

HOUSE BILL No. 1012

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-31-1-20; IC 36-1-3.

Synopsis: Repeal of housing restriction on local government. Repeals a statute that prohibits a county, city, town, or township from requiring a landlord to participate in a federal Section 8 housing assistance program or similar housing program.

Effective: July 1, 2020.

Chyung

January 7, 2020, read first time and referred to Committee on Local Government.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1012

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 32-31-1-20, AS AMENDED BY P.L.266-2017,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1,2020]: Sec. 20. (a) ~~Subject to IC 36-1-3-8.5~~; This section does
4 not apply to privately owned real property for which government funds
5 or benefits have been allocated from the United States government, the
6 state, or a political subdivision for the express purpose of providing
7 reduced rents to low or moderate income tenants.

8 (b) A unit (as defined in IC 36-1-2-23) may not regulate rental rates
9 for privately owned real property, through a zoning ordinance or
10 otherwise, unless the regulation is authorized by an act of the general
11 assembly.

12 SECTION 2. IC 36-1-3-8, AS AMENDED BY P.L.19-2019,
13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2020]: Sec. 8. (a) Subject to subsection (b), a unit does not
15 have the following:

16 (1) The power to condition or limit its civil liability, except as
17 expressly granted by statute.



- 1 (2) The power to prescribe the law governing civil actions
 2 between private persons.
 3 (3) The power to impose duties on another political subdivision,
 4 except as expressly granted by statute.
 5 (4) The power to impose a tax, except as expressly granted by
 6 statute.
 7 (5) The power to impose a license fee greater than that reasonably
 8 related to the administrative cost of exercising a regulatory power.
 9 (6) The power to impose a service charge or user fee greater than
 10 that reasonably related to reasonable and just rates and charges
 11 for services.
 12 (7) The power to regulate conduct that is regulated by a state
 13 agency, except as expressly granted by statute.
 14 (8) The power to prescribe a penalty for conduct constituting a
 15 crime or infraction under statute.
 16 (9) The power to prescribe a penalty of imprisonment for an
 17 ordinance violation.
 18 (10) The power to prescribe a penalty of a fine as follows:
 19 (A) More than ten thousand dollars (\$10,000) for the violation
 20 of an ordinance or a regulation concerning air emissions
 21 adopted by a county that has received approval to establish an
 22 air permit program under IC 13-17-12-6.
 23 (B) For a violation of any other ordinance:
 24 (i) more than two thousand five hundred dollars (\$2,500) for
 25 a first violation of the ordinance; and
 26 (ii) except as provided in subsection (c), more than seven
 27 thousand five hundred dollars (\$7,500) for a second or
 28 subsequent violation of the ordinance.
 29 (11) The power to invest money, except as expressly granted by
 30 statute.
 31 (12) The power to order or conduct an election, except as
 32 expressly granted by statute.
 33 ~~(13) The power to adopt or enforce an ordinance described in~~
 34 ~~section 8.5 of this chapter.~~
 35 ~~(14) (13)~~ The power to take any action prohibited by section 8.6
 36 of this chapter.
 37 ~~(15) (14)~~ The power to dissolve a political subdivision, except:
 38 (A) as expressly granted by statute; or
 39 (B) if IC 36-1-8-17.7 applies to the political subdivision, in
 40 accordance with the procedure set forth in IC 36-1-8-17.7.
 41 ~~(16) (15)~~ After June 30, 2019, the power to enact an ordinance
 42 requiring a solid waste hauler or a person who operates a vehicle



- 1 in which recyclable material is transported for recycling to collect
 2 fees authorized by IC 13-21 and remit the fees to:
 3 (A) a unit; or
 4 (B) the board of a solid waste management district established
 5 under IC 13-21.
- 6 (b) A township does not have the following, except as expressly
 7 granted by statute:
 8 (1) The power to require a license or impose a license fee.
 9 (2) The power to impose a service charge or user fee.
 10 (3) The power to prescribe a penalty.
- 11 (c) Subsection (a)(10)(B)(ii) does not apply to the violation of an
 12 ordinance that regulates traffic or parking.
- 13 SECTION 3. IC 36-1-3-8.5 IS REPEALED [EFFECTIVE JULY 1,
 14 2020]. ~~Sec. 8.5: A unit may not adopt or enforce an ordinance that~~
 15 ~~requires or would have the effect of requiring a landlord to participate~~
 16 ~~in:~~
 17 ~~(1) a Section 8 program of the federal Housing Act of 1937 (42~~
 18 ~~U.S.C. 1437f); or~~
 19 ~~(2) a similar program concerning housing.~~

