

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 ENROLLED ACT No. 148

AN ACT to amend the Indiana Code concerning local government.

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

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

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

- (1) Require reasonable standards of health, sanitation, and safety in using the dwelling units.
- (2) Require:
 - (A) persons dwelling in mobile homes, ~~and~~ manufactured homes, **and industrialized residential structures**; and
 - (B) mobile home community operators;to comply with the standards.
- (3) Authorize local boards to enforce the standards adopted.

SECTION 3. IC 16-41-27-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.1. (a) As used in this chapter,**



"industrialized residential structure" means a structure that is both an industrialized building system (as defined in IC 22-12-1-14) and a one (1) or two (2) family private residence.

(b) The term does not include either of the following:

- (1) A manufactured home.**
- (2) A mobile home.**

SECTION 4. IC 16-41-27-3, AS AMENDED BY P.L.87-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. As used in this chapter, "local board" means a local agency of government authorized to enforce the standards of health and sanitation prescribed for:

- (1) mobile homes, ~~and~~ manufactured homes, **and industrialized residential structures**; and
- (2) mobile home communities by the state department.

SECTION 5. IC 16-41-27-5, AS AMENDED BY P.L.1-2007, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) As used in this chapter, "mobile home community" means one (1) or more parcels of land:

- (1) that are subdivided and contain individual lots that are leased or otherwise contracted;
- (2) that are owned, operated, or under the control of one (1) or more persons; and
- (3) on which a total of at least five (5) mobile homes, ~~or~~ manufactured homes, **or industrialized residential structures** are located for the purpose of being occupied as principal residences.

(b) The term includes the following:

- (1) All real and personal property used in the operation of the mobile home community.
- (2) A single parcel of land.
- (3) Contiguous but separately owned parcels of land that are jointly operated.
- (4) Parcels of land:
 - (A) that are separated by other parcels of land; and
 - (B) that are:
 - (i) jointly operated; and
 - (ii) connected by a private road.
- (5) One (1) or more parcels of land, if at least two (2) of the mobile homes, ~~or~~ manufactured homes, **or industrialized residential structures** located on the land are:
 - (A) accessible from a private road or interconnected private roads;



(B) served by a common water distribution system; or

(C) served by a common sewer or septic system.

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

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

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

(1) emit odor; or

(2) cause a breeding place for flies.

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

SECTION 8. IC 16-41-27-12, AS AMENDED BY P.L.87-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. Suitable garbage containers or a garbage disposal system and trash containers shall be made available in a sanitary manner to each occupied mobile home, ~~and~~ manufactured home, **and industrialized residential structure**. The garbage and trash of the mobile home community must be disposed of in a manner approved by the state department.



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

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

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

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

(b) This subsection does not apply to an application made after an enforcement action. A penalty fee of two hundred dollars (\$200) for a total of not more than fifty (50) mobile home, ~~and~~ manufactured home, **and industrialized residential structure** sites and one hundred fifty dollars (\$150) for each increment of not more than fifty (50) additional sites may be imposed by the state department for an application for license renewal filed after the license has expired.

SECTION 12. IC 16-41-27-29, AS AMENDED BY P.L.198-2016, SECTION 648, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2020]: Sec. 29. (a) Subject to subsection (b), the owner, operator, or caretaker of a mobile home community has a lien upon the property of a guest in the same manner, for the same purposes, and subject to the same restrictions as an innkeeper's lien or a hotel keeper's lien.

(b) With regard to a lienholder:

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

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

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

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

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

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

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

- (1) The name of the owner of the mobile home, ~~or~~ manufactured



home, **or industrialized residential structure** at the time the entry is made, as shown on the title to the mobile home, ~~or~~ manufactured home, **or industrialized residential structure**.

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

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

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

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

(2) **Subject to IC 36-7-2-12**, county and municipal authorities within their respective jurisdictions have jurisdiction regarding zoning and building codes and ordinances pertaining to mobile home communities.

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

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

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

(d) A government body may not regulate or restrict the ability of a:

(1) mobile home community:

(A) owner; or

(B) manager; or



(2) manufactured home community:

(A) owner; or

(B) manager;

to obtain a dealer's license or to sell a mobile home, ~~or~~ manufactured home, **or industrialized residential structure** located within the owner's or manager's mobile home community or manufactured housing community.

SECTION 15. IC 16-41-27-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 32.5. In addition to any other requirement applicable to a mobile home community under this chapter, an industrialized residential structure may be located in a mobile home community if all of the following conditions are met:**

(1) **The industrialized residential structure is certified under IC 22-15-4.**

(2) **The industrialized residential structure is placed on a lot that is not used for a mobile home or manufactured home within the mobile home community.**

(3) **The industrialized residential structure complies with all requirements related to:**

(A) **utility line placement;**

(B) **adequate site drainage;**

(C) **spacing and setbacks;**

(D) **minimum recreation area;**

(E) **water, sewer, or septic service; and**

(F) **any other similar requirement;**

to which a mobile home or manufactured home in a mobile home community is subject.

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, manufactured home, or industrialized residential structure 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.

