
CITY OF CHICAGO

RULES



PROPOSED RULE

COMMITTEE ON STANDARDS AND TESTS



Mayor Lori E. Lightfoot

Commissioner Matthew W. Beaudet

City of Chicago Department of Buildings
Rules for the Committee on Standards and Tests

BY AUTHORITY VESTED IN THE COMMISSIONER OF BUILDINGS PURSUANT TO SECTION 14A-1-104.4, CHAPTER 14X-12, AND THE GENERAL PROVISIONS OF THE MUNICIPAL CODE OF CHICAGO, THE FOREGOING RULES FOR THE COMMITTEE ON STANDARDS AND TESTS ARE ADOPTED AND SUPERSEDE ALL PRIOR RULES.

BY ORDER OF THE COMMISSIONER:

MATTHEW W. BEAUDET

_____, 2022
DATE

Published: 5 / __ / 2022

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PROPOSED RULE

PART I: GENERAL PROVISIONS

A. Definitions

In these Rules, the following words and terms have the meanings shown:

APPLICANT. A person who is seeking a determination from the Committee, including that person's agents and representatives.

APPLICATION. The application form and all supporting materials that an applicant presents to either the Commissioner as an initial application or the Committee as a reviewed application or supplemented application.

COMMISSIONER. The Commissioner of Buildings or the Commissioner's designee.

COMMITTEE. The Committee on Standards and Tests created by Section 14A-10-1004 of the Municipal Code.

DECISION DATE. A meeting of the Committee scheduled for the purpose of considering written determinations.

DEPARTMENT. The Department of Buildings of the City of Chicago.

HEARING DATE. A meeting of the Committee scheduled for the purpose of conducting hearings on applications.

INITIAL APPLICATION. The application submitted by the applicant to the Commissioner before it becomes a reviewed application.

MUNICIPAL CODE. The Municipal Code of Chicago, as amended.

REVIEWED APPLICATION. An application that the Commissioner has determined is ready for presentation to the Committee and on which the Commissioner's recommendation is based.

SUPPLEMENTED APPLICATION. A reviewed application as supplemented by the applicant with additional materials following the first hearing date for the case.

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, the Committee, 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, or any other rules promulgated by any City official or agency.
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 part of these Rules is declared invalid or unconstitutional, that declaration does not affect any part that remains valid.

PART II: APPLICATIONS

C. Initial Application

1. An initial application for a decision from the Committee must be submitted by an applicant to the Commissioner as provided in Section 14A-10-1004 of the Municipal Code. The initial application must be in writing and submitted in the form and format specified by the Commissioner.
2. For each scheduled hearing date, the Commissioner may establish a uniform cutoff date for the submission of initial applications to allow adequate time for investigation.
3. An initial application is not complete unless the application fee is paid as provided in Section 14A-10-1004 of the Municipal Code.
4. The initial application must clearly state and substantiate the applicant's reasons why the proposed construction materials, construction methods, systems of construction, or arrangements of materials, which are not allowed or recognized by, or vary from, the requirements established by the *Chicago Construction Codes*, are equally as good as or superior to those allowed by the *Chicago Construction Codes*.
5. By submitting an application, the applicant represents that the applicant has the legal right to provide materials that are part of the application to the Commissioner and members of the Committee.
6. Applications are public records. By submitting an application, the applicant acknowledges that it may be subject to disclosure under applicable law.

D. Investigation

1. The Commissioner must investigate the request(s) made in an initial application as provided in Section 14A-10-1004 of the Municipal Code.
2. The Commissioner may require that an applicant present the applicant's initial application to other City officials or departments, including but not limited to the Fire Department.
3. The full cost of obtaining any additional information requested or required by the Commissioner is the responsibility of the applicant.
4. When the Commissioner is satisfied that an initial application meets the requirements set forth in the Municipal Code and these Rules and is sufficient for the Commissioner to make a recommendation to the Committee, the Commissioner will assign a hearing date and notify the applicant of the hearing date. At such time, the initial application becomes a reviewed application.
5. The Commissioner will assign each reviewed application a case number.

E. Commissioner's Recommendation

1. The Commissioner's may recommend that the Committee approve the reviewed application as submitted, approve the reviewed application with specific conditions, or reject the reviewed application.
2. The only basis for the Commissioner to recommend rejection of a reviewed application is a determination by the Commissioner that the proposed construction materials, construction methods, systems of construction, or arrangements of materials are not equally as good as or superior to those allowed by the *Chicago Construction Codes*.
3. The Commissioner's recommendation will be in writing and included as part of the public meeting agenda.

