



February 10, 2023

SENATE BILL No. 461

DIGEST OF SB 461 (Updated February 9, 2023 11:28 am - DI 87)

Citations Affected: IC 36-1.

Synopsis: Short term rentals. Permits a unit to charge a \$25 annual short term rental inspection fee.

Effective: July 1, 2023.

Young M, Melton

January 19, 2023, read first time and referred to Committee on Local Government.
February 9, 2023, amended, reported favorably — Do Pass; reassigned to Committee on Tax and Fiscal Policy.

SB 461—LS 7041/DI 106



February 10, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 461

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-1-24-10, AS ADDED BY P.L.73-2018,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 10. (a) A unit may enact or enforce a law or plan
4 that regulates, prohibits, or limits short term rentals only for the
5 following primary purposes:
6 (1) Protection of the public's health and safety related to:
7 (A) fire and building safety;
8 (B) sanitation;
9 (C) transportation;
10 (D) traffic control; and
11 (E) pollution control;
12 if enforcement is performed in the same manner as enforcement
13 that applies to similar properties that are not short term rentals.
14 (2) Residential use and zoning related to:
15 (A) noise;
16 (B) protection of welfare;
17 (C) property maintenance; and

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- 1 (D) nuisance issues;
2 if enforcement is performed in the same manner as enforcement
3 that applies to similar properties that are not short term rentals.
4 (3) To limit or prohibit use of short term rentals for the following
5 purposes:
6 (A) To house sex offenders.
7 (B) To operate a structured sober living home.
8 (C) To manufacture, exhibit, distribute, or sell illegal drugs,
9 liquor, pornography, or obscenity.
10 (D) To operate an adult entertainment establishment (as
11 defined in IC 12-7-2-1.8).
12 (4) To limit or prohibit short term rentals located within the
13 boundaries of a conservancy district established under IC 14-33.
14 (5) To provide the unit with an emergency contact for a short term
15 rental.
16 **(b) A unit may impose an annual inspection fee of not more than**
17 **twenty-five dollars (\$25) on a short term rental property that is not**
18 **an owner occupied short term rental property. If a short term**
19 **rental property has more than one (1) rental unit used as a short**
20 **term rental property, the fee applies to each rental unit used as a**
21 **short term rental property. This fee is in addition to the**
22 **registration fee described in IC 36-1-20-5, if applicable.**



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 461, 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 1, delete lines 1 through 17.

Delete pages 2 through 9.

Page 10, delete lines 1 through 7.

Page 10, line 10, delete "(a) As used in this section, "code".

Page 10, delete lines 11 through 14.

Page 10, line 15, delete "(b) Except as provided in subsection (c), a" and insert "**(a)** A".

Page 11, delete lines 1 through 4.

Page 11, line 5, reset in roman "(5)".

Page 11, line 5, delete "(6)".

Page 11, delete lines 7 through 29.

Page 11, line 30, delete "(d)" and insert "**(b)**".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Tax and Fiscal Policy.

(Reference is to SB 461 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 10, Nays 0.

