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HOUSE BILL No. 1001

Proposed Changes to introduced printing by AM100103

DIGEST OF PROPOSED AMENDMENT

Housing matters. Provides that single family dwellings and duplexes are permitted uses that are approved without a hearing. (Currently the bill provides that single family dwellings and townhouses are permitted uses that are approved without a hearing.) Changes the date to July 1, 2026, on which changes relating to the imposition of impact fees become effective. Provides that the impact fee for certain recreation infrastructure shall not exceed 50% of the impact fee rate charged for a single family dwelling. Adds a provision that a unit may not prohibit the construction of an accessory dwelling unit with a will-serve letter and that meets certain requirements. Removes provisions which allow certain structures classified as an R-2 building occupancy classification to have only one stairway. Provides that a structure classified as an R-2 building occupancy classification that is not more than: (1) three stories; and (2) 24 total units; shall be permitted to have a passenger elevator not larger than an elevator that accommodates a wheelchair.

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 5-20-1-28.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]:~~↔~~↔ Sec. 28..5 (a) This section
4 applies to a unit exercising planning and zoning powers under
5 IC 36-7-4.

6 (b) As used in this section, "unit" means a county, city, or
7 town.

8 (c) Beginning January 1, 2027, and January 1 of each year
9 thereafter, a unit shall submit a housing progress report to:

10 (1) the authority; and
11 (2) the executive director of the legislative services agency, in
12 an electronic format under IC 5-14-6.

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

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

(1) with each publication of notice in a newspaper in accordance with IC 5-3-1; or
(2) with the first publication of notice in a newspaper described in subdivision (1) and the second publication of notice:
(A) in accordance with IC 5-3-5; and

(A) in accordance with IC 5-5-5, and
(B) on the official web site **website** of the county.
However, if such an ordinance is adopted by the legislative body of a county subject to IC 36-2-3.5 and there is an urgent necessity requiring its immediate effectiveness, it need not be published if-

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

42 (A) approved by signature of a majority of the county



1 *executive (in the case of a county subject to IC 36-2-3.5);*
2 *(B) neither approved nor vetoed by a majority of the*
3 *executive (in the case of a county subject to IC 36-2-3.5)*
4 *within ten (10) days after passage by the legislative body;*
5 *or*
6 *(C) passed over the veto of the executive by a two-thirds*
7 *(2/3) vote of the legislative body, within sixty (60) days*
8 *after presentation of the ordinance or resolution to the*
9 *executive.*

10 *(2) (1) Subject to subsection (g), (f), the legislative body of a*
11 *county shall:*

12 *(A) subject to subdivision (3), (2), give written notice to the*
13 *department of environmental management not later than*
14 *sixty (60) days before amendment or repeal of an*
15 *environmental restrictive ordinance; and*
16 *(B) give written notice to the department of environmental*
17 *management not later than thirty (30) days after passage,*
18 *amendment, or repeal of an environmental restrictive*
19 *ordinance.*

20 *(3) (2) Upon written request by the legislative body, the*
21 *department of environmental management may waive the notice*
22 *requirement of subdivision (2)(A). (1)(A).*

23 *(4) (3) An environmental restrictive ordinance passed or*
24 *amended after 2009 by the legislative body must state the notice*
25 *requirements of subdivision (2). (1).*

26 *(5) (4) The failure of an environmental restrictive ordinance to*
27 *comply with subdivision (4) (3) does not void the ordinance.*

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

33 *(1) approve the ordinance or resolution, by signature of a*
34 *majority of the executive (in the case of a county subject to*
35 *IC 36-2-3.5), and send the legislative body a message*
36 *announcing its approval; or*
37 *(2) veto the ordinance or resolution, by returning it to the*
38 *legislative body with a message announcing its veto and stating*
39 *its reasons for the veto.*

40 *(e) (d) This section (other than subsection (e)(2)(C)(1)) does not*
41 *apply to a zoning ordinance or amendment to a zoning ordinance, or a*
42 *resolution approving a comprehensive plan, that is adopted under*

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1 IC 36-7.

