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HOUSE BILL No. 1001

Proposed Changes to introduced printing by AM100101

DIGEST OF PROPOSED AMENDMENT

Housing matters. Removes provisions that add requirements for impact zones. Makes change to information required to be reported in a housing progress report.

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
16 the unit; ~~(3) the number of housing proposals that were denied by the~~
17 unit; ~~and~~
18 ~~(4) the calendar days spent by the unit in processing housing~~
19 ~~proposal applications;~~ 1
20

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1 **1**during the immediately preceding year.

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

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

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

16 *(1) with each publication of notice in a newspaper in
 17 accordance with IC 5-3-1; or*

18 *(2) with the first publication of notice in a newspaper described
 19 in subdivision (1) and the second publication of notice:*

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

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

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 24 requiring its immediate effectiveness, it need not be published if:*

25 *(1) the county executive proclaims the urgent necessity; and*

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

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

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

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

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

39 *(C) passed over the veto of the executive by a two-thirds
 40 (2/3) vote of the legislative body, within sixty (60) days
 41 after presentation of the ordinance or resolution to the
 42 executive.*



1 (2) (1) Subject to subsection (g), (f), the legislative body of a
 2 county shall:

3 (A) subject to subdivision (3), (2), give written notice to the
 4 department of environmental management not later than
 5 sixty (60) days before amendment or repeal of an
 6 environmental restrictive ordinance; and

7 (B) give written notice to the department of environmental
 8 management not later than thirty (30) days after passage,
 9 amendment, or repeal of an environmental restrictive
 10 ordinance.

11 (3) Upon written request by the legislative body, the
 12 department of environmental management may waive the notice
 13 requirement of subdivision (2)(A). (1)(A).

14 (4) An environmental restrictive ordinance passed or
 15 amended after 2009 by the legislative body must state the notice
 16 requirements of subdivision (2). (1).

17 (5) (4) The failure of an environmental restrictive ordinance to
 18 comply with subdivision (4) (3) does not void the ordinance.

19 (d) After an ordinance or resolution passed by the legislative body
 20 of a county subject to IC 36-2-3.5 has been signed by the presiding
 21 officer, the county auditor shall present it to the county executive, and
 22 record the time of the presentation. Within ten (10) days after an
 23 ordinance or resolution is presented to it, the executive shall:

24 (1) approve the ordinance or resolution, by signature of a
 25 majority of the executive (in the case of a county subject to
 26 IC 36-2-3.5), and send the legislative body a message
 27 announcing its approval; or

28 (2) veto the ordinance or resolution, by returning it to the
 29 legislative body with a message announcing its veto and stating
 30 its reasons for the veto.

31 (e) (d) This section (other than subsection (e)(2)(c)(1)) does not
 32 apply to a zoning ordinance or amendment to a zoning ordinance, or a
 33 resolution approving a comprehensive plan, that is adopted under
 34 IC 36-7.

35 (f) (e) An ordinance increasing a building permit fee on new
 36 development must:

37 (1) be published:

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

39 (B) not later than thirty (30) days after the ordinance is
 40 adopted by the legislative body in accordance with IC 5-3-1;
 41 and

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



1 **one hundred eighty (180) days after the date the ordinance is**
 2 **published under subdivision (1).**

3 ~~(g)~~ (f) The notice requirements of subsection ~~(e)(2)~~ (c)(1) apply
 4 only if the municipal corporation received under IC 13-25-5.8.5(f)
 5 written notice that the department is relying on the environmental
 6 restrictive ordinance referred to in subsection ~~(e)(2)~~ (c)(1) as part of a
 7 risk based remediation proposal:

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

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

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

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

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

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

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

37 (1) of the ordinances in the book or pamphlet;
 38 (2) of the date of adoption of the ordinances; and
 39 (3) that the ordinances have been properly signed, attested,
 40 recorded, and approved.

41 (d) This section (other than subsection (f)) does not apply to a
 42 zoning ordinance or amendment to a zoning ordinance, or a resolution

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

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

3 development must:

4 (1) be published:

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

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

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

8 and

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

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

11 published under subdivision (1).

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

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

14 department of environmental management not later than sixty

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

16 restrictive ordinance; and

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

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

19 amendment, or repeal of an environmental restrictive ordinance.

