

SENATE BILL No. 148

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-188.7; IC 16-41-27; IC 36-7.

Synopsis: Zoning and manufactured homes. Adds a definition of "industrialized residential structure" for purposes of the law governing mobile home communities. Provides that, subject to certain conditions: (1) an industrialized residential structure may be located in a mobile home community; and (2) units of local government may not adopt or enforce a comprehensive plan or zoning ordinance that prohibits the plans and specifications for a proposed residential structure solely because the proposed residential structure is a manufactured home. Provides that units of local government may not adopt or enforce certain ordinances, regulations, requirements, or other restrictions related to construction, building, or design that mandate width standards, roof pitch requirements, or other design standards for a manufactured home. Makes conforming changes.

Effective: July 1, 2020.

Doriot

January 6, 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.

SENATE BILL No. 148

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 16-18-2-188.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: **Sec. 188.7. "Industrialized residential**
4 **structure", for purposes of IC 16-41-27, has the meaning set forth**
5 **in IC 16-41-27-2.1.**

6 SECTION 2. IC 16-41-27-1, AS AMENDED BY P.L.87-2005,
7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2020]: Sec. 1. This chapter recognizes mobile homes, ~~and~~
9 manufactured homes, **and industrialized residential structures** as
10 suitable and necessary dwelling units in Indiana. The state department
11 may do the following:

- 12 (1) Require reasonable standards of health, sanitation, and safety
13 in using the dwelling units.
- 14 (2) Require:
 - 15 (A) persons dwelling in mobile homes, ~~and~~ manufactured
16 homes, **and industrialized residential structures**; and
 - 17 (B) mobile home community operators;



- 1 to comply with the standards.
- 2 (3) Authorize local boards to enforce the standards adopted.
- 3 SECTION 3. IC 16-41-27-2.1 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2020]: **Sec. 2.1. (a) As used in this chapter,**
- 6 **"industrialized residential structure" means a structure that is**
- 7 **both an industrialized building system (as defined in IC 22-12-1-14)**
- 8 **and a one (1) or two (2) family private residence.**
- 9 **(b) The term does not include either of the following:**
- 10 **(1) A manufactured home.**
- 11 **(2) A mobile home.**
- 12 SECTION 4. IC 16-41-27-3, AS AMENDED BY P.L.87-2005,
- 13 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2020]: Sec. 3. As used in this chapter, "local board" means a
- 15 local agency of government authorized to enforce the standards of
- 16 health and sanitation prescribed for:
- 17 (1) mobile homes, ~~and~~ manufactured homes, **and industrialized**
- 18 **residential structures;** and
- 19 (2) mobile home communities by the state department.
- 20 SECTION 5. IC 16-41-27-5, AS AMENDED BY P.L.1-2007,
- 21 SECTION 140, IS AMENDED TO READ AS FOLLOWS
- 22 [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) As used in this chapter,
- 23 "mobile home community" means one (1) or more parcels of land:
- 24 (1) that are subdivided and contain individual lots that are leased
- 25 or otherwise contracted;
- 26 (2) that are owned, operated, or under the control of one (1) or
- 27 more persons; and
- 28 (3) on which a total of at least five (5) mobile homes, ~~or~~
- 29 **manufactured homes, or industrialized residential structures**
- 30 are located for the purpose of being occupied as principal
- 31 residences.
- 32 (b) The term includes the following:
- 33 (1) All real and personal property used in the operation of the
- 34 mobile home community.
- 35 (2) A single parcel of land.
- 36 (3) Contiguous but separately owned parcels of land that are
- 37 jointly operated.
- 38 (4) Parcels of land:
- 39 (A) that are separated by other parcels of land; and
- 40 (B) that are:
- 41 (i) jointly operated; and
- 42 (ii) connected by a private road.



1 (5) One (1) or more parcels of land, if at least two (2) of the
 2 mobile homes, ~~or~~ manufactured homes, **or industrialized**
 3 **residential structures** located on the land are:

- 4 (A) accessible from a private road or interconnected private
 5 roads;
 6 (B) served by a common water distribution system; or
 7 (C) served by a common sewer or septic system.

