

HOUSE BILL No. 1625

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-22-2; IC 5-20-1-28; IC 36-1.

Synopsis: Housing cost information. Amends the statute concerning state rulemaking procedures to provide that if a state agency intends to adopt a rule that may increase or decrease the costs of housing in Indiana, the agency shall prepare a housing impact analysis (analysis) for the rule. Provides that: (1) the full text of the analysis must be published in the Indiana Register; and (2) the rule must be referenced in the required newspaper notice of the rule; under state rulemaking procedures. Requires a county or a municipality to prepare an analysis if a proposed regulation may increase or decrease the cost of housing in the county or municipality. Requires the analysis to be submitted to the members of the legislative body before the legislative body considers the regulation. Sets forth the required information for an analysis prepared by a state agency or by a county or municipality. Requires the Indiana housing and community development authority (authority) to prepare a comprehensive five year state housing strategy plan (plan). Sets forth required elements of the plan. Requires the authority to: (1) annually update the plan; and (2) submit the plan to the governor and the legislative council before October 1 of each year. Requires a municipality to annually prepare: (1) a housing affordability report; and (2) a housing fee report. Sets forth the required elements for each report. Requires the municipality to post the reports on the municipality's Internet web site (or on the county's Internet web site if the municipality does not maintain an Internet web site). Provides that a municipality may not impose any housing related fee that is not: (1) included in the fee report; or (2) posted on the municipality's Internet web site.

Effective: Upon passage; July 1, 2019.

Clere

January 22, 2019, read first time and referred to Committee on Government and Regulatory Reform.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL _____

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 4-22-2-24, AS AMENDED BY P.L.1-2006,
2 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 24. (a) An agency shall notify the public of its
4 intention to adopt a rule by complying with the publication
5 requirements in subsections (b) and (c).
6 (b) The agency shall cause a notice of a public hearing to be
7 published once in one (1) newspaper of general circulation in Marion
8 County, Indiana. To publish the newspaper notice, the agency shall
9 directly contract with the newspaper. An agency may not contract for
10 the publication of a notice under this chapter until the agency has
11 received a written or an electronic authorization to proceed from the
12 publisher under subsection (g).
13 (c) The agency shall cause:
14 (1) a notice of public hearing; ~~and~~
15 (2) the full text of the agency's proposed rule (excluding the full
16 text of a matter incorporated by reference under section 21 of this
17 chapter); **and**



1 **(3) the full text of any housing impact analysis prepared under**
 2 **section 28.3 of this chapter with respect to the rule;**

3 to be published once in the Indiana Register. To publish the notice and
 4 proposed rule in the Indiana Register, the agency shall submit the text
 5 to the publisher in accordance with subsection (g). The agency shall
 6 submit the rule in the form required by section 20 of this chapter and
 7 with the documents required by section 21 of this chapter. The
 8 publisher shall determine the number of copies of the rule and other
 9 documents to be submitted under this subsection.

10 (d) The agency shall include the following in the notice required by
 11 subsections (b) and (c):

12 (1) A statement of the date, time, and place at which the public
 13 hearing required by section 26 of this chapter will be convened.

14 (2) A general description of the subject matter of the proposed
 15 rule.

16 (3) In a notice published after June 30, 2005, a statement
 17 justifying any requirement or cost that is:

18 (A) imposed on a regulated entity under the rule; and

19 (B) not expressly required by:

20 (i) the statute authorizing the agency to adopt the rule; or

21 (ii) any other state or federal law.

22 The statement required under this subdivision must include a
 23 reference to any data, studies, or analyses relied upon by the
 24 agency in determining that the imposition of the requirement or
 25 cost is necessary.

26 (4) an explanation that:

27 (A) the proposed rule; ~~and~~

28 (B) any data, studies, or analysis referenced in a statement
 29 under subdivision (3); ~~and~~

30 **(C) any housing impact analysis prepared under section**
 31 **28.3 of this chapter with respect to the rule;**

32 may be inspected and copied at the office of the agency.

33 However, inadequacy or insufficiency of the subject matter description
 34 under subdivision (2) or a statement of justification under subdivision
 35 (3) in a notice does not invalidate a rulemaking action.

36 (e) Although the agency may comply with the publication
 37 requirements in this section on different days, the agency must comply
 38 with all of the publication requirements in this section at least
 39 twenty-one (21) days before the public hearing required by section 26
 40 of this chapter is convened.

