



**TO:** Fire Prevention and Building Safety Commission  
**FROM:** Justin Guedel, Deputy General Counsel, Indiana Department of Homeland Security  
**DATE:** September 3, 2021  
**RE:** Recommendation to Modify Rules Regarding the Scope of Expedited Plan Review

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The Indiana Department of Homeland Security (IDHS) requests the Fire Prevention and Building Safety Commission (Commission) to authorize staff to begin the rulemaking process to modify 675 IAC 12-3-2 to expand the scope of the expedited plan review process to cover all occupancies. Attached to this letter is a copy of the draft language recommended to be adopted.

### BACKGROUND

Expedited plan review is a voluntary process whereby an applicant for a construction design release (CDR) can request the IDHS complete a plan review, generally, within 2 full business days. If expedited plan review is not requested, an *initial* review of plans for a CDR may take up to 30 business days. To qualify for expedited plan review, the applicant must pay a \$5,000 fee. Until recently, this was the only qualification review conducted prior to initiation of an expedited plan review. However, upon a review of current practices, the IDHS identified that a second qualifying criteria was required to be confirmed before expedited plan review was initiated. This second criteria was that the occupancy classification of the project must be one of the following: B, F, M, S, and U. Based on this review and to ensure operation in accordance with the Commission's rules, the IDHS began requiring both qualifying criteria to be met before projects could qualify for an expedited plan review. However, due to the impact this change in practice has on both the IDHS and the regulated public, the IDHS recommends the Commission modify 675 IAC 12-3-2 to eliminate the occupancy classification qualifying criteria requirement for expedited plan review requests.

### REASONS FOR RECOMMENDATION

This recommendation is requested as a standalone rulemaking to be accomplished immediately for the following reasons:

- (1) The IDHS is able to complete expedited plan reviews for projects of all occupancy classifications in the time allotted by law. This review was previously performed by the IDHS, as identified in the background section above, and this modification would not create any additional impact on the IDHS's operations.
- (2) If the IDHS continues to operate with the occupancy classification qualifying criteria requirement in place, the rule would have a substantial financial impact on the IDHS. Preliminary figures, indicate anywhere from 30 – 40 plan reviews are expedited each month, with the potential of 20% of these requests falling outside of the identified occupancy classifications. Over the course of a year, this has the potential to result in a loss of \$480,000.
- (3) Construction projects that were proceeding under the previous administration of this program, now may be delayed an additional 28 days before a design release is obtained from the IDHS.
- (4) Expedited plan review is a voluntary program and modifying this rule will not create any additional burden on the regulated public.

For these reasons, the IDHS requests the Commission to immediately begin rulemaking to implement this change and to direct staff to proceed with this recommended rulemaking action.

## 675 IAC 12-3-2 Schedule of fees for site built construction

Authority: IC 22-12-6-6

Affected: IC 22-12-6-4; IC 22-15-3-2

Sec. 2. (a) Every application for construction design release (ACDR) required by 675 IAC 12-6 shall be accompanied by payment to the fire and building services fund in an amount prescribed in this section.

(b) The design release fees shall be as follows:

All Projects	Amount
Filing Fee	\$75
plus	
Processing Fee	\$75 minimum*
TOTAL	\$150 minimum*

\*The minimum processing fee only applies where the categorical processing fee is less than \$75.

(c) The categorical processing fees shall be as follows:

Category A (Normal Occupancy): All buildings and structures not specifically listed in Categories B, C, D, E, G, H, and I. The fee is \$0.050 times the gross square feet of floor area.

Category B (Minimal Occupancy–Area related): Livestock sales, hangars, open parking structures, truck freight terminals, warehouses, refrigerated storage, bulk product processing plants, and similar uses. The fee is \$0.030 times the gross square feet of floor area.

Category C (Cost related): Remodeling and renovation (no additions). The fee is \$0.0030 times the total square footage of the remodeling and renovation.

Category D (Minimal Occupancy–Cost related): Control towers, generating plants, dust collectors, mausoleums, grain elevators, concrete or asphalt plants, and other occupied high volume low area structures. The fee is \$0.0002 times the construction cost.

