

CITY OF CHICAGO

RULES



Clear Path Relief Program Rules



CITY OF CHICAGO
DEPARTMENT OF
FINANCE



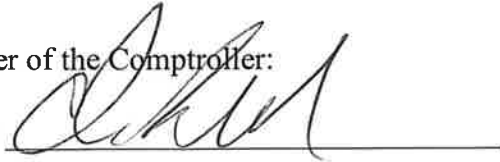
Mayor Brandon Johnson

Comptroller Chasse Rehwinkel

BY AUTHORITY VESTED IN THE COMPTROLLER PURSUANT TO SECTION 2-32-096, SECTION 9-100-010, AND SECTION 9-100-170(d) OF THE MUNICIPAL CODE OF CHICAGO, THE FOLLOWING RULES REGARDING THE CLEAR PATH RELIEF PROGRAM ARE ADOPTED HEREIN:

By Order of the Comptroller:

Signed: _____



Date: _____

12/12/23

Comptroller Chasse Rehwinkel

Published: _____

12/20/23

Effective: _____

1/1/24



DEPARTMENT OF FINANCE
CITY OF CHICAGO

CLEAR PATH RELIEF PROGRAM

SECTION I. DEFINITIONS.

Rule 1.01 Definitions.

- (a) For purposes of these rules, the following definitions shall apply:
- (1) “Administrator” means the City’s Traffic Compliance Administrator, or the Administrator’s designee.
 - (2) “Applicant” means the registered owner of a vehicle to whom citations for Violations have been issued and who applied for the Clear Path Relief Program.
 - (3) “Base Fine Amount” means the initial fine amount assessed for a Violation without including a penalty for late payment or any other associated fees.
 - (4) “Code” means the Municipal Code of Chicago.
 - (5) “Compliance Date” means the date on which a current city sticker or license renewal sticker was affixed on the vehicle as required by the Code, or, if such date is unavailable, the date on which the current city sticker or license renewal sticker was purchased, as determined by the evidence presented.
 - (6) “CPR” means the City’s Clear Path Relief Program established pursuant to section 9-100-170 of the Code.
 - (7) “Current Monthly Income” means all income of the Applicant and any other Individual who is 18 years or older and resides in the same household that is derived during the 30 day period immediately preceding the date of the application to enroll in CPR, no matter the source of the income and without regard to whether such income is taxable income, including but not limited to all pension, annuity, and all government benefit payments such as social security, unemployment insurance, and like payments.
 - (8) “Debt” means all of an Applicant’s liability to the City for:

- (i) fines, fees, and penalties resulting from Violations of parking, standing, compliance, automated speed enforcement, and automated traffic law enforcement ordinances as to which a notice of final determination for such Violations have been issued, but does not include fines, fees, and penalties resulting from Violations of Section 9-64-190 of the Code;
 - (ii) fees that result from the immobilization, impoundment, towing, and storage of vehicles, except for Impounded Vehicle Release Fees; or
 - (iii) collection costs or attorney's fees charged pursuant to Section 1-19-020 or Section 1-19-030 of the Code.
- (9) "Default" means the non-payment or underpayment of a monthly amount due from an Enrollee.
- (10) "Eligible Participant" means:
 - (i) any Individual who has a Household Income of 300 percent or less than the Federal Poverty Level, and who meets the eligibility requirements provided by rule;
 - (ii) any Individual who is currently enrolled in the City's utility billing relief program provided in Section 11-12-545 of the Code; or
 - (iii) any individual who is currently enrolled in the City's administrative debt relief program established under Article XVII of Chapter 2-32 of the Code.
- (11) "Enrollee" means an Applicant who is an Eligible Participant and has been accepted into CPR.
- (12) "Enrollment Date" means the date on which an Applicant's CPR application is approved by the Administrator, or the date on which the Applicant effects a down payment for entering into an installment payment plan under CPR, if applicable, whichever comes later.
- (13) "Household Income" means Current Monthly Income multiplied by 12.
- (14) "Impounded Vehicle Release Fees" means the towing, storage, boot, vehicle immobilization device tampering fee pursuant to 9-100-120(h), and returned check fees associated with the release of an impounded vehicle to an Eligible Participant. The term "Impounded Vehicle Release Fees" does not include the towing, storage, boot, and returned check fees associated with impounded vehicles that cannot be released to an Eligible Participant or which have been disposed of in accordance with applicable law.
- (15) "Individual" means a natural person. The term "Individual" does not include legal entities, including bodies politic and corporate.

