
HOUSE BILL No. 1001

AM100101 has been incorporated into introduced printing.

Synopsis: Housing matters.

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Introduced

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

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HOUSE BILL No. 1001

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 5-20-1-28 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2026]: **Sec. 28. (a) This section applies to a unit exercising**
- 4 **planning and zoning powers under IC 36-7-4.**
- 5 **(b) As used in this section, "unit" means a county, city, or**
- 6 **town.**
- 7 **(c) Beginning January 1, 2027, and January 1 of each year**
- 8 **thereafter, a unit shall submit a housing progress report to:**
- 9 **(1) the authority; and**
- 10 **(2) the executive director of the legislative services agency, in**
- 11 **an electronic format under IC 5-14-6.**
- 12 **(d) The housing progress report must report:**
- 13 **(1) the number of housing proposals that were submitted to**
- 14 **the unit;**
- 15 **(2) the number of housing proposals that were approved by**



1 the unit; and
2 (3) the number of housing proposals that were denied by the
3 unit;
4 during the immediately preceding year.

5 (e) If the number of housing proposals reported under
6 subsection (d)(1) does not equal the sum of the number of housing
7 proposals reported under subsection (d)(2) and (d)(3), information
8 must be provided to explain the discrepancy.

9 SECTION 2. IC 36-2-4-8, AS AMENDED BY P.L.22-2021,
10 SECTION 5, AND AS AMENDED BY P.L.152-2021, SECTION 39,
11 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) An ordinance, order, or
13 resolution is considered adopted when it is signed by the presiding
14 officer. If required, an adopted ordinance, order, or resolution must be
15 promulgated or published according to statute before it takes effect.

16 (b) An ordinance prescribing a penalty or forfeiture for a violation
17 must, before it takes effect, be published once each week for two (2)
18 consecutive weeks, according to IC 5-3-1:

19 (1) with each publication of notice in a newspaper in
20 accordance with IC 5-3-1; or

21 (2) with the first publication of notice in a newspaper described
22 in subdivision (1) and the second publication of notice:

23 (A) in accordance with IC 5-3-5; and

24 (B) on the official web site website of the county.

25 However, if such an ordinance is adopted by the legislative body of a
26 county subject to IC 36-2-3.5 and there is an urgent necessity
27 requiring its immediate effectiveness, it need not be published if:

28 (1) the county executive proclaims the urgent necessity; and

29 (2) copies of the ordinance are posted in three (3) public places
30 in each of the districts of the county before it takes effect.

31 (c) The following apply in addition to the other requirements of
32 this section:

33 (1) An ordinance or resolution passed by the legislative body of
34 a county subject to IC 36-2-3.5 is considered adopted only if it
35 is:

36 (A) approved by signature of a majority of the county
37 executive (in the case of a county subject to IC 36-2-3.5);

38 (B) neither approved nor vetoed by a majority of the
39 executive (in the case of a county subject to IC 36-2-3.5)
40 within ten (10) days after passage by the legislative body;

41 or

42 (C) passed over the veto of the executive by a two-thirds

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- 1 ~~(2/3)~~ vote of the legislative body, within sixty ~~(60)~~ days
 2 after presentation of the ordinance or resolution to the
 3 executive.
- 4 ~~(2)~~ (1) Subject to subsection ~~(g)~~, (f), the legislative body of a
 5 county shall:
- 6 (A) subject to subdivision ~~(3)~~, (2), give written notice to the
 7 department of environmental management not later than
 8 sixty (60) days before amendment or repeal of an
 9 environmental restrictive ordinance; and
- 10 (B) give written notice to the department of environmental
 11 management not later than thirty (30) days after passage,
 12 amendment, or repeal of an environmental restrictive
 13 ordinance.
- 14 ~~(3)~~ (2) Upon written request by the legislative body, the
 15 department of environmental management may waive the notice
 16 requirement of subdivision ~~(2)(A)~~, (1)(A).
- 17 ~~(4)~~ (3) An environmental restrictive ordinance passed or
 18 amended after 2009 by the legislative body must state the notice
 19 requirements of subdivision ~~(2)~~, (1).
- 20 ~~(5)~~ (4) The failure of an environmental restrictive ordinance to
 21 comply with subdivision ~~(4)~~ (3) does not void the ordinance.
- 22 ~~(d)~~ After an ordinance or resolution passed by the legislative body
 23 of a county subject to IC 36-2-3.5 has been signed by the presiding
 24 officer, the county auditor shall present it to the county executive, and
 25 record the time of the presentation. Within ten ~~(10)~~ days after an
 26 ordinance or resolution is presented to it, the executive shall:
- 27 ~~(1)~~ approve the ordinance or resolution, by signature of a
 28 majority of the executive (in the case of a county subject to
 29 IC 36-2-3.5), and send the legislative body a message
 30 announcing its approval; or
- 31 ~~(2)~~ veto the ordinance or resolution, by returning it to the
 32 legislative body with a message announcing its veto and stating
 33 its reasons for the veto.
- 34 ~~(e)~~ (d) This section (other than subsection ~~(e)(2)~~, (c)(1)) does not
 35 apply to a zoning ordinance or amendment to a zoning ordinance, or a
 36 resolution approving a comprehensive plan, that is adopted under
 37 IC 36-7.
- 38 ~~(f)~~ (e) An ordinance increasing a building permit fee on new
 39 development must:
- 40 (1) be published:
- 41 (A) one (1) time in accordance with IC 5-3-1; and
- 42 (B) not later than thirty (30) days after the ordinance is

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1 adopted by the legislative body in accordance with IC 5-3-1;
 2 and
 3 (2) delay the implementation of the fee increase for ~~ninety (90)~~
 4 **one hundred eighty (180)** days after the date the ordinance is
 5 published under subdivision (1).

6 ~~(g)~~ (f) The notice requirements of subsection ~~(e)(2)~~ (c)(1) apply
 7 only if the municipal corporation received under IC 13-25-5-8.5(f)
 8 written notice that the department is relying on the environmental
 9 restrictive ordinance referred to in subsection ~~(e)(2)~~ (c)(1) as part of a
 10 risk based remediation proposal:

11 (1) approved by the department; and
 12 (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4,
 13 or IC 13-25-5.

14 SECTION 3. IC 36-4-6-14, AS AMENDED BY P.L.159-2011,
 15 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2026]: Sec. 14. (a) An ordinance, order, or resolution passed
 17 by the legislative body is considered adopted when it is:

18 (1) signed by the presiding officer; and
 19 (2) either approved by the city executive or passed over the
 20 executive's veto by the legislative body, under section 16 of this
 21 chapter.

