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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 peremptory 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 2021

Issue#	Rules Due Date	Date of Issue
1	December 21, 2020	January 4, 2021
2	December 28, 2020	January 8, 2021
3	January 4, 2021	January 15, 2021
4	January 11, 2021	January 22, 2021
5	January 19, 2021	January 29, 2021
6	January 25, 2021	February 5, 2021
7	February 1, 2021	February 16, 2021
8	February 8, 2021	February 19, 2021
9	February 16, 2021	February 26, 2021
10	February 22, 2021	March 5, 2021
11	March 1, 2021	March 12, 2021
12	March 8, 2021	March 19, 2021
13	March 15, 2021	March 26, 2021
14	March 22, 2021	April 2, 2021
15	March 29, 2021	April 9, 2021
16	April 5, 2021	April 16, 2021
17	April 12, 2021	April 23, 2021
18	April 19, 2021	April 30, 2021
19	April 26, 2021	May 7, 2021
20	May 3, 2021	May 14, 2021
21	May 10, 2021	May 21, 2021

22	May 17, 2021	May 28, 2021
23	May 24, 2021	June 4, 2021
24	June 1, 2021	June 11, 2021
25	June 7, 2021	June 18, 2021
26	June 14, 2021	June 25, 2021
27	June 21, 2021	July 2, 2021
28	June 28, 2021	July 9, 2021
29	July 6, 2021	July 16, 2021
30	July 12, 2021	July 23, 2021
31	July 19, 2021	July 30, 2021
32	July 26, 2021	August 6, 2021
33	August 2, 2021	August 13, 2021
34	August 9, 2021	August 20, 2021
35	August 16, 2021	August 27, 2021
36	August 23, 2021	September 3, 2021
37	August 30, 2021	September 10, 2021
38	September 7, 2021	September 17, 2021
39	September 13, 2021	September 24, 2021
40	September 20, 2021	October 1, 2021
41	September 27, 2021	October 8, 2021
42	October 4, 2021	October 15, 2021
43	October 12, 2021	October 22, 2021
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45	October 25, 2021	November 5, 2021
46	November 1, 2021	November 12, 2021
47	November 8, 2021	November 19, 2021
48	November 15, 2021	November 29, 2021
49	November 22, 2021	December 3, 2021
50	November 29, 2021	December 10, 2021
51	December 6, 2021	December 17, 2021
52	December 13, 2021	December 27, 2021
53	December 20, 2021	December 31, 2021

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Rental Housing Support Program
- 2) Code Citation: 47 Ill. Adm. Code 380
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
380.103	Amendment
380.106	Amendment
380.108	Amendment
380.201	Amendment
380.202	Amendment
380.203	Amendment
380.205	Amendment
380.206	New Section
380.302	Amendment
380.304	Amendment
380.305	Amendment
380.307	Amendment
380.308	Amendment
380.309	Amendment
380.310	Amendment
380.401	Amendment
380.403	Amendment
380.406	Amendment
380.407	Amendment
380.408	Amendment
380.409	Amendment
380.410	Amendment
380.411	Amendment
380.412	Amendment
380.413	Amendment
380.501	Amendment
380.502	Amendment
380.505	Amendment
380.507	Amendment
380.508	New Section
380.601	Amendment
380.605	Amendment
380.607	Amendment
380.608	Amendment

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NOTICE OF PROPOSED AMENDMENTS

380.610	Amendment
380.611	Amendment
380.613	Amendment
380.615	Amendment
380.616	Amendment
380.617	Renumbered/New Section
380.618	Renumbered
380.619	Renumbered/Amendment

- 4) Statutory Authority: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and the Rental Housing Support Program Act [310 ILCS 105].
- 5) A Complete Description of the Subjects and Issues Involved: These amendments make the rules consistent with the Rental Housing Support Program Act. Certain defined terms have been amended and new terms have been added.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule 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? No
- 11) Statement of Statewide Policy Objective: The proposed amendments do not create, expand or modify a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Susan Kim
Associate Corporate & Compliance Counsel
Legal Department
Illinois Housing Development Authority
111 E. Wacker Dr., Suite 1000

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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Chicago IL 60601

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Affordable housing developers and local governments throughout Illinois
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: No new professional skills.
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking did not appear in either of the two most recent regulatory agendas because the existing language in the previous regulatory agenda which it appeared was suggested and included based upon the recommendations of various departmental representatives, some of whom are no longer with the Authority. We recently re-circulated the rule for review and received additional comments and recommendations from new staff members.

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITYPART 380
RENTAL HOUSING SUPPORT PROGRAM

SUBPART A: GENERAL RULES

- 380.101 Authority
- 380.102 Purpose and Objectives
- 380.103 Definitions
- 380.104 Compliance with Federal and State Law
- 380.105 Forms and Procedures for the Program
- 380.106 Application Fee
- 380.107 Program Operating Fees
- 380.108 Authority Administrative Expenses
- 380.109 Amendment
- 380.110 Severability
- 380.111 Gender and Number
- 380.112 Non-Discrimination
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SUBPART B: DISTRIBUTION OF FUNDS

- 380.201 Distribution of [Annual Receipts](#)~~Appropriation Funds~~
- 380.202 Fund Distributions to Geographic Areas
- 380.203 Long-Term Operating Support (LTOS) Program
- 380.204 Rural Area Set-Aside
- 380.205 Reserve Fund
- [380.206 Coordinating Local Administering Agency](#)

SUBPART C: GENERAL REQUIREMENTS

- 380.301 Tenant Eligibility; Required Percentage of Severely Low-Income Tenants
- 380.302 Outreach Requirements
- 380.303 Income Certifications
- 380.304 Training Programs
- 380.305 Tenant Rent Contribution
- 380.306 Amount of Rental Assistance, Rent, and Maximum Rent

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380.307	Rent Increases
380.308	Over-Income Tenants
380.309	Appeals
380.310	Rental Preferences for Tenants with Special Needs
380.311	Tenant Bill of Rights
380.312	Tenant Selection Plan

SUBPART D: ALLOCATIONS TO LOCAL ADMINISTERING AGENCIES

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380.403	Application Requirements
380.404	Service Area in Multiple Geographic Areas
380.405	Qualification Requirements
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380.407	Inspection Requirements
380.408	Selection of Landlords
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380.411	Reconciliations
380.412	Funding of Allocations
380.413	Revocation/Non-Renewal Renewal of Commitments
380.414	Leases
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380.416	Reporting Requirements for Municipalities

SUBPART E: LANDLORD RESPONSIBILITIES

380.501	Income Eligibility and Verification
380.502	Record Submission and Retention
380.503	Lead-Based Paint
380.504	Housing Quality Standards
380.505	Compliance with Federal , State and Local Law
380.506	Eviction
380.507	Reconciliations
380.508	Property Insurance

SUBPART F: LONG-TERM OPERATING
SUPPORT (LTOS) PROGRAM REQUIREMENTS

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NOTICE OF PROPOSED AMENDMENTS

380.601	Allocations
380.602	Allocations Only for New Units
380.603	Application Procedures
380.604	Developer Qualifications
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380.607	Waiver
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380.612	Evictions
380.613	Housing Quality Standards
380.614	Lead-Based Paint
380.615	Reconciliations
380.616	Reporting Requirements
380.617	Property Insurance Agency Monitoring
380.618 380.617	<u>Agency Monitoring</u>
380.619 380.618	<u>Revocation/Non-Renewal of Commitments</u> Continuing Eligibility
	Requirements

AUTHORITY: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and the Rental Housing Support Program Act [310 ILCS 105].

SOURCE: Adopted at 30 Ill. Reg. 17772, effective October 30, 2006; amended at 45 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL RULES

Section 380.103 Definitions

The following terms used in this Part shall have the following definitions:

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

"Agency": The Illinois Housing Development Authority or a Municipality.

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"Allocation": An award of funds from the RHS Program to an LAA or a Developer.

"Annual Adjustment Factor": The figure published ~~annually~~monthly by HUD to determine rent increases for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437).

"Annual Income": All amounts, monetary or not, received or anticipated to be received, from a source outside the Household, by or on behalf of the head, spouse or co-head of the Household, or any other Household member over the age of 18, during the 12-month period following admission or the date of the most recent recertification of the Household income. There is no asset limitation for participation in the Rental Housing Support Program. However, the definition of annual income~~Annual Income~~ includes net income from ~~the family's~~ assets. The determination of Annual Income~~Incomes~~ shall be made as provided in the HUD regulations governing section~~Section~~ 8 of the United States Housing Act of 1937 (42 USC 1437) and; 24 CFR 5.609(b) and (c) ~~(2006)~~, provided that imputed income (as described in 24 CFR 5.609(b)(3)) from the Household's assets shall not be included. Examples and instructions for application of these requirements shall be included in the applicable Agency's Program Guide.

"Annual Receipts" means revenue derived from the Rental Housing Support Program State surcharge from July 1 through June 30 on deposit in the Rental Housing Support Program Fund that is appropriated each year for distribution by the Authority for the Program.

"Applicant": An entity or an individual (as a Developer) making an Application for an Allocation.

"Application": The Application form and attachments that an Applicant must submit when applying for an Allocation under the RHS Program.

~~"Appropriation": The annual Appropriation of funds to the Illinois Department of Revenue for the Authority by the Illinois General Assembly for the RHS Program.~~

"Authority": The Illinois Housing Development Authority.

"Commitment": A contract executed by an Agency and an LAA or a Developer under which the Agency agrees to provide an Allocation. Each Commitment

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shall contain a provision to the effect that the Agency shall not be obligated to provide funds under the Commitment if the Agency has not received adequate funds from the Annual Receipts~~an Appropriation~~ or a Fund Distribution, as applicable.

"Coordinating Local Administering Agency": A local administering agency that provides technical and administrative assistance to localities that do not possess the capacity to administer an Allocation.

"Developer": The owner of a Project that has applied for or has been approved for an Allocation under the LTOS Program.

"Extremely Low-Income Household": A Household whose Annual Income is less than or equal to 30% of the Median Income.

"Fiscal Year": The Fiscal Year of the State.

"Fund Distribution": A distribution of funds from the Annual Receipts~~Appropriation~~ for a Fiscal Year to a Geographic Area.

"Geographic Areas": The City of Chicago, Suburban Areas, Small Metropolitan Areas, and Rural Areas.

"Household": A single person, family or unrelated persons living together.

"Housing Quality Standards": Inspection standards for Units~~units~~, which shall be set forth in the Program Guide or the Municipality Program Guide, as applicable.

"HUD": The U.S. Department of Housing and Urban Development.

"Income Range": A range of incomes published from time to time~~annually~~ by the Authority that is used to determine the Tenant Contribution for Tenants.

"Landlord": An owner of one or more Units receiving or approved to receive Rental Assistance through an LAA. An LAA or subsidiary of an LAA may be a Landlord; provided, however, that the LAA must disclose its intention to be a Landlord, or appoint a subsidiary to be a Landlord, in its Application.

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"LAA": A local administering agency meeting the eligibility requirements set forth in Section 380.402 and designated by an Agency that receives an Allocation to provide Rental Assistance.

"LTOS Program": The long-term operating support program established under the RHS Program, to be used exclusively to provide long-term operating support to Developers of Projects that provide Units newly affordable to Extremely Low-Income Households and Severely Low-Income Households.

"Maximum Rent": The maximum rent for a Unit, which shall be the greater of:

the Maximum Rent established under the federal Low Income Housing Tax Credit Program for a Unit rented by a Tenant with an Annual Income less than or equal to 60% of the Median Income; ~~or and~~

120% of HUD's fair market rent for the area in which the Unit is located.

"Median Income": The Median Income of the area in which the Unit is located, adjusted for family size, as ~~the~~ ~~such~~ adjusted income and Median Income for the area are determined from time to time by HUD for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437).

"Members": The members of the Authority.

"Municipality": A municipality with a population greater than 2,000,000.

"Municipality Program Guide": The guidelines published by a Municipality for Allocations made by the Municipality. Each Municipality Program Guide shall ~~explain~~ ~~contain~~ the RHS Program and provide additional information about various RHS Program requirements ~~provisions specifically required by Section 380.415 of this Part.~~

"Permanent Supportive Housing": A Project with a preference or restriction for people who need supportive services to access and maintain affordable housing; are experiencing, or are at risk of, homelessness; are living with disabilities; and/or are experiencing, or are at risk of, institutionalization. The housing should be permanent (not time-limited, not transitional), affordable (typically rent-subsidized or otherwise targeted to the extremely-low-income who make 30% of the area's median income or below), and independent (tenant holds the lease with

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normal rights and responsibilities). Services should be flexible (responsive to tenants' needs and desires), voluntary (participation in support of services is not a condition of tenancy), and sustainable (focus of services is on maintaining housing stability and good health).

"Plan for Services": The plan through which each prospective LAA will provide information to Tenants on how to gain access to education, training, and other supportive services and that sets forth the procedures for identifying and referring prospective Tenants to Landlords. LAAs designated by a Municipality shall prepare a Plan for Services; and, if a Municipality does not designate an LAA, the Municipality shall prepare a Plan for Services.

"Program Guide": The guidelines published by the Authority explaining the RHS Program and providing additional information about various RHS Program requirements.

"Project": A building or group of buildings that are financed under a common plan of financing.

~~"Receipts": Funds collected by the Illinois Department of Revenue for the RHS Program.~~

"Reconciliation": The determination of the difference between the amount of Rental Assistance payments made to Landlords or Developers and the amount of Rental Assistance payments the Landlords or the Developers were entitled to receive.

"Rental Assistance": The amount paid to a Landlord or a Developer as a subsidy for a Unit approved for assistance under the RHS Program.

"Rental Assistance Rider": The rider to be attached to each Tenant's lease that describes the RHS Program; requires the Tenant to provide a certification of its Annual Income; notifies the Tenant that the Tenant must report changes in its Annual Income to the ~~LAA Landlord~~ or Developer, as applicable, when they occur and on each occasion that the Tenant's lease is to be renewed; informs the Tenant that increases in Annual Income may result in an increase in the Tenant Contribution; and sets forth the amount of the Tenant Contribution. The Rental Assistance Rider shall be included in the Program Guide or the Municipality's Program Guide, as applicable.

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"Reserve Fund": The fund established either by the Authority or by a Municipality directly or through its LAA to provide a source of funds in the event that ~~the Annual Receipts are an annual Appropriation is~~ not sufficient to provide adequate funding for existing Commitments.

"RFP": A request for proposals by an Agency soliciting Applications from LAAs or Developers.

"RHS Program Act": The Rental Housing Support Program Act [310 ILCS 105].

"RHS Program": The Rental Housing Support Program authorized by the RHS Program Act.

"Rural Area": All areas of the State not specifically included in any other Geographic Area.

"Service Area": The geographic boundaries of the area to be served by an LAA.

"Severely Low-Income Household": A Household whose Annual Income is less than or equal to 15% of the Median Income.

"Small Metropolitan Areas": The Geographic Area that includes the municipalities of Bloomington-Normal, Champaign-Urbana, Decatur, DeKalb, Moline, Pekin, Peoria, Rantoul, Rockford, Rock Island and Springfield, and the counties of Madison and St. Clair.

"Special Needs Households": Households that are homeless or imminently at risk of becoming homeless; that are, or are imminently at risk of, living in institutional settings because of the unavailability of suitable housing; or that have one or more members with disabilities, including but not limited to physical disabilities, developmental disabilities, mental illness or HIV/AIDS.

"Suburban Areas": The Geographic Area that includes the counties of Cook (excluding Chicago), DuPage, Kane, Lake, McHenry, and Will.

"State": The State of Illinois.

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"State Median Income": The State Median Income published by the U.S. Census Bureau in the most current decennial census.

"Tenant": A Household occupying a Unit.

"Tenant Bill of Rights": Information LAAs and Developers are required to provide to Tenants concerning how to contact the LAA; local Landlord-Tenant laws and procedures; the housing rights of persons with disabilities; how to contact the local agency or agencies administering local Landlord-Tenant laws and procedures or protecting or promoting ~~these~~ such housing rights of persons with disabilities; eligibility requirements for participating in the RHS Program; and the rights and responsibilities of prospective Tenants prior to occupancy of a Unit.

"Tenant Contribution": The portion of the monthly rent for a Unit to be paid by the Tenant, which shall be ~~approximately~~ one-twelfth of ~~approximately~~ 30% of the ~~median of Median Income for~~ the Income Range in which the Tenant's Annual Income falls, adjusted for Unit size.

"Tenant Income Certification": The form:

prescribed by the Authority; and

to be used by Landlords and Developers in determining and reporting a Tenant's Annual Income to an LAA or an Agency, as applicable.

"Tenant Selection Plan": The written plan prepared by a Landlord or a Developer and approved by the LAA or an Agency, as applicable, that governs the selection of Tenants for a Unit ~~or an efficiency apartment, a single room occupancy Unit or a one bedroom or larger Project.~~

"Transitional Contribution": The Tenant Contribution for Tenants whose income has exceeded the income limit for Extremely Low-Income Households. The amount of the contribution shall vary, depending on the amount by which the Tenant's income exceeds the income limit. The Authority shall publish a schedule setting forth the specific formula for determining the Transitional Contribution, and shall adjust the schedule periodically, as it deems appropriate.

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"Unit": A rental housing Unit receiving Rental Assistance through an Allocation. A Unit may be a single family dwelling or a Unit in a multifamily dwelling. Housing Units intended as transitional or temporary housing do not qualify as Units.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.106 Application Fee

An Agency may charge an Application fee not to exceed \$500 in connection with its Application, as set forth in the Program Guide or ~~MunicipalityMunicipal~~ Program Guide, as applicable.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.108 Authority Administrative Expenses

The Authority shall be entitled to deduct from ~~the Annual Receipts~~~~each Appropriation~~, prior to any distribution of funds under the RHS Program, an amount not to exceed 7% of the ~~Annual Receipts~~~~Appropriation~~ for expenses associated with the administration of the RHS Program, including, without limitation, expenses for staff salaries and benefits for time spent on design and administration of the RHS Program; training and marketing expenses incurred in performing outreach activities and providing technical assistance to LAAs; the use of the Authority's equipment for RHS Program purposes; the cost of office space and utilities incurred in connection with the RHS Program; and any other expenses incurred in the administration of the RHS Program; provided, that only administrative expenses specifically related to the RHS Program within a Municipality may be deducted from the ~~Annual Receipts~~~~annual Appropriation~~ required by law to be distributed to Municipalities. The Authority shall maintain a detailed accounting of all administrative expenses, which shall be available to the applicable Agency, LAAs or the public for review.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART B: DISTRIBUTION OF FUNDS

Section 380.201 Distribution of ~~Annual Receipts~~~~Appropriation Funds~~

The Authority shall distribute funds from ~~Annual Receipts~~~~annual Appropriations~~ in accordance with the following priorities:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

- a) To the Authority for its administrative fee.
- b) To Municipalities.
 - 1) Each Municipality must use at least 10% of its Fund Distribution for an LTOS Program.
 - 2) Each Municipality shall distribute the balance of its Fund Distribution to its Reserve Fund and one or more designated non-profit organizations that meet the requirements for an LAA and that will serve as an LAA for the Municipality.
- c) To fund the Authority's Reserve Fund, as provided in Section 380.205 ~~of this Part.~~
- d) After distributing the amounts listed in subsections (a), (b) and (c), the Authority shall use at least 10% of the remaining amount of the [Annual Receipts](#) ~~Appropriation~~ for an LTOS Program, which the Authority shall allocate through a competitive Application process, as described in Subpart F, for Projects to be located outside the Municipalities.
- e) The balance of the [Annual Receipts](#) ~~Appropriation~~ shall be distributed to Suburban Areas, Small Metropolitan Areas and Rural Areas.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.202 Fund Distributions to Geographic Areas

- a) The Authority shall make Fund Distributions to Geographic Areas on a proportional basis using data from the most recent decennial census performed by the U.S. Census Bureau. Each Geographic Area's proportionate share shall be the fraction having a numerator equal to the number of all Households in that Geographic Area having an Annual Income less than 50% of the State Median Income (as determined by the U.S. [Department of Housing and Urban Development, based on U.S. Census data](#) ~~Census Bureau~~) for a Household of four and paying more than 30% of their Annual Income for rent, and a denominator equal to the number of all Households in the State having an Annual Income less than 50% of the State Median Income for a Household of four and paying more than 30% of their Annual Income for rent.