8 SECTION 6. IC 16-41-27-9, AS AMENDED BY P.L.87-2005,
 9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2020]: Sec. 9. A mobile home community must be in the
 11 personal charge of an adult attendant or caretaker designated by the
 12 owner or operator of the mobile home community at the times when
 13 mobile homes, ~~and~~ manufactured homes, **and industrialized**
 14 **residential structures** in the mobile home community are occupied by
 15 tenants. The caretaker present at the time of a violation of this chapter
 16 is equally responsible with the owner or operator of the mobile home
 17 community for a violation of this chapter.

18 SECTION 7. IC 16-41-27-11, AS AMENDED BY P.L.87-2005,
 19 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2020]: Sec. 11. (a) A mobile home community shall dispose
 21 of sewage through the use of a public sewerage system if the sewerage
 22 system is available within a reasonable distance from the mobile home
 23 community. If a public sewerage system is not available, sewage may
 24 be disposed of in accordance with rules adopted under section 8 of this
 25 chapter. A water carriage system of collecting sewage shall be used.
 26 The mobile home community operator shall require the owner of a
 27 mobile home to provide a watertight and odor-tight connection of a
 28 type acceptable to the state department under rules adopted by the state
 29 department.

30 (b) All occupied mobile homes, ~~and~~ manufactured homes, **and**
 31 **industrialized residential structures** shall be connected to the
 32 sewerage system of the mobile home community at all times. All sewer
 33 connections not in use must be closed in a manner that does not:

- 34 (1) emit odor; or
 35 (2) cause a breeding place for flies.

36 (c) Sewerage systems other than water carriage systems may not be
 37 approved for a mobile home community, except nonwater carriage
 38 systems may be provided for emergency use only during a temporary
 39 failure of a water or an electric system.

40 SECTION 8. IC 16-41-27-12, AS AMENDED BY P.L.87-2005,
 41 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2020]: Sec. 12. Suitable garbage containers or a garbage



1 disposal system and trash containers shall be made available in a
 2 sanitary manner to each occupied mobile home, ~~and~~ manufactured
 3 home, **and industrialized residential structure**. The garbage and
 4 trash of the mobile home community must be disposed of in a manner
 5 approved by the state department.

6 SECTION 9. IC 16-41-27-15, AS AMENDED BY P.L.87-2005,
 7 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2020]: Sec. 15. Streets must be at least ten (10) feet wide and
 9 sufficiently wide to prevent vehicular and pedestrian traffic problems.
 10 Adequate area must be provided for the parking of vehicles. All roads
 11 in a mobile home community shall be maintained to be dust proof.
 12 Each mobile home, ~~and~~ manufactured home, **and industrialized**
 13 **residential structure** in a mobile home community shall have ready
 14 and free access to the road in a community.

15 SECTION 10. IC 16-41-27-16.6, AS ADDED BY P.L.31-2007,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2020]: Sec. 16.6. (a) Each year during National Fire
 18 Prevention Week, the operator of a mobile home community is
 19 encouraged to provide a written reminder to the owners of all
 20 manufactured homes **and industrialized residential structures** in the
 21 mobile home community to replace the batteries in all weather radios
 22 and smoke detectors contained in their manufactured homes **or**
 23 **industrialized residential structures**.

24 (b) Any reminder, assistance, or instructions provided by an
 25 operator of a mobile home community concerning the function of a
 26 weather radio or smoke detector contained in a manufactured home **or**
 27 **industrialized residential structure** shall not subject the operator or
 28 an owner or employee of the mobile home community to liability for
 29 the functionality of that weather radio or smoke detector.

30 SECTION 11. IC 16-41-27-24, AS AMENDED BY P.L.87-2005,
 31 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2020]: Sec. 24. (a) An inspection fee must be submitted to the
 33 state department with each license application. The fee is two hundred
 34 dollars (\$200) for a total of not more than fifty (50) mobile home, ~~and~~
 35 manufactured home, **and industrialized residential structure** sites
 36 and one hundred fifty dollars (\$150) for each increment of not more
 37 than fifty (50) additional sites. Units of state and local government are
 38 exempt from the fee.

39 (b) This subsection does not apply to an application made after an
 40 enforcement action. A penalty fee of two hundred dollars (\$200) for a
 41 total of not more than fifty (50) mobile home, ~~and~~ manufactured home,
 42 **and industrialized residential structure** sites and one hundred fifty



1 dollars (\$150) for each increment of not more than fifty (50) additional
 2 sites may be imposed by the state department for an application for
 3 license renewal filed after the license has expired.