2 ~~(e)~~ (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 ~~(g)~~ (f) The notice requirements of subsection ~~(e)(2)~~ (c)(1) apply
13 only if the municipal corporation received under IC 13-25-5-8.5(f)
14 written notice that the department is relying on the environmental
15 restrictive ordinance referred to in subsection ~~(e)(2)~~ (c)(1) as part of a
16 risk based 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 3. IC 36-4-6-14, AS AMENDED BY P.L.159-2011,
21 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2026]: Sec. 14. (a) An ordinance, order, or resolution passed
23 by the legislative body is considered adopted when it is:

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

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

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

33 (1) it is published under subsection (c); or
34 (2) there is an urgent necessity requiring its immediate
35 effectiveness, the city executive proclaims the urgent necessity,
36 and copies of the ordinance are posted in three (3) public places
37 in each of the districts from which members are elected to the
38 legislative body.

39 (c) Except as provided in subsection (e), if a city publishes any of
40 its ordinances in book or pamphlet form, no other publication is
41 required. If an ordinance prescribing a penalty or forfeiture for a
42 violation is published under this subsection, it takes effect two (2)

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1 weeks after the publication of the book or pamphlet. Publication under
2 this subsection, if authorized by the legislative body, constitutes
3 presumptive evidence:

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

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

11 (e) An ordinance increasing a building permit fee on new
12 development must:

13 (1) be published:
14 (A) one (1) time in accordance with IC 5-3-1; and
15 (B) not later than thirty (30) days after the ordinance is
16 adopted by the legislative body in accordance with IC 5-3-1;
17 and

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

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

22 (1) subject to subsection (g), give written notice to the
23 department of environmental management not later than sixty
24 (60) days before amendment or repeal of an environmental
25 restrictive ordinance; and

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

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

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

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

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

42 (1) approved by the department; and



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

3 SECTION 4. IC 36-5-2-10, AS AMENDED BY P.L.105-2013,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 10. (a) An ordinance, order, or resolution passed
6 by the legislative body is considered adopted when it is signed by the
7 executive. If required by statute, an adopted ordinance, order, or
8 resolution must be promulgated or published before it takes effect.

12 (1) it is published under subsection (c); or

13 (2) it declares an emergency requiring its immediate
14 effectiveness and is posted in:

15 (A) one (1) public place in each district in the town; or
16 (B) a number of public places in the town equal to the
17 number of town legislative body members, if the town has
18 abolished legislative body districts under section 4.1 of this
19 chapter.

27 (1) of the ordinances in the book or pamphlet;

28 (2) of the date of adoption of the ordinances; and

29 (3) that the ordinances have been properly signed, attested,
30 recorded, and approved.

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

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

36 (1) be published:

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

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

41 (2) delay the implementation of the fee increase for ~~ninety (90)~~
42 ~~one hundred eighty (180)~~ days after the date the ordinance is

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1 published under subdivision (1).

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

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

7 (2) 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 ordinance.

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

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

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

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

23 (1) approved by the department; and

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

26 SECTION 5. IC 36-7-1-1.5 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2026]: **Sec. 1.5. "Accessory dwelling unit" means a self-contained
29 living unit internal to or on the same lot or parcel as a single family
30 dwelling that:**

31 (1) **does not exceed the lesser of:**

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

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

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

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



1 SECTION 6. IC 36-7-1-4.5 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2026]: **Sec. 4.5. As used in this chapter, "Class 1 structure" has**
 4 **the meaning set forth in IC 22-12-1-4.**

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

9 SECTION 8. IC 36-7-1-6.8 IS ADDED TO THE INDIANA CODE
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2026]: **Sec. 6.8. "Homeowners association" has the meaning set**
 12 **forth in IC 32-25.5-2-4.**