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NOTICE OF PROPOSED AMENDMENTS

- b) The proportionate Fund Distributions for the Geographic Areas shall be redetermined when data from a new decennial U.S. Census becomes available. The Authority may use funds in the Reserve Fund to alleviate hardships arising out of reductions in the proportionate amount of Fund Distributions that would otherwise result in reductions in the amount of Rental Assistance for existing Tenants.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.203 Long-Term Operating Support (LTOS) Program

Each Agency shall establish a competitive Application process for providing long-term operating support to Projects providing Units newly available to Extremely Low-Income Households and Severely Low-Income Households within its jurisdiction. Each Agency shall administer the funds for its LTOS Program in a manner consistent with criteria established in Subpart F ~~of this Part~~, but Municipalities may include additional preferences and requirements set forth in writing in the Municipality's Application form, as long as those preferences and requirements are consistent with applicable federal, State and local law.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.205 Reserve Fund

- a) Each Agency shall establish a Reserve Fund in an ~~interest~~~~interesting~~ bearing account from ~~the Annual Receipts~~~~each Appropriation~~ or Fund Distribution, as applicable, to offset decreases in funding caused by periodic fluctuation in ~~Annual Receipts~~~~annual Appropriations~~, to maintain continuity in funding when Commitments expire, and to phase out Rental Assistance lost by a shift in any Geographic Area's proportionate Fund Distribution as a result of a new decennial census. Municipalities may delegate the responsibility to establish a Reserve Fund to their designated LAAs.
- b) The amount to fund the Reserve Fund for the Authority shall be a maximum of 5% of the amount of each ~~year's Annual Receipts~~~~annual Appropriation~~ after subtracting the Authority's ~~administrative~~~~operating~~ fee and the Fund Distributions to Municipalities. The amount of each Municipality's Reserve Fund shall be a maximum of 5% of the Municipality's Fund Distribution. Each Reserve Fund

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shall also include income derived from investing funds in the Reserve Fund and funds received from LAAs that did not use the entire amount of their Allocations.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.206 Coordinating Local Administering Agency

The Authority may award additional Allocations to a Coordinating Local Administering Agency that provides technical and administrative assistance to localities that do not possess the capacity to administer an Allocation.

(Source: Added at 45 Ill. Reg. _____, effective _____)

SUBPART C: GENERAL REQUIREMENTS

Section 380.302 Outreach Requirements

The LAA or the Developer must document that it has made extensive efforts to publicize the availability of Units under the RHS Program, including contacting non-profit corporations serving the homeless, the disabled and senior citizens in the Service Area or the area in which the Project is located; public housing authorities with jurisdiction in the Service Area or the area in which the Project is located; and otherwise publicizing the availability of these Units at appropriate locations within and surrounding the Service Area or the area in which the Project is located, such as by advertising in local newspapers, or through meetings with community groups. The Applicant must submit this evidence to the Agency with its Application and with the report required under Section 380.410 ~~of this Part~~.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.304 Training Programs

~~The~~ ~~For any year in which funding is available from the Authority for Allocations to new LAAs,~~ ~~the~~ Authority shall periodically provide training programs in areas of the State convenient to potential Applicants. The training shall include a program overview, a description of the requirements for both an LAA and a Developer, a thorough review of the Program Guide and, if applicable, the RFP process. The Authority shall provide reasonable notice of all training programs on its website and by any other means the Authority deems appropriate.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

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Section 380.305 Tenant Rent Contribution

The LAA or Developer must annually establish for each Unit the amount of the Tenant Contribution, based upon the schedule prepared by the Authority. Each Tenant's Tenant Contribution shall be a fixed amount and must be based on the size of the Unit and the Tenant's Income Range. ~~The Authority shall determine Income Ranges and Tenant Contribution schedules annually.~~ A Tenant's Tenant Contribution may increase when the Tenant's lease is renewed, if the Tenant's Annual Income increases or the Authority's Income Ranges and Tenant Contribution schedule changes. ~~The Authority shall analyze the annual~~ Income Ranges ~~and or~~ Tenant Contribution schedule on an annual basis and make adjustments as it deems appropriate~~schedules change~~.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.307 Rent Increases

Upon request from an LAA or a Developer, Agencies may allow an annual increase in the rent for Units, not to exceed the existing rent multiplied by the most recent Annual Adjustment Factor, except as otherwise permitted by Section 380.306(c). Rent increases shall be subject to the availability of funds in Annual Receipts~~an Appropriation~~. In making this determination, the Agency shall review comparable rents in the market area, operating expenses of the building in which the Unit is located, and any other information the Agency deems relevant. Any rent increase shall not increase the Tenant Contribution. If approved, rent increases shall take effect either at the time the lease for the Unit is renewed or, if a lease is not renewed, in the first month Rental Assistance is subsequently provided for a new Tenant for the Unit.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.308 Over-Income Tenants

Upon receipt of a Tenant Income Certification, the Landlord, with the direction and supervision of the LAA, shall verify~~Landlords must recertify~~ the Annual Income of each Tenant prior to the renewal of the Tenant's lease. If the Annual Income of a Tenant exceeds the Extremely Low-Income Household limit as a result of an increase in the Tenant's Annual Income, Rental Assistance shall be terminated no later than 12 months after the date of that increase. ~~If expiration of the increase occurs during the term of an existing~~ Tenant's lease, ~~in effect when the Tenant's Annual Income exceeds~~ the Tenant shall be required to report the increase to the Landlord and the existing lease shall be extended for the period of time necessary to allow the

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~~Tenant the full 12 months of Rental Assistance~~~~Extremely Low-Income Household limit.~~ The Transitional Contribution during this period shall be the amount set forth in the Transitional~~Tenant's Tenant~~ Contribution schedule prepared by the Authority and amended from time to time.~~prior to such increase, plus one half of the difference between the Tenant Contribution and the current rent for the Unit.~~ If a Tenant's Annual Income initially is within the Severely Low-Income Household limit, and increases above that limit, but is still within the Extremely Low-Income Household limit, the LAA shall take all reasonable efforts to ensure that an additional Unit is reserved for a Severely Low-Income Household, if necessary to comply with Section 380.301.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.309 Appeals

- a) All disputes between Landlord and Tenant or prospective Tenant concerning Annual Income or other eligibility requirements shall be initially resolved by the LAA providing Rental Assistance to the Landlord.
- b) If the LAA is unable to resolve the dispute, any of the parties involved may take an appeal to the applicable Agency. In the event of an appeal, all parties shall submit a written statement of their position and all relevant documentation to the applicable Agency. ~~The;~~ the Agency shall make a final decision based on the documentation submitted.
- c) For LTOS Programs, all disputes between a Developer and a Tenant or prospective Tenant concerning Annual Income or other eligibility requirements shall be resolved by the funding Agency, based on written statements of positions and submission of relevant documentation by the Developer and the Tenant.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.310 Rental Preferences for Tenants with Special Needs

An LAA or a Developer may include in its Application a pledge to use its best efforts to make ~~up to 30% of the~~ Units under its Allocation available to Special Needs Households. Notwithstanding the fact that an LAA or a Developer has included such a pledge in its Application, LAAs must require Landlords to rent, and Developers must rent, available Units to the first eligible Tenant, regardless of whether the prospective Tenant is a Special Needs Household. An LAA, a Landlord or a Developer shall not require a Tenant to have a diagnosis

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of a particular illness or the presence of a specific disability as a condition of eligibility for a Unit unless ~~that~~~~such~~ diagnosis or disability is required by another funding source for the Unit or the Project.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART D: ALLOCATIONS TO LOCAL ADMINISTERING AGENCIES

Section 380.401 Request for Proposals

From time to time the Authority shall issue an RFP for Applications from prospective LAAs. The RFP shall include a copy of the Program Guide and an Application form. The period for submitting a response to the initial RFP shall be at least nine months. For each subsequent RFP, the Authority shall allow a minimum of three months to submit a response to the RFP. Each Municipality shall designate an LAA that meets the requirements of ~~Section 380.415 of this Part relating and that adopts a policy statement containing the same requirements for an Application to LAAs~~~~be an LAA, as set forth in Section 380.403 of this Part~~; however, Municipalities are not required to issue RFPs for selecting an LAA. Municipalities may designate an LAA according to procedures set forth in the Municipality Program Guide.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.403 Application Requirements

Each Application to be an LAA shall include the information required by this Section and, in the case of the Authority, any additional information the Authority may require to promote efficient program administration and quality of performance, provided that those requirements are included in the Authority's RFP and are consistent with this Section.

- a) Unit Types: Each Application shall include, but not be limited to, two, three, and four-bedroom Units among those Units proposed for Rental Assistance. Each Applicant shall determine and document the need for and availability of two, three, and four-bedroom Units in its proposed Service Area. The Authority may adjust the number of these larger Units if the information in the Application indicates a greater or lesser need for specific Unit types. All LAAs must make a good faith effort to comply with the final determination of the number of two, three, and four bedroom Units to receive Rental Assistance in the Service Area.
- b) Maximum Number of Units:

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- 1) For buildings containing more than ~~10six~~ Units, the number of Units proposed to receive Rental Assistance for RHS shall not exceed ~~50%30%~~ of the Units in the building. For buildings containing 10 Units or fewer, there shall be no restriction on the number of Units proposed to receive Rental Assistance for RHS.
- 2) For buildings containing 20 or more Permanent Supportive Housing Units, the number of Units proposed to receive Rental Assistance for RHS shall be 100% of the Units in the building.
- c) Rents: Each Application shall include a schedule of rents for the proposed Units, the proposed Tenant Contribution and a rent study. The requirements for the rent study shall be included in the Program Guide.
- d) Required Outreach: As provided in Section 380.302-~~of this Part~~, each Applicant must demonstrate that it has made extensive efforts to establish working relationships with organizations serving populations in need of Rental Assistance, including, without limitation, local non-profit organizations and other entities serving the homeless, disabled, and senior citizens in the Service Area; public housing authorities with jurisdiction in the Service Area; and other organizations within the Service Area having experience in working with Extremely Low-Income Households and Severely Low-Income Households.
- e) Each Applicant must include in its Application a plan for selecting Landlords to participate in the RHS Program.
- f) Preference in Making Allocations: Applications that pledge to make efforts to offer ~~up to 30% of the~~ proposed Units to Special Needs Households, including persons now or imminently at risk of being required to live in institutional settings due to unavailability of suitable housing, shall receive the highest priority for an Allocation. Applications seeking this preference shall include executed written agreements with special needs service providers to refer eligible Households and a pledge to create and maintain procedures for referring the Special Needs Households. Applications shall not include a requirement that a Unit must be occupied by a Tenant having a diagnosis of a particular illness or the presence of a specific disability as a prerequisite for eligibility.

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- g) Plan for Services: Each applicant shall provide its Plan for Services, which shall include a plan for advertising and making available information about the RHS Program to Landlords in its Service Area, a plan for providing information to Tenants on how to gain access to education, training, and other supportive services, and procedures for advertising available Units, and for identifying and referring prospective Tenants to Landlords for those Units.
- h) Financial Procedures: Each Application shall describe in detail the procedures for managing and disbursing the funds to be received through the requested Allocation and for making Reconciliations.
- i) Monitoring Landlords: Each LAA shall describe in detail how it proposes to monitor the performance of Landlords, including, at a minimum, the LAA's procedures for conducting physical inspections of Units, how the LAA will monitor and/or assist with the Landlord's procedures for verifying the Annual Income of Tenants and the Landlord's adherence to its Tenant Selection Plan.
- j) Readiness to Proceed: The Authority may give preference to Applicants who demonstrate a readiness to proceed, should they receive an Allocation. Readiness to proceed may be shown by a list of Households that have been pre-qualified to be Tenants, letters of intent from Landlords who own rental Units, or other factors, provided that the other factors are listed in the RFP. Letters of intent should include a certification from the Landlord that he/she is the owner of the rental Unit; the address of, the proposed rent for, and the number of bedrooms in, the Unit; a statement as to whether the Unit is accessible to disabled individuals or is adaptable so that it can be made accessible to disabled individuals; a statement that he/she will make the Unit available to eligible Households when funding is made available under the RHS Program; the signature of the owner; an executed acknowledgement by an authorized signatory of the Applicant; and other information as the Authority may require in the RFP.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.406 Administration of Allocations

- a) Commitment: Each LAA shall enter into a Commitment with the Agency that is providing its Allocation. ~~The;~~ the Allocation may be less than the amount requested in the Application. The term of Commitments may be one, two or three

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years, subject to the availability of funds from Annual Receipts~~an Appropriation~~ or a Fund Distribution, and may be renewed.

- b) Record Retention: Each LAA shall maintain records in connection with all Units receiving Rental Assistance under the LAA's Commitment for five years after the date of termination of the Commitment.
- c) Agency Monitoring: Each Agency shall have the right to monitor all records of LAAs relating to the administration of the Allocation granted by the Agency. Each Agency may perform its own physical inspection of Units in addition to the physical inspections that the LAA is required to perform. Each LAA shall make all records relating to its Commitment available for inspection by the funding Agency upon the Agency's request. The required documentation may include a copy of the LAA's response to the RFP, if applicable; all physical inspection records; occupancy records for all Units; a description of all outreach efforts made by the LAA; records of payments or Rental Assistance to Landlords and Reconciliation payments made to the Agency; copies of contracts with Landlords, the Agency and, where applicable, sub-contractors; documentation of the LAA's administrative expenses; and any other documentation required by the Agency.
- d) Tenant Income Certifications: Each LAA shall obtain, maintain, and forward to the Agency copies of annual Tenant Income Certifications for all Tenants benefiting from Rental Assistance from the LAA.
- e) Landlord Procedures: Each LAA shall be responsible for monitoring the Landlord's compliance with its Tenant Selection Plan and the Landlord's performance under any agreement between the LAA and the Landlord~~in certifying and recertifying Tenants' Annual Income, including verification of all family income and assets, family characteristics and other factors that may affect a Tenant's eligibility or level of assistance.~~

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.407 Inspection Requirements

Before releasing Rental Assistance funds for a Unit, the LAA or its agent shall inspect the Unit and the common areas and grounds of the building in which the Unit is located, and shall certify that the Unit and the common areas and grounds of the building comply with Housing Quality Standards. LAAs shall also make inspections of all Units, together with the common areas and

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grounds of the Unit's building, at least bi-annually. In other years, LAAs shall inspect a sampling of Units to visually observe the physical condition of the Units, including appliances, doors, locks, and smoke detectors and other health and safety items. In other years, if a Landlord receives Rental Assistance for fewer than three Units, the LAA shall perform a visual inspection of all Units; but if a Landlord is receiving Rental Assistance for three or more Units, the LAA may inspect a sample of these Units in each building in which the Units are located, but no fewer than three Units in each building. An Agency may decide to conduct inspections of Units itself, in the manner set forth in this Section. If an LAA or an Agency determines that one or more Units do not satisfy the Housing Quality Standards, it shall give the Landlord of the Unit or Units a period not to exceed 30 days in which to correct the deficiencies discovered in the inspection. ~~However, provided, however, that~~ if the deficiency is in an occupied Unit and poses a serious threat to the health and safety of the Tenant, the deficiency must be corrected within 72 hours.

- a) Examples of conditions that are considered to pose a serious threat to the health and safety of the Tenant include, but are not limited to, the following:~~If the deficiency is not corrected within such 72 hour period, the LAA shall use its best efforts to find a replacement Unit for the Tenant.~~
- 1) detection of propane, natural gas and/or methane gas;
 - 2) exposed electrical wires and/or open electrical panels;
 - 3) water leaks on or near electrical equipment;
 - 4) blocked emergency and/or fire exits;
 - 5) unusable fire escapes;
 - 6) blocked egress and/or ladders;
 - 7) any carbon monoxide hazard connected with, but not limited to, gas and/or oil fired units and/or missing or misaligned chimneys; and
 - 8) any and all other conditions the Authority finds to be a health or safety threat.
- b) If the deficiency is not corrected within the 72 hour period, or the 30-day period if the LAA determines that the deficiencies are serious enough to merit relocation, the LAA shall use its best efforts to find a replacement Unit for the Tenant. If a

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replacement Unit is found, the lease for the deficient Unit shall be terminated and the Tenant shall be relocated to the replacement Unit and shall enter in to a new lease.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.408 Selection of Landlords

- a) An LAA shall select Landlords to participate in the RHS Program in accordance with its plan for selecting Landlords.
- b) An LAA may select as a Landlord a fully- or partially-owned subsidiary of the LAA only if it provides for an independent third party acceptable to the Authority to perform the inspection of Units required under Section 380.407 ~~of this Part~~, at its own cost. If the LAA acts as a Landlord, it must supply to the Authority the certifications required ~~by~~ Sections 380.501~~502~~, 380.502~~503~~ and 380.504~~506~~.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.409 Contracts with Landlords

LAA's shall enter into a payment contract with each Landlord for all Units for which the Landlord has been approved~~wants~~ to receive Rental Housing Assistance. The contract shall provide that the LAA will make quarterly Rental Assistance payments to Landlords in advance. The contract shall identify the Landlord and LAA; have a term not less than one year and not greater than three years; identify the Units to receive Rental Assistance by address and Unit type; set forth the rent to be charged for each Unit, which shall not be greater than the Maximum Rent unless otherwise approved by the Authority pursuant to Section 380.306(c); and require that the Landlord abide by the requirements of the RHS Program. The contract shall also provide that the Landlord is responsible for determining the family size, ~~obtaining and Annual Income of each~~ Tenant Income Certifications, and reporting this information to the LAA. ~~The, but that the Landlord, with the direction and supervision of the LAA, shall verify the Tenant's income and assets. The assist the Landlord in determining the Annual Income of each prospective Tenant; and that the~~ Landlord shall not reveal any information in connection with the prospective Tenant's Annual Income except to the LAA, the applicable Agency or as otherwise required by law.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.410 Reporting Requirements

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- a) ~~At Each LAA shall provide reports to its funding Agency, on forms provided by the Agency, at~~ the end of each quarter of the term of its Commitment, each LAA shall prepare and provide to its Landlords a certification form that contains the following information:
- 1) a list of all Units. ~~The report shall identify each Unit that are~~is receiving Rental Assistance;
 - 2) the date of payment of Rental Assistance; ~~and shall state~~
 - 3) the amount of Rental Assistance; ~~received from the Agency for each Unit;~~
 - 4) the months for which Rental Assistance was paid ~~amount paid to each Landlord for Rental Assistance, including any adjustments made in accordance with Section 380.411 of this Part; the Tenant Contribution for each Unit; any vacancies, including the full rent of each vacant Unit; a statement of the extent to which the LAA was successful in meeting the preference goals set forth in the LAA's Application; and~~
 - 5) such other information as the Authority ~~Agency~~ may require.
- b) The Landlord shall sign and return the certification form to the LAA within the number of days specified in the form. If a Landlord disputes any of the information contained in the certification form, the Landlord shall set forth in writing the details of the information that it believes are erroneous and return the form to the LAA within the time specified in the form. The dispute ~~LAA shall be resolved in the manner described in the Program Guide~~ provide all new and updated Tenant Income Certifications along with its report.
- c) Once a Landlord has signed and returned the certification form, the LAA shall forward the certification form to the Authority.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.411 Reconciliations

Each LAA shall perform a Reconciliation every quarter ~~six months~~ during the term of its Commitment and, if the Reconciliation indicates that the LAA has received funds in excess of

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the amount required for Rental Assistance payments, the LAA shall return all excess funds to its funding Agency within 30 days. However,; ~~provided, however, that~~ an LAA created by a Municipality must use the excess funds to provide Rental Assistance for additional Units. The funding Agency may reduce the amount of subsequent quarterly payments to the LAA under the Commitment to offset Reconciliation amounts owing to, but not forwarded to, the Agency.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.412 Funding of Allocations

During the term of each Commitment with an LAA, the Agencies shall provide funds to LAAs in quarterly installments. An Agency shall increase the amount of an LAA's Allocation if the Agency has approved an annual rent increase for occupied Units, provided that the rent for each Unit, including the Rental Assistance, does not exceed the Maximum Rent for each Unit and funding is available from the Annual Receipts ~~an Appropriation~~.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.413 Revocation/Non-Renewal ~~Renewal~~ of Commitments

- a) LAAs may apply for a renewal of their Commitments, which shall be granted at the discretion of the applicable Agency, subject to the restrictions set forth in this Section. Agencies shall review the performance of each LAA at the end of the LAA's Commitment term. Agencies shall only renew the Commitments of those LAAs that have satisfactorily performed their obligations under their Commitments, as determined by the Agency. The performance review shall include, without limitation, the LAA's compliance with requirements for Tenant eligibility, Tenant Contribution, and rent charged for the Units; the number of two, three, and four bedroom Units included among the Units receiving Rental Assistance; the adequacy, frequency, and sufficiency of inspections of Units; the proper and timely submission of quarterly landlord certifications ~~reports~~ and Reconciliations; the LAA's compliance with its Plan for Services ~~service plan~~ and its outreach plan, including outreach activities conducted by the LAA within and around the LAA's Service Area; the LAA's compliance with its selection plan for Landlords; the implementation of the LAA's pledge to offer Rental Assistance for Units for Special Needs Households, if applicable; the LAA's responsiveness in addressing concerns about the LAA's performance under its Commitment; and proper documentation of the LAA's operating expenses and other program requirements.