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

21 of environmental management may waive the notice requirement of

22 subsection (f)(1).

23 (h) An environmental restrictive ordinance passed or amended

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

25 subsection (f).

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

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

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

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

30 that the department is relying on the environmental restrictive

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

32 remediation proposal:

33 (1) approved by the department; and

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

35 or IC 13-25-5.

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

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

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

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

40 executive. If required by statute, an adopted ordinance, order, or

41 resolution must be promulgated or published before it takes effect.

42 (b) An ordinance prescribing a penalty or forfeiture for a violation



1 must, before it takes effect, be published in the manner prescribed by
2 IC 5-3-1, unless:

- (1) it is published under subsection (c); or
- (2) it declares an emergency requiring its immediate effectiveness and is posted in:
 - (A) one (1) public place in each district in the town; or
 - (B) a number of public places in the town equal to the number of town legislative body members, if the town has abolished legislative body districts under section 4.1 of this chapter.

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

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

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

(1) be published:

- (A) one (1) time in accordance with IC 5-3-1; and
- (B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and

(2) delay the implementation of the fee increase for ~~ninety (90)~~ one hundred eighty (180) days after the date the ordinance is published under subdivision (1).

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

- (1) subject to subsection (g), give written notice to the department of environmental management not later than sixty (60) days before amendment or repeal of an environmental restrictive ordinance; and
- (2) give written notice to the department of environmental management not later than thirty (30) days after passage, amendment, or repeal of an environmental restrictive ordinance.

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

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

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

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

(1) approved by the department; and

(2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or IC 13-25-5.

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

(1) does not exceed the lesser of:

- (A) seventy-five percent (75%) of the interior habitable area (gross floor area) of the single family dwelling; or
- (B) one thousand (1,000) square feet;

(2) includes its own cooking, sleeping, and sanitation facilities; and

(3) complies with or is otherwise exempt from any applicable building codes, fire safety codes, and other public health and safety laws.

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

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

SECTION 7. IC 36-7-1-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4.7. As used in this chapter, "Class 2 structure" has the meaning set forth in IC 22-12-1-5.

SECTION 8.1C 36-7-1-6.8 IS ADDED TO THE INDIANA CODE

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 2 1, 2026]: **Sec. 6.8. "Homeowners association" has the meaning set**
 3 **forth in IC 32-25.5-2-4.**

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

- 8 **(1) issued by a water and sewer service provider to an owner**
 9 **or developer of a project or dwelling; and**
- 10 **(2) that states the provider is able and willing to provide**
 11 **water and sewer service to the project or dwelling subject to**
 12 **the conditions, if any, set forth in the document.**

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

16 **Chapter 2.3. Limits on Building and Construction Related**
 17 **Fees**

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

- 20 **(1) construction or reconstruction of:**
 - 21 **(A) residential buildings;**
 - 22 **(B) commercial buildings;**
 - 23 **(C) industrial buildings;**
 - 24 **(D) any other building or building space; or**
 - 25 **(E) an appurtenance to a building described in clauses**
 26 **(A) through (D); or**
 - 27 **(2) zoning, development, subdivision, classification, or**
 28 **reclassification of land;**

29 **including a fee designated as a permit fee (including a fee for a**
 30 **permit under IC 36-7-4-1109(f)), application fee, inspection fee,**
 31 **<impact fee under IC 36-7-4-1300,>processing fee, or by another**
 32 **name.**

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

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

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

- 41 **(A) process an application;**
- 42 **(B) inspect and review an applicant's plans; or**



11 However, if the cost to the unit substantially changes from
12 the amount described in subdivision (1), the legislative body
13 of the unit may adjust the fee to accurately reflect the cost to
14 the unit after conducting a public hearing.

20 (4) Any fee assessed and collected by a unit must be
21 maintained in a special fund dedicated solely to reimbursing
22 the costs actually incurred by the unit relating to the
23 imposition and amount of the fee. Each fund shall be
24 maintained as a separate line item in the unit's budget.
25 Money in the fund may not at any time revert to the general
26 fund or any other fund of the unit.

27 SECTION 11. IC 36-7-4-201.5 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2026]: **Sec. 201.5. (a) This section applies to**
30 **a unit unless the unit adopts an ordinance to opt out of this section.**

31 (b) This section does not apply to the following:



16 (1) exterior building color;

17 (2) type or style of exterior cladding material;

(4) exterior nonstructural architectural ornamentation;

24 (6) the number and types of rooms; and

25 (7) the minimum square footage of a structure.

