



COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Local Government, to which was referred House Bill No. 1315, 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:

- 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.53-2022,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2023]: 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 of health
17 may not license or regulate mobile home communities, except for the
18 following:
19 (1) Local boards may enforce the standards of health and

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

1 residential structure is located or installed, or will be located or
2 installed;
3 constitutes a conforming structure or use, or a legal, nonconforming
4 structure or use.

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

6 (1) mobile home community:

7 (A) owner; or

8 (B) manager; or

9 (2) manufactured home community:

10 (A) owner; or

11 (B) manager;

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

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

19 (1) a unit may not:

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

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

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

30 (2) any provision that:

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

33 (B) violates subsection (d);

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

36 Page 2, line 16, after "3.5." insert "(a)".

37 Page 2, between lines 21 and 22, begin a new paragraph and insert:
38 "(b) **After June 30, 2023, the term does not include a mobile**

1 **home, a manufactured home, or an industrialized residential**
2 **structure."**

3 Page 2, between lines 40 and 41, begin a new paragraph and insert:

4 **"(c) After June 30, 2023, the term does not include a mobile**
5 **home, manufactured home, or an industrialized residential**
6 **structure."**

7 Page 3, between lines 20 and 21, begin a new paragraph and insert:

8 "SECTION 9. IC 32-27-2-8, AS AMENDED BY P.L.165-2005,
9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2023]: Sec. 8. (a) In selling a completed new home, and in
11 contracting to sell a new home to be completed, the builder may
12 warrant to the initial home buyer the following:

13 (1) During the two (2) year period beginning on the warranty date,
14 the new home will be free from defects caused by faulty
15 workmanship or defective materials.

16 (2) During the two (2) year period beginning on the warranty date,
17 the new home will be free from defects caused by faulty
18 installation of:

19 (A) plumbing;

20 (B) electrical;

21 (C) heating;

22 (D) cooling; or

23 (E) ventilating;

24 systems, exclusive of fixtures, appliances, or items of equipment.

25 (3) During the four (4) year period beginning on the warranty
26 date, the new home will be free from defects caused by faulty
27 workmanship or defective materials in the roof or roof systems of
28 the new home.

29 (4) During the ten (10) year period beginning on the warranty
30 date, the new home will be free from major structural defects.

31 (b) The warranties provided in this section (or IC 34-4-20.5-8 or
32 IC 32-15-7 before their repeal) survive the passing of legal or equitable
33 title in the new home to a home buyer.

34 (c) An individual identified in section ~~7(1); 7(2); or 7(3)~~ **7(1)(A),**
35 **7(1)(B), or 7(1)(C)** of this chapter who is selling a new home shall
36 notify the purchaser of the home in writing on or before the date of
37 closing or transfer of the new home of:

38 (1) the warranty date (as defined in section 7 of this chapter); and

- 1 (2) the amount of time remaining under the warranty."
 2 Page 5, between lines 14 and 15, begin a new paragraph and insert:
 3 "SECTION 13. IC 36-7-2-12, AS AMENDED BY P.L.53-2022,
 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2023]: Sec. 12. (a) The definitions in IC 16-41-27 apply
 6 throughout this section.
 7 (b) Unless required under IC 36-7-2-9 and ~~notwithstanding and~~
 8 **except as provided in IC 36-7-4-1106(d), IC 36-7-4-1106(e), and**
 9 **IC 36-7-4-1106(f)** a unit may not adopt, impose, or enforce a
 10 regulation that:
 11 (1) mandates size requirements for or that is based on the age of,
 12 a mobile home, a manufactured home or an industrialized
 13 residential structure that will be installed in a mobile home
 14 community licensed under IC 16-41-27; **or**
 15 **(2) is based on the age of a mobile home, a manufactured**
 16 **home, or an industrialized residential structure that will be**
 17 **installed on other private property;**
 18 regardless of whether the mobile home community **or other private**
 19 **property, in whole or in part or any part of the mobile home**
 20 **community;** constitutes ~~(1)~~ a conforming structure or use or
 21 ~~(2)~~ a legal, nonconforming structure or use.
 22 (c) Nothing in this section shall be construed to prohibit a unit from
 23 adopting or enforcing a requirement of a regulation related to:
 24 (1) transportation;
 25 (2) water and sewer service; or
 26 (3) another requirement concerning the use or development of
 27 land.
 28 (d) Unless required under IC 36-7-2-9, after March 14, 2022:
 29 (1) a unit may not:
 30 (A) adopt or impose a regulation that violates, or that includes
 31 a provision that violates, subsection (b);
 32 (B) amend a regulation so that the regulation, after its
 33 amendment, includes a provision that violates subsection (b),
 34 regardless of when the regulation was originally adopted or
 35 imposed; or
 36 (C) enforce a provision in a regulation adopted or imposed by
 37 the unit if the provision violates subsection (b), regardless of
 38 when the regulation or provision was originally adopted or