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- b) If an LAA does not wish to renew its Commitment or the Agency does not renew the Commitment of an LAA, the Agency shall seek another LAA to provide Rental Assistance for Units receiving Rental Assistance under the un-renewed~~unrenewed~~ Commitment. The Agency may offer a temporary Commitment to an LAA working in the same Service Area, and if the substitute LAA's performance is satisfactory, may extend the temporary Commitment for a period not to exceed three years. If the Agency is unable to find a replacement LAA, the Agency shall give 90 days notice to the Tenants and Landlords of its intention to terminate Rental Assistance for the Units, and shall reallocate the Rental Assistance funds for these Units.
- c) If an LAA~~In the event an Agency~~ does not perform in accordance with the provisions of its~~renew an LAA~~ Commitment with an Agency, as determined upon review by the Agency, the Agency may revoke the Commitment prior~~due~~ to its expiration. In determining whether a Developer has adequately performed under its Commitment, the Agency shall review the~~poor~~ performance factors outlined in subsection (a).;
- d) Prior to the revocation/non-renewal, the Agency shall inform the LAA in writing of the reasons for the revocation/non-renewal. The written notification of revocation/non-renewal shall also indicate that the LAA will have 30 days to submit a written appeal to the Agency. The LAA's appeal shall be addressed to the Agency General Counsel and shall include a written statement of the LAA's position, including, without limitation, responses to any allegations of poor performance, along with all relevant supporting documentation. The Agency will review and make a final decision as to the revocation/non-renewal~~renewal~~ of the Commitment within 30 days after receiving the written appeal. Commitments not renewed due to lack of funding are not subject to appeal.
- e) If the Agency determines to revoke or not renew a Commitment, a final Reconciliation shall be performed and any amount due to the Agency by the LAA shall be paid within 10 days. If the LAA fails to pay that amount to the Agency, the Agency shall have the right to exercise any remedies available to it at law or in equity in order to recover that amount from the LAA.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART E: LANDLORD RESPONSIBILITIES

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Section 380.501 Income Eligibility and Verification

Upon receipt of a Tenant Income Certification, the Landlord, with the direction and supervision of the LAA, Landlords shall verify the Annual Income of each prospective Tenant prior to occupancy of a Unit and thereafter prior to lease renewal, using the Tenant Income Certification form prescribed by the Agency. All Landlords shall verify all Household income and assets shall be verified; following ~~the rules and requirements provided by the Authority, as set forth in~~ this Part.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.502 Record Submission and Retention

- a) Landlords shall maintain monthly records of the Tenant Contribution and Rental Assistance payments received for each Unit, including Unit vacancies, ~~for the term of the lease plus three years from the date of termination of the lease.~~ Landlords shall submit copies of these records to the LAA at least quarterly, unless the contract between the Landlord and the LAA requires more frequent submittals. Landlords shall also submit the quarterly certification forms described in Section 380.410.
- b) Copies of all records described in this Section shall be retained by Landlords for the term of the lease plus three years from the date of termination of the lease.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.505 Compliance with Federal, State and Local Law

Landlords~~The Landlord~~ must certify to the LAA, in the form provided by the Agency, that the lease for each Unit receiving Rental Assistance does not violate federal, State or~~and~~ local law or this Part.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.507 Reconciliations

Landlords shall make Reconciliations to their funding LAAs quarterly~~at least every six months.~~

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(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.508 Property Insurance

Landlords shall maintain property insurance for any building that contains a Unit receiving Rental Assistance.

(Source: Added at 45 Ill. Reg. _____, effective _____)

**SUBPART F: LONG-TERM OPERATING
SUPPORT (LTOS) PROGRAM REQUIREMENTS****Section 380.601 Allocations**

Agencies shall reserve at least 10% of each year's Annual Receipts~~Appropriation~~ or Fund Distribution, as applicable, for LTOS Allocations. Agencies are not required to spend those funds in the year reserved, but may combine these funds with the reserved amounts from past or subsequent years; ~~provided, however, that such funds must be used within three years after their Appropriation or Fund Distribution.~~ A Municipality may delegate its responsibilities as an agency under this Subpart F to establish and administer an LTOS Program to its designated LAA.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.605 Application Requirements

- a) Applicants shall specify the number of Units for which they are requesting an Allocation. For ~~supportive housing~~ Projects containing more than 25~~16~~ Units, ~~and for all other Projects containing more than six~~ Units, the number of Units proposed to receive Rental Assistance shall not exceed 30% of the Units in the Project. For Projects containing 25 Units or fewer, there shall be no restriction on the number of Units proposed to receive Rental Assistance. For Projects containing more than 25 Permanent Supportive Housing Units, the number of Units proposed to receive Rental Assistance shall be 100% of the Units in the Project.
- b) Developers shall specify in their Applications how vacancies in Units will be advertised and shall include in their Application provisions for outreach to local

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homeless shelters, organizations that work with Special Needs Households, and others interested in affordable housing.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.607 Waiver

An Agency may waive any LTOS Program requirements only when special circumstances exist ~~and in furtherance under which the Application of those requirements would hinder~~ the purpose of the LTOS Program to increase the supply of affordable rental housing, as permitted by the RHS Program Act.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.608 Commitments

- a) Upon the approval of a Project under the LTOS Program, the Agency shall enter into a Commitment with the Developer. The term of the Commitment may be for a maximum of 15 years, provided, however, that Agencies may provide long-term financing to Developers for a period not to exceed 30 years. The Commitment shall also be subject to the Agency's annual review of the Developer's performance under the Commitment, and may be revoked in the event of clearly unsatisfactory performance. Except in the case of long-term financing, the Commitment shall contain a provision that continued funding of the Allocation shall be conditioned on receipt of sufficient Annual Receipts ~~Appropriations~~ for the RHS Program.
- b) Except in the case of long-term financing, during the term of each Commitment the Agency shall provide regular funding for Units in the Project, but not more frequently than in quarterly installments each year.
- c) Except in the case of long-term financing, the Agency shall provide increased funding if the Agency has approved an annual rent increase for occupied Units in accordance with Section 380.307 ~~of this Part~~, provided that the rent for each Unit, including the funds for Rental Assistance, does not exceed the Maximum Rent for each Unit, except as provided in Section 308.306(c), and funding is available from the Annual Receipts ~~an Appropriation~~.

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- d) ~~The~~In the case of long term financing, the Developer will be required to enter into a regulatory agreement with the applicable Agency pursuant to which, among other requirements, it will agree to rent a set number of Units to Households who meet the income qualifications for the RHS Program.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.610 Over-Income Tenants

- a) Developers must recertify the Annual Income of each Tenant prior to the renewal of the Tenant's lease. If the Annual Income of a Tenant exceeds the Extremely Low-Income Household limit as a result of an increase in the Tenant's Annual Income, Rental Assistance shall be terminated no later than 12 months after the date of that increase. ~~If expiration of the increase occurs during the term of an existing Tenant's lease, in effect when the Tenant's Annual Income exceeds the~~ Tenant shall be required to report the increase to the Developer and the existing lease shall be extended for the period of time necessary to allow the Tenant the full 12 months of Rental Assistance~~Extremely Low Income Household limit~~. The Transitional Contribution during this period shall be the amount set forth in the Transitional~~Tenant's Tenant~~ Contribution schedule prepared by the Authority~~prior to such increase plus one half of the difference between the Tenant Contribution and the current rent for the Unit~~.
- b) If a Tenant's Annual Income initially is within the Severely Low-Income Household limit, and increases above that limit but is still within the Extremely Low-Income Household limit, the Developer shall take all reasonable efforts to ensure that an additional Unit is reserved for a Severely Low-Income Household, if necessary to comply with Section 380.301.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.611 Leases

Developers must enter into a written lease with each Tenant having a term of no less than 12 months. The lease shall contain a Rental Assistance Rider. The lease shall indicate which party is responsible for paying the utilities. Developers shall provide each Tenant and the funding Agency~~LAA~~ with a copy of the lease.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

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Section 380.613 Housing Quality Standards

- a) Prior to the initial occupancy of a Project, the applicable Agency shall inspect the Project to determine whether the Project satisfies the Housing Quality Standards. If the Project does not satisfy the Housing Quality Standards, the Agency shall not provide an Allocation for the Project until all deficiencies have been removed to the satisfaction of the Agency.
- b) During the period in which the Developer is receiving funding under the LTOS Program or, in the case of long-term financing, during the term of ~~that~~^{such} long-term financing, the Project must continue to meet the Housing Quality Standards. Agencies shall make annual inspections of the Units in each Project, as provided in Section 380.407 ~~of this Part~~.
- c) If an Agency determines that one or more Units do not satisfy the Housing Quality Standards, it shall give the Developer a period not to exceed 30 days in which to correct the deficiencies discovered in the inspection. ~~However,~~[;] ~~provided, however, that~~ if the deficiency is in an occupied Unit and poses a serious threat to the health and safety of the Tenant, the deficiency must be corrected within 72 hours. Examples of conditions that are considered to pose a serious threat to the health and safety of the Tenant include, but are not limited to, the following:
 - 1) detection of propane, natural gas and/or methane gas;
 - 2) exposed electrical wires and/or open electrical panels;
 - 3) water leaks on or near electrical equipment;
 - 4) blocked emergency and/or fire exits;
 - 5) unusable fire escapes;
 - 6) blocked egress and/or ladders;
 - 7) any carbon monoxide hazard connected with, but not limited to, gas and/or oil fired units and/or missing or misaligned chimneys; and

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- 8) any and all other conditions the Authority finds to be a health or safety threat.
- d) If the deficiency is not corrected within the 72 hour period, or the 30-day period if the Developer determines that the deficiencies are serious enough to merit relocation, the Developer shall use its best efforts to find a replacement Unit for the Tenant. If a replacement Unit is found, the lease for the deficient Unit shall be terminated and the Tenant shall be relocated to the replacement Unit and shall enter into a new lease.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.615 Reconciliations

Each Developer shall, every ~~quarter~~six months during the term of its Commitment, perform a Reconciliation and, if the Reconciliation indicates that the Developer has received funds in excess of the amount required for Rental Assistance payments, the Developer shall return all excess funds to its funding Agency within 30 days. The funding Agency may reduce the amount of subsequent quarterly payments to the Developer under the Commitment to offset Reconciliation amounts owing to, but not forwarded to, the Agency.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.616 Reporting Requirements

Each Developer shall provide reports to its funding Agency, on forms provided by the Agency, at the end of each quarter of the term of its Commitment. The report shall identify each Unit that is receiving Rental Assistance and shall state the amount of Rental Assistance received from the Agency for each Unit; the Tenant Contribution for each Unit; ~~and~~ any vacancies, including the rent of each vacant Unit; and any other information required by the Agency. The Developer shall provide all new and updated Tenant Income Certifications along with its report.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 380.617 Property Insurance~~Agency Monitoring~~

Developers shall maintain property insurance for any building that contains a Unit receiving Rental Assistance containing such terms, and in such amounts, as specified by the Authority in

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its Program Guide. Proof of insurance shall be provided by Developers as required by the Program Guide.

(Source: Former Section 380.617 renumbered to Section 380.618; new Section 380.617 added at 45 Ill. Reg. _____, effective _____)

Section ~~380.618~~380.617 Agency Monitoring

Each Agency shall have the right to monitor all records of Developers relating to the administration of Allocations granted by the Agency. Developers shall make all records relating to its Commitment available for inspection by the funding Agency upon the Agency's request. The records for review may include, without limitation, a copy of the Developer's response to the RFP, if applicable; all physical inspection records; occupancy records for all Units; a description of all outreach efforts; Reconciliation payments to the Agency; and any other documentation required by the Agency.

(Source: Former Section 380.617 renumbered to Section 380.619; former Section 380.617 renumbered to Section 380.618 at 45 Ill. Reg. _____, effective _____)

Section 380.619 Revocation/Non-Renewal of Commitments~~380.618~~ ~~Continuing Eligibility Requirements~~

- a) If a Developer does not perform in accordance with the provisions of its Commitment with an Agency, as determined upon review by the Agency, the Agency shall revoke the Commitment prior to its expiration, or determine not renew the Commitment. In determining whether a Developer has adequately performed under its Commitment, the Agency may review, without limitation, the Developer's compliance with Authority requirements for Tenant eligibility, Tenant Contribution, and rent charged for the Units; the compliance of the Project with the Housing Quality Standards; responsiveness to the Agency, including, without limitation, all reporting requirements; the Developer's compliance with the Project's Tenant Selection Plan; and outreach activities conducted by the Developer within and surrounding the area in which the Project is located, where applicable. In the case of long-term financing, if the Developer does not perform in accordance with the requirements of the regulatory agreement with the Agency required under Section 380.608(d), the Agency shall have the right to recapture all or part of the Rental Assistance for the Project if the Developer is unable to correct any material violations of the regulatory agreement within a reasonable period of time.

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- b) Prior to the revocation or non-renewal, the Agency shall inform the Developer in writing of the reasons for the revocation/non-renewal. The written notification of revocation/non-renewal shall also indicate that the Developer will have 30 days to submit a written appeal to the Agency. The Developer's appeal shall be addressed to the Agency General Counsel and shall include a written statement of the Developer's position, including, without limitation, responses to any allegations of poor performance, along with all relevant supporting documentation. The Agency shall review and make a final decision as to the revocation/non-renewal of the Commitment within 30 days after receiving the written appeal.
- c) If the Agency determines to revoke or not renew a Commitment, a final Reconciliation shall be performed and any amount due to the Agency by the Developer shall be paid within 10 days. If the Developer fails to pay that amount to the Agency, the Agency shall have the right to exercise any remedies available to it at law or in equity in order to recover the amount from the Developer.

(Source: Section 380.619 renumbered from Section 380.618 and amended at 45 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
121.64	Amendment
- 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: The changes in this rulemaking are the result of Consolidated Appropriations Act 2021 and are required by Food and Nutrition Service regulations. This rulemaking restores the Maximum Monthly SNAP Allotments for all SNAP units and the minimum monthly allotment for 1-2 persons to the FY 2020 figures.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace any emergency rule 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 Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.31	Amendment	44 Ill. Reg. 19663; December 28, 2020
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this 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:

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Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 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) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent regulatory agendas because the need for it was unanticipated.

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

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

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

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 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Supplemental Nutrition Assistance Program (SNAP) Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or SNAP Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses for SNAP Benefits
- 121.97 Supplemental Payments
- 121.98 Client Training Brochure for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.117 Farmers' Market Technology Improvement Program
- 121.120 Redetermination of Eligibility
- 121.125 Simplified Reporting
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.136 Food and Nutrition Act of 2008
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

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SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

- 121.160 Participation in Voluntary SNAP Employment and Training (SNAP E&T)
- 121.162 Program Requirements
- 121.163 Vocational Training
- 121.164 Orientation (Repealed)
- 121.165 Community Workfare
- 121.166 Assessment and Employability Plan (Repealed)
- 121.167 Counseling/Prevention Services (Repealed)
- 121.170 Supervised Job Search Activity
- 121.172 Basic Education Activity
- 121.174 Job Readiness Activity
- 121.176 Work Experience Activity
- 121.177 Illinois Works Component (Repealed)
- 121.178 Job Training Component (Repealed)
- 121.179 JTPA Employability Services Component (Repealed)
- 121.180 Grant Diversion Component (Repealed)
- 121.182 Earnfare Activity
- 121.184 Sanctions for Non-cooperation with Food Stamp Employment and Training (Repealed)
- 121.186 Good Cause for Failure to Cooperate (Repealed)
- 121.188 Supportive Services
- 121.190 Conciliation (Repealed)
- 121.200 Types of Claims (Recodified)
- 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
- 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
- 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)
- 121.206 Determination of Monthly Allotment Reductions (Recodified)
- 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
- 121.208 Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

- 121.220 Work Requirement Components (Repealed)

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- 121.221 Meeting the Work Requirement with the Earnfare Component (Repealed)
- 121.222 Volunteer Community Work Component (Repealed)
- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 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].