41 (f) This section does not apply to the solicitation of comments under
 42 section 23 of this chapter.



1 (g) The publisher shall review materials submitted under this
 2 section and determine the date that the publisher intends to include the
 3 material in the Indiana Register. After:

4 (1) establishing the intended publication date; and

5 (2) receiving the public hearing information specified in
 6 subsection (d) from the agency;

7 the publisher shall provide a written or an electronic mail authorization
 8 to proceed to the agency.

9 SECTION 2. IC 4-22-2-28, AS AMENDED BY P.L.237-2017,
 10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 28. (a) The following definitions apply
 12 throughout this section:

13 (1) "Ombudsman" refers to the small business ombudsman
 14 designated under IC 5-28-17-6.

15 (2) "Total estimated economic impact" means the direct annual
 16 economic impact of a rule on all regulated persons after the rule
 17 is fully implemented under subsection (g).

18 (b) The ombudsman:

19 (1) shall review a proposed rule that:

20 (A) imposes requirements or costs on small businesses (as
 21 defined in IC 4-22-2.1-4); and

22 (B) is referred to the ombudsman by an agency under
 23 IC 4-22-2.1-5(c); and

24 (2) may review a proposed rule that imposes requirements or
 25 costs on businesses other than small businesses (as defined in
 26 IC 4-22-2.1-4).

27 After conducting a review under subdivision (1) or (2), the ombudsman
 28 may suggest alternatives to reduce any regulatory burden that the
 29 proposed rule imposes on small businesses or other businesses. The
 30 agency that intends to adopt the proposed rule shall respond in writing
 31 to the ombudsman concerning the ombudsman's comments or
 32 suggested alternatives before adopting the proposed rule under section
 33 29 of this chapter.

34 (c) Subject to subsection (e) and not later than fifty (50) days before
 35 the public hearing for a proposed rule required by section 26 of this
 36 chapter, an agency shall submit the proposed rule to the office of
 37 management and budget for a review under subsection (d), if the
 38 agency proposing the rule determines that the rule will have a total
 39 estimated economic impact greater than five hundred thousand dollars
 40 (\$500,000) on all regulated persons. In determining the total estimated
 41 economic impact under this subsection, the agency shall consider any
 42 applicable information submitted by the regulated persons affected by



1 the rule. To assist the office of management and budget in preparing
2 the fiscal impact statement required by subsection (d), the agency shall
3 submit, along with the proposed rule, the data used and assumptions
4 made by the agency in determining the total estimated economic
5 impact of the rule.

6 (d) Except as provided in subsection (e), before the adoption of the
7 rule, and not more than forty-five (45) days after receiving a proposed
8 rule under subsection (c), the office of management and budget shall
9 prepare, using the data and assumptions provided by the agency
10 proposing the rule, along with any other data or information available
11 to the office of management and budget, a fiscal impact statement
12 concerning the effect that compliance with the proposed rule will have
13 on:

14 (1) the state; and

15 (2) all persons regulated by the proposed rule.

16 The fiscal impact statement must contain the total estimated economic
17 impact of the proposed rule and a determination concerning the extent
18 to which the proposed rule creates an unfunded mandate on a state
19 agency or political subdivision. The fiscal impact statement is a public
20 document. The office of management and budget shall make the fiscal
21 impact statement available to interested parties upon request and to the
22 agency proposing the rule. The agency proposing the rule shall
23 consider the fiscal impact statement as part of the rulemaking process
24 and shall provide the office of management and budget with the
25 information necessary to prepare the fiscal impact statement, including
26 any economic impact statement prepared by the agency under
27 IC 4-22-2.1-5. The office of management and budget may also receive
28 and consider applicable information from the regulated persons
29 affected by the rule in preparation of the fiscal impact statement.

30 (e) With respect to a proposed rule subject to IC 13-14-9:

31 (1) the department of environmental management shall give
32 written notice to the office of management and budget of the
33 proposed date of preliminary adoption of the proposed rule not
34 less than sixty-six (66) days before that date; and

35 (2) the office of management and budget shall prepare the fiscal
36 impact statement referred to in subsection (d) not later than
37 twenty-one (21) days before the proposed date of preliminary
38 adoption of the proposed rule.

39 (f) In determining whether a proposed rule has a total estimated
40 economic impact greater than five hundred thousand dollars
41 (\$500,000), the agency proposing the rule shall consider the impact of
42 the rule on any regulated person that already complies with the



1 standards imposed by the rule on a voluntary basis.

