
HOUSE BILL No. 1543

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-20.

Synopsis: Regulation of residential leases. Imposes certain procedural requirements on the adoption by a political subdivision of a regulation of landlord and tenant relations, residential leases, or inspection of real property subject to a residential lease. Provides that such a regulation may not: (1) require the licensing or registration of owners of residential rental property; or (2) impose a fee for certain inspections. Provides that such a regulation may not authorize investigation or inspection of a rental unit without probable cause.

Effective: July 1, 2011.

Speedy, Turner

January 20, 2011, read first time and referred to Committee on Local Government.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1543



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 36-1-20 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]:

4 **Chapter 20. Regulation of Residential Leases**

5 **Sec. 1. In addition to any other procedures required by this title,**
6 **this chapter applies to the adoption of a regulation.**

7 **Sec. 2. The definitions in IC 32-31-3 apply throughout this**
8 **chapter.**

9 **Sec. 3. (a) As used in this chapter, "regulation" refers to a**
10 **regulation of any of the following by a political subdivision:**

11 (1) **Landlord and tenant relations.**

12 (2) **Residential leases.**

13 (3) **Inspection of real property subject to a residential lease.**

14 **(b) The term does not include an ordinance, code, or other**
15 **regulation that is applicable:**

16 (1) **uniformly to all persons; or**

17 (2) **to a class of persons or subjects that is not defined in**



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reference to matters described in subsection (a).
Sec. 4. (a) This section does not apply to a regulation adopted before July 1, 2011.

(b) Before adopting a regulation, the legislative body must hold a public hearing, the subject of which is adoption of the regulation.

(c) In addition to the notice requirements of IC 5-3, notice of the public hearing required by subsection (b) must be given to the owners of rental units that will be subject to the regulation. Notice under this subsection is sufficient if notice is given:

(1) on any web site maintained by the political subdivision; and

(2) to all:

(A) owners of rental units that have notified the political subdivision that they want to receive notice under this chapter; and

(B) associations of owners of rental units that have notified the political subdivision that they want to receive notice under this chapter.

(d) Notice under subsection (c) must be given:

(1) on any web site maintained by the political subdivision, beginning not later than fourteen (14) days before the date of the public hearing and through the date of the public hearing; and

(2) by first class mail, mailed not later than twenty (20) days before the date of the hearing to persons described in subsection (c)(2).

(e) A regulation adopted under this chapter must receive the affirmative vote of three-fourths (3/4) of the members of the legislative body.

Sec. 5. A regulation may not do any of the following:

(1) Require owners of rental units to be:

(A) licensed; or

(B) registered with the political subdivision.

(2) Impose a fee for any of the following:

(A) Initial exterior inspections.

(B) Initial interior inspections:

(i) requested by an owner or a tenant; or

(ii) under issuance of an inspection order.

(C) Initial annual inspections under a rental unit inspection program.

(D) Initial follow-up inspections if all building code violations identified to the owner by written notice or

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1 citation have been corrected.
2 **Sec. 6. (a) A regulation may not authorize, or be construed to**
3 **authorize, investigations or inspections of a rental unit unless there**
4 **is probable cause to believe there is or has been a violation of an**
5 **applicable regulation.**
6 **(b) A condition that:**
7 **(1) is in plain view; and**
8 **(2) appears to violate an applicable regulation;**
9 **may form the basis for probable cause under this section.**

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