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Overview

The alternative code approval process provides a uniform procedure for State-licensed design professionals and city-licensed or registered contractors and trade professionals to request project-specific approvals explicitly required by the building code or project-specific modifications of building code requirements. In limited cases, building owners may also submit such requests. The Department will review such requests to determine if they will meet the intent and purpose of the building code to protect public health, safety, and welfare. This process consolidates and replaces the former “administrative relief” and “special permission” processes. Fees for the review of requests for alternative code approval are established by ordinance and must be paid in advance. Any request for alternative code approval must be submitted to the Department in writing on the appropriate form. Any verbal request or verbal approval to deviate from or ignore any provision of the building code is invalid.

PART I: GENERAL PROVISIONS

A. Definitions

Unless otherwise expressly stated, for the purposes of these Rules, the following words and terms have the meanings shown in this rule:

1. **BUILDING CODE.** As defined in section 1-4-090(h) of the Municipal Code, including any rules or policies of the Department related to interpretation or administration of the building code.
2. **COMMISSIONER.** The Commissioner of Buildings, personally.
3. **DEPARTMENT.** The Department of Buildings of the City of Chicago.
4. **EXISTING NONCONFORMING CONDITION.** A condition which has existed for at least 10 years and which does not meet current requirements of the building code.
5. **EXPEDITER.** A person licensed under section 4-6-260 of the Municipal Code.
6. **MUNICIPAL CODE.** The Municipal Code of Chicago.
7. **PROJECT.** The work identified in a building permit application and accompanying plans, or, for phased permitting, the work identified in all related permit applications and accompanying plans.
8. **REPAIR.** The reconstruction or renewal of any part of an existing building or existing structure for the purpose of its maintenance or to correct damage.
9. **REQUEST.** A request for alternative code approval submitted under these

Rules.

10. **SENIOR STAFF.** The Commissioner, deputy commissioners, assistant commissioners, manager of regulatory review, chief inspectors, and assistant chief inspectors of the Department.
11. **SIGNED APPROVAL.** An alternative code approval request form approved and signed by senior staff as provided in these Rules.

B. Scope and Effect

1. Nothing in these Rules is intended to limit the power or authority of the City of Chicago, the Commissioner, the Department, or any other City department or official, nor are these Rules intended to relieve any person or entity from full compliance with any provision of the Municipal Code of Chicago, or any other rules issued by the Department or any department of the City.
2. The Commissioner reserves the right to amend these Rules at any time in accordance with law.
3. The provisions of these Rules are severable. If any part of these Rules is declared invalid or unconstitutional, that declaration shall not affect the part or parts that remains.

PART II: REQUESTS

C. Who May Prepare and Submit a Request

1. A request which involves the practice of architecture or engineering must be prepared, signed, and sealed by an architect, structural engineer, or professional engineer licensed by the State of Illinois.
2. A request exclusively related to electrical requirements may be prepared and signed by a supervising electrician registered with the City of Chicago.
3. A request exclusively related to plumbing requirements may be prepared and signed by a plumber registered with the City of Chicago.
4. A request exclusively related to elevator and/or conveyance device requirements may be prepared and signed by a supervising elevator mechanic registered with the City of Chicago.
5. A request exclusively related to construction site operations may be prepared and signed by a general contractor licensed by the City of Chicago.
6. A request exclusively related to an existing non-conforming condition that

is to be maintained or repaired may be submitted by the property owner.

7. Except as provided in Rule C(6), a request must be prepared by a currently licensed person who is currently eligible to apply for building permits. A request may be submitted to the Department by the preparer or by an expediter.

D. Form of Requests

1. A request must be submitted in writing, in the form and format described on the Department's web site.
2. A request must relate to a project or existing nonconforming condition at a specific address.
3. A request must specifically identify each provision of the building code which relates to the subject of the request, particularly if:
 - a. the request is to modify a requirement of the building code;
 - b. the request is specifically authorized or required by the building code; or
 - c. the request is to approve a material, design, or method of construction not specifically allowed or prescribed by the building code.
4. A request must be accompanied by sufficient supporting material for the Department to determine if the criteria in Rule F are met. Failure to provide all required information or material with the request will delay the Department's review and may result in denial of the request.

