

# HOUSE BILL No. 1133

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-1-24.

**Synopsis:** Preemption of local bans on short term rentals. Specifies requirements for local unit of government regulation of short term rental of residential property.

**Effective:** July 1, 2017.

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## Lehman

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January 5, 2017, read first time and referred to Committee on Government and Regulatory Reform.

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First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

# HOUSE BILL No. 1133

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 36-1-24 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2017]:

4 **Chapter 24. Short Term Rentals**

5 **Sec. 1. As used in this chapter, "rental" means use of a**  
6 **residential property for consideration paid to the owner of the**  
7 **residential property, directly or through a facilitator (as defined in**  
8 **IC 6-2.5-1-19.5).**

9 **Sec. 2. (a) As used in this chapter, "short term rental" means an**  
10 **individually or collectively owned:**

- 11 (1) **single family home;**
- 12 (2) **dwelling unit in a single family home;**
- 13 (3) **dwelling unit or group of dwelling units in a condominium,**
- 14 **cooperative, or timeshare; or**
- 15 (4) **owner occupied residential home;**

16 **that is offered to the public for rental for less than thirty (30)**  
17 **consecutive days.**



1           (b) The term does not include property that is used for any  
2 nonresidential use.

3           **Sec. 3. A unit may not do any of the following:**

4           (1) Prohibit short term rentals.

5           (2) Except as provided in this chapter, enact or enforce any  
6 law or plan that prohibits or regulates short term rentals.

7           (3) Restrict the use of or regulate short term rentals based on  
8 the classification, use, or occupancy of the short term rental.

9           **Sec. 4. A unit may enact or enforce a law or plan that regulates**  
10 **short term rentals only for the following primary purposes:**

11           (1) Protection of the public's health and safety related to:

12           (A) fire and building safety;

13           (B) sanitation;

14           (C) transportation;

15           (D) traffic control; and

16           (E) pollution control;

17           if enforcement does not prohibit the use of a property as a  
18 short term rental.

19           (2) To provide the unit with an emergency contact for a short  
20 term rental.

21           (3) Residential use and zoning related to:

22           (A) noise;

23           (B) protection of welfare;

24           (C) property maintenance; and

25           (D) nuisance issues;

26           if enforcement is performed in the same manner as  
27 enforcement that applies to similar properties that are not  
28 short term rentals.

29           (4) To limit or prohibit use of short term rentals for the  
30 following purposes:

31           (A) To house sex offenders.

32           (B) To operate a structured sober living home.

33           (C) To manufacture, exhibit, distribute, or sell illegal  
34 drugs, liquor, pornography, or obscenity.

35           (D) To operate an adult entertainment establishment (as  
36 defined in IC 12-7-2-1.8).

37           **Sec. 5. This chapter does not prohibit a homeowners association**  
38 **or similar entity from establishing limitations or prohibitions on**  
39 **short term rentals on real property owned by any of the following:**

40           (1) A member of the homeowners association or similar entity.

41           (2) The homeowners association or similar entity.

42           (3) The members of the homeowners association or similar



1 **entity in common.**

