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SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XX: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 1975

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AUTHORITY: Implementing Section 5-15(a) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(a)] and authorized by Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25].

SOURCE: Adopted at 5 Ill. Reg. 14583, effective prior to October 24, 1980 as corrected at 6 Ill. Reg. 620; codified at 7 Ill. Reg. 2433; amended at 8 Ill. Reg. 2996, effective February 28, 1984; amended at 9 Ill. Reg. 8631, effective May 29, 1985; emergency amendment at 9 Ill. Reg. 10086, effective June 13, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11296, effective July 5, 1985; amended at 9 Ill. Reg. 14675, effective September 13, 1985; amended at 9 Ill. Reg. 16848, effective October 21, 1985; amended at 11 Ill. Reg. 2795, effective January 27, 1987; amended at 21 Ill. Reg. 13817, effective October 7, 1997; amended by emergency amendment at 42 Ill. Reg. _____, effective _____, for a maximum of 150 days.

SUBPART A: DEFINITIONS

Section 1975.110 Definitions

The following terms used in this Part shall have the following definitions:

“Act”: the Illinois Housing Development Act [20 ILCS 3805], as amended from time to time.

“Agenda”: the list of items which will be discussed during a certain Regular Meeting, Special Meeting or Emergency Meeting.

“Attendee”: an individual, including a Commenter, that attends a Meeting who is not a Member, Officer or Staff.

“Authority”: the Illinois Housing Development Authority.

“By-Laws”: the By-Laws of the Authority, as amended from time to time.

“Chairman”: the Chairman of the Authority.

“Commenter”: an individual who desires to deliver Public Comments at a Meeting.

“Commenter’s Card”: the form that a Commenter completes prior to a Meeting.

“Director”: the Executive Director of the Authority.

“Emergency Meeting”: a meeting called by the Members in the event of a bona fide emergency as described in Section 2.02 of the OMA.

“Meeting”: a Regular Meeting, Special Meeting or Emergency Meeting as described in the OMA as applicable.

“Members”: the Members of the Authority.

“Notice of Exclusion”: a written notice to a Commenter who has been excluded from attending Meetings that provides the type of exclusion, the specific reasons for the exclusion and the specific terms and length of the exclusion.

“Officers”: Vice Chairman, Treasurer, Assistant Treasurer, Secretary and Assistant Secretary.

“OMA”: the Illinois Open Meetings Act [5 ILCS 120].

“Person”: Attendee and/or Commenter.

“Procedure Act”: the Illinois Administrative Procedure Act [5 ILCS 100].

“Public Comments”: statements delivered or to be delivered at a Meeting by a Commenter.

“Recording”: a recording of a Meeting by tape, film or other means.

“Regular Meeting”: a regular meeting as described in Section 2.02 of the OMA.

“Rule”: a rule of the Authority promulgated in accordance with the Procedure Act, as supplemented and amended from time to time.

“Special Meeting”: a special meeting as described in Section 2.02 of the OMA.

“Staff”: the Director, Deputy Director, if any, and the employees of the Authority.

“State”: the State of Illinois.

“Website”: the Authority’s website located at www.ihda.org.

All references to the plural in this Part shall also mean the singular and to the singular shall also mean the plural unless the context otherwise requires.

SUBPART B: PUBLIC INFORMATION

Section 1975.210 Public Information and Submissions

- a) The public may direct inquiries to the Authority and may obtain information concerning the Authority and its programs and activities from the Authority on the Website. Inquiries may also be made in writing to 111 E. Wacker Drive, Suite 1000, Chicago, Illinois 60601. The telephone number of the Authority is (312) 836-5200.
- b) Internet links to the Authority's Rules may be found on the Website.
- c) The By-Laws may be found on the Website.

SUBPART C: RULEMAKING

Section 1975.310 Applicability

The Rules in this Subpart apply to all rulemaking proceedings of the Authority.

Section 1975.320 Adoption, Amendment and Repeal of Rules

- a) The Authority promulgates its Rules in accordance with the Procedure Act.
- b) No Rule may be adopted, amended, or repealed except by an official action by the Members.
- c) Authority staff shall develop proposed Rules, amend effective Rules and repeal effective Rules and submit them to the Members for review and approval.
- d) Upon approval of the Members, the Authority staff shall proceed with the rulemaking process as set forth in and in accordance with the Procedure Act.
- e) The Authority may also promulgate Emergency and Peremptory Rules and amendments in accordance with the Procedure Act.

SUBPART D: ORGANIZATION

Section 1975.410 Applicability

The Rules in this Subpart shall govern practices and procedures with respect to the organizational structure and Meetings of the Authority.

Section 1975.420 Organization of the Authority

Duties of the Members, Officers, and Staff of the Authority are governed by the Authority's Act and the By-Laws.