4 SECTION 12. IC 16-41-27-29, AS AMENDED BY P.L.198-2016,
 5 SECTION 648, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2020]: Sec. 29. (a) Subject to subsection (b),
 7 the owner, operator, or caretaker of a mobile home community has a
 8 lien upon the property of a guest in the same manner, for the same
 9 purposes, and subject to the same restrictions as an innkeeper's lien or
 10 a hotel keeper's lien.

11 (b) With regard to a lienholder:

- 12 (1) if the property has a properly perfected secured interest; and
 13 (2) the lienholder has notified the owner, operator, or caretaker of
 14 the mobile home community of the lienholder's lien by certified
 15 mail;

16 the maximum amount of the innkeeper's lien may not exceed the actual
 17 late rent owed for not more than a maximum of sixty (60) days
 18 immediately preceding notification by certified mail to the lienholder
 19 that the owner of the property has vacated the property or is delinquent
 20 in the owner's rent.

21 (c) If the notification to the lienholder under subsection (b) informs
 22 the lienholder that the lienholder will be responsible to the owner,
 23 operator, or caretaker of the mobile home community for payment of
 24 rent from the time the notice is received until the mobile home, ~~or~~
 25 manufactured home, **or industrialized residential structure** is
 26 removed from the mobile home community, the lienholder is liable for
 27 the payment of rent that accrues after the notification.

28 SECTION 13. IC 16-41-27-31, AS AMENDED BY P.L.235-2017,
 29 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2020]: Sec. 31. (a) Each mobile home community operator
 31 shall maintain a register open for inspection by the township assessor
 32 or county assessor responsible for assessing mobile homes, ~~and~~
 33 manufactured homes, **and industrialized residential structures**
 34 located in the mobile home community under IC 6-1.1-7 and by the
 35 state department or the state department's representatives.

36 (b) This subsection applies to entries made in a register described
 37 in subsection (a) before January 1, 2020. The register must contain the
 38 following for each mobile home and manufactured home in a mobile
 39 home community:

- 40 (1) The names and ages of all occupants.
 41 (2) The name of the owner of the mobile home or manufactured
 42 home.



1 (c) This subsection applies to entries made in a register described
 2 in subsection (a) after December 31, 2019. The register must contain
 3 the following for each mobile home, ~~and~~ manufactured home, **and**
 4 **industrialized residential structure** in a mobile home community:

5 (1) The name of the owner of the mobile home, ~~or~~ manufactured
 6 home, **or industrialized residential structure** at the time the
 7 entry is made, as shown on the title to the mobile home, ~~or~~
 8 manufactured home, **or industrialized residential structure**.

9 (2) The vehicle identification number of the mobile home, ~~or~~
 10 manufactured home, **or industrialized residential structure**.

11 (3) Beginning after September 30, 2020, a copy of the title held
 12 by the owner of the mobile home, ~~or~~ manufactured home, **or**
 13 **industrialized residential structure** at the time the entry is
 14 made.

15 SECTION 14. IC 16-41-27-32, AS AMENDED BY P.L.136-2017,
 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2020]: Sec. 32. (a) A governmental body other than the state
 18 department of health may not license or regulate mobile home
 19 communities, except for the following:

20 (1) Local boards may enforce the standards of health and
 21 sanitation prescribed for mobile homes, manufactured homes,
 22 **industrialized residential structures**, and mobile home
 23 communities by the state department.

24 (2) **Subject to IC 36-7-4-1109.5**, county and municipal
 25 authorities within their respective jurisdictions have jurisdiction
 26 regarding zoning and building codes and ordinances pertaining to
 27 mobile home communities.

28 (3) Local boards may regulate the construction and operation of
 29 groups of a combined total of not more than four (4) mobile
 30 homes, ~~and~~ manufactured homes, **and industrialized residential**
 31 **structures** in accordance with standards that are compatible with
 32 standards set by the state department for mobile home
 33 communities.

34 (b) A governmental body other than the state department of health
 35 may not regulate mobile homes, ~~or~~ manufactured homes, **or**
 36 **industrialized residential structures** regarding habitability or
 37 minimum housing conditions unless the regulation is applicable in the
 38 same manner to other forms of residential housing in the jurisdiction.

