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**FIRE PREVENTION AND BUILDING SAFETY COMMISSION**  
**Department of Homeland Security****Written Interpretation of the State Building Commissioner****Interpretation #:** CEB-2018-13-GAR-12-4-11(a)**Building or Fire Safety Law Interpreted****N1102.4 Air leakage**

[675 IAC 12-4-11\(a\)](#): Any building or structure lawfully in existence at the time of the adoption of any rule of the commission for new construction may have its existing use or occupancy continued without having to be altered to comply with such a rule.

[675 IAC 12-4-12\(b\)](#): Additions or alterations may be made to any existing building, structure, or any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems without requiring the entire existing building, structure, or system to comply with all the requirements of the rules of the commission provided:

- (1) the construction work within the scope of the addition or alteration conforms to the requirements for new construction; and
- (2) subsections (c) through (f) and (h) are not violated.

[675 IAC 12-4-12\(c\)](#): No addition or alteration shall cause an existing building, structure, or any part of the permanent:

- (1) heating;
- (2) ventilating;
- (3) air conditioning;
- (4) electrical;
- (5) plumbing;
- (6) sanitary;
- (7) emergency detection;
- (8) emergency communication; or
- (9) fire or explosion suppression;

systems to become noncompliant under the provisions of the current rules of the commission for new construction or with the applicable rules of the commission or its predecessor agencies in effect at the time the original construction or installation was made.

**Issue**

The **interested person** has requested an interpretation of N1102.4, which contains no requirements of its own, but which is the parent section to subsequent subsections N1102.4.1 and N1102.4.2 (and their several further sub-subsections), which describe minimum energy leakage performance requirements for the building envelope. No request has been made for interpretation of any of the specific requirements of these sections and subsections, and as such, no interpretation of them will be provided.

As we understand it, the nature of the dispute does not center on the meaning of these stated requirements, but rather on their applicability to the building at hand, which is an existing home, built approximately 50 years ago, and which is undergoing extensive renovation. The rules governing applicability of the current Indiana Residential Code to this structure are contained in the General Administrative Rules, specifically [675 IAC 12-4-11\(a\)](#), [675 IAC 12-4-12\(b\)](#) and [675 IAC 12-4-12\(c\)](#), which are reproduced above in their entirety. What follows below is a summation of the intent of those rules.

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[675 IAC 12-4-11\(a\)](#) states that if a structure was in lawful existence at the time the commission adopts any subsequent rule(s) for new construction, that structure shall not be required to be brought into compliance with the new rule(s). In other words, if the structure as it stands was compliant with the code of record at the time of its construction, any subsequently adopted rules for new construction do not apply to it.

[675 IAC 12-4-12\(b\)](#) and [675 IAC 12-4-12\(c\)](#) work in tandem to state that construction work may be done on an existing structure without that work requiring that the entire structure, or its various systems, be brought into compliance with the currently adopted rules for new construction, provided 1) the new work is compliant with the current rules; and 2) its installation does not cause any of the rest of the structure or its various systems to become noncompliant with the rules of either their code of record, or the current code. It is important to

understand the intent of that last phrase. It does **not** mean the existing systems must comply with the current code. It means the systems may comply with either set of rules.

Subsection (b) also states that the new work shall not violate subsections (d), (e), (f) and (h). Those subsections are not relevant to this dispute and will not be discussed here.

As it has been explained to us, the dispute is how these rules apply to the envelope leakage performance of an existing home wherein the interior has been gutted to the studs, with the removed materials being replaced with new. As we understand the circumstances of this project, the entire envelope is not being replaced, only portions of that system. Based on the application of [675 IAC 12-4-11\(a\)](#) and [675 IAC 12-4-12\(b\)](#) and [675 IAC 12-4-12\(c\)](#), if anything less than the entire envelope is being replaced, the current code requirements for envelope performance may not be applied, but replacing any individual component triggers two requirements: 1) it must meet the current code requirement for that material, and 2) it shall not put the home or its systems into noncompliance with the home's code of record. For example, assuming the homeowner is replacing the exterior walls' batt insulation, then that insulation must meet all of the current code's performance requirements for batt insulation in that application, and nothing about the installation of the insulation is allowed to make the home noncompliant with its code of record.

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