22 If required by statute, an adopted ordinance, order, or resolution must
 23 be promulgated or published before it takes effect.

24 (b) An ordinance prescribing a penalty or forfeiture for a violation
 25 must, before it takes effect, be published in the manner prescribed by
 26 IC 5-3-1, unless:

27 (1) it is published under subsection (c); or
 28 (2) there is an urgent necessity requiring its immediate
 29 effectiveness, the city executive proclaims the urgent necessity,
 30 and copies of the ordinance are posted in three (3) public places
 31 in each of the districts from which members are elected to the
 32 legislative body.

33 (c) Except as provided in subsection (e), if a city publishes any of
 34 its ordinances in book or pamphlet form, no other publication is
 35 required. If an ordinance prescribing a penalty or forfeiture for a
 36 violation is published under this subsection, it takes effect two (2)
 37 weeks after the publication of the book or pamphlet. Publication under
 38 this subsection, if authorized by the legislative body, constitutes
 39 presumptive evidence:

40 (1) of the ordinances in the book or pamphlet;
 41 (2) of the date of adoption of the ordinances; and
 42 (3) that the ordinances have been properly signed, attested,

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1 recorded, and approved.

2 (d) This section (other than subsection (f)) does not apply to a

3 zoning ordinance or amendment to a zoning ordinance, or a resolution

4 approving a comprehensive plan, that is adopted under IC 36-7.

5 (e) An ordinance increasing a building permit fee on new

6 development must:

7 (1) be published:

8 (A) one (1) time in accordance with IC 5-3-1; and

9 (B) not later than thirty (30) days after the ordinance is

10 adopted by the legislative body in accordance with IC 5-3-1;

11 and

12 (2) delay the implementation of the fee increase for ~~ninety (90)~~

13 **one hundred eighty (180)** days after the date the ordinance is

14 published under subdivision (1).

15 (f) Subject to subsection (j), the legislative body shall:

16 (1) subject to subsection (g), give written notice to the

17 department of environmental management not later than sixty

18 (60) days before amendment or repeal of an environmental

19 restrictive ordinance; and

20 (2) give written notice to the department of environmental

21 management not later than thirty (30) days after passage,

22 amendment, or repeal of an environmental restrictive ordinance.

23 (g) Upon written request by the legislative body, the department

24 of environmental management may waive the notice requirement of

25 subsection (f)(1).

26 (h) An environmental restrictive ordinance passed or amended

27 after 2009 by the legislative body must state the notice requirements of

28 subsection (f).

29 (i) The failure of an environmental restrictive ordinance to comply

30 with subsection (h) does not void the ordinance.

31 (j) The notice requirements of subsection (f) apply only if the

32 municipal corporation received under IC 13-25-5-8.5(f) written notice

33 that the department is relying on the environmental restrictive

34 ordinance referred to in subsection (f) as part of a risk based

35 remediation proposal:

36 (1) approved by the department; and

37 (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4,

38 or IC 13-25-5.

39 SECTION 4. IC 36-5-2-10, AS AMENDED BY P.L.105-2013,

40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

41 JULY 1, 2026]: Sec. 10. (a) An ordinance, order, or resolution passed

42 by the legislative body is considered adopted when it is signed by the

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1 executive. If required by statute, an adopted ordinance, order, or
2 resolution must be promulgated or published before it takes effect.

3 (b) An ordinance prescribing a penalty or forfeiture for a violation
4 must, before it takes effect, be published in the manner prescribed by
5 IC 5-3-1, unless:

- 6 (1) it is published under subsection (c); or
7 (2) it declares an emergency requiring its immediate
8 effectiveness and is posted in:

9 (A) one (1) public place in each district in the town; or

10 (B) a number of public places in the town equal to the
11 number of town legislative body members, if the town has
12 abolished legislative body districts under section 4.1 of this
13 chapter.

14 (c) Except as provided in subsection (e), if a town publishes any
15 of its ordinances in book or pamphlet form, no other publication is
16 required. If an ordinance prescribing a penalty or forfeiture for a
17 violation is published under this subsection, it takes effect two (2)
18 weeks after the publication of the book or pamphlet. Publication under
19 this subsection, if authorized by the legislative body, constitutes
20 presumptive evidence:

- 21 (1) of the ordinances in the book or pamphlet;
22 (2) of the date of adoption of the ordinances; and
23 (3) that the ordinances have been properly signed, attested,
24 recorded, and approved.

25 (d) This section (other than subsection (f)) does not apply to a
26 zoning ordinance or amendment to a zoning ordinance, or a resolution
27 approving a comprehensive plan, that is adopted under IC 36-7.

28 (e) An ordinance increasing a building permit fee on new
29 development must:

- 30 (1) be published:
31 (A) one (1) time in accordance with IC 5-3-1; and
32 (B) not later than thirty (30) days after the ordinance is
33 adopted by the legislative body in accordance with IC 5-3-1;
34 and
35 (2) delay the implementation of the fee increase for ~~ninety (90)~~
36 **one hundred eighty (180)** days after the date the ordinance is
37 published under subdivision (1).

38 (f) Subject to subsection (j), the legislative body shall:

- 39 (1) subject to subsection (g), give written notice to the
40 department of environmental management not later than sixty
41 (60) days before amendment or repeal of an environmental
42 restrictive ordinance; and

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1 (2) give written notice to the department of environmental
2 management not later than thirty (30) days after passage,
3 amendment, or repeal of an environmental restrictive ordinance.

4 (g) Upon written request by the legislative body, the department
5 of environmental management may waive the notice requirement of
6 subsection (f)(1).

7 (h) An environmental restrictive ordinance passed or amended
8 after 2009 by the legislative body must state the notice requirements of
9 subsection (f).

10 (i) The failure of an environmental restrictive ordinance to comply
11 with subsection (h) does not void the ordinance.

12 (j) The notice requirements of subsection (f) apply only if the
13 municipal corporation received under IC 13-25-5-8.5(f) written notice
14 that the department is relying on the environmental restrictive
15 ordinance referred to in subsection (f) as part of a risk based
16 remediation proposal:

- 17 (1) approved by the department; and
18 (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4,
19 or IC 13-25-5.

20 SECTION 5. IC 36-7-1-1.5 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2026]: **Sec. 1.5. "Accessory dwelling unit" means a self-contained
23 living unit internal to or on the same lot or parcel as a single family
24 dwelling that:**

- 25 (1) does not exceed the lesser of:
26 (A) seventy-five percent (75%) of the interior habitable
27 area (gross floor area) of the single family dwelling; or
28 (B) one thousand (1,000) square feet;
29 (2) includes its own cooking, sleeping, and sanitation
30 facilities; and
31 (3) complies with or is otherwise exempt from any applicable
32 building codes, fire safety codes, and other public health and
33 safety laws.

