

1 AN ACT concerning foreclosure.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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 This Section shall be repealed 3 years after the
16 effective date of this amendatory Act of the 95th General
17 Assembly.

18 Notwithstanding any other rulemaking authority that may
19 exist, neither the Governor nor any agency or agency head under
20 the jurisdiction of the Governor has any authority to make or
21 promulgate rules to implement or enforce the provisions of this
22 amendatory Act of the 95th General Assembly. If, however, the
23 Governor believes that rules are necessary to implement or

1 enforce the provisions of this amendatory Act of the 95th
2 General Assembly, the Governor may suggest rules to the General
3 Assembly by filing them with the Clerk of the House and
4 Secretary of the Senate and by requesting that the General
5 Assembly authorize such rulemaking by law, enact those
6 suggested rules into law, or take any other appropriate action
7 in the General Assembly's discretion. Nothing contained in this
8 amendatory Act of the 95th General Assembly shall be
9 interpreted to grant rulemaking authority under any other
10 Illinois statute where such authority is not otherwise
11 explicitly given. For the purposes of this amendatory Act of
12 the 95th General Assembly, "rules" is given the meaning
13 contained in Section 1-70 of the Illinois Administrative
14 Procedure Act, and "agency" and "agency head" are given the
15 meanings contained in Sections 1-20 and 1-25 of the Illinois
16 Administrative Procedure Act to the extent that such
17 definitions apply to agencies or agency heads under the
18 jurisdiction of the Governor.

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

21 (30 ILCS 105/5.708 new)

22 Sec. 5.708. The Foreclosure Prevention Counseling Fund.

23 (30 ILCS 105/6z-80 new)

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

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

6 (b) Subject to appropriations, the Illinois Housing
7 Development Authority shall use the moneys in the Fund in the
8 following manner:

9 1. 75% of the moneys in the Fund, subject to
10 appropriation, shall be used to make grants to
11 HUD-certified housing counseling agencies that provide
12 services outside the City of Chicago and across the State,
13 as provided in Section 7.30 of the Illinois Housing
14 Development Act. Grants made by the Illinois Housing
15 Development Authority shall be based upon the number of
16 foreclosures filed in a HUD-certified counseling agency's
17 service area, the capacity of a HUD-certified housing
18 counseling agency to provide foreclosure counseling
19 services, and any other facts that the Illinois Housing
20 Development Authority deems appropriate.

21 2. The remaining moneys shall, subject to
22 appropriation, be distributed to the City of Chicago to
23 provide grants to HUD-certified housing counseling
24 agencies located within the City of Chicago to support
25 pre-purchase and post-purchase home-ownership education
26 and foreclosure prevention counseling activities under

1 programs administered by the City of Chicago.

2 (c) Notwithstanding any other law to the contrary, the Fund
3 is not subject to sweeps, administrative charges or
4 charge-backs, or any other fiscal or budgetary maneuver that
5 would in any way transfer any funds from the Fund into any
6 other fund of the State.

7 (d) This Section shall be repealed 3 years after the
8 effective date of this amendatory Act of the 95th General
9 Assembly.

10 (e) Notwithstanding any other rulemaking authority that
11 may exist, neither the Governor nor any agency or agency head
12 under the jurisdiction of the Governor has any authority to
13 make or promulgate rules to implement or enforce the provisions
14 of this amendatory Act of the 95th General Assembly. If,
15 however, the Governor believes that rules are necessary to
16 implement or enforce the provisions of this amendatory Act of
17 the 95th General Assembly, the Governor may suggest rules to
18 the General Assembly by filing them with the Clerk of the House
19 and Secretary of the Senate and by requesting that the General
20 Assembly authorize such rulemaking by law, enact those
21 suggested rules into law, or take any other appropriate action
22 in the General Assembly's discretion. Nothing contained in this
23 amendatory Act of the 95th General Assembly shall be
24 interpreted to grant rulemaking authority under any other
25 Illinois statute where such authority is not otherwise
26 explicitly given. For the purposes of this amendatory Act of

1 the 95th General Assembly, "rules" is given the meaning
2 contained in Section 1-70 of the Illinois Administrative
3 Procedure Act, and "agency" and "agency head" are given the
4 meanings contained in Sections 1-20 and 1-25 of the Illinois
5 Administrative Procedure Act to the extent that such
6 definitions apply to agencies or agency heads under the
7 jurisdiction of the Governor.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.