



Legislation Details (With Text)

**File #:** 21-1599      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 12/6/2021      **In control:** City Council  
**On agenda:** 12/21/2021      **Final action:** 12/21/2021  
**Title:** Waive the first reading and pass the ordinance amending Title 1 (Administrative) Chapter 12 (Disclosure of Beneficiaries) Section 5 (Exemptions) of the Naperville Municipal Code to exempt building permits for improvements valued at less than \$100,000 (requires six positive votes)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance - Amend 1-12

Date	Ver.	Action By	Action	Result
12/21/2021	1	City Council	passed as amended	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Waive the first reading and pass the ordinance amending Title 1 (Administrative) Chapter 12 (Disclosure of Beneficiaries) Section 5 (Exemptions) of the Naperville Municipal Code to exempt building permits for improvements valued at less than \$100,000 (requires six positive votes)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Peter Zibble, Operations Manager

**BOARD/COMMISSION REVIEW:**

N/A

**BACKGROUND:**

Starting in the mid-1980's, the City began requiring all parties seeking a contract, license, permit, approval or other benefit from the City to disclose the ownership of the entity seeking that benefit. There are some specific exceptions to this requirement listed in the Municipal Code including a number of small permit types, licenses, and contracts. There are also smaller scale building permits that are not exempt from the requirement, but that may be submitted without being notarized.

The ownership disclosure requires the names and addresses of the individuals with interests in land trusts, corporations, partnerships, joint ventures and other entities including those within a pyramid ownership structure.

**DISCUSSION:**

Staff has evaluated this disclosure requirement for building permits and believes that the form is cumbersome for the owner, time-consuming for staff, and provides no value in the review and

issuance of the permit. Ownership of a property is not a consideration when reviewing a submittal for compliance with current building codes. From the perspective of government transparency, these forms are rarely requested through the FOIA process, and with the expansion of the internet, property ownership information is widely available to the public.

Staff recommends that all permits with a valuation of less than \$100,000 (except those seeking a variance to the building code) be exempt from submitting a Disclosure of Beneficiaries statement. Based on permits issued over the past few years, that would eliminate nearly 85% of the required forms. That equates to over 4,000 forms each year that would no longer need to be produced by applicants and processed by the City since the vast majority of permits are for small improvements such as fences, driveways, patios, electrical upgrades, etc. which should not warrant submittal of a notarized disclosure form.

All major improvements such as new houses, townhouses, commercial buildings, most commercial tenant build-outs, building additions, and even many major residential remodeling projects like in-ground pools and upscale kitchens will exceed the threshold and still require the disclosure form.

Additionally, house moving permits are permitted through the building permit and/or development processes and should be removed from this section.

**FISCAL IMPACT:**

N/A