SECTION 17. IC 32-31-1-20, AS AMENDED BY P.L.266-2017,



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) Subject to IC 36-1-3-8.5, this section does not apply to privately owned real property for which government funds or benefits have been allocated from the United States government, the state, or a political subdivision for the express purpose of providing reduced rents to low or moderate income tenants.

(b) A unit (as defined in IC 36-1-2-23) may not regulate rental rates for privately owned real property, through a zoning ordinance or otherwise, unless the regulation is authorized by an act of the general assembly.

(c) A unit (as defined in IC 36-1-2-23) may not regulate, through an ordinance or otherwise, any of the following aspects of a landlord-tenant relationship with respect to privately owned real property located in the unit unless the regulation is authorized by an act of the general assembly:

- (1) The screening process used by a landlord in approving tenants to lease privately owned real property.**
- (2) Security deposits.**
- (3) Lease applications.**
- (4) Leasing terms and conditions.**
- (5) Disclosures concerning the:**
 - (A) property;**
 - (B) lease; or**
 - (C) rights and responsibilities of the parties; involved in a landlord-tenant relationship.**
- (6) The rights of the parties to a lease.**
- (7) Any fees charged by a landlord.**
- (8) Any other aspects of the landlord-tenant relationship.**

Any ordinance or regulation that violates this subsection is void and unenforceable.

SECTION 18. IC 32-31-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8.5. Retaliatory Acts by Landlords

Sec. 1. The definitions in IC 32-31-3 apply throughout this chapter.

Sec. 2. As used in this chapter, "protected activity" means any of the following actions taken by a tenant:

- (1) Complaining to a governmental entity responsible for enforcing an applicable building or housing code about a violation with respect to the rental premises that materially affects health or safety.**



(2) Complaining to a landlord in writing concerning the landlord's violation of IC 32-31-5-6 or IC 32-31-8-5.

(3) Bringing an action against the landlord under IC 32-31-6 or IC 32-31-8.

(4) Organizing or becoming a member of a tenant's organization.

(5) Testifying in a court proceeding or an administrative hearing against the landlord.

Sec. 3. As used in this chapter, "rental premises" has the meaning set forth in IC 32-31-7-3.

Sec. 4. As used in this chapter, "retaliatory act" means any of the following actions taken by a landlord in response to a tenant's engaging in a protected activity:

(1) Increasing the amount of the tenant's rent.

(2) Decreasing, terminating, or interfering with services provided to the rental premises.

(3) Bringing or threatening to bring an action for possession of the rental premises.

(4) Bringing or threatening to bring an action to:

(A) evict the tenant from the rental premises; or

(B) otherwise terminate the tenant's rental agreement before the expiration of the term of the rental agreement.

Sec. 5. (a) Subject to subsection (b), and except as provided in subsection (c), a landlord may not engage in a retaliatory act in response to a tenant's engaging in one (1) or more protected activities.

(b) Subsection (a) does not prohibit a landlord from doing any of the following:

(1) Declining to renew a rental agreement at the conclusion of the term of the rental agreement.

(2) Increasing a tenant's rent to that which is charged for comparable market rentals, regardless of whether the increase is effective:

(A) at the conclusion of the term of the rental agreement; or

(B) if provided for in the rental agreement, during the term of the rental agreement.

(3) Subject to applicable law, decreasing or terminating one (1) or more services provided to the rental premises, if those services are decreased or terminated to all tenants on an equal basis.

(c) A landlord may bring an action described in section 4(3) or



4(4) of this chapter (including as a petition for an emergency possessory order under IC 32-31-6) under the following circumstances, or as otherwise authorized by law:

(1) A violation described in section 2(1) of this chapter is caused primarily by the intentional or negligent acts of, or a lack of reasonable care by:

- (A) the tenant;**
- (B) an authorized occupant of the rental premises; or**
- (C) a guest or invitee of the tenant.**

(2) The tenant is in default with respect to rent due and has failed to cure the default within the time set forth in:

- (A) IC 32-31-1-6; or**
- (B) the rental agreement.**

(3) Compliance with an applicable building or housing code requires alteration, remodeling, or demolition of the rental premises, such that the tenant would be effectively deprived of use of the rental premises.

(4) The tenant is in noncompliance with a provision of the rental agreement, and the noncompliance materially affects the health or safety of the tenant or others.

(5) The tenant's rental agreement is for a definite term, and the tenant holds over after expiration of the term.

(6) The landlord's action for possession of the rental premises is made:

- (A) in good faith; and**
- (B) before the tenant engages in a protected activity.**

(7) The landlord seeks in good faith to take possession of the rental premises at the end of the term of the tenant's rental agreement in order to:

- (A) use the rental premises as the landlord's own abode;**
- (B) alter, remodel, or demolish the rental premises in a manner that requires the complete displacement of the tenant's household; or**
- (C) terminate for a period of at least six (6) months the use of the property as a rental unit.**

Sec. 6. A unit (as defined in IC 36-1-2-23) may not adopt or enforce any:

- (1) ordinance; or**
- (2) regulation;**

concerning retaliatory acts by landlords. Any ordinance or regulation that violates this subsection is void and unenforceable.

SECTION 19. 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) Notwithstanding IC 36-7-4-1106, 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 36-7-4-1106) that will be placed in a mobile home community licensed under 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.**

SECTION 20. 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.

SECTION 21. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

