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# HOUSE BILL No. 1445

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-1-22.

**Synopsis:** Landlord registry. Requires each municipality to adopt an ordinance requiring the annual registration of owners of one or two family residential rental property beginning April 1, 2016. Requires an owner of such residential rental property to designate for each such rental property a local agent who is physically located in Indiana. Provides that the local agent is responsible for operating the rental property in compliance with all applicable laws and ordinances, providing access to rental premises for inspections necessary to ensure compliance with the applicable laws and ordinances, maintaining a current list of the names and contact numbers of the tenants of each rental unit for which the local agent is responsible, and accepting all legal notices or service of process with respect to the rental property. Provides that an owner of a rental property who fails to register or update a registration commits a Class C infraction for each month that the owner has failed to register or update a registration. Provides that the ordinance adopted by the municipality may provide that: (1) the maximum judgment for violation of the ordinance is lower than the statutorily prescribed maximum for a Class C infraction; and (2) money collected from violations may be deposited in a fund of the municipality specified in the ordinance.

**Effective:** July 1, 2013.

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January 23, 2013, read first time and referred to Committee on Local Government.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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# HOUSE BILL No. 1445



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 36-1-22 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2013]:
- 4 **Chapter 22. Municipal Registration of One and Two Family**
- 5 **Residential Rental Property**
- 6 **Sec. 1. A waiver of the requirements set forth in this chapter by**
- 7 **a landlord or current or former tenant, by contract or otherwise,**
- 8 **is void.**
- 9 **Sec. 2. Except as otherwise provided in this chapter, the**
- 10 **definitions in IC 32-31-3 apply throughout this chapter.**
- 11 **Sec. 3. As used in this chapter, "adopting ordinance" refers to**
- 12 **the ordinance a municipal legislative body is required to adopt**
- 13 **under section 7 of this chapter.**
- 14 **Sec. 4. As used in this chapter, "department" refers to the**
- 15 **department designated or established under section 7 of this**
- 16 **chapter.**
- 17 **Sec. 5. As used in this chapter, "director" refers to the director**



1 of the department. The term includes any designee of the director.  
 2       **Sec. 6.** As used in this chapter, "rental property" refers only to  
 3 a one (1) or two (2) family residential structure that is occupied by  
 4 tenants.  
 5       **Sec. 7. (a)** Before January 1, 2016, a municipal legislative body  
 6 shall adopt an ordinance as provided in this section.  
 7       **(b)** The municipal legislative body shall adopt an ordinance  
 8 designating or establishing a municipal department to implement  
 9 this chapter. In designating or establishing the department, the  
 10 adopting ordinance:  
 11       **(1)** must provide for a director to be the head of the  
 12 department; and  
 13       **(2)** may, subject to this chapter, organize the department as  
 14 the municipal legislative body determines is best suited to the  
 15 municipality.  
 16       **(c)** The adopting ordinance must require the following:  
 17       **(1)** The registration of each rental property within the  
 18 municipality, beginning April 1, 2016.  
 19       **(2)** An owner of a rental property must file an amended  
 20 registration form with the department if any information  
 21 included on or with the original registration changes. An  
 22 amended registration form must be filed not later than five (5)  
 23 business days after a change described in this subdivision.  
 24       **(3)** If there is a transfer of property ownership of a rental  
 25 property, a new owner must file a registration not later than  
 26 ninety (90) days after an amended registration is filed under  
 27 subdivision (2).  
 28       **(d)** The adopting ordinance may do the following:  
 29       **(1)** Provide that the maximum judgment for violation of this  
 30 chapter is less than the amount provided in IC 34-28-5-4.  
 31       **(2)** Provide that, notwithstanding IC 34-28-5-5(c), money  
 32 collected for violations of this chapter shall be deposited in a  
 33 fund of the municipality specified in the ordinance.  
 34       **(e)** The adopting ordinance may, subject to this chapter, provide  
 35 for implementation of this chapter as the municipal legislative body  
 36 determines is best suited to the municipality.  
 37       **Sec. 8. (a)** An owner of a rental property located in a  
 38 municipality must annually register the rental property with the  
 39 municipality as provided in the adopting ordinance.  
 40       **(b)** A registration of rental property must include the following  
 41 information:  
 42       **(1)** The address of the rental property.

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1           (2) The name, address, and telephone number of each owner  
 2           of the rental property.  
 3           (3) The name, Indiana address, and Indiana telephone  
 4           number of the local agent designated in section 9 of this  
 5           chapter.  
 6           Sec. 9. (a) The owner of a rental property must designate a  
 7           person who is physically located in Indiana to be the owner's local  
 8           agent. If an owner of the rental property is located in Indiana, that  
 9           owner may be the designated local agent.  
 10          (b) The local agent is responsible for all of the following:  
 11           (1) Operating the rental property in compliance with all  
 12           applicable laws and ordinances.  
 13           (2) Providing access to the rental property for inspections  
 14           necessary to ensure compliance with applicable laws and  
 15           ordinances.  
 16           (3) Maintaining a current list of the names and contact  
 17           numbers of the tenants of each rental unit for which the local  
 18           agent is responsible.  
 19           (4) Accepting all legal notices or service of process with  
 20           respect to the rental property.  
 21          (c) If an owner is required to do an action under this chapter,  
 22          the action is considered done if done by the local agent.  
 23          (d) All information provided on the registration form must be  
 24          accurate and complete.  
 25          Sec. 10. Registration of a rental property expires one (1) year  
 26          after the date of issuance of the registration certificate.  
 27          Sec. 11. (a) The department shall maintain all records relating  
 28          to the registration of rental properties under this chapter.  
 29          (b) If the municipality maintains an Internet web site, the  
 30          information maintained by the department must be accessible on  
 31          the municipality's Internet web site.  
 32          Sec. 12. An owner who fails to:  
 33           (1) register a rental property; or  
 34           (2) amend a registration;  
 35          as required in this chapter or in the adopting ordinance commits  
 36          a Class C infraction for each month that the owner is in violation.

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