or institution of higher education. Enrollment in a mail, self-study or correspondence course does not meet the definition of a student.

"Supervision:" – Exercising of responsibility for the child's welfare by the caretaker.

"Supplemental Nutrition Assistance Employment and Training Program" – Employment and training program for SNAP recipients.

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"TANF:" or "Temporary Assistance for Needy Families:" – Financial and medical assistance available to families with one or more dependent children.

"Temporary Caretaker:" – Another individual temporarily acting as a caretaker (not included in the assistance unit) when no caretakerspecified relative is available.

"UI:" – Unemployment Insurance Benefits.

"Unearned Income:" – All income other than earned income.

"Vendor Payment:" – Direct payment to vendors for items or services provided to clients.

"WIA" – The federal Workforce Investment Act (29 USC 2801 et seq.).

"Work Experience:" – A Department program that provides experience in a job.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
50.230	Amendment
50.320	Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13]
- 5) A Complete Description of the Subjects and Issues involved: Due to the increase in the Federal Poverty Level, the Department is proposing to increase the income eligibility guidelines for child care benefits and the corresponding co-payment charts effective July 1, 2009. This rulemaking is being proposed to bring the income guidelines up to the same level as the TANF benefit services level that is 200% of the federal poverty level and is within the current child care operating budget. This rulemaking increases the monthly income thresholds so that low-income families will remain eligible for child care assistance longer and more new families will be eligible to receive care. Increasing the income thresholds helps stabilize job retention and allows a parent to accept some raises and promotions without fear of losing their child care. This proposed rulemaking will also affect child care providers by helping them to keep their enrollment numbers up.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
50.320	Amendment	32 Ill. Reg. 9565; July 7, 2008
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Child Care Providers
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: January 2009

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section	
50.101	Incorporation by Reference
50.110	Participant Rights and Responsibilities
50.120	Notification of Available Services
50.130	Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section	
50.210	Child Care
50.220	Method of Providing Child Care
50.230	Child Care Eligibility
50.235	Income Eligibility Criteria
50.240	Qualified Provider
50.250	Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

Section	
50.310	Fees for Child Care Services
50.320	Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section	
50.410	Provider Eligibility
50.420	Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

DEPARTMENT OF HUMAN SERVICES

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Section

50.510	Great START Program
50.520	Method of Providing the Wage Supplement
50.530	Eligibility
50.540	Employer Responsibility
50.550	Notification of Eligibility
50.560	Phase-in of Wage Supplement Scale
50.570	Wage Supplement Scale
50.580	Evaluation

AUTHORITY: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008; amended at 33 Ill. Reg. _____, effective _____.

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SUBPART B: APPLICABILITY

Section 50.230 Child Care Eligibility

- a) Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.
- b) Parents and other relatives eligible to receive child care services include:
 - 1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the Department and who meet the monthly income ceilings in subsection (b)(2) of this Section.
 - 2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose monthly incomes do not exceed the following amounts by family size:

Family Size	Gross Monthly Income
2	<u>\$2,4292,334</u>
3	<u>\$3,0522,934</u>
4	<u>\$3,6753,534</u>
5	<u>\$4,2994,134</u>
6	<u>\$4,9224,734</u>
7	<u>\$5,5455,334</u>
8	<u>\$6,1695,934</u>

The above income eligibility guidelines are set at 200% of the most current federal poverty level for each family size. The above income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current federal poverty level for each family size.

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- 3) Families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of the first Associate's Degree and/or the first Bachelor's Degree) whose monthly income does not exceed the monthly income ceilings in subsection (b)(2) of this Section. Child care services approved under this Part must be reasonably related to the education or training activity, including class hours and research, study, laboratory, library and transportation time, and unpaid educationally required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income, when added to the income of the other person, does not exceed the monthly income ceiling in subsection (b)(2) of this Section for that family size. All education programs under this Part must be administered by an educational institution accredited under requirements of State law, including, but not limited to, the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 [225 ILCS 410], the Real Estate Act of 2000 [225 ILCS 454], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State University Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690], or the Department of Financial and Professional Regulation.
- A) Below Post-Secondary Education Eligibility and Participation Requirements
This category of education includes literacy and other adult basic education, English as a Second Language, and GED preparation programs. There is no work requirement for the first 24 non-consecutive months the client participates. From the 25th month on, the client must work at least 20 hours per week. Child care provided to a teen parent to obtain a high school diploma or its equivalent does not count against this 24-month limit. Individuals enrolled in below post-secondary education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average.

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When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

- B) Vocational Education Eligibility and Participation Requirements
This category of education prepares the individual for a specific job, and includes all programs that prepare the client for a specific type of work. The program may be offered by a public community college, public or private university, or private business/technical school. The program usually results in the receipt of a Certificate of Achievement or Completion and/or prepares the client for a specific job or to obtain a license required by some occupations. There is no work requirement for the first 24 non-consecutive months the client participates. From the 25th month on, the client must work at least 20 hours per week. Individuals enrolled in vocational education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.
- C) Post-Secondary Education
This category of education includes all undergraduate college level courses that result in an Associate's or Bachelor's Degree. Families eligible to receive child care services while they attend an education or training program under this Section must:
- i) be enrolled in a program accredited under requirements of State law as stated in subsection (b)(3) of this Section.

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- ii) not already have an Associate's or Bachelor's Degree, if requesting child care to earn an Associate's Degree. Child care will not be approved for attainment of a second Associate's Degree.
- iii) not already have a Bachelor's Degree, if requesting child care to earn a Bachelor's Degree. Child care will not be approved for attainment of a second Bachelor's Degree.
- iv) not be in an advanced degree program (beyond a Bachelor's Degree). Child care will not be approved for education beyond the attainment of a Bachelor's Degree.

There is no work requirement for the first 48 non-consecutive months the client participates. From the 49th month on, the client must work at least 20 hours per week. Clients who do not work and who need child care to attend college must maintain a cumulative 2.5 grade point average (on a 4.0 scale) if this measurement is used by the institution to determine satisfactory progress. Clients who work 20 hours or more per week in paid employment while they attend college must maintain a cumulative 2.0 GPA (on a 4.0 scale). In the absence of a GPA, satisfactory progress will be determined by the written policy of the institution. The determination of satisfactory progress, including test/retest results or GPA, must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months. If the client's cumulative GPA falls below 2.5 or 2.0 for those students who work or at any time the client does not maintain satisfactory progress, the client may continue to go to school for another semester. If the cumulative GPA is below 2.5 or 2.0 two semesters in a row, the client will be ineligible for child care until his or her GPA is at or above 2.5 or 2.0.

- D) For child care services received under education/training, a parent enrolled in web-based courses or correspondence learning from an accredited university or college is only eligible for child care assistance if both of the following are met:

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- i) The class is offered only at a regularly scheduled time (i.e., 11:00 a.m. every Monday and Wednesday) or the parent must leave the home to have access to a computer. Web-based classes that the parent may take at any time do not fit this criteria.
 - ii) The child or children for whom care is requested must be under the age of six, except during the summer or school breaks. Care shall not be authorized during the hours the child is in school or is home schooled, or if the child is in a two-parent family when the other parent is available to care for the child.
- E) Study Time
Child care services may be granted for up to one hour of study time per week for each hour of course credit. When possible, study periods should be arranged around regularly scheduled classes in order to provide a consistent and uninterrupted routine for children in care. Study time shall not be granted to add additional days of care.
- 4) Relatives (other than parents) who receive child-only TANF or General Assistance (GA) benefits as Representative Payee for children in need of care while they work outside the home.
- c) All families must be residents of Illinois.
- d) Payment for child care services to eligible parents may begin:
- 1) if care was provided at the time and all eligibility factors are met, on either:
 - A) the date of the parent's signature; or
 - B) one week (seven calendar days) prior to the stamped date of receipt by the Department or its agents, whichever is later; or
 - 2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being

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provided and all eligibility factors are met.

- e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART C: PAYMENT FEES

Section 50.320 Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

Family Size 2

Monthly Income	1	1
	Child	Child
	Monthly	Weekly
	Co-Pay	Co-Pay
\$ 0 – 327	\$ 4.33	\$ 1.00
328 – 491	13.00	3.00
492 – 654	21.67	5.00
655 – 818	34.66	8.00
819 – 981	47.66	11.00
982 – 1,145	65.00	15.00
1,146 – 1,308	86.66	20.00
1,309 – 1,472	108.33	25.00
1,473 – 1,636	134.32	31.00
1,637 – 1,799	160.32	37.00
1,800 – 1,962	186.32	43.00
1,963 – 2,125 ^{2,051}	212.32	49.00
<u>2,126 – 2,288</u>	<u>238.32</u>	<u>55.00</u>
<u>2,289 – 2,429</u>	<u>264.31</u>	<u>61.00</u>

Family Size 3

1 1 2 2

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Monthly Income	Child	Child	Children	Children
	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay
\$ 0 – 423	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00
424 – 606	13.00	3.00	17.33	4.00
607 – 808	21.67	5.00	30.33	7.00
809 – 1,010	34.66	8.00	52.00	12.00
1,011 – 1,212	47.66	11.00	69.33	16.00
1,213 – 1,414	65.00	15.00	95.33	22.00
1,415 – 1,616	86.66	20.00	147.32	34.00
1,617 – 1,818	108.33	25.00	190.65	44.00
1,819 – 2,020	134.32	31.00	233.98	54.00
2,021 – 2,222	160.32	37.00	277.31	64.00
2,223 – 2,424	186.32	43.00	320.64	74.00
2,425 – 2,626 ,533	212.32	49.00	363.97	84.00
<u>2,627 – 2,828</u>	<u>238.32</u>	<u>55.00</u>	<u>407.30</u>	<u>94.00</u>
<u>2,829 – 3,030</u>	<u>264.31</u>	<u>61.00</u>	<u>450.63</u>	<u>104.00</u>
<u>3,031 – 3,052</u>	<u>290.31</u>	<u>67.00</u>	<u>493.96</u>	<u>114.00</u>

Family Size 4

Monthly Income	1 Child	1 Child	2 Children	2 Children	3 Children	3 Children
	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay
\$ 0 – 481	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
482 – 722	13.00	3.00	17.33	4.00	17.33	4.00
723 – 962	21.67	5.00	30.33	7.00	34.66	8.00
963 – 1,203	34.66	8.00	52.00	12.00	52.00	12.00
1,204 – 1,443	47.66	11.00	69.33	16.00	73.66	17.00
1,444 – 1,684	65.00	15.00	95.33	22.00	99.66	23.00
1,685 – 1,924	86.66	20.00	147.32	34.00	151.66	35.00
1,925 – 2,165	108.33	25.00	190.65	44.00	194.99	45.00
2,166 – 2,405	134.32	31.00	233.98	54.00	238.32	55.00
2,406 – 2,646	160.32	37.00	277.31	64.00	281.65	65.00

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2,647 – 2,887	186.32	43.00	320.64	74.00	324.98	75.00
2,888 – 3,128 <u>3,016</u>	212.32	49.00	363.97	84.00	368.31	85.00
<u>3,129 – 3,369</u>	<u>238.32</u>	<u>55.00</u>	<u>407.30</u>	<u>94.00</u>	<u>411.64</u>	<u>95.00</u>
<u>3,370 – 3,610</u>	<u>264.31</u>	<u>61.00</u>	<u>450.63</u>	<u>104.00</u>	<u>454.97</u>	<u>105.00</u>
<u>3,611 – 3,675</u>	<u>290.31</u>	<u>67.00</u>	<u>493.96</u>	<u>114.00</u>	<u>498.30</u>	<u>115.00</u>

Family Size 5

	1 Child	1 Child	2 Children	2 Children	3 Children	3 Children	4 Children	4 Children
Monthly Income	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay
\$ 0 – 558	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
559 – 837	13.00	3.00	17.33	4.00	17.33	4.00	21.67	5.00
838 – 1,116	21.67	5.00	30.33	7.00	34.66	8.00	34.66	8.00
1,117 – 1,395	34.66	8.00	52.00	12.00	52.00	12.00	56.33	13.00
1,396 – 1,674	47.66	11.00	69.33	16.00	73.66	17.00	77.99	18.00
1,675 – 1,953	65.00	15.00	95.33	22.00	99.66	23.00	103.99	24.00
1,954 – 2,232	86.66	20.00	147.32	34.00	151.66	35.00	155.99	36.00
2,233 – 2,511	108.33	25.00	190.65	44.00	194.99	45.00	199.32	46.00
2,512 – 2,790	134.32	31.00	233.98	54.00	238.32	55.00	242.65	56.00
2,791 – 3,069	160.32	37.00	277.31	64.00	281.65	65.00	285.98	66.00
3,070 – 3,348	186.32	43.00	320.64	74.00	324.98	75.00	329.31	76.00
3,349 –								
<u>3,627-3,498</u>	212.32	49.00	363.97	84.00	368.31	85.00	372.64	86.00
<u>3,628 – 3,906</u>	<u>238.32</u>	<u>55.00</u>	<u>407.30</u>	<u>94.00</u>	<u>411.64</u>	<u>95.00</u>	<u>415.97</u>	<u>96.00</u>
<u>3,907 – 4,185</u>	<u>264.31</u>	<u>61.00</u>	<u>450.63</u>	<u>104.00</u>	<u>454.97</u>	<u>105.00</u>	<u>459.30</u>	<u>106.00</u>
<u>4,186 – 4,299</u>	<u>290.31</u>	<u>67.00</u>	<u>493.96</u>	<u>114.00</u>	<u>498.30</u>	<u>115.00</u>	<u>502.63</u>	<u>116.00</u>