34 **The term does not include a manufactured home (as defined in
35 IC 36-7-4-1106(b)) that is subject to the standards and
36 requirements set forth in IC 36-7-4-1106.**

37 SECTION 6. IC 36-7-1-4.5 IS ADDED TO THE INDIANA CODE
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
39 1, 2026]: **Sec. 4.5. As used in this chapter, "Class 1 structure" has
40 the meaning set forth in IC 22-12-1-4.**

41 SECTION 7. IC 36-7-1-4.7 IS ADDED TO THE INDIANA CODE
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1 1, 2026]: **Sec. 4.7. As used in this chapter, "Class 2 structure" has**
2 **the meaning set forth in IC 22-12-1-5.**

3 SECTION 8. IC 36-7-1-6.8 IS ADDED TO THE INDIANA CODE
4 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
5 **1, 2026]: Sec. 6.8. "Homeowners association" has the meaning set**
6 **forth in IC 32-25.5-2-4.**

7 SECTION 9. IC 36-7-1-21.5 IS ADDED TO THE INDIANA
8 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
9 **[EFFECTIVE JULY 1, 2026]: Sec. 21.5. "Will-serve letter" means**
10 **a written document:**

11 (1) **issued by a water and sewer service provider to an owner**
12 **or developer of a project or dwelling; and**

13 (2) **that states the provider is able and willing to provide**
14 **water and sewer service to the project or dwelling subject to**
15 **the conditions, if any, set forth in the document.**

16 SECTION 10. IC 36-7-2.3 IS ADDED TO THE INDIANA CODE
17 AS A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
18 **JULY 1, 2026]:**

19 **Chapter 2.3. Limits on Building and Construction Related**
20 **Fees**

21 **Sec. 1. This chapter applies to a fee imposed by a unit for**
22 **approval of an application related to:**

23 (1) **construction or reconstruction of:**

24 (A) **residential buildings;**

25 (B) **commercial buildings;**

26 (C) **industrial buildings;**

27 (D) **any other building or building space; or**

28 (E) **an appurtenance to a building described in clauses**

29 **(A) through (D); or**

30 (2) **zoning, development, subdivision, classification, or**
31 **reclassification of land;**

32 **including a fee designated as a permit fee (including a fee for a**
33 **permit under IC 36-7-4-1109(f)), application fee, inspection fee,**
34 **processing fee, or by another name.**

35 **Sec. 2. As used in this chapter, "applicant" means a person**
36 **who submits an application that requires a fee described in section**
37 **1 of this chapter.**

38 **Sec. 3. After December 31, 2026:**

39 (1) **Unless otherwise provided by law and subject to**
40 **subdivisions (2) and (3), a unit may not assess a fee in an**
41 **amount that is more than is reasonably necessary to cover**
42 **the applicable cost to the unit to:**

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- 1 (A) process an application;
- 2 (B) inspect and review an applicant's plans; or
- 3 (C) prepare detailed statements for an applicant.
- 4 (2) Except as otherwise provided in this subdivision, any fee,
- 5 including a fee adopted before January 1, 2027, may be
- 6 increased:
- 7 (A) once every five (5) years; and
- 8 (B) by an amount not to exceed the combined annual
- 9 percentage change in the Consumer Price Index for all
- 10 Urban Consumers, as published by the United States
- 11 Bureau of Labor Statistics, for the preceding five (5)
- 12 years.
- 13 However, if the cost to the unit substantially changes from
- 14 the amount described in subdivision (1), the legislative body
- 15 of the unit may adjust the fee to accurately reflect the cost to
- 16 the unit after conducting a public hearing.
- 17 (3) The total combined applicable fees for a particular Class
- 18 1 or Class 2 structure may not exceed two percent (2%) of
- 19 the construction costs of the applicable Class 1 or Class 2
- 20 structure. However, a unit may adopt an ordinance to opt
- 21 out of this subdivision.
- 22 (4) Any fee assessed and collected by a unit must be
- 23 maintained in a special fund dedicated solely to reimbursing
- 24 the costs actually incurred by the unit relating to the
- 25 imposition and amount of the fee. Each fund shall be
- 26 maintained as a separate line item in the unit's budget.
- 27 Money in the fund may not at any time revert to the general
- 28 fund or any other fund of the unit.
- 29 SECTION 11. IC 36-7-4-201.5 IS ADDED TO THE INDIANA
- 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 31 [EFFECTIVE JULY 1, 2026]: Sec. 201.5. (a) This section applies to
- 32 a unit unless the unit adopts an ordinance to opt out of this section.
- 33 (b) This section does not apply to the following:
- 34 (1) A structure located in a historic area or historic zoning
- 35 district created under:
- 36 (A) IC 36-7-11;
- 37 (B) IC 36-7-11.1;
- 38 (C) IC 36-7-11.2; or
- 39 (D) IC 36-7-11.3.
- 40 (2) A structure located in an area designated as a historic
- 41 district under state law or on the National Register of
- 42 Historic Places.

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- 1 **(3) A structure designated as a local, state, or national**
- 2 **historic landmark.**
- 3 **(4) A structure located on property that is covered by rules,**
- 4 **covenants, conditions, and restrictions, or other governing**
- 5 **documents (as defined in IC 32-25.5-2-3) of a homeowners**
- 6 **association.**
- 7 **(5) A structure owned or operated by a political subdivision.**
- 8 **(6) A regulation adopted as a condition for participation in**
- 9 **the National Flood Insurance Program.**
- 10 **(7) A regulation or standard established by a federal or state**
- 11 **agency as a condition for participation in a federal or state**
- 12 **housing program.**
- 13 **(8) A regulation or standard adopted under IC 22-13-2-2 by**
- 14 **the commission as part of the statewide code of fire safety**
- 15 **laws and building laws.**
- 16 **(c) Except as provided in subsection (d), as used in this section,**
- 17 **"design elements", with respect to a structure, means:**
- 18 **(1) exterior building color;**
- 19 **(2) type or style of exterior cladding material;**
- 20 **(3) style or material of roof structures, roof pitches, or**
- 21 **porches;**
- 22 **(4) exterior nonstructural architectural ornamentation;**
- 23 **(5) location, design, placement, or architectural styling of**
- 24 **windows and doors, including garage doors and garage**
- 25 **structures;**
- 26 **(6) the number and types of rooms; and**
- 27 **(7) the minimum square footage of a structure.**
- 28 **(d) For purposes of this section, "design elements" do not**
- 29 **include:**
- 30 **(1) the height, bulk, orientation, or location of a structure or**
- 31 **lot; or**
- 32 **(2) buffering or screening used to:**
- 33 **(A) minimize visual impacts;**
- 34 **(B) mitigate the impacts of light and noise; or**
- 35 **(C) protect the privacy of neighbors.**
- 36 **(e) As used in this section, "residential structure" refers to:**
- 37 **(1) a Class 1 structure with an occupancy classification of**
- 38 **Residential Group R; or**
- 39 **(2) a Class 2 structure, including an accessory dwelling unit.**
- 40 **(f) Unless a unit adopts an ordinance to opt out of this section:**
- 41 **(1) a unit may not regulate design elements of residential**
- 42 **structures; and**

