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2 SUBTITLE C: ECONOMIC DEVELOPMENT
3 CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY
4

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7

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99
100 AUTHORITY: Implementing Section 605-1050, and authorized by Sections 605-95 and 605-55,
101 of the Department of Commerce and Economic Opportunity Law [20 ILCS 605].

102
103 SOURCE: Emergency rules adopted at 44 Ill. Reg. 13111, effective July 21, 2020, for a
104 maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16836, effective
105 September 29, 2020, for the remainder of the 150 days; emergency amendment to emergency
106 rule at 44 Ill. Reg. 18607, effective November 6, 2020, for the remainder of the 150 days.

107
108 SUBPART A: GENERAL PROVISIONS

109
110 **Section 690.10 Purpose**
111 **EMERGENCY**

112
113 The purpose of the Business Interruption Grant Program (Program) is *to provide financial*
114 *support to businesses that have experienced interruption of business or other adverse conditions*
115 *attributable to the COVID-19 public health emergency* [20 ILCS 605/605-1050]. Financial
116 assistance provided through the Program established in this Part shall be consistent with the
117 requirements of section 5001 of the federal Coronavirus Aid, Relief, and Economic Security Act
118 (P.L. 116-136) and any rules or guidance issued by the U.S. Department of the Treasury or other
119 responsible federal agency. The provision of support to for-profit and not-for-profit businesses
120 that have experienced adversity attributable to the COVID-19 epidemic is necessary response to
121 the public health emergency. Financial assistance shall be prioritized for communities most in
122 need of assistance, as determined by numbers or rates of infection and economic measures
123 identified in this Part. The Program will be implemented in multiple phases of funding.

124
125 **Section 690.20 Definitions**
126 **EMERGENCY**

127
128 "Acutely Distressed Industry" means a business that has annual revenues of \$20
129 million or less; has been closed or is operating at a significantly diminished
130 capacity since March 13, 2020; is likely to continue to do so until Phase 5 of the
131 Restore Illinois Plan; and is a member of a select industry. Select industries
132 include, but are not limited to, amusement parks, bus operating companies, event

133 venues, indoor recreation, movie theaters, museums, music venues, and
134 performing arts venues.

135
136 "Affiliate" means a business that is at least 50% or more owned or controlled by
137 another person with at least 50% ownership or control. Control is not required to
138 be exercised to establish an affiliate relationship; it is sufficient for one person to
139 possess the authority to control the other person to establish an affiliate
140 relationship.

141
142 "Allotment Tier" means the classification of a county as either having received a
143 direct allotment from the CRF or not having received a direct allotment from the
144 CRF.

145
146 "Allowable Expenditure" means a necessary expenditure that the Department has
147 authorized for reimbursement under the Program in accordance with Section 90 of
148 this Part.

149
150 "Amusement Park" means a park, fairground, or recreational and entertainment
151 complex that supplies refreshments and multiple entertainment and recreational
152 activities, including, but not limited to, amusement parks, theme parks, water
153 parks, and attractions.

154
155 "Applicant" means a qualifying business that applies for funding under the
156 Program.

157
158 "Barbershops and Salons" means an entity possessing an active license under
159 Article IIID of the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail
160 Technology Act of 1985 [225 ILCS 410], or a person possessing an active barber,
161 cosmetologist, esthetician, nail technician, or hair braider license under that Act
162 who is self-employed and has no employees or contractors.

163
164 "Bus Operating Company" means a business that provides, for a third party,
165 transportation, including the bus and driver, for a group of people from one
166 location to another. These businesses may provide, but are not limited to, charter
167 buses, interurban and rural buses, and shuttle services.

168
169 "Business" means a for-profit enterprise or non-profit organization lawfully
170 conducting business in Illinois. This term does not include any business that is
171 prohibited from receiving funds under section 5001(b) of the CARES Act.

172
173 "CARES Act" means the federal Coronavirus Aid, Relief, and Economic Security
174 Act (P.L. 116-136).

175
176 "Cost of Business Interruption" means:

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decreases in revenue caused by closing or limiting access to the business establishment to comply with COVID-19 prevention directives or to otherwise prevent the spread of COVID-19 within the business establishment;

decreases in revenue caused by decreased customer demand as a result of the COVID-19 emergency; or

other revenue reductions approved for reimbursement from the CRF by the U.S. Department of the Treasury.

"COVID-19" means *the novel coronavirus disease deemed COVID-19 by the World Health Organization on February 11, 2020*. [20 ILCS 605/605-1050(g)(1)]

"COVID-19 Emergency" means the national public health emergency declared March 13, 2020.

"COVID-19 Prevention Directives" means all laws, orders, regulations, and guidance relevant to and in effect during the COVID-19 emergency that pertain to preventing the spread of COVID-19, including Executive Orders and preventative guidelines issued by the Illinois Governor, the Illinois Emergency Management Agency, the Department, or the Illinois Department of Public Health.

"CRF" means the Coronavirus Relief Fund established by the CARES Act.

"DCFS" means the Illinois Department of Children and Family Services.

"Department" means the Illinois Department of Commerce and Economic Opportunity.

"Depopulation and Disposal Event" or "DDE" means swine destroyed in a 7-day period at a single location (based on premise ID) due to market supply chain disruption.

"DHS" means the Illinois Department of Human Services.

