**Section 1130.670 Intent to Deny an Application**

a) Issuance of Intent to Deny

Failure of an application for permit to receive the number of affirmative votes required by the Act upon initial consideration by HFSRB shall constitute an Intent to Deny the application. After issuing an Intent to Deny, HFSRB will give the applicant *an opportunity to appear before* HFSRB *and present information relevant to the approval of the permit* [20 ILCS 3960/10]. The date of the Intent to Deny is the date of the HFSRB meeting when the action occurred.

b) Applicant's Response

The applicant shall notify HFSRB in writing within 14 calendar days after the Intent to Deny to indicate whether the applicant intends to appear before HFSRB and/or submit additional information. The applicant is responsible for assuring that HFSRB receives the response within 14 days of the Intent to Deny.

c) Action Following Notice of Intent to Deny

1) If the applicant waives the right to appear before HFSRB or if a written response is not received within 14 days after the Intent to Deny, then the application shall be considered withdrawn.

2) If the applicant indicates that no additional information will be submitted, HFSRB shall take action on the application at its next meeting.

3) If the applicant indicates that additional information will be submitted, the applicant shall be afforded 60 days from the date of the Intent to Deny to submit the material. Upon receipt of additional information, HFSRB staff shall commence a review and submit its findings to HFSRB in accordance with the provisions of this Subpart. HFSRB staff shall be allowed up to 60 days following the receipt of all material to review the material and issue a supplemental report.

d) Deferrals by Applicant

A project that has received an Intent to Deny and has been scheduled for HFSRB consideration can be deferred by the applicant. A notice of deferral may be provided in writing prior to the scheduled HFSRB meeting or be provided verbally at the HFSRB meeting. An applicant may not defer HFSRB consideration beyond an HFSRB meeting date that is more than 12 months from the date of the Intent to Deny.

(Source: Amended at 40 Ill. Reg. 14647, effective October 14, 2016)