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1 **(2) any rule, ordinance, or other regulation of the unit that**
2 **conflicts with this section is void.**

3 **(g) A person aggrieved by an action in violation of this section**
4 **by a unit that has not opted out of this section, may file, in a circuit**
5 **or superior court having jurisdiction, a petition to obtain an**
6 **injunction against a violation of this section by a unit.**

7 SECTION 12. IC 36-7-4-1109, AS AMENDED BY P.L.223-2025,
8 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2026]: Sec. 1109. (a) As used in this section, "applicant"
10 means a person that applies to a local authority for a permit or
11 approval.

12 (b) As used in this section, "development agreement" means a
13 contract that is entered into between a person and a local authority
14 regarding the development of property and that is executed after June
15 30, 2025.

16 (c) As used in this section, "development standards" includes the
17 following:

- 18 (1) Project elements including:
 - 19 (A) permitted uses;
 - 20 (B) residential densities;
 - 21 (C) nonresidential densities and intensities;
 - 22 (D) building sizes;
 - 23 (E) impact fees, inspection fees, or dedications;
 - 24 (F) mitigation measures, development conditions, and other
 - 25 requirements;
 - 26 (G) design standards;
 - 27 (H) affordable housing;
 - 28 (I) parks and open space preservation;
 - 29 (J) phasing; and
 - 30 (K) review procedures and standards for implementing
 - 31 decisions.

32 (2) Any other development requirement or procedure.

33 (d) As used in this section, "legal restrictions" means statutes,
34 ordinances, rules, development standards, policies, and regulations.
35 The term does not include building codes under IC 22-13.

36 (e) As used in this section, "local authority" includes any agency,
37 officer, board, or commission of a local unit of government that may
38 issue:

- 39 (1) a permit; or
- 40 (2) an approval:
 - 41 (A) of a land use; or
 - 42 (B) for the construction of a development, a building, or

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- 1 another structure.
- 2 (f) As used in this section, "permit" means any of the following:
- 3 (1) An improvement location permit.
- 4 (2) A building permit.
- 5 (3) A certificate of occupancy.
- 6 (4) Approval of a site-specific development plan.
- 7 (5) Approval of a primary or secondary plat.
- 8 (6) Approval of a variance, contingent use, conditional use,
- 9 special exception, or special use.
- 10 (7) Approval of a planned unit development.
- 11 (g) If a person files with the appropriate local authority a complete
- 12 application for a permit, as required by the legal restrictions of a local
- 13 unit of government or a local authority, the granting of:
- 14 (1) the permit; and
- 15 (2) any secondary, additional, or related permits or approvals
- 16 required from the same local authority with respect to the
- 17 general subject matter of the application for the first permit;
- 18 are governed, for a period of at least three (3) years after the date the
- 19 person files a complete permit application, by the legal restrictions in
- 20 effect and applicable to the property at the time the complete
- 21 application is filed.
- 22 (h) Subsection (g) applies even if the legal restrictions governing
- 23 the granting of the permit or approval are changed by the general
- 24 assembly or the applicable local legislative body or regulatory body:
- 25 (1) before the issuance of the permit;
- 26 (2) while the permit approval process is pending;
- 27 (3) before the issuance of any secondary, additional, or related
- 28 permits or approvals; or
- 29 (4) while the secondary, additional, or related permit or approval
- 30 process is pending.
- 31 Subsection (g) applies regardless of whether the changes to the legal
- 32 restrictions are part of a zoning ordinance, a subdivision control
- 33 ordinance, or a statute, ordinance, or regulation that is based on the
- 34 general police powers of the local unit of government. However, after
- 35 the issuance or approval of a permit subsection (g) does not apply if the
- 36 development or other activity to which the permit relates is not
- 37 completed within ten (10) years after the development or activity is
- 38 commenced.
- 39 (i) Subsection (j) applies if:
- 40 (1) either:
- 41 (A) a local authority issues to a person a permit or grants a
- 42 person approval for the construction of a development, a

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1 building, or another structure; or
 2 (B) a permit or approval is not required from the local
 3 authority for the construction of the development, building,
 4 or structure;
 5 (2) before beginning the construction of the development,
 6 building, or structure, the person must obtain a permit or
 7 approval for the construction of the development, building, or
 8 structure from a state governmental agency; and
 9 (3) the person has applied for the permit or requested the
 10 approval for the construction of the development, building, or
 11 structure from the state governmental agency within ninety (90)
 12 days of issuance of the permit or the granting of approval by the
 13 local authority, as applicable.
 14 (j) Subject to subsection (l), if the conditions of subsection (i) are
 15 satisfied:
 16 (1) a permit or approval issued or granted to a person by the
 17 local authority for the construction of the development, building,
 18 or structure; or
 19 (2) the person's right to construct the development, building, or
 20 structure without a permit or approval from the local authority;
 21 is governed, for a period of at least three (3) years after the person
 22 applies to the state governmental agency for the permit, by the legal
 23 restrictions in effect and applicable to the property when the person
 24 applies for the permit or requests approval from the state governmental
 25 agency for the construction of the development, building, or structure.
 26 (k) Subsection (j) applies even if the legal restrictions governing
 27 the granting of the permit or approval from the local authority are
 28 changed by the general assembly or the applicable local legislative
 29 body or regulatory body:
 30 (1) before the commencement of the construction; or
 31 (2) while the permit application or approval request is pending
 32 with the state governmental agency.
 33 Subsection (j) applies regardless of whether the changes to the legal
 34 restrictions are part of a zoning ordinance, a subdivision control
 35 ordinance, or a statute, ordinance, or regulation that is based on the
 36 general police powers of the local unit of government. However,
 37 subsection (j) does not apply if the development or other activity to
 38 which the permit or approval request relates is not completed within
 39 ten (10) years after the development or activity is commenced.
 40 (l) Subsection (j) does not apply to property when it is
 41 demonstrated by the local authority or state governmental agency that
 42 the construction of the development, building, or structure would cause

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1 imminent peril to life or property.