"Disproportionately Impacted Area" means those ZIP Codes most severely affected by the COVID-19 emergency, to be determined based on positive COVID-19 case per capita rates, and high rates in at least one of the following poverty-related categories relative to other ZIP Codes within their region:

220 share of population consisting of children age 6 to 17 in households with
221 income less than 125% of the federal poverty level;

222
223 share of population consisting of adults over age 64 in households with
224 income less than 200% of the federal poverty level;

225
226 share of population in household with income less than 150% of the
227 federal poverty level; and

228
229 share of population consisting of children ages 5 and under in households
230 with income less than 185% of the federal poverty level.

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232
233 The Department, using these criteria, may determine different eligibility
234 thresholds when allocating funding for the Allotment Tiers.

235
236 "DOA" means the Illinois Department of Agriculture.

237
238 "Downstate Illinois" includes all counties in the State of Illinois that did not
239 receive a direct allocation from the Coronavirus Relief Fund. Those counties that
240 did receive a direct allocation are Cook, DuPage, Kane, Lake, and Will Counties.

241
242 "Eligible Loan" means *a loan of up to \$50,000 that was deemed eligible for*
243 *funding under the Department's Emergency Loan Fund Program and for which*
244 *repayment will be eligible for reimbursement from CRF monies pursuant to*
245 *section 5001 of the CARES Act and any related federal guidance.* [20 ILCS
246 605/605-1050(g)(3)]

247
248 "Emergency Loan Fund Program" means a program implemented *by the*
249 *Department by which the State Small Business Credit Initiative Fund is utilized to*
250 *guarantee loans released by a financial intermediary or qualified partner.* [20
251 ILCS 605/605-1050(g)(4)]

252
253 "Event Venue" means a business (excluding a higher education institution) that is
254 engaged in leasing out a location for private events.

255
256 "Financial Assistance" means financial support to an Illinois business in the form
257 of a grant, expense reimbursement, or subsidy.

258
259 "Fitness Center" means a business consisting of at least one fixed establishment
260 that is open to members or the general public to participate in activities related to
261 physical fitness at that location, with those activities including:

262

263 instruction, training, or assistance in physical culture, bodybuilding,
264 exercising, weight loss, figure development, judo, karate, self-defense
265 training, or any similar activity;

266
267 access to the business' facilities for self-directed exercise; or

268
269 membership in any group formed by a physical fitness center for any of
270 the above purposes.

271
272 "Food and Beverage Establishment" means a restaurant or bar business enterprise
273 consisting of at least one establishment that is licensed or otherwise permitted to
274 sell food or beverages for on-site consumption, and does not include event spaces
275 or banquet halls, grocery or convenience stores, night clubs or strip clubs, or a
276 business that derives less than 80% of its gross revenue from food and beverage
277 sales.

278
279 "GATA" means the Illinois Grant Accountability and Transparency Act [30 ILCS
280 708].

281
282 "GATA Rule" means 44 Ill. Adm. Code 7000.

283
284 "Indoor Recreation" means a business that provides an indoor facility with usable
285 indoor space designated for indoor play or fitness activities. These activities
286 include, but are not limited to, bowling alleys, skating rinks, trampoline parks,
287 indoor playgrounds, field houses, laser tag, arcades, and indoor sports facilities
288 (not fitness centers).

289
290 "Leadership Member" means any:

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293 executive officer of the Department, including the Director, Assistant
294 Director, Chief Operating Officer, Chief Financial Officer, and Chief of
295 Staff; or

296
297 any corporate officer of an independent business entity, including the
298 president, any vice president in charge of a principal business unit,
299 division or function, or any "C" level executive, including, but not limited
300 to, the Chief Executive Officer, Chief Financial Officer, or the Chief
301 Operations Officer, who is responsible for company-wide decisions or
302 who performs major policymaking functions.

303
304 "Livestock Management Facility" means an operation where livestock (swine,
305 beef cattle, dairy cattle, poultry, sheep, and meat goats) is primarily used in the

306 production of food, fiber, or other products and have been, are, or will be fed,
307 confined, maintained or stabled for a total of 45 days or more in any 12-month
308 period.

309
310 "Microbusiness" means a business with annual sales valued at less than \$100,000
311 per year with fewer than 10 employees, including the owner.

312
313 "Movie Theater" means a theater where movies are shown for public
314 entertainment.

315
316 "Museum" means an institution or entity located in Illinois that:
317
318 is operated by a 501(c)(3) organization (that is not owned or operated by a
319 government entity);

320
321 is operated primarily for educational, scientific, historic preservation,
322 cultural, or aesthetic purposes; and

323
324 owns, borrows, cares for, exhibits, studies, archives, or catalogs property.

325
326 "Music Venue" means a business entity that provides space for live music
327 performance, whose primary source of revenue comes from the attendance of
328 patrons of those performances. These venues often provide:

329
330 a defined performance and audience space;

331
332 a mixing desk and a public address system;

333
334 for the receipt of a cover charge (through ticketing or a front door entrance
335 fee) from patrons attending a music performance; and

336
337 marketing of specific acts through gig listings in printed or electronic
338 publications, or through event listings in physical or electronic format.

339
340 "Necessary Expenditure" means an expenditure of funds that is eligible for
341 reimbursement from the CRF and necessary to:

342
343 respond to the COVID-19 emergency; or

344
345 reimburse the cost of business interruption.

346

347 "Non-Profit Organization" means an organization that is registered as a non-profit
348 corporation with the Illinois Secretary of State.

349
350 "Performing Arts Venue" means a business that provides space for various
351 performing arts, including music, dance, drama, or similar presentations. These
352 venues exclude organizations that primarily operate as an educational institution.

