



February 27, 2024

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# ENGROSSED HOUSE BILL No. 1320

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DIGEST OF HB 1320 (Updated February 22, 2024 12:05 pm - DI 87)

**Citations Affected:** IC 16-41; IC 36-7.

**Synopsis:** Building regulation. Defines, for purposes of the unsafe building law, a "building or structure". Increases from \$10,000 to \$25,000 the estimated cost of work required by an order of a unit's enforcement authority which the unit's enforcement authority may perform using its own workers and equipment. Provides, with certain exceptions, that a governmental body may not regulate or restrict, by regulation or otherwise, the continued residential use of a mobile home, a manufactured home, or an industrialized residential within a mobile home community based on certain characteristics of the structure. Provides that a mobile home, manufactured home, or industrialized residential structure on private property constituting a legal, nonconforming use, may not be replaced with a mobile home, manufactured home, or industrialized residential structure that is older or smaller than the legal, nonconforming structure being replaced. Makes certain changes to local planning and zoning standards and requirements relating to manufactured homes.

**Effective:** July 1, 2024.

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## Zimmerman, Meltzer, Miller D

(SENATE SPONSOR — DORIOT)

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January 10, 2024, read first time and referred to Committee on Local Government.  
January 23, 2024, reported — Do Pass.  
January 29, 2024, read second time, amended, ordered engrossed.  
January 30, 2024, engrossed. Read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 7, 2024, read first time and referred to Committee on Local Government.  
February 26, 2024, amended, reported favorably — Do Pass.

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EH 1320—LS 6839/DI 137





February 27, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1320

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

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1 industrialized residential structures, and mobile home  
2 communities by the state department.

3 (2) Subject to IC 36-7-2-12, IC 36-7-4-1019, IC 36-7-4-1106, and  
4 subsections (d) and (f), county and municipal authorities within  
5 their respective jurisdictions have jurisdiction regarding zoning  
6 and building codes and ordinances pertaining to mobile home  
7 communities.

8 (3) Local boards may regulate the construction and operation of  
9 groups of a combined total of not more than four (4) mobile  
10 homes, manufactured homes, and industrialized residential  
11 structures in accordance with standards that are compatible with  
12 standards set by the state department for mobile home  
13 communities.

14 (c) A governmental body other than the state department may not  
15 regulate mobile homes, manufactured homes, or industrialized  
16 residential structures regarding habitability or minimum housing  
17 conditions unless the regulation is applicable in the same manner to  
18 other forms of residential housing in the jurisdiction.

19 (d) Except as provided in IC 36-7-4-1106(d), IC 36-7-4-1106(e),  
20 and IC 36-7-4-1106(f) and unless required under IC 36-7-2-9, a  
21 governmental body may not regulate or restrict, by regulation or  
22 otherwise, the installation, **continued residential** use, occupancy,  
23 movement, renovation, relocation, or replacement of a mobile home,  
24 a manufactured home, or an industrialized residential structure within  
25 a mobile home community based upon the age or size of the mobile  
26 home, manufactured home, or industrialized residential structure or  
27 other private property based upon the age of the mobile home,  
28 manufactured home, or industrialized residential structure regardless  
29 of whether:

30 (1) the mobile home, manufactured home, or industrialized  
31 residential structure;

32 (2) the lot or site, or any part of the lot or site, on which the  
33 mobile home, manufactured home, or industrialized residential  
34 structure is located or installed, or will be located or installed; or

35 (3) the mobile home community or other private property, in  
36 whole or in part, in which the mobile home, manufactured home,  
37 or industrialized residential structure is located or installed, or  
38 will be located or installed;

39 constitutes a conforming structure or use, or a legal, nonconforming  
40 structure or use. **Any mobile home, manufactured home, or**  
41 **industrialized residential structure on private property, which**  
42 **constitutes a legal, nonconforming use, may not be replaced with**



1 **a mobile home, manufactured home, or industrialized residential**  
 2 **structure that is older or smaller than the legal, nonconforming**  
 3 **structure being replaced.**

4 (e) A government body may not regulate or restrict the ability of a:

5 (1) mobile home community:

6 (A) owner; or

7 (B) manager; or

8 (2) manufactured home community:

9 (A) owner; or

10 (B) manager;

11 to obtain a dealer's license or to sell a mobile home, manufactured  
 12 home, or industrialized residential structure located within the owner's  
 13 or manager's mobile home community or manufactured housing  
 14 community.