Family Size 6

	1 Child	1 Child	2 Children	2 Children	3 Children	3 Children	4 Children	4 Children
Monthly Income	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay

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\$ 0 – 635	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
636 – 952	13.00	3.00	17.33	4.00	17.33	4.00	21.67	5.00
953 – 1,270	21.67	5.00	30.33	7.00	34.66	8.00	34.66	8.00
1,271 – 1,587	34.66	8.00	52.00	12.00	52.00	12.00	56.33	13.00
1,588 – 1,905	47.66	11.00	69.33	16.00	73.66	17.00	77.99	18.00
1,906 – 2,222	65.00	15.00	95.33	22.00	99.66	23.00	103.99	24.00
2,223 – 2,540	86.66	20.00	147.32	34.00	151.66	35.00	155.99	36.00
2,541 – 2,857	108.33	25.00	190.65	44.00	194.99	45.00	199.32	46.00
2,858 – 3,175	134.32	31.00	233.98	54.00	238.32	55.00	242.65	56.00
3,176 – 3,492	160.32	37.00	277.31	64.00	281.65	65.00	285.98	66.00
3,493 – 3,809	186.32	43.00	320.64	74.00	324.98	75.00	329.31	76.00
3,810 –								
4,1263,981	212.32	49.00	363.97	84.00	368.31	85.00	372.64	86.00
<u>4,127 – 4,443</u>	<u>238.32</u>	<u>55.00</u>	<u>407.30</u>	<u>94.00</u>	<u>411.64</u>	<u>95.00</u>	<u>415.97</u>	<u>96.00</u>
<u>4,444 – 4,760</u>	<u>264.31</u>	<u>61.00</u>	<u>450.63</u>	<u>104.00</u>	<u>454.97</u>	<u>105.00</u>	<u>459.30</u>	<u>106.00</u>
<u>4,761 – 4,922</u>	<u>290.31</u>	<u>67.00</u>	<u>493.96</u>	<u>114.00</u>	<u>498.30</u>	<u>115.00</u>	<u>502.63</u>	<u>116.00</u>

5 Children 5 Children

Monthly Income	Monthly Co-Pay	Weekly Co-Pay
\$ 0 – 635	\$ 8.67	\$ 2.00
636 – 952	21.67	5.00
953 – 1,270	39.00	9.00
1,271 – 1,587	60.66	14.00
1,588 – 1,905	82.33	19.00
1,906 – 2,222	108.33	25.00
2,223 – 2,540	160.32	37.00
2,541 – 2,857	203.65	47.00
2,858 – 3,175	246.98	57.00
3,176 – 3,492	290.31	67.00
3,493 – 3,809	333.64	77.00
3,810 –	376.97	87.00
4,1263,981		
<u>4,127 – 4,443</u>	<u>420.30</u>	<u>97.00</u>
<u>4,444 – 4,760</u>	<u>463.63</u>	<u>107.00</u>
<u>4,761 – 4,922</u>	<u>506.96</u>	<u>117.00</u>

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Family Size 7

	1 Child	1 Child	2 Children	2 Children	3 Children	3 Children	4 Children	4 Children
Monthly Income	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay
\$ 0 – 649	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
650 – 974	13.00	3.00	17.33	4.00	17.33	4.00	21.67	5.00
975 – 1,299	21.67	5.00	30.33	7.00	34.66	8.00	34.66	8.00
1,300 – 1,623	34.66	8.00	52.00	12.00	52.00	12.00	56.33	13.00
1,624 – 1,948	47.66	11.00	69.33	16.00	73.66	17.00	77.99	18.00
1,949 – 2,273	65.00	15.00	95.33	22.00	99.66	23.00	103.99	24.00
2,274 – 2,598	86.66	20.00	147.32	34.00	151.66	35.00	155.99	36.00
2,599 – 2,922	108.33	25.00	190.65	44.00	194.99	45.00	199.32	46.00
2,923 – 3,247	134.32	31.00	233.98	54.00	238.32	55.00	242.65	56.00
3,248 – 3,572	160.32	37.00	277.31	64.00	281.65	65.00	285.98	66.00
3,573 – 3,897	186.32	43.00	320.64	74.00	324.98	75.00	329.31	76.00
3,898 –								
4,224-4,071	212.32	49.00	363.97	84.00	368.31	85.00	372.64	86.00
<u>4,223 – 4,547</u>	<u>238.32</u>	<u>55.00</u>	<u>407.30</u>	<u>94.00</u>	<u>411.64</u>	<u>95.00</u>	<u>415.97</u>	<u>96.00</u>
<u>4,548 – 4,872</u>	<u>264.31</u>	<u>61.00</u>	<u>450.63</u>	<u>104.00</u>	<u>454.97</u>	<u>105.00</u>	<u>459.30</u>	<u>106.00</u>
<u>4,873 – 5,197</u>	<u>290.31</u>	<u>67.00</u>	<u>493.96</u>	<u>114.00</u>	<u>498.30</u>	<u>115.00</u>	<u>502.63</u>	<u>116.00</u>
<u>5,198 – 5,522</u>	<u>316.31</u>	<u>73.00</u>	<u>537.29</u>	<u>124.00</u>	<u>541.63</u>	<u>125.00</u>	<u>545.96</u>	<u>126.00</u>
<u>5,523 – 5,545</u>	<u>342.31</u>	<u>79.00</u>	<u>580.62</u>	<u>134.00</u>	<u>587.96</u>	<u>135.00</u>	<u>589.29</u>	<u>136.00</u>
	5 Children	5 Children	6 Children	6 Children				
Monthly Income	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay				
\$ 0 – 649	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00				
650 – 974	21.67	5.00	21.67	5.00				
975 – 1,299	39.00	9.00	39.00	9.00				
1,300 – 1,623	60.66	14.00	65.00	15.00				

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1,624 – 1,948	82.33	19.00	86.66	20.00
1,949 – 2,273	108.33	25.00	112.66	26.00
2,274 – 2,598	160.32	37.00	164.65	38.00
2,599 – 2,922	203.65	47.00	207.98	48.00
2,923 – 3,247	246.98	57.00	251.31	58.00
3,248 – 3,572	290.31	67.00	294.64	68.00
3,573 – 3,897	333.64	77.00	337.97	78.00
3,898 –	376.97	87.00	381.30	88.00
<u>4,224,071</u>				
<u>4,223 – 4,547</u>	<u>420.30</u>	<u>97.00</u>	<u>424.63</u>	<u>98.00</u>
<u>4,548 – 4,872</u>	<u>463.63</u>	<u>107.00</u>	<u>467.96</u>	<u>108.00</u>
<u>4,873 – 5,197</u>	<u>506.96</u>	<u>117.00</u>	<u>511.29</u>	<u>118.00</u>
<u>5,198 – 5,522</u>	<u>550.29</u>	<u>127.00</u>	<u>554.62</u>	<u>128.00</u>
<u>5,523 – 5,545</u>	<u>593.62</u>	<u>137.00</u>	<u>597.95</u>	<u>138.00</u>

Family Size 8

	1 Child	1 Child	2 Children	2 Children	3 Children	3 Children	4 Children	4 Children
Monthly Income	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay
\$ 0 – 664	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
665 – 996	13.00	3.00	17.33	4.00	17.33	4.00	21.67	5.00
997 – 1,328	21.67	5.00	30.33	7.00	34.66	8.00	34.66	8.00
1,329 – 1,660	34.66	8.00	52.00	12.00	52.00	12.00	56.33	13.00
1,661 – 1,992	47.66	11.00	69.33	16.00	73.66	17.00	77.99	18.00
1,993 – 2,323	65.00	15.00	95.33	22.00	99.66	23.00	103.99	24.00
2,324 – 2,655	86.66	20.00	147.32	34.00	151.66	35.00	155.99	36.00
2,656 – 2,987	108.33	25.00	190.65	44.00	194.99	45.00	199.32	46.00
2,988 – 3,319	134.32	31.00	233.98	54.00	238.32	55.00	242.65	56.00
3,320 – 3,651	160.32	37.00	277.31	64.00	281.65	65.00	285.98	66.00
3,652 – 3,983	186.32	43.00	320.64	74.00	324.98	75.00	329.31	76.00
3,984 –								
<u>4,315,4162</u>	<u>212.32</u>	<u>49.00</u>	<u>363.97</u>	<u>84.00</u>	<u>368.31</u>	<u>85.00</u>	<u>372.64</u>	<u>86.00</u>
<u>4,316 – 4,647</u>	<u>238.32</u>	<u>55.00</u>	<u>407.30</u>	<u>94.00</u>	<u>411.64</u>	<u>95.00</u>	<u>415.97</u>	<u>96.00</u>
<u>4,648 – 4,979</u>	<u>264.31</u>	<u>61.00</u>	<u>450.63</u>	<u>104.00</u>	<u>454.97</u>	<u>105.00</u>	<u>459.30</u>	<u>106.00</u>
<u>4,980 – 5,311</u>	<u>290.31</u>	<u>67.00</u>	<u>493.96</u>	<u>114.00</u>	<u>498.30</u>	<u>115.00</u>	<u>502.63</u>	<u>116.00</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

<u>5,312 – 5,643</u>	<u>316.31</u>	<u>73.00</u>	<u>537.29</u>	<u>124.00</u>	<u>541.63</u>	<u>125.00</u>	<u>545.96</u>	<u>126.00</u>
<u>5,644 – 5,975</u>	<u>342.31</u>	<u>79.00</u>	<u>580.62</u>	<u>134.00</u>	<u>584.96</u>	<u>135.00</u>	<u>589.29</u>	<u>136.00</u>
<u>5,976 – 6,169</u>	<u>368.31</u>	<u>85.00</u>	<u>623.95</u>	<u>144.00</u>	<u>628.29</u>	<u>145.00</u>	<u>632.62</u>	<u>146.00</u>
	5	5	6	6	7	7		
	Children	Children	Children	Children	Children	Children		
Monthly Income	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay		
\$ 0 – 664	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00		
665 – 996	21.67	5.00	21.67	5.00	26.00	6.00		
997 – 1,328	39.00	9.00	39.00	9.00	43.33	10.00		
1,329 – 1,660	60.66	14.00	65.00	15.00	65.00	15.00		
1,661 – 1,992	82.33	19.00	86.66	20.00	90.99	21.00		
1,993 – 2,323	108.33	25.00	112.66	26.00	116.99	27.00		
2,324 – 2,655	160.32	37.00	164.65	38.00	168.99	39.00		
2,656 – 2,987	203.65	47.00	207.98	48.00	212.32	49.00		
2,988 – 3,319	246.98	57.00	251.31	58.00	255.65	59.00		
3,320 – 3,651	290.31	67.00	294.64	68.00	298.98	69.00		
3,652 – 3,983	333.64	77.00	337.97	78.00	342.31	79.00		
3,984 –								
<u>4,315,162</u>	376.97	87.00	381.30	88.00	385.64	89.00		
<u>4,316 – 4,647</u>	<u>420.30</u>	<u>97.00</u>	<u>424.63</u>	<u>98.00</u>	<u>428.97</u>	<u>99.00</u>		
<u>4,648 – 4,979</u>	<u>463.63</u>	<u>107.00</u>	<u>467.96</u>	<u>108.00</u>	<u>472.30</u>	<u>109.00</u>		
<u>4,980 – 5,311</u>	<u>506.96</u>	<u>117.00</u>	<u>511.29</u>	<u>118.00</u>	<u>515.63</u>	<u>119.00</u>		
<u>5,312 – 5,643</u>	<u>550.29</u>	<u>127.00</u>	<u>554.62</u>	<u>128.00</u>	<u>558.96</u>	<u>129.00</u>		
<u>5,644 – 5,975</u>	<u>593.62</u>	<u>137.00</u>	<u>597.95</u>	<u>138.00</u>	<u>602.29</u>	<u>139.00</u>		
<u>5,976 – 6,169</u>	<u>636.95</u>	<u>147.00</u>	<u>641.28</u>	<u>148.00</u>	<u>645.62</u>	<u>149.00</u>		

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: 112.110 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Sections 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13] and the American Recovery and Reinvestment Act of 2009 (ARRA)
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking exempts the following benefits from consideration as income under the TANF cash program:
 1. The \$25 per week increase in Unemployment Compensation Benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2002 of PL 111-5);
 2. The Economic Recovery Payment to recipients of Social Security, Supplemental Security Income SSI), Railroad Retirement Benefits, and Veterans Disability Compensation or Pension benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2201 of PL 111-5); and
 3. Payments to eligible persons who served in the United States Armed Forces in the Far East during World War II authorized under the American Recovery and Reinvestment Act of 2009 (Div. A, Title X, Sec. 1002 of PL 111-5).

Companion amendments are also being proposed to 89 Ill. Adm. Code 113 and 89 Ill. Adm. Code 114.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
112.140	Amendment	33 Ill. Reg. 4566; March 27, 2009
112.252	Amendment	33 Ill. Reg. 4803; April 3, 2009
112.253	Amendment	33 Ill. Reg. 4803; April 3, 2009
112.254	Amendment	33 Ill. Reg. 4803; April 3, 2009
112.9	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.65	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.69	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.127	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.150	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.151	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.152	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.153	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.305	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.307	Amendment	33 Ill. Reg. 5201; April 10, 2009

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department with the two most recent regulatory agendas were published.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment on page 7320 of this issue of the *Illinois Register*.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
113.113	Amendment
113.141	Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Sections 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III and 12-13]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking exempts the following benefits from consideration as income under the AABD cash program:
 1. The \$25 per week increase in Unemployment Compensation Benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2002 of PL 111-5);
 2. The Economic Recovery Payment to recipients of Social Security, Supplemental Security Income (SSI), Railroad Retirement Benefits, and Veterans Disability Compensation or Pension benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2201 of PL 111-5); and
 3. Payments to eligible persons who served in the United States Armed Forces in the Far East during World War II authorized under the American Recovery and Reinvestment Act of 2009 (Div. A, Title X, Sec. 1002 of PL 111-5).