353
354 "Premises ID" means the standardized unique identifier that is permanently
355 assigned to a physical location by the U.S. Department of Agriculture (USDA).

356
357 "Program" means the financial assistance program funding opportunities
358 administered by the Department and implemented in this Part. The Department
359 may implement financial assistance programs in cooperation with DHS and DOA
360 to more effectively target specific industries.

361
362 "Program Participant" means the business that receives financial assistance under
363 the Program.

364
365 "Qualified Non-profit Organization" means a community-based organization that
366 is a certified non-profit under State or federal laws, located in modest and low-
367 income census tracts, with a demonstrable record of serving diverse, underserved,
368 and minority-owned small businesses.

369
370 "Qualifying Business" means *a business or organization that experienced or is*
371 *experiencing business interruption due to the COVID-19 public health emergency*
372 *and for which provision of financial assistance under the Program is eligible for*
373 *reimbursement as prescribed by section 601(a) of the Social Security Act (42*
374 *USC) as added by section 5001 of the CARES Act, or other federal legislation*
375 *addressing the COVID-19 emergency. A qualifying business includes self-*
376 *employed individuals and independent contractors. [20 ILCS 605/605-*
377 *1050(g)(2)]*

378
379 "Qualified Partner" means *a financial institution or nonprofit with which the*
380 *Department, or another State agency pursuant to an intergovernmental agreement*
381 *with the Department, has entered into an agreement or contract to provide or*
382 *incentivize assistance to qualifying businesses. [20 ILCS 605/605-1050(g)(5)]*

383
384 "Qualifying Small Business" means a small business that is a qualifying business,
385 as those terms are defined in this Section.

386
387 "Restore Illinois Plan" means the framework announced by the Governor of the
388 State of Illinois to safely reopen Illinois in five phases, with any modifications to
389 that plan.

390

391 "Severely Disproportionately Impacted Area" means a disproportionately
392 impacted area that has experienced heightened adverse economic conditions since
393 March 13, 2020, which may include high rates of business closures or losses,
394 unemployment, poverty rates, or other economic factors.

395
396 "Small Business" means a business enterprise that:

397
398 is physically operating in Illinois;

399
400 generated 51% or more of its revenue in Illinois in 2019; and

401
402
403 has fewer than 250 full-time employees prior to March 13, 2020 or is not
404 dominant in its field within Illinois, as determined by the Department.

405
406 "Uniform Guidance" means the Uniform Administrative Requirements, Cost
407 Principles, and Audit Requirements for Federal Awards, codified at 2 CFR 200,
408 as amended.

409
410 **Section 690.30 GATA Requirements**

411 **EMERGENCY**

412
413 a) The Program established in this Part is subject to the Grant Accountability and
414 Transparency Act [30 ILCS 708], with any exceptions granted.

415
416 b) To the extent the Program is implemented using Grant Agreements, at minimum
417 the following provisions of the Uniform Guidance apply to grant recipients: 2
418 CFR 200.303 and 330 through 332.

419
420 **Section 690.40 Qualified Partners**

421 **EMERGENCY**

422
423 a) The Department may enter into Grant Agreements, contracts, or intermediary
424 agreements with qualified partners to implement the Program. The nature of the
425 services provided by the qualified partner shall determine whether the
426 arrangement is a grant, procurement, or other relationship. The Department may
427 award grants to qualified partners to provide financial assistance to qualifying
428 businesses or contract with qualified partners to secure services to implement the
429 Program.

430
431 b) A qualified partner shall include a non-profit agency or organization registered to
432 conduct business in the State of Illinois or a financial institution that has
433 demonstrated experience providing financing or services to businesses or
434 residents located in disproportionately impacted areas.

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- c) An agreement with a qualified partner shall specify the qualified partner's responsibility, if any, for determining eligibility for financial assistance and monitoring program participants for compliance with Program requirements.
- d) Nothing in this Part shall restrict the Department from securing services from entities other than qualified partners to assist in implementing the Program.

Section 690.50 Identifying Disproportionately Impacted Areas

EMERGENCY

- a) The Department will allocate funding within the Program such that no less than 30% will be provided to qualifying businesses located in disproportionately impacted areas. The Department will determine which ZIP Codes constitute disproportionately impacted areas based on available COVID-19 case information and economic data at the time it announces funding opportunities under the Program, and areas may be added or removed from prioritization based on changes in relative COVID-19 rates and economic distress.
- b) Within each Allotment Tier, the Department will rank each ZIP Code by COVID-19 cases per capita and by each of the poverty-related criteria. ZIP Codes with moderate, high, and very high COVID-19 cases per capita will be considered to be disproportionately impacted areas if they also have moderate to high rates of economic distress, as demonstrated by high rates within at least one of the poverty-related criteria (see Section 690.20 (Disproportionately Impacted Area)). The Department will include areas with significantly higher rates of COVID-19 cases per capita and lower levels of the poverty-related criteria, as well as areas with significantly higher levels of the poverty-related criteria and lower relative COVID-19 cases per capita.
- c) The Department will reserve funding opportunities for qualifying businesses located in or predominantly serving severely disproportionately impacted areas.

Section 690.60 Form of Financial Assistance

EMERGENCY

Financial assistance under the Program may be in the form of a grant, subsidy, or expense reimbursement. Regardless of the form of assistance, a program participant shall be obligated to comply with requirements set forth in this Part and in any agreement or certification executed as part of applying for financial assistance.

