**Section 310.805 Risk Premium for Special Needs**

In addition to the increase to the alternate basic rate of return established pursuant to Sections 310.802 and 310.803, the Authority, through its Director or, in his or her absence, the Deputy Director may establish additional incentives in the form of additional return on equity in excess of the alternate basic rate of return if the criteria specified in subsections (a), (b) and (c) are met and if it is determined that the alternate basic rate of return is necessary. The additional return will be limited to one additional percentage point of return on Owner's Equity to be paid for each of the following factors:

a) For each additional 5% Low Income Tenant occupancy above the limits set forth in Section 142 (b)(4) of the Code;

b) Provision of housing for a special housing need, such as elderly facilities, handicapped facilities, or other qualified special needs, as specified in the Act, approved by the Director or, in his or her absence, the Deputy Director;

c) Location of the Development within a specially designated Targeted Area (as defined by the U.S. Department of the Treasury under Section 6a.103A-2(b)(5) of the Treasury Regulations issued under section 142(b)(4) of the Code (26 CFR 6a.103A-2(b)(5)) and 47 Ill. Adm. Code 220.103 or within a State of Illinois Enterprise Zone established pursuant to 20 ILCS 655.

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