

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Local Government, to which was referred House Bill No. 1313, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1           Page 1, delete lines 1 through 17, begin a new paragraph and insert:  
2           "SECTION 1. IC 36-1-20-4 IS ADDED TO THE INDIANA CODE  
3           AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
4           **MARCH 1, 2013 (RETROACTIVE)]:** **Sec. 4. (a) As used in this**  
5           **section, "regulation" refers to an ordinance, rule, or other**  
6           **enactment by a political subdivision relating to any of the**  
7           **following:**  
8                 **(1) Landlord and tenant relations.**  
9                 **(2) Rental agreements.**  
10                **(3) Real property subject to a rental agreement.**  
11           **(b) A regulation that does any of the following may not be**  
12           **adopted after February 28, 2013:**  
13                 **(1) Requires an owner or landlord to be licensed or to obtain**  
14                 **a permit from the political subdivision to lease a rental unit.**  
15                 **(2) Requires an owner or landlord to enroll or participate in**  
16                 **a class or government program as a condition for leasing a**  
17                 **rental unit.**  
18                 **(3) Imposes or increases a fee or other assessment for any of**  
19                 **the following:**  
20                         **(A) Inspection of a rental unit.**  
21                         **(B) Registration of an owner, landlord, or rental unit.**

- 1           **(C) Any other purpose related to the purposes listed in**
- 2           **subsection (a).**
- 3           **(c) This chapter does not prohibit a political subdivision from:**
- 4           **(1) establishing a rental unit inspection program; or**
- 5           **(2) imposing or increasing a fee relating to the construction of**
- 6           **a rental unit, such as a building permit fee.**
- 7           **(d) This section expires July 1, 2014."**
- 8           Page 2, delete lines 1 through 6.
- 9           Page 2, between lines 23 and 24, begin a new paragraph and insert:
- 10          "SECTION 3. [EFFECTIVE MARCH 1, 2013 (RETROACTIVE)]
- 11          **(a) As used in this SECTION, "builder" means a person engaged**
- 12          **in constructing new homes.**
- 13          **(b) As used in this SECTION, "person" means an individual,**
- 14          **firm, limited liability company, corporation, association, or other**
- 15          **legal entity.**
- 16          **(c) As used in this SECTION, "remodeler" means a person**
- 17          **engaged in altering, repairing, restoring, maintaining, or modifying**
- 18          **an existing residential dwelling.**
- 19          **(d) As used in this SECTION, "residential dwelling" means a**
- 20          **building or part of a building occupied by or intended for the**
- 21          **occupancy of one (1) or more individuals. The term does not**
- 22          **include a residential dwelling that is owned by the political**
- 23          **subdivision.**
- 24          **(e) After February 28, 2013, a political subdivision may not**
- 25          **adopt an ordinance, rule, policy, or other requirement providing**
- 26          **that a builder or remodeler must be licensed, certified, permitted,**
- 27          **registered, or listed by the political subdivision as a condition to the**
- 28          **builder or remodeler:**
- 29               **(1) constructing a new residential dwelling; or**
- 30               **(2) remodeling an existing residential dwelling.**
- 31          **(f) This SECTION does not do any of the following:**
- 32               **(1) Void an ordinance, rule, policy, or other requirement of a**
- 33               **political subdivision adopted before March 1, 2013.**
- 34               **(2) Prohibit a political subdivision from doing any of the**
- 35               **following:**
- 36                       **(A) Requiring a person who engages in a specific building**
- 37                       **or construction trade, including an electrician, a plumber,**
- 38                       **a tile layer, a landscaper, or a practitioner of another**

1           **specific trade, to be licensed, permitted, registered, or**  
2           **listed by the political subdivision before engaging in the**  
3           **specific building or construction trade.**

4           **(B) Issuing building permits, septic system permits,**  
5           **certificates of appropriateness, zoning approvals, plat**  
6           **approvals, and other permits and approvals that regulate**  
7           **the use, planning, and development of property.**

8           **(g) This SECTION expires July 1, 2015."**

9           Renumber all SECTIONS consecutively.

(Reference is to HB 1313 as reprinted February 26, 2013.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 5, Nays 3.

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**Head**

**Chairperson**