



February 14, 2023

HOUSE BILL No. 1575

DIGEST OF HB 1575 (Updated February 14, 2023 12:40 pm - DI 75)

Citations Affected: IC 22-12; IC 22-15.

Synopsis: Residential building commission. Establishes the residential building commission (building commission) within the department of homeland security. Provides that the building commission has exclusive jurisdiction for the review and adoption of building codes and standards that regulate the construction of dwellings.

Effective: July 1, 2023.

O'Brien, Frye R, Bartels, Miller D

January 19, 2023, read first time and referred to Committee on Government and Regulatory Reform.
February 14, 2023, amended, reported — Do Pass.

HB 1575—LS 7374/DI 75



February 14, 2023

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1575

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-12-2-11 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]: **Sec. 11. The residential building commission established**
4 **by IC 22-12-2.5-4 has exclusive jurisdiction for the review and**
5 **adoption of amendments to building codes and standards that**
6 **regulate the construction of dwellings, as defined in IC 22-12-2.5-3.**
7 **The fire prevention and building safety commission continues to**
8 **have jurisdiction over all variance requests as provided in**
9 **IC 22-12-2.5-17.**

10 SECTION 2. IC 22-12-2.5 IS ADDED TO THE INDIANA CODE
11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2023]:

13 **Chapter 2.5. Residential Building Commission**

14 **Sec. 1. As used in this chapter, "building commission" refers to**
15 **the residential building commission established by section 4 of this**
16 **chapter.**

17 **Sec. 2. As used in this chapter, "chair" refers to the chair of the**

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1 building commission appointed under section 9 of this chapter.

2 Sec. 3. As used in this chapter, "dwelling" refers to any of the
3 following:

- 4 (1) A structure in residential group R2 or R3.
5 (2) One (1) and two (2) family dwellings and townhouses.
6 (3) S2 parking garage physically attached to a structure in
7 residential group R2 or R3.
8 (4) U private parking garage.

9 Sec. 4. The residential building commission is established.

10 Sec. 5. (a) The building commission consists of the following
11 members, appointed by the governor:

- 12 (1) A representative of the Indiana Builders Association.
13 (2) A representative of the Indiana Apartment Association.
14 (3) A representative of Indiana Habitat for Humanity.
15 (4) An architect licensed under IC 25-4.
16 (5) An individual who has experience with residential home
17 remodeling.
18 (6) An individual who is a code consultant or a building
19 official.
20 (7) A fire official.
21 (8) A professional engineer licensed under IC 25-31.
22 (9) A real estate broker licensed under IC 25-34.1.
23 (10) A multi-family developer with experience in constructing
24 low income housing.

25 (b) The governor may appoint, at the request of the building
26 commission, an individual:

- 27 (1) recommended by the building commission; and
28 (2) who has experience in the type of residential construction
29 that is the subject of the code to be adopted or amended;

30 as an adjunct member to assist the building commission in the
31 consideration of the adoption of an amendment to an existing code.
32 The term of an adjunct building commission member appointed
33 under this subsection expires upon the adoption of the code
34 amendments by the building commission. The adjunct building
35 commission member may only vote on the code of the adjunct
36 commission member's expertise and appointment.

37 Sec. 6. Except as provided in section 5(b) of this chapter, the
38 term of a building commission member is four (4) years.

39 Sec. 7. The governor may remove a building commission
40 member for inefficiency or neglect of duty.

41 Sec. 8. If a vacancy occurs on the building commission, the
42 governor shall appoint an individual to serve the unexpired term



1 of the vacating member.

2 **Sec. 9. (a) The governor shall appoint a member of the building**
3 **commission to be the building commission's chair.**

4 **(b) The member appointed by the governor serves as the**
5 **building commission's chair at the governor's pleasure.**

6 **(c) The building commission shall elect from its members a vice**
7 **chair for the building commission. The vice chair shall, in the**
8 **absence of the chair, perform the duties of the chair.**

9 **Sec. 10. (a) The building commission shall meet at least**
10 **annually.**

11 **(b) Seven (7) building commission members constitute a quorum**
12 **of the building commission.**

13 **(c) IC 4-21.5-3-3 applies to a building commission action**
14 **governed by IC 4-21.5.**

