

HOUSE BILL No. 1114

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-13-2-3.6.

Synopsis: Residential building design elements. Prohibits a municipality from regulating design elements of residential structures. Specifies certain exclusions from this prohibition. Provides that any rule, ordinance, or other regulation that conflicts with the prohibition is void. Provides that a person aggrieved by a violation of the bill's provisions may file, in a court having jurisdiction, a petition to obtain an injunction against the violation.

Effective: Upon passage.

Miller D

January 7, 2021, read first time and referred to Committee on Government and Regulatory Reform.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1114



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 22-13-2-3.6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 3.6. (a) This section does not apply to the**
4 **following:**
5 (1) **A structure located in an area designated as a local**
6 **historic district under applicable state law.**
7 (2) **A structure located in an area designated as a historic**
8 **district on the National Register of Historic Places.**
9 (3) **A structure designated as a local, state, or national historic**
10 **landmark.**
11 (4) **A structure located on property that is covered by rules,**
12 **covenants, conditions and restrictions, or other governing**
13 **documents (as defined in IC 32-25.5-2-3) of a homeowners**
14 **association.**
15 (5) **A structure owned or operated by a municipality.**
16 (6) **A rental unit located in a rental unit community (as**
17 **defined in IC 36-1-20-1.5).**



- 1 **(7) A regulation adopted as a condition for participation in**
 2 **the National Flood Insurance Program.**
 3 **(8) A regulation or standard established by a federal or state**
 4 **agency as a condition for participation in a federal or state**
 5 **housing program.**
 6 **(b) Except as provided in subsection (c), as used in this section,**
 7 **"design elements", with respect to a structure, means:**
 8 **(1) exterior building color;**
 9 **(2) type or style of exterior cladding material;**
 10 **(3) style or material of roof structures, roof pitches, or**
 11 **porches;**
 12 **(4) exterior nonstructural architectural ornamentation;**
 13 **(5) location, design, placement, or architectural styling of**
 14 **windows and doors, including garage doors and garage**
 15 **structures;**
 16 **(6) the number and types of rooms; and**
 17 **(7) the minimum square footage of a structure.**
 18 **(c) For purposes of this section, "design elements" do not**
 19 **include:**
 20 **(1) the height, bulk, orientation, or location of a structure or**
 21 **lot; or**
 22 **(2) buffering or screening used to:**
 23 **(A) minimize visual impacts;**
 24 **(B) mitigate the impacts of light and noise; or**
 25 **(C) protect the privacy of neighbors.**
 26 **(d) As used in this section, "municipality" refers to a county,**
 27 **city, or town.**
 28 **(e) As used in this section, "residential structure" refers to:**
 29 **(1) a Class 1 structure with an occupancy classification of**
 30 **Residential Group R; or**
 31 **(2) a Class 2 structure.**
 32 **(f) A municipality shall not regulate design elements of**
 33 **residential structures.**
 34 **(g) Any rule, ordinance, or other regulation that conflicts with**
 35 **this section is void.**
 36 **(h) A person aggrieved by an action in violation of this section**
 37 **may file, in a circuit or superior court having jurisdiction, a**
 38 **petition to obtain an injunction against a violation of this section by**
 39 **a municipality.**
 40 **SECTION 2. An emergency is declared for this act.**