- (16) “Look-Back Period” means a three-year period immediately prior to an Eligible Participant’s Enrollment Date.
 - (17) “Outstanding Fine Amount” means the total Base Fine Amounts the Applicant owes to the City for all Violations.
 - (18) “Payment Period” means:
 - (i) a 24-month period from the time an Eligible Participant is approved and enrolled in CPR; or
 - (ii) a 24-month period from the time an Eligible Participant continued to participate in CPR after a first or second Default.
 - (19) “Total Fine Amount” means the Base Fine Amount and any associated penalties and fees.
 - (20) “Violation” means any Violation of parking, standing, compliance, or automated speed enforcement system or automated traffic law enforcement system, but does not include a Violation of Section 9-64-190.
- (b) In the event of a conflict between the definition of terms in this Rule 1.01 and those in Section 9-100-170 of the Code, the definitions in Section 9-100-170 of the Code shall prevail.

SECTION II. ELIGIBILITY.

Rule 2.01 Financial Eligibility.

- (a) An Applicant must provide supporting documentation to show that the Applicant meets the income eligibility requirement that the Applicant has a Household Income of 300 percent or less than the Federal Poverty Level. In determining the Applicant’s Household Income, the Administrator shall use the same household size threshold as used in the Federal Poverty Guidelines.
- (b) When calculating and reporting income, an Applicant must include all Current Monthly Income, as defined in Rule 1.01. Types of income and documentation include, but are not limited to, the categories provided in Rule 2.01 (c) (1)-(13) below. If Applicants have multiple sources of income including, but not limited to the categories listed below, all income types must be reported.
- (c) The City accepts, including, but not limited to, the following income documentation:
 - (1) Wages/Salaries/Tips: pay stubs for the last 30-day period prior to application;
 - (2) Cash Income: total cash income received within the last 30-day period prior to

- application with a brief description
 - (3) Gift Income: total gift income received within the last 30-day period prior to application with a brief description;
 - (4) Self-Employment: self-employed income worksheet;
 - (5) SSI: current SSI award letter/printout;
 - (6) SSA: current SSA award letter/printout;
 - (7) Unemployment Compensation: state award letter and proof of deposit;
 - (8) Temporary Assistance for Needy Families: DHS award letter;
 - (9) Aid to the Aged, Blind, or Disabled: DHS award letter;
 - (10) VA Benefits: current VA benefit award letter;
 - (11) Retirement Reimbursement Arrangement: current statement/benefit letter;
 - (12) Pensions: pension award/benefit letter; and
 - (13) Other: any other income documentation, including but not limited to child support income, alimony income, rental income, and other passive income.
- (d) Current Utility Billing Relief participants and members of their immediate household whose income was included in their Utility Billing Relief application shall be eligible for CPR without providing the proof of income required in this Rule 2.01. Applicants who are eligible for CPR under this Rule 2.01 (d) must provide the household's Utility Billing Relief participation account number and provide proof of residence at that address.
- (e) Current Administrative Debt Relief participants shall be eligible for CPR without providing the proof of income required in this Rule 2.01. In order to be eligible for this waiver, current ADR participants must provide their submission ID numbers.
- (f) Enrollees must report ineligibility for Utility Billing Relief or Administrative Debt Relief programs or any change in the Enrollee's income that would make the Enrollee ineligible for CPR by sending an email to the Department of Finance at 744park@cityofchicago.org within 14 calendar days of such ineligibility.