28 (1) the height, bulk, orientation, or

29 **lot; or**

32 (B) mitigate the impacts of light and

36 **Residential Group R; or**
37 **(2) a Class 2 structure, including an accessory dwelling unit.**

38 (f) Unless a unit adopts an ordinance to opt out of this section:

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

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

16 (1) Project elements including:

(A) permitted uses;

(B) residential densities;

(C) nonresidential density

(D) building sizes;

- (E) impact fees, inspection fees, or dedications;
- (F) mitigation measures, development conditions, and other requirements;

(G) design standards:

(H) affordable housing.

- (II) affordable housing;
- (I) parks and open space;

- (I) parks and open space preservation;
- (II) phasing; and

(J) phasing, and
(K) review proce

(K) review procedures and standards for implementing decisions.

Any other development requirement or procedure

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

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

37 (1) a permit; or

38 (2) an approval:

(A) of a land use; or

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

42 (f) As used in this section, "permit" means any of the following:

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1 (1) An improvement location permit.
2 (2) A building permit.
3 (3) A certificate of occupancy.
4 (4) Approval of a site-specific development plan.
5 (5) Approval of a primary or secondary plat.
6 (6) Approval of a variance, contingent use, conditional use,
7 special exception, or special use.
8 (7) Approval of a planned unit development.

9 (g) If a person files with the appropriate local authority a complete
10 application for a permit, as required by the legal restrictions of a local
11 unit of government or a local authority, the granting of:
12 (1) the permit; and
13 (2) any secondary, additional, or related permits or approvals
14 required from the same local authority with respect to the
15 general subject matter of the application for the first permit;
16 are governed, for a period of at least three (3) years after the date the
17 person files a complete permit application, by the legal restrictions in
18 effect and applicable to the property at the time the complete
19 application is filed.

20 (h) Subsection (g) applies even if the legal restrictions governing
21 the granting of the permit or approval are changed by the general
22 assembly or the applicable local legislative body or regulatory body:
23 (1) before the issuance of the permit;
24 (2) while the permit approval process is pending;
25 (3) before the issuance of any secondary, additional, or related
26 permits or approvals; or
27 (4) while the secondary, additional, or related permit or approval
28 process is pending.

29 Subsection (g) applies regardless of whether the changes to the legal
30 restrictions are part of a zoning ordinance, a subdivision control
31 ordinance, or a statute, ordinance, or regulation that is based on the
32 general police powers of the local unit of government. However, after
33 the issuance or approval of a permit subsection (g) does not apply if the
34 development or other activity to which the permit relates is not
35 completed within ten (10) years after the development or activity is
36 commenced.

37 (i) Subsection (j) applies if:
38 (1) either:
39 (A) a local authority issues to a person a permit or grants a
40 person approval for the construction of a development, a
41 building, or another structure; or
42 (B) a permit or approval is not required from the local

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1 authority for the construction of the development, building,
 2 or structure;

3 (2) before beginning the construction of the development,
 4 building, or structure, the person must obtain a permit or
 5 approval for the construction of the development, building, or
 6 structure from a state governmental agency; and

7 (3) the person has applied for the permit or requested the
 8 approval for the construction of the development, building, or
 9 structure from the state governmental agency within ninety (90)
 10 days of issuance of the permit or the granting of approval by the
 11 local authority, as applicable.

12 (j) Subject to subsection (l), if the conditions of subsection (i) are
 13 satisfied:

14 (1) a permit or approval issued or granted to a person by the
 15 local authority for the construction of the development, building,
 16 or structure; or

17 (2) the person's right to construct the development, building, or
 18 structure without a permit or approval from the local authority;
 19 is governed, for a period of at least three (3) years after the person
 20 applies to the state governmental agency for the permit, by the legal
 21 restrictions in effect and applicable to the property when the person
 22 applies for the permit or requests approval from the state governmental
 23 agency for the construction of the development, building, or structure.

24 (k) Subsection (j) applies even if the legal restrictions governing
 25 the granting of the permit or approval from the local authority are
 26 changed by the general assembly or the applicable local legislative
 27 body or regulatory body:

28 (1) before the commencement of the construction; or
 29 (2) while the permit application or approval request is pending
 30 with the state governmental agency.