- a) **Members.** The Authority is a body politic and corporate of the State governed by nine Members, appointed by the Governor by and with the advice and consent of the Senate.
- b) **Chairman.** The Chairman, who is a Member and who is designated from time to time by the Governor, is the chief executive officer of the Authority.
- c) **Officers.** The Members annually elect from their membership a Vice Chairman, a Treasurer, and a Secretary. The Members may elect one or more Assistant Treasurers and Assistant Secretaries, who need not be Members.
- d) **Director.** The Director, who is appointed by the Members, is the chief administrative officer of the Authority. The Members may also appoint a Deputy Director.
- e) **Staff.** The Authority may from time to time employ persons as necessary for the effective transaction of Authority business. Under the By-Laws the Director may be empowered to employ the Staff.
- f) **Staff Organization.** The Director may, in his or her discretion, organize the Staff into such departments, divisions, or other administrative units as are necessary for the effective transaction of Authority business, including, but not limited to, departments, divisions, or other administrative units focused on accounting, finance, operations, single family and multifamily housing lending, compliance, law, communications, planning and research.

Section 1975.430 By-Laws

Business of the Authority is transacted in accordance with the By-Laws, which are available to the public on the Website and upon request in accordance with Section 1975.210 of this Part.

Section 1975.440 Meetings of the Members

- a) Meetings must be conducted in compliance with applicable provisions of the OMA.

- b) Except as may be prohibited by the OMA, the Members may act by unanimous written consent without a Meeting, as provided in the Act and the By-Laws.
- c) Five Members constitute a quorum for the transaction of business at any Meeting.
- d) Agendas shall set forth the general subject matter of any resolution that will be the subject of final action at the corresponding Meeting.
- e) The list of specific items set forth on an Agenda for a Regular Meeting shall not preclude the consideration of the discussion by the Members of other items not specifically set forth on such Agenda.

SUBPART E: PUBLIC COMMENT

Section 1975.510 Applicability

The Rules in this Subpart shall provide guidelines for the Attendees of the Meetings as well as the guidelines for Public Comments at the Meetings in accordance with Section 2.06(g) of the OMA. The Authority welcomes public participation in its Meetings; however, no individual or group has the right to address the Authority in a disrespectful or disruptive manner. In order to preserve order and decorum and in the interest of efficiency, the Members may impose additional Meeting guidelines. Certain Meetings may be closed to the public, including Commenters, in accordance with the OMA.

Section 1975.520 Attendee Guidelines

- a) All Attendees shall electronically, or as otherwise required by the Authority, sign-in at a location designated by the Authority prior to being admitted to the Meeting. Such sign-in registration will require, at a minimum, the Attendee's name, to be verified by presentation by the Attendee of valid picture identification and, if required by the Authority, business address and company affiliation, if applicable.
- b) All Attendees shall turn off or silence their phones or other mobile devices immediately prior to and during any Meeting.
- c) All Attendees shall conduct themselves in a professional and respectful manner prior to, during and after a Meeting.
- d) The following items are not allowed to be brought into or displayed at any Meeting:

- A) Banners or other signage;
 - B) Blow horns, megaphones or other noise-makers;
 - C) Any item prohibited by Section 65 of 430 ILCS 661 (as amended from time to time) and/or other weapons intended or designed to inflict bodily harm or physical damage; and
 - D) Any items intended to be disruptive or obstruct other Attendees from the ability to hear or see the proceedings of the Meeting or cause a hindrance to the Members' ability to conduct Authority business.
- e) The Chairman will have the discretion to request that an Attendee leave the Meeting if any of the guidelines listed in this Subpart are violated.

Section 1975.530 Public Comment Procedures

- a) The Authority shall post the schedule of Regular Meetings on the Website at the beginning of each calendar year in accordance with Section 2.02 of the OMA.
- b) The Authority shall post each Regular Meeting Agenda on the Website no later than 48 hours prior to each Regular Meeting in accordance with Section 2.02 of the OMA.
- c) Notices and Agendas for rescheduled and reconvened Regular Meetings, Special Meetings and Emergency Meetings shall be posted on the Website in accordance with Section 2.02 of the OMA.
- d) Commenters shall make a written request to address the Members. Such written request should be sent via email to the Director no later than 24 hours prior to a Regular Meeting, rescheduled or reconvened Regular Meeting or Special Meeting. The Director's email address is located on the Website. Any such request must include the name of the individual wishing to speak, the name of the business organization or group to be represented and such business organization or group's business address, if any, and a summary of the Public Comments. If a Commenter does not have access to email, such written request can be delivered to the Authority via another customary method of delivery provided it is received by the Authority on a timely basis.
- e) Commenters to Emergency Meetings are requested to make a written request to address the Members to the Director as soon as practicable prior to the Emergency Meeting. Any such request must include the name of the individual wishing to speak, the name of the business organization or group to be represented and such

business organization's or group's business address, if any, and a summary of the Public Comments.

