



BUILDING CODE COMPLIANCE GUIDANCE PRIOR TO REQUIRED LICENSING FIRE MAINTENANCE INSPECTION REQUESTS

A number of Indiana state agencies — including but not limited to DCS, FSSA, DOH and DOE — require a fire maintenance inspection with a report of compliance from our agency before issuing a license. In many instances, requests for these fire inspections are made before the appropriate steps have been taken by the building official (LBO) to ensure building code compliance. This guidance is provided to streamline licensing processes and ensure that this critical step of using a new or existing structure for the intended occupancy is completed with a certificate of occupancy in hand prior to requesting the licensing fire inspection.

The first step in ensuring building code compliance is to consider the structure type and most recent use or “occupancy,” then work with IDHS Plan Review through one of the following processes:

- **Is the structure being newly constructed as a Class 1 structure for the intended use?**

If so, you should already be working with a licensed design professional such as an architect or engineer who has applied for a Construction Design Release (CDR) through the IDHS Plan Review Section. Subsequent building inspections are performed by the building official throughout construction, with a certificate of occupancy or a Final Complied Construction Inspection Report issued. Once this document is issued, you may request the licensing inspection.

- **Are you utilizing an existing Class 1 structure but changing the occupancy type?**

There are many items to consider in a change of use, and IDHS staff are not to be utilized in performing building assessments to determine code compliance. A code consultant or design professional must be contacted to verify compliance and determine what physical changes, if any, are required. If physical work is needed and is not exempt from filing requirements, then construction plans must be prepared and submitted as part of a CDR, triggering the same construction inspection process noted above. Another option is a Chapter 34 evaluation, which may or may not require physical changes to the structure.

- **Are you utilizing an existing Class 1 structure in which the most recent use or “occupancy” was the same as the proposed occupancy?**

This is the one instance where you may proceed with requesting an IDHS licensing inspection. However, be aware that seemingly minor changes — such as caring for children under 2½ years or individuals who are non-ambulatory — can change the occupancy type and trigger new requirements.

- **Are you utilizing an existing Class 2 1 & 2 family residential structure and changing the occupancy type?**

Locations inspected by IDHS are permitted ONLY within commercial Class 1 structures. Therefore, Class 2 residential structures must undergo a conversion process and potential physical modifications before being considered code complaint. Options outlined in 675 IAC 12-4-11 may be used, and these processes are most efficiently navigated with the assistance of a code consultant or design professional.

- (1) Made to comply with the current rules for new construction. This requires bringing the entire structure up to the current code and can be a very lengthy and costly process.
- (2) 675 IAC 12-13 "Rule 13". This is a cost-effective method of converting an existing Class 2 residential structure to a Class I structure, however, there are some limitations based on size and permitted occupancy conversions. (In some cases, an IDHS Variance request may be made requesting to permit utilizing the conversion for normally unpermitted Group R Occupancies often associated with DCS licensed Group Homes.)

Class I and Class II childcare homes licensed in accordance with IC 12-17.2 are exempt from above if they remain a primary residence with the childcare use an accessory and are **NOT** inspected by IDHS.

Making the Inspection request. ALL inspection requests will be submitted to IDHS by the appropriate licensing agency except for IDOE, in which the owner may make the request.

All the following items must be included when making the request.

Send request to codequestions@dhs.in.gov with the following subject line format:

- (Licensing Agency) NEW location inspection request for (Facility Type) at (address w/zip)
 - Example: DCS NEW location inspection request for GH at 1234 Main St, Indianapolis, IN 46111

Include the following in the body of the email.

- Owner/Organization Name
- Location Name
- Location Address
- Location Contact Name, Phone, & Email
- Facility Type, i.e., School, Daycare, Registered Ministry, Long Term, Group Home, ETC.
- Requesting Agency ID number if applicable

Definition of a Class 1 Structure

(b) "Class 1 structure" means the following:

(1) Any part of the following:

(A) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:

- (i) The public.
- (ii) Three (3) or more tenants.
- (iii) One (1) or more persons who act as the employees of another.

IDHS Links

<https://www.in.gov/dhs/fire-and-building-safety/code-enforcement/>

<https://www.in.gov/dhs/building-plan-review/>

<https://www.in.gov/dhs/boards-and-commissions/variances/>