31 Subsection (j) 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,
 35 subsection (j) does not apply if the development or other activity to
 36 which the permit or approval request relates is not completed within
 37 ten (10) years after the development or activity is commenced.

38 (l) Subsection (j) does not apply to property when it is
 39 demonstrated by the local authority or state governmental agency that
 40 the construction of the development, building, or structure would cause
 41 imminent peril to life or property.

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



1 must set forth the legal restrictions, including development standards
2 and any other provisions applying to and governing the use and
3 development of the real property for the period specified in the
4 development agreement. A development agreement must:

5 (1) reserve authority for the local authority to impose new or
6 different legal restrictions to the extent required by a serious
7 threat to public health and safety; and

8 (2) be consistent with applicable legal restrictions adopted by the
9 local authority.

10 (n) Subject to subsection (j), the local authority's legal restrictions
11 governing the development of the real property at the time the
12 development agreement is executed govern the development of the real
13 property for the period specified in the development agreement.

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

25 "The owner of any sign that is otherwise allowed by this
26 regulation may substitute noncommercial copy in place of any
27 other commercial or noncommercial copy. This substitution of
28 copy may be made without the issuance of any additional permit
29 by a local authority. The purpose of this provision is to prevent
30 any inadvertent favoring of commercial speech over
31 noncommercial speech, or the favoring of any particular
32 noncommercial message over any other noncommercial
33 message. This provision prevails over any more specific
34 provision in this regulation to the contrary.".

35 (r) After December 31, 2025, this subsection does not apply to a
36 permit to which IC 36-7-2.5 applies. A local authority must, not later
37 than twelve (12) business days after a person has filed a complete
38 application for a permit for which approval is ministerial under
39 IC 36-7-4-402 or an improvement location permit issued under the 800
40 series of this chapter and meets all conditions required under this
41 chapter and any other statute, issue the permit to the person.

42 (s) This subsection applies after December 31, 2026. This

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

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

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

13 SECTION 13. IC 36-7-4-1109.4, AS AMENDED BY
 14 P.L.223-2025, SECTION 15, IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2025 (RETROACTIVE)]: Sec.
 16 1109.4. (a) This section does not apply to the issuance of:

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

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

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

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

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

31 (1) cure the defects in the application; and

32 (2) resubmit the corrected application to the local authority;

33 not later than thirty (30) days after receiving the notice. If an applicant
 34 is unable to cure the defects within the thirty (30) day period, the
 35 applicant shall notify the local authority of the additional time the
 36 applicant requires to cure the defects.

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

40 (1) review the application to determine if it complies with all
 41 applicable requirements; and

42 (2) notify the applicant in writing whether the application is



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

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

13 ← SECTION 14.1C 36-7-4-1311, AS AMENDED BY P.L. 149-2016;
14 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2026]: Sec. 1311. (a) The legislative body of a unit may adopt
16 an ordinance imposing an impact fee on new development in the
17 geographic area over which the unit exercises planning and zoning
18 jurisdiction. The ordinance must aggregate the portions of the impact
19 fee attributable to the infrastructure types covered by the ordinance so
20 that a single and unified impact fee is imposed on each new
21 development.

22 (b) If the legislative body of a unit has planning and zoning
23 jurisdiction over the entire geographic area covered by the impact fee
24 ordinance, an ordinance adopted under this section shall be adopted in
25 the same manner that zoning ordinances are adopted under the 600
26 SERIES of this chapter.

27 (c) If the legislative body of a unit does not have planning and
28 zoning jurisdiction over the entire geographic area covered by the
29 impact fee ordinance but does have jurisdiction over one (1) or more
30 infrastructure types in the area, the legislative body shall establish the
31 portion of the impact fee schedule or formula for the infrastructure
32 types over which the legislative body has jurisdiction. The legislative
33 body of the unit having planning and zoning jurisdiction shall adopt an
34 impact fee ordinance containing that portion of the impact fee schedule
35 or formula if:

36 (1) a public hearing has been held before the legislative body
37 having planning and zoning jurisdiction; and

38 (2) each plan commission that has planning jurisdiction over any
39 part of the geographic area in which the impact fee is to be
40 imposed has approved the proposed impact fee ordinance by
41 resolution.