2 (m) A development agreement entered into by a local authority

3 must set forth the legal restrictions, including development standards

4 and any other provisions applying to and governing the use and

5 development of the real property for the period specified in the

6 development agreement. A development agreement must:

7 (1) reserve authority for the local authority to impose new or

8 different legal restrictions to the extent required by a serious

9 threat to public health and safety; and

10 (2) be consistent with applicable legal restrictions adopted by the

11 local authority.

12 (n) Subject to subsection (j), the local authority's legal restrictions

13 governing the development of the real property at the time the

14 development agreement is executed govern the development of the real

15 property for the period specified in the development agreement.

16 (o) This section does not authorize the impairment of any vested

17 right or abrogate any rights vested under common law. Without

18 limiting the time in which rights might vest, an applicant's rights are

19 considered vested in land use when the applicant obtains a permit or

20 reasonably relies on existing law regarding development of a specific

21 project. Rights considered vested under this subsection are not affected

22 by a subsequent amendment to a zoning ordinance.

23 (p) This section does not apply to building codes under IC 22-13.

24 (q) The following provision is considered to be included in any

25 regulation adopted under section 601(d)(2)(B) of this chapter that sets

26 forth requirements for signs:

27 "The owner of any sign that is otherwise allowed by this

28 regulation may substitute noncommercial copy in place of any

29 other commercial or noncommercial copy. This substitution of

30 copy may be made without the issuance of any additional permit

31 by a local authority. The purpose of this provision is to prevent

32 any inadvertent favoring of commercial speech over

33 noncommercial speech, or the favoring of any particular

34 noncommercial message over any other noncommercial

35 message. This provision prevails over any more specific

36 provision in this regulation to the contrary."

37 (r) After December 31, 2025, this subsection does not apply to a

38 permit to which IC 36-7-2.5 applies. A local authority must, not later

39 than twelve (12) business days after a person has filed a complete

40 application for a permit for which approval is ministerial under

41 IC 36-7-4-402 or an improvement location permit issued under the 800

42 series of this chapter and meets all conditions required under this

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chapter and any other statute, issue the permit to the person.

(s) This subsection applies after December 31, 2026. This subsection applies if a unit fails to adopt or amend legal restrictions consistent with the contents of a new or amended comprehensive plan, not later than one (1) year after the date the new or amended comprehensive plan is adopted. If a person files with the appropriate local authority a complete application for a permit or approval, the permit or approval must be granted, if the project that is the subject of the application:

(1) is consistent with the new or amended comprehensive plan; or

(2) satisfies the legal restrictions, including the zoning ordinance, zone maps, or subdivision control ordinance in effect on the date the permit application is submitted.

SECTION 13. IC 36-7-4-1109.4, AS AMENDED BY P.L.223-2025, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025 (RETROACTIVE)]: Sec. 1109.4. (a) This section does not apply to the issuance of:

(1) a design release or a plan review under IC 22-15;

(2) a Class 2 permit according to the timeline set forth in ~~IC 36-2-7.5~~ **IC 36-7-2.5** (after December 31, 2025); or

(3) a permit according to the timeline set forth in section 1109(r) of this chapter.

(b) A local authority shall review a permit application for completeness. If a local authority determines that an application is incomplete, the local authority must, not later than thirty (30) days after receipt of the application, notify the applicant in writing of all defects in the application. If a local authority fails to notify an applicant as required under this subsection, the local authority shall consider the permit application to be complete.

(c) An applicant that receives a timely written notice that an application is incomplete under subsection (b) may:

(1) cure the defects in the application; and

(2) resubmit the corrected application to the local authority; not later than thirty (30) days after receiving the notice. If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the local authority of the additional time the applicant requires to cure the defects.

(d) Subject to subsection (e), not more than ninety (90) days after making an initial determination of completeness under subsection (b), a local authority shall:

(1) review the application to determine if it complies with all

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1 applicable requirements; and
2 (2) notify the applicant in writing whether the application is
3 approved or denied.

4 The local authority shall provide to the applicant the local authority's
5 written determination and findings of fact.

6 (e) If an applicant requested additional time under subsection (c)
7 to cure defects in the application, the ninety (90) day period set forth
8 in subsection (d) is extended for a corresponding amount of time.

9 (f) Any official action on a previously approved permit
10 application, including an extension of specific conditions set forth in
11 the permit, must be made not later than sixty (60) days after the
12 applicant's filing that initiated the official action. The local authority
13 shall provide to the applicant the local authority's written determination
14 and findings of fact with respect to the official action.

15 SECTION 14. IC 36-7-4.1 IS ADDED TO THE INDIANA CODE
16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2026]:

18 **Chapter 4.1. Permitted Uses; Parking, Lot Size, Density, Single**
19 **Stair and Elevator Requirements**

20 **Sec. 1. The definitions in IC 36-7-1 and IC 36-1-2 apply**
21 **throughout this chapter.**

22 **Sec. 2. This chapter does not apply to property within:**

23 **(1) a historic area or historic zoning district created under:**

- 24 **(A) IC 36-7-11;**
- 25 **(B) IC 36-7-11.1;**
- 26 **(C) IC 36-7-11.2; or**
- 27 **(D) IC 36-7-11.3; or**

28 **(2) a flood plain (as defined in IC 14-8-2-99).**

29 **Sec. 3. As used in this chapter, "affordable housing" means a**
30 **residential dwelling unit reserved for a household whose income**
31 **does not exceed eighty percent (80%) of the median income for the**
32 **area as set out by the United States Department of Housing and**
33 **Urban Development.**

34 **Sec. 4. As used in this chapter, "heavy industrial use" means**
35 **a storage, processing, or manufacturing use:**

- 36 **(1) with processes using flammable or explosive materials;**
- 37 **(2) with hazardous conditions; or**
- 38 **(3) that is noxious or offensive from odors, smoke, noise,**
39 **fumes, or vibrations.**

40 **Sec. 5. As used in this chapter, "mixed use residential" means**
41 **a development project that provides within a shared building or**
42 **development area:**

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- 1 (1) residential uses, including multiple dwelling units; and
 2 (2) nonresidential uses that:
 3 (A) comprise less than fifty percent (50%) of the total
 4 square footage of the development; and
 5 (B) are restricted to the first floor of any building
 6 consisting of at least two (2) stories.

