**Section 310.103 Definitions**

As used in this Part, the following words or terms mean:

 "Act": The Illinois Housing Development Act [20 ILCS 3805].

 "Application": An application for a Mortgage Loan for a proposed Development.

 "Authority": The Illinois Housing Development Authority.

 "Bonds": Bonds issued by the Authority from time to time to finance the Program.

 "Chairman": The Chairman of the Authority.

 "Clearinghouse": A State, regional, or metropolitan agency designated by the Governor of the State or the Authority or established by State statute to provide notice to appropriate State and local agencies of proposed Developments and to review such Developments.

 "Code": The Internal Revenue Code of 1986 (26 USC), as amended from time to time, and the regulations promulgated thereunder.

 "Commercial Tenant": Any entity leasing commercial facilities in a Development.

 "Conduit Bonds": Bonds issued by the Authority for which another party assumes the risk of default, including but not limited to a default arising out of a default on the Mortgage Loan financed with the proceeds of the Bonds.

 "Conduit Loan": A Mortgage Loan or other similar financing arrangement made with the proceeds of Conduit Bonds.

"Cost Certification Cutoff Date": The last day of the month in which the Construction Completion Date falls.

 "Cost of Development": The costs of the acquisition and the construction or rehabilitation of a Development, including the design architect's fees; engineering fees; the supervisory architect's fees; legal and accounting fees; marketing and consulting fees; land costs; interest and financing charges to be paid during construction; the Authority's origination fee; application fees paid to other lenders; funding of reserves for real estate and other taxes; funding of reserves for replacement and other reserves; title and recording fees; financial contingency and construction contingency; a developer's fee; costs associated with the issuance of Bonds; relocation costs; the cost of landscaping and off-site improvements; carrying charges; and any other costs approved by the Authority, whether or not such costs have been paid in cash or provided in a form other than cash. For an existing Development that is being refinanced or being acquired, the cost of development shall be the appraised value of the Development, as determined on or after the date of the Application for refinancing, and the costs of rehabilitation.

 "Cumulative Distribution": A Distribution of Surplus Cash and/or Residual Receipts representing all or part of a Distribution unpaid but cumulated by an Owner in a prior fiscal year.

 "Current Distribution": A Distribution of Surplus Cash and/or Residual Receipts representing all or part of a Distribution earned in a current fiscal year.

 "Deputy Director": The Deputy Executive Director of the Authority.

 "Development": The Real Estate, together with all buildings and other improvements constructed on it, and the equipment, and personal property appurtenant to the Real Estate.

 "Development Funds": All cash, rent subsidies, gross Development income, bank accounts, certificates of deposit, trust funds, reserves, escrows, accounts receivable, and other such assets of a Development.

 "Director": The Executive Director of the Authority.

 "Distribution": Any withdrawal or taking of cash from Surplus Cash and/or Residual Receipts, including segregation of cash for subsequent withdrawal, for payment to or on behalf of an Owner pursuant to the Authority's written authorization of the Distribution.

 "Eligible Mortgagor": Any Limited-Profit Entity or Nonprofit Corporation or any Illinois land trust the beneficiary of which is a Limited-Profit Entity or Nonprofit Corporation, but only if the Mortgagor's ownership of the Development (including any partnership interest or stock ownership interest in the Mortgagor), or the beneficiary's interest in an Illinois land trust (including the ownership of any partnership interest or stock ownership interest in the beneficiary), shall not cause any Tax-exempt Bonds used to finance the Development to become taxable for federal income tax purposes. The organizational documents of the Mortgagor or beneficiary referred to in Section 310.303 of this Part shall at all times be in compliance with the requirements of Section 310.303.

 "Equity": The difference between the amount of a Mortgage Loan and all other loans and grants for the Development and the total Cost of Development, except as otherwise provided for in Section 310.403(f).

 "FAF Funds": Funds received from HUD pursuant to certain refunding agreements between the Authority and HUD as authorized by the Stewart B. McKinney Homeless Assistance Act of 1988, which provided for the sharing of savings resulting from the reduction of HUD subsidies provided to certain Developments financed under the Program.

 "Final Closing Date": The date on which the Authority makes the final distribution of the proceeds of a Mortgage Loan.

 "HOME Program": The Home Investment Partnerships Program for the State of Illinois established pursuant to Title II of the National Affordable Housing Act of 1990 (42 USC 12701), as amended from time to time, and the regulations promulgated under that Act.

 "HUD": the United States Department of Housing and Urban Development.

 "Initial Closing Date": The date on which the Authority determines that funds for a Mortgage Loan may be disbursed for the construction or rehabilitation of the Development.