SECTION III. INCOME-BASED DEBT WAIVER.

Rule 3.01 Income-Based Debt Waiver.

- (a) **ELIGIBLE VIOLATIONS.** Only Violations incurred prior to the Enrollment Date may be eligible for an income-based debt waiver as provided in Section 9-100-170 of the Code and these Rules. Any Violation incurred after the Enrollment Date shall not be eligible for an income-based debt waiver. An Enrollee may only be granted relief for one approved application.
- (b) **DEBT TO BE PAID.**
 - (1) To obtain an Income-Based Debt Waiver the qualified participant must pay:

- (i) the Base Fine Amounts for all Violations incurred during the Look-Back Period; and
 - (ii) the Total Fine Amount for all violations of Section 9-64-190, including those incurred prior to the Look-Back Period; and
 - (iii) any associated Impounded Vehicle Release Fees. The payment may be made in full at once or through an Income-Based Debt Waiver Installment Payment Plan as provided in this Rule 3.01.
- (c) TERM OF PAYMENT PLAN. An Installment Payment Plan shall have a scheduled duration of up to 24 months. The Administrator may, in his or her sole discretion, modify the terms of repayment, but in no case shall an Income-Based Debt Waiver Installment Payment Plan extend beyond 24 months from the month when the first payment is made.
- (d) MINIMUM DOWN PAYMENT.
 - (1) The down payment to enter into an Income-Based Debt Waiver Installment Payment Plan by an Enrollee whose car is not currently immobilized (booted) or impounded, shall be:
 - (i) \$25; or
 - (ii) Any amount the Enrollee chooses that is greater than \$25.
 - (2) The down payment to enter into an Income-Based Debt Waiver Installment Payment Plan by an Enrollee who is requesting the release of a currently immobilized (booted) or impounded vehicle shall be:
 - (i) \$25, plus the applicable Impounded Vehicle Release Fees; or
 - (ii) \$100, plus the applicable Impounded Vehicle Release Fees if the Enrollee previously had a vehicle immobilized or impounded by the City and has not successfully completed the most recent prior installment payment plan initiated to release a boot or vehicle from impoundment; or
 - (iii) 25% of the Base Fine Amounts of Violations within the Look-Back Period, plus the applicable Impounded Vehicle Release Fees if the Enrollee has previously had a vehicle immobilized or impounded by the City and has not successfully completed the most recent two prior installment payment plans initiated to release a boot or vehicle from impoundment; or
 - (iv) Any amount the Enrollee chooses provided that the amount is more than the minimum down payment in (d)(2)(i)-(iii).
 - (3) The down payment specified in subsection (d) of this Rule shall constitute the payment for the first month of the installment payment plan.
- (e) For the rest of the duration of the plan, the minimum monthly payment for an Income-

Based Debt Waiver Installment Payment Plan shall be the greater of \$10 or the Outstanding Fine Amounts during the Look-Back Period minus the down payment divided by the remaining number of months in the installment payment plan.

(f) APPLICATION AND PAYMENT.

- (1) Application Submission. To enter into an Income-Based Debt Waiver Installment Payment Plan an Applicant must submit an online application to participate in the CPR and to enter into an Income-Based Debt Waiver Installment Payment Plan. The application along with required documentation must be submitted on the City's website. Only Applicants with eligible outstanding Violations may be approved for the CPR and be allowed to participate in an Income-Based Waiver Installment Payment Plan.
- (2) Income-Based Debt Waiver Installment Payment Agreement. After being approved, an Enrollee who wishes to enter into an Income-Based Debt Waiver Installment Payment Plan must agree to the required terms and conditions.
- (3) The Income-Based Debt Waiver Installment Payment Plan becomes effective upon the execution of the Income-Based Debt Waiver Installment Payment Agreement and receipt of the initial payment.
- (4) Payments for Income-Based Debt Waiver Installment Payment Plans may be online, by mail, in person, or at an EZ Pay Station. Provided, however, cash payments may be made only in-person.