13 SECTION 9. IC 36-7-1-21. ~~21~~²² [8] IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2026]: **Sec. 21. ~~21~~²² [8]. "Will-serve letter"**
 16 **means a written document:**

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

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

25 **Chapter 2.3. Limits on Building and Construction Related**
 26 **Fees**

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

- 29 **(1) construction or reconstruction of:**
 - 30 **(A) residential buildings;**
 - 31 **(B) commercial buildings;**
 - 32 **(C) industrial buildings;**
 - 33 **(D) any other building or building space; or**
 - 34 **(E) an appurtenance to a building described in clauses**
 - 35 **(A) through (D); or**
- 36 **(2) zoning, development, subdivision, classification, or**
 37 **reclassification of land;**

38 **including a fee designated as a permit fee (including a fee for a**
 39 **permit under IC 36-7-4-1109(f)), application fee, inspection fee,**
 40 **impact fee under IC 36-7-4-1300, processing fee, or by another**
 41 **name.**

42 **Sec. 2. As used in this chapter, "applicant" means a person**



1 who submits an application that requires a fee described in section
 2 of this chapter.

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

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

7 (A) process an application;
 8 (B) inspect and review an applicant's plans; or
 9 (C) prepare detailed statements for an applicant.

10 (2) Except as otherwise provided in this subdivision, any fee,
 11 including a fee adopted before January 1, 2027, may be
 12 increased:

13 (A) once every five (5) years; and
 14 (B) by an amount not to exceed the combined annual
 15 percentage change in the Consumer Price Index for all
 16 Urban Consumers, as published by the United States
 17 Bureau of Labor Statistics, for the preceding five (5)
 18 years.

19 However, if the cost to the unit substantially changes from
 20 the amount described in subdivision (1), the legislative body
 21 of the unit may adjust the fee to accurately reflect the cost to
 22 the unit after conducting a public hearing.

23 (3) The total combined applicable fees for a particular Class
 24 1 or Class 2 structure may not exceed two percent (2%) of
 25 the construction costs of the applicable Class 1 or Class 2
 26 structure. However, a unit may adopt an ordinance to opt
 27 out of this subdivision.

28 (4) Any fee assessed and collected by a unit must be
 29 maintained in a special fund dedicated solely to reimbursing
 30 the costs actually incurred by the unit relating to the
 31 imposition and amount of the fee. Each fund shall be
 32 maintained as a separate line item in the unit's budget.
 33 Money in the fund may not at any time revert to the general
 34 fund or any other fund of the unit.

35 SECTION 11. IC 36-7-4-201.~~3~~ IS ADDED TO THE
 36 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2026]:~~1~~ Sec. 201.~~3~~
 38 (a) This section
 39 applies to a unit unless the unit adopts an ordinance to opt out of
 40 this section.

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

42 (1) A structure located in a historic area or historic zoning



(A) IC 36-7-11;

(B) IC 36-7-11.1;

(C) IC 36-7-11.2; or

(D) IC 36-7-11.3.

(2) A structure located in an area designated as a historic district under state law or on the National Register of Historic Places.

(3) A structure designated as a local, state, or national historic landmark.

(4) A structure located on property that is covered by rules, covenants, conditions, and restrictions, or other governing documents (as defined in IC 32-25.5-2-3) of a homeowners association.

(5) A structure owned or operated by a political subdivision.

↔ (6) A regulation adopted as a condition for participation in the National Flood Insurance Program.

(7) A regulation or standard established by a federal or state agency as a condition for participation in a federal or state housing program.

(8) A regulation or standard adopted under IC 22-13-2-2 by the commission as part of the statewide code of fire safety laws and building laws.