42 (d) An ordinance adopted under this section is the exclusive means

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1 for a unit to impose an impact fee. Except as provided in subsection
 2 (e), an impact fee imposed on new development to pay for
 3 infrastructure may not be collected after January 1, 1992, unless the
 4 impact fee is imposed under an impact fee ordinance adopted under
 5 this chapter.

6 ~~(e) This section applies to an impact fee imposed by a unit after
 7 June 30, 2025. An impact fee imposed on new development to pay
 8 for infrastructure may not be collected after June 30, 2025, unless
 9 the impact fee is imposed under an impact fee ordinance that
 10 complies with:~~

11 ~~(1) section 1316.5 of this chapter; and
 12 (2) any other applicable provision;~~

13 ~~of this chapter. This subsection, in accordance with section 1109 of
 14 this chapter, does not affect an impact fee that was imposed and
 15 not collected by the unit before July 1, 2025.~~

16 ~~(e) (f) Notwithstanding any other provision of this chapter, the
 17 following charges are not impact fees and may continue to be imposed
 18 by units:~~

19 ~~(1) Fees, charges, or assessments imposed for infrastructure
 20 services under statutes in existence on January 1, 1991, if:~~

21 ~~(A) the fee, charge, or assessment is imposed upon all users
 22 whether they are new users or users requiring additional
 23 capacity or services;~~

24 ~~(B) the fee, charge, or assessment is not used to fund
 25 construction of new infrastructure unless the new
 26 infrastructure is of the same type for which the fee, charge,
 27 or assessment is imposed and will serve the payer; and~~

28 ~~(C) the fee, charge, or assessment constitutes a reasonable
 29 charge for the services provided in accordance with
 30 IC 36-1-3-8(a)(6) or other governing statutes requiring that
 31 any fees, charges, or assessments bear a reasonable
 32 relationship to the infrastructure provided.~~

33 ~~(2) Fees, charges, and assessments agreed upon under a
 34 contractual agreement entered into before April 1, 1991, or fees,
 35 charges, and assessments agreed upon under a contractual
 36 agreement, if the fees, charges, and assessments are treated as
 37 impact deductions under section 1321(d) of this chapter if an
 38 impact fee ordinance is in effect.~~

39 ~~SECTION 15. IC 36-7-4-1316 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: See. 1316. (a) This section
 41 only applies to an impact zone designated under section 1315 of
 42 this chapter before January 1, 2026.~~

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1 **(b) A unit must include in an impact zone designated under**
 2 **section 1315 of this chapter the geographical area necessary to ensure**
 3 **that:**

4 **(1) there is a functional relationship between the components of**
 5 **the infrastructure type in the impact zone;**
 6 **(2) the infrastructure type provides a reasonably uniform benefit**
 7 **throughout the impact zone; and**
 8 **(3) all areas included in the impact zone are contiguous.**

9 **SECTION 16. IC 36-7-4-1316.5 IS ADDED TO THE INDIANA**
 10 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 11 **[EFFECTIVE JULY 1, 2026]: See. 1316.5. (a) This section only**
 12 **applies to an impact zone designated under section 1315 of this**
 13 **chapter after December 31, 2025.**

14 **(b) A unit must include in an impact zone the geographical**
 15 **area necessary to ensure that:**

16 **(1) there is a functional relationship between the components**
 17 **of the infrastructure type in the impact zone;**
 18 **(2) the infrastructure type provides a reasonably uniform**
 19 **benefit throughout the impact zone;**
 20 **(3) all areas included in the impact zone are contiguous; and**
 21 **(4) the impact zone is:**

22 **(A) contiguous to the new development;**
 23 **(B) coterminous with a:**

24 **(i) utility service, or**
 25 **(ii) distribution line of a type described in section**
 26 **1309(1) or 1309(5) of this chapter, that may be**
 27 **necessary for the new development to interconnect**
 28 **with existing utility infrastructure; or**

29 **(C) located not more than one (1) mile from the**
 30 **infrastructure type described in section 1309(2), 1309(3),**
 31 **and 1309(4) of this chapter.**

32 **> SECTION 1<=>[4]. IC 36-7-4.1 IS ADDED TO THE INDIANA**
 33 **CODE AS A NEW CHAPTER TO READ AS FOLLOWS**
 34 **[EFFECTIVE JULY 1, 2026]:**

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

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

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

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

41 **(A) IC 36-7-11;**
 42 **(B) IC 36-7-11.1;**



(C) IC 36-7-11.2; or

(D) IC 36-7-11.3; or

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

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

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

(1) with processes using flammable or explosive materials;

(2) with hazardous conditions; or

(3) that is noxious or offensive from odors, smoke, noise, fumes, or vibrations.