This rulemaking also exempts the following benefits from consideration as an asset under the AABD cash program:

1. The Economic Recovery Payment to recipients of Social Security, Supplemental Security Income (SSI), Railroad Retirement Benefits, and Veterans Disability Compensation or Pension benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div B, Title II, Sec. 2201 of PL 111-5); and
2. Payments to eligible persons who served in the United States Armed Forces in the Far East during World War II authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title X, Sec. 1102 of PL 111-5).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Companion amendments are also being proposed to 89 Ill. Adm. Code 112 and 89 Ill. Adm. Code 114.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
113.120	Amendment	33 Ill. Reg. 4517; March 27, 2009
113.260	Amendment	33 Ill. Reg. 4805; April 3, 2009
113.253	Amendment	33 Ill. Reg. 5699; April 17, 2009
113.260	Amendment	33 Ill. Reg. 5699; April 17, 2009

- 11) Statement of Statewide Policy if applicable: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 Harris Building, 3rd Floor
 Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department with the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments on page 7337 of this issue of the *Illinois Register*.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Number: 114.210 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Article VI and authorized by Sections 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. VI and 12-13]
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking exempts the following benefits from consideration as income under the General Assistance cash program:
 1. The \$25 per week increase in Unemployment Compensation Benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2002 of PL 111-5);
 2. The Economic Recovery Payment to recipients of Social Security, Supplemental Security Income (SSI), Railroad Retirement Benefits, and Veterans Disability Compensation or Pension benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2201 of PL 111-5); and
 3. Payments to eligible persons who served in the United States Armed Forces in the Far East during World War II authorized under the American Recovery and Reinvestment Act of 2009 (Div. A, Title X, Sec. 1002 of PL 111-5).

Companion amendments are also being proposed to 89 Ill. Adm. Code 112 and 89 Ill. Adm. Code 113.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
114.230	Amendment	33 Ill. Reg. 4527; March 27, 2009
114.351	Amendment	33 Ill. Reg. 4807; April 3, 2009
114.352	Amendment	33 Ill. Reg. 4807; April 3, 2009
114.353	Amendment	33 Ill. Reg. 4807; April 3, 2009
114.9	Amendment	33 Ill. Reg. 5228; April 10, 2009
114.223	Amendment	33 Ill. Reg. 5228; April 10, 2009
114.250	Amendment	33 Ill. Reg. 5228; April 10, 2009
114.251	Amendment	33 Ill. Reg. 5228; April 10, 2009
114.252	Amendment	33 Ill. Reg. 5228; April 10, 2009
114.408	Amendment	33 Ill. Reg. 5228; April 10, 2009

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department with the two most recent regulatory agendas were published.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment on page 7355 of this issue of the *Illinois Register*.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.136 Proposed Action:
New Section
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is the result of the Food and Nutrition Act of 2008. The Act changed the reference from the federal Food Stamp Act to the Food and Nutrition Act of 2008 and the name of the Food Stamp Program to the Supplemental Nutrition Assistance Program (SNAP).

Companion amendments are also being proposed to 89 Ill. Adm. Code 10.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.94	Amendment	33 Ill. Reg. 4062; March 13, 2009
121.96	Amendment	33 Ill. Reg. 4062; March 13, 2009
121.150	Amendment	33 Ill. Reg. 4062; March 13, 2009
121.10	Amendment	33 Ill. Reg. 4537; March 27, 2009
121.63	Amendment	33 Ill. Reg. 4537; March 27, 2009
121.120	Amendment	33 Ill. Reg. 4537; March 27, 2009
121.125	Amendment	33 Ill. Reg. 4537; March 27, 2009
121.63	Amendment	33 Ill. Reg. 4811; April 3, 2009
121.57	Amendment	33 Ill. Reg. 5248; April 10, 2009

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

121.58	Amendment	33 Ill. Reg. 5248; April 10, 2009
121.3	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.7	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.8	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.41	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.55	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.57	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.60	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.61	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.73	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.74	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.76	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.130	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.140	Amendment	33 Ill. Reg. 5710; April 17, 2009

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department with the two most recent regulatory agendas were published.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM~~FOOD STAMPS~~

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
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121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
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121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
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- 121.222 Volunteer Community Work Component (Repealed)
- 121.223 Work Experience Component (Repealed)
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- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with

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no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991;

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emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective

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January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum

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of 150 days; peremptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; amended at 33 Ill. Reg. _____, effective _____.

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.136 Food and Nutrition Act of 2008

Any and all references in this Part to the federal Food Stamp Act and the federal Food Stamp Program shall, as of October 1, 2008, be considered references to the Food and Nutrition Act of 2008 (as amended through P.L. 110-246, effective October 1, 2008) and the Supplemental Nutrition Assistance Program, respectively.

(Source: Added at 33 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Homeowner Mortgage Revenue Bond Program
- 2) Code Citation: 47 Ill. Adm. Code 260
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
260.103	Amendment
260.104	Amendment
260.107	Amendment
260.108	Amendment
260.110	Amendment
260.201	Amendment
260.202	Repealed
260.203	Repealed
260.204	Amendment
206.205	Amendment
260.301	Repealed
260.302	Repealed
206.303	Repealed
206.304	Repealed
206.305	Repealed
260.401	Amendment
260.402	Amendment
260.403	Amendment
260.405	Amendment
260.407	Repealed
260.501	Amendment
260.502	Amendment
260.503	Repealed
260.506	Amendment
- 4) Statutory Authority: Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23]
- 5) Effective Date of Amendments: May 22, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

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- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Illinois Housing Development Authority, located at 401 N. Michigan Ave., Ste. 700, Chicago, IL 60611, and is available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: January 23, 2009; 33 Ill Reg. 1423
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 260.103 Definitions: Definition of "Servicer": "be" after "must" was stricken; "be" was added before "a State-chartered"; "be" was added before "qualified" in the second and third indented paragraphs; and in the fifth indented paragraph, "the" before "deposits" was deleted; "have" was added before "deposits"; "of which are" was stricken before "insured"; "deposit" was added after "or" and "that deposits" was stricken before "its". Reference to an "entity" in the definition is removed to correct structure.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The rules involve the administration of the Homeowner Mortgage Revenue Bond Program. The rules must conform to certain changes in the Homeowner Mortgage Revenue Bond General Resolution whereby certain single family mortgage loans (the "Loans") will be insured by the U.S. Department of Housing and Urban Development through its Federal Housing Administration Program. The Illinois Housing Development Authority (the "Authority") will utilize the services of a financial institution to purchase, pool, and securitize the Loans. The Authority will then purchase securities with proceeds of the Homeowner Mortgage Revenue Bonds.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Kristi Poskus
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

312/836-7416

The full text of the Adopted Amendments begins on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 260
HOMEOWNER MORTGAGE REVENUE BOND PROGRAM

SUBPART A: GENERAL RULES

- Section
- 260.101 Authority
- 260.102 Purposes and Objectives
- 260.103 Definitions
- 260.104 Borrowing by the Authority
- 260.105 Compliance with Federal Law
- 260.106 Standards
- 260.107 Forms for the Program
- 260.108 Fees and Charges of the Authority
- 260.109 Waiver (Repealed)
- 260.110 Amendment
- 260.111 Severability
- 260.112 Gender and Number
- 260.113 Titles and Captions
- 260.114 Calendar Days

SUBPART B: LENDER APPLICATION PROCESS

- Section
- 260.201 Invitations to [Participate in the Programs](#)~~Sell Mortgage Loans~~
- 260.202 Security for Allocation of Net Proceeds [\(Repealed\)](#)
- 260.203 Allocation of Net Proceeds for Purchase of Mortgage Loans [\(Repealed\)](#)
- 260.204 Notice of Acceptance
- 260.205 Commitments for Mortgage Loans

SUBPART C: HOMEBUILDER APPLICATION PROCESS

- Section
- 260.301 HomeBuilder Invitations [\(Repealed\)](#)
- 260.302 Reservation of Funds for Construction of Qualified Dwellings [\(Repealed\)](#)
- 260.303 Notice of Reservation of Funds [\(Repealed\)](#)

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- 260.304 Real Estate Purchase Contracts ([Repealed](#))
- 260.305 Transfer of Reserved Funds ([Repealed](#))

SUBPART D: PURCHASE OF MORTGAGE LOANS

Section

- 260.401 Mortgage Loans
- 260.402 Yield on Mortgage Loans
- 260.403 Terms and Conditions of the Purchase of Mortgage Loans
- 260.404 Prepayment
- 260.405 Targeted Area Residences
- 260.406 Supplemental Mortgage Coverage
- 260.407 Special Hazard Insurance ([Repealed](#))

SUBPART E: ADMINISTRATIVE RULES

Section

- 260.501 Restrictions on Return Realized by Lenders
- 260.502 Servicing of Mortgage Loans
- 260.503 Purchase of Authority Bonds ([Repealed](#))
- 260.504 Equal Opportunity Lending
- 260.505 Inspection of Books and Records
- 260.506 Termination

AUTHORITY: Authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23].

SOURCE: Adopted at 18 Ill. Reg. 17229, effective November 16, 1994; amended at 22 Ill. Reg. 3851, effective February 4, 1998; emergency amendment at 31 Ill. Reg. 5883, effective March 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12852, effective August 22, 2007; emergency amendment at 33 Ill. Reg. 1512, effective January 7, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 7295, effective May 22, 2009.

SUBPART A: GENERAL RULES

Section 260.103 Definitions

As used in this Part, the following words or terms mean:

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"Act": The Illinois Housing Development Act [20 ILCS 3805].

~~"Allocation": The amount of funds reserved to a Lender in a Series Program pursuant to a Lender Application and a Notice of Acceptance.~~

"Assistant Director": The Assistant Executive Director of the Authority.

"Authority": The Illinois Housing Development Authority.

"Bonds": The Homeowner Mortgage Revenue Bonds issued by the Authority pursuant to the Act from time to time to finance the Program.

"Code": The Internal Revenue Code of 1986 (26 USC), as amended and supplemented, and the regulations promulgated by the Treasury Department (26 CFR)~~thereunder~~.

~~"Commitment Fee": The fee that the Authority may require a prospective HomeBuilder to pay to the Authority at the time it files its HomeBuilder Application.~~

"Deputy Director": The Deputy Executive Director of the Authority.

"Director": The Executive Director of the Authority.

"Eligible Borrower": A person:

who is or will be a resident of the State within ~~60~~sixty days after the closing of his or her purchase of a Qualified Dwelling;

whose Household Income does not exceed the Maximum Income;

who intends to use the Qualified Dwelling being financed by a Mortgage Loan as his or her permanent residence within 60 days after the closing of the Mortgage Loan;

who occupies or intends to occupy as a single household the Qualified Dwelling purchased or being purchased as a permanent residence; and

who at no time during the 3-year period ending on the date of closing of

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the Mortgage Loan had a present ownership interest in his or her principal residence.

An Eligible Borrower who purchases a Targeted Area Residence or a Qualified Rehabilitation Residence, or who qualifies under any other provision of the Code, is exempt from the 3-year requirement of this definition. For purposes of this definition, the Eligible Borrower's interest in the Qualified Dwelling financed under this Program shall not be taken into account.

A residence that is used as an investment property or a recreational home, or that is primarily intended to be used in a trade or business (including, without limitation, any residence of which more than 15% of the total area is reasonably expected to be used primarily in a trade or business), does not satisfy the requirements of this ~~paragraph~~subparagraph.

"FHA": The Federal Housing Administration.

"FHLMC": The Federal Home Loan Mortgage Corporation.

"FmHA": The Farmer's Home Administration.

"FNMA": The Federal National Mortgage Association.

~~"HomeBuilder": An individual or entity approved by the Authority that:~~

~~for the 12-month period preceding the date of its HomeBuilder Application for participation in a Series Program had insurance coverage for product liability, worker's compensation and builder's risk;~~

~~and had constructed at least two buildings in that same 12-month period or, in the alternative, had constructed at least four buildings in the 24-month period preceding the date of its HomeBuilder Application for participation in a Series Program.~~

~~"HomeBuilder Application": A prospective HomeBuilder's application to construct Qualified Dwellings for sale to Eligible Borrowers pursuant to the terms of a HomeBuilder Participation Agreement and other Program documents.~~

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~~"HomeBuilder Participation Agreement": The agreement between the Authority and a HomeBuilder pursuant to which the HomeBuilder agrees to construct new Qualified Dwellings for purchase by Eligible Borrowers, and the Authority agrees to purchase Mortgage Loans financing such newly constructed Qualified Dwellings, under the terms and conditions set forth therein.~~

"Household Income": The total annualized gross income of the Eligible Borrowers, and any other person who is expected to live in the Qualified Dwelling and be secondarily liable on the Note, all persons residing or intending to reside as a single household in a Qualified Dwelling, from whatever source derived and before taxes or withholdings; provided that if a married person takes title to the Qualified Dwelling individually the income of the spouse shall also be included.

