

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rules

■ RENTAL ASSISTANCE

The ILLINOIS HOUSING DEVELOPMENT AUTHORITY adopted a new Part by emergency rulemaking titled Federal Emergency Rental Assistance Programs (47 IAC 378; 45 Ill Reg 6675) effective 5/14/21 for a maximum of 150 days. This Part implements Public Act 102-5, which establishes 2 federally funded emergency rental assistance (ERA) programs for Illinois residents: ERA-1, funded by the Consolidated Appropriations Act (PL 116-260), and ERA-2, funded by the American Rescue Plan Act (PL 117-2).

Households

To qualify for ERA-1, a household must have an income at or below 80% of the area median income (AMI); to qualify for ERA-2, the household must meet the federal definition of "low income family".

COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

To qualify for either program, the household also must have one or more individuals who have qualified for unemployment benefits or experienced economic hardship attributable to the COVID-19 outbreak and one or more individuals that can demonstrate a risk of homelessness or housing instability. Priority will be given to

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Proposed Rulemakings

■ PRESCHOOLS

The CAPITAL DEVELOPMENT BOARD proposed amendments to Early Childhood Construction Grant Rules (71 IAC 43; 45 Ill Reg 6614) providing additional criteria for eligibility, evaluation, and award of Early Childhood Construction Grants; restrictions on the use of grant funds and properties purchased, constructed or improved with grant funds; and the incorporation of requirements under the Grant Accountability and Transparency Act (GATA) and the federal Uniform Grant Requirements referenced in GATA. Applicants for grants must meet GATA requirements, enter into a Uniform Grant Agreement, demonstrate that they have required matching funds, and show that the facility for which the grant is sought will continue to be used

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Adopted Rules

SURS TRUSTEES

The STATE UNIVERSITIES RETIREMENT SYSTEM adopted an amendment to Universities Retirement (80 IAC 1600; 45 Ill Reg 213) effective 5/11/21, replacing an emergency amendment that was effective 12/18/20. The rulemaking allows nominating petitions for SURS Board of Trustees candidates to be circulated and signed electronically via an independent, secure third-party vendor chosen by SURS. Each candidate must

submit his or her own petition and obtain electronic signatures on behalf of their own candidacy; petitions listing multiple candidates will not be accepted.

Questions/requests for copies: Albert J. Lee, SURS, 1901 Fox Drive, Champaign IL 61820, 217/378-8861 or 217/378-8813.

IEMA PUBLIC INFORMATION

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted an amendment to Public

Information, Rulemaking and Organization (2 IAC 1800; 45 Ill Reg 6644), effective 5/12/21, updating its organizational chart to reflect its current structure.

Questions/requests for copies: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/720-8242 or 217/524-3698.

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households with incomes less than 50% of AMI; with one or more persons who have been unemployed for 90 days or more; located in a disproportionately impacted area based on positive COVID-19 cases; with a documented history of housing instability or homelessness; or that have a significant amount of rent in arrears. Application forms, eligibility requirements and other information regarding these programs will be made available at IHDA's website. IHDA will not charge an application fee for either program.

Landlords

To qualify for grants, landlords must agree to waive any late fees or other charges accrued by an eligible household during the period covered by the grant and agree not to pursue eviction or other legal action against the

household for non-payment of rent or fees during the grant period. (The landlord retains the right to pursue eviction for legally permissible reasons not related to payment of rent or other financial charges.) Normally, IHDA will provide the grant to the landlord on behalf of the eligible household, but in the event that a landlord does not agree to participate in or cooperate with the program, IHDA will distribute grants directly to eligible households.

HSS Providers

IHDA may make additional grants or sub-awards to housing stability services (HSS) providers for the purpose of informing potentially eligible households about the program and assisting them to apply. IHDA may issue requests for proposals to HSS providers such as legal assistance groups, HUD-approved counseling agencies, community- or faith-based organizations, non-profit

organizations, or other organizations specializing in housing or community outreach/engagement.

Other Requirements

Eligible households, landlords and HSS providers must keep records of these assistance grants for at least 5 years. Grants are subject to recapture in the event of default, fraud, failure to comply with this Part, or failure to meet any obligations under any program document. Those affected by this emergency rule include eligible landlords, eligible households, and community or non-profit organizations that qualify for HSS grants.

