



MITCHELL E. DANIELS, Jr., Governor
STATE OF INDIANA

DEPARTMENT OF HOMELAND SECURITY JOSEPH E. WAINSCOTT JR., EXECUTIVE DIRECTOR

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MEMORANDUM

To: Designers, Builders and Owners of Townhomes

From: Scott Perez
State Building Commissioner
State Building Law Compliance Officer

Date: March 11, 2010

Subject: Interpretation of location of systems and equipment for townhouses built as Class 1 structures using the 2005 Indiana Residential Code

In the last several weeks, I have become aware of conflicting interpretations in the design and construction communities concerning the appropriate location of systems and equipment for townhouses built as Class 1 structures, using the 2005 Indiana Residential Code. In my own practice as an Indiana Registered Architect, I have always interpreted the 2005 Indiana Residential Code to require that all equipment and systems pertaining to a townhouse be installed within the property lines that establish the boundaries of that townhouse. However, I realize that my interpretation was not that of some design professionals and builders.

My primary concern with the differing interpretation, one that allows equipment and/or systems for one townhouse to be located on the property of some other townhouse, is that it does not recognize that townhouses are, in fact and in code, separate and separately owned pieces of property. To locate one property owner's air conditioner on property owned by someone else can create problems for both property owners, e.g. must access be permitted, is it limited to just the owner of the townhouse serviced by the air conditioner, etc.

In order to avoid any further confusion or lack of clarity, I will be issuing the attached nonrule policy document. This interpretation will apply to all projects filed with the Division of Fire and Building Safety, Plan Review Section, on or after May 15, 2010. The delayed effective date is provided in order to allow those who may have projects in design at this time that do not reflect this interpretation to complete them and file them with Plan Review.

Regards,
Indiana Department of Homeland Security

Scott Michael Perez, AIA, CSI, CCS, CCA, LEED® AP, NCARB
State Building Commissioner / Building Law Compliance Officer