"Lender": A State-chartered bank, national banking association, mortgage banking association or institution, credit union, or State or federal savings and loan association:

that is located and qualified to do business in the State;

that is qualified to originate and/or sell mortgages to FNMA, ~~and/or~~ FHLMC, and/or approved by FHA to originate loans (this requirement may be waived by the Director after determination that the assets of the Lender exceed \$500,000, that the percentage of mortgage delinquencies in the Lender's single family portfolio do not exceed 2.15 times the Statewide average as determined by the last quarterly pronouncement by the United States Federal Home Loan Bank Board and that the Lender has an asset-to-liability ratio of at least 1.01:1~~1.01:1~~);

the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, or which deposits its funds in Illinois financial institutions whose deposits are insured by the Federal Deposit Insurance Corporation; and whose Lender Application has been accepted by the Director, Deputy Director, ~~or~~ Assistant Director or Managing Director based upon the satisfaction of the requirements of the Series Program under which the Lender has submitted ~~the~~ Lender Application and a determination of financial suitability after consideration of the net assets, lending capacity, and experience of the potential Lender over the past 12 months in

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residential mortgage lending. The Authority may also be a Lender.

"Lender Application": A prospective Lender's application to sell Mortgage Loans to the Authority [or participate in the Authority's Programs](#) pursuant to the terms of a Mortgage Purchase Agreement and other Series Program documents.

["Managing Director": A Managing Director of the Authority.](#)

"Maximum Income": Unless otherwise permitted by the Code, 115% of the median family income of either the metropolitan statistical area or primary metropolitan statistical area in which the Qualified Dwelling is located or the State, whichever is greater, as determined by the Internal Revenue Service.

"Members": The Members of the Authority.

"Mortgage": The mortgage, or other instrument in the nature of a mortgage, creating a first mortgage lien on a fee interest in real estate, together with all supplements, modifications or amendments to it.

"Mortgage Loan": A loan made by a Lender to an Eligible Borrower for the purchase of a Qualified Dwelling and secured by a Mortgage on ~~thesuch~~ Qualified Dwelling. No Mortgage Loan shall be a replacement or refinancing of an existing mortgage loan except in the case of a Qualified Rehabilitation Loan or other temporary loans, as permitted by ~~section~~[Section](#) 143 of the Code.

"Mortgage Purchase Agreement": The agreement, [including any amendments or supplements to the agreement](#), between the Authority and a Lender pursuant to which the Authority [or its designee](#) agrees to purchase Mortgage Loans from the Lender on the terms and conditions set forth ~~in the agreement~~[therein](#) and ~~thatwhich~~ establishes the requirements for Mortgage Loans to be purchased by the Authority [or its designee, or otherwise allows participation in the Authority's Programs](#).

"Net Proceeds": With respect to the proceeds of each series of Bonds, all moneys made available by the Authority for the purchase of Mortgage Loans.

"Notice of Acceptance": The Authority's notice to a Lender accepting its Lender Application.

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~~"Notice of Reservation of Funds": The Authority's notice to a HomeBuilder accepting its Homebuilder Application and setting forth the amount of the HomeBuilder's Reservation.~~

"This Part": This Part 260 (47 Ill. Adm. Code 260).

"Prepayment": Any moneys, however derived, that are received or recovered by the Authority from any payment of, or with respect to, principal on any Mortgage Loan prior to scheduled payments of principal required under ~~thatsueh~~ Mortgage Loan.

"Private Mortgage Insurance": Insurance coverage paid for by the Eligible Borrower that insures the Authority against losses with respect to defaults on a Mortgage Loan according to the terms of the insurance policy. The Authority may provide Private Mortgage Insurance or its equivalent.

~~"ProgramsProgram"~~: The Authority's single family mortgage purchase ~~programsprogram~~ that ~~areis~~ funded with proceeds of Bonds issued after the date of the adoption of the Resolution, or any other source of funds available to the Authority.

"Property Value": The lesser of the purchase price or the appraised value of the Qualified Dwelling at the time of the origination of the Mortgage Loan secured by ~~thatsueh~~ Qualified Dwelling.

"Qualified Dwelling": A fee simple interest in real property:

that is located in the State;

upon which there is located a structure or structures designed for residential use;

that is a single family residence; a condominium unit meeting the requirements of the Mortgage Purchase Agreement; a one-, two-, three- or four-unit structure meeting the requirements of the Code; or factory-made housing that is permanently fixed to real property;

of which not more than 15% of the total area is reasonably expected to be used primarily in a trade or business; and

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that can reasonably be expected to become the principal residence of the Eligible Borrower within a reasonable time after financing is provided. For purposes of this ~~paragraph~~~~subparagraph~~, a "reasonable time after financing is provided" shall be deemed to be a period within 60 days after closing of the Mortgage Loan. This period may be extended if the Authority determines that undue hardship to the Eligible Borrower or Lender or an unreasonable result will otherwise occur.

"Qualified Rehabilitation Loan": A Mortgage Loan for the purchase of a Qualified Rehabilitation Residence. An Eligible Borrower for a Qualified Rehabilitation Loan must be the first resident of the Qualified Rehabilitation Residence after the completion of the rehabilitation.

"Qualified Rehabilitation Residence": A qualified Dwelling for which there has been a qualified rehabilitation, as defined in ~~section~~~~Section~~ 143 of the Code.

~~"Reservation": The amount of funds reserved to a Homebuilder in a Series Program pursuant to a HomeBuilder Application and a Notice of Reservation of Funds.~~

"Resolution": The Authority's Homeowner Mortgage Revenue Bonds General Resolution setting forth the general terms and conditions under which the Authority may issue, deliver and sell Bonds.

"Rules": The rules of the Authority, as amended and supplemented from time to time (generally 47 Ill. Adm. Code Chapter II).

"Series Program": A mortgage purchase program authorized by a Series Resolution to become a part of the Program.

"Series Resolution": A resolution issued pursuant to the Resolution authorizing the Authority to conduct a Series Program and to issue Bonds to provide financing ~~for the purchase~~ of Mortgage Loans under ~~the~~~~such~~ Series Program.

"Servicer": A Lender, or its designated ~~Servicer~~~~servicer~~, that has been approved by the Director, Deputy Director or Assistant Director as a Servicer and that has executed a Servicing Agreement with the Authority. The Authority may also be a Servicer. A designated ~~Servicer~~~~servicer~~ other than the Authority must ~~be~~.

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be a State-chartered bank, national banking association, mortgage banking association or institution, credit union, ~~or~~ State or federal savings and loan association or mortgage servicing company;

be that is qualified to do business in the State;

be that is qualified to servicesell mortgages sold to the Authority or its designee, to FNMA and/or FHLMC, or insured by FHA, unless thisueh requirement is waived by the Director based upon a determination of financial suitability made by the Director after consideration of the net assets, servicing capacity, and experience of the potential Servicer over the past 12 months in residential mortgage servicing; and

have the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, or depositthat deposits its funds in Illinois financial institutions whose deposits are insured by the Federal Deposit Insurance Corporation.

"Servicing Agreement": The agreement between a Servicer and the Authority (except when the Authority is the Servicer) that sets forth the terms and conditions for the servicing of Mortgage Loans purchased by the Authority or its designee.

~~"Special Hazard Insurance": Insurance that provides protection with respect to loss on properties acquired in connection with the foreclosure of a defaulted Mortgage Loan by reason of damage to properties caused by certain hazards (including earthquakes, and to a limited extent, tidal waves and related water damage) not insured against under a standard hazard insurance policy required to be obtained by each Eligible Borrower, or a flood insurance policy if the property is in a federally designated flood area. The Authority may provide Special Hazard Insurance or its equivalent.~~

"Staff": The Director, Deputy Director, Assistant Director, any Managing Directors and employees of the Authority.

"State": The State of Illinois.

"Supplemental Mortgage Coverage": The coverage, if required by a Series

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Resolution, whether in the form of insurance, a letter of credit, a guarantee, pledged funds or other forms of coverage, of losses incurred from Mortgage Loan defaults under that Series Program. Supplemental Mortgage Coverage may supplement other mortgage insurance and may include any insurance or reserve fund funded by the Authority.

"VA": The United States Department of Veterans Affairs.

(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.104 Borrowing by the Authority

To the extent allowed by State or federal law and the Act, the Authority may borrow funds with which to purchase Mortgage Loans [or securities, or to facilitate the origination of Mortgage Loans](#) under the [ProgramsProgram](#).

(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.107 Forms for the Program

The Staff may prepare, use, supplement, and amend ~~such~~ forms, agreements, and other documentation as may be necessary to implement the [ProgramsProgram](#), ~~including, without limitation, a HomeBuilder Application, a Lender Application, a Notice of Acceptance, a Notice of Reservation of Funds, a Mortgage Purchase Agreement and a Servicing Agreement, all~~ as may be prescribed by the Director, Deputy Director, ~~or~~ Assistant Director [or Managing Director](#).

(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.108 Fees and Charges of the Authority

~~The Authority may establish and collect a Commitment Fee from each HomeBuilder submitting a HomeBuilder Application in an amount not greater than three percent (3%) of the HomeBuilder Reservation in such amount as the Authority may deem appropriate. The Authority shall return any Commitment Fee to any HomeBuilder with which it does not enter into a HomeBuilder Participation Agreement.~~ The Authority may establish ~~such other~~ charges, premiums and penalties as it may deem necessary to administer the [ProgramsProgram](#) after consideration of such factors as, ~~including~~ but not limited to, financing requirements of the [ProgramsProgram](#), preferences of bond rating agencies, earnings and arbitrage limitations established by federal or State law and other financial factors relevant to the [ProgramsProgram](#).

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(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.110 Amendment

This Part may be amended or repealed by the Members from time to time in accordance with the Illinois Administrative Procedure Act and in ~~asuch~~ manner as they may determine consistent with the Act, the purposes of the ~~Programs~~Program and other applicable provisions of law. This Part shall not constitute or create any contractual rights.

(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

SUBPART B: LENDER APPLICATION PROCESS

Section 260.201 Invitations to Participate in the Programs~~Sell Mortgage Loans~~

From time to time the Authority may send application materials to potential Lenders inviting them to submit to the Authority Lender Applications to participate in the Authority's Programs~~a Series Program~~. Lenders wishing to participate in such ~~Programs~~Series Program shall execute and return to the Authority the following documents: the Lender Application, the Mortgage Purchase Agreement (if not already executed), and the Servicing Agreement (if applicable and if not already executed). ~~The~~In addition, the Lender Application shall contain, but not be limited to, the following:

- a) The unconditional agreement of the prospective Lender, effective upon acceptance of the Lender Application by the Authority, to sell to the Authority or its designee Mortgage Loans that comply with the terms of the Lender Application, the Mortgage Purchase Agreement, ~~and~~ the Notice of Acceptance and the requirements of the Programs;
- b) ~~The date by which the Lender Application must be submitted to the Authority to be considered for an Allocation;~~
- be) Provision for the prospective Lender to furnish ~~such~~ financial and other information as the Authority may reasonably require;
- cd) A pro forma copy of any letter of credit or pledge of deposits or assets the Authority may require as security for the Lender's performance of its obligations under the Series Program; ~~and~~

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- e) ~~A statement of the maximum amount of fees and charges the Lender may charge a prospective Eligible Borrower in connection with a Mortgage Loan.~~

(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.202 Security for Allocation of Net Proceeds (Repealed)

~~The Authority may require all prospective Lenders for a Series program to deposit, as part of their Lender Applications and as security for performance of their obligations under such Series Program, a letter of credit or cash deposit in an amount not to exceed 2% of such Lender's Allocation. The cash deposit or letter of credit shall be returned if the Lender does not participate in such Series Program. If the Lender does participate in such Series Program, the Authority may retain from the cash deposit, or draw on the letter of credit, as the case may be, an amount proportionate to the amount of the Lender's unused Allocation as of the termination of that Series Program.~~

(Source: Repealed at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.203 Allocation of Net Proceeds for Purchase of Mortgage Loans (Repealed)

~~The Authority may allocate Net Proceeds among prospective Lenders from which it has received timely Lender Applications. In making such Allocations, the Authority shall consider with respect to each prospective Lender, among other things, the financial condition of the prospective Lender; the aggregate amount of residential mortgage loans made in the State by the prospective Lender during the preceding 12-month period relative to the demand for such loans and the funds available to the prospective Lender to make such loans during such period; the Allocations requested by all prospective Lenders; the ability of the prospective Lender to act as a Servicer of Mortgage Loans; previous participation by the prospective Lender in the Authority's Series Programs; the desirability of achieving a reasonable geographic distribution of Net Proceeds throughout the State; and the existence of any local governmental mortgage purchase program. The Authority shall use its best efforts to allocate Net Proceeds to achieve the purposes set forth in Section 260.102 of this Part. Allocations of Net Proceeds by the Authority shall be conclusive, subject to adjustments permitted in Section 260.403(b) of this Part.~~

(Source: Repealed at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.204 Notice of Acceptance

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~~By The Authority, by~~ Notice of Acceptance, ~~the Authority or its designee~~ may commit itself, subject to the conditions set forth in the Lender Application and the Mortgage Purchase Agreement, to purchase Mortgage Loans, as offered by a potential Lender, ~~or to allow the Lender's participation in the Authority's Programs in its Lender Application~~. Immediately after the Authority has issued its Notice of Acceptance to the Lender, the Authority shall execute a Mortgage Purchase Agreement (if not previously executed) with ~~thesueh~~ Lender. ~~The aggregate principal amount of Mortgage Loans that the Authority agrees to purchase from any Lender shall not exceed, and may be less than, the Lender's requested Allocation in its Lender Application.~~ Upon receipt of the Notice of Acceptance, the Lender shall be obligated to originate Mortgage Loans in accordance with the terms of the Lender Application, the Notice of Acceptance and the Mortgage Purchase Agreement. ~~The obligation of the Authority to purchase any Mortgage Loan shall be subject to the issuance and sale of Bonds by the date set forth in the Lender Application in an amount sufficient to permit such purchase.~~

(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.205 Commitments for Mortgage Loans

Upon receipt of the Notice of Acceptance, the Lender shall issue commitments to Eligible Borrowers to make Mortgage Loans. The Lender may continue to issue firm commitments for the period set forth in the Notice of Acceptance. ~~Any~~ All Mortgage Loans ~~to be purchased by the Authority or its designee~~ shall be purchased by the Authority ~~or its designee~~ by the date indicated in the Notice of Acceptance.