Section 690.70 Financial Assistance Application Process

EMERGENCY

- 479 a) The Department will announce funding availability and application procedures on
480 its website as funding opportunities are made available. The Department may
481 direct prospective applicants to apply via qualified partners or another State
482 agency that has agreed to implement a financial assistance program for a
483 particular industry.
484
- 485 b) As part of applying for financial assistance, applicants may be required to
486 complete an application form and sign a certification that attests to eligibility for
487 the Program and conditions funding on compliance with programmatic
488 requirements.
489
- 490 c) Applicants will be required to demonstrate eligibility for the funding. Supporting
491 documents required for the application may include, but are not limited to:
492
- 493 1) applicant's 2018 (for applications prior to August 15, 2020) or 2019
494 income tax return;
 - 495
 - 496 2) completed W-9 form;
 - 497
 - 498 3) proof of eligible necessary expenditures;
 - 499
 - 500 4) information or records identifying the applicant and its owners;
 - 501
 - 502 5) proof of licensure, if applicable;
 - 503
 - 504 6) DUNS number or other unique identifier requested by the Department;
 - 505
 - 506 7) any other information or proof necessary to confirm the existence of the
507 applicant and its eligibility to participate in the Program.
508
- 509 d) Completed application materials must be signed by the applicant's authorized
510 representative and received by the Department, or the entity processing the
511 application, by the announced deadline for the submission of applications.
512

513 **Section 690.80 Selection Process**

514 **EMERGENCY**

515
516 The Department, its qualified partners, or other State agencies administering parts of the
517 Program will select recipients of financial assistance using competitive scoring, first-come first-
518 served basis, lotteries, or discretionary selection procedures set forth in a financial assistance
519 opportunity notice. The method of selection may vary based on industry and population served to
520 maximize the effectiveness of the amount of financial assistance available and the equitable
521 distribution of financial assistance among disproportionately impacted areas and other impacted
522 areas, industries, and businesses.

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Section 690.90 Eligibility Requirements and Allowable Expenditures
EMERGENCY

- a) The following business types are excluded from the Program:
 - 1) a private club or business that limits membership for reasons other than capacity;
 - 2) a government-owned business entity (except for businesses owned or controlled by a Native American tribe);
 - 3) a business that derives at least 33% of its gross annual revenue from legal gambling activities, unless, subject to the Department's approval, the business is a restaurant with gaming terminals;
 - 4) a business engaged in pyramid sales, in which a participant's primary incentive is based on the sales made by an ever-increasing number of participants; or
 - 5) payday lenders.

- b) A business shall be ineligible to participate in the Program if it:
 - 1) did not comply with COVID-19 prevention directives;
 - 2) is delinquent on payment of any State of Illinois tax obligation;
 - 3) is on the Illinois Stop Payment List or in default of any contractual obligation to the Department, DHS, or DOA;
 - 4) is engaged in a business that is unlawful under Illinois or federal law;
 - 5) has already received assistance under the Program, unless the Department allocates funding specifically for severely impacted businesses that have already received assistance;
 - 6) is on the federal System for Award Management excluded parties list; or
 - 7) does not meet any other eligibility criteria established in a financial assistance application.

- 565 c) Allowable expenditures must be incurred on or after March 1, 2020 and by the
566 deadline identified in any announcement or certification applicable to any
567 financial assistance opportunity.
568
- 569 d) Ineligible expenditures include:
570
- 571 1) expenses that have been or will be reimbursed under any State, local, or
572 federal program, such as expense or losses that were reimbursed by a loan
573 forgiven under the CARES Act's Payroll Protection Program;
574
 - 575 2) damages covered by insurance;
576
 - 577 3) expenditures prohibited by section 5001(b) of the CARES Act;.
578
 - 579 4) reimbursement to donors for donated items or services;
580
 - 581 5) workforce bonuses other than hazard pay or overtime;
582
 - 583 6) severance pay;
584
 - 585 7) legal settlements; or
586
 - 587 8) any other expense not reasonably incurred due to the COVID-19
588 emergency.
589
- 590 e) Expenses shall be submitted to the State agency or qualified partners for review,
591 either as part of the application process or following selection for financial
592 assistance. Expenses shall be reviewed for eligibility and funding will be provided
593 to program participants after verifying allowable expenditures.
594

595 **Section 690.100 Reporting, Cooperation, and Record Retention**
596 **EMERGENCY**
597

- 598 a) Program participants shall not deviate from the budget, project scope, or
599 objectives stated in the financial assistance agreement or certification, except with
600 prior approval of the Department and any qualified partner or other State agency
601 administering the Program.
602
- 603 b) On or before March 31, 2021, Program participants shall submit a report to the
604 Department on the use of financial assistance, in relation to the project and initial
605 budget, and any information about the impact of the Program requested by the
606 Department.
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- 608 c) Program participants shall:

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- 1) permit access to their premises, and inspection of records relating to the Program, to any lawful governmental authority, including, but not limited to, the Department, DHS, DOA, the Illinois Attorney General, the Illinois Auditor General, the Illinois Office of the Executive Inspector General, the Office of Inspector General of the U.S. Department of the Treasury; and
- 2) cooperate in any audit, monitoring, or investigation relating to the Program.
- d) Program participants shall retain records relating to the Program until at least December 31, 2026, unless another retention period is set forth in the financial assistance agreement or certification or until after the conclusion of all litigation, claims, or audit exceptions involving the records have been resolved and final action taken.
- e) Participation in the Program requires a business to have complied with, and remain in compliance with, all laws, orders, and regulations that are relevant to operation of the business, including the COVID-19 Prevention Directives.