1 imposed; and
 2 (2) any provision that:
 3 (A) is included in a regulation adopted or imposed by a unit;
 4 and
 5 (B) violates subsection (b);
 6 is void and unenforceable regardless of when the regulation or
 7 provision was originally adopted or imposed."

8 Page 5, line 30, delete "a chapter house that is approved or" and
 9 insert "**chapter houses on the sole basis of whether a chapter house**
 10 **is approved or recognized by a college or university or a chapter**
 11 **house is not approved or recognized by a college or university.**"

12 Page 5, delete lines 31 through 32, begin a new paragraph and
 13 insert:

14 "SECTION 15. IC 36-7-4-1019, AS AMENDED BY P.L.53-2022,
 15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2023]: Sec. 1019. (a) The definitions in IC 16-41-27 apply
 17 throughout this section.

18 (b) For purposes of this section:

19 (1) a legal, nonconforming structure includes:

20 (A) a mobile home;

21 (B) a manufactured home; or

22 (C) an industrialized residential structure;

23 that is considered a legal, nonconforming structure by a unit; and

24 (2) a legal, nonconforming use includes the use of a parcel of real
 25 property, or any part of a parcel of real property, for residential
 26 purposes by one (1) or more:

27 (A) mobile homes;

28 (B) manufactured homes; or

29 (C) industrialized residential structures;

30 if the use is considered a legal, nonconforming use by a unit.

31 (c) In an enforcement action brought under this chapter, the party
 32 alleging the existence of a legal, nonconforming use or variance
 33 granted by a board of zoning appeals has the burden of proof on that
 34 issue. The nonexistence of a nonconforming use or variance need not
 35 be proved.

36 (d) Except as provided in subsection (e) and subject to subsection
 37 (f), whenever a legal, nonconforming structure on a parcel of real
 38 property used for residential purposes within a mobile home

1 community **or on other private property** is damaged, destroyed, or
 2 removed, the owner of the parcel shall be permitted to reconstruct,
 3 repair, renovate, or replace the structure without losing the status of the
 4 structure or parcel, or any part of the parcel, as a legal, nonconforming
 5 structure or use if the reconstruction, repair, renovation, or replacement
 6 meets the following requirements:

7 (1) The structure will continue to be used for residential purposes.

8 (2) Subject to IC 25-23.7-8, the new foundation of the
 9 reconstructed, repaired, renovated, or replaced structure may not
 10 exceed the square footage of the foundation of the damaged,
 11 destroyed, or removed structure.

12 (e) The provisions of subsection (d) concerning the reconstruction,
 13 repair, renovation, or replacement of a damaged, destroyed, or removed
 14 nonconforming structure do not authorize the reconstruction, repair, or
 15 renovation of a damaged or destroyed nonconforming structure that is:

16 (1) subject to the jurisdiction of a preservation commission
 17 organized under:

18 (A) IC 36-7-11;

19 (B) IC 36-7-11.1;

20 (C) IC 36-7-11.2; or

21 (D) IC 36-7-11.3; or

22 (2) located within a flood plain (as defined in IC 14-8-2-99).

23 (f) The provisions of subsection (d) concerning the continuing status
 24 of a structure or parcel, or any part of the parcel, as a legal,
 25 nonconforming structure or use apply regardless of whether:

26 (1) the structure or parcel, or any part of the parcel, is conferred
 27 status as a legal, nonconforming structure or use within a mobile
 28 home community **or on other private property**; or

29 (2) the legal nonconforming structure is:

30 (A) damaged, destroyed, or removed; or

31 (B) reconstructed, renovated, repaired, or replaced;

32 before, on, or after March 15, 2022.