(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

SUBPART C: HOMEBUILDER APPLICATION PROCESS

Section 260.301 HomeBuilder Invitations (Repealed)

~~From time to time, the Authority may send application materials to potential Homebuilders inviting them to submit to the Authority HomeBuilder Applications to participate in a Series Program. Homebuilders wishing to participate in that Series Program shall execute and return to the Authority the HomeBuilder Application and HomeBuilder Participation Agreement. In addition, the HomeBuilder Application shall contain among other things, the following:~~

- a) ~~A requirement that the HomeBuilder state the amount of funds that it wishes to reserve in its name for the financing of Qualified Dwellings constructed or to be constructed by such HomeBuilder in the Series Program;~~

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- b) ~~The unconditional agreement of the prospective HomeBuilder, effective upon acceptance of the Home Builder Application by the Authority, to construct Qualified Dwellings for sale to Eligible Borrowers that comply with the terms of the Notice of Reservation of Funds and the HomeBuilder Participation Agreement;~~
- e) ~~The date by which the HomeBuilder Application must be submitted to the Authority;~~
- d) ~~Provision for the prospective HomeBuilder to provide such information about the HomeBuilder's construction activities during the period of 24 months prior to the date of its HomeBuilder Application and such other information as the Authority may reasonably require; and~~
- e) ~~A statement of the amount of any required Commitment Fee and requirement that such Commitment Fee be submitted in connection with the HomeBuilder Application.~~

(Source: Repealed at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.302 Reservation of Funds for Construction of Qualified Dwellings (Repealed)

~~The Authority may make Reservations for prospective HomeBuilders from which the Authority has received timely HomeBuilder Applications and Commitment Fees (if required). In making such Reservations, the Authority shall consider with respect to each such prospective HomeBuilder the number of residential homes and other structures constructed by the HomeBuilder in the State within the 24 month period prior to its HomeBuilder Application; the Reservations requested by all prospective HomeBuilders for the Series Program; the participation of the HomeBuilder in the Authority's previous Series Programs; and the desirability of achieving a reasonable geographic distribution of Net Proceeds for newly constructed residences throughout the State. Reservations shall be conclusive, subject to the adjustments permitted in Section 260.305 of this Part.~~

(Source: Repealed at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.303 Notice of Reservation of Funds (Repealed)

~~The Authority may commit itself by Notice of Reservation of Funds, subject to the terms and~~

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~~conditions set forth in the HomeBuilder Application and the HomeBuilder Participation Agreement, to make a Reservation for a prospective HomeBuilder for the financing of Qualified Dwellings constructed or to be constructed for Eligible Borrowers under a Series Program. Contemporaneously with the issuance of the Notice of Reservation of Funds to the HomeBuilder, the Authority shall execute a HomeBuilder Participation Agreement with that HomeBuilder. The amount of the Reservation for the HomeBuilder shall not exceed, and may be less than, such HomeBuilder's requested Reservation in its HomeBuilder Application. Upon receipt of the Notice of Reservation of Funds, the HomeBuilder shall be obligated to construct Qualified Dwellings in accordance with the terms of the HomeBuilder Application and the HomeBuilder Participation Agreement. The obligation of the Authority to make Reservations to HomeBuilders shall be subject to the issuance and sale of Bonds by the date set forth in the HomeBuilder Application in an amount sufficient to permit such Reservations.~~

(Source: Repealed at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.304 Real Estate Purchase Contracts (Repealed)

~~Upon receipt of the Notice of Reservation of Funds, the HomeBuilder shall construct Qualified Dwellings for sale to Eligible Borrowers. The HomeBuilder shall enter into standard residential purchase contracts with prospective Eligible Borrowers and refer such Eligible Borrowers to Lenders participating in the Series Program to obtain Mortgage Loans in connection with the purchase of Qualified Dwellings. All Qualified Dwellings shall be constructed and sold to Eligible Borrowers by the date indicated in the HomeBuilder Participation Agreement.~~

(Source: Repealed at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.305 Transfer of Reserved Funds (Repealed)

~~If a HomeBuilder fails or is unable to construct and sell Qualified Dwellings in the amount of its Reservation on the terms and conditions, and within the time period, set forth in the HomeBuilder Participation Agreement, the Authority may, at the request of the HomeBuilder, reallocate all or a part of the unused portion of the HomeBuilder's Reservation to other HomeBuilders; redeem all or part of the Bonds issued with respect to such unused portion of the Reservation, but only if permitted by the Series Resolution authorizing the issuance of the Bonds; or undertake a combination of the above.~~

(Source: Repealed at 33 Ill. Reg. 7295, effective May 22, 2009)

SUBPART D: PURCHASE OF MORTGAGE LOANS

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Section 260.401 Mortgage Loans

Each Mortgage Loan to be purchased under the ~~Programs~~Program shall comply with the terms of the Lender Application, ~~the HomeBuilder Application (if applicable)~~, the Notice of Acceptance and the Mortgage Purchase Agreement, and shall specifically comply with the following requirements, among others:

- a) The original principal amount of each Mortgage Loan ~~shall fall below the maximum price limits as set by the Authority from time to time, unless such Mortgage Loan is the subject of insurance or guaranty by the FHA, the VA or the FmHA, shall not exceed 100% of the Property Value.~~ Each Mortgage Loan that has a loan-to-Property Value ratio in excess of 80% at the time of origination shall:
 - (1) be insured by a private mortgage insurer licensed to do business in the State and qualified to insure single family mortgages purchased by the FHLMC, ~~FNMA~~ or successor federal ~~agencies~~agency to the extent, if any, required, so that the uninsured portion of ~~the such~~ Mortgage Loan shall not exceed ~~67%~~75% of the Property Value; or
 - (2) be subject to insurance or guaranty by the FHA or the VA or any other agency or instrumentality of the United States of America having similar powers to insure or guarantee mortgage loans.
- b) ~~Each Mortgage Loan, if required by the Authority, shall be subject to Supplemental Mortgage Coverage.~~
- ~~cb)~~ Each Mortgage Loan to be purchased by the Authority ~~or its designee~~ shall be secured by a Mortgage on a Qualified Dwelling and shall also meet the applicable terms and conditions set forth in this Part, ~~the HomeBuilder Application (if applicable)~~, the Lender Application, the Notice of Acceptance and the Mortgage Purchase Agreement. Lenders shall sell to the Authority ~~or its designee~~, and the Authority ~~or its designee~~ shall purchase, only Mortgage Loans made to Eligible Borrowers.
- ~~de)~~ Each Mortgage securing a Mortgage Loan to be purchased by the Authority shall:
 - 1) be executed on a form approved by the Authority;

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- 2) be a valid first mortgage lien on a Qualified Dwelling;
- 3) be consistent with Illinois law; and
- 4) conform with the requirements prescribed by the Authority and any applicable insurer.

ed) Each Mortgage Loan to be purchased by the Authority or its designee shall be ~~non~~-assumable and ~~non~~-assignable, unless otherwise required by Section 103 of the Code, any other applicable sections of the Code or any other applicable State or federal law as may be enacted from time to time, and shall contain a provision giving the Authority or its designee the right to accelerate the maturity of the Mortgage Loan upon sale or lease of the Qualified Dwelling, unless otherwise allowed or required by applicable State or federal law.

fe) The purchase price of each Qualified Dwelling that is the subject of a Mortgage Loan to be purchased by the Authority or its designee under the ~~Programs~~Program shall fall below the maximum price limits set by the Authority from time to time not exceed 90% of the average area purchase price applicable to the areas in which such Qualified Dwelling is located (except that in the case of Targeted Area Residences the purchase price shall not exceed 110% of the average area purchase price), except to the extent permitted by the Code. Average area purchase price shall be established pursuant to procedures prescribed by the Code.

gf) The Authority or its designee shall not be required to purchase any Mortgage Loan if, on the date of purchase, the obligor of the Mortgage Loan is delinquent in the payment of any installment of principal, interest or other amounts due under the terms of ~~the~~such Mortgage Loan.

hg) The Authority or its designee may foreclose Mortgages held as security for Mortgage Loans purchased under this Part that are in default according to their terms, or reassign ~~the~~such Mortgages to the Lender in accordance with the terms of the Mortgage Purchase Agreement. The Authority or its designee may take title in its name upon foreclosure and to subsequently convey title to ~~the~~such property to any ~~qualified insurer of the mortgage or any bona fide~~ purchaser of the property.

(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

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Section 260.402 Yield on Mortgage Loans

In no event shall the yield on Mortgage Loans sold to the Authority or its designee exceed the maximum permitted by application of the provisions of section~~Section~~ 143 of the Code.

(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.403 Terms and Conditions of the Purchase of Mortgage Loans

- a) The Authority or its designee shall purchase Mortgage Loans on the terms and conditions and in the manner prescribed in the Mortgage Purchase Agreement. The Mortgage Purchase Agreement shall contain such warranties of the Lender in connection with the Mortgage Loans to be sold under the Mortgage Purchase Agreement~~thereunder~~ as the Authority or its designee shall require, ~~which These warranties~~ shall include, but are not limited to~~among others~~, the following:
- 1) The mortgagor is an Eligible Borrower;
 - 2) The purchase price of the Qualified Dwelling subject to the Mortgage Loan does not exceed any maximum purchase price limitations established by the Authority;
 - 3) The Mortgage Loan is evidenced by a properly executed promissory note made payable or assigned to the order of the Lender, endorsed by the Lender to the Authority or its designee and secured by a Mortgage on the Qualified Dwelling; both the note and the Mortgage are the legal, valid, and binding obligations of the makers and mortgagors ~~thereof~~ and are enforceable in accordance with their terms, unless ~~except only as such~~ enforcement ismay be limited by laws affecting the enforcement of creditors' rights generally, if and all parties to each Mortgage Loan had full legal capacity to execute all Mortgage Loan documents at the time of execution;
 - 4) The Mortgage, the Uniform Commercial Code Form 1 and Form 2 financing statements, if any, and any other document required to be filed in a public office to perfect the mortgage lien against third parties have been duly and timely filed, registered, or recorded by the Lender in the proper public office in order to give constructive notice of them to all

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subsequent purchasers or encumbrancers;

- 5) The Lender, being the sole owner and holder of the Mortgage Loan, has full right to sell and assign the Mortgage Loan to the Authority or its designee and ~~that such~~ assignment conveys a good and marketable mortgagee's title to the Authority or its designee free and clear of all liens and encumbrances and subject only to real property taxes and assessments not yet due and encumbrances customarily accepted in accordance with applicable title standards and disclosed to the Authority or its designee prior to purchase of the Mortgage Loan;
- 6) The Mortgage creates a valid and existing first mortgage lien on the Qualified Dwelling to secure the Mortgage Loan, unless otherwise authorized by the Authority or its designee; the term "first mortgage lien" means ~~such~~ classes of first liens ~~as are~~ commonly given to secure loans on real estate under the laws of the State;
- 7) The Lender has not modified in any respect and, has not satisfied, canceled, subordinated, or compromised in whole or in part the Mortgage Loan indebtedness, and has not released the mortgaged property in whole or in part from the lien of the indebtedness evidenced by the note and secured by the Mortgage; and the terms, covenants, and conditions of the note evidencing the Mortgage Loan and the Mortgage securing the Mortgage Loan shall not have ~~not~~ been waived, altered, or modified in any respect that would materially affect the validity or enforceability of the Mortgage Loan or the security of the lien of the Mortgage;
- 8) The real property securing the Mortgage Loan is a Qualified Dwelling;
- 9) The Qualified Dwelling is covered by a valid and existing policy of homeowner's property and casualty~~hazard~~ insurance meeting the requirements of the Authority or its designee;
- 10) The Lender has complied as follows:
 - A) as to each FHA-insured Mortgage Loan, with the National Housing Act (12 ~~USC~~U.S.C. Section 1701 et seq.) as amended and supplemented, all rules and regulations issued under the National Housing Act~~thereunder~~ and all administrative publications. The

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FHA insurance shall be in full force and effect and, upon purchase by the Authority or its designee of the Mortgage Loan, shall inure to the benefit of the Authority or its designee;

B) as to each Mortgage Loan guaranteed by the VA or FmHA, with the Servicemen's Readjustment Act (38 ~~USCU.S.C. Section~~ 1803 et seq.), the Consolidated Farm and Rural Development Act (7 ~~USCU.S.C. Section~~ 1921 et seq.), Title V of the Housing Act of 1949 (42 ~~USCU.S.C. Sections~~ 1471-1482) or other applicable federal law, as amended and supplemented, all rules and regulations issued ~~under those laws thereunder~~ and all administrative publications. Any such guaranty shall be in full force and effect and, upon purchase by the Authority or its designee of the Mortgage Loan, shall inure to the benefit of the Authority or its designee; and

C) as to each Mortgage Loan insured by a private mortgage insurance company, with all rules and requirements of ~~that such~~ company. Any such insurance shall be in full force and effect and, upon purchase by the Authority or its designee of the Mortgage Loan, shall inure to the benefit of the Authority or its designee;

11) The Mortgage Loan is covered by a fully paid mortgagee's title insurance policy in such form as the Authority or its designee may require and under which the Authority or its designee is a loss payee; and

12) To the best of Lender's information, knowledge and belief, no condition exists that would prohibit the purchase of the Mortgage Loan by the Authority or its designee under all applicable rules, regulations and contractual provisions.

b) ~~If a Lender fails to deliver Mortgage Loans to the Authority in the amount, on the terms and conditions, and within the time period set forth in the Mortgage Purchase Agreement, the Authority may, if it so chooses and in its sole discretion, reallocate all or part of the unused portion of that Lender's Allocation to other Lenders; redeem all or part of the applicable Bonds issued with respect to such unused portion of the commitment, but only if permitted by the Series Resolution of the Authority authorizing issuance of the Bonds; or undertake a combination of the above. The Mortgage Purchase Agreement may provide for liquidated~~

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~~damages, extension fees, and forfeiture of all or a part of any letter of credit or cash deposit deposited with the Authority by the Lender if the Authority makes any reallocation pursuant to this subsection.~~

- be) The Mortgage Purchase Agreement shall provide that the Authority shall have the right to require the Lender to repurchase Mortgage Loans sold to the Authority or its designee by the Lender if the Director, Deputy Director, ~~or~~ Assistant Director or Managing Director determines that the Lender has failed to comply with the requirements of either this Part or its contracts and agreements with the Authority under the Program.

