



PUBLIC NOTICE

TO: General Public
FROM: Division of Fire and Building Safety, Indiana Department of Homeland Security
DATE: April 19, 2021, originally published March 03, 2020
RE: Classification of Supportive Living Facilities (Class 1 or Class 2 structures?)

OVERVIEW

This notice is intended to clarify when supportive living facilities (facilities that provide staff to its residents to assist with daily living activities) are considered Class 1 or Class 2 Structures.

BACKGROUND

As part of its regulatory authority to issue design releases, inspect structures, and enforce the building and fire safety laws of Indiana, the Division of Fire and Building Safety (DFBS) of the Indiana Department of Homeland Security must determine the appropriate classification of structures that are being regulated. Typically, structures fall within one of two classifications of structures; Class 1 structures or Class 2 structures. *See* IC §§ 22-12-1-4 and 5 for the definitions of Class 1 and Class 2 structures. Generally speaking, Class 2 structures are townhouses or one or two dwelling unit structures, and Class 1 structures are structures used by the public, three or more tenants, or employees. Sometimes, however, the use of a structure may appear to fall within the statutory definition of both a Class 1 and Class 2 structure (i.e. the structure may be a townhouse or a one and two dwelling unit structure that is used by the public, three or more tenants, or employees). In most cases, supportive living facilities fall within this situation; they are one or two dwelling unit structures that may be used by employees or three or more tenants. To address the overlap between the definitions of Class 1 and Class 2 structures and to provide clarity to the regulated public on how their facility will be regulated, the DFBS provides the following **notice** explaining when a supportive living facility will be classified as a Class 1 or Class 2 structure.

NOTICE

In general, supportive living facilities are considered Class 1 structures. However, supportive living facilities are considered Class 2 structures, if the following conditions are met:

1. the structure is a townhouse or only contains one or two dwelling units;
2. the structure is intended to be occupied by no more than two tenants (except for townhouses which may only have one tenant per unit by definition);
A tenant is someone, or some group that either: (1) has possession of a unique portion of a structure; or (2) occupies a structure on unique or independent terms from other occupants. The overarching concern is whether the person or persons occupying, or intending to occupy, the structure or portion of the structure, are doing so independently or as a single occupant. If a structure is rented out on a per room basis (even with shared common areas), the structure has as many tenants as rooms intended to be rented out.
3. the structure is intended to be used for nontransient residential occupancy;
4. the presence of employees at the structure is limited to providing supportive living services (services limited to supporting the regular use and enjoyment of the structure for residential purposes); and
5. the structure does not contain nonresidential areas that are not traditionally found in a dwelling unit.