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

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8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with 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

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August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; 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; peremptory 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; peremptory 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; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory 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;

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amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective 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; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; preemptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; preemptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 4475, effective January 29, 2014; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014; preemptory amendment at 38 Ill. Reg. 19831, effective October 1, 2014; amended at 39 Ill. Reg. 6470, effective April 22, 2015; preemptory amendment at 39 Ill. Reg. 13513, effective October 1, 2015; amended at 39 Ill. Reg. 15577, effective December 1, 2015; amended at 40 Ill. Reg. 360, effective January 1, 2016; preemptory amendment at 40 Ill. Reg. 14114, effective October 1, 2016; preemptory amendment at 41 Ill. Reg. 12905, effective October 1, 2017; amended at 42 Ill. Reg. 8310, effective May 4, 2018; amended at 42 Ill. Reg. 8505, effective May 8, 2018; preemptory amendment at 42 Ill. Reg. 18531, effective October 1, 2018; amended at 43 Ill. Reg. 360, effective December 20, 2018; preemptory amendment at 43 Ill. Reg. 11035, effective October 1, 2019; emergency amendment at 43 Ill. Reg. 11718, effective October 1, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days; emergency expired February 27, 2020; emergency amendment at 43 Ill. Reg. 14449, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3265, effective February 5, 2020; amended at 44 Ill. Reg. 5348, effective

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March 11, 2020; amended at 44 Ill. Reg. 6984, effective April 16, 2020; amended at 44 Ill. Reg. 9944, effective May 20, 2020; preemptory amendment at 44 Ill. Reg. 16551, effective October 1, 2020; amended at 44 Ill. Reg. 19892, effective December 14, 2020; preemptory amendment at 45 Ill. Reg. 2154, effective January 29, 2021; amended at 45 Ill. Reg. _____, effective _____.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.64 Supplemental Nutrition Assistance Program (SNAP) Benefit Amount

- a) The monthly Supplemental Nutrition Assistance Program (SNAP) benefit amount is determined by subtracting 30% of the adjusted net monthly income from the maximum monthly SNAP benefit amount.
- b) Maximum Monthly SNAP Benefit Amount:

Household Size	Amount
1	\$ 204 <u>234</u>
2	\$ 374 <u>430</u>
3	\$ 535 <u>616</u>
4	\$ 680 <u>782</u>
5	\$ 807 <u>929</u>
6	\$ 969 <u>1,114</u>
7	\$ 1,071 <u>1,232</u>
8	\$ 1,224 <u>1,408</u>
Each additional member	\$ 153 <u>176</u>

- c) All one and two-person households will receive a minimum monthly food stamp benefit amount of \$~~16~~19.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Number: 130.2081 Proposed Action:
New Section
- 4) Statutory Authority: 35 ILCS 120/12
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking adds a new Section 130.2081, Tax-Free Purchases by Exempt Entities and their Employees and Representatives, and Documenting Sales to Exempt Entities, their Employees and Representatives. It provides rules for tax exempt entities to make tax-exempt purchases of tangible personal property in furtherance of the organizational goals of the tax-exempt entities. The rulemaking also provides rules for employees and representatives of tax exempt entities that wish to make tax-exempt purchases of tangible personal property in furtherance of the organizational goals of the tax-exempt entities using their own funds and paying by cash, personal check, credit card, or debit card.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Richard S. Wolters
Illinois Department of Revenue

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Legal Services Office
101 West Jefferson
Springfield IL 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses making tax exempt sales to tax exempt organizations and their representatives, including teachers of educational institutions, are affected by the proposed rule.
 - B) Reporting, bookkeeping or other procedures required for compliance: Simple bookkeeping and accounting.
 - C) Types of professional skills necessary for compliance: Simple accounting and computer skills.
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
44-45 Retail Trade
 - B) Categories that the Agency reasonably believes the rulemaking will impact, including:
 - ii. regulatory requirements;
 - iii. record keeping;
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2021

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 130
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section

130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section

130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section

130.305	Farm Machinery and Equipment
130.310	Food, Soft Drinks and Candy
130.311	Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in Flights Engaged in Foreign Trade or Engaged in Trade Between the United States and any of its Possessions
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment

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130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines
130.335	Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled Devices
130.340	Rolling Stock
130.341	Commercial Distribution Fee Sales Tax Exemption
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351	Aggregate Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section	
130.401	Meaning of Gross Receipts
130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410	Cost of Doing Business Not Deductible
130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges – Penalties – Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section	
130.501	Monthly Tax Returns – When Due – Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns
130.515	First Return
130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration – Separate

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	Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments (Repealed)
130.605	Sales of Property Originating in Illinois; Questions of Interstate Commerce
130.610	Sales of Property Originating in Other States (Repealed)

SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
130.730	Replacement of Certificate
130.735	Certificate Not Transferable
130.740	Certificate Required For Mobile Vending Units
130.745	Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section	
130.801	Books and Records – General Requirements
130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records

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- 130.820 Preservation of Books During Pendency of Assessment Proceedings
130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

- Section
130.901 Civil Penalties
130.905 Interest
130.910 Criminal Penalties
130.915 Criminal Investigations

SUBPART J: BINDING OPINIONS

- Section
130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

- Section
130.1101 Definition of Federal Area
130.1105 When Deliveries on Federal Areas Are Taxable
130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

- Section
130.1201 General Information
130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

- Section
130.1301 When Lessee of Premises Must File Return for Leased Department
130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

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SUBPART N: SALES FOR RESALE

Section

- 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
- 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
- 130.1410 Requirements for Certificates of Resale (Repealed)
- 130.1415 Resale Number – When Required and How Obtained
- 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

- 130.1501 Claims for Credit – Limitations – Procedure
- 130.1505 Disposition of Credit Memoranda by Holders Thereof
- 130.1510 Refunds
- 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
- 130.1810 Filing of Papers by Agent Under Power of Attorney

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SUBPART S: SPECIFIC APPLICATIONS

Section

130.1901	Addition Agents to Plating Baths
130.1905	Agricultural Producers
130.1910	Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
130.1915	Auctioneers and Agents
130.1920	Barbers and Beauty Shop Operators
130.1925	Blacksmiths
130.1930	Chiropodists, Osteopaths and Chiropractors
130.1934	Community Water Supply
130.1935	Computer Software
130.1940	Construction Contractors and Real Estate Developers
130.1945	Co-operative Associations
130.1946	Tangible Personal Property Used or Consumed in Graphic Arts Production within Enterprise Zones Located in a County of more than 4,000 Persons and less than 45,000 Persons
130.1947	Tangible Personal Property Used or Consumed in the Process of Manufacturing and Assembly within Enterprise Zones or by High Impact Businesses
130.1948	Tangible Personal Property Used or Consumed in the Operation of Pollution Control Facilities Located within Enterprises Zones
130.1949	Sales of Building Materials Incorporated into the South Suburban Airport
130.1950	Sales of Building Materials Incorporated into the Illiana Expressway
130.1951	Sales of Building Materials Incorporated into Real Estate within Enterprise Zones
130.1952	Sales of Building Materials to a High Impact Business
130.1953	Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
130.1954	Sales of Building Materials Incorporated into Real Estate within River Edge Redevelopment Zones
130.1955	Farm Chemicals
130.1956	Dentists
130.1957	Tangible Personal Property Used in the Construction or Operation of Data Centers
130.1960	Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
130.1965	Florists and Nurserymen
130.1970	Hatcheries
130.1971	Sellers of Pets and the Like

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- 130.1975 Operators of Games of Chance and Their Suppliers
- 130.1980 Optometrists and Opticians
- 130.1985 Pawnbrokers
- 130.1990 Peddlers, Hawkers and Itinerant Vendors
- 130.1995 Personalizing Tangible Personal Property
- 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
- 130.2004 Sales to Nonprofit Arts or Cultural Organizations
- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
- 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
- 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
- 130.2013 Persons in the Business of Both Renting and Selling Tangible Personal Property – Tax Liabilities, Credit
- 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
- 130.2020 Physicians and Surgeons
- 130.2025 Picture-Framers
- 130.2030 Public Amusement Places
- 130.2035 Registered Pharmacists and Druggists
- 130.2040 Retailers of Clothing
- 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
- 130.2050 Sales and Gifts By Employers to Employees
- 130.2055 Sales by Governmental Bodies
- 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
- 130.2065 Sales of Automobiles for Use In Demonstration (Repealed)
- 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
- 130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
- 130.2076 Sales to Purchasers Performing Contracts with Governmental Bodies
- 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
- 130.2081 [Tax-Free Purchases By Exempt Entities, Their Employees and Representatives, and Documenting Sales to Exempt Entities, Their Employees and Representatives](#)

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130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and Special Order Items
130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
130.2125	Discount Coupons, Gift Situations, Trading Stamps, Automobile Rebates and Dealer Incentives
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Tax Liability of Sign Vendors
130.2156	Vendors of Steam
130.2160	Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165	Veterinarians
130.2170	Warehousemen

SUBPART T: DIRECT PAYMENT PROGRAM

Section

130.2500	Direct Payment Program
130.2505	Qualifying Transactions, Non-transferability of Permit
130.2510	Permit Holder's Payment of Tax
130.2515	Application for Permit
130.2520	Qualification Process and Requirements
130.2525	Application Review
130.2530	Recordkeeping Requirements
130.2535	Revocation and Withdrawal
130.ILLUSTRATION A	Examples of Tax Exemption Cards
130.ILLUSTRATION B	Example of Notice of Revocation of Certificate of Registration
130.ILLUSTRATION C	Food Flow Chart

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AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Department of Revenue Law [20 ILCS 2505].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg.

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9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935,

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effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011; amended at 36 Ill. Reg. 6662, effective April 12, 2012; amended at 38 Ill. Reg. 12909, effective June 9, 2014; amended at 38 Ill. Reg. 17060, effective July 25, 2014; amended at 38 Ill. Reg. 17421, effective July 31, 2014; amended at 38 Ill. Reg. 17756, effective August 6, 2014; amended at 38 Ill. Reg. 19998, effective October 1, 2014; amended at 39 Ill. Reg. 1793, effective January 12, 2015; amended at 39 Ill. Reg. 12597, effective August 26, 2015; amended at 39 Ill. Reg. 14616, effective October 22, 2015; amended at 40 Ill. Reg. 6130, effective April 1, 2016; amended at 40 Ill. Reg. 13448, effective September 9, 2016; amended at 41 Ill. Reg. 10721, effective August 1, 2017; amended at 42 Ill. Reg. 2850, effective January 26, 2018; amended at 43 Ill. Reg. 4201, effective March 20, 2019; amended at 43 Ill. Reg. 5069, effective April 17, 2019; amended at 43 Ill. Reg. 8865, effective July 30, 2019; emergency amendment at 43 Ill. Reg. 9841, effective August 21, 2019, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 552, effective December 27, 2019, for a maximum of 150 days; emergency expired May 24, 2020; emergency amendment at 44 Ill. Reg. 2055, effective January 13, 2020, for a maximum of 180 days; amended at 44 Ill. Reg. 5392, effective March 16, 2020; amended at 44 Ill. Reg. 10981, effective June 10, 2020; amended at 44 Ill. Reg. 13975, effective August 11, 2020; amended at 45 Ill. Reg. 352, effective December 21, 2020; amended at 45 Ill. Reg. _____, effective _____.

SUBPART S: SPECIFIC APPLICATIONS

Section 130.2081 Tax-Free Purchases By Exempt Entities, Their Employees and Representatives, and Documenting Sales to Exempt Entities, Their Employees and Representatives

- a) Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Retailers' Occupation Tax Act:
- 1) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the

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Department [35 ILCS 120/2-5(11)]. See 86 Ill. Adm. Code 130.120(h) and 86 Ill. Adm. Code 130.2007.

- 2) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department [35 ILCS 120/2-5(36)]. See 86 Ill. Adm. Code 130.120(mm) and 86 Ill. Adm. Code 130.2011.
 - 3) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department [35 ILCS 120/2-5(29)]. See 86 Ill. Adm. Code 130.120(nn) and 86 Ill. Adm. Code 130.2012.
 - 4) Sales of materials to construction contractors for incorporation into real estate owned by exclusively charitable, religious or educational institutions or organizations, or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which is organized and operated primarily for the recreation of persons 55 years of age or older, or for incorporation into real estate owned by governmental bodies. See 86 Ill. Adm. Code 130.2075.
- b) Exempt Entities. Entities must have an active exemption identification number (E-number) in order to make tax-free purchases. See 86 Ill. Adm. Code 130.2007.
- 1) If an entity does not have an active E-number at the time of purchase, then its purchases are subject to tax. Entities that have applied to the Department but have not yet received an E-number from the Department cannot make purchases tax free. An exempt entity cannot provide a retailer an active E-number for purchases that were made before the Department issued the E-number.

EXAMPLE: The local boys and girls club applied to the Department for an E-number. The club purchased tumbling equipment for its members before it received its E-number. When the club received the E-number, it

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went back to the retailer, presented the retailer with a copy of the letter from the Department and requested a refund of the taxes it paid on the purchase of the tumbling equipment. The club is not entitled to a refund because a purchaser cannot provide a retailer an active E-number for purchases that it made before the Department issued it an E-number.

- 2) E-numbers must be renewed every 5 years. Exempt entities are advised to request a renewal of their E-numbers in a timely manner to avoid the expiration of their E-numbers.
- 3) E-numbers can only be used to make purchases in furtherance of an exempt entity's organizational purpose.

EXAMPLE 1: The vice president of an exempt organization invites a group of friends to his house to watch the football playoffs. Unbeknownst to the other board members of the organization, he takes a check from the organization's checkbook. He goes to a local retailer to purchase a flat screen television to watch the game. He presents the organization's letter from the Department containing its E-number to the retailer and pays for the television with the organization's check. It is improper for the vice president to purchase the television tax exempt because the purchase is for his personal use and not in furtherance of the organizational purpose, and the purchase was made without the exempt organization's knowledge and consent. The vice president would be liable for all taxes and civil penalties and subject to criminal penalties in connection with that purchase.

EXAMPLE 2: An assistant golf coach, without authorization, purchases a set of golf clubs as a retirement gift for the long-time head golf coach, uses the high school's E-number and pays by a check drawn on an account in the name of the high school. The retailer does not charge tax because the assistant golf coach presented the high school's E-number and paid for the clubs using a check in the name of the high school. Because the school did not knowingly or willingly allow the assistant coach to use its E-number and its check to purchase the clubs, the assistant golf coach would be liable for all taxes and civil penalties and subject to criminal penalties in connection with the improper use of the high school's E-number. If, however, the high school discovered the purchase and agreed to the use of the E-number for the purchase that was not in furtherance of

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its organizational purpose, then the high school would be subject to revocation of its E-number and liable for all taxes and civil and subject to criminal penalties in connection with the purchase of the clubs.

- 4) In order for a purchase by an exempt entity to be tax exempt, the purchase must be made by an exempt entity. The only way to ensure that a purchase is made by an exempt entity is to require that the payment for a purchase be made using an instrument that contains the name of an exempt entity or by use of a purchase order from an exempt entity that is billed to an exempt entity. For purchases by employees and representatives of exempt entities using their own funds (i.e., cash, personal check, personal credit card, or personal debit card) see subsection (d) of this Section.
- 5) In order for a purchase by an exempt entity to be tax exempt, an exempt entity must pay for its purchase by one of the three following methods:
- A) by use of a credit card that is directly billed to an exempt entity and is either in an exempt entity's name only or in an exempt entity's name and the name of a person authorized to use it.

EXAMPLE 1: A minister of a church with an E-number purchases some furniture for the parsonage. The minister gives the furniture retailer a copy of the letter from the Department that contains the church's E-number and pays for the furniture by a credit card issued in the church's name. The retailer notes the method of payment on the bill of sale. This purchase is tax exempt because the minister gave the retailer a copy of the Department's letter, which the retailer retained in its books and records. The purchase was in furtherance of the church's organizational purpose and was paid for by a credit card in the church's name.

EXAMPLE 2: A school administrator purchases computers for the school's computer lab, gives the retailer a copy of the school's letter containing the school's E-number and pays using a credit card that was issued in the school's name and the administrator's name and is directly billed to the school. The purchase is tax exempt.

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- B) by a check drawn on an account belonging only to an exempt entity.

EXAMPLE: The football coach of a high school goes to a sporting goods store to purchase additional footballs for the upcoming game. The coach gives a copy of the letter from the Department that contains the E-number issued to the high school and pays for the footballs with a check from the high school. The retailer retains the letter in its books and records and notes the method of payment on the invoice. This purchase is tax exempt because the coach gave a copy of the Department's letter to the retailer; the purchase was in furtherance of the high school's organizational purpose and was paid for with a check drawn on an account belonging only to the high school.

- C) by use of a purchase order from an exempt entity and that is billed to the exempt entity.

- 6) Tangible personal property required to be titled and registered with an agency of this State purchased by an exempt entity for an exempt entity's organizational purpose must be titled and registered in an exempt entity's name only.

EXAMPLE: A pastor of a church purchases a passenger van to transport its youth group to its various outings, gives the dealership a copy of the letter containing the church's E-number and pays for the purchase using a check drawn on an account belonging only to the church. The retailer notes the form of payment on the bill of sale. The pastor titled and registered the car in both the church's name and his name. The purchase is not a tax-exempt because the van is titled and registered in both the church's name and the pastor's name. If, however, the van was titled and registered in the church's name only, that purchase would be tax exempt.

- 7) An exempt entity that knowingly or willingly allows the improper use of its E-number (e.g., for purchases not in furtherance of an exempt entity's organizational purpose) shall be subject to revocation of its E-number.

EXAMPLE: A local cultural organization and a local community art group plan to hold an event in a conference room at a local hotel. The cultural

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organization's part of the event will be in the morning and the art group's part of the event will be in the afternoon. The cultural organization applied for and obtained an E-number from the Department. The art group applied for but has not yet obtained an E-number from the Department. Each group is having its portion of the event catered by the hotel. Because the art group has yet to receive its E-number from the Department, it asks to use the cultural organization's E-number to present to the hotel in order to purchase the catered items tax exempt. If the cultural organization lets them use its number, it would be subject to revocation of its E-number and liable for all taxes and civil penalties and subject to criminal penalties in connection with the art group's purchase of the catered items because the cultural organization knowingly and willingly allowed the improper use of its E-number by the art group.

- 8) An exempt entity that knowingly or willingly allows the improper use of its E-number shall also be liable for all taxes and civil penalties and subject to criminal penalties. See Section 14 of the Use Tax Act [35 ILCS 105/14].
 - 9) If a person uses an exempt entity's E-number for his or her own use (e.g., not in furtherance of an exempt entity's organizational purpose), that person shall be liable for all taxes and civil penalties and subject to criminal penalties. See Section 14 of the Use Tax Act [35 ILCS 105/14].
- c) Retailers. Requirements for properly documenting tax-exempt purchases by an exempt entity with an active E-number.
- 1) To support deductions from gross receipts for sales made to an exempt entity holding an active E-number, retailers must obtain and retain in their books and records the following information, whether in electronic format or otherwise:
 - A) A copy of the letter from the Department issuing the E-number to an exempt entity. In addition, retailers must check the expiration date in the letter to ensure that the number is active. If the E-number that an exempt entity provides to retailers has expired, the Department will not consider any sales made to that exempt entity to be tax exempt, and retailers must include the receipts from those sales in their gross receipts.

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- B) For subsequent sales to an exempt entity, retailers must record the active E-number at the time of sale (e.g., on the bill of sale, purchase order, or other indicia of the tax free sale) and keep a copy of the bill of sale or purchase order in their books and records.
- 2) Except for purchases made by employees or representatives pursuant to subsection (d), for sales to an exempt entity to be tax exempt, the sale must be billed directly to an exempt entity, paid for by credit card either in an exempt entity's name only or in an exempt entity's name and the name of a person authorized to use the credit card, or paid for by check drawn on an account belonging only to an exempt entity. Retailers shall note the form of payment on the bill of sale or the purchase order.
- 3) If a retailer fails to obtain and document the information as outlined in subsection (c) of this Section and fails to bill or accept payment as outlined in subsection (c) of this Section for a sale to an exempt entity, the retailer cannot claim the exemption.
- 4) If a retailer obtains and documents the information as outlined in subsection (c) of this Section for a sale to an exempt entity, the Department will accept such information as prima facie proof that the sale to that exempt entity was tax exempt.
- d) Employees and Representatives of Exempt Entities. Requirements for properly documenting tax-exempt purchases by employees and representatives of exempt entities using their own funds.
- 1) This subsection provides a limited exemption for purchases by persons employed by or representing an exempt entity that possesses an active identification number made in furtherance of the exempt entity's organizational purposes. This limited exemption allows these persons to make tax exempt purchases using their own funds and paying by cash, personal check, and personal credit or debit cards. To receive the exemption the following conditions must be met:
- A) Annually, the employee or representative provides each retailer from whom the employee or representative will make exempt

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purchases of tangible personal property a signed certification that includes the following:

- i) the name and address of the employee or representative;
 - ii) the name and address of the retailer;
 - iii) the name and address of the exempt entity;
 - iv) the active identification number of the exempt entity; and
 - v) a statement under penalty of perjury that the tangible personal property will be used in furtherance of the exempt entity's organizational purpose.
- B) The retailer possesses a copy of the active identification number letter issued by the Department to the exempt entity;
- C) No single transaction exceeds \$400;
- D) At the time of sale, the employee or representative shows to the retailer a copy of the certification required by subsection (d)(1)(A) and the retailer verifies the identity of the purchaser by reviewing the employee's or representative's government issued identification or any identification that the exempt entity issues to employees or representatives of the exempt entity.
- E) The retailer must maintain the documentation provided under (A) and (B) for the period required by Section 7 of the Retailers' Occupation Tax Act.
- 2) Retailers making exempt sales pursuant to this subsection (d) must obtain the documentation and information required by (d)(1)(A) and (B).
- 3) If a retailer fails to obtain the documentation and information in subsection (d)(1)(A) and (B) for a sale to an employee or representative of an exempt entity, it will lack sufficient information to support a deduction from gross receipts for that sale made to that employee or representative of the exempt entity.

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- 4) If a retailer obtains the documentation and information as outlined in subsection (d)(1)(A) and (B) for a sale to an employee or representative of an exempt entity, the Department will accept such documentation and information as prima facie proof that the sale to that employee or representative was tax exempt.