2 (g) For purposes of this section, a rule is fully implemented after:

3 (1) the conclusion of any phase-in period during which:

4 (A) the rule is gradually made to apply to certain regulated
5 persons; or

6 (B) the costs of the rule are gradually implemented; and

7 (2) the rule applies to all regulated persons that will be affected
8 by the rule.

9 In determining the total estimated economic impact of a proposed rule
10 under this section, the agency proposing the rule shall consider the
11 annual economic impact on all regulated persons beginning with the
12 first twelve (12) month period after the rule is fully implemented. The
13 agency may use actual or forecasted data and may consider the actual
14 and anticipated effects of inflation and deflation. The agency shall
15 describe any assumptions made and any data used in determining the
16 total estimated economic impact of a rule under this section.

17 (h) An agency shall provide the legislative council in an electronic
18 format under IC 5-14-6 with any analysis, data, and description of
19 assumptions submitted to the office of management and budget under
20 this section or section 40 of this chapter at the same time the agency
21 submits the information to the office of management and budget. The
22 office of management and budget shall provide the legislative council
23 in an electronic format under IC 5-14-6 any fiscal impact statement and
24 related supporting documentation prepared by the office of
25 management and budget under this section or section 40 of this chapter
26 at the same time the office of management and budget provides the
27 fiscal impact statement to the agency proposing the rule. Information
28 submitted under this subsection must identify the rule to which the
29 information is related by document control number assigned by the
30 publisher.

31 (i) An agency shall provide the legislative council in an electronic
32 format under IC 5-14-6 with any economic impact or fiscal impact
33 statement, including any supporting data, studies, or analysis, prepared
34 for a rule proposed by the agency or subject to readoption by the
35 agency to comply with:

36 (1) a requirement in section 19.5 of this chapter to minimize the
37 expenses to regulated entities that are required to comply with the
38 rule;

39 (2) a requirement in section 24 of this chapter to publish a
40 justification of any requirement or cost that is imposed on a
41 regulated entity under the rule;

42 (3) a requirement in IC 4-22-2.1-5 to prepare a statement that



1 describes the annual economic impact of a rule on all small
2 businesses after the rule is fully implemented;

3 (4) a requirement in IC 4-22-2.5-3.1 to conduct a review to
4 consider whether there are any alternative methods of achieving
5 the purpose of the rule that are less costly or less intrusive, or that
6 would otherwise minimize the economic impact of the proposed
7 rule on small businesses;

8 (5) a requirement in IC 13-14-9-3 or IC 13-14-9-4 to publish
9 information concerning the fiscal impact of a rule or alternatives
10 to a rule subject to these provisions; ~~or~~

11 **(6) a requirement in section 28.3 of this chapter to prepare a**
12 **housing impact analysis for the rule; or**

13 ~~(7)~~ (7) a requirement under any other law to conduct an analysis
14 of the cost, economic impact, or fiscal impact of a rule;

15 regardless of whether the total estimated economic impact of the
16 proposed rule is more than five hundred thousand dollars (\$500,000),
17 as soon as practicable after the information is prepared. Information
18 submitted under this subsection must identify the rule to which the
19 information is related by document control number assigned by the
20 publisher.

21 SECTION 3. IC 4-22-2-28.3 IS ADDED TO THE INDIANA CODE
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: **Sec. 28.3. (a) This section applies to a rule for**
24 **which the notice required by section 23 of this chapter is published**
25 **by an agency after June 30, 2019.**

26 **(b) As used in this section, "housing costs" means the following:**

27 **(1) For housing occupied by the owner, any of the following:**

28 **(A) The principal and interest on a mortgage loan that**
29 **finances the purchase of the housing.**

30 **(B) Closing costs and other costs associated with a**
31 **mortgage loan.**

32 **(C) Mortgage insurance.**

33 **(D) Property insurance.**

34 **(E) Utility related costs.**

35 **(F) Property taxes.**

36 **(G) If the housing is owned and occupied by members of a**
37 **cooperative or an unincorporated cooperative association,**
38 **fees paid to a person for managing the housing.**

39 **(2) For rented housing, any of the following:**

40 **(A) Rent.**

41 **(B) Utility related costs, if not included in the rent.**

42 **(c) As used in this section, "utility related costs" means costs**



1 related to power, heat, gas, light, water, and sewage.

2 (d) If an agency intends to adopt a rule that may increase or
3 decrease, either directly or indirectly, the cost of the development,
4 construction, financing, purchasing, sale, ownership, or availability
5 of housing in Indiana, the agency shall prepare a housing impact
6 analysis for the rule.

