



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1320 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 16-41-27-32, AS AMENDED BY P.L.137-2023,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2024]: Sec. 32. (a) As used in this section, "regulation" refers
- 6 to any:
- 7 (1) ordinance, including any:
- 8 (A) zoning or land use ordinance; or
- 9 (B) general or specific planning ordinance;
- 10 (2) regulation, including any:
- 11 (A) zoning or land use regulation; or
- 12 (B) general or specific planning regulation;
- 13 (3) requirement; or
- 14 (4) restriction;
- 15 that is adopted or imposed by a unit (as defined in IC 36-1-2-23).
- 16 (b) A governmental body other than the state department may not
- 17 license or regulate mobile home communities, except for the following:
- 18 (1) Local boards may enforce the standards of health and
- 19 sanitation prescribed for mobile homes, manufactured homes,
- 20 industrialized residential structures, and mobile home
- 21 communities by the state department.

- 1 (2) Subject to IC 36-7-2-12, IC 36-7-4-1019, IC 36-7-4-1106, and  
 2 subsections (d) and (f), county and municipal authorities within  
 3 their respective jurisdictions have jurisdiction regarding zoning  
 4 and building codes and ordinances pertaining to mobile home  
 5 communities.
- 6 (3) Local boards may regulate the construction and operation of  
 7 groups of a combined total of not more than four (4) mobile  
 8 homes, manufactured homes, and industrialized residential  
 9 structures in accordance with standards that are compatible with  
 10 standards set by the state department for mobile home  
 11 communities.
- 12 (c) A governmental body other than the state department may not  
 13 regulate mobile homes, manufactured homes, or industrialized  
 14 residential structures regarding habitability or minimum housing  
 15 conditions unless the regulation is applicable in the same manner to  
 16 other forms of residential housing in the jurisdiction.
- 17 (d) Except as provided in IC 36-7-4-1106(d), IC 36-7-4-1106(e),  
 18 and IC 36-7-4-1106(f) and unless required under IC 36-7-2-9, a  
 19 governmental body may not regulate or restrict, by regulation or  
 20 otherwise, the installation, **continued residential** use, occupancy,  
 21 movement, renovation, relocation, or replacement of a mobile home,  
 22 a manufactured home, or an industrialized residential structure within  
 23 a mobile home community based upon the age or size of the mobile  
 24 home, manufactured home, or industrialized residential structure or  
 25 other private property based upon the age of the mobile home,  
 26 manufactured home, or industrialized residential structure regardless  
 27 of whether:
- 28 (1) the mobile home, manufactured home, or industrialized  
 29 residential structure;
- 30 (2) the lot or site, or any part of the lot or site, on which the  
 31 mobile home, manufactured home, or industrialized residential  
 32 structure is located or installed, or will be located or installed; or  
 33 (3) the mobile home community or other private property, in  
 34 whole or in part, in which the mobile home, manufactured home,  
 35 or industrialized residential structure is located or installed, or  
 36 will be located or installed;
- 37 constitutes a conforming structure or use, or a legal, nonconforming  
 38 structure or use.
- 39 (e) A government body may not regulate or restrict the ability of a:
- 40 (1) mobile home community:
- 41 (A) owner; or  
 42 (B) manager; or
- 43 (2) manufactured home community:
- 44 (A) owner; or  
 45 (B) manager;
- 46 to obtain a dealer's license or to sell a mobile home, manufactured

1 home, or industrialized residential structure located within the owner's  
2 or manager's mobile home community or manufactured housing  
3 community.

4 (f) Except as provided under IC 36-7-4-1106(d), IC 36-7-4-1106(e),  
5 and IC 36-7-4-1106(f) and unless required under IC 36-7-2-9, after  
6 March 14, 2022:

- 7 (1) a unit may not:
    - 8 (A) adopt or impose a regulation that violates, or that includes
    - 9 a provision that violates, subsection (d);
    - 10 (B) amend a regulation so that the regulation, after its
    - 11 amendment, includes a provision that violates subsection (d),
    - 12 regardless of when the regulation was originally adopted or
    - 13 imposed; or
    - 14 (C) enforce a provision in a regulation adopted or imposed by
    - 15 the unit if the provision violates subsection (d), regardless of
    - 16 when the regulation or provision was originally adopted or
    - 17 imposed; and
  - 18 (2) any provision that:
    - 19 (A) is included in a regulation adopted or imposed by a unit;
    - 20 and
    - 21 (B) violates subsection (d);
- 22 is void and unenforceable regardless of when the regulation or  
23 provision was originally adopted or imposed.