7 **Sec. 6.** As used in this chapter, "multi-family residential"
 8 means a building designed to contain at least five (5) dwelling units
 9 that:

- 10 (1) are separated from each other by ceilings or walls;
 11 (2) may not have interior doors through which access can be
 12 made to other dwelling units; and
 13 (3) may be accessible to each other through a common
 14 hallway.

15 The term includes apartments and condominiums. The term does
 16 not include a hotel, motel, or other transient lodging.

17 **Sec. 7.** As used in this chapter, "permitted use" means a use
 18 that is approved by a unit in a zoning district without the
 19 requirement of:

- 20 (1) a public hearing;
 21 (2) variance, special exception, contingent use, or conditional
 22 use; or
 23 (3) other discretionary zoning action, other than a
 24 determination that a site plan conforms with applicable
 25 zoning regulations.

26 **Sec. 8.** As used in this chapter, "religious institution" means a
 27 bona fide church, religious denomination, or religious organization
 28 that is exempt from federal income taxation under Section
 29 501(c)(3) of the Internal Revenue Code.

30 **Sec. 9. (a)** Notwithstanding IC 36-7-4 or any other law, the
 31 following are permitted uses:

- 32 (1) A single family dwelling or townhouse within an area
 33 zoned for residential use, under section 10 of this chapter.
 34 (2) At least one (1) accessory dwelling unit on a lot or parcel
 35 containing a single family dwelling under section 11 of this
 36 chapter.
 37 (3) Affordable housing on property owned by a religious
 38 institution in an area zoned for residential or commercial use
 39 under section 12 of this chapter.
 40 (4) A mixed use residential or multi-family residential
 41 development in an area zoned for commercial use under
 42 section 18 of this chapter.

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1 (b) Notwithstanding IC 36-7-4 or any other law, a unit may not
2 adopt or enforce restrictions regarding single family dwellings or
3 townhouses that violate this chapter.

4 Sec. 10. (a) If zoned for residential use, any one (1) of the
5 following is a permitted use on each lot or parcel:

6 (1) At least two (2) single family dwellings.

7 (2) At least three (3) townhouses.

8 (b) A unit may require a will-serve letter for a dwelling under
9 subsection (a)(2).

10 (c) This subsection applies to a dwelling that is connected to
11 water and sewer service. Except for a dwelling under section 14 or
12 15 of this chapter, a unit may not require:

13 (1) a single family dwelling to be built on a lot or parcel that
14 exceeds five thousand four hundred forty-five (5,445) square
15 feet (one-eighth (1/8) acre); or

16 (2) a townhouse to be built on a lot or parcel that exceeds one
17 thousand five hundred (1,500) square feet.

18 (d) An accessory dwelling unit may be prohibited on a lot or
19 parcel unless the lot or parcel contains a single family dwelling as
20 provided in section 11 of this chapter.

21 (e) A unit may not impose standards on a townhouse
22 requiring:

23 (1) side setbacks greater than seven and five-tenths (7.5) feet
24 on each side;

25 (2) combined minimum front and rear setbacks in excess of
26 fifteen (15) feet;

27 (3) any floor area ratio requirement on a development that
28 otherwise complies with lot coverage and height
29 requirements; or

30 (4) maximum lot or parcel coverage requirements of less
31 than eighty percent (80%), except as:

32 (A) required by the design of the municipality's storm
33 water system; or

34 (B) otherwise provided in state or federal law or rule.

35 Sec. 11. (a) Any accessory dwelling unit that is internal to a
36 single family dwelling that meets the requirements of this section
37 is a permitted use. A single family dwelling may have one (1) or
38 more accessory dwelling units as permitted uses, if the accessory
39 dwelling units satisfy the requirements of this section.

40 (b) The interior habitable area (gross floor area) of an
41 accessory dwelling unit may not exceed the lesser of:

42 (1) seventy-five percent (75%) of the interior habitable area

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- 1 (gross floor area) of the single family dwelling; or
- 2 (2) one thousand (1,000) square feet.
- 3 (c) A unit may require all of the following:
- 4 (1) A will-serve letter for each accessory dwelling unit.
- 5 (2) An application fee for each accessory dwelling unit, of not
- 6 more than two hundred fifty dollars (\$250). The application
- 7 fee is in addition to any other fees charged by the
- 8 municipality for single family residential construction.
- 9 (d) A unit may not charge an impact fee for an accessory
- 10 dwelling unit.

11 **Sec. 12. Residential affordable housing is a permitted use in an**
 12 **area zoned for residential or commercial use if:**

- 13 (1) a religious institution is the developer of the property or
- 14 a developer working on behalf of a religious institution;
- 15 (2) the development is located on property owned by the
- 16 religious institution and purchased before January 1, 2025;
- 17 (3) the development has been approved by the legislative
- 18 body of the unit with jurisdiction over the property where
- 19 the development is to be located;
- 20 (4) the development exclusively contains affordable housing;
- 21 and
- 22 (5) the developer has obtained all other permits including
- 23 building permits required by law.

24 **Sec. 13. A unit may not do any of the following with regard to**
 25 **a single family dwelling or townhouse:**

- 26 (1) Require a lot or parcel to have:
- 27 (A) additional parking to accommodate an accessory
- 28 dwelling unit; or
- 29 (B) parking spaces:
- 30 (i) in excess of those allowed under section 18 of this
- 31 chapter; and
- 32 (ii) within a garage or other enclosed or covered
- 33 area.
- 34 (2) Require an application fee that:
- 35 (A) exceeds a fee charged for a single family dwelling; or
- 36 (B) violates IC 36-7-2.3.
- 37 (3) Require the property owner, in the case of a single family
- 38 dwelling with an accessory dwelling unit, to occupy the single
- 39 family dwelling or the accessory dwelling unit.
- 40 (4) Require a familial, marital, or employment relationship
- 41 between the occupants of a single family dwelling and the
- 42 occupants of the accessory dwelling unit.

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1 (5) Require improvements to public streets as a condition of
2 permitting, except as necessary to reconstruct or repair a
3 public street that is disturbed as a result of the construction
4 of the single family dwelling or townhouse.

5 Sec. 14. (a) This section does not apply to a municipality that
6 adopts an ordinance to opt out of this section.

7 (b) This section applies only to a tract of land that:

- 8 (1) is at least five (5) acres;
- 9 (2) has no recorded plat; and
- 10 (3) will be zoned only for single family dwellings.

11 (c) Unless a municipality adopts an ordinance to opt out of this
12 section, the municipality may not adopt or enforce an ordinance
13 that requires a lot or parcel:

- 14 (1) to exceed:
 - 15 (A) one thousand four hundred (1,400) square feet;
 - 16 (B) twenty (20) feet in width; or
 - 17 (C) sixty (60) feet in depth;
- 18 in size; or
- 19 (2) to have a density ratio of less than thirty-one and
20 one-tenth (31.1) dwelling units per acre.

