



Reprinted  
April 8, 2015

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# ENGROSSED HOUSE BILL No. 1300

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DIGEST OF HB 1300 (Updated April 7, 2015 3:55 pm - DI 87)

**Citations Affected:** IC 22-13; IC 36-1; noncode.

**Synopsis:** Ordinances related to building and housing laws. Specifies that an ordinance or other regulation adopted by a political subdivision that qualifies as a fire safety law or a building law: (1) must be submitted to the fire prevention and building safety commission (commission) for review within 30 days of adoption by the political subdivision; and (2) is not effective until the ordinance or regulation: (A) is approved by the commission; or (B) is approved automatically if the commission does not approve or deny the ordinance or regulation  
(Continued next page)

**Effective:** Upon passage.

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## McMillin, Eberhart, Klinker

(SENATE SPONSORS — BOOTS, BUCK)

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January 13, 2015, read first time and referred to Committee on Veterans Affairs and Public Safety.

February 3, 2015, amended, reported — Do Pass.  
February 10, 2015, read second time, ordered engrossed. Engrossed.  
February 12, 2015, read third time, passed. Yeas 77, nays 19.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Local Government.  
March 26, 2015, reported favorably — Do Pass.  
March 31, 2015, read second time, amended, ordered engrossed.  
April 1, 2015, engrossed.  
April 2, 2015, returned to second reading.  
April 7, 2015, re-read second time, amended, ordered engrossed.

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**EH 1300—LS 7143/DI 96**



## Digest Continued

within four commission meetings. Requires the commission to specify the basis for the commission's denial of a local ordinance or regulation. Provides that a state agency or political subdivision may not require a person or entity to obtain or maintain, or both, a license to install or maintain a low voltage thermostat of 50 volts or less. Establishes procedures for the commission's program for review of adopted ordinances and other regulations. Prohibits a county, municipality, or township from adopting an ordinance that requires or would have the effect of requiring a landlord to participate in: (1) a Section 8 program of the federal Housing Act of 1937; or (2) a similar program concerning housing.

**EH 1300—LS 7143/DI 96**



Reprinted  
April 8, 2015

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1300

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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 22-13-2-5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The  
3 commission shall carry out a program to review the fire safety laws and  
4 the building laws adopted in the ordinances and other regulations of  
5 political subdivisions.  
6 (b) **Except as provided in subsection (c)**, an ordinance or other  
7 regulation adopted by a political subdivision that qualifies as a fire  
8 safety law or a building law:  
9 (1) **must be submitted to the commission for review within**  
10 **thirty (30) days after adoption by the political subdivision;**  
11 **and**  
12 (2) **is not effective until: it is approved by the commission:**  
13 (A) **it is approved by an order issued by the commission; or**  
14 (B) **it is approved as the result of the commission not**  
15 **having issued an order approving or denying the ordinance**

EH 1300—LS 7143/DI 96



- 1                   **or other regulation within the period set forth in section**  
 2                   **5.5(2) of this chapter.**  
 3           (c) ~~However,~~ An ordinance that:  
 4               (1) is adopted by a city, town, or county; and  
 5               (2) governs the installations, repair, and maintenance of smoke  
 6               detectors in residential structures that are not required to have  
 7               smoke detectors under the rules of the commission;  
 8           is effective without approval by the commission.  
 9           (d) A:  
 10               (1) state agency; or  
 11               (2) political subdivision;  
 12           **may not require a person or entity to obtain or maintain, or both,**  
 13           **a license in order to install or maintain a low voltage thermostat of**  
 14           **fifty (50) volts or less.**  
 15           SECTION 2. IC 22-13-2-5.5 IS ADDED TO THE INDIANA CODE  
 16           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 17           UPON PASSAGE]: **Sec. 5.5. The commission's program for review**  
 18           **of adopted ordinances and other regulations of political**  
 19           **subdivisions submitted for approval by the commission under**  
 20           **section 5 of this chapter shall be conducted by the commission staff**  
 21           **as follows:**  
 22               (1) A request may be made to the commission for preliminary  
 23               staff review at any time. The results of the staff review must  
 24               be furnished to the requester within a reasonable time.  
 25               (2) A submission by a political subdivision for approval of an  
 26               ordinance or other regulation by the commission shall be  
 27               made in hard copy or electronic form acceptable to the  
 28               commission. The staff shall place the submission on the  
 29               agenda for the first commission meeting scheduled later than  
 30               five (5) working days after the receipt of the submission. An  
 31               opportunity for public testimony may be afforded at the  
 32               meeting of the commission. If the commission does not issue  
 33               an order approving or denying the ordinance or other  
 34               regulation at the first commission meeting, or at any of the  
 35               next three (3) commission meetings, the ordinance or other  
 36               regulation is automatically approved and effective without an  
 37               order of the commission.  
 38               (3) A member of the commission may submit an adopted  
 39               ordinance or other regulation to the commission for review  
 40               under subdivisions (1) and (2) if the political subdivision did  
 41               not submit the adopted ordinance or other regulation within  
 42               thirty (30) days of adoption by the political subdivision as



