

# SENATE BILL No. 385

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-28-1-40; IC 32-21-5-7.

**Synopsis:** Floodplain disclosures. Requires an owner of residential real estate to disclose on the sales disclosure form if any portion of the real estate is located in a floodplain. Repeals a statute concerning floodplain mapping.

**Effective:** July 1, 2023.

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January 19, 2023, read first time and referred to Committee on Judiciary.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## SENATE BILL No. 385

A BILL FOR AN ACT to amend the Indiana Code concerning property.

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

1 SECTION 1. IC 14-28-1-40 IS REPEALED [EFFECTIVE JULY 1,  
2 2023]. ~~Sec. 40. A local floodplain administrator shall utilize the best  
3 floodplain mapping data available as provided by the department and  
4 located on the Indiana Floodplain Information Portal when reviewing  
5 a permit application for a structure or a construction activity in, or near,  
6 a floodplain.~~

7 SECTION 2. IC 32-21-5-7, AS AMENDED BY P.L.111-2018,  
8 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2023]: Sec. 7. The Indiana real estate commission established  
10 by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains  
11 the following:

- 12 (1) Disclosure by the owner of the known condition of the  
13 following:
- 14 (A) The foundation.
  - 15 (B) The mechanical systems.
  - 16 (C) The roof.
  - 17 (D) The structure.



- 1 (E) The water and sewer systems.  
2 (F) Additions that may require improvements to the sewage  
3 disposal system.  
4 (G) Other areas that the Indiana real estate commission  
5 determines are appropriate.
- 6 (2) Disclosure by the owner of known:  
7 (A) contamination caused by the manufacture of a controlled  
8 substance (as defined by IC 35-48-1-9) on the property that  
9 has not been certified as decontaminated by a qualified  
10 inspector who is certified under IC 16-19-3.1; or  
11 (B) manufacture of methamphetamine or dumping of waste  
12 from the manufacture of methamphetamine in a residential  
13 structure on the property.
- 14 (3) A notice to the prospective buyer that contains substantially  
15 the following language:  
16 "The prospective buyer and the owner may wish to obtain  
17 professional advice or inspections of the property and provide for  
18 appropriate provisions in a contract between them concerning any  
19 advice, inspections, defects, or warranties obtained on the  
20 property."  
21 (4) A notice to the prospective buyer that contains substantially  
22 the following language:  
23 "The representations in this form are the representations of the  
24 owner and are not the representations of the agent, if any. This  
25 information is for disclosure only and is not intended to be a part  
26 of any contract between the buyer and owner."  
27 (5) A disclosure by the owner that an airport is located within a  
28 geographical distance from the property as determined by the  
29 Indiana real estate commission. The commission may consider the  
30 differences between an airport serving commercial airlines and an  
31 airport that does not serve commercial airlines in determining the  
32 distance to be disclosed.
- 33 **(6) A disclosure by the owner as to whether any portion of the**  
34 **real estate is located in a floodplain, as determined by:**  
35 **(A) the Federal Emergency Management Agency's**  
36 **(FEMA) Flood Insurance Rate Maps; or**  
37 **(B) a FEMA approved local floodplain map.**

