**Section 380.103 Definitions**

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

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

"Agency": The Illinois Housing Development Authority or a Municipality.

"Allocation": An award of funds from the RHS Program to an LAA or a Developer.

"Annual Adjustment Factor": The figure published annually by HUD to determine rent increases for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437).

"Annual Income": All amounts, monetary or not, received or anticipated to be received, from a source outside the Household, by or on behalf of the head, spouse or co-head of the Household, or any other Household member over the age of 18, during the 12-month period following admission or the date of the most recent recertification of the Household income. There is no asset limitation for participation in the RHS Program. However, the definition of annual income includes net income from assets. The determination of Annual Income shall be made as provided in the HUD regulations governing section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437) and 24 CFR 5.609(b) and (c) (2021), provided that imputed income (as described in 24 CFR 5.609(b)(3)) from the Household's assets shall not be included. Examples of and instructions for applying these requirements shall be included in the applicable Agency's Program Guide.

"Annual Receipts" means revenue derived from the RHS Program State surcharge from July 1 through June 30 on deposit in the Rental Housing Support Program Fund that is appropriated each year for distribution by the Authority for the RHS Program.

"Applicant": An entity or an individual (as a Developer) making an Application for an Allocation.

"Application": The Application form and attachments that an Applicant must submit when applying for an Allocation under the RHS Program.

"Authority": The Illinois Housing Development Authority.

"Commitment": A contract executed by an Agency and an LAA or a Developer under which the Agency agrees to provide an Allocation. Each Commitment shall contain a provision to the effect that the Agency shall not be obligated to provide funds under the Commitment if the Agency has not received adequate funds from the Annual Receipts or a Fund Distribution, as applicable.

"Coordinating Local Administering Agency": A local administering agency that provides technical and administrative assistance to localities that do not possess the capacity to administer an Allocation.

"Developer": The owner of a Project that has applied for or has been approved for an Allocation under the LTOS Program.

"Extremely Low-Income Household": A Household whose Annual Income is less than or equal to 30% of the Median Income.

"Fiscal Year": The fiscal year of the State.

"Fund Distribution": A distribution of funds from the Annual Receipts for a Fiscal Year to a Geographic Area.

"Geographic Areas": The City of Chicago, Suburban Areas, Small Metropolitan Areas, and Rural Areas.

"Household": A single person, family or unrelated persons living together.

"Housing Quality Standards": HUD Section 8 inspection standards for Units established by 24 CFR 982.401 (2021).

"HUD": The U.S. Department of Housing and Urban Development.

"Income Range": A range of Annual Incomes set forth in Section 380.305 that is used to determine the Tenant Contribution for Tenants.

"Landlord": An owner of one or more Units receiving or approved to receive Rental Assistance through an LAA. An LAA or subsidiary of an LAA may be a Landlord; provided, however, that the LAA must disclose its intention to be a Landlord, or appoint a subsidiary to be a Landlord, in its Application.

"LAA": A local administering agency meeting the eligibility requirements set forth in Section 380.402 and designated by an Agency that receives an Allocation to provide Rental Assistance.

"LTOS Program": The long-term operating support program established under the RHS Program, to be used exclusively to provide long-term operating support to Developers of Projects that provide Units newly available to Extremely Low-Income Households and Severely Low-Income Households.

"Maximum Rent": The maximum rent for a Unit, which shall be the greater of:

the Maximum Rent established under the federal Low Income Housing Tax Credit Program for a Unit rented by a Tenant with an Annual Income less than or equal to 60% of the Median Income; or

120% of HUD's fair market rent for the area in which the Unit is located.

"Median Income": The Median Income of the area in which the Unit is located, adjusted for family size, as the adjusted income and Median Income for the area are determined from time to time by HUD for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437).

"Members": The members of the Authority.

"Municipality": A municipality with a population greater than 2,000,000.

"Municipality Program Guide": The guidelines published by a Municipality for Allocations made by the Municipality. Each Municipality Program Guide shall explain the RHS Program and provide additional information about various RHS Program requirements.

"Permanent Supportive Housing": A Project with a preference or restriction for people who need supportive services to access and maintain affordable housing; are experiencing, or are at risk of, homelessness; are living with disabilities; or are experiencing, or are at risk of, institutionalization. The housing should be permanent (not time-limited, not transitional), affordable (typically rent-subsidized or otherwise targeted to an extremely-low-income Tenant who makes 30% of the Median Income or below), and independent (Tenant holds the lease with normal rights and responsibilities). Services should be flexible (responsive to Tenants' needs and desires), voluntary (participation in supportive services is not a condition of tenancy), and sustainable (the focus of services is on maintaining housing stability and good health).