1 required by section 5(b) of this chapter.  
 2 (4) The commission's order regarding the ordinance or other  
 3 regulation shall be issued following the requirements set forth  
 4 under IC 4-21.5-3-5. If a petition for review is subsequently  
 5 granted under IC 4-21.5-3-7, the commission's order shall be  
 6 deemed merely to have been a preliminary determination.  
 7 (5) One (1) copy of each approved ordinance or other  
 8 regulation, endorsed by the chair of the commission, shall be  
 9 returned to the political subdivision or, if the submission was  
 10 made by a member of the commission, to the member, with  
 11 the order approving the ordinance or other regulation.  
 12 (6) If the commission denies an ordinance or other regulation,  
 13 the commission's denial must specify the defects in the  
 14 ordinance or other regulation that are the basis for the denial.  
 15 SECTION 3. IC 36-1-3-8.5 IS ADDED TO THE INDIANA CODE  
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 17 UPON PASSAGE]: Sec. 8.5. A unit may not adopt or enforce an  
 18 ordinance that requires or would have the effect of requiring a  
 19 landlord to participate in:  
 20 (1) a Section 8 program of the federal Housing Act of 1937 (42  
 21 U.S.C. 1437f); or  
 22 (2) a similar program concerning housing.  
 23 SECTION 4. [EFFECTIVE UPON PASSAGE] (a) 675  
 24 IAC 12-10-8 is void. The publisher of the Indiana Administrative  
 25 Code and Indiana Register shall remove 675 IAC 12-10-8 from the  
 26 Indiana Administrative Code.  
 27 (b) This SECTION expires December 31, 2015.  
 28 SECTION 5. An emergency is declared for this act.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1300, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 22-13-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The commission shall carry out a program to review the fire safety laws and the building laws adopted in the ordinances and other regulations of political subdivisions.

(b) **Except as provided in subsection (c)**, an ordinance or other regulation adopted by a political subdivision that qualifies as a fire safety law or a building law:

**(1) must be submitted to the commission for review within thirty (30) days after adoption by the political subdivision; and**

**(2) is not effective until it is approved by the commission.**

**(c) However;** An ordinance that:

(1) is adopted by a city, town, or county; and

(2) governs the installations, repair, and maintenance of smoke detectors in residential structures that are not required to have smoke detectors under the rules of the commission;

is effective without approval by the commission."

Page 2, delete line 1.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1300 as introduced.)

FRYE R

Committee Vote: yeas 9, nays 3.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1300, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1300 as printed February 3, 2015.)

HEAD, Chairperson

Committee Vote: Yeas 4, Nays 2

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1300 be amended to read as follows:

Page 2, between lines 3 and 4, begin a new paragraph and insert:

**"(d) A:**

**(1) state agency; or**

**(2) political subdivision;**

**may not require a person or entity to obtain or maintain, or both, a license in order to install or maintain a low voltage thermostat of fifty (50) volts or less."**

(Reference is to EHB 1300 as printed March 27, 2015.)

BOOTS

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1300 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 4 with "[EFFECTIVE UPON PASSAGE]".

Page 3, after line 7, begin a new paragraph and insert:

**"SECTION 5. An emergency is declared for this act."**

(Reference is to EHB 1300 as printed March 27, 2015.)

BOOTS



## SENATE MOTION

Madam President: I move that House Bill 1300, which is eligible for third reading, be returned to second reading for purposes of amendment.

BOOTS

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 SENATE MOTION

Madam President: I move that Engrossed House Bill 1300 be amended to read as follows:

Page 1, line 12, after "until" insert ":".

Page 1, line 12, strike "it is approved by the commission."

Page 1, between lines 12 and 13, begin a new line line double block indented and insert:

**"(A) it is approved by an order issued by the commission;  
or**

**(B) it is approved as the result of the commission not having issued an order approving or denying the ordinance or other regulation within the period set forth in section 5.5(2) of this chapter."**

Page 2, line 27, after "commission." insert **"If the commission does not issue an order approving or denying the ordinance or other regulation at the first commission meeting, or at any of the next three (3) commission meetings, the ordinance or other regulation is automatically approved and effective without an order of the commission."**

Page 3, between lines 1 and 2, begin a new line block indented and insert:

**"(6) If the commission denies an ordinance or other regulation, the commission's denial must specify the defects in the ordinance or other regulation that are the basis for the denial."**

(Reference is to EHB 1300 as reprinted April 1, 2015.)

BOOTS