24 SECTION 2. IC 36-7-4-1106, AS AMENDED BY P.L.137-2023,  
25 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2024]: Sec. 1106. (a) This section does not affect a  
27 requirement applicable to property that is subject to the jurisdiction of  
28 a preservation commission organized under any of the following:

- 29 (1) IC 36-7-11.
- 30 (2) IC 36-7-11.1.
- 31 (3) IC 36-7-11.2.
- 32 (4) IC 36-7-11.3.
- 33 (b) As used in this section:
  - 34 (1) "Manufactured home" means a dwelling unit, designed and
  - 35 built in a factory, which bears a seal certifying that it was built in
  - 36 compliance with the federal Manufactured Housing Construction
  - 37 and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).
  - 38 (2) "Underfloor space" means that space between the bottom of
  - 39 the floor joists and the earth.
  - 40 (3) "Occupied space" means the total area of earth horizontally
  - 41 covered by the structure, excluding accessory structures such as,
  - 42 but not limited to, garages, patios and porches.
  - 43 (4) "Permanent foundation system" includes a pier footing
  - 44 foundation system that is specified as suitable in the
  - 45 manufacturer's installation specifications for a manufactured
  - 46 home.

1 (c) Comprehensive plans and ordinances adopted under the  
 2 provisions of this chapter may subject dwelling units and lots to  
 3 identical standards and requirements, whether or not the dwelling unit  
 4 to be placed on a lot is a manufactured home or some other type of  
 5 dwelling unit. These standards and requirements may include but are  
 6 not limited to the following:

- 7 (1) Setback distance.
- 8 (2) Side and rear yard area.
- 9 (3) Vehicle parking space **and parking enclosures.**
- 10 (4) Minimum square footage of the dwelling unit.
- 11 (5) Underfloor space enclosure requirements.
- 12 (6) Aesthetics. However, aesthetic standards and requirements  
 13 pertaining to the home structure itself which are adopted under  
 14 this section may only pertain to the following:

15 (A) Roofing materials and siding. ~~materials.~~

16 **(B) Roof pitch.**

17 ~~(B)~~ **(C)** Permanent foundation systems of manufactured homes  
 18 that are located outside of a mobile home community licensed  
 19 under IC 16-41-27. A unit may require compatibility of a  
 20 permanent foundation system with surrounding residential  
 21 structures. However, the unit may not require:

- 22 (i) a permanent foundation system that is incompatible with  
 23 the structural design of the manufactured home; or
- 24 (ii) more than one (1) permanent foundation system for a  
 25 manufactured home.

26 (d) METRO. Standards and requirements, specified in  
 27 comprehensive plans and ordinances, adopted under this section for  
 28 lots and dwelling units may not preclude all manufactured homes that  
 29 **meet the requirements described in subsection (c) and** exceed:

- 30 (1) twenty-three (23) feet in width; and
- 31 (2) nine hundred fifty (950) square feet of occupied space;

32 from being installed as permanent residences on any lot on which any  
 33 other type of dwelling unit may be placed.

34 (e) ADVISORY–AREA. This subsection applies only to lots and  
 35 dwelling units that are within a city or town's planning and zoning  
 36 jurisdiction. Standards and requirements, specified in comprehensive  
 37 plans and ordinances, adopted under this section for lots and dwelling  
 38 units may not preclude manufactured homes that **meet the**  
 39 **requirements described in subsection (c) and** exceed nine hundred  
 40 fifty (950) square feet of occupied space from being installed as  
 41 permanent residences on any lot on which any other type of dwelling  
 42 unit may be placed.

43 (f) ADVISORY–AREA. This subsection applies only to lots and  
 44 dwelling units that are within a county's planning and zoning  
 45 jurisdiction. Standards and requirements, specified in comprehensive  
 46 plans and ordinances, adopted under this section for lots and dwelling

1 units may not preclude manufactured homes that **meet the**  
2 **requirements described in subsection (c) and** exceed:  
3 (1) twenty-three (23) feet in width; and  
4 (2) nine hundred fifty (950) square feet of occupied space;  
5 from being installed as permanent residences on any lot on which any  
6 other type of dwelling unit may be placed."  
7 Renumber all SECTIONS consecutively.  
(Reference is to HB 1320 as printed January 23, 2024.)

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Representative Miller D