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City Council Document Tracking Sheet

Meeting Date:	3/14/2012
Sponsor(s):	Emanuel, Rahm (Mayor)
Type:	Ordinance
Title:	Amendment of Section 9-100 of Municipal Code regarding installment payment plans
Committee(s) Assignment:	Committee on Budget and Government Operations

3/

SUBSTITUTE
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 9-100-101 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

9-100-101 Installment payment plans.

(a) The traffic compliance administrator may establish a program allowing the payment of parking, compliance, or automated camera penalties, administrative fees, and related collection costs or attorney's fees pursuant to Section 1-19-020 or 1-19-030, in installments under the following conditions:

(1) For the purposes of this section:

(Omitted text is unaffected by this ordinance)

"Notice of foreclosure" has the same meaning ascribed to that term in section 15-1211 of the Illinois Code of Civil Procedure, 735 ILCS 5/15-1211.

"Qualifying hardship participant" means a person who is: (1) a participant in one of the following programs: the Illinois Low-Income Home Energy Assistance Program (L.I.H.E.A.P.); the Housing Subsidy Program For Renters, administered by the United States Department of Housing and Urban Development under the Federal Housing Act of 1937, as amended (Section 8 Program); the Supplemental Security Income Program administered by the United States Social Security Administration (S.S.I.); the Medicaid Program administered by the Illinois Department of Public Aid; the Nutrition Assistance Program administered by the United States Department of Agriculture, Food and Nutrition Service (food stamps); the Temporary Assistance for Needy Families (TANF) program administered by the United States Department of Health and Human Services, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); and any federal or state unemployment compensation system, including, but not limited to, the system of unemployment compensation established under the Illinois Unemployment Insurance Act, as amended; or (2) a high school, college, vocational school or trade school student with a valid school identification card; a person 65 years of age or older; a person who has claimed the Earned Income Tax Credit on his state or federal individual income tax return for the most recent tax year; a person receiving worker's compensation income benefits; an active military duty service member, a Reservist or a member of the National Guard while on active duty; a person whose liability for fines and penalties remains after obtaining a bankruptcy discharge; or a person who has received a notice of foreclosure, entered into a consent foreclosure, gave a deed in lieu of foreclosure, or had a judgment of foreclosure entered, on his primary residence within three years prior to the date of the application for an installment plan pursuant to this section.

"Primary residence" means a residential dwelling unit which is owner-occupied.

(Omitted text is unaffected by this ordinance)

(2) (A) Except as provided in paragraph (B) of this subsection, an installment plan may not have a scheduled duration of more than 6 months, and shall require one payment due per month

on a day specified in the executed plan.

(B) (I) Except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a)(2)(B), the duration may exceed 6 months but may not exceed 12 months for installment plans negotiated and executed for: (i) vehicle owners whose maximum amount of combined liability for parking, compliance, administrative fees, and any related collection costs and attorney's fees pursuant to Section 1-19-020 or Section 1-19-030 exceeds \$500.00; or (ii) vehicle owners who participate in are qualifying hardship participants assistance program as defined in paragraph (a)(3)(A) of this section.

(Omitted text is unaffected by this ordinance)

(IV) An administrative fee equal to the costs incurred by the city to administer the installment plan shall be charged to the vehicle owner; provided that such administrative fee shall be waived if the vehicle owner: (i) is in a qualifying hardship participant assistance program; or (ii) has been assessed collection costs and attorney's fees pursuant to Section 1-19-020 or Section 1-19-030.

(3) The minimum initial payment under any installment plan shall be:

(A) For a vehicle owner who is a participant in qualifying hardship participant assistance program, the lesser of \$250.00 or

(i) if the owner's vehicle is not impounded or immobilized at the time the owner enters into the installment plan, no greater than 25 percent of the vehicle owner's combined liability for parking, compliance, and automated camera speed enforcement system or automated traffic law enforcement system fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date; or

(ii) if the owner's vehicle is impounded or immobilized at the time of entering into the installment plan, the lesser of \$250.00 or 25% of the owner's combined liability for parking, compliance, and automated speed enforcement system or automated traffic law enforcement system fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date.

~~The comptroller shall waive any administrative fee provided for in subparagraph (a)(2)(B)(IV) if the owner is in a qualifying assistance program and participates in an installment plan. "Qualifying assistance program", for purposes of this section, means any of the following: the Illinois Low-Income Home Energy Assistance Program (L.I.H.E.A.P.); the Housing Subsidy Program For Renters, administered by the United States Department of Housing and Urban Development under the Federal Housing Act of 1937, as amended (Section 8 Program); the Supplemental Security Income Program administered by the United States Social Security Administration (S.S.I.); the Medicaid Program administered by the Illinois Department of Public Aid; the Nutrition Assistance Program administered by the United States Department of Agriculture, Food and Nutrition Service (food stamps); the Temporary Assistance for Needy Families (TANF) program administered by the United States Department of Health and Human Services; the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); and any federal or state unemployment compensation system, including, but not limited to, the system of unemployment compensation established under the Illinois Unemployment Insurance Act, as amended. The minimum initial payment amount under this paragraph (a)(3)(A) shall also be available to: high school, college, vocational school or trade school students with a valid school identification card; persons 65 years~~

~~of age or older; persons who have claimed the Earned Income Tax Credit on their state or federal individual income tax return for the most recent tax year; persons receiving worker's compensation income benefits; active military duty service members, Reservists and the members of the National Guard while on active duty; and persons whose liability for fines and penalties remains after obtaining a bankruptcy discharge; and persons who have received a notice of foreclosure, entered into a consent foreclosure, gave a deed in lieu of foreclosure, or have had a judgment of foreclosure entered, on their primary residence within three years prior to the date of the application for an installment plan pursuant to this section.~~

(Omitted text is unaffected by this ordinance)

~~(c) No new installment plan may be negotiated or executed after January 1, 2010. Installment plans in existence on that date shall remain in effect until completely performed or until terminated for failure of the vehicle owner to meet all requirements. Nothing in this section shall be construed as prohibiting a vehicle owner from voluntarily making an initial minimum payment or monthly installment payment in an amount greater than provided in this section.~~

~~(d) This section shall apply to installment plans negotiated and executed under the City of Chicago Tax and Indebtedness Amnesty Ordinance of 2005 except to the extent that that ordinance is inconsistent with this section.~~

~~(e) This section shall apply to all payments and installment plans negotiated and executed under the City of Chicago Parking and Compliance Fines and Penalties Amnesty Ordinance of 2008 except to the extent that that ordinance is inconsistent with this section.~~

SECTION 2. The City Council ratifies all installment plan agreements entered into by vehicle owners and the City of Chicago pursuant to section 9-100-101 that were executed between January 1, 2010 and the effective date of this ordinance.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and publication.