(Source: Added at 45 Ill. Reg. _____, effective _____)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Not For Profit Corporations
- 2) Code Citation: 14 Ill. Adm. Code 160
- 3) Section Number: 160.30 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the General Not for Profit Corporation Act of 1986 [805 ILCS 105].
- 5) A Complete Description of the Subjects and Issues Involved: New language has been added stating that the statutory fees for the late filing of certain documents, including penalties and filing fees, are in full force and effect.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Pamela Wright
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

pwright@ilsos.gov
217/785-3094

OFFICE OF THE SECRETARY OF STATE

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: All Not-for-Profit corporations with past due deadlines for filing of documents.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
 - 11 Agriculture, Forestry, Fishing and Hunting
 - 21 Mining
 - 22 Utilities
 - 23 Construction
 - 31-33 Manufacturing
 - 42 Wholesale Trade
 - 44-45 Retail Trade
 - 48-49 Transportation and Warehousing
 - 51 Information
 - 52 Finance and Insurance
 - 53 Real Estate Rental and Leasing
 - 54 Professional, Scientific, and Technical Services
 - 55 Management of Companies and Enterprises
 - 56 Administrative and Support and Waste Management and Remediation Services
 - 61 Educational Services
 - 62 Health Care and Social Assistance
 - 71 Arts, Entertainment, and Recreation
 - 72 Accommodation and Food Services
 - 81 Other Services (except Public Administration)
 - B) Categories that the Agency reasonably believes the rulemaking will impact, including:
 - ii. regulatory requirements;

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vii. record keeping;

- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part, and begins in this issue of the *Illinois Register* on page 2280.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Uniform Limited Partnership Act (2001)
- 2) Code Citation: 14 Ill. Adm. Code 171
- 3) Section Number: 171.90 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 108, 108.5, 109 and 902 of the Illinois Uniform Limited Partnership Act [805 ILCS 215].
- 5) A Complete Description of the Subjects and Issues Involved: New language is added stating that the statutory fees for the late filing of certain documents, including penalties and filing fees, are in full force and effect.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: No expenditures by units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: 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:

Pamela Wright
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

pwright@ilsos.gov

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: All limited partnerships with past due deadlines for the filing of documents.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
- 11 Agriculture, Forestry, Fishing and Hunting
 - 21 Mining
 - 22 Utilities
 - 23 Construction
 - 31-33 Manufacturing
 - 42 Wholesale Trade
 - 44-45 Retail Trade
 - 48-49 Transportation and Warehousing
 - 51 Information
 - 52 Finance and Insurance
 - 53 Real Estate Rental and Leasing
 - 54 Professional, Scientific, and Technical Services
 - 55 Management of Companies and Enterprises
 - 56 Administrative and Support and Waste Management and Remediation Services
 - 61 Educational Services
 - 62 Health Care and Social Assistance
 - 71 Arts, Entertainment, and Recreation
 - 72 Accommodation and Food Services
 - 81 Other Services (except Public Administration)
- B) Categories that the Agency reasonably believes the rulemaking will impact, including:
- ii. regulatory requirements;
 - viii. record keeping;

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- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

The full text of the Proposed Amendments is identical to that in the text of the Emergency Amendment and can be found in this issue of the *Illinois Register* on page 2285.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Limited Liability Company Act
- 2) Code Citation: 14 Ill. Adm. Code 178
- 3) Section Number: 178.70 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Limited Liability Company Act [805 ILCS 180].
- 5) A Complete Description of the Subjects and Issues Involved: Upon the expiration of the 150 days stated in the Emergency Amendment to the Emergency Rule of Section 178.70 of the Administrative Rules, the Department of Business Services (the "Department") of the Office of the Secretary of State believed that the waiver of any fees for the late filing of materials and documents, i.e. annual reports and other documents, was no longer in effect. The Department acted accordingly, reinstating its normal practices and procedures, including numerous and time-consuming computer programming changes. Until the discovery of the existing language, the Department has been enforcing the fees for the late filing of documents. New language is added stating that the statutory fees for the late filing of certain documents, including franchise tax, penalties, interest and filing fees are in full force and effect.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Pamela Wright
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

pwright@ilsos.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Limited Liability Corporations
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: All Limited Liability corporations with past due deadlines for filing of documents.
- A) Types of businesses subject to the proposed rule:
 - 11 Agriculture, Forestry, Fishing and Hunting
 - 21 Mining
 - 22 Utilities
 - 23 Construction
 - 31-33 Manufacturing
 - 42 Wholesale Trade
 - 44-45 Retail Trade
 - 48-49 Transportation and Warehousing
 - 51 Information
 - 52 Finance and Insurance
 - 53 Real Estate Rental and Leasing
 - 54 Professional, Scientific, and Technical Services
 - 55 Management of Companies and Enterprises
 - 56 Administrative and Support and Waste Management and Remediation Services
 - 61 Educational Services
 - 62 Health Care and Social Assistance
 - 71 Arts, Entertainment, and Recreation

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- 72 Accommodation and Food Services
- 81 Other Services (except Public Administration)

B) Categories that the Agency reasonably believes the rulemaking will impact, including:

- ii. regulatory requirements;
- vii. record keeping;

- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part, and begins in this issue of the *Illinois Register* on page 2290.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Temporary Assistance for Needy Families
 - 2) Code Citation: 89 Ill. Adm. Code 112
 - 3) Section Number: 112.252 Adopted 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].
 - 5) Effective Date of Rule: February 5, 2021
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Does this rulemaking contain incorporations by reference? No
 - 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
 - 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 16400; October 9, 2020
 - 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
 - 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
 - 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
 - 13) Will this rulemaking replace any emergency rule currently in effect? Yes
 - 14) Are there any rulemakings pending on this Part? Yes
- | | | |
|------------------------|-------------------------|---------------------------------------|
| <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
| 112.110 | Amendment | 44 Ill. Reg. 19632; December 28, 2020 |
- 15) Summary and Purpose of Rulemaking: PA 101-103 states that the maximum benefit levels provided to the Temporary Assistance for Needy Families (TANF) recipients shall increase annually and will be equal to at least 30% of the most recent federal poverty

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level guidelines. This rulemaking increases and structures payment levels (i.e. grant amounts) for the TANF program.

- 16) Information and questions regarding this adopted rule 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 IL 62762

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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
- 112.55 Electronic Benefits Transfer (EBT) Restrictions
- 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

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112.69 Felons and Violators of Parole or Probation

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

112.98 Exchange Program (Repealed)

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
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 (Repealed)

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- 112.152 Asset Disregards (Repealed)
- 112.153 Deferral of Consideration of Assets (Repealed)
- 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 – All Counties
- 112.253 Payment Levels in Group II Counties (Repealed)
- 112.254 Payment Levels in Group III Counties (Repealed)
- 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].

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 expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17082, effective October 5, 2011; amended at 35 Ill. Reg. 18739, effective October 28, 2011; amended at 36 Ill. Reg. 15120, effective September 28, 2012; emergency amendment at 37 Ill. Reg. 15388, effective September 9, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 4441, effective January 29, 2014; amended at 38 Ill. Reg. 17603, effective August 8, 2014; amended at 38 Ill. Reg. 18646, effective August 29, 2014; amended at 39 Ill. Reg. 15563, effective December 1, 2015; amended at 41 Ill. Reg. 395, effective January 1, 2017; amended at 42 Ill. Reg. 8295, effective May 4, 2018; emergency amendment at 42 Ill. Reg. 18495, effective October 1, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 327, effective December 20, 2018; amended at 43 Ill. Reg. 2081, effective January 24, 2019; emergency amendment at 43 Ill. Reg. 11704, effective October 1, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 14425, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3251, effective

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February 5, 2020; amended at 44 Ill. Reg. 6960, effective April 16, 2020; amended at 44 Ill. Reg. 9929, effective May 20, 2020; amended at 44 Ill. Reg. 14692, effective August 26, 2020; emergency amendment at 44 Ill. Reg. 16513, effective October 1, 2020, for a maximum of 150 days; amended at 45 Ill. Reg. 2246, effective February 5, 2021.

SUBPART H: PAYMENT AMOUNTS

Section 112.252 Payment Levels – All Counties

- a) The following Payment Levels are established for all counties.

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE AND CHILD(REN) PAYMENT LEVEL	CHILD ONLY PAYMENT LEVEL
1	\$ <u>319</u> 312	\$ <u>239</u> 234
2	<u>431</u> 423	<u>323</u> 317
3	<u>543</u> 533	<u>407</u> 400
4	<u>655</u> 644	<u>491</u> 483
5	<u>768</u> 754	<u>576</u> 566
6	<u>879</u> 865	<u>659</u> 649
7	<u>991</u> 975	<u>743</u> 731
8	<u>1,103</u> 1,086	<u>827</u> 815
9	<u>1,215</u> 1,196	<u>911</u> 897
10	<u>1,327</u> 1,307	<u>995</u> 980
11	<u>1,439</u> 1,417	<u>1,079</u> 1,063
12	<u>1,551</u> 1,528	<u>1,163</u> 1,146
13	<u>1,662</u> 1,638	<u>1,247</u> 1,229
14	<u>1,775</u> 1,749	<u>1,331</u> 1,312
15	<u>1,887</u> 1,859	<u>1,415</u> 1,394
16	<u>1,999</u> 1,970	<u>1,499</u> 1,478
17	<u>2,111</u> 2,080	<u>1,583</u> 1,560
18	<u>2,223</u> 2,191	<u>1,667</u> 1,643

(Source: Amended at 45 Ill. Reg. 2246, effective February 5, 2021)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) Section Number: 1600.730 Adopted Action: Amendment
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) Effective Date of Rule: February 5, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The adopted rule, including any material incorporated by reference, is on file at the SURS office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 15979; September 25, 2020
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: Three nonsubstantive changes made by JCAR.
- 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 rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1600.700	Amendment	45 Ill. Reg. 213; January 4, 2021
1600.710	Amendment	45 Ill. Reg. 213, January 4, 2021

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: The amendment is intended to clarify candidates currently employed or last employed by any of the University of Illinois campuses to not exceed the limitation established by Section 15-159(d)(3) or Section 15-159 (d)(4).
- 16) Information and questions regarding this adopted rule shall be directed to:

Albert Lee, Associate General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign IL 61820

217/378-8861 or 217/378-8813

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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEMPART 1600
UNIVERSITIES RETIREMENT

SUBPART A: GENERAL

Section

1600.100	Definitions
1600.110	Freedom of Information Act
1600.120	Open Meetings Act
1600.130	Procurement
1600.140	Compliance with the Internal Revenue Code
1600.145	Compliance with Final 415 Treasury Regulations
1600.150	Group Trust Provisions

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

Section

1600.202	Return to Employment
1600.203	Independent Contractors
1600.205	Earnings Subject to Withholding and Crediting
1600.210	Crediting Interest on Participant Contributions and Other Reserves
1600.220	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.230	Election to Pay Contributions Based upon Employment that Preceded Certification as a Participant
1600.240	Election to Make Contributions Covering Periods of Military Leave Protected under USERRA
1600.241	Survivor Benefits for Members Who Die While on Military Leave Protected under USERRA
1600.250	Sick Leave Accrual Schedule
1600.260	Part-time/Concurrent Service Adjustment
1600.270	Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%
1600.271	Employer Contributions for Earnings in Excess of the Governor's Salary
1600.275	Employer Contributions for Employing Affected Annuitants

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

SUBPART C: SURVIVORS AND BENEFICIARIES

Section

- 1600.300 Effective Beneficiary Designations
- 1600.305 Full-Time Student Survivors Insurance Beneficiaries
- 1600.310 Dependency of Beneficiaries
- 1600.320 Disability Claims Procedure (Renumbered)

SUBPART D: BENEFIT CALCULATION AND PAYMENT

Section

- 1600.400 Determination of Final Rate of Earnings Period
- 1600.410 Twenty Percent Limitation on Final Rate of Earnings Increases
- 1600.420 Making Preliminary Estimated Payments
- 1600.430 Excess Benefit Arrangement
- 1600.431 Indirect Payments to Minors and Legally Disabled Persons
- 1600.432 Indirect Payments to Child Survivors Through the Surviving Spouse
- 1600.440 Voluntary Deductions from Annuity Payments
- 1600.450 Overpayment Recovery
- 1600.460 Accelerated Pension Benefit Payment In Lieu of Any Pension Benefit
- 1600.461 Accelerated Pension Benefit Payment for a Reduction and Delay in AAI

SUBPART E: DISABILITY CLAIMS AND ADMINISTRATIVE REVIEW

Section

- 1600.500 Administrative Staff Determinations and Rules for Appeal – Nature and Requirements of Formal Hearings
- 1600.510 Employer-Related Determinations and Rules for Appeal
- 1600.550 Disability Claims Procedure

SUBPART F: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

- 1600.600 Definitions
- 1600.605 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1600.610 Invalid Orders
- 1600.615 Filing a QILDRO with the System
- 1600.620 Modified QILDROs

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1600.625	Benefits Affected by a QILDRO
1600.630	Effect of a Valid QILDRO
1600.635	QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.640	Alternate Payee's Address
1600.645	Electing Form of Payment
1600.650	Automatic Annual Increases
1600.655	Expiration of a QILDRO
1600.660	Reciprocal Systems QILDRO Policy Statement
1600.665	Providing Benefit Information for Divorce Purposes

SUBPART G: BOARD TRUSTEE ELECTION

Section	
1600.700	Nomination of Candidates
1600.705	Election Date/Election Day – Defined
1600.710	Petitions
1600.715	Eligible Voters
1600.720	Election Materials
1600.725	Casting Votes
1600.730	Return of Ballots and Ballot Counting Process
1600.735	Certification of Ballot Counting
1600.740	Challenges to Election Results
1600.745	Candidate Informational Communication
1600.750	Filling a Vacancy in the Term of an Elected Trustee

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12,

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2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006; amended at 31 Ill. Reg. 4267, effective February 22, 2007; amended at 31 Ill. Reg. 4927, effective March 12, 2007; recodified at 31 Ill. Reg. 10194; amended at 32 Ill. Reg. 16515, effective September 25, 2008; emergency amendment at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days; emergency expired September 23, 2009; amended at 33 Ill. Reg. 10757, effective July 1, 2009; amended at 33 Ill. Reg. 16755, effective November 23, 2009; amended at 34 Ill. Reg. 9523, effective June 25, 2010; amended at 35 Ill. Reg. 10952, effective June 22, 2011; amended at 36 Ill. Reg. 3938, effective February 22, 2012; amended at 37 Ill. Reg. 1309, effective January 15, 2013; amended at 37 Ill. Reg. 3866, effective March 15, 2013; amended at 37 Ill. Reg. 10698, effective June 26, 2013; amended at 37 Ill. Reg. 15517, effective September 12, 2013; amended at 38 Ill. Reg. 5659, effective February 11, 2014; emergency amendment at 38 Ill. Reg. 11376, effective May 9, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 16375, effective July 17, 2014; amended at 38 Ill. Reg. 17457, effective July 30, 2014; amended at 39 Ill. Reg. 8317, effective June 1, 2015; amended at 40 Ill. Reg. 8437, effective June 3, 2016; amended at 41 Ill. Reg. 11606, effective September 1, 2017; amended at 41 Ill. Reg. 15353, effective December 5, 2017; amended at 42 Ill. Reg. 19078, effective October 5, 2018; amended at 43 Ill. Reg. 8562, effective July 26, 2019; amended at 44 Ill. Reg. 17714, effective October 22, 2020; emergency amendment at 45 Ill. Reg. 492, effective December 18, 2020, for a maximum of 150 days; amended at 45 Ill. Reg. 2259, effective February 5, 2021.

SUBPART G: BOARD TRUSTEE ELECTION

Section 1600.730 Return of Ballots and Ballot Counting Process

- a) For paper ballots, upon receipt of the election materials specified in Section 1600.720, the eligible voter shall:
 - 1) Mark his or her ballot in accordance with Section 1600.725;
 - 2) Place the completed ballot into the return envelope provided;
 - 3) Seal and mail, via U.S. mail only, the return envelope; and
 - 4) Mail paper ballots in the return envelope provided. The ballot shall be mailed only to the address on the envelope. Paper ballots delivered to the

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System in bulk, via hand delivery, by campus mail, or delivery other than as specified in this subsection (a)(4) are invalid and will not be counted.

- b) Ballots must be received by the close of business on Election Day. Ballots received after Election Day are invalid and will not be counted. A record of the receipt date of each ballot will be maintained.
- c) When multiple voting methods are authorized, the first ballot cast will be counted as the official ballot and any subsequent votes will not be counted. The Board Secretary will develop procedures to ensure that only one ballot may be received from each eligible voter.
- d) The Board Secretary will develop minimum standards to ensure ballots are properly~~property~~ recorded, secured, tabulated and retained.
- e) When all eligible ballots have been counted and tabulated, the necessary number of contributing members and annuitants who have received the greatest number of votes will be elected trustees; provided, however, the Board Secretary will ensure that, for the final composition of the Board, no more than 2 of the 4 contributing members are current employees of the University of Illinois at any of the campuses (Urbana-Champaign, Chicago, or Springfield) and no more than one of the 2 annuitants was last employed prior to retirement by the University of Illinois at any of the campuses. If the maximum number of University of Illinois positions has been filled, then any remaining positions shall be filled as follows:
 - 1) The remaining contributing member trustee positions will be filled by the contributing member nominees who are not current employees of the University of Illinois at any of the campuses and who received the greatest number of votes.
 - 2) The remaining annuitant trustee positions will be filled by annuitant nominees who were not last employed prior to retirement by the University of Illinois at any of the campuses and who received the greatest number of votes.
 - 3) In case of a tie, the contributing member nominee or annuitant nominee who will be elected will be determined by blind, random drawing.

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- 4) The results of the election process then will be declared by the Board Secretary.
- f) The Board Secretary will certify to the Board the elected trustees by category and term of office. The Board Secretary will further certify the place of employment for each contributing member and the last place of employment prior to retirement for each annuitant.
- g) In any trustee election that can be filled by one or more candidates who are currently employed by or were last employed by any of the University of Illinois campuses, if the number of the highest vote-getting candidates affiliated with the University of Illinois campuses would cause the Board to exceed the participant limit of 2 established by Section 15-159(d)(3) or the annuitant limit of 1 established by Section 15-159(d)(4) of the Code, those candidates shall be seated, in order beginning with the longest elected term available, until the applicable limit of University of Illinois trustees is reached. All remaining University of Illinois affiliated candidates shall immediately be disqualified regardless of the number of votes they received or the elected term for which they ran. Each remaining seat shall then be filled by the non-University of Illinois candidate receiving the highest number of votes for that seat.

(Source: Amended at 45 Ill. Reg. 2259, effective February 5, 2021)

DEPARTMENT OF EMPLOYMENT SECURITY

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- 1) Heading of the Part: Claims, Adjudication, Appeals and Hearings
- 2) Code Citation: 56 Ill. Adm. Code 2720
- 3) Section Number: 2720.40 Emergency Action: New Section
- 4) Statutory Authority: Implementing and authorized by Sections 239, 409, 500, 604, 612, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1502.4, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405/239, 409, 500, 604, 612, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1502.4, 1700, 1701, 2300, 2301, 2302 and 2304].
- 5) Effective Date of Emergency Rule: February 8, 2021
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will not expire before the end of the 150 day period.
- 7) Date Filed with the Index Department: February 8, 2021
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Department of Employment Security's principal office and is available for public inspection.
- 9) Reason for Emergency: The recent enactment of Section 206(c)(1) of the federal Continued Assistance Act (PL 116-260) provides that states are to implement one of four options which would essentially continue to provide federal Pandemic Emergency Unemployment Compensation (PEUC) benefits for claimants who establish a new benefit year at a lower weekly benefit amount than their PEUC weekly benefit amount and meet other requirements. This rule constitutes Illinois' implementation of the federal law to continue to pay federally funded PEUC payments for this population of claimants.
- 10) A Complete Description of the Subjects and Issues Involved: This rule constitutes Illinois' election of an option provided in Section 206(c)(1) of the federal Continued Assistance Act (PL 116-260) to allow unemployment insurance claimants whose benefit years come to an end after December 27, 2020 to receive federal Pandemic Emergency Unemployment Compensation (PEUC) rather than a smaller weekly benefit amount of

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regular unemployment insurance benefits for a new benefit year, provided federally mandated requirements are met.