(c) Except as provided in subsection (d), as used in this section, "design elements", with respect to a structure, means:

(1) exterior building color:

(2) type or style of exterior cladding material:

(3) style or material of roof structures, roof pitches, or porches;

- (4) exterior nonstructural architectural ornamentation;
- (5) location, design, placement, or architectural styling of windows and doors, including garage doors and garage structures;

(6) the number and types of rooms; and

(7) the minimum square footage of a structure.
(d) For purposes of this section, "design elements" do not

de:
(1) the height, bulk, orientation, or location of a structure or

lot; or

buffering or screening used to

(A) minimize visual impacts;

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(C) protect the privacy of neighbors.

(e) As used in this section, "residential structure" refers to:

(1) a Class 1 structure with an occupancy classification of Residential Group R; or

(2) a Class 2 structure, including an accessory dwelling unit.

f) Unless a unit adopts an ordinance to opt out of this section:
(1) a unit may not regulate design elements of residential structures; and

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

(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.

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

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

(1) Project elements including:

(A) permitted uses;

(B) residential densities;

(C) nonresidential densities and intensities;

(D) building sizes;

(E) impact fees, inspection fees, or dedications;

(F) mitigation measures, development conditions, and other requirements;

(G) design standards;

(H) affordable housing;

(I) parks and open space preservation:

(J) phasing; and

(K) review procedures and standards for implementing decisions.

(2) Any other development requirement or procedure.

41 (d) As used in this section, "legal restrictions" means statutes,
42 ordinances, rules, development standards, policies, and regulations.

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1 The term does not include building codes under IC 22-13.

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

5 (1) a permit; or
 6 (2) an approval:
 7 (A) of a land use; or
 8 (B) for the construction of a development, a building, or
 9 another structure.

10 (f) As used in this section, "permit" means any of the following:
 11 (1) An improvement location permit.
 12 (2) A building permit.
 13 (3) A certificate of occupancy.
 14 (4) Approval of a site-specific development plan.
 15 (5) Approval of a primary or secondary plat.
 16 (6) Approval of a variance, contingent use, conditional use,
 17 special exception, or special use.
 18 (7) Approval of a planned unit development.

19 (g) If a person files with the appropriate local authority a complete
 20 application for a permit, as required by the legal restrictions of a local
 21 unit of government or a local authority, the granting of:
 22 (1) the permit; and
 23 (2) any secondary, additional, or related permits or approvals
 24 required from the same local authority with respect to the
 25 general subject matter of the application for the first permit;
 26 are governed, for a period of at least three (3) years after the date the
 27 person files a complete permit application, by the legal restrictions in
 28 effect and applicable to the property at the time the complete
 29 application is filed.

30 (h) Subsection (g) applies even if the legal restrictions governing
 31 the granting of the permit or approval are changed by the general
 32 assembly or the applicable local legislative body or regulatory body:
 33 (1) before the issuance of the permit;
 34 (2) while the permit approval process is pending;
 35 (3) before the issuance of any secondary, additional, or related
 36 permits or approvals; or
 37 (4) while the secondary, additional, or related permit or approval
 38 process is pending.

39 Subsection (g) applies regardless of whether the changes to the legal
 40 restrictions are part of a zoning ordinance, a subdivision control
 41 ordinance, or a statute, ordinance, or regulation that is based on the
 42 general police powers of the local unit of government. However, after



1 the issuance or approval of a permit subsection (g) does not apply if the
2 development or other activity to which the permit relates is not
3 completed within ten (10) years after the development or activity is
4 commenced.

5 (i) Subsection (j) applies if:

6 (1) either:

7 (A) a local authority issues to a person a permit or grants a
8 person approval for the construction of a development, a
9 building, or another structure; or

10 (B) a permit or approval is not required from the local
11 authority for the construction of the development, building,
12 or structure;

13 (2) before beginning the construction of the development,
14 building, or structure, the person must obtain a permit or
15 approval for the construction of the development, building, or
16 structure from a state governmental agency; and

17 (3) the person has applied for the permit or requested the
18 approval for the construction of the development, building, or
19 structure from the state governmental agency within ninety (90)
20 days of issuance of the permit or the granting of approval by the
21 local authority, as applicable.