33 SECTION 16. IC 36-7-4-1106, AS AMENDED BY P.L.168-2020,
 34 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2023]: Sec. 1106. (a) This section does not affect a
 36 requirement applicable to property that is subject to the jurisdiction of
 37 a preservation commission organized under any of the following:

38 (1) IC 36-7-11.

- 1 (2) IC 36-7-11.1.
- 2 (3) IC 36-7-11.2.
- 3 (4) IC 36-7-11.3.
- 4 (b) As used in this section:
 - 5 (1) "Manufactured home" means a dwelling unit, designed and
 - 6 built in a factory, which bears a seal certifying that it was built in
 - 7 compliance with the federal Manufactured Housing Construction
 - 8 and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).
 - 9 (2) "Underfloor space" means that space between the bottom of
 - 10 the floor joists and the earth.
 - 11 (3) "Occupied space" means the total area of earth horizontally
 - 12 covered by the structure, excluding accessory structures such as,
 - 13 but not limited to, garages, patios and porches.
 - 14 (4) "Permanent foundation system" includes a pier footing
 - 15 foundation system that is specified as suitable in the
 - 16 manufacturer's installation specifications for a manufactured
 - 17 home.
- 18 (c) Comprehensive plans and ordinances adopted under the
- 19 provisions of this chapter may subject dwelling units and lots to
- 20 identical standards and requirements, whether or not the dwelling unit
- 21 to be placed on a lot is a manufactured home or some other type of
- 22 dwelling unit. These standards and requirements may include but are
- 23 not limited to the following:
 - 24 (1) Setback distance.
 - 25 (2) Side and rear yard area.
 - 26 (3) Vehicle parking space.
 - 27 (4) Minimum square footage of the dwelling unit.
 - 28 (5) Underfloor space enclosure requirements.
 - 29 (6) Aesthetics. However, aesthetic standards and requirements
 - 30 pertaining to the home structure itself which are adopted under
 - 31 this section may only pertain to the following:
 - 32 (A) Roofing materials and siding materials.
 - 33 (B) Permanent foundation systems of manufactured homes that
 - 34 are located outside of a mobile home community licensed
 - 35 under IC 16-41-27. A unit may require compatibility of a
 - 36 permanent foundation system with surrounding residential
 - 37 structures. However, the unit may not require:
 - 38 (i) a permanent foundation system that is incompatible with

1 the structural design of the manufactured home; or
 2 (ii) more than one (1) permanent foundation system for a
 3 manufactured home.

4 (d) METRO. Standards and requirements, specified in
 5 comprehensive plans and ordinances, adopted under this section for
 6 lots and dwelling units may not ~~totally~~ preclude all manufactured
 7 homes ~~constructed after January 1, 1981, and~~ that exceed:

8 (1) twenty-three (23) feet in width; and
 9 (2) nine hundred fifty (950) square feet of occupied space;
 10 from being installed as permanent residences on any lot on which any
 11 other type of dwelling unit may be placed.

12 (e) ~~ADVISORY–AREA. This subsection applies only to lots and~~
 13 ~~dwelling units that are within a city or town's planning and zoning~~
 14 ~~jurisdiction.~~ Standards and requirements, specified in comprehensive
 15 plans and ordinances, adopted under this section for lots and dwelling
 16 units may not ~~totally~~ preclude ~~all~~ manufactured homes ~~constructed after~~
 17 ~~January 1, 1981, and~~ that exceed nine hundred fifty (950) square feet
 18 of occupied space from being installed as permanent residences on any
 19 lot on which any other type of dwelling unit may be placed.

20 (f) ~~ADVISORY–AREA. This subsection applies only to lots and~~
 21 ~~dwelling units that are within a county's planning and zoning~~
 22 ~~jurisdiction.~~ Standards and requirements, specified in
 23 comprehensive plans and ordinances, adopted under this section
 24 for lots and dwelling units may not preclude manufactured homes
 25 that exceed:

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

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

3 Renumber all SECTIONS consecutively.

(Reference is to HB 1315 as printed January 24, 2023.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Buck

Chairperson