15 **Sec. 11. The department shall provide facilities and staff to**
16 **carry out the responsibilities of the building commission.**

17 **Sec. 12. (a) Each member of the building commission who is not**
18 **a state employee is entitled to the minimum salary per diem**
19 **provided by IC 4-10-11-2.1(b). Such a member is also entitled to**
20 **reimbursement for traveling expenses and other expenses actually**
21 **incurred in connection with the member's duties, as provided in the**
22 **state travel policies and procedures established by the Indiana**
23 **department of administration and approved by the budget agency.**

24 **(b) Each member of the building commission who is a state**
25 **employee is entitled to reimbursement for travel expenses and**
26 **other expenses actually incurred in connection with the member's**
27 **duties, as provided in the state travel policies and procedures**
28 **established by the Indiana department of administration and**
29 **approved by the budget agency.**

30 **Sec. 13. The building commission has exclusive jurisdiction for**
31 **the review and adoption of amendments to building codes and**
32 **standards relating to the construction of dwellings.**

33 **Sec. 14. (a) The fire prevention and building safety commission**
34 **shall decide which codes shall be reviewed each calendar year,**
35 **focusing on the oldest codes for review. The fire prevention and**
36 **building safety commission may review not more than two (2)**
37 **codes subject to this chapter each calendar year.**

38 **(b) The building commission shall review and adopt**
39 **amendments to each code after the fire prevention and building**
40 **safety commission has completed its review of the code, but before**
41 **adoption of rules. The building commission shall set a schedule for**
42 **review and adoption of each code as determined by the**



1 commission. The building commission may not review more than
2 two (2) codes each calendar year.

3 (c) Any amendment adopted by the building commission to the
4 Indiana dwelling code may not be less stringent than a building
5 code or standard in existence as of January 1, 2022.

6 Sec. 15. (a) The following is the procedure for review and
7 adoption of building codes and standards by the building
8 commission that regulate the construction of dwellings:

9 (1) The building commission shall:

10 (A) publish notice on the building commission's website;
11 and

12 (B) notify building commission members;
13 of a meeting not less than sixty (60) days before the meeting
14 to consider the review of a building code.

15 (2) The following apply to proposed amendments to a code:

16 (A) An amendment must be submitted to the building
17 commission not less than one (1) week before the building
18 commission considers the amendment. However, the chair
19 may require an earlier submission of proposed
20 amendments.

21 (B) As provided in subdivision (4), before the building
22 commission may consider a proposed amendment, the
23 building commission must be given a fiscal analysis
24 detailing the added cost to, or cost saved from, the code
25 provision to be amended from both the proposed code and
26 current code. The fiscal analysis becomes part of the
27 record of the building commission's consideration of the
28 proposed amendment.

29 (C) A proposed amendment becomes effective only if it
30 receives the affirmative vote of the building commission.

31 (3) The amendments of a code adopted by the building
32 commission apply to the construction, prefabrication,
33 alteration, addition, and remodel of dwellings. If differences
34 occur between provisions of a code adopted by the building
35 commission and a code or standard referenced in the code
36 adopted by the building commission, the provision of the code
37 adopted by the building commission applies.

38 (4) After the building commission has completed review of a
39 code, but before the building commission adopts the code or
40 amendments to the code, the office of management and budget
41 shall complete a fiscal analysis, comparing the cost of the
42 existing code and the cost of the proposed code.



1 (5) After the building commission adopts a proposed code or
 2 amendments to a code, it must be adopted by the building
 3 commission as a rule under IC 4-22-2.

4 (6) A code adopted by the building commission or
 5 amendments to a code under subdivision (5) may not take
 6 effect earlier than one hundred eighty (180) days after the
 7 date the rule is adopted under subdivision (5).

8 (7) The code year of an adopted code book is the year of the
 9 corresponding International Code Council version of the
 10 code.

11 (8) Amendments by the building commission to all codes will
 12 be compiled and published in the Indiana dwelling code.

13 (9) The Indiana dwelling code must state that the code book
 14 applies only to dwellings as defined in section 3 of this chapter
 15 and does not apply to manufactured housing.