(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.405 Targeted Area Residences

The Authority or its designee shall comply with the requirements of ~~section~~Section 143 of the Code in connection with the purchase of Mortgage Loans on targeted area residences~~Targeted Area Residences~~.

(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.407 Special Hazard Insurance (Repealed)

~~If required by the applicable Series Resolution, the Authority shall obtain Special Hazard Insurance for a Series Program in the amount required by that Series Resolution.~~

(Source: Repealed at 33 Ill. Reg. 7295, effective May 22, 2009)

SUBPART E: ADMINISTRATIVE RULES

Section 260.501 Restrictions on Return Realized by Lenders

The Authority shall establish the maximum income that may be realized by any Lender and by any agent of any Lender from Mortgage Loans, including any fees, premiums, bonuses and, points charged by the Lender or the Lender's agent in connection with the making of Mortgage Loans. ~~The~~Such maximum income shall be set at such amounts as the Authority finds reasonably necessary to induce participation in the Programs~~Program~~ by Lenders in order to accomplish the purposes of the Act, or to ensure compliance with arbitrage and income limitations of sectionSection 143 of the Code.

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(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.502 Servicing of Mortgage Loans

The Authority shall cause all Mortgage Loans purchased by the Authority to be serviced by a Servicer pursuant to the Servicing Agreement. ~~The~~Such Servicer may be the Authority, ~~or~~ the Lender from which ~~the~~such Mortgage Loans are purchased, or any other party approved by the Authority.

(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.503 Purchase of Authority Bonds (Repealed)

~~No Lender or Eligible Borrower, including any "related person," as defined in Section 144(a)(3) of the Code, pursuant to any arrangement, formal or informal, direct or indirect, shall agree to purchase the Bonds or other obligations of the Authority in an amount related to the aggregate principal amount of the Mortgage Loans to be sold by or made to such Lender, Eligible Borrower or related person.~~

(Source: Repealed at 33 Ill. Reg. 7295, effective May 22, 2009)

Section 260.506 Termination

The Authority or designee shall retain the right to terminate its obligation to purchase Mortgage Loans associated with any particular issue of Bonds under the Programs~~Program~~, subject to applicable State law and to its existing contractual obligations, including contractual obligations arising under ~~a HomeBuilder Application~~, a Lender Application, a Notice of Reservation of Funds, a Notice of Acceptance, a Mortgage Purchase Agreement and a Servicing Agreement.

(Source: Amended at 33 Ill. Reg. 7295, effective May 22, 2009)

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- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: 112.110 Emergency Action: Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13] and the American Recovery and Reinvestment Act of 2009 (ARRA)
- 5) Effective date of Amendment: May 21, 2009
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency amendment will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: May 21, 2009
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The American Recovery and Reinvestment Act of 2009 (ARRA) authorizes benefits to individuals who may be receiving cash assistance under our TANF, AABD, or GA programs. One of the purposes of ARRA is to assist those most impacted by the recession and to promote economic recovery. If the Department does not exempt the ARRA benefits in determining eligibility for our cash programs, it would result in the client not realizing the benefits of the ARRA and would create a situation that the Department finds reasonably constitutes a threat to their safety or welfare.
- 10) A complete description of the subject and issues: This rulemaking exempts the following benefits from consideration as income under the TANF cash program:
 1. The \$25 per week increase in Unemployment Compensation Benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Section 2002 of PL 111-5);

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2. The Economic Recovery Payment to recipients of Social Security, Supplemental Security Income (SSI), Railroad Retirement Benefits, and Veterans Disability Compensation or Pension benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Section 2201 of PL 111-5); and
3. Payments to eligible persons who served in the United States Armed Forces in the Far East during World War II authorized under the American Recovery and Reinvestment Act of 2009 (Div. A, Title X, Sec. 1002 of PL 111-5).

Companion amendments are also being proposed to 89 Ill. Adm. Code 113 and 89 Ill. Adm. Code 114.

- 11) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
112.140	Amendment	33 Ill. Reg. 4566; March 27, 2009
112.252	Amendment	33 Ill. Reg. 4803; April 3, 2009
112.253	Amendment	33 Ill. Reg. 4803; April 3, 2009
112.254	Amendment	33 Ill. Reg. 4803; April 3, 2009
112.9	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.65	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.69	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.127	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.150	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.151	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.152	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.153	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.305	Amendment	33 Ill. Reg. 5201; April 10, 2009
112.307	Amendment	33 Ill. Reg. 5201; April 10, 2009

- 12) Statement of statewide policy objectives: This rulemaking does not create or expand a State mandate.

- 13) Information and questions regarding this emergency amendment shall be directed to:

Tracie Drew, Bureau Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East

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Harris Bldg., 3rd Floor
Springfield, Illinois 62762

217/785-9772

The full text of the Emergency Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative
- 112.69 Felons and Violators of Parole or Probation

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SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section	
112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings
112.78	TANF Employment and Work Activities
112.79	Sanctions
112.80	Good Cause for Failure to Comply with TANF Participation Requirements
112.81	Responsible Relative Eligibility for JOBS (Repealed)
112.82	Supportive Services
112.83	Teen Parent Services
112.84	Employment Retention and Advancement Project
112.85	Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section	
112.86	Project Advance (Repealed)
112.87	Project Advance Experimental and Control Groups (Repealed)
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90	Project Advance Sanctions (Repealed)
112.91	Good Cause for Failure to Comply with Project Advance (Repealed)
112.93	Individuals Exempt From Project Advance (Repealed)
112.95	Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program (Repealed)

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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
EMERGENCY	
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets

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- 112.152 Asset Disregards
- 112.153 Deferral of Consideration of Assets
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit
- 112.156 Assets for Independence Program

SUBPART H: PAYMENT AMOUNTS

- Section
- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

- Section
- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections

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Facilities (Repealed)

SUBPART J: CHILD CARE

Section

- 112.350 Child Care (Repealed)
- 112.352 Child Care Eligibility (Repealed)
- 112.354 Qualified Provider (Repealed)
- 112.356 Notification of Available Services (Repealed)
- 112.358 Participant Rights and Responsibilities (Repealed)
- 112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
- 112.364 Rates of Payment for Child Care (Repealed)
- 112.366 Method of Providing Child Care (Repealed)
- 112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

- 112.400 Transitional Child Care Eligibility (Repealed)
- 112.404 Duration of Eligibility for Transitional Child Care (Repealed)
- 112.406 Loss of Eligibility for Transitional Child Care (Repealed)
- 112.408 Qualified Child Care Providers (Repealed)
- 112.410 Notification of Available Services (Repealed)
- 112.412 Participant Rights and Responsibilities (Repealed)
- 112.414 Child Care Overpayments and Recoveries (Repealed)
- 112.416 Fees for Service for Transitional Child Care (Repealed)
- 112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18,

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1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective

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December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency

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amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609,

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effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days;

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amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; peremptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.110 Exempt Unearned Income**EMERGENCY**

The following unearned income shall be exempt from consideration in determining eligibility and the level of assistance payment:

- a) The value of the coupon allotment under the Food Stamp Act of 1977 (7 USC 2017(b));
- b) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- c) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636);

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- d) Any funds distributed per capita to or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, P.L. 94-114 or P.L. 94-540;
- e) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 USC 3045 et seq.);
- f) Any compensation provided to individual volunteers under the Volunteers in Service to America (VISTA) Program (known as ~~AmeriCorps~~[Americorps](#) VISTA). Payments made under Americorps State/National programs, funded under the National and Community Service Act of 1993, are not exempt. Stipends or living allowance payments made under this program are considered nonexempt earned income. These payments are subject to the general rules concerning the budgeting of earned income;
- g) Income received under the provisions of Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25/4]. This includes both the benefits commonly known as the circuit breaker and additional grants;
- h) Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113;
- i) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Workforce Investment Act (WIA);
- j) Social Security death benefit expended on a funeral and/or burial;
- k) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended (42 USC 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 USC 1760);
- l) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 USC 1626);
- m) Payments received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988

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(50 USC 1989b through 1989b-8);

- n) Payments received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 USC 1989c through 1989c-8);
- o) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump-sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201;
- p) Payments received under the federal Radiation Exposure Compensation Act (42 USC 2210 nt);
- q) Federal subsidized housing payments under ~~section~~Section 8 of the Housing and Community Development Act (42 USC 1437f);
- r) Any adoption subsidy payment or foster care payment received from DCFS or from a state welfare agency of another state are exempt for MAG and MANG. Independent Living Arrangement Payments are not exempt for MAG and MANG;
- s) Supportive Service payments (Section 112.82);
- t) Benefits paid to eligible households under the Low Income Home Energy Assistance Act of 1981 pursuant to Section 2605(f) of P.L. 97-35;
- u) Disaster relief payments provided by federal, state or local government or a disaster assistance organization;
- v) Any payment provided by the Department of Human Services under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921;
- w) GA Emergency Financial Assistance issued through vendor payment. These payments can only be issued once in a twelve-month period to persons who do not currently receive TANF cash assistance;
- x) A nonrecurring lump-sum SSI or SSA payment made to an individual in a TANF assistance unit. The nonrecurring SSA lump sum is exempt if it is based on disability. The monthly amount, up to the monthly SSI level for one, is exempt. For those individuals not in a TANF assistance unit whose income is used to

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determine TANF eligibility for others (for example, the parent of a person under age 18 who is receiving assistance as a parent), the lump-sum payment is nonexempt income for the month received;

- y) Payments made to individuals because of their status as victims of Nazi persecution pursuant to P.L. 103-286;
- z) Payments to a member of the Passamquoddy Indian Tribe, the Penobscot Nation of the Houlton Band of the Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980;
- aa) Up to \$2000 per year of income received by individual Indians, which is derived from leases or other uses of individually-owned trust or restricted lands pursuant to Section 13736 of P.L. 103-66;
- bb) Payments based on disability status are disregarded in an amount up to the Supplemental Security Income (SSI) payment level for one person with no income. This disregard applies to disability benefits from Social Security (including SSI), Railroad Retirement Disability, Department of Veterans' Affairs (100% disability only) and Black Lung;
- cc) Payments made under the federal Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund);
- dd) Inconsequential income, which is defined as gifts, prizes or other unearned income (excluding those unearned income items referenced in subsections (a)(1) through (a)(28) described in other provisions of the Section) of up to \$50 per person per quarter;
- ee) The value of home produce which is used for personal consumption;
- ff) Child support payments made to an assistance unit by the Department which represents the first \$50 or any lesser amount of support collected in a month;
- gg) Two dollars of every \$3 of excess child support distributed by the child support agency to a family with earnings budgeted. This includes the wage supplementation programs of [on-the-job training](#)~~On-the-Job Training~~, Job Corps, [AmeriCorps](#)~~Americorps~~ VISTA, and work study;

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- hh) Payments from the principal or trust of a trust fund made to or on behalf of a dependent child when the court orders the money released for a specific purpose other than the income maintenance needs of the child;
- ii) Earmarked child support payments received by the client for the support of a child not included in the assistance unit;
- jj) Cash which is exchanged for purposes of satisfying payment of shelter-related obligations in situations where the assistance unit shares a dwelling unit with another family, individual or individuals. The money is not available to meet the needs of the party who received and disburses the shelter-related payment;
- kk) Employment-related reimbursements for past or future expenses to the extent that they do not exceed actual expenses incurred and do not represent a gain or benefit to the client;
- ll) All educational loans, grants, scholarships, fellowships, veteran's educational benefits, and federal and State work study programs;
- mm) [The \\$25 per week increase in Unemployment Compensation Benefits authorized under the American Recovery and Reinvestment Act of 2009 \(Div. B, Title II, Sec. 2002 of P.L. 111-5\);](#)
- nn) [The Economic Recovery Payment to recipients of Social Security, Supplemental Security Income \(SSI\), Railroad Retirement Benefits, and Veterans Disability Compensation or Pension Benefits authorized under the American Recovery and Reinvestment Act of 2009 \(Div. B, Title II, Sec. 2201 of P.L. 111-5\);](#)
- oo) [Payments to eligible persons who served in the United States Armed Forces in the Far East during World War II authorized under the American Recovery and Reinvestment Act of 2009 \(Div. A, Title X, Sec. 1002 of P.L. 111-5\).](#)

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days)

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- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
113.113	Amendment
113.141	Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13]
- 5) Effective date of amendments: March 21, 2009
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency amendment will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: May 21, 2009
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The American Recovery and Reinvestment Act of 2009 (ARRA) authorizes benefits to individuals who may be receiving cash assistance under our TANF, AABD, or GA programs. One of the purposes of ARRA is to assist those most impacted by the recession and to promote economic recovery. If the Department does not exempt the ARRA benefits in determining eligibility for our cash programs, it would result in the client not realizing the benefits of the ARRA and would create a situation that the Department finds reasonably constitutes a threat to their safety or welfare.
- 10) A complete description of the subject and issues: This rulemaking exempts the following benefits from consideration as income under the AABD cash program:
 1. The \$25 per week increase in Unemployment Compensation Benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2202 of PL 111-5);

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2. The Economic Recovery Payment to recipients of Social Security, Supplemental Security Income (SSI), Railroad Retirement Benefits, and Veterans Disability Compensation or Pension benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2201 of PL 111-5); and
3. Payments to eligible persons who served in the United States Armed Forces in the Far East during World War II authorized under the American Recovery and Reinvestment Act of 2009 (Div. A, Title X Sec. 1002 of PL 111-5).

