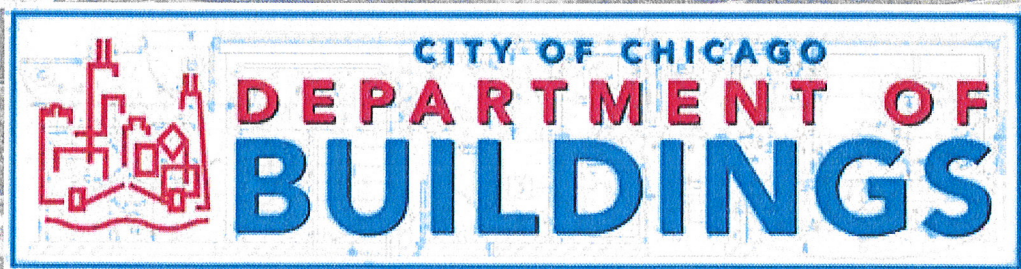

CITY OF CHICAGO

RULES



REGARDING THE BUILDING CODE SCOFFLAW LIST

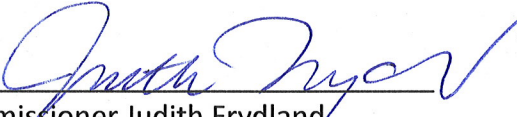


Mayor Rahm Emanuel

Commissioner Judith Frydland

BY AUTHORITY VESTED IN THE COMMISSIONER OF BUILDINGS PURSUANT TO SECTIONS 2-22-040(4) AND 2-94-416(G) AND THE GENERAL PROVSIONS OF THE MUNICIPAL CODE OF CHICAGO, THE FOLLOWING RULES FOR THE BUILDING CODE SCOFFLAW LIST.

By Order of the Commissioner:

Signed: 
Commissioner Judith Frydland

Date: 10/9/15

Published: 10/14/10
Effective: 12/02/10

As Amended
Published: 10/12/15
Effective: 10/22/15

RULES FOR THE BUILDING CODE SCOFFLAW LIST

Rule No. 1 Definitions.

As used in these rules, unless the context clearly indicates otherwise:

“Code” means the Municipal Code of Chicago.

“Commissioner” means the commissioner of buildings or the commissioner’s designee.

“Controlling person” means any person who (i) is an officer, director, limited liability company manager, managing member, partner, general partner or limited partner of a legal entity; or (ii) owns directly or indirectly through one or more intermediate ownership entities, more than 7.5% of the ownership interest in a legal entity; or (iii) controls, directly or indirectly through one or more intermediate ownership entities, the day-to-day management of a legal entity. Indicia of control shall include, but are not limited to, those indicia of control set forth in subsection (a) of Section 2-92-320.

“Department” means the department of buildings.

Rule No. 2 Habitual, extensive or serious building code violations.

For purposes of the definition of a building code scofflaw, as set forth in Section 2-92-416: A residential building owner shall be deemed to have “habitual or extensive or serious violations of the building provisions of this code” of the type that “pose a threat to the health, safety or welfare of the building’s tenants or the neighboring community” if, during the applicable 12-month period set forth in Rule No. 4, three or more of a residential building owner’s properties are determined to have building code violations of such severity that a referral is made by the department of buildings to the department of law for pursuit of legal and equitable remedies in the Circuit Court of Cook County and, based on such referral(s), the department of law files a case against the residential building owner in the Circuit Court of Cook County.

Rule No. 3 Uncorrected building code violations.

For purposes of the definition of a building code scofflaw, as set forth in Section 2-92-416: Violations of the building provisions of this code shall be deemed to be “uncorrected” if, by the second hearing date scheduled in connection with such violations, the residential building owner has failed or refused to (i) remedy, abate, remediate or otherwise correct such violations to the satisfaction of the building commissioner; or (ii) enter into a consent decree ratified by the court to remedy, abate, remediate or otherwise correct such violations by a date certain; or (iii) retain a licensed contractor to perform the work necessary to correct such violations, and apply for a building permit to correct such violations, and submit with the building permit application a copy of the executed contract between the residential building owner and the licensed contractor for performance of the required work.