16 (b) Notwithstanding section 14(a) of this chapter and subsection
 17 (a)(1), the building commission may consider an amendment to a
 18 code not under consideration during the current year if:

19 (1) in case of:

20 (A) conflict with another code; or

21 (B) an emergency or some other exigent circumstance;

22 (2) during a meeting called by the chair; and

23 (3) the number of members described in subsection (a)(2)(C)
 24 determines that an amendment to the other code requires
 25 consideration.

26 The building commission may begin review with less notice than is
 27 required by subsection (a)(1).

28 Sec. 16. The department shall cause the building commission's
 29 amendments to be compiled and published as the Indiana dwelling
 30 code.

31 Sec. 17. (a) The building commission has jurisdiction over all
 32 variance requests.

33 (b) The department shall continue to review Class 1 structure
 34 construction plans under the codes adopted under this chapter.

35 Sec. 18. A unit (as defined in IC 36-1-2-23) may not adopt an
 36 ordinance concerning construction and remodeling of dwellings
 37 that:

38 (1) conflicts with this chapter or a code adopted under this
 39 chapter; or

40 (2) includes more stringent or detailed requirements than
 41 those set forth in this chapter or a code adopted under this
 42 chapter.



1 **Sec. 19. The building commission may adopt rules under**
 2 **IC 4-22-2 to carry out its duties under this chapter.**

3 SECTION 3. IC 22-15-3-2, AS AMENDED BY P.L.187-2021,
 4 SECTION 100, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2023]: Sec. 2. To qualify for a design release
 6 under this section, an applicant must:

7 (1) demonstrate, through the submission of plans and
 8 specifications for the construction covered by the application, that
 9 the construction will comply with all applicable building laws and
 10 fire safety laws;

11 (2) pay the fees set under IC 22-12-6-6;

12 (3) have the plans and specifications:

13 (A) prepared by a registered architect or professional engineer
 14 who is:

15 (i) competent to design the construction covered by the
 16 application as determined by the department; and

17 (ii) registered under IC 25-4 or IC 25-31;

18 (B) include on each page of all drawings and the title page of
 19 all specifications the seal of the registered architect or
 20 professional engineer described by clause (A) or the person's
 21 technical or professional staff; and

22 (C) filed by the registered architect or professional engineer
 23 described by clause (A) or the person's technical or
 24 professional staff; and

25 (4) submit a certificate prepared on a form provided by the
 26 department and sworn or affirmed under penalty of perjury by the
 27 registered architect or professional engineer described in
 28 subdivision (3)(A):

29 (A) providing an estimate of the cost of the construction
 30 covered by the application, its square footage, and any other
 31 information required under the rules of the commission;

32 (B) stating that the plans and specifications submitted for the
 33 application were prepared either by or under the immediate
 34 supervision of the person making the statement;

35 (C) stating that the plans and specifications submitted for the
 36 application provide for construction that will meet all building
 37 laws; and

38 (D) stating that the construction covered by the application
 39 will be subject to inspection at intervals appropriate to the
 40 stage of the construction by a registered architect or
 41 professional engineer identified in the statement for the
 42 purpose of determining in general if work is proceeding in



1 accordance with the released plans and specifications: in
2 accordance with the rules adopted under IC 4-22-2:
3 (i) for a structure described in IC 22-12-2.5-3(1) by the
4 residential building commission established by
5 IC 22-12-2.5-4; or
6 (ii) for a structure not included in item (i), by the
7 commission.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1575, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, after "of" insert "**amendments to**".

Page 1, line 17, after "of the" insert "**building**".

Page 2, between lines 5 and 6, begin a new line block indented and insert:

"(3) S2 parking garage physically attached to a structure in residential group R2 or R3.

(4) U private parking garage."

Page 2, line 12, delete "or engineer licensed in Indiana." and insert "**licensed under IC 25-4.**"

Page 2, delete lines 18 through 28, begin a new line block indented and insert:

"(8) A professional engineer licensed under IC 25-31.

(9) A real estate broker licensed under IC 25-34.1.

(10) A multi-family developer with experience in constructing low income housing.