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

18 (1) a unit may not:

19 (A) adopt or impose a regulation that violates, or that includes  
 20 a provision that violates, subsection (d);

21 (B) amend a regulation so that the regulation, after its  
 22 amendment, includes a provision that violates subsection (d),  
 23 regardless of when the regulation was originally adopted or  
 24 imposed; or

25 (C) enforce a provision in a regulation adopted or imposed by  
 26 the unit if the provision violates subsection (d), regardless of  
 27 when the regulation or provision was originally adopted or  
 28 imposed; and

29 (2) any provision that:

30 (A) is included in a regulation adopted or imposed by a unit;  
 31 and

32 (B) violates subsection (d);

33 is void and unenforceable regardless of when the regulation or  
 34 provision was originally adopted or imposed.

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

40 (1) IC 36-7-11.

41 (2) IC 36-7-11.1.

42 (3) IC 36-7-11.2.



- 1 (4) IC 36-7-11.3.
- 2 (b) As used in this section:
- 3 (1) "Manufactured home" means a dwelling unit, designed and
- 4 built in a factory, which bears a seal certifying that it was built in
- 5 compliance with the federal Manufactured Housing Construction
- 6 and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).
- 7 (2) "Underfloor space" means that space between the bottom of
- 8 the floor joists and the earth.
- 9 (3) "Occupied space" means the total area of earth horizontally
- 10 covered by the structure, excluding accessory structures such as,
- 11 but not limited to, garages, patios and porches.
- 12 (4) "Permanent foundation system" includes a pier footing
- 13 foundation system that is specified as suitable in the
- 14 manufacturer's installation specifications for a manufactured
- 15 home.
- 16 (c) Comprehensive plans and ordinances adopted under the
- 17 provisions of this chapter may subject dwelling units and lots to
- 18 identical standards and requirements, whether or not the dwelling unit
- 19 to be placed on a lot is a manufactured home or some other type of
- 20 dwelling unit. These standards and requirements may include but are
- 21 not limited to the following:
- 22 (1) Setback distance.
- 23 (2) Side and rear yard area.
- 24 (3) Vehicle parking space **and parking enclosures.**
- 25 (4) Minimum square footage of the dwelling unit.
- 26 (5) Underfloor space enclosure requirements.
- 27 (6) Aesthetics. However, aesthetic standards and requirements
- 28 pertaining to the home structure itself which are adopted under
- 29 this section may only pertain to the following:
- 30 (A) Roofing materials and siding. ~~materials.~~
- 31 **(B) Roof pitch.**
- 32 ~~(B)~~ (C) Permanent foundation systems of manufactured homes
- 33 that are located outside of a mobile home community licensed
- 34 under IC 16-41-27. A unit may require compatibility of a
- 35 permanent foundation system with surrounding residential
- 36 structures. However, the unit may not require:
- 37 (i) a permanent foundation system that is incompatible with
- 38 the structural design of the manufactured home; or
- 39 (ii) more than one (1) permanent foundation system for a
- 40 manufactured home.
- 41 (d) METRO. Standards and requirements, specified in
- 42 comprehensive plans and ordinances, adopted under this section for



1 lots and dwelling units may not preclude all manufactured homes that  
 2 **meet the 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 (e) ADVISORY–AREA. This subsection applies only to lots and  
 8 dwelling units that are within a city or town's planning and zoning  
 9 jurisdiction. Standards and requirements, specified in comprehensive  
 10 plans and ordinances, adopted under this section for lots and dwelling  
 11 units may not preclude manufactured homes that **meet the**  
 12 **requirements described in subsection (c) and** exceed nine hundred  
 13 fifty (950) square feet of occupied space from being installed as  
 14 permanent residences on any lot on which any other type of dwelling  
 15 unit may be placed.