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

(1) residential uses, including multiple dwelling units; and

(2) nonresidential uses that:

(A) comprise less than fifty percent (50%) of the total square footage of the development; and

(B) are restricted to the first floor of any building consisting of at least two (2) stories.

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

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

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

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

(1) a public hearing;

(2) variance, special exception, contingent use, or conditional use; or

(3) other discretionary zoning action, other than a determination that a site plan conforms with applicable zoning regulations.



1 **Sec. 8.** As used in this chapter, "religious institution" means a
 2 **bona fide church, religious denomination, or religious organization**
 3 **that is exempt from federal income taxation under Section**
 4 **501(c)(3) of the Internal Revenue Code.**

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

7 **(1) A single family dwelling or townhouse within an area**
 8 **zoned for residential use, under section 10 of this chapter.**

9 **(2) At least one (1) accessory dwelling unit on a lot or parcel**
 10 **containing a single family dwelling under section 11 of this**
 11 **chapter.**

12 **(3) Affordable housing on property owned by a religious**
 13 **institution in an area zoned for residential or commercial use**
 14 **under section 12 of this chapter.**

15 **(4) A mixed use residential or multi-family residential**
 16 **development in an area zoned for commercial use under**
 17 **section 18 of this chapter.**

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

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

23 **(1) At least two (2) single family dwellings.**

24 **(2) At least three (3) townhouses.**

25 **(b) A unit may require a will-serve letter for a dwelling under**
 26 **subsection (a)(2).**

27 **(c) This subsection applies to a dwelling that is connected to**
 28 **water and sewer service. Except for a dwelling under section 14 or**
 29 **15 of this chapter, a unit may not require:**

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

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

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

38 **(e) A unit may not impose standards on a townhouse**
 39 **requiring:**

40 **(1) side setbacks greater than seven and five-tenths (7.5) feet**
 41 **on each side;**

42 **(2) combined minimum front and rear setbacks in excess of**



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

20 (c) A unit may require all of the following:

(1) A will-serve letter for each accessory dwelling unit.
(2) An application fee for each accessory dwelling unit, of not more than two hundred fifty dollars (\$250). The application fee is in addition to any other fees charged by the municipality for single family residential construction.

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

31 a developer working on behalf of a religious institution;

32 (2) the development is located on property owned by the

33 religious institution and purchased before January 1, 2025;

34 (3) the development has been approved by the legislative

34 (3) the development has been approved by the legislative
35 body of the unit with jurisdiction over the property where
36 the development is to be located;
37 (4) the development exclusively contains affordable housing;
38 and

38 and
39 **(5) the developer has obtained all other permits including**
40 **building permits required by law.**

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1 **(1) Require a lot or parcel to have:**