(g) ENFORCEMENT STATUS. All tickets currently in an Income-Based Debt Waiver Installment Payment Plan shall not be considered for vehicle immobilization (booting) or impoundment as long as the Enrollee is not in Default. An Enrollee who enters into an Income-Based Debt Waiver Installment Payment Plan may, in compliance with applicable law, redeem the Enrollee's vehicle if that vehicle is currently impounded or immobilized (booted) by the City with required payment.

(h) WAIVER OF DEBT. Once an Enrollee successfully completes an Income-Based Debt Waiver Installment Payment Plan, the Administrator waives:

- (i) any penalties and fees associated with the fines paid under the Income-Based Debt Waiver Installment Payment Plan; and
- (ii) all eligible Debt prior to the three-year Look-Back Period.

(i) DEFAULT.

- (1) If payment is not received by the date specified in the Income-Based Debt Waiver Installment Payment Agreement, the City may, in its sole discretion, declare the Enrollee to be in Default. The City may provide notice to the

Enrollee prior to declaring the Default; however, notice to the Enrollee is not required for a declaration of Default to be effective.

- (2) If payments under the agreement are not brought current by the thirty-first day after a payment due date is missed, the Enrollee will be in Default, regardless of whether a Default has been otherwise declared or whether notice has been provided to the Enrollee.
- (3) While an Enrollee is in Default, privileges granted to the Enrollee under an Income-Based Debt Waiver Installment Payment Agreement are suspended, including that the Enrollee's vehicle(s) shall be subject to immobilization (booting) or impoundment, if applicable.
- (4) Unless an agreement has been terminated under subsection (j)(1) of Rule 3.01, the Enrollee can cure a Default and start a new Income-Based Debt Waiver Installment Payment Plan within 90 days of a Default.

(j) TERMINATION.

- (1) EVENTS OF TERMINATION. An Income-Based Debt Waiver Installment Payment Agreement terminates, and cannot be reinstated, in any of the following circumstances:
 - (i) The Enrollee has Defaulted three times;
 - (ii) The Administrator finds misrepresentation or false statements in the Enrollee's application regarding eligibility requirements; or
 - (iii) The Enrollee Defaults and does not cure the Default.
- (2) EFFECTS OF TERMINATION. If an Income-Based Debt Waiver Installment Payment Agreement terminates:
 - (i) Unpaid fines, penalties, and fees shall not be waived; and
 - (ii) No other Income-Based Debt Waiver Installment Payment Agreement shall be offered under CPR.

SECTION IV. DISPLAY OF WHEEL TAX LICENSE EMBLEM AND REGISTRATION PLATES.

Rule 4.01 Display of Wheel Tax License Emblem and Registration Plates.

- (a) APPLICABILITY. Any registered owner of a vehicle that received a Violation notice for failure to display a current City sticker or to display a current license plate per subsections 9-64-125 (a)-(c) and 9-76-160 (b) of the Code may raise as an affirmative defense that he or she has come into compliance with the applicable Code Violation prior to adjudication.

LIMITATIONS. The affirmative defense provided in this Rule 6.01 shall be limited to only one such defense per permanent vehicle license plate number. The subject vehicle must be registered in the name of an individual respondent as a sole or joint owner.

- (b) APPLICATION OF DEFENSE. The affirmative defense provided in Section 9-64-125 (e) and 9-76-160(e) of the Code, and in this Rule 6.01 shall apply to all citations issued within a 30 day-period prior to the Compliance Date for the same Violation.
- (c) CONTEST METHOD. Violation can be contested at the Department of Administrative Hearings by requesting a hearing online, by mail, or in person.