Questions/requests for copies: Maureen Ohle, IHDA, 111 E. Wacker Drive, Suite 1000, Chicago IL 60601.

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as an early childhood center for at least 10 years after the construction project is completed. If the grantee stops using that facility as an early childhood center in less than 10 years, the grantee shall refund to CDB a prorated portion of the grant funds for each month of noncompliance (e.g., if the facility stops being used after If a school district with a population of at least 500,000 submits an application for these grants, at least 20% of the total grants awarded will be made to that district. Additional criteria for and examples of equipment that may

be purchased with grant funds are included. Non-profit organizations that sponsor early childhood programs may be affected.

Questions/requests for copies/ comments through 7/12/21: Lauren Noll, CDB, 401 S. Spring St., 3rd Fl. Stratton Bldg., Springfield IL 62706, 217/782-0700, lauren.noll@illinois.gov

■ PROPERTY TAX APPEALS

The PROPERTY TAX APPEAL BOARD proposed an amendment to Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 IAC 1910; 45 Ill

Reg 6631) allowing hearings to be conducted by video conference with the consent of all involved parties. The hearing notice must include all information needed for the party to connect to the conference (e.g., software password, meeting number and password). Persons with cases before PTAB are affected.

Questions/requests for copies/ comments through 7/12/21: Michael O'Malley, PTAB, Suburban North Regional Office, 9511 W. Harrison St., Suite LL-54, Des Plaines IL 60016, 847/294-4121, fax: 847/294-4799, Michael.OMalley@illinois.gov

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■ DPH MASK RULE REPEAL

The DEPARTMENT OF PUBLIC HEALTH repealed an emergency amendment to Control of Communicable Diseases Code (77 IAC 690; 45 Ill Reg 6777) effective 5/17/21. This action repeals an emergency rule (45 Ill Reg 987) effective 1/4/21 that had required individuals to wear face coverings in public places where a 6-foot social distance could not be maintained. The repealed rule had also required businesses, services, facilities, organizations, and schools to make reasonable efforts to enforce face covering and social distancing requirements on their customers, employees, and others. DPH repealed this emergency rule in light of recent Executive Orders and public health guidance.

■ COVID-19 TRAINING

DPH adopted emergency amendments to Assisted Living and Shared Housing Establishment Code (77 IAC 295; 45 Ill Reg 6696), Sheltered Care Facilities Code (77 IAC 330; 45 Ill Reg 6705), Illinois Veterans' Homes Code (77 IAC 340; 45 Ill Reg 6719), Intermediate Care for Developmentally Disabled Facilities Code (77 IAC 350; 45 Ill Reg 6729), Community Living Facilities Code (77 IAC 370; 45 Ill Reg 6744), Specialized Mental Health Rehabilitation Facilities Code (77 IAC 380; 45 Ill Reg 6755) and Medically Complex for the Developmentally Disabled Facilities Code (77 IAC 390; 45 Ill Reg 6763), all effective 5/17/21 for a maximum of 150 days, continuing policies enacted in previous emergency rules (effective 12/18/20 and amended

1/27/21) that expired 5/16/21. These emergency rules require frontline clinical and management staff at the regulated facilities to undergo free COVID-19 training provided by the federal Centers for Medicare & Medicaid Services. Persons hired after 1/31/21 must complete the training within 14 days after hiring. At least 50% of staff hired on or before that date must have completed training by 2/28/21 and all staff hired prior to 1/31 must have completed training by 3/31/21. Topics addressed in the training program include infection control, personal protective equipment, disinfection, screening, and caring for individuals with dementia during a pandemic. Additional topics addressed in training for management staff include

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emergency preparedness and surge capacity, emotional health of residents and staff, telehealth for nursing homes, and preparing the facility's vaccine delivery system. Frontline staff required to complete this training include facility medical directors and nursing directors, treating physicians, nurses, aides, rehabilitation coordinators, social service directors, and any licensed physical, occupational or speech therapists. Volunteers, students, contractors, consultants and caregivers who provide or engage in direct care or services to residents on behalf of a facility are also considered frontline staff and must complete the training program. Those affected by these emergency rules include assisted living facilities, sheltered care facilities, community living facilities, veteran's homes, specialized mental health facilities, and facilities for the developmentally disabled.