(b) The governor may appoint, at the request of the building commission, an individual:

(1) recommended by the building commission; and

(2) who has experience in the type of residential construction that is the subject of the code to be adopted or amended;

as an adjunct member to assist the building commission in the consideration of the adoption of an amendment to an existing code. The term of an adjunct building commission member appointed under this subsection expires upon the adoption of the code amendments by the building commission. The adjunct building commission member may only vote on the code of the adjunct commission member's expertise and appointment."

Page 3, line 3, delete "Five (5)" and insert "Seven (7)".

Page 3, line 23, after "of" insert "**amendments to**".

Page 3, delete lines 25 through 34, begin a new paragraph and insert:

"Sec. 14. (a) The fire prevention and building safety commission shall decide which codes shall be reviewed each calendar year, focusing on the oldest codes for review. The fire prevention and building safety commission may review not more than two (2) codes subject to this chapter each calendar year.

(b) The building commission shall review and adopt



amendments to each code after the fire prevention and building safety commission has completed its review of the code, but before adoption of rules. The building commission shall set a schedule for review and adoption of each code as determined by the commission. The building commission may not review more than two (2) codes each calendar year.

(c) Any amendment adopted by the building commission to the Indiana dwelling code may not be less stringent than a building code or standard in existence as of January 1, 2022."

Page 4, line 2, delete "The building commission shall begin with Indiana's".

Page 4, line 3, delete "existing codes and consider amendments to those codes."

Page 4, line 14, delete "amended." and insert "**amended from both the proposed code and current code.**"

Page 4, line 18, delete "following number of" and insert "**building commission.**"

Page 4, delete lines 19 through 23.

Page 4, line 24, delete "provisions" and insert "**amendments**".

Page 5, delete lines 1 through 5, begin a new line block indented and insert:

"(7) The code year of an adopted code book is the year of the corresponding International Code Council version of the code.

(8) Amendments by the building commission to all codes will be compiled and published in the Indiana dwelling code.

(9) The Indiana dwelling code must state that the code book applies only to dwellings as defined in section 3 of this chapter and does not apply to manufactured housing."

Page 5, line 16, after "The" insert "**building**".

Page 5, delete lines 18 through 26, begin a new paragraph and insert:

"Sec. 16. The department shall cause the building commission's amendments to be compiled and published as the Indiana dwelling code.

Sec. 17. (a) The building commission has jurisdiction over all variance requests.

(b) The department shall continue to review Class 1 structure construction plans under the codes adopted under this chapter."

Page 5, line 28, after "concerning" insert "**construction and remodeling of**".

Page 5, after line 35, begin a new paragraph and insert:



"SECTION 3. IC 22-15-3-2, AS AMENDED BY P.L.187-2021, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. To qualify for a design release under this section, an applicant must:

- (1) demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws and fire safety laws;
- (2) pay the fees set under IC 22-12-6-6;
- (3) have the plans and specifications:
 - (A) prepared by a registered architect or professional engineer who is:
 - (i) competent to design the construction covered by the application as determined by the department; and
 - (ii) registered under IC 25-4 or IC 25-31;
 - (B) include on each page of all drawings and the title page of all specifications the seal of the registered architect or professional engineer described by clause (A) or the person's technical or professional staff; and
 - (C) filed by the registered architect or professional engineer described by clause (A) or the person's technical or professional staff; and
- (4) submit a certificate prepared on a form provided by the department and sworn or affirmed under penalty of perjury by the registered architect or professional engineer described in subdivision (3)(A):
 - (A) providing an estimate of the cost of the construction covered by the application, its square footage, and any other information required under the rules of the commission;
 - (B) stating that the plans and specifications submitted for the application were prepared either by or under the immediate supervision of the person making the statement;
 - (C) stating that the plans and specifications submitted for the application provide for construction that will meet all building laws; and
 - (D) stating that the construction covered by the application will be subject to inspection at intervals appropriate to the stage of the construction by a registered architect or professional engineer identified in the statement for the purpose of determining in general if work is proceeding in accordance with the released plans and specifications. **in accordance with the rules adopted under IC 4-22-2:**



- (i) for a structure described in IC 22-12-2.5-3(1) by the residential building commission established by IC 22-12-2.5-4; or**
- (ii) for a structure not included in item (i), by the commission."**

Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1575 as introduced.)

MILLER D

Committee Vote: yeas 9, nays 1.