Section 690.110 Noncompliance
EMERGENCY

A Program participant shall return all funds provided under the Program if it makes any material misrepresentation in applying for, or reporting on, the use of financial assistance or if it does not comply with any requirements in this Part or breaches any material term of the financial assistance agreement or certification. A material term is any term that relates to eligibility for Program participation, reimbursement under the CRF, or compliance with State and federal law, including COVID-19 Prevention Directives. Recovery of funds in the event of noncompliance may be effectuated by any means authorized under Illinois law, including the Grant Funds Recovery Act [30 ILCS 705] for any financial assistance in the form of a grant.

SUBPART B: FINANCIAL ASSISTANCE TO SEVERELY
IMPACTED AREAS, BUSINESSES, AND INDUSTRIES

Section 690.120 Prioritizing Severely Impacted Businesses and Industries
EMERGENCY

- a) The Department will provide targeted funding opportunities for industries and businesses most impacted by the COVID-19 emergency. In determining which industries and businesses to prioritize, the Department will consider the impact of compliance with the COVID-19 Prevention Directives on business operations or impact of the COVID-19 emergency on the workforce. The Department will also

653 prioritize funding to qualifying small businesses. The targeted funding
654 opportunities will be announced on the Department's website.

655
656 b) Targeted funding opportunities to qualifying businesses will include financial
657 assistance to:

- 658
659 1) Bars and restaurants that: earned between \$80,000 and \$3 million in
660 revenue in 2019, or a pro-rated amount of revenue if the establishment
661 was in business for less than the entire year; operated for at least the three
662 months prior to March 2020; did not provide outdoor food and beverage
663 service during phase 3 of the Restore Illinois Plan; and incurred necessary
664 expenditures of at least \$10,000 since March 21, 2020.
665
666 2) Businesses in severely disproportionately impacted areas that: earned
667 between \$80,000 and \$2 million in revenue in 2019, or a pro-rated amount
668 of revenue if the establishment was in business for less than the entire
669 year; operated for at least the three months prior to March 2020; and
670 incurred necessary expenditures of at least \$10,000 since March 21, 2020.
671
672 3) Barbershops and salons that: earned between \$80,000 and \$500,000 in
673 revenue in 2019, or a pro-rated amount of revenue if the establishment
674 was in business for less than the entire year; operated for at least the three
675 months prior to March 2020; and incurred necessary expenditures of at
676 least \$10,000 since March 21, 2020.
677
678 4) Fitness centers that: earned between \$80,000 and \$2 million in revenue in
679 2019, or a pro-rated amount of revenue if the establishment was in
680 business for less than the entire year; operated for at least the three months
681 prior to March 2020; incurred necessary expenditures of at least \$10,000
682 since March 21, 2020; and operated out of a single permanent location.
683
684 5) Qualifying small business having experienced severe impacts during the
685 COVID-19 emergency, in particular those whose return to normal activity
686 is limited by phases of the Restore Illinois Plan or COVID-19 Prevention
687 Directives.
688

689 **Section 690.130 Applicant Affiliations**
690 **EMERGENCY**

691
692 In a financial assistance opportunity that may be applied for on or after July 21, 2020, a business'
693 revenue and headcount shall include that of any parent company, affiliate, and subsidiary for the
694 purposes of any revenue or employee headcount eligibility criteria set forth in this Subpart.
695

696 SUBPART C: FINANCIAL ASSISTANCE TO CHILD CARE PROGRAMS

THROUGH THE CHILD CARE RESTORATION GRANTS PROGRAM

Section 690.140 Requirements for Child Care Restoration Grants
EMERGENCY

In order to qualify for a Child Care Restoration Grant, the applicant must:

- a) be a licensed child care provider holding a valid day care license from DCFS (see 89 Ill. Adm. Code 406, 407 or 408).
- b) regularly provide full-day, year-round child care services.
- c) typically rely on private-pay tuition receipts and/or payments through the Child Care Assistance Program (CCAP) for at least 25% of its revenues.
- d) be open and receiving children at the time of application.
- e) comply with all COVID-19 requirements outlined in DCFS rules for child care providers.
- f) certify that their operating capacity has been reduced due to the group size and restrictions imposed by DCFS emergency rules.

Section 690.150 Calculation of Child Care Restoration Grant Award Amounts
EMERGENCY

- a) Grant amounts will be determined based on four factors:
 - 1) The licensed capacity of the applicant, as indicated on its day care license as of March 1, 2020. If the applicant received its license after March 1, 2020, then its grant award amount will be determined based on its licensed capacity as of the date of its application.
 - 2) The applicant's current Circle of Quality in the ExceleRate Illinois Quality Rating and Improvement System (see 23 Ill. Adm. Code 235.65).
 - 3) The CCAP county grouping in which the applicant is located.
 - 4) Whether the applicant is in a disproportionately impacted area.
- b) If an applicant is located in a disproportionately impacted area, its grant amount will be increased by 10%.