2 **(A) additional parking to accommodate an accessory**

3 **dwelling unit; or**

4 **(B) parking spaces:**

5 **(i) in excess of those allowed under section 18 of this**

6 **chapter; and**

7 **(ii) within a garage or other enclosed or covered**

8 **area.**

9 **(2) Require an application fee that:**

10 **(A) exceeds a fee charged for a single family dwelling; or**

11 **(B) violates IC 36-7-2.3.**

12 **(3) Require the property owner, in the case of a single family**

13 **dwelling with an accessory dwelling unit, to occupy the single**

14 **family dwelling or the accessory dwelling unit.**

15 **(4) Require a familial, marital, or employment relationship**

16 **between the occupants of a single family dwelling and the**

17 **occupants of the accessory dwelling unit.**

18 **(5) Require improvements to public streets as a condition of**

19 **permitting, except as necessary to reconstruct or repair a**

20 **public street that is disturbed as a result of the construction**

21 **of the single family dwelling or townhouse.**

22 **Sec. 14. (a) This section does not apply to a municipality that**

23 **adopts an ordinance to opt out of this section.**

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

25 **(1) is at least five (5) acres;**

26 **(2) has no recorded plat; and**

27 **(3) will be zoned only for single family dwellings.**

28 **(c) Unless a municipality adopts an ordinance to opt out of this**

29 **section, the municipality may not adopt or enforce an ordinance**

30 **that requires a lot or parcel:**

31 **(1) to exceed:**

32 **(A) one thousand four hundred (1,400) square feet;**

33 **(B) twenty (20) feet in width; or**

34 **(C) sixty (60) feet in depth;**

35 **in size; or**

36 **(2) to have a density ratio of less than thirty-one and**

37 **one-tenth (31.1) dwelling units per acre.**

38 **Sec. 15. (a) This section does not apply to a municipality that**

39 **adopts an ordinance to opt out of this section.**

40 **(b) This section only applies to a lot or parcel that is not more**

41 **than four thousand (4,000) square feet.**

42 **(c) In addition to the other requirements of this section, unless**



1 a municipality adopts an ordinance to opt out of this section, the
 2 following apply:

3 (1) A municipality may not require any of the following:
 4 (A) A building, waterway, plane, or other setback that
 5 is more than five (5) feet from the:
 6 (i) front or back of the property; or
 7 (ii) side of the property.
 8 (B) More than thirty percent (30%) open space or
 9 permeable surface.
 10 (C) Fewer than three (3) full stories not exceeding ten
 11 (10) feet in height measured from the interior floor to
 12 ceiling.
 13 (D) A maximum building bulk.
 14 (E) Any other requirement that imposes restrictions
 15 inconsistent with this section, including restrictions
 16 imposed through contiguous zoning districts or uses or
 17 an overlapping zoning district.

18 (2) A municipality may:

19 (A) require a lot to share a driveway with another lot;
 20 (B) charge a permitting fee consistent with IC 36-7-2.3;
 21 or
 22 (C) impose restrictions applicable to all similarly
 23 situated lots, parcels, or subdivisions, including
 24 restrictions to fully mitigate storm water runoff.

25 Sec. 16. (a) This section does not apply to a unit that adopts an
 26 ordinance to opt out of this section.

27 (b) This section does not apply to any of the following:

28 (1) A zoning classification that allows heavy industrial use.
 29 (2) Land that is located:
 30 (A) not more than one thousand (1,000) feet from an
 31 existing heavy industrial use or development site; or
 32 (B) not more than three thousand (3,000) feet from an
 33 airport or military base.
 34 (3) An area designated by a unit as a clear zone under:
 35 (A) standards adopted by the Indiana department of
 36 transportation; or
 37 (B) air installations compatible use zones standards
 38 established by the United States Department of War.
 39 (c) Unless a unit adopts an ordinance to opt out of this section,
 40 a mixed use residential or multi-family residential development is
 41 a permitted use within any area zoned for commercial use that
 42 allows office, commercial, retail, warehouse, or mixed use



1 development.

2 (d) Unless a unit adopts an ordinance to opt out of this section,
 3 a unit may not adopt or enforce a restriction on a mixed use
 4 residential or multi-family residential development that is a
 5 permitted use under this chapter that does any of the following:

6 (1) Imposes:

7 (A) a limit on density that is more restrictive than the
 8 greater of:

9 (i) the highest residential density allowed in the
 10 unit; or

11 (ii) thirty-six (36) units per acre;

12 (B) a limit on building height that is more restrictive
 13 than the greater of:

14 (i) the highest height that would apply to an office,
 15 commercial, retail, or warehouse development
 16 constructed on the site; or

17 (ii) sixty (60) feet; or

18 (C) a setback or buffer requirement that is more
 19 restrictive than the lesser of:

20 (i) a setback or buffer requirement that would
 21 apply to an office, commercial, retail, or warehouse
 22 development constructed on the site; or

23 (ii) twenty-five (25) feet.

24 (2) Requires a multi-level parking structure. A mixed use
 25 residential or multi-family residential development is subject
 26 to the parking requirements in this chapter.

27 (3) Restricts the ratio of the total building floor area of a
 28 mixed use residential or multi-family residential
 29 development in relation to the lot area of the development.

30 (4) Requires a multi-family residential development that is
 31 not located in an area zoned for mixed use residential use to
 32 contain nonresidential uses.