- 11) Are there any rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.
- 13) Information and questions regarding this emergency rule shall be directed to:

Kevin Lovellette
Chief Legal Counsel
Illinois Department of Employment Security
33 S. State St., Room 930
Chicago IL 60603

312/793-1224
Kevin.Lovellette@illinois.gov

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONSPART 2720
CLAIMS, ADJUDICATION, APPEALS AND HEARINGS

SUBPART A: GENERAL PROVISIONS

Section

2720.1	Definitions
2720.3	"Week" In Relation To "Benefit Year"
2720.5	Service of Notices, Decisions, Orders
2720.7	Application for Electronic Data Transmission
2720.10	Computation of Time
2720.11	Methods of Payment
2720.15	Disqualification Of Adjudicator, Referee, Or Board Of Review
2720.20	Attorney Representation of Claimants
2720.25	Form of Papers Filed
2720.30	Correction of Technical Errors
2720.35	A Claimant's "Last Known Address"
<u>2720.40</u>	<u>Eligibility for Pandemic Emergency Unemployment Compensation With a Higher Weekly Benefit Amount</u>

EMERGENCY

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section

2720.100	Filing a Claim
2720.101	Filing, Registering and Reporting by Mail Under Special Circumstances
2720.105	Time for Filing an Initial Claim for Benefits
2720.106	Dating of Claims for Weeks of Partial Unemployment
2720.107	Employing Unit Reports for Partial Unemployment
2720.108	Alternative "Base Period"
2720.110	Required Second Visit To Local Office (Repealed)
2720.112	Telephone or Internet Certification
2720.115	Continuing Eligibility Requirements
2720.120	Time for Filing Claim Certification for Continued Benefits
2720.125	Work Search Requirements For Regular Unemployment Insurance Benefits

DEPARTMENT OF EMPLOYMENT SECURITY

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- (Repealed)
- 2720.126 Availability For Part Time Work Only (Repealed)
- 2720.127 Director's Approval Of Training (Repealed)
- 2720.128 Active Search For Work: Attendance At Training Courses (Repealed)
- 2720.129 Regular Attendance In Approved Training (Repealed)
- 2720.130 Employing Unit Protest Of Benefit Payment
- 2720.132 Required Notice by an Employer of Separation for Alleged Felony or Theft Connected with the Work
- 2720.135 Adjudicator Investigation
- 2720.140 Adjudicator Determination
- 2720.145 Payment of Unemployment Insurance Benefits for Initial Claims
- 2720.150 Applying for Unemployment Insurance Benefits Under Extension Programs
- 2720.155 Non-Resident Application for Benefits
- 2720.160 Reconsidered Findings or Determination

SUBPART C: APPEALS TO REFEREE

- Section
- 2720.200 Filing of Appeal
- 2720.201 Application For Electronic Data Transmission Of Notice Of Hearing
- 2720.205 Notice of Hearing
- 2720.207 Untimely Appeals
- 2720.210 Preparation for the Hearing
- 2720.215 Format of Hearings
- 2720.220 Ex Parte (One Party Only) Communications
- 2720.225 Subpoenas
- 2720.227 Depositions
- 2720.230 Consolidation Or Severance Of Proceedings
- 2720.235 Withdrawal Of Appeal
- 2720.240 Continuances
- 2720.245 Conduct of Hearing
- 2720.250 Rules of Evidence
- 2720.255 Failure of Party to Appear at the Scheduled Hearing
- 2720.265 The Record
- 2720.270 Referee's Decision
- 2720.275 Labor Dispute Appeals
- 2720.277 Prehearing Conference in Labor Dispute Appeal

SUBPART D: APPEALS TO THE BOARD OF REVIEW

DEPARTMENT OF EMPLOYMENT SECURITY

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Section

2720.300	Filing of Appeal
2720.305	Notice of Appeal
2720.310	Request for Oral Argument
2720.315	Submission of Written Argument or Request to Submit Additional Evidence
2720.320	Access To Record
2720.325	Withdrawal of Appeal
2720.330	Consolidation Or Severance Of Appeals
2720.335	Decision of the Board of Review
2720.340	Extensions Of Time In Which To Issue A Board Of Review Decision
2720.345	Issuance Of Notice Of Right To Sue

AUTHORITY: Implementing and authorized by Sections 239, 409, 500, 604, 612, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1502.4, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405].

SOURCE: Adopted at 8 Ill. Reg. 24957, effective January 1, 1985; amended at 10 Ill. Reg. 12620, effective July 7, 1986; amended at 11 Ill. Reg. 14338, effective August 20, 1987; amended at 11 Ill. Reg. 18671, effective October 29, 1987; amended at 12 Ill. Reg. 14660, effective September 6, 1988; emergency amendments at 13 Ill. Reg. 11890, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18263, effective November 9, 1989; amended at 14 Ill. Reg. 15334, effective September 10, 1990; amended at 14 Ill. Reg. 18489, effective November 5, 1990; amended at 16 Ill. Reg. 2556, effective January 30, 1992; emergency amendment at 16 Ill. Reg. 7506, effective April 22, 1992, for a maximum of 150 days; emergency expired September 19, 1992; amended at 17 Ill. Reg. 17937, effective October 4, 1993; amended at 18 Ill. Reg. 16340, effective October 24, 1994; amended at 21 Ill. Reg. 9441, effective July 7, 1997; amended at 21 Ill. Reg. 12129, effective August 20, 1997; emergency amendment at 27 Ill. Reg. 4217, effective February 15, 2003, for a maximum of 150 days; emergency expired July 15, 2003; amended at 29 Ill. Reg. 1909, effective January 24, 2005; amended at 32 Ill. Reg. 13177, effective July 24, 2008; amended at 33 Ill. Reg. 9623, effective August 1, 2009; amended at 35 Ill. Reg. 6114, effective March 25, 2011; emergency amendment at 43 Ill. Reg. 808, effective January 1, 2019 for a maximum of 150 days; amended at 43 Ill. Reg. 1523, effective January 15, 2019; amended at 43 Ill. Reg. 6385, effective May 14, 2019; emergency amendment at 44 Ill. Reg. 9262, effective May 15, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 14672, effective August 27, 2020; emergency amendment at 44 Ill. Reg. 12656, effective July 10, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 17647, effective October 23, 2020; emergency amendment at 45 Ill. Reg. 2267, effective February 8, 2021, for a maximum of 150 days.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

SUBPART A: GENERAL PROVISIONS

Section 2720.40 Eligibility for Pandemic Emergency Unemployment Compensation With a Higher Weekly Benefit Amount
EMERGENCY

- a) With respect to weeks beginning on or after December 27, 2020, an individual who would otherwise be eligible for Pandemic Emergency Unemployment Compensation (PEUC), but has not first exhausted the individual's entitlement to "regular" benefits (not including Extended Benefits) in his/her second benefit year under this Act or the Unemployment Insurance Act of another state, shall continue to receive PEUC pursuant to Section 206(c)(1) of the federal Continued Assistance Act (PL 116-260) in lieu of payment of regular benefits on a subsequent benefit year if:
- 1) the individual has remaining entitlement to PEUC benefits for a benefit year; and
 - 2) the individual's weekly benefit amount (not including any dependent allowance) for a subsequent, new benefit year is at least \$25 less than the weekly benefit amount (not including any dependent allowance) the individual is eligible to receive in PEUC; and
 - 3) the benefit year in which the individual's PEUC is based expired after December 27, 2020.

EXAMPLE: The individual exhausts entitlement to regular benefits on December 26, 2020, files for PEUC effective December 27, 2020, and is eligible for a PEUC weekly benefit amount of \$450 per week. The individual's first benefit year ends on January 4, 2021. The individual files a subsequent benefit year claim, effective the week beginning January 3, 2021. The individual's weekly benefit amount on the new claim is \$51 per week. This individual will remain on PEUC until the individual exhausts the PEUC benefits or until the program ends because the individual's weekly benefit amount on the new benefit year claim is at least \$25 less than the weekly benefit amount the individual is eligible to receive in PEUC and the benefit year on the prior claim expired after December 27, 2020.

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- b) Pursuant to the federal flexibility and the options provided for payments of PEUC benefits in the Continued Assistance Act, whenever subsection (a) applies, the new benefit year will be established but payment on the claim will be deferred until that individual exhausts his/her prior PEUC entitlement or it is otherwise no longer available.
- c) Subsequent payments for regular benefits in the new benefit year shall not be made for weeks for which the individual has been or will be paid PEUC.

EXAMPLE: The individual in the previous example will be paid PEUC until PEUC benefits are exhausted or the program ends. If eligible, the individual will then be paid regular benefits for any subsequent weeks remaining in the subsequent benefit year claim at the weekly benefit amount applicable for the subsequent benefit year.

(Source: Added by emergency rulemaking at 45 Ill. Reg. 2267, effective February 8, 2021, for a maximum of 150 days)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Recovery of Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2835
- 3) Section Number: 2835.70 Emergency Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Sections 900, 901, 1700, 1701 and 1706 of the Unemployment Insurance Act [820 ILCS 405/900, 901, 1700, 1701 and 1706].
- 5) Effective Date of Emergency Rule: February 8, 2021
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will not expire before the end of the 150 day period.
- 7) Date Filed with the Index Department: February 8, 2021
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Department of Employment Security's principal office and is available for public inspection.
- 9) Reason for Emergency: Before the recent enactment of the federal Continued Assistance Act (PL 116-260), unemployment insurance claimants who have received an overpayment of certain federal benefits pertaining to unemployment may be subject to a variety of collection actions to recover such overpayments. The federal Continued Assistance Act allows States to make determinations to waive recovery of overpayments of federal benefits pertaining to unemployment, so long as conditions are met. Due to the recent enactment of the federal legislation, with this rule, Illinois can begin to make determinations as to whether claimants qualify for a waiver of recovery of the overpayments. Acting quickly in making such determinations will help avoid putting some claimants into positions of greater financial hardship.
- 10) A Complete Description of the Subjects and Issues Involved: Provisions of the recently enacted federal Continued Assistance Act (PL 116-260) allow for the States to waive recovery of overpayments of federal benefits pertaining to unemployment, so long as conditions are met. This rule puts into place the law enabling the State to make such waiver determinations.

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- 11) Are there any rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.
- 13) Information and questions regarding this emergency rule shall be directed to:

Kevin Lovellette, Chief Legal Counsel
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The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER e: RIGHTS AND DUTIES OF EMPLOYEESPART 2835
RECOVERY OF BENEFITS

SUBPART A: GENERAL PROVISIONS

Section

2835.1	Recovery of Benefits by Recoupment
2835.5	Amounts Recoverable by Recoupment
2835.10	Time Limits Within Which to Recoup Benefits
2835.15	Extent of Recoupment
2835.20	Notice Of Recoupment Decision
2835.25	Reconsideration Or Appeal Of Recoupment Decision
2835.30	Waiver Of Recoupment
2835.33	Waiver of Recovery (TRA)
2835.35	Benefits Received With Fault
2835.40	Benefits Received Without Fault
2835.45	Recoupment Against Equity and Good Conscience
2835.50	Request For And Decision Regarding Waiver Of Recoupment
2835.55	Reconsideration Or Appeal Of Denial Of Request For Waiver
2835.60	Periods When Waiver Of Recoupment Allowed
2835.65	Waiver Certifications By Mail
<u>2835.70</u>	<u>Waiver of Recovery of Overpayments Under Pandemic Unemployment Assistance (PUA), Federal Pandemic Unemployment Compensation (FPUC), and Pandemic Emergency Unemployment Compensation (PEUC) Programs</u>

EMERGENCY

SUBPART B: DETECTION OF OVERPAYMENTS

Section

2835.100	Cross-Matching
2835.TABLE A	Recoupment Matrix

AUTHORITY: Implementing and authorized by Sections 900, 901, 1700, 1701 and 1706 of the Unemployment Insurance Act [820 ILCS 405/900, 901, 1700, 1701 and 1706].

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SOURCE: 56 Ill. Adm. Code 800: Subpart F adopted at 7 Ill. Reg. 383, effective December 23, 1982; recodified to 56 Ill. Adm. Code 800: Subpart D at 8 Ill. Reg. 6037; recodified to 56 Ill. Adm. Code 2835 at 8 Ill. Reg. 15032; emergency amendment at 8 Ill. Reg. 19687, effective September 28, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2493, effective February 13, 1985; amended at 9 Ill. Reg. 16225, effective October 15, 1985; amended at 10 Ill. Reg. 12776, effective July 14, 1986; amended at 11 Ill. Reg. 7626, effective April 14, 1987; emergency amendment at 12 Ill. Reg. 231, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11746, effective July 5, 1988; amended at 32 Ill. Reg. 18978, effective December 1, 2008; emergency amendment at 34 Ill. Reg. 2330, effective January 19, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 8515, effective June 16, 2010; amended at 35 Ill. Reg. 6148, effective March 25, 2011; emergency amendment at 36 Ill. Reg. 5618, effective March 21, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 12310, effective July 19, 2012; amended at 43 Ill. Reg. 6512, effective May 14, 2019; emergency amendment at 44 Ill. Reg. 9274, effective May 15, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 14684, effective August 27, 2020; emergency amendment at 45 Ill. Reg. 2274, effective February 8, 2021, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 2835.70 Waiver of Recovery of Overpayments Under Pandemic Unemployment Assistance (PUA), Federal Pandemic Unemployment Compensation (FPUC), and Pandemic Emergency Unemployment Compensation (PEUC) Programs
EMERGENCY

- a) The Department will waive recovery of any Pandemic Unemployment Assistance (PUA), Federal Pandemic Unemployment Compensation (FPUC), or Pandemic Emergency Unemployment Compensation (PEUC) overpayment to a recipient if the Department determines that:
- 1) The overpayment was without fault on the part of the recipient; and
 - 2) Recovery would be contrary to equity and good conscience.
- b) For purposes of subsection (a), an overpayment was made without fault on the part of the recipient, and recovery of the overpayment will be considered to be against equity and good conscience, if the overpayment did not occur due to fraud committed by the recipient, and:

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- 1) It would cause financial hardship to the person from whom it is sought;
 - 2) Regardless of the recipient's financial circumstances, the recipient can show that, based on the overpayment or notice that a benefit payment would be made, the recipient has:
 - A) relinquished a valuable right; or
 - B) changed positions for the worse; or
 - 3) Recovery could be unconscionable under the circumstances.
- c) If the Department has previously recovered overpayment funds from a recipient and that recipient is granted a waiver pursuant to this Section, then that recipient shall be refunded those monies.
- d) A claimant's request for a waiver of a PUA or PEUC overpayment during the time period in which the FPUC program provided a supplement to the claimant's weekly benefit amount, and for which the FPUC supplemental amount is included in the overpayment amount, shall be treated as a request to waive the FPUC overpayment as well as the PUA or PEUC overpayment. The determination or decision shall set forth the findings for the waiver of the PUA or PEUC overpayment and the FPUC overpayment separately, including the reason for the waiver, the time period of the waiver and the amount waived.

EXAMPLE: A claimant files a request for waiver and provides related information to waive a PUA overpayment from the week beginning June 7, 2020 through the week ending August 15, 2020. In this case, the FPUC program provided a \$600 supplement to the claimant's weekly benefit amount for weeks between June 7, 2020 through the week ending July 25, 2020, and the FPUC supplements are included as part of the overpayment. The adjudicator determines that the claimant's request meets the criteria for a waiver of both PUA and FPUC, and states in the determination: the reasons for the waivers; that a waiver of the PUA overpayment is granted from the week beginning June 7, 2020 through the week ending August 15, 2020; that the FPUC waiver is granted from the week beginning June 7, 2020 through the week ending July 25, 2020; and the amount waived for each program.

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NOTICE OF EMERGENCY AMENDMENT

- e) When a claimant requests a waiver of recovery of an FPUC overpayment that supplemented a weekly benefit amount of an underlying unemployment program other than PUA and PEUC, the determination for waiver of recovery of the FPUC amount shall be made as provided by this Section. However, the determination shall indicate that waiver of recovery of the overpayment of benefits paid pursuant to the underlying unemployment program (other than PUA or PEUC) is not authorized by law and is denied.
- f) A determination by an adjudicator for a waiver of a PUA, FPUC, or PEUC overpayment may be based on the claimant's interview or written responses contained in a request form or questionnaire generated by the Department. An interview need not be conducted unless the adjudicator determines that more information is needed to make the determination.
- g) A determination on a claimant's request for a waiver of a PUA, FPUC, or PEUC overpayment shall be subject to reconsideration and appeal as set forth in Sections 703, 800, 801, and 803 of the Unemployment Insurance Act [820 ILCS 405].

(Source: Added by emergency rulemaking at 45 Ill. Reg. 2274, effective February 8, 2021, for a maximum of 150 days)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: General Not For Profit Corporations
- 2) Code Citation: 14 Ill. Adm. Code 160
- 3) Section Number: 160.30 Emergency Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the General Not for Profit Corporation Act of 1986 [805 ILCS 105].
- 5) Effective Date of Emergency Rule: February 5, 2021
- 6) If this emergency rule will expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the permanent rulemaking is adopted, whichever occurs first.
- 7) Date Filed with the Index Department: February 5, 2021
- 8) A copy of the emergency rule, 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: Upon the expiration of the 150 days stated in the Emergency Amendment to the Emergency Rule of Section 160.30 of the Administrative Rules, the Department of Business Services (the "Department") of the Office of the Secretary of State believed that the waiver of any fees for the late filing of materials and documents, i.e. annual reports and other documents, was no longer in effect. The Department acted accordingly, reinstating its normal practices and procedures, including numerous and time-consuming computer programming changes. Until the discovery of the existing language, the Department has been enforcing the fees for the late filing of documents.
- 10) A Complete Description of the Subjects and Issues Involved: New language is added stating that the statutory fees for the late filing of certain documents, including penalties and filing fees are in full force and effect.
- 11) Are there any rulemakings to the Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

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

Terrence J. McConville
Senior Legal Advisor
100 W. Randolph St. #5-400
Chicago IL 60601

tmconville@ilsos.gov

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

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 160
GENERAL NOT FOR PROFIT CORPORATIONS

Section

160.10	Definitions
160.11	Office Location and Business Hours
160.12	Sale of Information
160.13	Fees
160.14	Abstracts and Records
160.15	Hearings
160.16	Names
160.17	Service of Process
160.18	Electronic Filing
160.19	Errors or Defects
160.20	Amended Annual Report
160.30	Extension of Filing and Secretary of State Deadlines

EMERGENCY

AUTHORITY: Implementing and authorized by the General Not for Profit Corporation Act of 1986 [805 ILCS 105].

