**Section 185.400 Assessment Field Delineation**

a) The Secretary does not evaluate the institution's delineation of its assessment field as a separate performance criterion, but the Secretary reviews the delineation for compliance with the requirements of this Section.

b) Except as otherwise set forth in subsection (f), a credit union shall delineate as its assessment field:

1) members from its occupational common bonds, if any;

2) members from its associational common bonds, if any;

3) members other than community common bond members admitted to membership under the Illinois Credit Union Act, if any; and

4) the geographic areas containing members and persons eligible for membership pursuant to its community common bonds or portions of the community common bonds, if any, that the credit union reasonably believes it can serve. In evaluating whether a credit union can reasonably serve persons eligible for membership pursuant to its community common bonds, the credit union shall consider its:

A) Size;

B) Financial health;

C) Ability to effectively promote and market membership and membership services and products throughout the community common bond in a cost-effective manner;

D) Applicable legal restrictions,

E) The location of its offices, branches, and other facilities; and

F) Other relevant considerations, including without limitation, the size, configuration and existence of political subdivisions and geographic barriers within the geographic areas.

c) A credit union may choose to include or exclude any community common bonds located outside of the State of Illinois from its assessment field. A credit union may choose to include or exclude any members for membership pursuant to its occupational or associational common bonds located outside of the State of Illinois from its assessment.

d) A credit union shall not arbitrarily exclude low-income and moderate-income neighborhoods, persons, and areas where there is a lack of access to safe and affordable banking and lending services from its assessment field. A credit union's assessment field shall not reflect illegal discrimination.

e) With respect to a community common bond, a credit union may delineate only its members as its assessment field with approval of the Secretary when inclusion of geographic areas containing persons eligible for membership pursuant to its community common bonds, if any, would be unreasonable or impractical in the credit union's specific case. In evaluating whether to approve such a request, the Secretary shall consider:

1) The size of the credit union;

2) The financial health of the credit union;

3) Applicable legal restrictions;

4) The ability to effectively promote and market membership and membership services and products throughout the community common bond in a cost-effective manner; and

5) Any other relevant considerations, including without limitation, the size, configuration and existence of political subdivisions and geographic barriers within the geographic areas presented by the credit union.

f) A credit union may delineate only the geographic areas containing members and persons eligible for membership pursuant to its community common bonds or portions thereof as its assessment field when such delineation is reasonable and consistent with a meaningful evaluation of the credit union's ILCRA record. In reviewing whether such delineation is reasonable, the Secretary shall consider:

1) The size of geographic areas designated by the credit union;

2) The number of Illinois residents living or working in the delineated geographic areas;

3) Whether the geographic area contains low-income and moderate-income neighborhoods, or areas where there is a lack of access to safe and affordable banking and lending services;

4) The size of the credit union;

5) The financial health of the credit union;

6) The ability to effectively promote and market membership and membership services and products throughout the community common bond in a cost-effective manner;

7) Applicable legal restrictions;

8) The location of its offices, branches, and other facilities; and

9) Any other relevant considerations, including without limitation, the size, configuration and existence of political subdivisions and geographic barriers within the geographic areas presented by the credit union.

g) The credit union shall memorialize the bases for its assessment field delineation at or before the end of the implementation period set forth in Section 185.490. The credit union shall memorialize the bases for its assessment field delineation in writing and provide a copy of the writing to the Secretary. The following governs a credit union changing its assessment field:

1) A credit union may choose to change the delineation of its assessment field at any time, except a credit union may not change the delineation of its assessment field after an examination has been scheduled; and

2) A credit union shall modify the delineation of its assessment field when there is a material modification to the credit union's field of membership or other material change in circumstances.

h) A credit union may request a written finding from the Secretary that its assessment field delineation complies with this Section prior to the initial ILCRA examination. The request shall include the credit union's bases for its assessment field delineation and any other documentation required by the Secretary to evaluate the request. The request shall be made no later than 90 days before the end of the applicable implementation period set forth in Section 185.490. No later than 90 days after receipt a complete request, the Secretary shall provide a written finding that the delineation is in compliance with the requirements of this Section or that the delineation is not in compliance together with the reasons. The time periods set forth in the Section may be extended for good cause shown or by agreement between the Secretary and credit union. A credit union may rely in good faith on the Secretary's written finding with respect to any subsequent efforts by the Secretary to reject or modify the prior assessment field delineation unless and until there has been a material modification to the credit union's field of membership or other material change in circumstances.

i) The Secretary uses the assessment field delineated by a credit union in its evaluation of the credit union's ILCRA performance unless the Secretary determines that the assessment field does not comply with the requirements of this Section. If the Secretary determines that the assessment field delineated by the credit union does not comply with this requirement of this Section, the Secretary shall provide the credit union at least one additional reasonable opportunity to delineate an assessment field in compliance with the requirements of this Section.

j) For purposes of this Section, a "material modification or material change in circumstances" shall be deemed to exist if there has been a significant change in the members served by the credit union or the geographic areas containing members and persons eligible for membership from its community common bonds or portions thereof, if any, that the credit union reasonably believes it can serve after considering the factors enumerated in subsections (b) or (f) as applicable.

k) For purposes of the Section, "members" means current members as reflected on the membership list of the credit union, as that membership list changes from time to time.