Rule No. 4 Posting of list – Identification of controlling persons.

Prior to the commencement of the new calendar year, the department of buildings, in consultation with the department of law, may post the following information on the City of Chicago website: (i) a list of all persons meeting the definition of a building code scofflaw during the 12-month period commencing October 1 of the previous calendar year and ending September 30 of the current calendar year, and (ii) the beginning date, which shall be January 1, and the end date, which shall be December 31, of the 12-month period during which the department of procurement services and the department of community development will consult such list to determine whether a person is eligible to do business with the City within the meaning of Section 2-92-416. If the person meeting the definition of a building code scofflaw is an entity, the list required under this rule shall include the names of all controlling persons of such entity, as defined in Rule No. 1.

Rule No. 5 Duration of list.

Except as otherwise provided in Rule No. 6, all persons identified as building code scofflaws shall remain on the department's list of building code scofflaws for the duration of the 12-month period to which such list applies, and shall not be eligible to have their names removed from the list during such 12-month period.

Rule No. 6 Mistake of fact – Hearing procedures.

If a person identified as a building code scofflaw believes that he/she does not meet the definition of a building code scofflaw and, as such, should not be included in the department's list of building code scofflaws, such person shall be entitled to a hearing before the commission on such matter.

Request for such hearing shall be in writing and shall be directed to the Commissioner of Buildings, Department of Buildings of the City of Chicago, 121 North LaSalle Street, Room 906, Chicago, Illinois 60602. If a hearing is requested, the commissioner shall commence such hearing within fifteen (15) business days of receipt of such request. The written decision and order of the commissioner shall be announced no later than fifteen (15) business days after the hearing is completed. At the hearing any evidence on which a reasonable prudent person would rely may be considered without regard to the formal and technical rules of evidence. Provide, however, that at the hearing only evidence reasonably necessary to demonstrate the existence of absence of those elements which must be considered when determining whether a person meets the definition of a building code scofflaw shall be heard.

If after such hearing, the commissioner determines by a preponderance of the evidence that the person requesting such hearing is a building code scofflaw, the commissioner shall enter an order directing such person's name to remain on the department's list of building code scofflaws. If after such hearing, the commissioner determines by a preponderance of the

evidence that the person requesting such hearing is not a building code scofflaw, the commissioner shall enter an order directing the immediate removal of such person's from the department's list of building code scofflaws and a copy of such order shall be provided by the department to the chief procurement officer and commissioner of community development. If the person requesting a hearing under this rule fails to appear at such hearing, the commissioner shall enter a default order directing such person's name to remain on the department's list of building code scofflaws; provided, however, that upon a showing of good cause, the commissioner may reschedule such hearing. Any order or the commissioner entered pursuant to this rule shall be deemed a final order of the commissioner and may be appealed to a court of competent jurisdiction as provided by law.

Rule No. 7 Inadvertent omissions from list.

Nothing in these rules shall be construed to prohibit the department from adding additional persons to the list of building code scofflaws, if, subsequent to posting such list, the department determines that a person's name should have been included in the list but, due to human error otherwise, was not so included.

Rule No. 8 Sanctions and remedies.

Penalties for violations of these rules shall be as provided in the Municipal Code of Chicago.

Nothing in these Rules shall limit or prohibit the department or the City of Chicago from pursuing any other penalties, fees, sanctions or remedies under any other authority granted to the department or the City under law.

Rule No. 9 Non-limitation of authority or compliance with law.

Nothing in these Rules is intended to limit the powers or authority of the City of Chicago, the Department of Buildings or the powers or authority of any other City departments; nor are these Rules intended to relieve any person or entity from full compliance with any other provisions of the Municipal Code of Chicago or other rules and regulations promulgated by the department or any other City department.

Rule No. 10 Reservation of rights.

The commissioner reserves the right to suspend, repeal or amend these Rules at any time in accordance with law.

Rule No. 11 Saving and severability.

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.