33 (e) A unit may require:

34 (1) a will-serve letter; and

35 (2) an application fee, subject to IC 36-7-2.3.

36 Sec. 17. (a) This section applies only to the conversion of a
 37 building from nonresidential occupancy use to mixed use
 38 residential or multi-family residential use.

39 (b) An impact fee may not be charged by the unit unless the
 40 land was subject to an impact fee before a building permit related
 41 to the conversion was filed with the unit.

42 (c) If:



1 **12101 et seq.) that are permanently marked for the exclusive**
2 **use of individuals with disabilities.**

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

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

17 (3) Affordable housing.

18 (4) A senior housing property.

(g) Unless a unit adopts an ordinance to opt out of this section, a unit may not adopt or enforce any ordinance, rule, or regulation that limits the maximum number of parking spaces for any residential type, including single family dwellings, duplexes, triplexes, fourplexes, townhouses, accessory dwelling units, multi-family residential dwellings, or any commercial or mixed use development.

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12101 et seq.) based upon on the planned or likely population,
 2 location, or safety of a building, using objective standards.

3 **Sec. 19. (a)** This section applies to structure classified as an R-2
 4 building occupancy classification under the Indiana building code
 5 adopted by the fire prevention and building safety commission.

6 (b) A residential building with not more than four (4) floors
 7 above grade shall be permitted to have only one (1) stairway if:

8 (1) the building is equipped with a sprinkler system
 9 compliant with the state fire code; and

10 (2) the stairway:

11 (A) complies with state fire code requirements, including
 12 fire-rated doors at each floor; and
 13 (B) is constructed of fireproof material.

14 (c) A residential building with five (5) or six (6) floors above
 15 grade may have only one (1) stairway if:

16 (1) the building area is not more than four thousand (4,000)
 17 square feet per floor;

18 (2) the maximum exit access travel distance shall not exceed
 19 one hundred twenty-five (125) feet;

20 (3) the building is equipped with a sprinkler system
 21 compliant with the state fire code;

22 (4) a manual fire alarm system and automatic smoke
 23 detection system that activates the occupant notification
 24 system in accordance with the state building and fire code is
 25 provided, with smoke detectors located in common spaces
 26 outside of dwelling units, including but not limited to
 27 gathering areas, laundry rooms, mechanical equipment
 28 rooms, storage rooms, interior corridors, interior stairways,
 29 and exit passageways;

30 (5) openings to the interior exit stairway enclosure are
 31 limited to openings:

32 (A) required for exit access into the enclosure from
 33 normally occupied spaces;

34 (B) required for egress from the enclosure; and

35 (C) to the exterior;

36 (6) elevators do not open into the interior exit stairway
 37 enclosure;

38 (7) electrical receptacles are not installed in an interior exit
 39 stairway; and

40 (8) the stairway:

41 (A) complies with state fire code requirements, including
 42 fire-rated doors at each floor; and



(B) is constructed of fireproof material.

Sec. 20. This section applies to structure classified as an R-2 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission. A unit may not require a structure that is not more than:

- (1) six (6) stories; and**
- (2) twenty-four (24) total units;**

to have a passenger elevator larger than an elevator that accommodates a wheelchair.

Sec. 21. Nothing in this chapter:

- (1) affects a unit's regulation of short term rentals as under IC 36-1-24;
- (2) prohibits property owners from enforcing rules or deed restrictions imposed by a homeowners association or by other private agreement;
- (3) supersedes applicable building codes, fire codes, or public health and safety laws;
- (4) relieves a person from obtaining a required permit;
- (5) prohibits a unit from taking enforcement actions, imposing fines, penalties, or requiring project modifications to bring a development into compliance; or
- (6) affects a restrictive covenant or regulation of a condominium association or homeowners' association.

Sec. 22. A zoning ordinance adopted before July 1, 2026, is void to the extent the ordinance conflicts with this chapter. However, this chapter does not apply to or affect any application for a permit under IC 36-7-4 submitted to a unit before July 1, 2026.

Sec. 23. A person adversely affected or aggrieved by a violation of this section may bring an action against the unit for:

- (1) declaratory and injunctive relief; and
- (2) costs and reasonable attorney's fees.

SECTION 1~~8~~^[5]. An emergency is declared for this act. [

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