



February 28, 2020

ENGROSSED SENATE BILL No. 148

DIGEST OF SB 148 (Updated February 27, 2020 12:16 pm - DI 129)

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

Synopsis: Zoning and manufactured homes. Amends a statute concerning manufactured homes (manufactured home statute) to provide, with respect to a manufactured home located outside of a mobile home community, as follows: (1) A comprehensive plan or zoning ordinance adopted by a unit of local government may: (A) specify aesthetic standards and requirements concerning the manufactured home's permanent foundation system; and (B) require compatibility of the manufactured home's permanent foundation system with surrounding residential structures. (2) A unit of local government may not require: (A) a permanent foundation system that is incompatible with the structural design of the manufactured home; or
(Continued next page)

Effective: July 1, 2020.

Doriot, Rogers

(HOUSE SPONSORS — MILLER D, PRESSEL, STUTZMAN)

January 6, 2020, read first time and referred to Committee on Local Government.
January 27, 2020, reported favorably — Do Pass.
January 30, 2020, read second time, amended, ordered engrossed.
January 31, 2020, engrossed.
February 3, 2020, read third time, passed. Yeas 32, nays 15.

HOUSE ACTION

February 10, 2020, read first time and referred to Committee on Local Government.
February 27, 2020, amended, reported — Do Pass.

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Digest Continued

(B) more than one permanent foundation system for a manufactured home. Specifies that the changes to the manufactured home statute do not affect a requirement applicable to property that is subject to the jurisdiction of a preservation commission. Provides that a unit of local government may not adopt or enforce certain ordinances, regulations, requirements, or other restrictions that mandate size requirements for a manufactured home that is placed in a mobile home community. Provides that, subject to certain conditions an industrialized residential structure may be located in a mobile home community. Requires a mobile home community operator (operator) to provide all owners of mobile homes or manufactured homes in a mobile home community with written notice not less than 180 days before the mobile home community's closure. Provides that an operator who violates the notice requirement commits a deceptive act that is actionable by the attorney general or a consumer. Makes conforming changes.



February 28, 2020

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.

ENGROSSED 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;

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- 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 36-7-2-12**, county and municipal authorities
 25 within their respective jurisdictions have jurisdiction regarding
 26 zoning and building codes and ordinances pertaining to mobile
 27 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
 15 [EFFECTIVE JULY 1, 2020]: **Sec. 32.5. In addition to any other**
 16 **requirement applicable to a mobile home community under this**
 17 **chapter, an industrialized residential structure may be located in**
 18 **a mobile home community if all of the following conditions are**
 19 **met:**
 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 16-41-27-35 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2020]: **Sec. 35. (a) A mobile home community**
 38 **operator shall provide each owner of a mobile home or**
 39 **manufactured home located in the mobile home community written**
 40 **notice of the operator's intent to close the mobile home community**
 41 **not later than one hundred eighty (180) days before the date of the**
 42 **intended closure.**



1 **(b) A mobile home community operator who violates this section**
 2 **commits a deceptive act that is actionable by the attorney general**
 3 **or a consumer under IC 24-5-0.5-4 and is subject to the remedies**
 4 **and penalties under IC 24-5-0.5.**

5 SECTION 17. IC 36-7-2-12 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2020]: **Sec. 12. (a) Notwithstanding IC 36-7-4-1106, a unit may**
 8 **not adopt or enforce an ordinance, regulation, requirement, or**
 9 **restriction that mandates size requirements for a manufactured**
 10 **home (as defined in IC 36-7-4-1106) that will be placed in a mobile**
 11 **home community licensed under IC 16-41-27.**

12 **(b) Nothing in this section shall be construed to prohibit a unit**
 13 **from adopting or enforcing a requirement of an ordinance related**
 14 **to:**

- 15 **(1) transportation;**
- 16 **(2) water and sewer service; or**
- 17 **(3) another requirement concerning the use or development**
 18 **of land.**

