



**NOTICE OF RULE MODIFICATION  
FOR RULES CONCERNING THE OCCUPANCY OR CONSTRUCTION  
OF SHELTERS, CARE FACILITIES, AND HOSPITALS DURING THE  
PUBLIC HEALTH EMERGENCY**

Due to the public health emergency created by the COVID-19 virus, Governor Holcomb granted agencies broad powers to waive, suspend, or modify existing rules where enforcement would be detrimental to the public welfare during the emergency, subject to his prior approval. *See* Executive Order 20-05.

In an effort to proactively respond to the anticipated need for additional structures to be used as shelters, care facilities, or hospitals during this time, the Fire Prevention and Building Safety Commission (the “Commission”), at its April 7<sup>th</sup>, 2020 meeting, modified the rules provided in the table below.

The following provisions apply to all modifications:

- 1. Purpose.** In response to the increased need for particular structures due to the COVID-19 public health emergency, the purpose of these modifications are to ensure emergency shelters, care facilities, and hospitals are able to be made readily available without strict compliance with the rules of the Commission. To the greatest extent possible, without impacting public safety, structures shall be constructed or occupied in compliance with the rules of the Commission, regardless of whether a proposal permits noncompliance or an alternative method of compliance. If compliance is not able to be immediately obtained, all efforts shall be made to come into compliance as soon as possible without jeopardizing public safety.
- 2. Scope.** These modifications only apply to shelters, care facilities, or hospitals set up to respond to the public health emergency created by the COVID-19 virus.
- 3. Duration.** Unless explicitly provided otherwise, all modifications expire on the earlier of the following: (1) the termination of the current public health emergency; or (2) the repeal or amendment of the modification.
- 4. Compliance Following Expiration of Modification.** Following the expiration of a modification, compliance with the rules of the Commission must be achieved by one of the following methods within 45 days:
  1. Obtaining a variance from the rules of the Commission;
  2. Performing any required construction and obtaining any required releases, or other approvals, required by a rule of the Commission; or
  3. Terminating the temporary occupancy of the structure for the unintended use, if the noncompliance was solely related to changing the use of a structure.

- 5. Notification.** Prior to utilizing any modification, notification must be sent to [buildingcommission@dhs.in.gov](mailto:buildingcommission@dhs.in.gov) which shall include the following information:
- i. The address of each structure that will be utilizing the modification;
  - ii. A brief explanation of the purpose of each structure, including whether the structure is intended to be used in the proposed capacity permanently or temporarily;
  - iii. A brief explanation of the specific code requirements that cannot be immediately complied with; and
  - iv. A proposed plan for coming into compliance with the rules of the Commission either during the emergency, if possible, or upon expiration of the proposal by one of the methods described in paragraph 4.

Please note, approval is not needed to take advantage of any modification, however, compliance with all rules of the Commission is required if you do not meet the conditions of these modifications.

#	Citation	Requirement	Modification
1	675 IAC 12-4-11(b)	Prohibits buildings from undergoing a change of use without: (1) complying with the current rules for new construction for the proposed use; or (2) complying with Chapter 34 of the 2014 Indiana Building Code or 675 IAC 13.	Exempt structures that meet the scope of this rule modification from the requirement to comply with the provisions of 675 IAC 12-4-11(b) so long as the proposed occupancy would not cause the structure to become unsafe particularly in regards to suitable means of egress and structural stability of the proposed occupancy.
2	675 IAC 12-4-11(f)	Allows Class 1 structures to be used for residential occupancy for up to 30 days without having to comply with the general change of use requirements if specified conditions are met.	Extend the 30-day time limit to permit residential occupancy on the specified conditions for the duration of the public emergency.
3	675 IAC 12-4-12	Additions or alterations to an existing structure must comply with the rules for new construction unless specifically exempted.	Exempt structures that meet the scope of this rule modification from the requirement to comply with the provisions of 675 IAC 12-4-12(a) so long as the addition or alteration does not make the structure unsafe.
4	675 IAC 12-6-2(f)	Defines what a temporary structure is in order to be exempt from the design release requirement.	Modify the definition of temporary structure to include any structure that meets the scope of this rule modification to exempt these structures from the requirement to obtain a design release prior to construction.