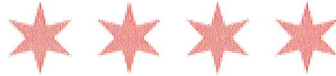

CITY OF CHICAGO

RULES



**RULES REGARDING THE SUSPENSION OF PRIVILEGES TO FILE AN
APPLICATION FOR A BUILDING PERMIT OR OTHER PERMIT ISSUED BY
THE DEPARTMENT OF BUILDINGS**

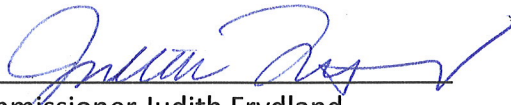


Mayor Rahm Emanuel

Commissioner Judith Frydland

BY AUTHORITY VESTED IN THE COMMISSIONER OF BUILDINGS PURSUANT TO SECTIONS 2-22-040(4), SECTION 13-8-130(e) AND THE GENERAL PROVISIONS OF THE MUNICIPAL CODE OF CHICAGO, THE FOLLOWING RULES REGARDING THE SUSPENSION OF PRIVILEGES TO FILE FOR A BUILDING PERMIT OR OTHER PERMIT ISSUED BY THE DEPARTMENT ARE ADOPTED HEREIN.

By Order of the Commissioner:

Signed: 
Commissioner Judith Frydland

Date: 3/29/17

Published: 03/29/17
Effective: 04/08/17

RULES REGARDING THE SUSPENSION OF PRIVILEGES TO FILE AN APPLICATION FOR A BUILDING PERMIT OR OTHER PERMIT ISSUED BY THE DEPARTMENT

ARTICLE I – DEFINITIONS

Rule No. 1. As used in these rules, unless the context clearly indicates otherwise:

“City” means the City of Chicago.

“Code” or “Municipal Code” has the meaning ascribed to the term in Section 1-4-090 of the Municipal Code of Chicago.

“Commissioner” means the Commissioner of Buildings or his or her designee.

“Department” means the Department of Buildings.

“Noncompliance is corrected” has the meaning ascribed to the term in Section 13-8-130(d) of the Code.

“Person” has the meaning ascribed to the term in Section 1-4-090 of the Code.

“Substantial defect, error or deficiency” has the meaning ascribed to the term in Section 13-8-130(d) of the Code.

“Suspend the ability of” or “suspend the permit privileges of” has the meaning ascribed to the term in Section 13-8-130(d) of the Code.

ARTICLE II – BASIS FOR SUSPENSION OF PRIVILEGES

Rule No. 2. The basis for the suspension of privileges shall be in accordance with the provisions of Section 13-8-130(a) of the Code.

Rule No. 3. Prior to suspending or revoking a person’s privilege to file an application for a building permit or other permit issued by the department, the Commissioner has elected to use progressive remedial action. Provided, however, that the Commissioner, in his or her discretion, reserves the right to immediately institute an appropriate action, in accordance with these rules, to suspend or revoke such privilege in cases where the action that is the basis for the suspension or revocation:

- (1) resulted in great bodily harm or the loss of life to any natural person; or

(2) resulted in the damage or loss of property in an aggregate amount of one-hundred thousand dollars (\$100,000) or more; or

(3) was the result of or resulted in a conviction or finding of liability by a court or administrative tribunal of competent jurisdiction for an act or underlying act: (i) related to bribery or attempted bribery of a government official or government vendor; or (ii) related to fraud or theft or attempted fraud or theft involving the government or a government project, government program, or government procurement.

ARTICLE III – NOTICE OF SUSPENSION OF PRIVILEGES

Rule No. 4. The notice of suspension of privileges shall be in accordance with the provisions of Section 13-8-130(b) of the Code. In addition to the provisions of Section 13-8-130(b), the Commissioner shall also notify the person of the opportunity to request a preliminary hearing prior to the suspension of privileges in accordance with Article IV of these Rules.

ARTICLE IV – NOTICE OF OPPORTUNITY TO REQUEST A PRELIMINARY HEARING

Rule No. 5. Pursuant to Article III of these Rules, the notice of suspension of privileges from the Commissioner shall also notify the person of the opportunity to request a preliminary hearing prior to the suspension of privileges in accordance with this Article IV.

Rule No. 6. The notice of suspension of privileges from the Commissioner shall also state that:

(1) the suspension of privileges shall not be effective until ten (10) calendar days from the date on the notice or the date on the proof of mailing, whichever is later;

(2) within said ten (10) calendar days, the person subject to suspension of privileges may file a written request with the Commissioner for a preliminary hearing to contest the suspension of privileges;

(3) upon receipt of a timely written request for preliminary hearing, the Commissioner shall hold a preliminary hearing within two (2) business days, excluding weekends and City Holidays;

(4) the person is entitled to appear at the preliminary hearing to testify, present witnesses, and present any other evidence regarding the notice of suspension, and may be represented by counsel at his or her sole expense, and in lieu of an in-person appearance may contest the suspension of privileges through the submission of written documentation;

(5) neither the request for or the outcome of a preliminary hearing is a final adjudication for purposes of appeal to a court of competent jurisdiction and shall not impact or diminish the person's right to seek a full hearing to contest the suspension of privileges pursuant to Section 13-8-130(b) of the Code.

Rule No. 7. For purposes of these Rules, a permit application date shall be the date that any and all deposit fees, including but not limited to deposit fees required by the Department of Planning and Development and the Department of Buildings, have been paid in full. Permit application numbers generated in the City's permit application system during the ten (10) calendar day period for which all deposit fees have not been paid in full prior to the expiration of the ten (10) calendar day period shall not be deemed to have been filed within said period prior to the suspension of privileges becoming effective.

ARTICLE V – FULL HEARING AND APPEAL PROCESS

Rule No. 8. The full hearing process, as opposed to the preliminary hearing process in Article IV of these Rules, to contest the suspension of privileges shall be in accordance with the provisions of Section 13-8-130(b) of the Code.

Rule No. 9. The decision and order of the Commissioner following a full hearing shall constitute a final decision for purpose of judicial review by a court of competent jurisdiction.

ARTICLE VI – PUBLICATION OF SUSPENSION OF PRIVILEGES

Rule No. 10. In addition to placing a hold or notation on a suspended person's record in the City's public databases, the Department reserves the right to maintain a public listing of persons whose privileges to file an application for a building permit or other permit issued by the department are or have been suspended.

ARTICLE VII – REINSTATEMENT OF PRIVILEGES

Rule No. 11. Reinstatement of privileges shall be in accordance with the provisions of Section 13-8-130(c) of the Code.

ARTICLE VIII – GENERAL PROVISIONS

Rule No. 12. Nothing in these Rules is intended to limit the powers or authority of the City of Chicago or the powers authority of other City departments; nor are these Rules intended to

relieve a person or entity from full compliance with other provisions of the Municipal Code of Chicago or other rules promulgated by the department or any other City department.

Rule No. 13. The Commissioner reserves the right to suspend, repeal or amend these Rules at any time in accordance with law.

Rule No. 14. The provisions of these Rules are severable. If any part of these Rules, in whole or in part, is declared invalid or unconstitutional, that declaration shall not affect the part or parts which remains.