21 Sec. 15. (a) This section does not apply to a municipality that
22 adopts an ordinance to opt out of this section.

23 (b) This section only applies to a lot or parcel that is not more
24 than four thousand (4,000) square feet.

25 (c) In addition to the other requirements of this section, unless
26 a municipality adopts an ordinance to opt out of this section, the
27 following apply:

- 28 (1) A municipality may not require any of the following:
 - 29 (A) A building, waterway, plane, or other setback that
30 is more than five (5) feet from the:
 - 31 (i) front or back of the property; or
 - 32 (ii) side of the property.
 - 33 (B) More than thirty percent (30%) open space or
34 permeable surface.
 - 35 (C) Fewer than three (3) full stories not exceeding ten
36 (10) feet in height measured from the interior floor to
37 ceiling.
 - 38 (D) A maximum building bulk.
 - 39 (E) Any other requirement that imposes restrictions
40 inconsistent with this section, including restrictions
41 imposed through contiguous zoning districts or uses or
42 an overlapping zoning district.

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- 1 **(2) A municipality may:**
- 2 **(A) require a lot to share a driveway with another lot;**
- 3 **(B) charge a permitting fee consistent with IC 36-7-2.3;**
- 4 **or**
- 5 **(C) impose restrictions applicable to all similarly**
- 6 **situated lots, parcels, or subdivisions, including**
- 7 **restrictions to fully mitigate storm water runoff.**
- 8 **Sec. 16. (a) This section does not apply to a unit that adopts an**
- 9 **ordinance to opt out of this section.**
- 10 **(b) This section does not apply to any of the following:**
- 11 **(1) A zoning classification that allows heavy industrial use.**
- 12 **(2) Land that is located:**
- 13 **(A) not more than one thousand (1,000) feet from an**
- 14 **existing heavy industrial use or development site; or**
- 15 **(B) not more than three thousand (3,000) feet from an**
- 16 **airport or military base.**
- 17 **(3) An area designated by a unit as a clear zone under:**
- 18 **(A) standards adopted by the Indiana department of**
- 19 **transportation; or**
- 20 **(B) air installations compatible use zones standards**
- 21 **established by the United States Department of War.**
- 22 **(c) Unless a unit adopts an ordinance to opt out of this section,**
- 23 **a mixed use residential or multi-family residential development is**
- 24 **a permitted use within any area zoned for commercial use that**
- 25 **allows office, commercial, retail, warehouse, or mixed use**
- 26 **development.**
- 27 **(d) Unless a unit adopts an ordinance to opt out of this section,**
- 28 **a unit may not adopt or enforce a restriction on a mixed use**
- 29 **residential or multi-family residential development that is a**
- 30 **permitted use under this chapter that does any of the following:**
- 31 **(1) Imposes:**
- 32 **(A) a limit on density that is more restrictive than the**
- 33 **greater of:**
- 34 **(i) the highest residential density allowed in the**
- 35 **unit; or**
- 36 **(ii) thirty-six (36) units per acre;**
- 37 **(B) a limit on building height that is more restrictive**
- 38 **than the greater of:**
- 39 **(i) the highest height that would apply to an office,**
- 40 **commercial, retail, or warehouse development**
- 41 **constructed on the site; or**
- 42 **(ii) sixty (60) feet; or**

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- 1 **(C) a setback or buffer requirement that is more**
 2 **restrictive than the lesser of:**
 3 **(i) a setback or buffer requirement that would**
 4 **apply to an office, commercial, retail, or warehouse**
 5 **development constructed on the site; or**
 6 **(ii) twenty-five (25) feet.**
 7 **(2) Requires a multi-level parking structure. A mixed use**
 8 **residential or multi-family residential development is subject**
 9 **to the parking requirements in this chapter.**
 10 **(3) Restricts the ratio of the total building floor area of a**
 11 **mixed use residential or multi-family residential**
 12 **development in relation to the lot area of the development.**
 13 **(4) Requires a multi-family residential development that is**
 14 **not located in an area zoned for mixed use residential use to**
 15 **contain nonresidential uses.**
 16 **(e) A unit may require:**
 17 **(1) a will-serve letter; and**
 18 **(2) an application fee, subject to IC 36-7-2.3.**
 19 **Sec. 17. (a) This section applies only to the conversion of a**
 20 **building from nonresidential occupancy use to mixed use**
 21 **residential or multi-family residential use.**
 22 **(b) An impact fee may not be charged by the unit unless the**
 23 **land was subject to an impact fee before a building permit related**
 24 **to the conversion was filed with the unit.**
 25 **(c) If:**
 26 **(1) the building was constructed at least five (5) years before**
 27 **the proposed date of the conversion; and**
 28 **(2) the conversion involves:**
 29 **(A) at least sixty-five percent (65%) of a building; and**
 30 **(B) each floor of the building that is fit for residential**
 31 **occupancy;**
 32 **the unit may not impose the requirements in subsection (d).**
 33 **(d) The unit may not require any of the following for a**
 34 **building conversion described in subsection (c):**
 35 **(1) A traffic impact analysis or study relating to the proposed**
 36 **converted building's effect on traffic or traffic operations.**
 37 **(2) Construction of improvements or payment of a fee to**
 38 **mitigate traffic effects related to the proposed converted**
 39 **building.**
 40 **(3) Any additional parking spaces.**
 41 **(4) Extension, upgrade, replacement, or oversizing of a utility**
 42 **facility except as necessary to provide the minimum capacity**

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1 required for the proposed converted building.

2 (5) A design requirement:

3 (A) more restrictive than the applicable minimum
4 standard under IC 22-12-2.5; or

5 (B) prohibited under IC 36-7-4-201.5.

6 Sec. 18. (a) This section does not apply to a unit that opts out
7 of this section by adopting an ordinance.

8 (b) Unless a unit adopts an ordinance to opt out of this section,
9 this section applies to an application submitted to a local authority
10 after December 31, 2028, for:

11 (1) a permit; or

12 (2) an approval:

13 (A) of a land use; or

14 (B) for the construction of a development, a building, or
15 another structure.

16 (c) This section does not apply to the following:

17 (1) Any part of a unit located not more than one (1) mile
18 from a commercial airport that has at least nine million
19 (9,000,000) annual enplanements.

20 (2) Parking for a religious institution.

21 (3) An accessory dwelling unit under IC 36-7-4.1-11.

22 (4) Parking requirements for carpools.

