**Section 691.70 Eligible Applicants**

a) An eligible applicant for financial assistance under the Program is a business operating within the State of Illinois that:

1) annually earns a gross income of $20 million or less except for hotels, which may annually earn a gross income of $35 million or less;

2) for purposes of determining loss, was in operation as of December 2019;

3) earned less gross income during the 2020 calendar year than the 2019 calendar year due to the negative impact of the COVID-19 pandemic, and that total loss exceeds $5,000;

4) temporarily closed, had reduced operations, or experienced depressed consumer demand during the COVID-19 pandemic; and

5) is not excluded due to select funding rounds providing financial assistance for prioritized industries.

b) In determining whether an applicant is eligible under the revenue requirement as identified under subsection (a)(1), a business shall include all gross income earned from any applicable parent company, affiliate, and subsidiary to determine the total amount earned by an applicant.

c) The following businesses are ineligible to participate in the Program:

1) independent contractors or freelance workers that do not operate a sole proprietorship;

2) child care providers that have received and/or are registered for Child Care Restoration Grants;

3) a private club or business that limits membership for reasons other than capacity;

4) a business primarily engaged in speculative activities that develop profits from fluctuations in price rather than through normal course of trade;

5) a business that earns more than a quarter of its annual net revenue from lending activities, unless the business is a non-bank or non-bank holding company certified as a Community Development Financial Institution (CDFI);

6) a business that derives at least 33% of its gross annual revenue from legal gambling activities;

7) a business engaged in pyramid sales, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants;

8) a business engaged in activities that are prohibited by federal law or applicable law in the jurisdiction where the business is located or conducted;

9) a business that derives a majority of its income as an owner of real property that leases that property to a tenant or tenants under a lease agreement;

10) a business principally engaged in teaching, instructing, counseling, or indoctrinating religion or religious beliefs, whether in a religious or secular setting;

11) a government-owned business entity (except for businesses owned or controlled by a Native American tribe);

12) a business primarily engaged in political or lobbying activities;

13) a business that manufactures or sells at wholesale tobacco products or, liquor or that manufactures or sells firearms at wholesale or retail;

14) a night club or strip club;

15) an employment agency;

16) a pawn shop;

17) a liquor store;

18) a storage facility, trailer-storage yard or junk yard;

19) an establishment similar to any enumerated above;

20) a business in which a majority owner has a financial or familial connection to a director, principal shareholder or leadership member of the Department or Department's partner under the program; or

21) a business on the federal System for Award Management excluded parties list (https://sam/gov/content/exclusions).

d) In addition to the exclusions listed in subsection (c), a business will be excluded from participating under this Program or required to return funds received if that business does not adequately address any of the following deficiencies within a reasonable time, not to exceed 30 days:

1) Noncompliant with COVID-19 Prevention Directives;

2) Delinquent on payment of any State of Illinois tax obligation;

3) On the Illinois Stop Payment List or in default of any contractual obligation to the Department; or

4) Does not meet any other eligibility criteria established in a financial assistance application, which for this point, must be completed prior to the closing of the application window or within 30 days, whichever comes first.