39 (c) A governmental body may not regulate or restrict the use,
 40 occupancy, movement, or relocation of a mobile home, ~~or~~
 41 manufactured home, **or industrialized residential structure** based
 42 upon the age of the mobile home, ~~or~~ manufactured home, **or**



- 1 **industrialized residential structure.**
 2 (d) A government body may not regulate or restrict the ability of a:
 3 (1) mobile home community:
 4 (A) owner; or
 5 (B) manager; or
 6 (2) manufactured home community:
 7 (A) owner; or
 8 (B) manager;
 9 to obtain a dealer's license or to sell a mobile home, ~~or~~ manufactured
 10 home, **or industrialized residential structure** located within the
 11 owner's or manager's mobile home community or manufactured
 12 housing community.
 13 SECTION 15. IC 16-41-27-32.5 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 32.5. In addition to any other**
 15 **requirement applicable to a mobile home community under this**
 16 **chapter, an industrialized residential structure may be located in**
 17 **a mobile home community if all of the following conditions are**
 18 **met:**
 19
 20 (1) **The industrialized residential structure is certified under**
 21 **IC 22-15-4.**
 22 (2) **The industrialized residential structure is placed on a lot**
 23 **that is not used for a mobile home or manufactured home**
 24 **within the mobile home community.**
 25 (3) **The industrialized residential structure complies with all**
 26 **requirements related to:**
 27 (A) **utility line placement;**
 28 (B) **adequate site drainage;**
 29 (C) **spacing and setbacks;**
 30 (D) **minimum recreation area;**
 31 (E) **water, sewer, or septic service; and**
 32 (F) **any other similar requirement;**
 33 **to which a mobile home or manufactured home in a mobile**
 34 **home community is subject.**
 35 SECTION 16. IC 36-7-2-12 IS ADDED TO THE INDIANA CODE
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 2020]: **Sec. 12. (a) A unit may not adopt or enforce a:**
 38 (1) **construction;**
 39 (2) **building; or**
 40 (3) **design;**
 41 **ordinance, regulation, requirement, or restriction that mandates**
 42 **width standards that exceed twenty-four (24) feet, requirements**



1 related to roof pitch, or another design standard for a
2 manufactured home (as defined in IC 36-7-4-1109.5).

3 (b) Nothing in this section shall be construed to prohibit a unit
4 from adopting or enforcing a requirement of an ordinance related
5 to:

- 6 (1) transportation;
7 (2) water and sewer service; or
8 (3) another requirement concerning the use or development
9 of land.

10 SECTION 17. IC 36-7-4-1109.5 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2020]: **Sec. 1109.5. (a) As used in this section,**
13 **"manufactured home" means a factory built structure that is**
14 **manufactured or constructed under the authority of 42 U.S.C. 5403**
15 **(as in effect January 1, 2020) to be used as a place for human**
16 **habitation in accordance with the following:**

17 (1) The structure is not constructed or equipped with a
18 permanent hitch or other device that allows the structure to
19 be moved other than for the purposes of moving the structure
20 to a permanent site.

21 (2) The structure does not have any wheels or axles
22 permanently attached to the structure's body or frame.

23 (b) As used in this section, "permanent foundation" includes a
24 pier footing foundation system that is designed and constructed for
25 compatibility with the conditions of the site on which the
26 manufactured home is located.

27 (c) Notwithstanding section 1106 of this chapter or any other
28 law, a unit may not adopt or enforce a comprehensive plan or
29 zoning ordinance under this chapter that prohibits the plans and
30 specifications for a proposed residential structure solely because
31 the proposed residential structure is a manufactured home.
32 However, a zoning ordinance or other regulation adopted under
33 this chapter may require that the manufactured home be located
34 and installed according to the same standards, including:

- 35 (1) subject to subsection (d), a permanent foundation system;
36 (2) setback requirements; and
37 (3) minimum square footage requirements;

38 that apply to a site-built, single family dwelling on the same lot.

39 (d) A unit may not require:

- 40 (1) a permanent foundation system for a manufactured home
41 that is incompatible with the structural design of the
42 manufactured home; or



- 1 **(2) more than one (1) permanent foundation system for a**
- 2 **manufactured home.**
- 3 **(e) If a manufactured home is located outside of a mobile home**
- 4 **community described in IC 16-41-27, a unit may impose**
- 5 **requirements on the manufactured home that ensure visual**
- 6 **compatibility of the manufactured home's permanent foundation**
- 7 **system with surrounding residential structures.**
- 8 **(f) This section does not affect a requirement applicable to the**
- 9 **use or development of property that is subject to a recorded,**
- 10 **private covenant.**