19 SECTION 18. IC 36-7-4-1106 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1106. (a) This section**
 21 **does not affect a requirement applicable to property that is subject**
 22 **to the jurisdiction of a preservation commission organized under**
 23 **any of the following:**

- 24 **(1) IC 36-7-11.**
- 25 **(2) IC 36-7-11.1.**
- 26 **(3) IC 36-7-11.2.**
- 27 **(4) IC 36-7-11.3.**

28 **(b) As used in this section:**

- 29 **(1) "Manufactured home" means a dwelling unit, designed and**
 30 **built in a factory, which bears a seal certifying that it was built in**
 31 **compliance with the federal Manufactured Housing Construction**
 32 **and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).**
- 33 **(2) "Underfloor space" means that space between the bottom of**
 34 **the floor joists and the earth.**
- 35 **(3) "Occupied space" means the total area of earth horizontally**
 36 **covered by the structure, excluding accessory structures such as,**
 37 **but not limited to, garages, patios and porches.**
- 38 **(4) "Permanent foundation system" includes a pier footing**
 39 **foundation system that is specified as suitable in the**
 40 **manufacturer's installation specifications for a manufactured**
 41 **home.**

42 ~~(b)~~ **(c) Comprehensive plans and ordinances adopted under the**



1 provisions of this chapter may subject dwelling units and lots to
 2 identical standards and requirements, whether or not the dwelling unit
 3 to be placed on a lot is a manufactured home or some other type of
 4 dwelling unit. These standards and requirements may include but are
 5 not limited to **the following:**

- 6 (1) Setback distance.
- 7 (2) Side and rear yard area.
- 8 (3) Vehicle parking space.
- 9 (4) Minimum square footage of the dwelling unit. ~~and~~
- 10 (5) Underfloor space enclosure requirements.

11 **(6) Aesthetics.** However, aesthetic standards and requirements
 12 pertaining to the home structure itself which are adopted under
 13 this section may only pertain **to the following:**

14 **(A) Roofing materials** and siding materials.

15 **(B) Permanent foundation systems of manufactured homes**
 16 **that are located outside of a mobile home community**
 17 **licensed under IC 16-41-27. A unit may require**
 18 **compatibility of a permanent foundation system with**
 19 **surrounding residential structures. However, the unit may**
 20 **not require:**

- 21 **(i) a permanent foundation system that is incompatible**
 22 **with the structural design of the manufactured home; or**
- 23 **(ii) more than one (1) permanent foundation system for**
 24 **a manufactured home.**

25 ~~(c)~~ **(d) METRO.** Standards and requirements, specified in
 26 comprehensive plans and ordinances, adopted under this section for
 27 lots and dwelling units may not totally preclude all manufactured
 28 homes constructed after January 1, 1981, and that exceed twenty-three
 29 (23) feet in width and nine hundred fifty (950) square feet of occupied
 30 space, from being installed as permanent residences on any lot on
 31 which any other type of dwelling unit may be placed.

32 ~~(d)~~ **(e) ADVISORY–AREA.** Standards and requirements, specified
 33 in comprehensive plans and ordinances, adopted under this section for
 34 lots and dwelling units may not totally preclude all manufactured
 35 homes constructed after January 1, 1981, and that exceed nine hundred
 36 fifty (950) square feet of occupied space, from being installed as
 37 permanent residences on any lot on which any other type of dwelling
 38 unit may be placed.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 148, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 148 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 8, Nays 1

 SENATE MOTION

Madam President: I move that Senate Bill 148 be amended to read as follows:

Page 7, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 16. IC 36-7-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 12. (a) A unit may not adopt or enforce an ordinance, regulation, requirement, or restriction that mandates size requirements for a manufactured home (as defined in IC 36-7-4-1109.5) that will be placed in a mobile home or manufactured home community as described in IC 16-41-27.**

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

- (1) transportation;**
- (2) water and sewer service; or**
- (3) another requirement concerning the use or development of land."**

Page 8, delete lines 1 through 9.

Page 8, line 36, delete "and".