This rulemaking also exempts the following benefits from consideration as an asset under the AABD cash program:

1. The Economic Recovery Payment to recipients of Social Security, Supplemental Security Income (SSI), Railroad Retirement Benefits, and Veterans Disability Compensation or Pension benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2201 of PL 111-5); and
2. Payments to eligible persons who served in the United States Armed Forces in the Far East during World War II authorized under the American Recovery and Reinvestment Act of 2009 (Div. A, Title X, Sec. 1002 of PL 111-5).

Companion amendments are also being proposed to 89 Ill. Adm. Code 112 and 89 Ill. Adm. Code 114.

- 11) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
113.120	Amendment	33 Ill. Reg. 4517; March 27, 2009
113.260	Amendment	33 Ill. Reg. 4805; April 3, 2009
113.253	Amendment	33 Ill. Reg. 5699; April 17, 2009
113.260	Amendment	33 Ill. Reg. 5699; April 17, 2009

- 12) Statement of statewide policy objective: This rulemaking does not create or expand a State mandate.

- 13) Information and questions regarding these emergency amendments shall be directed to:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures

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Department of Human Services
100 South Grand Avenue East
Harris Bldg., 3rd Floor
Springfield, Illinois 62762

217/785-9772

The full text of the Emergency Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

- 113.1 Description of the Assistance Program
- 113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.9 Client Cooperation
- 113.10 Citizenship
- 113.20 Residence
- 113.30 Age
- 113.40 Blind
- 113.50 Disabled
- 113.60 Living Arrangement
- 113.70 Institutional Status
- 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.100 Unearned Income
- 113.101 Budgeting Unearned Income
- 113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
- 113.103 Initial Receipt of Unearned Income
- 113.104 Termination of Unearned Income
- 113.105 Unearned Income In-Kind
- 113.106 Earmarked Income
- 113.107 Lump Sum Payments and Income Tax Refunds
- 113.108 Protected Income (Repealed)

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- 113.109 Earned Income (Repealed)
 113.110 Budgeting Earned Income (Repealed)
 113.111 Protected Income
 113.112 Earned Income
 113.113 Exempt Unearned Income
- EMERGENCY
- 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
 113.115 Initial Employment
 113.116 Budgeting Earned Income For Contractual Employees
 113.117 Budgeting Earned Income For Non-contractual School Employees
 113.118 Termination of Employment
 113.120 Exempt Earned Income
 113.125 Recognized Employment Expenses
 113.130 Income From Work/Study/Training Programs
 113.131 Earned Income From Self-Employment
 113.132 Earned Income From Roomer and Boarder
 113.133 Earned Income From Rental Property
 113.134 Earned Income In-Kind
 113.139 Payments from the Illinois Department of Children and Family Services
 113.140 Assets
 113.141 Exempt Assets
- EMERGENCY
- 113.142 Asset Disregard
 113.143 Deferral of Consideration of Assets
 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

- Section
 113.245 Payment Levels for AABD
 113.246 Personal Allowance

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113.247	Personal Allowance Amounts
113.248	Shelter
113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care, Personal Care or Nursing Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262	Meeting the Needs of an Ineligible Dependent with Client's Income
113.263	Service Animals
113.264	Refugees Ineligible for SSI

SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance (Repealed)
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture (Repealed)
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.309	Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320	Redetermination of Eligibility
113.330	Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

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Section

113.400	Description of the Interim Assistance Program
113.405	Pending SSI Application (Repealed)
113.410	More Likely Than Not Eligible for SSI (Repealed)
113.415	Non-Financial Factors of Eligibility (Repealed)
113.420	Financial Factors of Eligibility (Repealed)
113.425	Payment Levels for Chicago Interim Assistance Cases (Repealed)
113.430	Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
113.435	Medical Eligibility (Repealed)
113.440	Attorney's Fees for SSI Applicants (Repealed)
113.445	Advocacy Program for Persons Receiving Interim Assistance (Repealed)
113.450	Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
113.500	Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July

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27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987;

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emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment

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at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005; amended at 29 Ill. Reg. 10176, effective July 5, 2005; amended at 30 Ill. Reg. 16065, effective September 21, 2006; amended at 31 Ill. Reg. 6981, effective April 30, 2007; amended at 31 Ill. Reg. 11306, effective July 19, 2007; amended at 32 Ill. Reg. 17187, effective October 16, 2008; peremptory amendment at 32 Ill. Reg. 18065, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4993, effective March 19, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 7337, effective May 21, 2009, for a maximum of 150 days.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.113 Exempt Unearned Income**EMERGENCY**

- a) The following unearned income from governmental sources shall be exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:

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- 1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 USC 2017(b));
- 2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- 3) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended (42 USC 1780(b)), and the special food service program for children under the National School Lunch Act, as amended (42 USC 1760);
- 4) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 USC 3045 et seq.);
- 5) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636);
- 6) Any funds distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, or P.L. 94-540;
- 7) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (42 USC 1601 et seq.);
- 8) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program and the Foster Grandparent Program and Older Americans Community Service Programs established under Title VI of the Older Americans Act of 1965, as amended (42 USC 3045 et seq.);
- 9) Payments to Volunteers under the 1973 Domestic Volunteer Service Act (48 USC 5044(q)). These include:
 - A) Vista Volunteers; and
 - B) Volunteers serving as senior health aides, senior companions, foster grandparents, or persons serving in the Service Corps of Retired Executives (SCOPE) or the Active Corps of Executives (ACE);

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- 10) Income received under the provisions of Section 1 of the Illinois Senior Citizens and Disabled Persons Property Tax Relief Act [320 ILCS 25/1]. This includes both the benefits commonly known as the "circuit breaker" and "additional grants";
- 11) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975 under Section 23 of the U.S. Housing Act of 1937, as amended (42 USC 1437(f));
- 12) Any payments distributed per capita or held in trust for members of Indian tribes under Sections 5 of P.L. 94-114 that became effective October 17, 1975;
- 13) SSI lump sum payments received by MANG participants who reside in the community (not residing in a long term care facility, DMHDD facility or other medical facility);
- 14) Any adoption subsidy received from DCFS;
- 15) Any foster care payment received from DCFS except independent living arrangement payments;
- 16) Title IV-E adoption assistance or foster care payment received from a state welfare agency of another state are exempt for MANG;
- 17) Any payment received from the Self Sufficiency Trust Fund established in accordance with Section 21.1 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/21.1];
- 18) Any payment received under Title I of P.L. 100-383, the Civil Liberties Act of 1988, which provides that restitution shall be made to United States citizens and permanent resident aliens of Japanese ancestry who were interned during World War II;
- 19) Any payment received under Title II of P.L. 100-383, the Aleutian and Pribilof Islands Restitution Act, which provides that restitution shall be made to any Aleut living on the date of enactment of P.L. 100-383 (August 10, 1988) who, as a civilian, was relocated by authority of the

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United States from his or her home village on the Pribilof Islands or the Aleutian Islands west of Unimak Island to an internment camp, or other temporary facility or location during World War II; or who was born while his or her natural mother was subject to such relocation;

- 20) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201;
- 21) Payments received under the Radiation Exposure Compensation Act;
- 22) Money received from the Social Security Administration under a Plan to Achieve Self-Support (PASS);
- 23) Earnings, allowances, and payments received under Title I of the National and Community Service Act of 1990;
- 24) Disaster relief payments provided by federal, state or local government or a disaster assistance organization;
- 25) The amount of earned income tax credit which the client receives as advance payment or as a refund of federal income tax;
- 26) German reparation payments made under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution (Germany Restitution Act) to survivors of the Holocaust;
- 27) Payments of up to \$2000 per year derived from individual interests in Indian trust or restricted lands under P.L. 103-66; [and](#)
- 28) Payments made under the federal Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund);
- 29) [The \\$25 per week increase in Unemployment Compensation Benefits authorized under the American Recovery and Reinvestment Act of 2009 \(Div. B, Title II, Sec. 2002 of P.L. 111-5\);](#)
- 30) [The Economic Recovery Payment to recipients of Social Security,](#)

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[Supplemental Security Income \(SSI\), Railroad Retirement Benefits, and Veterans Disability Compensation or Pension Benefits authorized under the American Recovery and Reinvestment Act of 2009 \(Div. B, Title II, Sec. 2001 of P.L. 111-5\); and](#)

[31\) Payments to eligible persons who served in the United States Armed Forces in the Far East during World War II authorized under the American Recovery and Reinvestment Act of 2009 \(Div. A, Title X, Sec. 1002 of P.L. 111-5\).](#)

- b) In addition to the above, the following unearned income from non-governmental sources shall be exempt from consideration in determining eligibility for assistance and amount of the assistance payment:
- 1) The value of home produce which is used for personal consumption; and
 - 2) Social Security death benefit expended on a funeral and/or burial.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7337, effective May 21, 2009, for a maximum of 150 days)

Section 113.141 Exempt Assets**EMERGENCY**

- a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:
- 1) Homestead property.
 - 2) Personal Property
 - A) Personal effects extraordinarily and household goods of reasonable value (reasonable value means the client's equity value in such property does not exceed \$2,000). Wedding and engagement rings and items required due to medical or physical condition.
 - B) Regardless of the value, personal effects and household goods are exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described at 89 Ill. Adm. Code

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120.386).

- 3) Resources (for example, land, buildings, equipment and supplies or tools) necessary for self-support up to \$6,000 of the individual's equity in the income producing property, provided the property produces a net annual income of at least 6% of the excluded equity value of the property. The equity value in excess of \$6,000 is applied toward the asset disregard. If the activity produces income less than 6% of the exempt equity due to reasons beyond the individual's control (for example, the individual's illness or crop failure) and there is a reasonable expectation that the individual's activity will increase to produce income equal to 6% of the equity value (for example, the medical prognosis is that the individual is expected to respond to treatment or drought resistance corn will be planted), the property is exempt. If the individual owns more than one piece of property and each produces income, each is looked at to see if the 6% rule is met and then the amount of the individual's equity in all of those properties are totaled to see if the total equity is \$6,000 or less.
- 4) Automobile
 - A) exclude one automobile, regardless of value, used by the client, spouse, or other dependent if:
 - i) it is necessary for employment;
 - ii) it is necessary for the medical treatment of a specific or regular medical problem;
 - iii) it is modified for operation by or transportation of a handicapped person;
 - iv) it is necessary because of factors such as climate, terrain or distance to provide necessary transportation to perform essential daily activities; or
 - v) one vehicle for each spouse is exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described at 89 Ill. Adm. Code 120.386).

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- B) if not excluded in subsection (a)(4)(A) above exclude one automobile to the extent the fair market value does not exceed \$4500. Apply the excess fair market value toward the asset disregard (see Section 113.142). The Department will determine fair market value in accordance with 89 Ill. Adm. Code 121.57(b)(2)(D)(iv).
 - C) for all other automobiles, apply the equity value (fair market value minus any encumbrance) toward the asset disregard (see Section 113.142).
- 5) Life insurance policies with a total face value of \$1,500 or less and all term life insurance policies. If total face value exceeds \$1,500, the cash surrender value must be counted as a resource.
- b) Burial spaces and funds are exempt as follows:
- 1) Burial spaces which are intended for the use of the individual, his or her spouse, or any other member of his or her immediate family. Immediate family is defined as an individual's minor and adult children, including adopted children and step-children, an individual's brothers, sisters, parents, adoptive parents, and the spouses of these individuals.
 - 2) Funds set aside for the burial expenses of the individual and his or her spouse, subject to a limit of \$1,500 each. This limit will be reduced by the face value of any excluded life insurance policy and the amount of any funds held in an irrevocable trust or other irrevocable arrangement which are available for burial expenses.
 - 3) Interest earned on excluded burial funds and appreciation in the value of excluded burial arrangements which occurred the earlier of the date of first SSI eligibility or the date of AABD eligibility, but no earlier than November 1, 1982 (see 20 CFR 416.1231(b)(5) (1989)).
 - 4) Funds specifically and irrevocably set aside for the professional funeral services and burial expenses of the individual and his or her spouse, subject to a limit of \$4,000 each, including prepaid funeral and burial plans. This limit will be increased annually by 3%.