16 (f) ADVISORY–AREA. This subsection applies only to lots and  
 17 dwelling units that are within a county's planning and zoning  
 18 jurisdiction. Standards and requirements, specified in comprehensive  
 19 plans and ordinances, adopted under this section for lots and dwelling  
 20 units may not preclude manufactured homes that **meet the**  
 21 **requirements described in subsection (c) and** exceed:

22 (1) twenty-three (23) feet in width; and

23 (2) nine hundred fifty (950) square feet of occupied space;

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

26 SECTION 3. IC 36-7-9-2, AS AMENDED BY P.L.66-2014,  
 27 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2024]: Sec. 2. As used in this chapter:

29 **"Building or structure" means anything constructed or erected:**

30 (1) with a roof supported by columns or walls;

31 (2) to serve as a shelter or enclosure; or

32 (3) the use of which requires location on or attachment to the  
 33 ground.

34 **The term includes a manufactured home (as defined in**  
 35 **IC 22-12-1-16) and a mobile home (as defined in IC 16-41-27-4).**

36 "Community organization" means a citizen's group, neighborhood  
 37 association, neighborhood development corporation, or similar  
 38 organization that:

39 (1) has specific geographic boundaries defined in its bylaws or  
 40 articles of incorporation and contains at least forty (40)  
 41 households within those boundaries;

42 (2) is a nonprofit corporation that is representative of at least



- 1 twenty-five (25) households or twenty percent (20%) of the  
 2 households in the community, whichever is less;  
 3 (3) is operated primarily for the promotion of social welfare and  
 4 general neighborhood improvement and enhancement;  
 5 (4) has been incorporated for at least two (2) years; and  
 6 (5) is exempt from taxation under Section 501(c)(3) or 501(c)(4)  
 7 of the Internal Revenue Code.
- 8 "Continuous enforcement order" means an order that:  
 9 (1) is issued for compliance or abatement and that remains in full  
 10 force and effect on a property without further requirements to  
 11 seek additional:  
 12 (A) compliance and abatement authority; or  
 13 (B) orders for the same or similar violations;  
 14 (2) authorizes specific ongoing compliance and enforcement  
 15 activities if a property requires reinspection or additional periodic  
 16 abatement;  
 17 (3) can be enforced, including assessment of fees and costs,  
 18 without the need for additional notice or hearing; and  
 19 (4) authorizes the enforcement authority to assess and collect  
 20 ongoing costs for continuous enforcement order activities from  
 21 any party that is subject to the enforcement authority's order.
- 22 "Department" refers to the executive department authorized by  
 23 ordinance to administer this chapter. In a consolidated city, this  
 24 department is the department of code enforcement subject to  
 25 IC 36-3-4-23.
- 26 "Enforcement authority" refers to the chief administrative officer of  
 27 the department, except in a consolidated city. In a consolidated city, the  
 28 division of development services is the enforcement authority, subject  
 29 to IC 36-3-4-23.
- 30 "Hearing authority" refers to a person or persons designated as such  
 31 by the executive of a city or county, or by the legislative body of a  
 32 town. However, in a consolidated city, the director of the department  
 33 or a person designated by the director is the hearing authority. An  
 34 employee of the enforcement authority may not be designated as the  
 35 hearing authority.
- 36 "Known or recorded fee interest, life estate interest, or equitable  
 37 interest of a contract purchaser" means any fee interest, life estate  
 38 interest, or equitable interest of a ~~contract~~ **contract purchaser of a contract or**  
 39 **a known certificate of title that is** held by a person whose identity and  
 40 address may be determined from:  
 41 (1) an instrument recorded in the recorder's office of the county  
 42 where the unsafe premises is located;





1 (2) written information or actual knowledge received by the  
 2 department (or, in the case of a consolidated city, the enforcement  
 3 authority); ~~or~~

4 (3) a review of department (or, in the case of a consolidated city,  
 5 the enforcement authority) records that is sufficient to identify  
 6 information that is reasonably ascertainable; **or**

7 **(4) a request for certified records from the bureau of motor**  
 8 **vehicles.**

9 "Known or recorded substantial property interest" means any right  
 10 in real property, including a fee interest, a life estate interest, a future  
 11 interest, a mortgage interest, a lien as evidenced by a certificate of sale  
 12 issued under IC 6-1.1-24, or an equitable interest of a contract  
 13 purchaser, that:

14 (1) may be affected in a substantial way by actions authorized by  
 15 this chapter; and

16 (2) is held by a person whose identity and address may be  
 17 determined from:

18 (A) an instrument recorded in:

19 (i) the recorder's office of the county where the unsafe  
 20 premises is located; or

21 (ii) the office of the county auditor of the county where the  
 22 unsafe premises are located in the case of a lien evidenced  
 23 by a certificate of sale issued under IC 6-1.1-24;

24 (B) written information or actual knowledge received by the  
 25 department (or, in the case of a consolidated city, the  
 26 enforcement authority); ~~or~~

27 (C) a review of department (or, in the case of a consolidated  
 28 city, the enforcement authority) records that is sufficient to  
 29 identify information that is reasonably ascertainable; **or**

30 **(D) a request for certified records from the bureau of**  
 31 **motor vehicles.**

32 "Substantial property interest" means any right in **personal**  
 33 **property or** real property that may be affected in a substantial way by  
 34 actions authorized by this chapter, including a fee interest, a life estate  
 35 interest, a future interest, a mortgage interest, or an equitable interest  
 36 of a contract purchaser.

37 SECTION 4. IC 36-7-9-11, AS AMENDED BY P.L.169-2006,  
 38 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2024]: Sec. 11. (a) The work required by an order of the  
 40 enforcement authority may be performed in the following manner:

41 (1) If the work is being performed under an order other than an  
 42 order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and



1 if the cost of this work is estimated to be less than ~~ten thousand~~  
 2 ~~dollars (\$10,000)~~; **twenty-five thousand dollars (\$25,000)**, the  
 3 department, acting through the unit's enforcement authority or  
 4 other agent, may perform the work by means of the unit's own  
 5 workers and equipment owned or leased by the unit. Notice that  
 6 this work is to be performed must be given to all persons with a  
 7 known or recorded substantial property interest, in the manner  
 8 prescribed in subsection (c), at least ten (10) days before the date  
 9 of performance of the work by the enforcement authority. This  
 10 notice must include a statement that an amount representing a  
 11 reasonable estimate of the cost incurred by the enforcement  
 12 authority in processing the matter and performing the work may,  
 13 if not paid, be recorded after a hearing as a lien against all persons  
 14 having a fee interest, life estate interest, or equitable interest of a  
 15 contract purchaser in the unsafe premises.

16 (2) If the work is being performed under an order other than an  
 17 order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and  
 18 if the estimated cost of this work is ~~ten thousand dollars (\$10,000)~~  
 19 **twenty-five thousand dollars (\$25,000)** or more, this work must  
 20 be let at public bid to a contractor licensed and qualified under  
 21 law. The obligation to pay costs imposed by section 12 of this  
 22 chapter is based on the condition of the unsafe premises at the  
 23 time the public bid was accepted. Changes occurring in the  
 24 condition of the unsafe premises after the public bid was accepted  
 25 do not eliminate or diminish this obligation.

26 (3) If the work is being performed under an order issued under  
 27 section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, the work may  
 28 be performed by a contractor who has been awarded a base bid  
 29 contract to perform the work for the enforcement authority, or by  
 30 the department, acting through the unit's enforcement authority or  
 31 other governmental agency and using the unit's own workers and  
 32 equipment owned or leased by the unit. Work performed under an  
 33 order issued under section 5(a)(2), 5(a)(3), or 5(a)(4) of this  
 34 chapter may be performed without further notice to the persons  
 35 holding a fee interest, life estate interest, or equitable interest of  
 36 a contract purchaser, and these persons are liable for the costs  
 37 incurred by the enforcement authority in processing the matter  
 38 and performing the work, as provided by section 12 of this  
 39 chapter.

40 (b) Bids may be solicited and accepted for work on more than one  
 41 (1) property if the bid reflects an allocation of the bid amount among  
 42 the various unsafe premises in proportion to the work to be



1 accomplished. The part of the bid amount attributable to each of the  
 2 unsafe premises constitutes the basis for calculating the part of the  
 3 costs described by section 12(a)(1) of this chapter.