SOURCE: Adopted at 11 Ill. Reg. 10309, effective June 1, 1987; amended at 20 Ill. Reg. 7045, effective May 8, 1996; amended at 30 Ill. Reg. 12966, effective July 11, 2006; amended at 31 Ill. Reg. 8549, effective June 15, 2007; amended at 42 Ill. Reg. 16917, effective September 5, 2018; emergency amendment at 44 Ill. Reg. 5792, effective March 20, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6607, effective April 9, 2020, for the remainder of the 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 7951, effective April 27, 2020, for the remainder of the 150 days; emergency amendment to emergency rule effective April 27, 2020 suspended by the Joint Committee on Administrative Rules at 44 Ill. Reg. 10030, effective May 20, 2020; suspension withdrawn at 44 Ill. Reg. 14083, effective August 11, 2020; emergency rule effective March 20, 2020, as amended April 9, 2020 and April 27, 2020, expired August 16, 2020; amended at 44 Ill. Reg. 14026, effective August 17, 2020; emergency amendment at 45 Ill. Reg. 2280, effective February 5, 2021, for a maximum of 150 days.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

Section 160.30 Extension of Filing and Secretary of State Deadlines
EMERGENCY

Filing of Organizational Documents, Annual Reports, and Other Business Entity Materials

- a) All organizational documents, annual reports, and other business entity materials required to be filed with the Secretary of State pursuant to Chapter 805 of the Illinois Compiled Statutes shall be filed with the Business Services Department, Howlett Building, Room 350, Springfield IL 62756 or 69 West Washington, Suite 1240, Chicago IL 60602.
- b) Pursuant to the powers vested in him by Section 5(7) of the Secretary of State Act, the Secretary of State hereby extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038, issued on March 9, 2020, as extended by subsequent proclamations, and for a period of 90 days thereafter, the filing deadlines for materials required to be filed with the Secretary of State pursuant to Chapter 805 of the Illinois Compiled Statutes and that were due to be filed on or after March 17, 2020. This extension period may be rescinded by the Secretary of State through the adoption of an emergency rule. Business organizations are required to pay the statutory amounts to the Secretary of State when materials are filed, including penalties, filing fees, and other charges required to be paid, without regard to the application of the filing extension deadline of this Section. ~~Any fees for late filings of materials shall be waived for materials subject to this Section.~~
- c) Pursuant to the terms of Executive Order 2020-39, as extended by Executive Order 2020-44, and as may be further extended by subsequent Executive Orders, the provisions of Section 101.45 of the General Not For Profit Corporation Act of 1986 (NFP) that require the Secretary of State to, within 10 days after any of the documents subject to Section 101.45 are delivered to the Secretary for filing, give written notice of his or her disapproval of the documents are suspended for the duration of the disaster proclaimed in Gubernatorial Proclamation 2020-44, as extended, and for 30 days thereafter. During this period of suspension, the Secretary shall process these documents as expeditiously as possible.
- d) Pursuant to the terms of Executive Order 2020-39, as extended by Executive Order 2020-44, and as may be further extended by subsequent Executive Orders, the provisions of Section 115.20 of the NFP that require the Secretary of State to provide expedited services upon request are suspended for the duration of the

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

disaster proclaimed in the Gubernatorial Proclamation 2020-44, as extended, and for 30 days thereafter. During this period of suspension, the Secretary shall process the expedited documents within 24 hours or as soon as possible thereafter. For purposes of filing dates, the date the document was submitted for filing will be the document's filing date.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. 2280, effective February 5, 2021, for a maximum of 150 days)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Uniform Limited Partnership Act (2001)
- 2) Code Citation: 14 Ill. Adm. Code 171
- 3) Section Number: 171.90 Emergency Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 108, 108.5, 109 and 902 of the Illinois Uniform Limited Partnership Act [805 ILCS 215].
- 5) Effective Date of Emergency Rule: February 5, 2021
- 6) If this emergency rule will expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date Filed with the Index Department: February 5, 2021
- 8) A copy of the emergency rule, 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: Upon the expiration of the 150 days stated in the Emergency Amendment to the Emergency Rule of Section 171.90 of the Administrative Rules, the Department of Business Services (the "Department") of the Office of the Secretary of State believed that the waiver of any fees for the late filing of materials and documents, i.e. annual reports and other documents, was no longer in effect. The Department acted accordingly, reinstating its normal practices and procedures, including numerous and time-consuming computer programming changes. Until the discovery of the existing language, the Department has been enforcing the fees for the late filing of documents.
- 10) A Complete Description of the Subjects and Issues Involved: New language is added stating that the statutory fees for the late filing of certain documents, including penalties and filing fees are in full force and effect.
- 11) Are there any rulemakings to the Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.
- 13) Information and questions regarding this emergency rule shall be directed to:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

Terrence J. McConville
Senior Legal Advisor
100 W. Randolph St. #5-400
Chicago IL 60601

tmconville@ilsos.gov

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

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 171
UNIFORM LIMITED PARTNERSHIP ACT (2001)

Section

171.10	Prohibited Terms in Title
171.15	Improper Names
171.20	Assumed Names
171.25	Definitions
171.30	Applicability
171.35	Filing Location
171.40	Business Hours
171.45	Filing Requirements
171.50	Additional Requirements for Forms
171.55	Payment of Fees
171.60	Sale of Information
171.65	Refunds
171.70	Service of Process
171.75	Interrogatories
171.80	Right to Counsel
171.85	New Practices and Technologies
171.90	Extension of Filing Deadlines

EMERGENCY

AUTHORITY: Implementing and authorized by Sections 108, 108.5, 109 and 902 of the Illinois Uniform Limited Partnership Act [805 ILCS 215].

SOURCE: Adopted at 29 Ill. Reg. 19696, effective November 28, 2005; amended at 32 Ill. Reg. 346, effective January 7, 2008; amended at 32 Ill. Reg. 17971, effective December 1, 2008; amended at 35 Ill. Reg. 8233, effective May 13, 2011; amended at 37 Ill. Reg. 12573, effective July 17, 2013; emergency amendment at 44 Ill. Reg. 5800, effective March 20, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6615, effective April 9, 2020, for the remainder of the 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 7961, effective April 27, 2020, for the remainder of the 150 days; emergency amendment to emergency rule effective April 27, 2020 suspended by the Joint Committee on Administrative Rules at 44 Ill. Reg. 10032, effective May 20, 2020; suspension withdrawn at 44

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NOTICE OF EMERGENCY AMENDMENT

Ill. Reg. 14085, effective August 11, 2020; emergency rule effective March 20, 2020, as amended April 9, 2020 and April 27, 2020, expired August 16, 2020; amended at 44 Ill. Reg. 14034, effective August 17, 2020; emergency amendment at 45 Ill. Reg. 2285, effective February 5, 2021, for a maximum of 150 days.

Section 171.90 Extension of Filing Deadlines**EMERGENCY**

Filing of Organizational Documents, Annual Reports, and Other Business Entity Materials

- a) All organizational documents, annual reports, and other business entity materials required to be filed with the Secretary of State pursuant to Chapter 805 of the Illinois Compiled Statutes shall be filed with the Business Services Department, Howlett Building, Room 350, Springfield IL 62756 or 69 West Washington, Suite 1240, Chicago IL 60602.
- b) Pursuant to the powers vested in him by Section 5(7) of the Secretary of State Act, the Secretary of State hereby extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038, issued on March 9, 2020, as extended by subsequent proclamations, and for a period of 90 days thereafter, the filing deadlines for materials required to be filed with the Secretary of State pursuant to Chapter 805 of the Illinois Compiled Statutes and that were due to be filed on or after March 17, 2020. This extension period may be rescinded by the Secretary of State through the adoption of an emergency rule. Business organizations are required to pay the statutory amounts to the Secretary of State when materials are filed, including penalties, filing fees, and other charges required to be paid, without regard to the application of the filing extension deadline of this Section. ~~Any fees for late filings of materials shall be waived for materials subject to this Section.~~
- c) Pursuant to the terms of Executive Order 2020-39, as extended by Executive Order 2020-44, and as may be further extended by subsequent Executive Orders, the provisions of Section 1309 of the Uniform Limited Partnership Act (ULPA) that require the Secretary of State to, within 10 days after any of the documents subject to Section 1309 are delivered to the Secretary for filing, give written notice of his or her disapproval of the documents are suspended for the duration of the disaster proclaimed in Gubernatorial Proclamation 2020-44, as extended, and for 30 days thereafter. During this period of suspension, the Secretary shall process these documents as expeditiously as possible.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

- d) Pursuant to the terms of Executive Order 2020-39, as extended by Executive Order 2020-44, and as may be further extended by subsequent Executive Orders, the provisions of Section 1308 of the ULPA that require the Secretary of State to provide expedited services upon request are suspended for the duration of the disaster proclaimed in the Gubernatorial Proclamation 2020-44, as extended, and for 30 days thereafter. During this period of suspension, the Secretary shall process the expedited documents within 24 hours or as soon as possible thereafter. For purposes of filing dates, the date the document was submitted for filing will be the document's filing date.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. 2285, effective February 5, 2021, for a maximum of 150 days)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Limited Liability Company Act
- 2) Code Citation: 14 Ill. Adm. Code 178
- 3) Section Number: 178.70 Emergency Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Limited Liability Company Act [805 ILCS 180].
- 5) Effective Date of Emergency Rule: February 5, 2021
- 6) If this emergency rule will expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the permanent rulemaking is adopted, whichever occurs first.
- 7) Date Filed with the Index Department: February 5, 2021
- 8) A copy of the emergency rule, 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: Upon the expiration of the 150 days stated in the Emergency Amendment to the Emergency Rule of Section 178.70 of the Administrative Rules, the Department of Business Services (the "Department") of the Office of the Secretary of State believed that the waiver of any fees for the late filing of materials and documents, i.e. annual reports and other documents, was no longer in effect. The Department acted accordingly, reinstating its normal practices and procedures, including numerous and time-consuming computer programming changes. Until the discovery of the existing language, the Department has been enforcing the fees for the late filing of documents.
- 10) A Complete Description of the Subjects and Issues Involved: New language is added stating that the statutory fees for the late filing of certain documents, including penalties and filing fees are in full force and effect.
- 11) Are there any rulemakings to the Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

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

Terry McConville
Senior Legal Advisor
100 W. Randolph St. #5-400
Chicago IL 60601

tmconville@ilsos.gov

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

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 178
LIMITED LIABILITY COMPANY ACT

SUBPART A: RIGHTS AND REQUIREMENTS

Section	
178.10	Definitions
178.15	Applicability
178.20	Filing Requirements
178.25	Additional Requirements for Forms
178.30	Filing Location
178.35	Business Hours
178.40	Sale of Information
178.45	Right to Counsel
178.50	Service of Process
178.55	Payment of Fees
178.60	Refunds
178.65	New Practices and Technologies
178.70	Extension of Filing Deadlines

EMERGENCY

SUBPART B: NAMES

Section	
178.100	Availability of Names: Statutory Requirements
178.105	Preliminary Determination of Availability
178.110	Final Determination of Availability
178.115	Response as to Basis of Unavailability
178.120	Reconsideration Procedure
178.125	Effect of Final Determination
178.130	Standards – Conflicting Names
178.135	Distinguishable – Defined
178.140	Matters Not Considered
178.145	Differences
178.150	Surnames

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

178.155	Alphabet Names
178.160	Government Affiliation
178.165	Restricted and Professional Words
178.170	Acceptable Characters of Print
178.175	Invalidity
178.180	Assumed Names
178.185	Foreign LLC with Prohibited Name
178.190	Improper Names

AUTHORITY: Implementing and authorized by the Limited Liability Company Act [805 ILCS 180].

SOURCE: Adopted at 17 Ill. Reg. 22055, effective January 1, 1994; amended at 20 Ill. Reg. 7050, effective May 8, 1996; amended at 21 Ill. Reg. 16178, effective December 1, 1997; amended at 27 Ill. Reg. 8884, effective May 19, 2003; amended at 28 Ill. Reg. 3509, effective February 3, 2004; amended at 29 Ill. Reg. 19699, effective November 28, 2005; amended at 31 Ill. Reg. 8553, effective June 15, 2007; amended at 32 Ill. Reg. 12046, effective July 16, 2008; emergency amendment at 42 Ill. Reg. 813, effective December 29, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 9550, effective May 24, 2018; emergency amendment at 44 Ill. Reg. 5804, effective March 20, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 6619, effective April 9, 2020, for the remainder of the 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 7966, effective April 27, 2020, for the remainder of the 150 days; emergency amendment to emergency rule effective April 27, 2020 suspended by the Joint Committee on Administrative Rules at 44 Ill. Reg. 10033, effective May 20, 2020; suspension withdrawn at 44 Ill. Reg. 14086, effective August 11, 2020; emergency rule effective March 20, 2020, as amended April 9, 2020 and April 27, 2020, expired August 16, 2020; amended at 44 Ill. Reg. 14039, effective August 17, 2020; emergency amendment at 45 Ill. Reg. 2290, effective February 5, 2021, for a maximum of 150 days.

SUBPART A: RIGHTS AND REQUIREMENTS

Section 178.70 Extension of Filing Deadlines**EMERGENCY**

Filing of Organizational Documents, Annual Reports, and Other Business Entity Materials

- a) All organizational documents, annual reports, and other business entity materials required to be filed with the Secretary of State pursuant to Chapter 805 of the Illinois Compiled Statutes shall be filed with the Business Services Department,

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

Howlett Building, Room 350, Springfield IL 62756 or 69 West Washington, Suite 1240, Chicago IL 60602.

- b) Pursuant to the powers vested in him by Section 5(7) of the Secretary of State Act, the Secretary of State hereby extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038, issued on March 9, 2020, as extended by subsequent proclamations, and for a period of 90 days thereafter, the filing deadlines for materials required to be filed with the Secretary of State pursuant to Chapter 805 of the Illinois Compiled Statutes and that were due to be filed on or after March 17, 2020. This extension period may be rescinded by the Secretary of State through the adoption of an emergency rule. Business organizations are required to pay the statutory amounts to the Secretary of State when materials are filed, including penalties, filing fees, and other charges required to be paid, without regard to the application of the filing extension deadline of this Section. ~~Any fees for late filings of materials shall be waived for materials subject to this Section.~~
- c) Pursuant to the terms of Executive Order 2020-39, as extended by Executive Order 2020-44, and as may be further extended by subsequent Executive Orders, the provisions of Section 55-5 of the Limited Liability Company Act of 1986 (LLCA) that require the Secretary of State to, within 10 days after any of the documents subject to Section 55-5 are delivered to the Secretary for filing, give written notice of his or her disapproval of the documents are suspended for the duration of the disaster proclaimed in Gubernatorial Proclamation 2020-44, as extended, and for 30 days thereafter. During this period of suspension, the Secretary shall process these documents as expeditiously as possible.
- d) Pursuant to the terms of Executive Order 2020-39, as extended by Executive Order 2020-44, and as may be further extended by subsequent Executive Orders, the provisions of Section 50-50 of the LLCA that require the Secretary of State to provide expedited services upon request are suspended for the duration of the disaster proclaimed in the Gubernatorial Proclamation 2020-44, as extended, and for 30 days thereafter. During this period of suspension, the Secretary shall process the expedited documents within 24 hours or as soon as possible thereafter. For purposes of filing dates, the date the document was submitted for filing will be the document's filing date.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. 2290, effective February 5, 2021, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of February 1, 2021 through February 8, 2021. The Pollution Control Board and one of the Illinois Gaming Board rulemakings are scheduled for the February 16, 2021 meeting. The other rulemakings are scheduled for the March 16, 2021 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.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/18/21	<u>Illinois Gaming Board</u> , Sports Wagering (11 Ill. Adm. Code 1900)	12/11/20 44 Ill. Reg. 19312	2/16/21
3/18/21	<u>Pollution Control Board</u> , Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)	10/30/20 44 Ill. Reg. 17190	2/16/21
3/19/21	<u>Department of Agriculture</u> , Fairs Operating Under the Agricultural Fair Act (8 Ill. Adm. Code 260)	11/20/20 44 Ill. Reg. 18536	3/16/21
3/20/21	<u>Department of Financial and Professional Regulation-DFI</u> , Consumer Installment Loan Act (38 Ill. Adm. Code 110)	12/18/20 44 Ill. Reg. 19409	3/16/21
3/20/21	<u>Department of Financial and Professional Regulation-DFI</u> , State Finance Agency Act (38 Ill. Adm. Code 160)	12/18/20 44 Ill. Reg. 19420	3/16/21
3/20/21	<u>Department of Financial and Professional Regulation-DFI</u> , Payday Loan Reform Act (38 Ill. Adm. Code 210)	12/18/20 44 Ill. Reg. 19429	3/16/20
3/20/21	<u>Department of Financial and Professional Regulation</u> , Rules of Practice in	12/18/20	3/16/21

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

	Administrative Hearings (68 Ill. Adm. Code 1110)	44 Ill. Reg. 19439	
3/20/21	<u>Department of Financial and Professional Regulation-DPR, Appraisal Management Company Registration Act (68 Ill. Adm. Code 1452)</u>	12/18/20 44 Ill. Reg. 19441	3/16/21
3/20/21	<u>Illinois Gaming Board, Video Gaming (General) (11 Ill. Adm. Code 1800)</u>	12/18/20 44 Ill. Reg. 19454	3/16/21

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

AGENCY RESPONSE TO JOINT COMMITTEE STATEMENT OF
OBJECTION TO PROPOSED RULEMAKING

Date: February 1, 2021

Agency: Illinois Educational Labor Relations Board

Heading of the Part: General Procedures

Code Citation: 80 Ill. Adm. Code 1100

Register Citation: 44 Ill. Reg. 17536; November 6, 2020

Agency Response to Specific Joint Committee Objections:

At its meeting on January 12, 2021, the Joint Committee on Administrative Rules (JCAR) considered the above-cited proposed rulemaking and objected to it stating that the rulemaking "...allows service of documents by email when that is not one of the three acceptable methods for service specified in Section 5(h) of the Illinois Educational Labor Relations Act [115 ILCS 5]."

The Board has reviewed the statement of objection from JCAR regarding the above-cited proposed rulemaking. The Board did not attempt or intend to circumvent the Illinois Educational Labor Relations Act (IELRA). The Board reasonably and in good faith undertook the proposed rulemaking based upon the history of its laws and rulemaking, as well as the COVID-19 pandemic. The Board incorporates by reference its response to the JCAR objection to the Board's emergency rulemaking. See, 45 Ill. Reg. 1228; January 22, 2021.

General Counsel for the Board has requested and will continue to seek an executive order regarding service of documents during the pandemic and a legislative amendment to Section (h) of the IELRA with respect to the intended methods of service of documents [115 ILCS 5/5]. The Board and JCAR agreed on or about January 11, 2021 as follows:

"IELRB agrees to seek an executive order suspending the limitation on methods of service in Section 5(h) of the Illinois Educational Labor Relations Act [115 ILCS 5] during the declared gubernatorial disaster. It also agrees to seek a statutory change allowing service of documents via email. If the statute is not changed by January 1, 2022, IELRB agrees to amend this Part to remove the option for email service."

Victor E. Blackwell
Executive Director

EXECUTIVE ORDER

2021-4
EXECUTIVE ORDER 2021-04
(COVID-19 EXECUTIVE ORDER NO. 74)

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 1,140,000, and taking the lives of more than 19,500 residents; and,

WHEREAS, as Illinois adapts and responds to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions and that continues to be without an effective treatment or vaccine, the burden on residents, healthcare providers, first responders, and governments throughout the State is unprecedented; and,

WHEREAS, at all times but especially during a public health crisis, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, public health research and guidance indicates the necessity and efficacy of wearing cloth face coverings in public settings where social distancing measures are difficult to maintain, and indicates that the risk of transmission outdoors is less than the risk of transmission indoors; and,

WHEREAS, public health guidance advises that minimizing physical interactions between people who do not reside in the same household is critical to slowing the spread of COVID-19; and,

WHEREAS, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

WHEREAS, in addition to causing the tragic loss of more than 19,500 Illinoisans and wreaking havoc on the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

WHEREAS, many executive agencies in the State have focused their limited resources on the ongoing response to the COVID-19 pandemic; and,

EXECUTIVE ORDER

WHEREAS, the COVID-19 pandemic has required the Illinois Department of Agriculture (IDOA) to address the outbreak's impact on the State's food supply chain through regulation and oversight of meat and poultry facilities and livestock management facilities; and,

WHEREAS, the COVID-19 pandemic's disruption to the livestock market has required IDOA to concentrate its resources on working with livestock owners and producers in addressing safe and environmental animal disposal concerns through its oversight and regulation of the Dead Animal Disposal Act; and,

WHEREAS, IDOA regulates and investigates many other industries that have been directly impacted by the COVID-19 pandemic including, but not limited to, pesticide applicators, animal shelters, pet shops, and gas stations, and the continued, proper regulation of these industries requires IDOA to commit additional time and resources into creating new procedures for conducting remote investigations and trainings; and,

WHEREAS, the COVID-19 pandemic's detrimental impact to IDOA's regulated industries has required IDOA to place additional time and resources into organizing and managing the timely implementation of the Business Interruption Grant Program; and,

WHEREAS, on February 5, 2021, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, in response to the epidemic emergency and public health emergency described above, I find it necessary to re-issue Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-34, 2020-35, 2020-36, 2020-40, 2020-41, 2020-42, 2020-45, 2020-47, 2020-50, 2020-57, 2020-68, 2020-72, and 2021-03 and hereby incorporate the WHEREAS clauses of those Executive Orders;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective February 5, 2021:

Part 1: Re-Issue of Executive Orders.

Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-34, 2020-35, 2020-36, 2020-40, 2020-41, 2020-42, 2020-45, 2020-47, 2020-50, 2020-57, 2020-68, 2020-72, and 2021-03 are hereby re-issued as follows:

EXECUTIVE ORDER

Executive Order 2020-04 (Closure of James R. Thompson Center; waiver of sick leave requirement for State employees):

Sections 2 and 3 of Executive Order 2020-04 are re-issued and extended through **March 6, 2021**. Nothing in Section 2 precludes the Department of Central Management Services from designating specific points of ingress and egress and controlling traffic flow in the James R. Thompson Center for State employees, members of the public attending to State business, and members of the public patronizing the businesses and food court.

Executive Order 2020-07 (In-person meeting requirements):

Section 6 of Executive Order 2020-07, as amended by Executive Order 2020-33 and Executive Order 2020-44, is re-issued and extended through **March 6, 2021**.

Executive Order 2020-08 (Secretary of State operations):

Sections 3, 4, 5, and 6 of Executive Order 2020-08, as amended by Executive Order 2020-39, Executive Order 2020-44, and Executive Order 2020-74, are re-issued and extended through **March 6, 2021**.

Executive Order 2020-09 (Telehealth):

Executive Order 2020-09, as amended by Executive Order 2020-52, is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-11 (Illinois Department of Corrections notification period):

Section 4 of Executive Order 2020-11 is re-issued and extended through **March 6, 2021**.

Executive Order 2020-12 (Health care worker background checks; Illinois Department of Juvenile Justice notification period):

Sections 1 and 3 of Executive Order 2020-12 are re-issued and extended through **March 6, 2021**.

Executive Order 2020-15 (Suspending provisions of the Illinois School Code):

Sections 5, 6, 7, 8, and 9 of Executive Order 2020-15 are re-issued and extended through **March 6, 2021**.

EXECUTIVE ORDER

Executive Order 2020-16 (Suspension of classroom training requirement for security services):

Section 2 of Executive Order 2020-16 is re-issued and extended through **March 6, 2021**.

Executive Orders 2020-03 and 2020-17 (Cannabis deadlines and applications):

Executive Orders 2020-03 and 2020-17, as modified by Executive Order 2020-18, are re-issued and shall remain in effect as specified by Executive Order 2020-18.

Executive Order 2020-20 (Public assistance requirements):

Executive Order 2020-20 is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-21 (Furlough of Illinois Department of Corrections inmates):

Executive Order 2020-21 is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-23 (Actions by the Illinois Department of Financial and Professional Regulation for licensed professionals engaged in disaster response):

Executive Order 2020-23 is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-24 (Illinois Department of Human Services Forensic Treatment Program; investigations of Illinois Department of Human Services employees):

Executive Order 2020-24 is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-25 (Garnishment and wage deductions):

Executive Order 2020-25, as amended by Executive Order 2020-55, is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-26 (Hospital capacity):

EXECUTIVE ORDER

Executive Order 2020-26 is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-27 (Cadavers testing positive for COVID-19):

Executive Order 2020-27 is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-28 (Industrial radiography certifications):

Executive Order 2020-28, as amended by Executive Order 2020-55 and Executive Order 2021-01, is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-29 (In-person education or exams for professional insurance licenses):

Executive Order 2020-29 is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-30 (Expired consular identification documents; electronic filings for the Illinois Human Rights Commission):

Sections 1, 4, 5, and 6 of Executive Order 2020-30 are re-issued and extended through **March 6, 2021**.

Executive Order 2020-34 (Cannabis requirements):

Executive Order 2020-34 is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-35 (Illinois Department of Public Health regulatory activities):

Sections 14, 15, 16, and 17 of Executive Order 2020-35 are re-issued and extended through **March 6, 2021**.

Executive Order 2020-36 (Marriage licenses):

Executive Order 2020-36 is re-issued in its entirety and extended through **March 6, 2021**.

EXECUTIVE ORDER

Executive Order 2020-40 (Child Labor Law):

Sections 2 and 4 of Executive Order 2020-40 are re-issued and extended through **March 6, 2021**.

Executive Order 2020-41 (Sports wagering):

Executive Order 2020-41 is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-42 (State Fairs):

Executive Order 2020-42 is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-45 (Cannabis licenses):

Executive Order 2020-45 is re-issued in its entirety and shall remain in effect as specified by Executive Order 2020-45.

Executive Order 2020-47 (In-person instruction at preK-12 schools):

Executive Order 2020-47 is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-50 (Resuming transfers from county jails to Illinois Department of Corrections):

Executive Order 2020-50 is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-57 (Cannabis identification cards):

Executive Order 2020-57 is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2020-68 (Cannabis registry identification card renewals):

Executive Order 2020-68 is re-issued in its entirety and extended through **March 6, 2021**.

EXECUTIVE ORDER

Executive Order 2020-72 (Residential eviction moratorium):

Executive Order 2020-72, as amended by Executive Order 2020-74 and Executive Order 2021-01, is re-issued in its entirety and extended through **March 6, 2021**.

Executive Order 2021-03 (Regional mitigation metrics):

Executive Order 2021-03 is re-issued in its entirety and extended through **March 6, 2021**.

Part 2: Savings Clause. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor February 5, 2021

Filed by the Secretary of State February 5, 2021

PROCLAMATIONS

2021-2

Gubernatorial Disaster Proclamation

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 1,140,000, and taking the lives of more than 19,500 residents; and,

WHEREAS, at all times but especially during a public health crisis, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, it is critical that Illinoisans who become sick have access to necessary care from medical professionals, including hospital beds, emergency room beds, or ventilators if needed; and,

WHEREAS, it is also critical that the State's health care and first responder workforce has adequate personal protective equipment (PPE) to safely treat patients, respond to public health disasters, and prevent the spread of communicable diseases; and,

WHEREAS, as Illinois adapts and responds to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions, the burden on residents, healthcare providers, first responders, and governments throughout the State is unprecedented; and,

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic, and has now reported more than 104 million confirmed cases of COVID-19 and nearly 2.3 million deaths attributable to COVID-19 globally; and,

WHEREAS, despite efforts to contain COVID-19, the virus has continued to spread rapidly, resulting in the need for federal and State governments to take significant steps; and,

WHEREAS, on March 9, 2020, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area in response to the outbreak of COVID-19; and,

WHEREAS, on March 13, 2020, the President declared a nationwide emergency pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"), covering all states and territories, including Illinois; and,

PROCLAMATIONS

WHEREAS, on March 26, 2020, the President declared a major disaster in Illinois pursuant to Section 401 of the Stafford Act; and,

WHEREAS, on April 1, 2020, due to the exponential spread of COVID-19 in Illinois, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on April 30, 2020, due to the continued spread of COVID-19 in Illinois, the threatened shortages of hospital beds, ER beds, and ventilators, and the inadequate testing capacity, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on May 29, 2020, due to the continued spread of COVID-19 in Illinois, and the resulting health and economic impacts of the virus, and the need to increase testing capacity, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on June 26, 2020, due to the further spread of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on July 24, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on August 21, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on September 18, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on October 16, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

PROCLAMATIONS

WHEREAS, on November 13, 2020, due to the increased spread of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on December 11, 2020, due to the continued rapid spread of COVID-19 in Illinois, the health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on January 8, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, as circumstances surrounding COVID-19 have evolved and new evidence emerges, there have been frequent changes in information and public health guidance; and,

WHEREAS, the unprecedented nature of COVID-19, including the health consequences it has on not just the respiratory system but the heart, brain, kidneys, and the body's immune response, has made the virus's effects and its path difficult to predict; and,

WHEREAS, from the outset, data suggested that older adults and those with serious underlying health conditions are more likely to experience severe and sometimes fatal complications from COVID-19; and,

WHEREAS, evidence has shown that young people, including infants and toddlers, are also at risk of such complications; and,

WHEREAS, young and middle-aged people have comprised a significant proportion of COVID-19 cases and hospitalized COVID-19 patients, and there is evidence that COVID-19 causes blood clots and strokes, and has caused deadly strokes in young and middle-aged people who exhibited few symptoms; and,

WHEREAS, the understanding of spread from infected individuals who have not shown symptoms has changed and, on April 12, 2020, the federal Centers for Disease Control and Prevention (CDC) changed the period of exposure risk from "onset of symptoms" to "48 hours before symptom onset"; and,

WHEREAS, some people infected by the virus remain asymptomatic but nonetheless may spread it to others; and,

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WHEREAS, although the CDC initially recommended against wearing cloth face coverings or masks as protection, as a result of research on asymptomatic and pre-symptomatic transmission, the CDC revised its conclusions and recommends wearing cloth face coverings in public settings where social distancing measures are difficult to maintain; and,

WHEREAS, the CDC now advises that cloth face coverings or masks protect both the wearer and those around them from COVID-19; and,

WHEREAS, public health research and guidance now indicates the necessity and efficacy of wearing cloth face coverings in public settings where social distancing measures are difficult to maintain, and indicates that the risk of transmission outdoors is less than the risk of transmission indoors; and,

WHEREAS, public health guidance advises that minimizing physical interactions between people who do not reside in the same household is critical to slowing the spread of COVID-19; and,

WHEREAS, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

WHEREAS, at the time I issued the first Gubernatorial Disaster Proclamation, there were 11 confirmed cases of COVID-19 in one Illinois county; and,

WHEREAS, as of today, there have been over 1,140,000 confirmed cases of COVID-19 in all 102 Illinois counties; and,

WHEREAS, the first death attributed to COVID-19 in Illinois was announced on March 17, 2020; and,

WHEREAS, as of today, more than 19,500 residents of Illinois have died due to COVID-19; and,

WHEREAS, from the outset, studies have suggested that for every confirmed case there are many more unknown cases, some of which are asymptomatic individuals who can pass the virus to others without knowing; and,

WHEREAS, the CDC estimates that total cases of COVID-19 may be higher than reported for certain regions; and,

PROCLAMATIONS

WHEREAS, while the number of new COVID-19 cases in the State has decreased over the past several weeks, the virus continues to infect thousands of individuals and claim the lives of too many Illinoisans each day; and,

WHEREAS, the COVID-19 pandemic is not limited to the most populous counties, and as of today, counties in all regions of the State are demonstrating significant COVID-19 risk; and,

WHEREAS, without precautions COVID-19 can spread exponentially, even in less populous areas; for example, in Jasper County, a single infected first responder visited a nursing home and instigated series of infections that resulted in one of highest infection rates in the State; and similarly, in Randolph County, a single infected person attended an event in mid-March that caused that county likewise to suffer one of the State's highest infection rates; and,

WHEREAS, the State and the Illinois Department of Public Health have developed a mitigation plan to trigger additional precautions when regions meet certain risk levels; and,

WHEREAS, the U.S. has surpassed 26 million total cases and more than 455,000 deaths; and,

WHEREAS, COVID-19 has claimed the lives of and continues to impact the health of Black and Hispanic Illinoisans at a disproportionately high rate – magnifying significant health disparities and inequities; and,

WHEREAS, the Illinois Department of Public Health activated its Illinois Emergency Operations Plan and its Emergency Support Function 8 Plan to coordinate emergency response efforts by hospitals, local health departments, and emergency management systems in order to avoid a surge in the use of hospital resources and capacity; and,

WHEREAS, as the virus has progressed through Illinois, the crisis facing the State continues to develop and requires an evolving response to ensure hospitals, health care professionals and first responders are able to meet the health care needs of all Illinoisans and in a manner consistent with CDC guidance that continues to be updated; and,

WHEREAS, in order to ensure that health care professionals, first responders, hospitals and other facilities are able to meet the health care needs of all residents of Illinois, the State must have critical supplies, including PPE, such as masks, face shields, gowns, and gloves; and,

WHEREAS, the State of Illinois maintains a stockpile that supports the existing PPE supply chains and stocks at various healthcare facilities; and,

WHEREAS, while the State continues to make every effort to ensure an adequate supply of PPE, if those procurement efforts are disrupted or Illinois experiences a surge in COVID-19

PROCLAMATIONS

cases, the State may face a life-threatening shortage of respirators, masks, protective eyewear, face shields, gloves, gowns, and other protective equipment for health care workers and first responders; and,

WHEREAS, Illinois is using a significant percentage of hospital beds and ICU beds; and, if COVID-19 cases surge, the State could face a shortage of critical health care resources; and,

WHEREAS, over the course of the COVID-19 crisis, the State has been constrained in the number of COVID-19 tests that can be taken and processed due to a limited number of testing sites and labs, as well as a shortage of necessary supplies, including the swabs needed to take samples; and,

WHEREAS, at the time I issued the first Gubernatorial Disaster Proclamation, Illinois had capacity to test no more than a few hundred people per day for COVID-19 at a small number of testing sites; and,

WHEREAS, the State has developed testing sites throughout Illinois and recently has exceeded 100,000 tests per day, and the State continues to focus efforts on increasing testing capacity; and,

WHEREAS, Illinois now has tested nearly 16.5 million total specimens for COVID-19; and,

WHEREAS, in addition to causing the tragic loss of more than 19,500 Illinoisans and wreaking havoc on the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

WHEREAS, nationwide, nearly 75 million people have filed unemployment claims since the start of the pandemic; and,

WHEREAS, the Illinois Department of Employment Security announced that the State's unemployment rate continues to be high; and,

WHEREAS, the Illinois Department of Employment Security is responding to the economic crisis in a number of ways, including through the Pandemic Unemployment Assistance program; and,

WHEREAS, the Department of Commerce and Economic Opportunity is working to address the economic crisis, including through assistance programs such as the Business Interruption Grants Program for businesses that experienced a limited ability to operate due to COVID-19 related closures; and,

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WHEREAS, many executive agencies in the State have focused their limited resources on the ongoing response to the COVID-19 pandemic; and,

WHEREAS, the COVID-19 pandemic has required the Illinois Department of Agriculture (IDOA) to address the outbreak's impact on the State's food supply chain through regulation and oversight of meat and poultry facilities and livestock management facilities; and

WHEREAS, the COVID-19 pandemic's disruption to the livestock market has required IDOA to concentrate its resources on working with livestock owners and producers in addressing safe and environmental animal disposal concerns through its oversight and regulation of the Dead Animal Disposal Act; and

WHEREAS, IDOA regulates and investigates many other industries that have been directly impacted by the COVID-19 pandemic including, but not limited to, pesticide applicators, animal shelters, pet shops, and gas stations, and the continued, proper regulation of these industries requires IDOA to commit additional time and resources into creating new procedures for conducting remote investigations and trainings; and

WHEREAS, the COVID-19 pandemic's detrimental impact to IDOA's regulated industries has required IDOA to place additional time and resources into organizing and managing the timely implementation of the Business Interruption Grant Program; and

WHEREAS, the economic loss and insecurity caused by COVID-19 threatens the viability of business and the access to housing, medical care, food, and other critical resources that directly impact the health and safety of residents; and,

WHEREAS, access to housing helps prevent spread of COVID-19 because individuals with housing are able to minimize physical contact with those outside their households; and,

WHEREAS, temporarily halting eviction proceedings avoids numerous interactions associated with being evicted, including with law enforcement officers, courtroom personnel, landlords, movers, and friends and family who agree to provide temporary housing, as well as, for those who are forced into homelessness, the interactions associated with taking refuge in a shelter; and,

WHEREAS, preventing spread by temporarily halting eviction proceedings thus also prevents spread of COVID-19 in the broader community; and,

WHEREAS, COVID-19 also has been extraordinarily disruptive to schools, and it is among the highest priorities of the State to ensure that students are able to obtain a quality education and that schools are able to provide an environment that is safe for students, teachers, and the community; and,

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WHEREAS, based on the foregoing facts, and considering the rapid spread of COVID-19 and the ongoing health and economic impacts that will be felt over the coming month by people across the State, the current circumstances in Illinois surrounding the spread of COVID-19 constitute an epidemic emergency and a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, based on the foregoing, the continuing burden on hospital resources, the ongoing potential that the State could face shortages of these resources in the event of a surge in infections, and the critical need to increase the purchase and distribution of PPE as well as to continue to expand COVID-19 testing capacity constitute a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, it is the policy of the State of Illinois to be prepared to address any disasters and, therefore, it is necessary and appropriate to make additional State resources available to ensure that that our healthcare delivery system is capable of serving those who are sick and that Illinoisans remain safe and secure and able to obtain medical care; and,

WHEREAS, this proclamation will assist the State in facilitating economic recovery for individuals and businesses in an effort to prevent further devastating consequences from the economic instability COVID-19 has caused; and,

WHEREAS, this proclamation will assist Illinois agencies in coordinating State and Federal resources, including materials needed to test for COVID-19, personal protective equipment, and medicines, in an effort to support the State responses as well as the responses of local governments to the present public health emergency; and,

WHEREAS, these conditions provide legal justification under Section 7 of the Illinois Emergency Management Agency Act for the new issuance of a proclamation of disaster; and,

WHEREAS, the Illinois Constitution, in Article V, Section 8, provides that "the Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws," and states, in the Preamble, that a central purpose of the Illinois Constitution is "provide for the health, safety, and welfare of the people";

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and

PROCLAMATIONS

specifically declare all counties in the State of Illinois as a disaster area. The proclamation authorizes the exercise of all of the emergency powers provided in Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, including but not limited to those specific emergency powers set forth below.

Section 2. The Illinois Department of Public Health and the Illinois Emergency Management Agency are directed to coordinate with each other with respect to planning for and responding to the present public health emergency.

Section 3. The Illinois Department of Public Health is further directed to cooperate with the Governor, other State agencies and local authorities, including local public health authorities, in the development and implementation of strategies and plans to protect the public health in connection with the present public health emergency.

Section 4. The Illinois Emergency Management Agency is directed to implement the State Emergency Operations Plan to coordinate State resources to support local governments in disaster response and recovery operations.

Section 5. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law. If necessary, and in accordance with Section 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1), the Governor may take appropriate executive action to suspend additional statutes, orders, rules, and regulations.

Section 6. Pursuant to Section 7(3) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(3), this proclamation activates the Governor's authority, as necessary, to transfer the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating emergency response programs.

Section 7. The Illinois Department of Public Health, Illinois Department of Insurance and the Illinois Department of Healthcare and Family Services are directed to recommend, and, as appropriate, take necessary actions to ensure expanded access to testing for COVID-19 and that consumers do not face financial barriers in accessing diagnostic testing and treatment services for COVID-19.

Section 8. The Illinois State Board of Education is directed to recommend, and, as appropriate, take necessary actions to address any impact to learning associated with the present public health emergency and to continue to alleviate any barriers to the use of remote learning during the effect of this proclamation that exist in the Illinois School Code, 105 ILCS 5/1-1 et. seq.

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Section 9. All State agencies are directed to cooperate with the Governor, other State agencies and local authorities in the development and implementation of strategies and plans to cope with and recover from the economic impact of the present public health emergency.

Section 10. Pursuant to Section 7(14) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(14), increases in the selling price of goods or services, including medical supplies, protective equipment, medications and other commodities intended to assist in the prevention of or treatment and recovery of COVID-19, shall be prohibited in the State of Illinois while this proclamation is in effect.

Section 11. This proclamation can facilitate requests for federal emergency and/or disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 12. For purposes of Public Act 101-0640, Article 15, section 15-5, amending the Open Meetings Act, new section 5 ILCS 120/7(e)(4), I find that the public health concerns at issue in this proclamation render in-person attendance of more than ten people at the regular meeting location not feasible.

Section 13. This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor February 5, 2021

Filed by the Secretary of State February 5, 2021

ILLINOIS ADMINISTRATIVE CODE
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