PART III: HEARING DATE

F. Distribution of the Reviewed Application

1. For each scheduled meeting of the Committee, the Commissioner must establish a uniform date in advance of the meeting by which fourteen printed copies and one electronic copy of the reviewed application must be delivered by the applicant to the Commissioner at the Commissioner's designated address.
2. The Commissioner is responsible for delivering a printed and electronic copy of the reviewed application to each member of the Committee at least one week before the scheduled hearing date.

G. Presentation

1. At the beginning of each case, the Commissioner will briefly present the Commissioner's recommendation.
2. The applicant will have 10 minutes to present the applicant's request and reasoning. This time limit may be extended by majority vote of Committee members present.
3. Presentations must comply with Section 14A-10-1004 of the Municipal Code.
4. An applicant may not present any information or document that is not part of the reviewed application or supplemented application, if a supplemented application is allowed under Rule I(1).
5. Following the applicant's presentation, the Committee may ask questions of the Commissioner and the applicant. The time allocated for questions is 20 minutes. This time limit may be extended by majority vote of Committee members present.

H. Public Comment

1. Any person, other than the applicant, may provide public comment on a case.
2. A person wishing to provide a public comment must register their name and

address on the appearance sheet provided by the Commissioner prior to the case being called.

3. No person who has not registered prior to the case being called may make a public comment.
4. Each public comment is limited to 3 minutes. A speaker may not cede their time to another person.
5. The Commissioner, as chair of the Committee, may further limit any public comment that is not germane to the case before the Committee.

I. Closing the Record

1. Following the presentation and public comment, if any, the Committee may vote to either: (a) close the record and take the case under advisement, or (b) continue the case and allow the applicant to submit a supplemented application to address specific deficiencies or questions.
2. Only one supplemented application will be allowed per case.
3. The vote pursuant to this Rule will be public and requires a majority vote of Committee members present.

J. Supplemented Application

1. A supplemented application, where allowed by Rule I(1), must include all materials that the applicant intends to rely on at the continued hearing. The supplemented application supersedes the reviewed application.
2. A supplemented application must be distributed in the same manner provided for final applications in Rule F.
3. The Commissioner is not required to issue a separate recommendation with respect to a supplemented application.

K. Deliberation

1. Following the presentation of all cases scheduled for a hearing date, the Committee may enter closed session to consider the evidence and testimony presented in open session for each case where the Committee voted to close the record pursuant to Rule I(1).
2. Entering closed session requires a majority vote of Committee members present.
3. Following the consideration of all evidence and testimony, the Committee must vote on whether to accept, with or without additional conditions, the Commissioner's recommendation. This vote may occur in closed session, subject to final action under Rule L.
4. The Commissioner must make and retain an audio recording of any closed session if required by applicable law.

PART IV: DECISION DATE

L. Written Decisions

1. The Commissioner will prepare a draft written decision setting forth the Committee's decision and determinative reasoning.
2. The Commissioner may distribute the draft written decision to members of the Committee. Members of the Committee may provide feedback on the draft written decision directly to the Commissioner but may not otherwise discuss the draft written decision with each other outside of an open meeting.
3. Decisions of the Committee are not final until adopted by majority vote of Committee members present during an open meeting.

M. Procedure

1. The Committee will set a decision date following each hearing date.
2. A decision date meeting must be held before the next hearing date set by the Committee. At the decision date meeting, the Committee must vote on whether to adopt each draft written decision as the final decision in each case.
3. The Commissioner must deliver a copy of the final decision to the applicant.

PART V: RECORDKEEPING

N. Records

1. The Commissioner must retain records of the Committee as provided by law.
2. The Committee may periodically review audio recordings required by Rule J(3) and approve the destruction of specific recordings in accordance with applicable law.

PART VI: OTHER PROCEDURES

O. Robert's Rules of Order

1. *Robert's Rules of Order* govern meetings of the Committee except as otherwise provided in Section 14A-10-1004 of the Municipal Code or these Rules.

P. Attendance by Video or Audio Conference

1. If a quorum of the Committee is physically present at the meeting location, additional members may attend by video or audio conference if the member is prevented from physically attending because of: (a) personal illness or disability; (b) employment purposes; or (c) a family or other emergency.
2. If a member wishes to attend by video or audio conference, the member must notify the Commissioner before the meeting.