4 (c) All persons who have a known or recorded substantial property  
 5 interest in the unsafe premises and are subject to an order other than an  
 6 order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter must be  
 7 notified about the public bid in the manner prescribed by section 25 of  
 8 this chapter, by means of a written statement including:

- 9 (1) the name of the person to whom the order was issued;
- 10 (2) a legal description or address of the unsafe premises that are  
 11 the subject of the order;
- 12 (3) a statement that a contract is to be let at public bid to a  
 13 licensed contractor to accomplish work to comply with the order;
- 14 (4) a description of work to be accomplished;
- 15 (5) a statement that both the bid price of the licensed contractor  
 16 who accomplishes the work and an amount representing a  
 17 reasonable estimate of the cost incurred by the enforcement  
 18 authority in processing the matter of the unsafe premises may, if  
 19 not paid, be recorded after a hearing as a lien against all persons  
 20 having a fee interest, life estate interest, or equitable interest of a  
 21 contract purchaser in the unsafe premises;
- 22 (6) the time of the bid opening;
- 23 (7) the place of the bid opening; and
- 24 (8) the name, address, and telephone number of the enforcement  
 25 authority.

26 (d) If the notice of the statement that public bids are to be let is  
 27 served by publication, the publication must include the information  
 28 required by subsection (c), except that it need only include a general  
 29 description of the work to be accomplished. The publication must also  
 30 state that a copy of the statement of public bid may be obtained from  
 31 the enforcement authority.

32 (e) Notice of the statement that public bids are to be let must be  
 33 given, at least ten (10) days before the date of the public bid, to all  
 34 persons who have a known or recorded substantial property interest in  
 35 the property and are subject to an order other than an order under  
 36 section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter.

37 (f) If action is being taken under this section on the basis of an order  
 38 that was served by publication, it is sufficient to serve the statement  
 39 that public bids are to be let by publication, unless the enforcement  
 40 authority has received information in writing that enables the unit to  
 41 make service under section 25 of this chapter by a method other than  
 42 publication.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1320, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1320 as introduced.)

MAY

Committee Vote: Yeas 11, Nays 0

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 HOUSE MOTION

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

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-41-27-32, AS AMENDED BY P.L.137-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 32. (a) As used in this section, "regulation" refers to any:

- (1) ordinance, including any:
  - (A) zoning or land use ordinance; or
  - (B) general or specific planning ordinance;
- (2) regulation, including any:
  - (A) zoning or land use regulation; or
  - (B) general or specific planning regulation;
- (3) requirement; or
- (4) restriction;

that is adopted or imposed by a unit (as defined in IC 36-1-2-23).

(b) A governmental body other than the state department may not license or regulate mobile home communities, except for the following:

- (1) Local boards may enforce the standards of health and sanitation prescribed for mobile homes, manufactured homes, industrialized residential structures, and mobile home communities by the state department.
- (2) Subject to IC 36-7-2-12, IC 36-7-4-1019, IC 36-7-4-1106, and subsections (d) and (f), county and municipal authorities within their respective jurisdictions have jurisdiction regarding zoning and building codes and ordinances pertaining to mobile home

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communities.

(3) Local boards may regulate the construction and operation of groups of a combined total of not more than four (4) mobile homes, manufactured homes, and industrialized residential structures in accordance with standards that are compatible with standards set by the state department for mobile home communities.

(c) A governmental body other than the state department may not regulate mobile homes, manufactured homes, or industrialized residential structures regarding habitability or minimum housing conditions unless the regulation is applicable in the same manner to other forms of residential housing in the jurisdiction.

(d) Except as provided in IC 36-7-4-1106(d), IC 36-7-4-1106(e), and IC 36-7-4-1106(f) and unless required under IC 36-7-2-9, a governmental body may not regulate or restrict, by regulation or otherwise, the installation, **continued residential** use, occupancy, movement, renovation, relocation, or replacement of a mobile home, a manufactured home, or an industrialized residential structure within a mobile home community based upon the age or size of the mobile home, manufactured home, or industrialized residential structure or other private property based upon the age of the mobile home, manufactured home, or industrialized residential structure regardless of whether:

- (1) the mobile home, manufactured home, or industrialized residential structure;
- (2) the lot or site, or any part of the lot or site, on which the mobile home, manufactured home, or industrialized residential structure is located or installed, or will be located or installed; or
- (3) the mobile home community or other private property, in whole or in part, in which the mobile home, manufactured home, or industrialized residential structure is located or installed, or will be located or installed;

constitutes a conforming structure or use, or a legal, nonconforming structure or use.