 "Limited-Profit Entity": Any individual, joint venture, partnership, limited partnership, limited liability company, trust, or corporation organized or existing under the laws of the State of Illinois or authorized to do business in the State and having either articles of incorporation, articles of organization or comparable documents of organization or a written agreement with the Authority that, in addition to meeting other requirements of law, meets the requirements of Section 7.2(k) of the Act.

 "Low Income": An income adjusted for family size that is less than or equal to 80% of the Median Income.

 "Median Income": The median income of the county or the metropolitan statistical area, as applicable, in which the Development is located, adjusted for family size. The median income is determined from time to time by HUD for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437a).

 "Members": The Members of the Authority.

 "Moderate Income": An income adjusted for family size that is less than or equal to 120% of the Median Income.

 "Mortgage": The mortgage or other instrument in the nature of a mortgage, together with any supplements, amendments or modifications, executed as security for a Mortgage Loan.

 "Mortgage Loan": A loan under the Program from the Authority to a Mortgagor to be used for the acquisition, construction or rehabilitation and permanent financing of a Development or the refinancing of a Mortgage Loan that provided financing for an existing Development.

 "Mortgage Note": The document executed as evidence of a Mortgagor's indebtedness under a Mortgage Loan and any supplements, modifications or amendments.

 "Mortgagor": The Limited-Profit Entity, Nonprofit Corporation, or Trustee holding title to a Development.

 "Nonprofit Corporation": A not-for-profit corporation incorporated pursuant to the provisions of the Illinois General Not-for-Profit Corporation Act of 1986 [805 ILCS 105] or the State Housing Act [310 ILCS 5] and having articles of incorporation that, in addition to meeting other requirements of law, meet the requirements of Section 7.2(m) of the Act.

 "Notes": Notes issued by the Authority from time to time to finance Mortgage Loans under the Program.

 "Owner": The Limited-Profit Entity or Nonprofit Corporation holding title to Real Estate or a Development or, when the Real Estate or the Development is held in a Trust, the Limited-Profit Entity or Nonprofit Corporation owning the beneficial interest in the Trust. Under no circumstances shall "owner" mean the Authority or a Trustee.

 "Program": The Authority's multifamily rental housing mortgage loan program, including, without limitation, Mortgage Loans made under the HOME Program, Risk Sharing Loans, loans made with FAF Funds and Mortgage Loans insured by HUD (other than Risk Sharing Loans), Ambac Assurance Corporation or any other entity that insures mortgage loans.

 "Real Estate": The real property upon which a multifamily housing development is to be or has been constructed.

 "Regulatory Agreement": The regulatory agreement or other instrument in the nature of a regulatory agreement, together with any supplements, amendments or modifications, governing a Mortgage Loan or a Conduit Loan. The agreement shall, among other things, establish the income and rental restrictions on the Development and the method of determining the permissible Distribution to the Owner.

 "Reserve Fund for Replacements": The account that the owner of a Development must establish to provide a source of funds for capital repairs or improvements for the Development.

 "Residual Receipts": That part of Development income remaining at the end of an annual fiscal year after the deduction of the amount of all Distributions.

 "Risk Sharing Loans": Mortgage Loans insured by HUD under the Housing Finance Agency Risk-Sharing Program for Insured Affordable Multifamily Project Loans, as authorized by Section 542(c) of the Housing and Community Development Act of 1992 (42 USC 3535(d)) and the regulations promulgated under that Act.

 "Rules": The Rules and Regulations of the Authority as supplemented and amended from time to time, including, without limitation, the Rules in this Part.

 "Staff": The Director, the Deputy Director and the employees of the Authority.

 "State": The State of Illinois.

 "Surplus Cash": That part of gross Development income remaining at the end of a fiscal year after Development Funds, if applicable, have been disbursed in accordance with the priorities established in the Regulatory Agreement for the Development.

 "Tax-exempt Bonds": Bonds issued under the provisions of the Code, the interest on which is not taxable to the holders of the Bonds.

 "Tenant": A person or family leasing a dwelling unit in a Development.

 "Tenant Selection Plan": The tenant selection plan approved by the Authority for a Development that sets forth the criteria and procedures for selecting Tenants for a Development.

 "Trust": An Illinois land trust of which an Owner is the sole beneficiary and that holds legal title to a Development.

 "Trustee": The trustee of an Illinois land trust holding legal title to a Development, the beneficiary of which is a Limited-Profit Entity or a Nonprofit Corporation.

 "Very Low Income": An income adjusted for family size that is less than or equal to 50% of the Median Income.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)