Questions/requests for copies of the 8 DPH emergency rules: Tracey Trigillo, DPH, Lincoln Plaza, 524 S. 2nd St., 6th Fl., Springfield IL 62701, 217/782-1159, dph.rules@illinois.gov

■ VEHICLE REGISTRATION

The SECRETARY OF STATE adopted emergency amendments to Certificates of Title, Registration of Vehicles (92 IAC 1010; 45 Ill Reg 6794) effective 5/6/21 for a maximum of 150 days. Identical proposed amendments appear in

this week's *Illinois Register* at 45 Ill Reg 6641. The emergency and proposed rulemakings concern issuance of temporary registration permits (TRPs) by entities other than SOS offices to persons who have recently purchased vehicles or brought vehicles from other states to be registered in Illinois. Persons who are responsible for issuing, tracking and managing TRPs (Superusers) are now required to attend annual training (formerly, training was required only if there had been any violations in the past year). All information required for a TRP must be electronically printed on the TRP; merely printing the expiration month and year on the TRP is no longer an option. TRP receipts must include the licensee's or agent number issued by SOS to the Superuser. Only Illinois TRPs or 7-day drive-away permits may be issued to Illinois residents; 30-day drive-away permits may be issued to non-residents. Issuance of a TRP or 7-day drive away permit originating in another state to an Illinois resident is a violation for which the issuer will be suspended from access to the SOS TRP system for 90 days on a first violation. For a second or subsequent violation, the issuer's license will be suspended for 30 days. Businesses that issue TRPs are affected by these rulemakings.

Questions/requests for copies/ comments on the proposed rulemaking through 7/12/21: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, pwright@ilsos.gov

■ INTERPRETERS FOR DEAF

The DEAF AND HARD OF HEARING COMMISSION adopted emergency amendments to the Part titled Interpreter for the Deaf Licensure Act of 2007 (68 IAC 1515; 45 Ill Reg 6660) effective 5/12/21 for a maximum of 150 days. An identical proposed amendment appears in this week's *Register* at 45 Ill Reg 6628. The emergency and proposed rulemakings establish a Short-Term Conditional License for sign language interpreters who have completed American Sign Language interpretation coursework but have been unable to complete other requirements for certification (e.g., testing conducted by the Illinois Board for Evaluation of Interpreters) during the COVID-19 pandemic. These licenses will be issued to applicants who attest their intention to complete certification requirements within 12 months and pay the required fees. The Short-Term Conditional License will expire in 12 months or upon issuance of a regular license. Illinois licensed sign language interpreters are affected by these rulemakings.

Questions/requests for copies/ comments on the proposed rulemaking through 7/12/21: Janet Lambert, DHHC, 528 S. 5th St., Suite 209, Springfield IL 62701, 217/557-4495.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be listed in next week's *Illinois Register* and considered at the June 15, 2021 JCAR meeting. Other items not published in the *Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

OFFICE OF THE ATTORNEY GENERAL

Hospital Financial Assistance under the Fair Patient Billing Act (77 IAC 4500; 45 Ill Reg 3732) proposed 3/26/21

DEPT OF CHILDREN & FAMILY SERVICES

Background Checks (89 IAC 385; 44 Ill Reg 16009) proposed 10/2/20

DEPT OF HEALTHCARE & FAMILY SERVICES

Specialized Healthcare Delivery Systems (89 IAC 146; 45 Ill Reg 1096) proposed 1/22/21

DEPT OF HUMAN SERVICES

Aid to the Aged, Blind or Disabled (89 IAC 113; 45 Ill Reg 2573) proposed 3/5/21

Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 45 Ill Reg 2585) proposed 3/5/21

Services to Potentially Eligible Students (89 IAC 554; 45 Ill Reg 2599) proposed 3/5/21

Eligibility (89 IAC 682; 45 Ill Reg 2603) proposed 3/5/21

SECRETARY OF STATE

Issuance of Licenses (92 IAC 1030; 45 Ill Reg 2777) proposed 3/12/21

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 44 Ill Reg 19383) proposed 12/18/20

Joint Committee on Administrative Rules

Senator Bill Cunningham, *co-chair*

Representative Tom Demmer

Senator John F. Curran

Representative Michael Halpin

Senator Donald DeWitte

Representative Frances Ann Hurley

Senator Kimberly Lightford

Representative Steven Reick

Senator Tony Muñoz

Representative Curtis Tarver, II

Senator Sue Rezin

Representative Keith Wheeler, *co-chair*

**Kim Schultz
Executive Director**