E. Scope of Requests

1. Each request should address a single material, design strategy, or building system, although one request may address multiple subjects. For example, a request to use an innovative sprinkler system might require modification of both fire safety and plumbing requirements. If a project requires modification of fire safety and plumbing requirements for unrelated reasons, however, each must be addressed in a separate request.
2. No more than two requests may be submitted for the same project without written pre-approval from the Department.

PART III: REVIEW

F. Review Criteria

1. Pursuant to Section 13-8-032(a) of the Municipal Code, The Department may approve an alternative method for complying with any requirement of the building code for individual cases where:
 - a. Specifically authorized by a provision of the building code;
 - b. There are practical difficulties in carrying out the strict requirements of the building code, specific individual reasons make the strict application of the building code impractical, the alternative to be approved will comply with the intent and purpose of the building code, and the alternative to be approved will provide equivalent or greater health protection, accessibility, life and fire safety, and structural performance; or
 - c. A material, design, or method of construction not specifically allowed by the building code complies with the intent of the building code and will, in the specific application, result in a building or structure providing equal or greater quality, strength, effectiveness, fire resistance, durability, and safety as one meeting the strict requirements of the building code.

G. Review Process

1. The applicable nonrefundable review fee must be paid to the City before a request will be considered.
2. The Department will not review or approve a request until all supporting documentation has been provided.
3. A request will first be reviewed by a senior staff member with experience or expertise in the subject of the request. The reviewer will recommend whether the Department should approve the request, deny the request, or refer the request to the Committee on Standards and Tests for further consideration.
4. The final decision on a request may only be made by the Commissioner, or a Deputy Commissioner other than the reviewer. A special approval is not valid until signed by the Commissioner or two members of senior staff, including one authorized to make a final decision by this rule.
5. The Department will notify the requestor by e-mail once a final decision is made.
6. If a request is approved, the Department will record the scope of approval

in its records.

7. If a request is denied, the requestor may appeal in accordance with section 13-24-060 of the Municipal Code.
8. If a request is referred to the Committee on Standards and Tests for further consideration, the Department will credit the special code approval review fee paid toward the applicable fee to appear before the Committee on Standards and Tests. If a request is referred to the Committee, the requestor must apply for a hearing before the Committee and comply with any additional requirements for such proceedings within 45 days of notification.

H. Time for Review

1. Because requests require review by at least two members of senior staff, requestors should allow at least 10 business days for a decision. Complex or unusual requests may take significantly longer to review, and/or require an in-person meeting between the requestor and senior staff.

I. Review Fees

Review fees are established by ordinance.

1. The fee to review a request to maintain or repair an existing nonconforming condition, when no building permit is required, is **\$150.00**.
2. The fee to review a request relating to planned construction work for which a building permit is required, when the request is submitted prior to issuance of the building permit, is **\$150.00**.
3. The fee to review a request relating to construction work which has been completed without a required building permit, or relating to conditions reflected in a conditional building permit which has already issued is **\$300.00**.

PART IV: VALIDITY

J. Validity of Approval of Existing Nonconforming Conditions

1. Approval of an existing nonconforming condition is valid indefinitely, subject to future amendment of the building code or Municipal Code.
2. A copy of the signed approval should be maintained on site by the property owner.
3. A signed approval is specific to the building and address for which approval is granted and shall not be viewed as precedent which would

require the Department to approve a similar condition existing elsewhere.

K. Validity of Approval for Work Requiring a Permit.

1. Approval of work requiring a building permit is only valid if a building permit to complete the work is applied for within 12 months and work under the permit is diligently pursued to completion. Otherwise, the approval is void. A copy of the signed approval must be incorporated into the permit drawings before permit issuance.
2. If an approval relates to work covered in a previously-issued permit, an administrative revision to permit must be obtained (available at easy permit desk) and a copy of the signed approval must be attached to each copy of the permit drawings. Work to meet any conditions contained in the signed approval must be diligently pursued, and completed no later than 12 months following issuance of the signed approval. Otherwise, the signed approval is void.
3. The Department may establish different requirements on a case-by-case basis in extraordinary cases. In such cases, the applicable requirements will be printed on the signed approval.

L. Continuing Validity.

1. The Department may suspend, rescind, revoke, or void a signed approval in any manner provided for the suspension, rescission, revocation, or voiding of a building permit.