



Housing and Urban Development Committee

Filed: 5/28/2008

09500SB2566ham001

LRB095 18702 AJ0 51084 a

1 AMENDMENT TO SENATE BILL 2566

2 AMENDMENT NO. _____. Amend Senate Bill 2566 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Housing Development Act is amended
5 by adding Section 7.30 as follows:

6 (20 ILCS 3805/7.30 new)

7 Sec. 7.30. Foreclosure prevention counseling program. The
8 Authority shall establish and administer a foreclosure
9 prevention counseling program. The Authority shall use moneys
10 in the Foreclosure Prevention Counseling Fund, and any other
11 funds appropriated for this purpose, to make grants to
12 HUD-certified housing counseling agencies to support
13 pre-purchase and post-purchase home-ownership education and
14 foreclosure prevention counseling activities under the
15 program. This Section is repealed 3 years after the effective
16 date of this amendatory Act of the 95th General Assembly.

1 Notwithstanding any other rulemaking authority that may
2 exist, neither the Governor nor any agency or agency head under
3 the jurisdiction of the Governor has any authority to make or
4 promulgate rules to implement or enforce the provisions of this
5 amendatory Act of the 95th General Assembly. If, however, the
6 Governor believes that rules are necessary to implement or
7 enforce the provisions of this amendatory Act of the 95th
8 General Assembly, the Governor may suggest rules to the General
9 Assembly by filing them with the clerk of the House and
10 Secretary of the Senate and by requesting that the General
11 Assembly authorize such rulemaking by law, enact those
12 suggested rules into law, or take any other appropriate action
13 in the General Assembly's discretion. Nothing contained in this
14 amendatory Act of the 95th General Assembly shall be
15 interpreted to grant rulemaking under any other Illinois
16 statute where such authority is not otherwise explicitly given.
17 For the purposes of this amendatory Act of the 95th General
18 Assembly, "rules" is given the meaning contained in Section
19 1-70 of the Illinois Administrative Procedure Act, and "agency"
20 and "agency head" are given the meanings contained in Sections
21 1-20 and 1-25 of the Illinois Administrative Procedure Act to
22 the extent that such definitions apply to agencies or agency
23 heads under the jurisdiction of the Governor.

24 Section 10. The State Finance Act is amended by adding
25 Sections 5.708 and 6z-80 as follows:

1 (30 ILCS 105/5.708 new)

2 Sec. 5.708. The Foreclosure Prevention Counseling Fund.

3 (30 ILCS 105/6z-80 new)

4 Sec. 6z-80. The Foreclosure Prevention Counseling Fund.

5 (a) There is created in the State treasury a special fund
6 to be known as the Foreclosure Prevention Counseling Fund. The
7 Fund shall consist of all moneys deposited, transferred, or
8 appropriated into the Fund from any legal source.

9 (b) Subject to appropriations, the Illinois Housing
10 Development Authority shall use the moneys in the Fund in the
11 following manner:

12 (1) 75% of the moneys in the Fund, subject to
13 appropriation, shall be used to make grants to
14 HUD-certified housing counseling agencies that provide
15 services outside the City of Chicago and across the State,
16 as provided in Section 7.30 of the Illinois Housing
17 Development Act. Grants made by the Illinois Housing
18 Development Authority shall be based upon the number of
19 foreclosures filed in a HUD-certified counseling agency's
20 service area, the capacity of a HUD-certified housing
21 counseling agency to provide foreclosure counseling
22 services, and any other facts that the Illinois Housing
23 Development Authority deems appropriate.

24 (2) The remaining moneys shall, subject to

1 appropriation, be distributed to the City of Chicago to
2 provide grants to HUD-certified housing counseling
3 agencies located within the City of Chicago to support
4 pre-purchase and post-purchase home-ownership education
5 and foreclosure prevention counseling activities under
6 programs administered by the City of Chicago.

7 (c) Notwithstanding any other law to the contrary, the Fund
8 is not subject to sweeps, administrative charges or
9 charge-backs, or any other fiscal or budgetary maneuver that
10 would in any way transfer any funds from the Fund into any
11 other fund of the State.

12 (d) This Section is repealed 3 years after the effective
13 date of this amendatory Act of the 95th General Assembly.

14 (e) Notwithstanding any other rulemaking authority that
15 may exist, neither the Governor nor any agency or agency head
16 under the jurisdiction of the Governor has any authority to
17 make or promulgate rules to implement or enforce the provisions
18 of this amendatory Act of the 95th General Assembly. If,
19 however, the Governor believes that rules are necessary to
20 implement or enforce the provisions of this amendatory Act of
21 the 95th General Assembly, the Governor may suggest rules to
22 the General Assembly by filing them with the clerk of the House
23 and Secretary of the Senate and by requesting that the General
24 Assembly authorize such rulemaking by law, enact those
25 suggested rules into law, or take any other appropriate action
26 in the General Assembly's discretion. Nothing contained in this

1 amendatory Act of the 95th General Assembly shall be
2 interpreted to grant rulemaking under any other Illinois
3 statute where such authority is not otherwise explicitly given.
4 For the purposes of this amendatory Act of the 95th General
5 Assembly, "rules" is given the meaning contained in Section
6 1-70 of the Illinois Administrative Procedure Act, and "agency"
7 and "agency head" are given the meanings contained in Sections
8 1-20 and 1-25 of the Illinois Administrative Procedure Act to
9 the extent that such definitions apply to agencies or agency
10 heads under the jurisdiction of the Governor.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."