- 740 c) The first round of grants will be issued between July 1, 2020 and September 30,
741 2020. If funds allow, a second round of grants will be made in September 2020 to
742 cover the period of October 1, 2020 through November 30, 2020. The amount of
743 the grants will be determined using the same criteria as the first round (see
744 Section 690.140).
745

746 **Section 690.160 Eligible Expenses**

747 **EMERGENCY**

- 748
749 a) Grant awards may be used to cover any operational cost that is not otherwise
750 covered by a grant or refundable loan from any source (e.g., Paycheck Protection
751 Program, Economic Disaster Injury Loan, other disaster relief, Head Start or Early
752 Head Start, Early Childhood Block Grant, philanthropic grants) and is eligible for
753 reimbursement through the CRF.
754
755 b) Examples of eligible operational costs include, but are not limited to, staff wages
756 and benefits, occupancy costs, materials and supplies, and professional services.
757

758 **Section 690.170 Reporting Requirements**

759 **EMERGENCY**

- 760
761 a) Program participants shall provide monthly expenditure reports documenting how
762 grant funds were used. Reporting will be in a format determined by DHS.
763 Expenditure reports will be due the 15th of the month following the month of
764 expenditure. Documented expenses will be reconciled with grant funds received
765 on a quarterly basis.
766
767 b) Program participants shall provide a final expenditure report of all grant funds by
768 December 15, 2020.
769

770 **Section 690.180 Monitoring**

771 **EMERGENCY**

772
773 Program participants will be monitored for compliance with contractual obligations, applicable
774 administrative rules, and legislation, ensuring that Child Care Restoration Grant funds are spent
775 appropriately as specified in the financial assistance agreement/certification. Monitoring may
776 include desk reviews and on-site reviews of the Program participant.
777

778 SUBPART D: FINANCIAL ASSISTANCE THROUGH
779 THE LIVESTOCK MANAGEMENT FACILITIES GRANT PROGRAM
780

781 **Section 690.200 General Provisions of the Livestock Management Facilities Program**

782 **EMERGENCY**

783

- 784 a) Applicants for livestock management facilities financial assistance must submit
785 an application to DOA for one of the following programs:
786
- 787 1) Swine Depopulation Program (SDP)
788 The Swine Depopulation Program covers the costs and expenses of swine
789 producers associated with the depopulation and disposal of livestock due
790 to the disruption of the livestock market caused by the COVID-19
791 emergency.
792
- 793 2) Agriculture Business Interruption Program (ABIP)
794 The Agriculture Business Interruption Program covers monetary losses of
795 livestock producers due to the disruption of the livestock market caused by
796 the COVID-19 emergency.
797
- 798 3) Meat and Poultry Capacity Program (MPCP)
799 The Meat and Poultry Capacity Program covers costs for operations and
800 costs associated with facility improvements necessary to decrease or
801 eliminate COVID-19 related slowdowns and mitigate capacity reductions.
802
- 803 b) Applicants are only permitted to apply to one program established in this Subpart.
804
- 805 c) Applicants must comply with all relevant State and federal laws and rules,
806 including prevailing wage requirements, when applicable.
807
- 808 d) Applications must be received by DOA on or before the deadline indicated on the
809 application.
810
- 811 e) DOA will determine, on a continuing basis, the amount of money allocated to
812 each program established in this Subpart and may eliminate payments for a
813 program at any time based on continuing review and assessment of the following
814 factors:
815
- 816 1) Initially received applications;
817
- 818 2) Relevant industry's analysis and appraisal of the greatest need for
819 allocation; and
820
- 821 3) Additional information that becomes available to DOA.
822

823 **Section 690.210 Swine Depopulation Program**
824 **EMERGENCY**
825

- 826 a) In order to qualify for financial assistance under the Swine Depopulation
827 Program, an applicant must be a livestock owner or producer that experienced
828 financial loss as the result of a depopulation and disposal event.
829
- 830 b) Applicants for the SDP are eligible to receive financial assistance for costs
831 associated with a DDE that occurred on or after April 15, 2020, under the
832 following conditions:
833
- 834 1) An applicant may receive up to \$135 for each 1000 pounds of disposed
835 carcasses.
836
 - 837 2) An applicant is eligible to receive up to \$10,000.
838
 - 839 3) An applicant may apply for financial assistance for no more than 5 DDEs.
840
 - 841 4) An applicant who received financial assistance for carcass disposal from
842 the USDA Environmental Quality Incentives Program is ineligible for the
843 SDP.
844
 - 845 5) If an applicant is located in a disproportionately impacted area, the amount
846 of financial assistance will be increased by 10%.
847
- 848 c) Applicants of the SDP must submit the following documentation:
849
- 850 1) Completed application;
851
 - 852 2) IRS Form W-9;
853
 - 854 3) Certification from the applicant attesting that:
855
 - 856 A) The disposal of carcasses complied with the Illinois Dead Animal
857 Disposal Act [225 ILCS 610];
858
 - 859 B) The applicant did not receive financial assistance for carcass
860 disposal from the USDA Environmental Quality Incentives
861 Program; and
862
 - 863 C) Depopulation was the only option because of market supply chain
864 disruption caused by the COVID-19 emergency.
865
 - 866 4) Certification from a veterinarian containing the following:
867
 - 868 A) Confirmation of a veterinarian-client-patient relationship;
869

- 870 B) Confirmation that the veterinarian has reviewed the applicant's
- 871 records and that the records accurately depict the number and
- 872 weight of the applicant's animals at the time of depopulation; and
- 873
- 874 C) Attestation that euthanasia practices were consistent with
- 875 American Veterinary Medical Association guidelines.
- 876
- 877 5) Inventory records documenting total site inventories and dates and
- 878 location of depopulation and disposal.
- 879

880 **Section 690.220 Agriculture Business Interruption Program**
881 **EMERGENCY**