7 (e) The analysis required by subsection (d) must include the
8 following:

9 (1) Information about the effect of the rule on housing in
10 Indiana, including the effect of the rule on each of the
11 following:

12 (A) The cost of developing, constructing, rehabilitating,
13 improving, maintaining, or owning single family or
14 multifamily dwellings.

15 (B) The purchase price of new homes or the fair market
16 value of existing homes.

17 (C) The cost and availability of financing to purchase or
18 develop housing.

19 (D) Housing costs.

20 (E) The density, location, setback, size, or height
21 development on a lot, parcel, land division, or subdivision.

22 (2) An analysis of the relative impact of the rule on low and
23 moderate income households.

24 (f) The following applies to information on housing costs
25 required to be included in the analysis under subsection (e)(1)(D):

26 (1) The analysis must include reasonable estimates of the
27 effect of the rule on housing costs, expressed in dollar
28 amounts. The agency shall include a brief summary of, or
29 worksheet demonstrating, the computations used in
30 determining the dollar amounts. However, if the agency
31 determines that it is not possible to make an estimate
32 expressed in dollar amounts, the analysis must include a
33 statement setting forth the reasons for the agency's
34 determination.

35 (2) The analysis must include descriptions of both:

36 (A) the immediate effect; and

37 (B) to the extent ascertainable, the long term effect;
38 of the rule on housing costs.

39 (g) Except as otherwise provided in this section, a housing
40 impact analysis required under this section must be based on costs
41 associated with the development, construction, financing,
42 purchasing, sale, ownership, or availability of a median priced



1 single family residence. However, the analysis may include
 2 estimates for larger developments as part of an analysis of the long
 3 term effect of the rule.

4 (h) An agency may request information from any state agencies,
 5 local units of government, universities or colleges, organizations,
 6 or individuals as necessary to prepare a housing impact analysis
 7 under this section.

8 SECTION 4. IC 5-20-1-28 IS ADDED TO THE INDIANA CODE
 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2019]: Sec. 28. (a) As used in this section, "plan" refers to the
 11 comprehensive state housing strategy plan developed under
 12 subsection (b).

13 (b) The authority shall prepare a comprehensive five (5) year
 14 state housing strategy plan.

15 (c) The plan must include the following:

16 (1) A statement by the authority of housing policies and
 17 recommendations.

18 (2) An evaluation and summary of housing conditions and
 19 trends in Indiana, including:

20 (A) housing stock and housing costs analyses;

21 (B) general population and household composition
 22 demographic analyses; and

23 (C) housing and demographic forecasts.

24 (3) An evaluation of housing assistance needs that is based in
 25 part on the evaluation described in subdivision (2).

26 (4) A discussion of major housing issues, including:

27 (A) housing production;

28 (B) housing and neighborhood conservation;

29 (C) housing for persons with special needs;

30 (D) fair housing and accessibility; and

31 (E) housing affordability.

32 (5) Housing policies that establish the general framework for
 33 the state's housing efforts.

34 (6) Strategies for using federal funding and for coordinating
 35 federal and state housing efforts.

36 (7) Specific recommendations for public and private action
 37 that will contribute to the attainment of housing policies
 38 under the plan.

39 (8) Strategies and specific recommendations for public and
 40 private action that will facilitate the inclusion of bicycle
 41 oriented and pedestrian oriented design in:

42 (A) residential developments; and



- 1 **(B) mixed use developments that include residential**
 2 **elements.**
- 3 **(d) In preparing the plan, the authority may obtain input from**
 4 **housing authorities, community based organizations, the private**
 5 **housing industry, and other persons interested in housing**
 6 **assistance and development.**
- 7 **(e) The authority shall annually update the plan.**
- 8 **(f) Beginning in 2020, before October 1 of each year, the**
 9 **authority shall submit the plan to the following:**
- 10 **(1) The governor.**
- 11 **(2) The legislative council in an electronic format under**
 12 **IC 5-14-6.**
- 13 SECTION 5. IC 36-1-24.3 IS ADDED TO THE INDIANA CODE
 14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]:
- 16 **Chapter 24.3. Housing Impact Analyses for Proposed**
 17 **Regulations**
- 18 **Sec. 1. This chapter applies to a regulation that is introduced for**
 19 **consideration by the legislative body of a unit after June 30, 2019.**
- 20 **Sec. 2. As used in this chapter, "housing costs" means the**
 21 **following:**
- 22 **(1) For housing occupied by the owner, any of the following:**
- 23 **(A) The principal and interest on a mortgage loan that**
 24 **finances the purchase of the housing.**
- 25 **(B) Closing costs and other costs associated with a**
 26 **mortgage loan.**
- 27 **(C) Mortgage insurance.**
- 28 **(D) Property insurance.**
- 29 **(E) Utility related costs.**
- 30 **(F) Property taxes.**
- 31 **(G) If the housing is owned and occupied by members of a**
 32 **cooperative or an unincorporated cooperative association,**
 33 **fees paid to a person for managing the housing.**
- 34 **(2) For rented housing, any of the following:**
- 35 **(A) Rent.**
- 36 **(B) Utility related costs, if not included in the rent.**
- 37 **Sec. 3. As used in this chapter, "regulation" refers to any**
 38 **ordinance or regulation, including any:**
- 39 **(1) zoning or land use ordinance or regulation; or**
 40 **(2) general or specific planning ordinance or regulation;**
 41 **that is proposed for adoption by a unit.**
- 42 **Sec. 4. As used in this chapter, "unit" means a county or a**



1 municipality.

2 **Sec. 5.** As used in this chapter, "utility related costs" means
3 costs related to power, heat, gas, light, water, and sewage.

4 **Sec. 6. (a)** If a unit intends to adopt a regulation that may
5 increase or decrease, either directly or indirectly, the cost of the
6 development, construction, financing, purchasing, sale, ownership,
7 or availability of housing in the unit, the unit shall prepare a
8 housing impact analysis for the regulation before the regulation is
9 submitted to the legislative body of the unit for consideration.

10 **(b)** The analysis required by subsection (a) must include the
11 following:

12 **(1)** Information about the effect of the regulation on housing
13 in the unit, including the effect of the regulation on each of the
14 following:

15 **(A)** The cost of developing, constructing, rehabilitating,
16 improving, maintaining, or owning single family or
17 multifamily dwellings.

18 **(B)** The purchase price of new homes or the fair market
19 value of existing homes.

20 **(C)** The cost and availability of financing to purchase or
21 develop housing.

22 **(D)** Housing costs.

23 **(E)** The density, location, setback, size, or height
24 development on a lot, parcel, land division, or subdivision.

25 **(2)** An analysis of the relative impact of the regulation on low
26 and moderate income households.

27 **(c)** The following applies to information on housing costs
28 required to be included in the analysis under subsection (b)(1)(D):

29 **(1)** The analysis must include reasonable estimates of the
30 effect of the regulation on housing costs, expressed in dollar
31 amounts. The unit shall include a brief summary of, or
32 worksheet demonstrating, the computations used in
33 determining the dollar amounts. However, if the unit
34 determines that it is not possible to make an estimate
35 expressed in dollar amounts, the analysis must include a
36 statement setting forth the reasons for the unit's
37 determination.

38 **(2)** The analysis must include descriptions of both:

39 **(A)** the immediate effect; and

40 **(B)** to the extent ascertainable, the long term effect;
41 of the regulation on housing costs.

42 **(d)** Except as otherwise provided in this section, a housing



1 impact analysis required under this section must be based on costs
2 associated with the development, construction, financing,
3 purchasing, sale, ownership, or availability of a median priced
4 single family residence. However, the analysis may include
5 estimates for larger developments as part of an analysis of the long
6 term effect of the regulation.

7 (e) A unit may request information from any state agencies,
8 local units of government, universities or colleges, organizations,
9 or individuals as necessary to prepare a housing impact analysis
10 under this section.

11 (f) The unit shall provide the housing impact analysis for a
12 regulation to the members of the legislative body of the unit before
13 the regulation is considered by the legislative body.

14 SECTION 6. IC 36-1-24.4 IS ADDED TO THE INDIANA CODE
15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2019]:

17 **Chapter 24.4. Housing Affordability and Housing Fee Reports**

18 **Sec. 1. (a) Beginning in 2020, a municipality shall prepare, not**
19 **later than January 31 of each year, a report concerning the**
20 **municipality's implementation, during the immediately preceding**
21 **calendar year, of the housing plans included in the municipality's**
22 **comprehensive plan under IC 36-7-4.**

23 (b) The report prepared under subsection (a) must include the
24 following:

25 (1) The number of subdivision plats, certified survey maps,
26 condominium plats, and building permit applications
27 approved in the immediately preceding calendar year.

