NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULE

1) Heading of the Part: Emergency Mortgage Assistance (EMA) Program

2) Code Citation: 47 Ill. Adm. Code 301

3) Section Numbers: Emergency Actions:
   301.103 Amendment
   301.304 Amendment

4) Statutory Authority: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805] and implementing Article 30, Sections 20 and 21 of P.A. 101-063

5) Effective Date of Rule: DEC 4 2020

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency amendment is not expected to expire prior to the 150-day period.

7) Date Filed with the Index Department: DEC 4 2020

8) A copy of the emergency amendment is on file at the Illinois Housing Development Authority, 111 E. Wacker Dr. Ave., Ste. 111, Chicago, IL 60601.

9) Reason for Emergency: Coronavirus Disease 2019 (COVID-19) is a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to those of influenza. Residential foreclosures are contrary to the interest of preserving public health by ensuring that individuals remain in their homes during this public health emergency.

10) A Complete Description of the Subjects and Issues Involved: These amendments increase the maximum grant amount available under the Emergency Mortgage Assistance (EMA) Program. Certain defined terms have been amended.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: The proposed amendments do not create, expand or modify a State mandate.

13) Information and questions regarding amendment shall be directed to: RECEIVED

DEC 4 2020
SOS-CQDE DIV.
ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULE

Maureen Ohle
General Counsel
Legal Department
Illinois Housing Development Authority
111 E. Wacker Dr., Suite 1000
Chicago IL 60601

312.836.7416

The full text of the emergency amendments begins on the next page:
CERTIFICATE OF EMERGENCY AMENDMENTS TO EMERGENCY RULE

The Illinois Housing Development Authority certifies that the attached hereto is a true and correct copy of:

**Heading of the Part:** Emergency Mortgage Assistance (EMA) Program

**Code Citation:** 47 Ill. Adm. Code 301

**Sections Involved:**
301.104
301.304

which was duly amended by emergency action by this agency.

**The reason for the emergency is:** Coronavirus Disease 2019 (COVID-19) is a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to those of influenza. Residential foreclosures are contrary to the interest of preserving public health by ensuring that individuals remain in their homes during this public health emergency.

**Statutory Authority:** Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805] and implementing Article 30, Sections 20 and 21 of P.A. 101-0637.

______________________________
Signature of Officer

General Counsel
Title of Officer

EMERGENCY EFFECTIVE
DEC - 4 2020
SOS-CODE DIV.

RECEIVED
DEC 4 2020
SOS-CODE DIV.
TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 301
EMERGENCY MORTGAGE ASSISTANCE (EMA) PROGRAM

SUBPART A: GENERAL RULES FOR EMA GRANTS

Section
301.101 Authority
EMERGENCY
301.102 Purpose and Objectives
EMERGENCY
301.103 Definitions
EMERGENCY
301.104 Compliance with Federal and State Law
EMERGENCY
301.105 Forms and Procedures for the EMA Program
EMERGENCY
301.106 Fees and Charges
EMERGENCY
301.107 Authority Administrative Expenses
EMERGENCY
301.108 Amendment
EMERGENCY
301.109 Severability
EMERGENCY
301.111 Non-Discrimination
EMERGENCY
301.113 Record Retention
EMERGENCY
301.114 Monitoring
EMERGENCY
301.115 CARES Act/Coronavirus Relief Fund
EMERGENCY
301.116 Random Selection and Set-Asides
EMERGENCY

SUBPART B: BORROWER REQUIREMENTS FOR EMA GRANTS

Section
301.201 Borrower Eligibility
EMERGENCY
301.202 Recapture

EMERGENCY EFFECTIVE

DEC - 4 2020

SOS-CODE DIV.

RECEIVED

DEC 4 2020

SOS-CODE DIV.
EMERGENCY

SUBPART C: SERVICER REQUIREMENTS FOR EMA GRANTS

Section
301.301 General Requirements
EMERGENCY
301.302 Foreclosure Moratorium
EMERGENCY
301.303 Waiver of Fees
EMERGENCY
301.304 Distribution of EMA Grants
EMERGENCY
301.305 Recapture
EMERGENCY

SUBPART D: EMA GRANTS TO COMMUNITY OUTREACH AND ASSISTANCE AGENCIES

Section
301.401 Purpose
EMERGENCY
301.402 Request for Proposals
EMERGENCY
301.403 COAA Eligibility
EMERGENCY
301.404 Eligible Uses
EMERGENCY
301.405 Application Requirements
EMERGENCY
301.406 Maximum COAA EMA Grant Amounts
EMERGENCY
301.407 Distribution of COAA EMA Grants
EMERGENCY
301.408 Recapture
EMERGENCY


SOURCE: Emergency rules adopted at 44 Ill. Reg. 17458, effective October 16, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. __________, effective DEC 04 2020, for the remainder of the 150 days.
Section 301.103 Definitions

EMERGENCY

The following definitions apply to terms used in this Part:

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

"Appropriation": The appropriation of funds, from the State Coronavirus Urgent Remediation Emergency Fund to the Illinois Department of Revenue for the Authority, by the Illinois General Assembly.