- 882
- 883 a) In order to qualify for financial assistance under the Agriculture Business
- 884 Interruption Program, an applicant must be a livestock owner or producer that
- 885 experienced monetary losses due to the disruption of the livestock market caused
- 886 by the COVID-19 emergency.
- 887
- 888 b) Financial assistance for losses incurred due to market disruption will be based on
- 889 the following calculations:
- 890
- 891 1) Swine (market ready hogs greater than 280 lbs.) – \$8/head. Pricing is
- 892 calculated based on a 15-day holding period. Culled breeding stock and
- 893 sow abortions are not eligible.
- 894
- 895 2) Beef cattle (market ready fed cattle greater than 1,200 lbs.) – \$30/head.
- 896 Pricing is calculated at 50% of a 15-day holding period. Culled breeding
- 897 stock is not eligible.
- 898
- 899 3) Dairy cattle (market ready animal or product) – \$1.00/hundredweight
- 900 (cwt). Pricing is calculated based on the producer's production records.
- 901
- 902 4) Lamb (less than 2 years of age) – \$4/head.
- 903
- 904 5) Poultry – \$3/head.
- 905
- 906 6) Meat Goats – \$4/head.
- 907
- 908 c) Financial assistance under the ABIP will be issued under the following
- 909 conditions:
- 910
- 911 1) An applicant is eligible to receive up to \$10,000 total under ABIP.
- 912

- 913 2) Eligible expenses are increased input costs and expenses associated with
914 holding animals and animal-related products for an extended period of
915 time, based on the calculations set forth in this Section, due to the
916 disruption of the livestock market that occurred between April 15 and May
917 15, 2020.
918
- 919 3) If an applicant is located in a disproportionately impacted area, the amount
920 of financial assistance will be increased by 10%.
921
- 922 d) Applicants for ABIP must submit the following documentation:
923
- 924 1) Completed application;
925
- 926 2) IRS Form W-9;
927
- 928 3) Certification from the applicant verifying applicable losses due to the
929 disruption in the market; and
930
- 931 4) Inventory records documenting total site inventories and sales
932 information.
933

934 **Section 690.230 Meat and Poultry Capacity Program**

935 **EMERGENCY**

- 936
- 937 a) To be eligible to receive financial assistance under the Meat and Poultry Capacity
938 Program, applicants must meet the following conditions:
939
- 940 1) The applicant must be:
941
- 942 A) A USDA licensed, State licensed, or custom exempt slaughter
943 and/or processing facility; or
944
- 945 B) A slaughter and/or processing facility that submitted an application
946 for licensure to USDA or the State prior to the MPCP application
947 deadline;
948
- 949 2) The applicant must employ no more than 60 total employees;
950
- 951 3) The applicant's license must be registered and in good standing with the
952 Illinois Secretary of State;
953
- 954 4) The applicant's proposed or existing facility must be located in the State of
955 Illinois;
956

- 957 5) Expenses for approved projects must be accrued and all required
958 documentation for reimbursement must be received by DOA by the date
959 indicated on the application; and
960
- 961 6) An entity/facility is only permitted to submit one application for
962 reimbursement under this program.
963
- 964 b) Financial Assistance received under MPCP may be used for:
965
- 966 1) Costs related to expansion or improvement of an existing facility;
967
- 968 2) Fixtures or equipment necessary to expand animal throughput, processing
969 capacity, the amount or type of products produced, or processing speed;
970
- 971 3) Engineering controls/barriers to reduce disease spread, including, but not
972 limited to, plexiglass barriers/partitions, expansion of work spaces and
973 breakrooms/cafeterias, and ventilation improvements to improve airflow;
974
- 975 4) Development of administrative controls (policies, procedures, training and
976 workplace practices) to reduce disease spread, including, but not limited
977 to, development of masking, screening and disinfection policies, standard
978 operating procedures, and additional training. This may also include the
979 resources necessary to execute these policies and procedures, including,
980 but not limited to, facial coverings, facial shields, thermometers, hand
981 washing stations and supplies, hand sanitizers and dispensers,
982 environmental disinfection supplies, multilingual signage, videos and/or
983 infographics on COVID-19 related information, and policies and
984 procedures; and
985
- 986 5) Equipment necessary for compliance with the federal hazard analysis and
987 critical control point (HACCP) plan.
988
- 989 c) Financial assistance received under MPCP cannot be used for:
990
- 991 1) Wages or salaries;
992
- 993 2) Travel costs;
994
- 995 3) Any part of a project that has already been reimbursed by another federal
996 or State grant program;
997
- 998 4) Purchase of a building/facility; or
999
- 1000 5) Land acquisition or associated fees.

- 1001
1002 d) Financial Assistance under MPCP will be issued under the following conditions:
1003
1004 1) An applicant, including any parent company, affiliate, and subsidiary, is
1005 eligible to receive up to \$25,000.
1006
1007 2) Eligible payments will be made after the applicant provides DOA with
1008 documentation demonstrating that expenses for eligible projects have been
1009 accrued.
1010
1011 3) If an applicant is located in a disproportionately impacted area, the amount
1012 of financial assistance will be increased by 10%.
1013
1014 e) Applicants for MPCP shall submit the following documentation:
1015
1016 1) Completed application;
1017
1018 2) IRS Form W-9; and
1019
1020 3) Certification from the applicant verifying eligible expenses, as set forth in
1021 subsection (b), and attesting that no part of the project has been
1022 reimbursed by another federal or State grant program.
1023