Category E Swimming pools. The fee is \$0.020 times the gross cubic feet.

Category F (Flammable Liquid or Gas Facilities): Each initial installation of one (1) or more bulk storage tanks, piping or dispensing equipment for Classes I, II, IIIA, and IIIB liquids, liquefied petroleum (LP) gas, or liquefied natural gas (LNG) or replacement of such tanks or piping at the same location. The fee is eighty dollars (\$80) for each tank.

Category G (Replicated floor plan buildings, such as apartment buildings, hotels, or motels): If a project consists of one (1) or more buildings with replicated floor plans, the filing fee shall be \$0.040 per square foot for one (1) example of each replicated floor plan, plus sixty-nine dollars (\$69) per building.

Category H (Shell building<sup>5</sup> and initial tenant build-out): The fee for the shell building is \$0.040 times the gross square feet of floor area. The fee for the initial tenant build-out is \$0.020 times the gross square feet of floor area that is the subject of the build-out.

Category I (Expedited plan review): Expedited plan review is available for the following occupancies: B, F, M, S, and U. All required drawings, applications, and fees shall be received by plan review not later than 9:00 a.m. on the day that the project is submitted. If the project qualifies for expedited plan review and the issuance of a design release, the project will be released not later than 4:30 p.m. on the next following business day that the division is open. The fee for expedited submittal is five thousand dollars (\$5,000), plus the applicable fee or fees from Categories A through H.

(d) The special processing fees shall be as follows:

Special Processing Fees	Amount
(1) Each additional submission for a partially filed project	\$250
(2) Surcharge for late filing of plans and specifications in accordance with 675 IAC 12-6-8(c) <sup>2</sup>	\$300
(3) Foundation release	\$80
(4) Addenda and revisions, each system modified per submission (other than compliance corrections) <sup>3</sup>	\$35
(5) Master plans, each series or structure	\$173
(6) Incomplete project filing (mailed submissions only) <sup>4</sup>	\$12
(7) Returned checks	\$35
(8) Reinstatement or time extension of design release	\$50

Notes:

<sup>1</sup>The regular filing and processing fees are paid with the initial submission of the ACDR.

<sup>2</sup>The surcharge fee, if not collected at the time the ACDR is filed, shall be paid before issuance of any design release.

<sup>3</sup>Systems are architectural, structural, electrical, plumbing, mechanical (HVAC), fire alarm, and fire suppression.

<sup>4</sup>Payable when missing documents are subsequently filed.

<sup>5</sup>"Shell building" means a Class 1 structure for which a design release is required before further construction is performed to accommodate the occupancy of one (1) or more initial tenants.

(e) The explanation of terms shall be as follows:

(1) Square footage (floor area) shall be determined by the outside dimensions of the building or structure.

This shall include usable area under the horizontal projection of the roof or floor above such as the following:

(A) Porches.

(B) Canopies.

(C) Balconies.

(2) Cubic footage (volume) shall be the gross volume of the building or structure as determined by the outside dimensions of the building or structure.

(3) Costs (construction) shall be the cost of the labor and materials required to perform the stated scope of construction. It need not include the cost of the following:

(A) Land.

(B) Interior furnishings.

(C) Processing equipment.

(f) The state fire marshal or the building law compliance officer may authorize the refunding of any fee specified in this section that was paid or collected in error. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-2; filed Jan 29, 1986, 3:00 p.m.: 9 IR 1363, eff Mar 1, 1986; filed Feb 17, 1987, 3:15 p.m.: 10 IR 1386, eff Mar 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #86-152 was filed Feb 17, 1987.]; filed Jul 17, 1987, 2:45 p.m.: 10 IR 2700, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-54 was filed Jul 17, 1987.]; filed Jun 3, 1988, 2:15 p.m.: 11 IR 3555, eff Aug 1, 1988; filed Sep 27, 1989, 4:30 p.m.: 13 IR 294; filed Apr 22, 1996, 3:00 p.m.: 19 IR 2285; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Apr 16, 2002, 9:05 a.m.: 25 IR 2731; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*)