

HOUSE BILL No. 1314

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-20-4; P.L.149-2013, SECTION 3.

Synopsis: Landlord and tenant relations. Repeals certain statutes restricting the ability of political subdivisions to regulate landlord and tenant relations, residential rental agreements, and real property subject to residential rental agreements.

Effective: Upon passage.

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January 21, 2014, read first time and referred to Committee on Government and Regulatory Reform.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1314

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning local government.

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

1 SECTION 1. IC 36-1-20-4 IS REPEALED [EFFECTIVE UPON
2 PASSAGE]. ~~Sec. 4: (a) As used in this section, "regulation" refers to an~~
3 ~~ordinance, rule, or other enactment by a political subdivision relating~~
4 ~~to any of the following:~~
5 ~~(1) Landlord and tenant relations;~~
6 ~~(2) Rental agreements;~~
7 ~~(3) Real property subject to a rental agreement;~~
8 ~~(b) A regulation that does any of the following may not be adopted~~
9 ~~after February 28, 2013:~~
10 ~~(1) Requires an owner or landlord to be licensed or to obtain a~~
11 ~~permit from the political subdivision to lease a rental unit.~~
12 ~~(2) Requires an owner or landlord to enroll or participate in a~~
13 ~~class or government program as a condition for leasing a rental~~
14 ~~unit.~~
15 ~~(3) Imposes or increases a fee or other assessment for any of the~~
16 ~~following:~~



- 1 (A) Inspection of a rental unit.
 2 (B) Registration of an owner, landlord, or rental unit.
 3 (C) Any other purpose related to the purposes listed in
 4 subsection (a).
 5 (c) This chapter does not prohibit a political subdivision from:
 6 (1) establishing a rental unit inspection program; or
 7 (2) imposing or increasing a fee relating to the construction of a
 8 rental unit, such as a building permit fee.
 9 (d) This section expires July 1, 2014.
 10 SECTION 2. P.L.149-2013, SECTION 3, IS REPEALED
 11 [EFFECTIVE UPON PASSAGE]. SECTION 3: (a) As used in this
 12 SECTION, "builder" means a person engaged in constructing new
 13 homes:
 14 (b) As used in this SECTION, "person" means an individual, firm,
 15 limited liability company, corporation, association, or other legal entity.
 16 (c) As used in this SECTION, "remodeler" means a person engaged
 17 in altering, repairing, restoring, maintaining, or modifying an existing
 18 residential dwelling.
 19 (d) As used in this SECTION, "residential dwelling" means a
 20 building or part of a building occupied by or intended for the
 21 occupancy of one (1) or more individuals. The term does not include
 22 a residential dwelling that is owned by the political subdivision.
 23 (e) After February 28, 2013, a political subdivision may not adopt
 24 an ordinance, rule, policy, or other requirement providing that a builder
 25 or remodeler must be licensed, certified, permitted, registered, or listed
 26 by the political subdivision as a condition to the builder or remodeler:
 27 (1) constructing a new residential dwelling; or
 28 (2) remodeling an existing residential dwelling.
 29 (f) This SECTION does not do any of the following:
 30 (1) Void an ordinance, rule, policy, or other requirement of a
 31 political subdivision adopted before March 1, 2013.
 32 (2) Prohibit a political subdivision from doing any of the
 33 following:
 34 (A) Requiring a person who engages in a specific building or
 35 construction trade, including an electrician, a plumber, a tile
 36 layer, a landscaper, or a practitioner of another specific trade,
 37 to be licensed, permitted, registered, or listed by the political
 38 subdivision before engaging in the specific building or
 39 construction trade.
 40 (B) Issuing building permits, septic system permits,
 41 certificates of appropriateness, zoning approvals, plat
 42 approvals, and other permits and approvals that regulate the



1 use, planning, and development of property.
2 ~~(g) This SECTION expires July 1, 2015.~~
3 **SECTION 3. An emergency is declared for this act.**