"Area Median Income": The median income for a family of four, of the area in which the unit is located, as determined by the Authority (via information published by the U.S. Department of Housing and Urban Development) for each county in Illinois. For purposes of the EMA Program, the median income will be flat and will not be adjusted for family size. All zip codes are assigned a county in Illinois by utilizing the county that contains the majority of the zip code and each zip code uses the county area median income with which it is associated.


"Auditor General": The Auditor General of the State of Illinois.

"Authority": The Illinois Housing Development Authority.

"CARES Act": Section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (15 USC 9001 et seq.).

"COAA": A community outreach and assistance agency receiving an EMA Grant for the benefit of persons impacted by the COVID-19 public health emergency by providing COAA Client Intake, COAA Information and Outreach, and/or COAA Mobile and Technology Network activities.

"COAA Client Intake": The COAA will assist an applicant with answering questions about the EMA Program online application process and with the EMA Program documentation upload.

"COAA Information and Outreach": The COAA will provide information about the EMA Program and will conduct EMA Program outreach.

"COAA Mobile and Technology Network": The necessary and reasonable mobile and technology network related costs, including, but not limited to, computer
workstations, laptops, tablets, headsets, and relevant salary expenses, to assist Illinois residents with information and outreach, the online application process, and post-closing activities, including client follow-up related to the EMA Program.

"CRF": The Coronavirus Relief Fund established by the CARES Act. Under the CARES Act, the CRF is to be used to make payments for specified uses to states and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.


"CURE Fund": The State Coronavirus Urgent Remediation Emergency Fund.

"DIA": An area of the State disproportionately impacted, based primarily on positive COVID-19 cases per capita and demographic calculations performed by the Department of Commerce and Economic Opportunity and the Governor’s Office of Management and Budget. DIAs are captured via zip code.

"Eligible Borrower": A resident approved for an EMA Grant under the EMA Program as set forth in Subpart B.

"Eligible Servicer": An owner of one or more units receiving or approved to receive an EMA Grant on behalf of an eligible borrower through the EMA Program set forth in Subpart C.

"EMA Grant":

A grant not to exceed $25,000 paid to an eligible servicer as a subsidy for one or more past due mortgage payments of an eligible borrower during the EMA Program eligibility period; or

The not to exceed $75,000 grant paid to a COAA to provide, as applicable, COAA Information and Outreach, COAA Client Intake, and/or COAA Mobile and Technology Network, for the benefit of persons seeking mortgage assistance from the Authority in connection with the COVID-19 pandemic.
"EMA Program": The Emergency Mortgage Assistance Program.

"EMA Program Coverage Period": The portion of the EMA program eligibility period applicable to an eligible borrower.

"EMA Program Eligibility Period": March 1, 2020 through December 30, 2020, unless extended by applicable law.

"Fund": The State Coronavirus Urgent Remediation Emergency Fund created in the State Treasury.

"GATA": The Grant Accountability and Transparency Act [30 ILCS 708].

"GATU": The Grant Accountability and Transparency Unit within the Illinois Governor's Office of Management and Budget.

"Guidance": U.S. Department of the Treasury's Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, as amended from time to time.

"NEA": Non-entitlement areas within counties in the State that did not receive direct allotments from the federal Coronavirus Relief Fund, captured via zip code.


(Source: Added by emergency rulemaking at 44 Ill. Reg. 17458, effective October 16, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. ______________, effective ______________, for the remainder of the 150 days)
Section 301.304 Distribution of EMA Grants

EMERGENCY

The Authority will distribute EMA Grants to eligible servicers, as grants on behalf of eligible borrowers, not to exceed $25,000. EMA Grants are applicable to mortgage payments and certain fees due during the EMA Program eligibility period.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 17458, effective October 16, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. _____________, effective DEC 04 2020, for the remainder of the 150 days)