

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 368
ACCESSIBLE HOUSING DEMONSTRATION GRANT PROGRAM

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AUTHORITY: Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 7.19 and 7.25] and the Accessible Housing Demonstration Grant Program Act [310 ILCS 95].

SOURCE: Adopted at 25 Ill. Reg. 12613, effective September 20, 2001.

SUBPART A: GENERAL RULES

Section 368.101 Authority

This Part is authorized by and made pursuant to the Accessible Housing Demonstration Grant Program Act [310 ILCS 95], which shall govern the Program.

Section 368.102 Purposes and Objectives

This Part is established to accomplish the purposes of the Accessible Housing Demonstration Grant Program Act and in particular to make grants to Qualified Builders to encourage the building of Single Family Residences that are accessible to the disabled.

Section 368.103 Definitions

As used in this Part, the following words or terms shall have the meanings assigned to them.

"Accessibility Standards": The standards for the construction of a Spec Home, which shall include the following:

The Spec Home shall have at least one no-step exterior entrance with a 36-inch-wide entrance door to allow for wheelchair access into the Spec Home.

All interior passage doors in the Spec Home shall allow at least 32 inches of clearance in width.

No electrical outlet in the Spec Home shall be lower than 15 inches from the finished floor and no light switch in the Spec Home shall be higher than 48 inches from the finished floor. All environmental controls, including, but not limited to, heating and air-conditioning controls in the home must be in accessible locations.

In each bathroom or equivalent room, the toilet, bathtub, shower stall, or shower seat shall be reinforced in a manner that will allow the installation of grab bars around those fixtures.

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

"Applicant": A homebuilder applying for a Grant under the Program.

"Application": A homebuilder's written request for a Grant, including the required information and attachments.

"Application Form": The form to be used by all Applicants in submitting an Application.

"Architect's Final Certificate": The certificate prepared by an architect of a Qualified Builder stating that a Spec Home, as constructed, meets the Accessibility Standards.

"Architect's Initial Certificate": The certificate prepared by an architect of an Applicant or a Qualified Builder stating that the Plans and Specifications for a proposed Spec Home incorporate the Accessibility Standards.

"Authority": The Illinois Housing Development Authority.

"Building Permit": The building permit for a Spec Home, if required, issued by the jurisdiction in which the Spec Home is to be constructed.

"Director": The Executive Director of the Authority.

"Final Certification Affidavit": The affidavit signed by the building inspector certifying that the Accessibility Standards have been incorporated into the Spec Home.

"Grant": A grant from the Authority to a Qualified Builder in connection with the construction of one or more Spec Homes under the Program. No Grant shall exceed \$5,000 for each Spec Home.

"Grant Agreement": The agreement between the Authority and a Qualified Builder setting forth the terms and conditions under which the Authority will provide a Grant to the Qualified Builder.

"Program": The Accessible Housing Demonstration Grant Program.

"Qualified Builder": A homebuilder that:

has had insurance coverage for product liability, builder's risk and worker's compensation for the 12-months prior to the date of its Application; and

demonstrates that it has constructed either at least two buildings in the 12-month period prior to the date of its Application, or four buildings in the 24-month period prior to the date of its Application.

"Request for Disbursement": A Qualified Builder's request for a disbursement of Grant funds upon the completion of construction of a Spec Home.

"Single Family Residence": A detached home, a condominium, a town home or other residence designed to be occupied by a single individual or household. A two-, three- or four-flat is not a Single Family Residence.

"Spec Home": A Single Family Residence satisfying the Accessibility Standards constructed by a Qualified Builder for sale on the open market and not built for a specific individual or family for immediate occupancy.

"Staff": The Executive Director and the employees of the Authority.

Section 368.104 Standards and Criteria

In considering applications for Grants, the Authority and the Staff shall, in the exercise of discretion, consider, in addition to the requirements of Section 368.203:

- a) The size, number and type of the proposed Spec Homes;
- b) The location of the Spec Homes;
- c) The projected completion dates of the Spec Homes;
- d) The experience of the Applicant;
- e) The amount of the Grant requested; and
- f) The per unit cost differential for meeting each of the Accessibility Standards.

Section 368.105 Forms and Procedures for the Program

The Staff may prepare, use, supplement, and amend such forms, agreements, and other documents and such procedures as may be necessary to implement the Program, all as may be prescribed by the Executive Director.

Section 368.106 Amendment

This Part may be supplemented, amended, or repealed by the Authority from time to time and in such manner as they may determine consistent with this Part, the Act, the Accessible Housing Demonstration Grant Program Act, the Illinois Administrative Procedure Act and other applicable provisions of law. This Part shall not constitute or create any contractual rights.

Section 368.107 Severability

If any clause, sentence, paragraph, subsection, Section, or Subpart of this Part is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Part, but shall be confined in its operation to the clause, sentence, paragraph, subsection, Section, or Subpart as to which such judgment is rendered.

Section 368.108 Gender and Number

All terms used in any one gender or number shall be construed to include any other gender or number as the context may require.

Section 368.109 Titles and Captions

Titles and captions or Subparts, Sections, and subsections are used for convenience and reference and are not a part of the text.

Section 368.201 Forms

The Authority shall develop an Application Form, a Grant Agreement, and any other forms that it may deem necessary for the conduct of the Program.

Section 368.202 Application

Applicants seeking a Grant under the Program shall submit to the Authority a completed Application Form together with all required documentation.

Section 368.203 Accompanying Documentation

For each Spec Home that an Applicant proposes to construct under the Program, the Applicant shall include:

- a) an Architect's Initial Certificate; and
- b) a Building Permit, if required by the jurisdiction in which the Spec Home is to be constructed.

Section 368.204 Review

Within 10 business days after the receipt of an Application, the Staff shall determine whether such Application meets the eligibility requirements of Sections 368.104 and 368.203. If the Staff determines that the Application meets such requirements, it shall notify the Applicant within five business days after such determination. If the Staff determines that the Application fails to meet

any of these requirements, the Authority shall notify the Applicant in writing within 10 business days after such determination; the Applicant shall have 10 business days to correct any deficiencies in its Application.

Section 368.205 Grant Agreement

Upon the approval of an Application, the Authority and the Applicant shall enter into a Grant Agreement. Upon entering the agreement, the Qualified Builder will have up to one year to complete the construction of the Spec Home.

Section 368.206 Monitoring of Program by the Authority

Upon reasonable notice, the Qualified Builder shall allow the Authority to inspect the Spec Homes until one year after the date of the Grant Agreement.

SUBPART C: DISBURSEMENT OF GRANT PROCEEDS

Section 368.301 Application for Disbursement of Grant Proceeds

Upon the completion of a Spec Home, the Qualified Builder shall submit a Request for Disbursement to the Authority. Such request shall include an Architect's Final Certificate and, if required by the jurisdiction in which the Spec Home has been constructed, a certificate of occupancy from that jurisdiction.

Section 368.302 Review

Within 10 business days after the receipt of a Request for Disbursement, the Staff shall determine whether such request meets the requirements of Section 368.301. If such requirements have been met, the Authority shall disburse Grant proceeds in the requested amount to the Qualified Builder within 45 days after receipt of the Final Certification Affidavit. If the Staff determines that the Request for Disbursement does not meet such requirements, the Authority shall notify the Qualified Builder in writing within 10 business days, stating the reasons why the Request for Disbursement was denied; the Qualified Builder shall have 10 business days to correct any deficiencies in its Request for Disbursement.