23 (5) Temporary or time-restricted parking.

24 (6) The minimum number of parking spaces required to
25 comply with the Americans with Disabilities Act (42 U.S.C.
26 12101 et seq.) that are permanently marked for the exclusive
27 use of individuals with disabilities.

28 (d) As used in this section, "local authority" has the meaning
29 set forth in IC 36-7-4-1109.

30 (e) A unit may require not more than:

31 (1) one (1) parking space for each multi-family residence;

32 (2) one (1) parking space for each single family home; or

33 (3) two (2) parking spaces for each one thousand (1,000)
34 square feet of commercial space.

35 (f) Unless a unit adopts an ordinance to opt out of this section,
36 a unit may not establish any minimum parking space requirements
37 for the following:

38 (1) A dwelling that is not more than one thousand two
39 hundred (1,200) square feet.

40 (2) A commercial space that is less than three thousand
41 (3,000) square feet.

42 (3) Affordable housing.

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- 1 **(4) A senior housing property.**
- 2 **(5) A child care center licensed under IC 12-17.2-4.**
- 3 **(6) A ground level nonresidential space in a mixed use**
- 4 **building.**
- 5 **(7) A building, including a vacant building, undergoing a**
- 6 **change of use:**
 - 7 **(A) from a nonresidential to a residential use; or**
 - 8 **(B) for a commercial use.**
- 9 **(g) Unless a unit adopts an ordinance to opt out of this section,**
- 10 **a unit may not adopt or enforce any ordinance, rule, or regulation**
- 11 **that limits the maximum number of parking spaces for any**
- 12 **residential type, including single family dwellings, duplexes,**
- 13 **triplexes, fourplexes, townhouses, accessory dwelling units,**
- 14 **multi-family residential dwellings, or any commercial or mixed use**
- 15 **development.**
- 16 **(h) A unit may request a variance from the requirements of**
- 17 **this section by submitting a request to the fire prevention and**
- 18 **building safety commission, if the unit can show that compliance**
- 19 **with this section would be hazardous to the life, health, and safety**
- 20 **of residents. A unit's variance request must be supported with the**
- 21 **written opinion of a building official or fire chief.**
- 22 **(i) A unit may request a variance to require additional parking**
- 23 **spaces permanently marked for the exclusive use of individuals**
- 24 **with disabilities in a number that exceeds the minimum required**
- 25 **for compliance with the Americans with Disabilities Act (42 U.S.C.**
- 26 **12101 et seq.) based upon on the planned or likely population,**
- 27 **location, or safety of a building, using objective standards.**
- 28 **Sec. 19. (a) This section applies to structure classified as an R-2**
- 29 **building occupancy classification under the Indiana building code**
- 30 **adopted by the fire prevention and building safety commission.**
- 31 **(b) A residential building with not more than four (4) floors**
- 32 **above grade shall be permitted to have only one (1) stairway if:**
 - 33 **(1) the building is equipped with a sprinkler system**
 - 34 **compliant with the state fire code; and**
 - 35 **(2) the stairway:**
 - 36 **(A) complies with state fire code requirements, including**
 - 37 **fire-rated doors at each floor; and**
 - 38 **(B) is constructed of fireproof material.**
- 39 **(c) A residential building with five (5) or six (6) floors above**
- 40 **grade may have only one (1) stairway if:**
 - 41 **(1) the building area is not more than four thousand (4,000)**
 - 42 **square feet per floor;**

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- 1 **(2) the maximum exit access travel distance shall not exceed**
- 2 **one hundred twenty-five (125) feet;**
- 3 **(3) the building is equipped with a sprinkler system**
- 4 **compliant with the state fire code;**
- 5 **(4) a manual fire alarm system and automatic smoke**
- 6 **detection system that activates the occupant notification**
- 7 **system in accordance with the state building and fire code is**
- 8 **provided, with smoke detectors located in common spaces**
- 9 **outside of dwelling units, including but not limited to**
- 10 **gathering areas, laundry rooms, mechanical equipment**
- 11 **rooms, storage rooms, interior corridors, interior stairways,**
- 12 **and exit passageways;**
- 13 **(5) openings to the interior exit stairway enclosure are**
- 14 **limited to openings:**
 - 15 **(A) required for exit access into the enclosure from**
 - 16 **normally occupied spaces;**
 - 17 **(B) required for egress from the enclosure; and**
 - 18 **(C) to the exterior;**
- 19 **(6) elevators do not open into the interior exit stairway**
- 20 **enclosure;**
- 21 **(7) electrical receptacles are not installed in an interior exit**
- 22 **stairway; and**
- 23 **(8) the stairway:**
 - 24 **(A) complies with state fire code requirements, including**
 - 25 **fire-rated doors at each floor; and**
 - 26 **(B) is constructed of fireproof material.**
- 27 **Sec. 20. This section applies to structure classified as an R-2**
- 28 **building occupancy classification under the Indiana building code**
- 29 **adopted by the fire prevention and building safety commission. A**
- 30 **unit may not require a structure that is not more than:**
 - 31 **(1) six (6) stories; and**
 - 32 **(2) twenty-four (24) total units;**
- 33 **to have a passenger elevator larger than an elevator that**
- 34 **accommodates a wheelchair.**
- 35 **Sec. 21. Nothing in this chapter:**
 - 36 **(1) affects a unit's regulation of short term rentals as under**
 - 37 **IC 36-1-24;**
 - 38 **(2) prohibits property owners from enforcing rules or deed**
 - 39 **restrictions imposed by a homeowners association or by**
 - 40 **other private agreement;**
 - 41 **(3) supersedes applicable building codes, fire codes, or public**
 - 42 **health and safety laws;**

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1 **(4) relieves a person from obtaining a required permit;**
 2 **(5) prohibits a unit from taking enforcement actions,**
 3 **imposing fines, penalties, or requiring project modifications**
 4 **to bring a development into compliance; or**
 5 **(6) affects a restrictive covenant or regulation of a**
 6 **condominium association or homeowners' association.**
 7 **Sec. 22. A zoning ordinance adopted before July 1, 2026, is**
 8 **void to the extent the ordinance conflicts with this chapter.**
 9 **However, this chapter does not apply to or affect any application**
 10 **for a permit under IC 36-7-4 submitted to a unit before July 1,**
 11 **2026.**
 12 **Sec. 23. A person adversely affected or aggrieved by a**
 13 **violation of this section may bring an action against the unit for:**
 14 **(1) declaratory and injunctive relief; and**
 15 **(2) costs and reasonable attorney's fees.**
 16 **SECTION 15. An emergency is declared for this act.**

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