
FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Nonrule Policy

Purpose

This policy of the Fire Prevention and Building Safety Commission (the Commission) is established to interpret, supplement, and implement a hard deadline for setting any business before the Commission on the Commission's monthly meeting agendas.

Background

Pursuant to [675 IAC 12-5-5](#)(10), a *completed application* (as defined in [675 IAC 12-5-2](#)(d)) for a variance must include written documentation that the local fire department and the local building official are aware of the nature of a variance request. The Commission and its staff commonly refer to this written documentation as an acknowledgement. Pursuant to [675 IAC 12-5-6](#), no variance application shall be placed on the Commission's agenda for any meeting of the Commission scheduled for a date less than twenty-eight (28) calendar days subsequent to the receipt of the variance application, except where the applicant would be prejudiced by having to wait for a later meeting because of excessive loss of time or unreasonable cost.

Due to the rollout of electronic filing for variance applications and the discontinuance of *mailing* variance applications to the Commission's members, the Commission adopted a separate nonrule policy in which it determined that all delays over twenty-one (21) days prejudice all applicants by either excessive loss of time or unreasonable costs. Therefore, all variance applications received at least twenty-one (21) days prior to the next commission meeting shall be placed on the Commission's agenda for the next meeting, and those variance applications received within this twenty-one (21) day window shall be placed on the agenda for the first commission meeting scheduled at least twenty-one (21) days subsequent to receipt by the Commission's staff. Variance applications received within the twenty-one (21) day window are considered "late filings" (see separate nonrule policy for late filings).

While the Commission and its staff recognizes that the acknowledgements from the local fire and building officials are required as part of a *completed application* for a variance, they also recognize that it is challenging for an applicant to obtain acknowledgements from the local fire and building officials upon filing an application, due in part to the fact that the Commission's electronic filing system submits notice to the local building and fire official only once an application is filed. As such, the Commission and its staff have allowed acknowledgements from the local building and fire officials to be submitted after the Commission's filing deadline, and such applications are not subject to the Commission's late filing nonrule policy, so long as the application is otherwise *complete*. However, this leniency has created difficulties for the Commission's staff in setting a final agenda for the Commission's monthly meetings, which has made it difficult for the Commission's staff to ensure that the members of the Commission, and the general public, are provided the agenda and meeting materials in a reasonable amount of time before each meeting.

Policy

With the above background in mind, the Fire Prevention and Building Safety Commission has determined that all business before it, at its monthly meetings, shall be set on the Commission's agenda by the **end of business (4:30 p.m.) on the Thursday, the week before the meeting, regardless of the day of the week that the Commission's meeting falls on the following week, unless otherwise explicitly stipulated in another state statute, rule, or nonrule policy.** The Commission's staff shall submit the final agenda and meeting materials to the members of the Commission, and post the final agenda and meeting materials to the Commission's meeting materials web page (<https://www.in.gov/dhs/3878.htm>) by the **end of business (4:30 p.m.) on the Friday, the week before the meeting, regardless of the day of the week that the Commission's meeting falls on the following week, unless otherwise explicitly stipulated in another state statute, rule, or nonrule policy.**

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