(e) A governmental body may not regulate or restrict the ability of a:

- (1) mobile home community:
  - (A) owner; or
  - (B) manager; or
- (2) manufactured home community:
  - (A) owner; or
  - (B) manager;

to obtain a dealer's license or to sell a mobile home, manufactured



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

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

(1) a unit may not:

(A) adopt or impose a regulation that violates, or that includes a provision that violates, subsection (d);

(B) amend a regulation so that the regulation, after its amendment, includes a provision that violates subsection (d), regardless of when the regulation was originally adopted or imposed; or

(C) enforce a provision in a regulation adopted or imposed by the unit if the provision violates subsection (d), regardless of when the regulation or provision was originally adopted or imposed; and

(2) any provision that:

(A) is included in a regulation adopted or imposed by a unit; and

(B) violates subsection (d);

is void and unenforceable regardless of when the regulation or provision was originally adopted or imposed.

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

(1) IC 36-7-11.

(2) IC 36-7-11.1.

(3) IC 36-7-11.2.

(4) IC 36-7-11.3.

(b) As used in this section:

(1) "Manufactured home" means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

(2) "Underfloor space" means that space between the bottom of the floor joists and the earth.

(3) "Occupied space" means the total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to, garages, patios and porches.



(4) "Permanent foundation system" includes a pier footing foundation system that is specified as suitable in the manufacturer's installation specifications for a manufactured home.

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

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

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

**(B) Roof pitch.**

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

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

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

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

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

(e) ADVISORY–AREA. This subsection applies only to lots and dwelling units that are within a city or town's planning and zoning jurisdiction. Standards and requirements, specified in comprehensive plans and ordinances, adopted under this section for lots and dwelling units may not preclude manufactured homes that **meet the**



**requirements described in subsection (c) and** exceed nine hundred fifty (950) square feet of occupied space from being installed as permanent residences on any lot on which any other type of dwelling unit may be placed.

(f) **ADVISORY—AREA.** This subsection applies only to lots and dwelling units that are within a county's planning and zoning jurisdiction. Standards and requirements, specified in comprehensive plans and ordinances, adopted under this section for lots and dwelling units may not preclude manufactured homes that **meet the requirements described in subsection (c) and** exceed:

(1) twenty-three (23) feet in width; and

(2) nine hundred fifty (950) square feet of occupied space; from being installed as permanent residences on any lot on which any other type of dwelling unit may be placed."

Renumber all SECTIONS consecutively.

(Reference is to HB 1320 as printed January 23, 2024.)

MILLER D

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1320, 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:

Page 2, line 40, delete "use." and insert "use. **Any mobile home, manufactured home, or industrialized residential structure on private property, which constitutes a legal, nonconforming use, may not be replaced with a mobile home, manufactured home, or industrialized residential structure that is older or smaller than the legal, nonconforming structure being replaced.**"

Page 5, line 24, delete "anything:" and insert "**anything constructed or erected:**

**(1) with a roof supported by columns or walls;"**.

Page 5, delete lines 25 through 26.

Page 6, line 34, strike "contract".

Page 6, line 34, after "purchaser" insert "**of a contract or a known certificate of title that is**".

Page 6, line 40, strike "or".

Page 7, line 1, delete "ascertainable." and insert "ascertainable; or

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**(4) a request for certified records from the bureau of motor vehicles."**

Page 7, line 19, strike "or".

Page 7, line 22, delete "ascertainable." and insert "ascertainable; **or**

**(D) a request for certified records from the bureau of motor vehicles."**

Page 7, line 23, delete "real" and insert "**personal property or real**".

and when so amended that said bill do pass.

(Reference is to HB 1320 as reprinted January 30, 2024.)

BUCK, Chairperson

Committee Vote: Yeas 10, Nays 0.