"Plan for Services": The plan through which each prospective LAA will provide information to Tenants on how to gain access to education, training, and other supportive services and that sets forth the procedures for identifying and referring prospective Tenants to Landlords. LAAs designated by a Municipality shall prepare a Plan for Services and, if a Municipality does not designate an LAA, the Municipality shall prepare a Plan for Services.

"Program Guide": The guidelines published by the Authority explaining the RHS Program and providing additional information about various RHS Program requirements.

"Project": A building or group of buildings that are financed under a common plan of financing.

"Reconciliation": The determination of the difference between the amount of Rental Assistance paid to Landlords or Developers and the amount of Rental Assistance the Landlords or the Developers were entitled to receive.

"Rental Assistance": The amount paid to a Landlord or a Developer as a subsidy for a Unit approved for assistance under the RHS Program.

"Rental Assistance Rider": The rider to be attached to each Tenant's lease that describes the RHS Program; requires the Tenant to provide a certification of its Annual Income; notifies the Tenant that the Tenant must report changes in its Annual Income to the LAA or Developer, as applicable, when they occur and on each occasion that the Tenant's lease is to be renewed; and informs the Tenant that increases in Annual Income may result in an increase in the Tenant Contribution. The Rental Assistance Rider shall be included in the Program Guide or the Municipality's Program Guide, as applicable.

"Reserve Fund": The fund established either by the Authority or by a Municipality directly or through its LAA to provide a source of funds if the Annual Receipts are not sufficient to provide adequate funding for existing Commitments.

"RFP": A request for proposals by an Agency soliciting Applications from LAAs or Developers.

"RHS Program Act": The Rental Housing Support Program Act [310 ILCS 105].

"RHS Program": The Rental Housing Support Program authorized by the RHS Program Act.

"Rural Area": All areas of the State not specifically included in any other Geographic Area.

"Service Area": The geographic boundaries of the area to be served by an LAA.

"Severely Low-Income Household": A Household whose Annual Income is less than or equal to 15% of the Median Income.

"Small Metropolitan Areas": The Geographic Areas that include the municipalities of Bloomington-Normal, Champaign-Urbana, Decatur, DeKalb, Moline, Pekin, Peoria, Rantoul, Rockford, Rock Island and Springfield, and the counties of Madison and St. Clair.

"Special Needs Households": Households that are homeless or imminently at risk of becoming homeless; that are, or are imminently at risk of, living in institutional settings because of the unavailability of suitable housing; or that have one or more members with disabilities, including but not limited to physical disabilities, developmental disabilities, mental illness or HIV/AIDS.

"Suburban Areas": The Geographic Areas that include the counties of Cook (excluding Chicago), DuPage, Kane, Lake, McHenry, and Will.

"State": The State of Illinois.

"State Median Income": The State Median Income published by the U.S. Census Bureau in the most current decennial census.

"Tenant": A Household occupying a Unit.

"Tenant Bill of Rights": Information LAAs and Developers are required to provide to Tenants concerning how to contact the LAA; local Landlord-Tenant laws and procedures; the housing rights of persons with disabilities; how to contact the local agency or agencies administering local Landlord-Tenant laws and procedures or protecting or promoting these housing rights of persons with disabilities; eligibility requirements for participating in the RHS Program; and the rights and responsibilities of prospective Tenants before occupancy of a Unit.

"Tenant Contribution": The portion of the monthly rent for a Unit to be paid by the Tenant, which shall be one-twelfth of approximately 30% of the median of the Income Range in which the Tenant's Annual Income falls, adjusted for Unit size.

"Tenant Income Certification": The form:

prescribed by the Authority; and

to be used by Landlords and Developers in determining and reporting a Tenant's Annual Income to an LAA or an Agency, as applicable.

"Tenant Selection Plan": The written plan prepared by a Landlord or a Developer and approved by the LAA or an Agency, as applicable, that governs the selection of Tenants for a Unit.

"Transitional Contribution": The Tenant Contribution for Tenants whose income has exceeded the income limit for Extremely Low-Income Households.

"Unit": A rental housing Unit receiving Rental Assistance through an Allocation. A Unit may be a single-family dwelling or a Unit in a multifamily dwelling. Housing Units intended as transitional or temporary housing do not qualify as Units.

(Source: Amended at 46 Ill. Reg. 12608, effective July 7, 2022)