- f) Commenters must sign-in in accordance with this Subpart and register to comment on a Commenter's Card on which Commenters will provide his or her name, the name of the business organization or group to be represented and the business address of such business organization or group and the specific topic to be addressed.
- g) A maximum of thirty minutes at the beginning of each Meeting will be set aside for Commenters.
- h) Commenters will appear individually and will be afforded attention and respect. When called upon, Commenters shall come to designated speaking area, state his/her name, and, if speaking for an organization or other group, identify the group represented.
- i) No Commenter may begin their Public Comments without first being recognized by the Chairman. All Public Comments should be addressed to the Members as a whole, not to any individual Member, Officer or Staff.
- j) Each Commenter shall be allowed to speak for three minutes.
- k) When more than three Commenters desire to comment on the same topic, the Chairman may direct the group of Commenters to designate representatives so as not to exceed three Commenters for each topic.
- l) A Commenter who did not request the opportunity to provide Public Comments prior to a certain Meeting in accordance with Section 1975.530(d) of this Part and still desires to provide Public Comments at the Meeting must also sign in prior to such Meeting in accordance with Section 1975.530(f) of this Part. However, the Members may, in their sole discretion, decide to recognize or not recognize such Commenter.

Section 1975.540 Public Comment Guidelines

- a) All Staff and Persons are required to conduct themselves in a professional and respectful manner prior to, during, and after the Meeting.
- b) Disrupting a Meeting is prohibited. Disruptions are defined as, but are not limited to the following:

- A) Speech by a Commenter after expiration of the time allotted for the Commenter's Public Comments;
 - B) Speech by a Commenter that is not germane to a specific item or items on the Agenda;
 - C) Speech by a Person who has not been recognized by the Chairman for public comment and is speaking in a volume louder than a conversational level appropriate for communication between persons seated next to each other or whose speech is audible by others to a point that it is distracting;
 - D) Use of any item prohibited by 1975.520(d) of this Subpart; or
 - E) Any other behavior which may be reasonably determined by the Members to be disruptive to the Members' ability to conduct Authority business.
- c) Public Comments must be conducted in a respectful manner using professional language without any personal attacks to anyone present at the Meeting.
 - d) The Members have discretion to restrict Public Comments that are repetitive or inappropriate.

Section 1975.550 Exclusions

- a) If a Person disrupts a Meeting or otherwise violates these Rules including, but not limited to, engaging in any of the actions described above, the Chairman may rule the Person out of order, direct the Person to cease the activity and impose other reasonable conditions for such Person's continued presence at the Meeting. If the Person does not immediately comply with the Chairman's direction, the Chairman may direct the removal of such Person from the Meeting. Any Person ordered to leave or otherwise removed from a Meeting is excluded from returning to such Meeting.
- b) If a Person is ruled as out of order during two or more Meetings, the Authority may exclude the Person from participation at future Meetings.
- c) The Authority shall provide the Person with a Notice of Exclusion to the last known address of the Person, if available, within 15 business days of the most recent Meeting from which the Person was ruled as out of order and failed to comply with requests to refrain from the disruptive behavior or otherwise failed to leave the Meeting upon the request to do so.

- d) The Notice of Exclusion shall advise that Comments may still be submitted in writing to the Director for distribution to the Members at future Meetings.
- e) In determining the scope and length of any Person's exclusion allowed under this Subsection, the Authority may consider the seriousness of the disruptions to the orderly conduct of the Meeting, the number of disruptions and other reasons deemed reasonably and materially relevant.

(Source: Amended by emergency rulemaking at 42 Ill. Reg. _____, effective _____, for a maximum of 150 days.)

SUBPART F: RECORDING OF MEETINGS

Section 1975.610 Applicability

The Rules in this Subpart shall provide guidelines for the Recording of the Meetings of the Authority.

Section 1975.620 Guidelines

- a) An Attendee may make a Recording as long as such recording does not disrupt the Meeting. The guidelines for Recordings are, but are not limited to:
 - A) The Recording may not be conducted in a way that may endanger other individuals or that obstructs the free passage or view of others attending or viewing the Meeting; and
 - B) The Recording must be conducted in a professional and respectful manner.
- b) The Chairman will have the discretion to request that an Attendee leave the Meeting if any of the guidelines listed in this Subpart are violated.

(Source: Amended by emergency rulemaking at 42 Ill. Reg. _____, effective _____, for a maximum of 150 days.)