

## **Checklist for Gaining Approval for Alternative Designs, Materials, and Methods of Construction**

### **THE STEPS:**

1. **Start early – it's a process.**
2. **Gather information about the jurisdiction and applicable codes.**
3. **Gather information about the specific alternatives.**
4. **If needed, find and enlist the help of allies and sources of expertise.**
5. **Maintain a positive attitude and take the high road.**
6. **Meet and share information with the building officials.**
7. **Get specific feedback from the building officials – listen carefully, get it in writing.**
8. **This is a process of building trust – pay attention to the relationships.**
9. **Address concerns and objections as directly, factually and reasonably as you can.**
10. **Demonstrate patience and persistence.**
11. **Carefully consider all your options – appeals, special agreements, political pressure.**
12. **Acknowledge and thank those who helped and share your lessons learned.**

### **PLANNING AND PREPARING FOR THE APPROVAL PROCESS**

**Start early.** This is a process, not an event. Identify the alternatives you plan to use as early as you can so you and the building department have as much time as possible to deal with them.

**Gather information about the jurisdiction and applicable codes.** Learn what you can about the local permit process, requirements, and the current codes that will apply to your project.

**Gather information about the specific alternatives.** For each proposed alternative compile the best reference materials you can find—technical reports, test results, books, authoritative publications, videos, and documentation of the successful use (and approval) of the alternative in other places.

**Find allies and sources of expertise.** Seek out and engage knowledgeable experts and resource people, especially sympathetic code officials, to support your position. Try to find others who have gone through an approval process for the alternatives you are proposing.

### **ENGAGING WITH THE BUILDING OR PLANNING DEPARTMENT**

**Take the high road.** Attitude accounts for a lot. Start with the idea that you share common goals and view the building department as a resource not an adversary. Show you appreciate the extra effort required to deal with alternatives and their time constraints and responsibilities. Maintain a cooperative and open-minded attitude.

**Meet and share information with the building officials.** Arrange a meeting to discuss the project and proposed alternatives. Try to meet with the decision makers and any sympathetic officials you have found. Bring copies of your resource materials to leave with the code officials. Give them time. Consider buying copies of the best resource materials to give to the building department, including subscriptions to relevant publications. Expect multiple exchanges as questions or concerns are raised and resolved.

**Get specific feedback from the building official.** Expect questions, objections, and issues to be raised. Get concerns in writing when possible and when not, restate them to verify that you understand them. Follow meetings with a letter describing your understanding of what was discussed and agreed upon and ask for acknowledgment.

**Pay attention to the relationships.** This process is about creating trust in you and the ability of the alternative to meet the intent of the code. When disputes arise, carefully consider the building official's point of view – their concerns may be valid. When you disagree, respectfully stand your ground and be prepared to do more work to support your position.

### **RESPONDING TO CONCERNS AND OBJECTIONS - RESOLVING CONFLICTS**

**Address concerns and objections with reasonable and factual responses.** Demonstrate that you understand and respect both the merits and limitations of the proposed alternative, and that what you plan to do is safe, reasonable, and meets the intent of the code. The influence of another code official familiar with the proposed alternative can help. You may need an architect or engineer to support your position.

**Network with others who have had similar experiences.** When specific objections are not satisfied by the information that you have supplied, try to learn from the experiences of others who have gone through the process before.

**Show patience and persistence.** Be persistent. You have the right to pursue approval through all legal means available to you. Make it clear that you won't be easily discouraged in your efforts to find a reasonable resolution.

### **CLOSING STRATEGIES**

**Pursue your remaining options.** If you don't get cooperation or can't get the approvals you seek, there are several options to choose from.

- **Hold-harmless legal document(s).** Offer the jurisdiction a letter or legal document that holds them harmless and absolves them from all responsibility for the alternative proposed. This might be used in conjunction with an "experimental permit," whereby the jurisdiction can give approval without setting an open-ended precedent.
- **Reminder of registered architect's or licensed engineer's assumed responsibility.** If an architect or an engineer has stamped the plans, suggest that they have already taken legal responsibility for the design. When the building department demands a change in design that is in conflict with the design professional's intent, in an area for which the building code does not offer specific guidance, ask if the jurisdiction is willing to assume design responsibility?
- **The local appeals process.** An appeal process is available, in which the building department convenes an appeals board meeting of selected local or regional building professionals to rule on whether to back or overrule the decision of the building official. Occasionally, a building official will request this process and join the applicant in support of the alternative in order to set a precedent with wider support.
- **Political pressure.** As a last resort, political pressure can be applied either through the jurisdiction's elected officials or the media. Publicity and political pressure can be effective tools to gain your immediate goals, but they should be used with care because they can also foster hostility and long-term resistance to change.
- **Acknowledge your partners and share what you have learned.** If you succeed, celebrate and take time to acknowledge and thank those who helped, including the building department. This paves the way for more success in the future. Share the lessons you learned with others.

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