Page 8, line 37, after "requirements;" insert "**and**".

Page 8, between lines 37 and 38, begin a new line block indented and insert:

"(4) the same aesthetic appearance;"

(Reference is to SB 148 as printed January 28, 2020.)

DORIOT

ES 148—LS 6614/DI 129



COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 148, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 24, delete "IC 36-7-4-1109.5," and insert "**IC 36-7-2-12**,".

Page 7, between lines 34 and 35, begin a new paragraph and insert:
 "SECTION 16. IC 16-41-27-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 35. (a) A mobile home community operator shall provide each owner of a mobile home or manufactured home located in the mobile home community written notice of the operator's intent to close the mobile home community not later than one hundred eighty (180) days before the date of the intended closure.**

(b) A mobile home community operator who violates this section commits a deceptive act that is actionable by the attorney general or a consumer under IC 24-5-0.5-4 and is subject to the remedies and penalties under IC 24-5-0.5."

Page 7, line 37, delete "A" and insert "**Notwithstanding IC 36-7-4-1106, a**".

Page 7, line 40, delete "IC 36-7-4-1109.5)" and insert "**IC 36-7-4-1106)**".

Page 7, line 40, delete "or" and insert "**community licensed under IC 16-41-27**".

Page 7, delete line 41.

Page 8, delete lines 7 through 42.

Page 9, delete lines 1 through 8, begin a new paragraph and insert:
 "SECTION 17. IC 36-7-4-1106 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1106. (a) This section does not affect a requirement applicable to property that is subject to the jurisdiction of a preservation commission organized under any of the following:**

- (1) IC 36-7-11.**
- (2) IC 36-7-11.1.**
- (3) IC 36-7-11.2.**
- (4) IC 36-7-11.3.**

(b) As used in this section:

- (1) "Manufactured home" means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in**



compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

(2) "Underfloor space" means that space between the bottom of the floor joists and the earth.

(3) "Occupied space" means the total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to, garages, patios and porches.

(4) "Permanent foundation system" includes a pier footing foundation system that is specified as suitable in the manufacturer's installation specifications for a manufactured home.

~~(b)~~ **(c)** Comprehensive plans and ordinances adopted under the provisions of this chapter may subject dwelling units and lots to identical standards and requirements, whether or not the dwelling unit to be placed on a lot is a manufactured home or some other type of dwelling unit. These standards and requirements may include but are not limited to **the following:**

(1) Setback distance.

(2) Side and rear yard area.

(3) Vehicle parking space.

(4) Minimum square footage of the dwelling unit. ~~and~~

(5) Underfloor space enclosure requirements.

(6) Aesthetics. However, aesthetic standards and requirements pertaining to the home structure itself which are adopted under this section may only pertain **to the following:**

(A) Roofing materials and siding materials.

(B) Permanent foundation systems of manufactured homes that are located outside of a mobile home community licensed under IC 16-41-27. A unit may require compatibility of a permanent foundation system with surrounding residential structures. However, the unit may not require:

(i) a permanent foundation system that is incompatible with the structural design of the manufactured home; or

(ii) more than one (1) permanent foundation system for a manufactured home.

~~(c)~~ **(d) METRO.** Standards and requirements, specified in comprehensive plans and ordinances, adopted under this section for lots and dwelling units may not totally preclude all manufactured homes constructed after January 1, 1981, and that exceed twenty-three (23) feet in width and nine hundred fifty (950) square feet of occupied space, from being installed as permanent residences on any lot on



which any other type of dwelling unit may be placed.

~~(d)~~ (e) ADVISORY—AREA. Standards and requirements, specified in comprehensive plans and ordinances, adopted under this section for lots and dwelling units may not totally preclude all manufactured homes constructed after January 1, 1981, and that exceed nine hundred fifty (950) square feet of occupied space, from being installed as permanent residences on any lot on which any other type of dwelling unit may be placed."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 148 as reprinted January 31, 2020.)

ZENT

Committee Vote: yeas 12, nays 0.