1024 **Section 690.240 Reporting Requirements**

1025 **EMERGENCY**

1026
1027 If applicable, program participants shall provide a final expenditure report to DOA no later than
1028 December 31, 2020 in a format determined by DOA. This date could be extended based on
1029 extenuating circumstances. Documented expenses will be reconciled with funds received.
1030

1031 **Section 690.250 Monitoring**

1032 **EMERGENCY**

1033
1034 Program participants will be monitored for compliance with contractual obligations, applicable
1035 administrative rules, and legislation, ensuring that Livestock Management Facilities Program
1036 funds are spent appropriately. Monitoring may include desk reviews, correspondence with
1037 certifying veterinarians, and on-site reviews of the Program participant.
1038

1039 **SUBPART E: REPAYMENT OF ELIGIBLE LOANS**
1040 **UNDER THE EMERGENCY LOAN FUND PROGRAM**

1041
1042 **Section 690.300 Eligibility**

1043 **EMERGENCY**

1044

1045 A qualifying business that applied for an eligible loan under the Department's Emergency Loan
1046 Fund Program during March 2020 shall be eligible for financial assistance under the Business
1047 Interruption Grant Program providing the business has met the minimum criteria established by
1048 that Program. Financial assistance will include either a loan repayment for borrowers who have
1049 outstanding debts under the Emergency Loan Fund Program or a grant for applicants who
1050 ultimately were not awarded a loan.

1051

1052 **Section 690.310 Selection Process**

1053 **EMERGENCY**

1054

1055 a) Subject to the availability of funds, the Department and its qualified partner will
1056 announce, to eligible businesses, fund availability and the application procedures
1057 for financial assistance via its website and other communication mediums. The
1058 application shall identify the information and supporting documentation
1059 applicants must include in their requests for financial assistance. The
1060 Department's qualified partner shall accept the applications for financial
1061 assistance.

1062

1063 b) Each application for financial assistance shall include a request for the following
1064 information:

1065

1066 1) The amount of funds borrowed by the applicant from the Department's
1067 Emergency Loan Fund Program and how much remains unpaid;

1068

1069 2) The amount of costs and losses experienced by the applicant's business
1070 from March 1, 2020 until the present;

1071

1072 3) The amount of funds received from other CARES Act-funded programs
1073 by the applicant;

1074

1075 4) 2020 bank statements; and

1076

1077 5) Any other information requested by the Department or its qualified partner
1078 to assist in determining eligibility under the Program, the offering of
1079 financial assistance to an applicant, and the type of assistance that may be
1080 offered.

1081

1082 c) Under the Emergency Loan Fund Program, borrowers who have costs and losses
1083 equal to or greater than the loan amount outstanding shall qualify to receive an
1084 award of equal value that repays the outstanding loan amount. Applicants of the
1085 Program who were never awarded a loan and are currently on the waitlist for an
1086 emergency loan may qualify to receive financial assistance equal to \$10,000 or
1087 \$20,000 if the scale of costs and losses experienced since March are equal to or

1088 greater than the available award. The number of awards available to applicants
1089 will be based on the availability of funds set aside for this Program.

1090

1091 **Section 690.320 Priority Status**

1092 **EMERGENCY**

1093

1094 Priority for financial assistance under this Program shall be given to borrowers first. After
1095 eligible borrowers are offered financial assistance, priority will be given to businesses who
1096 applied but did not receive a loan under the Program that are located in a disproportionately
1097 impacted area, did not receive financing under the Paycheck Protection Program, or are located
1098 in downstate Illinois. If Program funds remain unobligated after the initial disbursement to the
1099 previously mentioned groups, the Department's qualified partner will select additional recipients
1100 from applicants of the Program, utilizing a lottery method.

1101

1102 **SUBPART F: FINANCIAL ASSISTANCE TO**
1103 **ACUTELY DISTRESSED INDUSTRIES**

1104

1105 **Section 690.400 Prioritizing Acutely Distressed Industries**

1106 **EMERGENCY**

1107

1108 a) The Department will provide a Program offering funding opportunities to acutely
1109 distressed industries that meet the minimum requirements established under this
1110 Program and the CARES Act. The Department will be responsible for
1111 determining which industries shall be designated as an acutely distressed industry.
1112 To determine which applicants will qualify as a member of an acutely distressed
1113 industry, the Department will establish and provide to its qualified partners
1114 evaluation criteria that will include, but are not limited to, the following:

1115

- 1116 1) intent and purpose of the enabling legislation;
- 1117 2) State and federal guidelines regarding COVID-19;
- 1118 3) data from the Illinois Department of Public Health and other reputable
1119 sources; and
- 1120 4) any other factors deemed necessary to reach the most impacted businesses
1121 and industries.

1122

1123 b) The Department will limit the amount of financial assistance available to a
1124 qualifying business under this prioritization to no more than \$150,000. A
1125 subaward under this program shall be determined based on the availability of
1126 funds and the value of eligible costs and losses incurred by the qualifying
1127 business.

1128

1129

1130

1131

SUBPART G: TECHNICAL ASSISTANCE

1132

1133

1134 **Section 690.500 Set-Aside for Technical Assistance**

1135 **EMERGENCY**

1136

1137 The Department shall utilize funds from the State Coronavirus Urgent Remediation Emergency
1138 (CURE) Fund to implement a program that will provide financial assistance to qualified non-
1139 profit organizations to provide technical assistance to diverse, underserved and minority-owned
1140 small businesses. Technical assistance will be provided to increase the awareness of, and to assist
1141 in the procurement of, financial assistance under the Business Interruption Grant Program and
1142 other relevant resources.