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- c) Assets necessary for fulfillment of an approved plan for achieving self support.
- d) Trust funds are exempt as follows:
 - 1) The principal of a trust fund only when the instrument establishing the trust specifically states the principal cannot be impaired.
 - 2) The principal of a trust fund established under the Self Sufficiency Trust Fund Program [20 ILCS 1705/21.1].
- e) Assets excluded by express provision of 20 CFR 416.1236 (1989).
- f) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (for example, not available to the client or the responsible relative) over the donations or benefits or the disbursement of donations or benefits.
- g) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.
- h) Money received from the Social Security Administration under a Plan to Achieve Self-Support (PASS) and held in a separate account.
- i) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.
- j) The amount of earned income tax credit which the client receives as advance payment or as a refund of federal income tax.
- k) [The Economic Recovery Payment to recipients of Social Security, Supplemental Security Income \(SSI\), Railroad Retirement Benefits, and Veterans Disability Compensation or Pension Benefits authorized under Section 2201 of the American Recovery and Reinvestment Act of 2009.](#)
- l) [Payments to eligible persons who served in the United States Armed Forces in the Far East during World War II authorized under Section 1002 of the American Recovery and Reinvestment Act of 2009.](#)

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(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7337, effective May 21, 2009, for a maximum of 150 days)

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- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Number: 114.210 Emergency Action: Amendment
- 4) Statutory Authority: Implementing Article VI and authorized by Sections 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. VI and 12-13]
- 5) Effective Date of amendment: May 21, 2009
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: May 21, 2009
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The American Recovery and Reinvestment Act of 2009 (ARRA) authorizes benefits to individuals who may be receiving cash assistance under or TANF, AABD, or GA programs. One of the purposes of ARRA is to assist those most impacted by the recession and to promote economic recovery. If the Department does not exempt the ARRA benefits in determining eligibility for our cash programs, it would result in the client not realizing the benefits of the ARRA and would create a situation that the Department funds reasonably constitutes a threat to their safety or welfare.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking exempts the following benefits from consideration as income under the General Assistance cash program.
 1. The \$25 per week increase in Unemployment Compensation Benefits authorizes under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2002 of PL 111-5);
 2. The Economic Recovery Payment to recipients of Social Security, Supplemental Security Income SSI), Railroad Retirement Benefits, and Veterans Disability

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Compensation or Pension benefits authorized under the American Recovery and Reinvestment Act of 2009 (Div. B, Title II, Sec. 2201 of PL 111-5); and

3. Payments to eligible persons who served in the United States Armed Forces in the Far East during World War II authorized under Section 1002 of the American Recovery and Reinvestment Act of 2009 (Div. A, Title X, Sec. 1002 of PL 111-5).

Companion amendments are also being proposed to 89 Ill. Adm. Code 112 and 89 Ill. Adm. Code 114.

- 11) Are there any proposed amendments to this Part Pending? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
114.230	Amendment	33 Ill. Reg. 4527; March 27, 2009
114.351	Amendment	33 Ill. Reg. 4807; April 3, 2009
114.352	Amendment	33 Ill. Reg. 4807; April 3, 2009
114.353	Amendment	33 Ill. Reg. 4807; April 3, 2009
114.9	Amendment	33 Ill. Reg. 5228; April 10, 2009
114.223	Amendment	33 Ill. Reg. 5228; April 10, 2009
114.250	Amendment	33 Ill. Reg. 5228; April 10, 2009
114.251	Amendment	33 Ill. Reg. 5228; April 10, 2009
114.252	Amendment	33 Ill. Reg. 5228; April 10, 2009
114.408	Amendment	33 Ill. Reg. 5228; April 10, 2009

- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

- 13) Information and questions regarding this emergency amendment shall be directed to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

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The full text of the Emergency Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section

- 114.1 Description of the Assistance Program
- 114.2 Determination of Not Employable
- 114.3 Advocacy Program for Persons Receiving State Transitional Assistance
- 114.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.9 Client Cooperation
- 114.10 Citizenship
- 114.20 Residence
- 114.30 Age
- 114.40 Relationship
- 114.50 Living Arrangement
- 114.52 Social Security Numbers
- 114.60 Work Registration Requirements (Outside City of Chicago only)
- 114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
- 114.62 Job Service Registration (Outside City of Chicago only)
- 114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
- 114.64 Responsibility to Seek Employment (Outside City of Chicago only)
- 114.70 Initial Employment Expenses (Outside City of Chicago only)
- 114.80 Downstate General Assistance Work and Training Programs
- 114.85 Downstate General Assistance – Food Stamps Employment and Training Pilot Project
- 114.90 Work and Training Programs
- 114.100 General Assistance Jobs Program (Repealed)
- 114.101 Persons Ineligible for TANF Due to Time Limits

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SUBPART C: PROJECT ADVANCE

Section

- 114.108 Project Advance (Repealed)
- 114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
- 114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)
- 114.111 Project Advance Sanctions (Repealed)
- 114.113 Project Advance Good Cause for Failure to Comply (Repealed)
- 114.115 Individuals Exempt From Project Advance (Repealed)
- 114.117 Project Advance Supportive Services (Repealed)

SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section

- 114.120 Employment and Training Requirements
- 114.121 Persons Required to Participate in Project Chance (Repealed)
- 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
- 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
- 114.124 Employment and Training Participation/Cooperation Requirements (Repealed)
- 114.125 Employment and Training Program Orientation (Repealed)
- 114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
- 114.127 Employment and Training Program Components (Repealed)
- 114.128 Employment and Training Sanctions (Repealed)
- 114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
- 114.130 Employment and Training Supportive Services (Repealed)
- 114.135 Conciliation and Fair Hearings (Repealed)
- 114.140 Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.200 Unearned Income
- 114.201 Budgeting Unearned Income
- 114.202 Budgeting Unearned Income of Applicants

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114.203 Initial Receipt of Unearned Income

114.204 Termination of Unearned Income

114.210 Exempt Unearned Income

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114.220 Education Benefits (Repealed)

114.221 Unearned Income In-Kind

114.222 Earmarked Income

114.223 Lump-Sum Payments

114.224 Protected Income

114.225 Earned Income

114.226 Budgeting Earned Income

114.227 Budgeting Earned Income of Applicants

114.228 Initial Employment

114.229 Termination of Employment

114.230 Exempt Earned Income

114.235 Recognized Employment Expenses

114.240 Income From Work/Study/Training Program (Repealed)

114.241 Earned Income From Self-Employment

114.242 Earned Income From Roomer and Boarder

114.243 Earned Income From Rental Property

114.244 Earned Income In-Kind

114.245 Payments from the Illinois Department of Children and Family Services

114.246 Budgeting Earned Income for Contractual Employees

114.247 Budgeting Earned Income for Non-contractual School Employees

114.250 Assets

114.251 Exempt Assets

114.252 Asset Disregards

114.260 Deferral of Consideration of Assets (Repealed)

114.270 Property Transfers (Repealed)

114.280 Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section

114.350 Payment Levels

114.351 Payment Levels in Group I Counties

114.352 Payment Levels in Group II Counties

114.353 Payment Levels in Group III Counties

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SUBPART G: OTHER PROVISIONS

Section

- 114.400 Persons Who May Be Included In the Assistance Unit
- 114.401 Eligibility of Strikers
- 114.402 Special Needs Authorizations (Repealed)
- 114.403 Institutional Status
- 114.404 Budgeting
- 114.405 Budgeting Schedule
- 114.406 Limitation on Amount of General Assistance to Recipients from Other States (Repealed)
- 114.408 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96
- 114.420 Redetermination of Eligibility
- 114.430 Extension of Medical Assistance Due to Increased Income from Employment
- 114.440 Attorney's Fees for VA Appellants
- 114.442 Attorney's Fees for SSI Applicants

SUBPART H: CHILD CARE

Section

- 114.450 Child Care (Repealed)
- 114.452 Child Care Eligibility (Repealed)
- 114.454 Qualified Provider (Repealed)
- 114.456 Notification of Available Services (Repealed)
- 114.458 Participant Rights and Responsibilities (Repealed)
- 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
- 114.464 Rates of Payment for Child Care (Repealed)
- 114.466 Method of Providing Child Care (Repealed)

SUBPART I: TRANSITIONAL CHILD CARE

Section

- 114.500 Transitional Child Care Eligibility (Repealed)
- 114.504 Duration of Eligibility for Transitional Child Care (Repealed)
- 114.506 Loss of Eligibility for Transitional Child Care (Repealed)
- 114.508 Qualified Provider (Repealed)
- 114.510 Notification of Available Services (Repealed)
- 114.512 Participant Rights and Responsibilities (Repealed)

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- 114.514 Child Care Overpayments and Recoveries (Repealed)
114.516 Fees for Service for Transitional Child Care (Repealed)
114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982;

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emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at

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12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413,

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effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1619, effective January 20, 1999; amended at 23 Ill. Reg. 6067, effective May 4, 1999; amended at 23 Ill. Reg. 6434, effective May 15, 1999; amended at 23 Ill. Reg. 6948, effective May 30, 1999; emergency amendment at 23 Ill. Reg. 8661, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13863, effective November 19, 1999; amended at 24 Ill. Reg. 2338, effective February 1, 2000; amended at 24 Ill. Reg. 5688, effective March 20, 2000; amended at 25 Ill. Reg. 10325, effective August 3, 2001; amended at 26 Ill. Reg. 164, effective January 1, 2002; amended at 26 Ill. Reg. 9821, effective June 24, 2002; emergency amendment at 26 Ill. Reg. 11009, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17198, effective November 15, 2002; amended at 27 Ill. Reg. 7263, effective April 7, 2003; amended at 27 Ill. Reg. 18433, effective November 20, 2003; amended at 28 Ill. Reg. 5682, effective March 22, 2004; amended at 29 Ill. Reg. 5487, effective April 1, 2005; emergency amendment at 32 Ill. Reg. 10622, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; peremptory amendment at 32 Ill. Reg. 18076, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 5004, effective March 19, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 7355, effective May 21, 2009, for a maximum of 150 days.

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.210 Exempt Unearned Income**EMERGENCY**

The following unearned income shall be exempt from consideration in determining eligibility and the level of assistance payment.

- a) The value of the coupon allotment under the Food Stamp Act of 1977 (7 USC 2017(b));
- b) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- c) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636);

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- d) Any per capita judgment funds paid under P.L. 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 USC 1264);
- e) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 USC 3030e);
- f) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program (42 USC 5001) and the Foster Grandparent Program (42 USC 5011) and Older Americans Community Service Employment Program (42 USC 3056) established under Title II of the Domestic Volunteer Service Act (42 USC 5001 thru 5023), as amended;
- g) Income received under the provisions of Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25/4(c)]. This includes both the benefits commonly known as the circuit breaker and "additional grants";
- h) Payments Under Certain Federal Programs
 - 1) Any payment to volunteers in programs under Title II of the 1973 Domestic Volunteer Services Act, as amended (42 USC 5044(q)). Examples of these programs include RSVP, Foster Grandparents and other programs.
 - 2) Payments made under Title I (VISTA, University Year for Action and Urban Crime Prevention Program) are exempt only if the individual was receiving public assistance at the time he/she joined VISTA;
- i) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Workforce Investment Act (29 USC 2801);
- j) Any payment received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 USC 1989b thru 1989b-8);
- k) Any payment received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 USC 1989c thru 1989c-8);

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- l) Payments made by the Illinois Department of Human Services under the Family Assistance Law for Mentally Disabled Children under P.A. 86-921 [405 ILCS 80/Art. III];
- m) Disaster relief payments provided by federal, State or local government or a disaster assistance organization;
- n) Employment-related reimbursement for past or future expenses to the extent that they do not exceed actual expenses incurred and do not represent a gain or benefit to the client;
- o) Payments made under the federal Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund);
- p) All educational loans, grants, scholarships, fellowships, veteran's educational benefits, and federal and State work study programs;-
- q) [The \\$25 per week increase in Unemployment Compensation Benefits authorized under the American Recovery and Reinvestment Act of 2009 \(Div. B, Title II, Sec. 2002 of P.L. 111-5\);](#)
- r) [The Economic Recovery Payment to recipients of Social Security, Supplemental Security Income \(SSI\), Railroad Retirement Benefits, and Veterans Disability Compensation or Pension Benefits authorized under the American Recovery and Reinvestment Act of 2009 \(Div. B, Title II, Sec. 2201 of P.L. 111-5\);](#)
- s) [Payments to eligible persons who served in the United States Armed Forces in the Far East during World War II authorized under the American Recovery and Reinvestment Act of 2009 \(Div. A, Title X, Sec. 1002 of P.L. 111-5\).](#)

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 7355, effective May 21, 2009, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

ENVIRONMENTAL PROTECTION AGENCY

Heading of the Part: Permit Fees for Installing or Extending Sewers

Code Citation: 35 Ill. Adm. Code 320

Section Numbers: 320.101 320.201
320.102 320.202
320.103 320.301
320.104 320.302

Date Originally Published in the Illinois Register: 2/27/09
33 Ill. Reg. 3576

At its meeting on May 19, 2009, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that EPA be more timely in updating its rules to reflect statutory changes.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 19, 2009 through May 26, 2009 and have been scheduled for review by the Committee at its June 16, 2009 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
7/3/09	<u>Department of Natural Resources</u> , Dam Safety Requirements (17 Ill. Adm. Code 3703)	9/5/08 32 Ill. Reg. 14445	6/16/09
7/9/09	<u>Department of Central Management Services</u> , Pay Plan (80 Ill. Adm. Code 310)	4/3/09 33 Ill. Reg. 4588	6/16/09

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