**Section 310.913 Rehabilitation Waiver**

The Authority shall waive compliance with the minimum energy efficiency standards for a rehabilitation Development if:

a) The Owner and/or developer submits a cost benefit analysis that demonstrates that compliance with minimum energy efficiency standards would increase the costs of the rehabilitation of the Development to the extent that it would be impossible for the Development to meet the costs of debt service and operating expenses while providing housing for Very Low, Low and Moderate Income Tenants, and the Director or, in his or her absence, the Deputy Director certifies that there is a serious shortage of decent, safe and sanitary housing available to persons of Very Low, Low and Moderate Income in that community and that, but for the waiver of compliance, the property would not be rehabilitated; or

b) The minimum energy efficiency standards are in conflict with the energy efficiency requirements, rules, regulations, practices or procedures of any federal, State or local governmental entity through which a grant, loan, subsidy, insurance, underwriting or guarantee is provided for the rehabilitation of a development by any such entity; or

c) The minimum energy efficiency standards are in conflict with any federal, State or local law, code or ordinance; or

d) The Development does not meet the specific energy efficiency standards incorporated in Section 310.903, but a licensed consulting architect, retained by the Authority, certifies to the Authority that the Development meets standards that are functionally equivalent to the specific energy efficiency standards of this Subpart.

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