**Section 380.619 Revocation/Non-Renewal of Commitments**

a) If a Developer does not perform in accordance with the provisions of its Commitment with an Agency, as determined upon review by the Agency, the Agency shall revoke the Commitment before its expiration, or determine not to renew the Commitment. In determining whether a Developer has adequately performed under its Commitment, the Agency may review, without limitation, the Developer's compliance with Authority requirements for Tenant eligibility, Tenant Contribution, and rent charged for the Units; the compliance of the Project with the Housing Quality Standards; responsivenesstothe Agency, including, without limitation, all reporting requirements; the Developer's compliance with the Project's Tenant Selection Plan; and outreach activities conducted by the Developer within and surrounding the area in which the Project is located, where applicable. In the case of long-term financing, if the Developer does not perform in accordance with the requirements of the regulatory agreement with the Agency required under Section 380.608(d), the Agency shall have the right to recapture all or part of the Rental Assistance for the Project if the Developer is unable to correct any material violations of the regulatory agreement within a reasonable period of time.

b) Prior to the revocation or non-renewal, the Agency shall inform the Developer in writing of the reasons for the revocation/non-renewal. The written notification of revocation/non-renewal shall also indicate that the Developer will have 30 days to submit a written appeal to the Agency. The Developer's appeal shall be addressed to the Agency and shall include a written statement of the Developer's position, including, without limitation, responses to any allegations of poor performance, along with all relevant supporting documentation. The Agency shall review and make a final decision as to the revocation/non-renewal of the Commitment within 30 days after receiving the written appeal.

c) If the Agency decides to revoke or not renew a Commitment, a final Reconciliation shall be performed and any amount due to the Agency by the Developer shall be paid within 10 days. If the Developer fails to pay that amount to the Agency, the Agency shall have the right to exercise any remedies available to it at law or in equity to recover the amount from the Developer.

(Source: Section 380.619 renumbered from Section 380.618 and amended at 46 Ill. Reg. 12608, effective July 7, 2022)