28 (2) The total number of new residential dwelling units
29 proposed in all subdivision plats, certified survey maps,
30 condominium plats, and building permit applications that
31 were approved by the municipality in the immediately
32 preceding calendar year.

33 (3) A list and map of undeveloped parcels in the municipality
34 that are zoned for residential development.

35 (4) A list of all undeveloped parcels in the municipality that
36 are suitable for, but not zoned for, residential development,
37 including vacant sites and sites that have potential for
38 redevelopment.

39 (5) A description of the zoning requirements and availability
40 of public facilities and services for each property listed under
41 subdivision (4).

42 (6) An analysis of the municipality's residential development



1 regulations, such as land use controls, site improvement
 2 requirements, fees and land dedication requirements, and
 3 permit procedures. The analysis under this subdivision must:

- 4 (A) include a calculation of the financial impact that each
 5 regulation has on the cost of each new subdivision; and
 6 (B) identify ways in which the municipality can modify its
 7 construction and development regulations, lot sizes,
 8 approval processes, and related fees to do each of the
 9 following:

- 10 (i) Meet existing and forecasted housing demand.
 11 (ii) Reduce, by at least twenty percent (20%), the time
 12 and cost necessary to approve and develop a new
 13 residential subdivision in the municipality.

14 (c) Except as provided in subsection (d), a municipality shall
 15 post the report prepared or updated by the municipality under this
 16 section on the municipality's Internet web site on a web page:

- 17 (1) dedicated solely to the report; and
 18 (2) titled "Housing Affordability Analysis".

19 (d) If a municipality does not maintain an Internet web site, the
 20 county in which the municipality is located shall post the
 21 information required under this section on the county's Internet
 22 web site on a web page dedicated solely to housing affordability
 23 information, as described in this section, for the municipality.

24 Sec. 2. (a) Beginning in 2020, a municipality shall prepare, not
 25 later than January 31 of each year, a report concerning the
 26 municipality's residential development fees imposed during the
 27 immediately preceding calendar year for purposes related to
 28 residential construction, remodeling, or development.

29 (b) The report required by subsection (a) must include the
 30 following:

- 31 (1) Information as to whether the municipality imposes any of
 32 the following fees or other requirements for purposes related
 33 to residential construction, remodeling, or development and,
 34 if so, the amount of each fee:
 35 (A) Building permit fee.
 36 (B) Impact fee.
 37 (C) Park fee.
 38 (D) Land dedication requirement, or fee in lieu of land
 39 dedication requirement.
 40 (E) Plat approval fee.
 41 (F) Storm water management fee.
 42 (G) Water or sewer hook up fee.



- 1 **(H) Any other fee or requirement.**
 2 **(2) The total amount of fees described in subdivision (1) that**
 3 **the municipality imposed in the immediately preceding**
 4 **calendar year for purposes related to residential construction,**
 5 **remodeling, or development.**
 6 **(3) The calculation of an amount that equals:**
 7 **(A) the total amount of fees that the municipality imposed**
 8 **as described in subdivision (2); divided by**
 9 **(B) the number of new residential dwelling units approved**
 10 **in the municipality in the immediately preceding calendar**
 11 **year.**
 12 **(c) Except as provided in subsection (d), a municipality shall**
 13 **post the report prepared by the municipality under this section on**
 14 **the municipality's Internet web site on a web page:**
 15 **(1) dedicated solely to the report; and**
 16 **(2) titled "New Housing Fee Report".**
 17 **(d) If a municipality does not maintain an Internet web site, the**
 18 **county in which the municipality is located shall post the**
 19 **information required under this section on the county's Internet**
 20 **web site on a web page dedicated solely to development fee**
 21 **information, as described in this section, for the municipality.**
 22 **(e) A municipality shall provide a copy of the report to each**
 23 **member of the legislative body of the municipality.**
 24 **(f) Notwithstanding any other law, if a municipality does not:**
 25 **(1) include in the municipality's report under this section:**
 26 **(A) a fee described in subsection (b)(1); and**
 27 **(B) the amount of the fee; or**
 28 **(2) post the report with the fee and amount of the fee on:**
 29 **(A) the municipality's web site under subsection (c); or**
 30 **(B) the county's web site under subsection (d);**
 31 **as required under this section;**
 32 **the municipality may not impose the fee.**
 33 **SECTION 7. An emergency is declared for this act.**

