
CITY OF CHICAGO RULES



**REGARDING RESCISSION AND REVOCATION OF PERMITS
ISSUED BY THE DEPARTMENT OF BUILDINGS**



Mayor Rahm Emanuel

Commissioner Judith Frydland

BY THE AUTHORITY VESTED IN THE COMMISSIONER OF BUILDINGS PURSUANT TO SECTION 2-22-040, 13-20-010, 13-20-640 AND THE GENERAL PROVISIONS OF TITLES 13, 18 AND 14E OF THE MUNICIPAL CODE OF CHICAGO, THE FOLLOWING RULES REGARDING THE RESCISSION AND REVOCATION OF PERMITS ISSUED BY THE DEPARTMENT OF BUILDINGS ARE HEREBY ADOPTED.

By Order of the Commissioner:

Signed:  Date: 12/5/17
Commissioner Judith Frydland

Published: 12/07/17

Effective: 12/17/17

**RULES FOR THE RESCISSION AND REVOCATION OF PERMITS
ISSUED BY THE DEPARTMENT OF BUILDINGS**

ARTICLE I – DEFINITIONS

Rule 1. As used in these Rules, unless the context clearly indicates otherwise:

“Business day” means any day in which municipal offices are open for conducting business. The term “business day” does not include Saturday, Sunday or any holiday listed in Section 2-152-090 of the Code.

“Code” means the Municipal Code of Chicago.

“Commissioner” means the Commissioner of Buildings or the Commissioner’s designee.

“Department” means the Department of Buildings.

“Permit” means any: (1) permit issued by the Department of Buildings pursuant to Title 13, Title 14E or Title 18 of the Code; (2) certificate of occupancy within the meaning of Chapter 13-36 of the Code; or (3) building capacity (“maximum occupancy”) sign as defined in Section 13-84-410 of the Code.

“Permittee” means the owner or lessee of the real property named on a permit application or for whose benefit the permit was obtained. The term “permittee” does not include the contractor or expeditor identified in the permit application or any person, other than the owner or lessee, who facilitated the permitting process.

“Proof of mailing form” means a form meeting the requirements in item (v) of Rule 2.

ARTICLE II – NOTICE OF RESCISSION OR REVOCATION

Rule 2. If the Commissioner rescinds or revokes a permit, the Commissioner shall notify the permittee, in writing, of such rescission or revocation. Such Notice of Rescission or Revocation (“Notice”), as applicable, shall:

- (i) set forth the reason(s) for the rescission or revocation;
- (ii) state that the permittee may, within ten business days after the date on which the Notice is sent, request a hearing before the Commissioner to contest the rescission or revocation;

(iii) state that the permittee, who may be represented by legal counsel, is entitled to appear at the hearing to testify and present documents, including affidavits and other applicable evidence, to contest the rescission or revocation;

(iv) state that if the permittee fails to request a hearing within ten business days after the date on which the Notice is sent, the permittee shall be deemed to have waived the opportunity for a hearing, and the rescission or revocation, as applicable, shall become final without further notice; and

(v) include a signed and dated Proof of Mailing form, certifying that the Notice required under this Rule was sent to the person and address identified on the Notice, via first-class mail, with proper postage, on the date indicated on the Proof of Mailing form.

ARTICLE III – OPPORTUNITY TO CONTEST THE RESCISSION OR REVOCATION

Rule 3. Within ten business days after the date on which the Notice is sent, the permittee may file a written request for a hearing before the Commissioner. Such request shall be made to the Commissioner in writing and may be sent to the Commissioner at:

DOBCommissioner@cityofchicago.org or 121 N. LaSalle St., Rm. 906, Chicago, IL 60602.

If the permittee fails to request a hearing within ten business days after the date on which the Notice is sent, the permittee shall be deemed to have waived the opportunity for a hearing and the rescission or revocation, as applicable, shall become final without further notice.

Rule 4. Within ten business days of receipt of a timely request for a hearing, the Commissioner shall commence such hearing, unless the permittee, in writing, requests an extension of time. For purposes of this Rule, the ten-business-day period to commence a hearing shall begin on the first business day after the request for a hearing is received by the Commissioner. The hearing shall be recorded by means of audio recording or by court reporter. All testimony shall be given under oath or affirmation. The permittee may elect to appear at hearing in person and/or through the permittee's attorney of record. The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Based upon the evidence contained in the record, the Commissioner shall, within 30 calendar days of completion of the hearing, issue written findings and enter an order either affirming or reversing the rescission or revocation, as applicable. If, after Notice is sent to the permittee in accordance with Rule 2, the permittee requests a hearing in a timely manner but fails, without good cause as determined by the Commissioner, to appear at the hearing, the permittee shall be deemed to have waived the opportunity for a hearing and the Commissioner shall enter a default order in favor of the City. A copy of the findings and order shall be served upon the permittee either by personal service or first class mail. The Commissioner's decision shall be final and may be appealed in the manner provided by law. Nothing in this Rule shall be

construed to divest, limit, circumvent or substitute the authority or jurisdiction of the City Council, Zoning Board of Appeals, Mayor's License Disciplinary Commission or other City department or agency regarding any City Council Order, City Council Ordinance or decision of another department, board or agency regarding zoning, business licensure or public way use.

ARTICLE IV – GENERAL PROVISIONS

Rule 5. Nothing in these Rules is intended to limit the powers or authority of the City of Chicago, the Department or any other City departments; nor are these Rules intended to relieve any person or entity from full compliance with the Municipal Code of Chicago or any rules duly promulgated thereunder.

Rule 6. The Commissioner reserves the right to suspend, repeal or amend these Rules at any time in accordance with law.

Rule 7. The provisions of these Rules are severable. If any part of these Rules, in whole or in part, is declared invalid or unconstitutional, such declaration shall not affect the part(s) which remain.