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

24 (1) a permit or approval issued or granted to a person by the
25 local authority for the construction of the development, building,
26 or structure; or

27 (2) the person's right to construct the development, building, or
28 structure without a permit or approval from the local authority;
29 is governed, for a period of at least three (3) years after the person
30 applies to the state governmental agency for the permit, by the legal
31 restrictions in effect and applicable to the property when the person
32 applies for the permit or requests approval from the state governmental
33 agency for the construction of the development, building, or structure.

34 (k) Subsection (j) applies even if the legal restrictions governing
35 the granting of the permit or approval from the local authority are
36 changed by the general assembly or the applicable local legislative
37 body or regulatory body:

38 (1) before the commencement of the construction; or

39 (2) while the permit application or approval request is pending
40 with the state governmental agency.

41 Subsection (j) applies regardless of whether the changes to the legal
42 restrictions are part of a zoning ordinance, a subdivision control



1 ordinance, or a statute, ordinance, or regulation that is based on the
 2 general police powers of the local unit of government. However,
 3 subsection (j) does not apply if the development or other activity to
 4 which the permit or approval request relates is not completed within
 5 ten (10) years after the development or activity is commenced.

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

10 (m) A development agreement entered into by a local authority
 11 must set forth the legal restrictions, including development standards
 12 and any other provisions applying to and governing the use and
 13 development of the real property for the period specified in the
 14 development agreement. A development agreement must:

15 (1) reserve authority for the local authority to impose new or
 16 different legal restrictions to the extent required by a serious
 17 threat to public health and safety; and
 18 (2) be consistent with applicable legal restrictions adopted by the
 19 local authority.

20 (n) Subject to subsection (j), the local authority's legal restrictions
 21 governing the development of the real property at the time the
 22 development agreement is executed govern the development of the real
 23 property for the period specified in the development agreement.

24 (o) This section does not authorize the impairment of any vested
 25 right or abrogate any rights vested under common law. Without
 26 limiting the time in which rights might vest, an applicant's rights are
 27 considered vested in land use when the applicant obtains a permit or
 28 reasonably relies on existing law regarding development of a specific
 29 project. Rights considered vested under this subsection are not affected
 30 by a subsequent amendment to a zoning ordinance.

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

32 (q) The following provision is considered to be included in any
 33 regulation adopted under section 601(d)(2)(B) of this chapter that sets
 34 forth requirements for signs:

35 "The owner of any sign that is otherwise allowed by this
 36 regulation may substitute noncommercial copy in place of any
 37 other commercial or noncommercial copy. This substitution of
 38 copy may be made without the issuance of any additional permit
 39 by a local authority. The purpose of this provision is to prevent
 40 any inadvertent favoring of commercial speech over
 41 noncommercial speech, or the favoring of any particular
 42 noncommercial message over any other noncommercial



1 message. This provision prevails over any more specific
 2 provision in this regulation to the contrary.".

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

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

18 (1) is consistent with the new or amended comprehensive
 19 plan; or
 20 (2) satisfies the legal restrictions, including the zoning
 21 ordinance, zone maps, or subdivision control ordinance in
 22 effect on the date the permit application is submitted.

23 SECTION 13. IC 36-7-4-1109.4, AS AMENDED BY
 24 P.L.223-2025, SECTION 15, IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2025 (RETROACTIVE)]: Sec.
 26 1109.4. (a) This section does not apply to the issuance of:

27 (1) a design release or a plan review under IC 22-15;
 28 (2) a Class 2 permit according to the timeline set forth in
 29 ~~IC 36-2-7.5~~ IC 36-7-2.5 (after December 31, 2025); or
 30 (3) a permit according to the timeline set forth in section 1109(r)
 31 of this chapter.

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

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

41 (1) cure the defects in the application; and
 42 (2) resubmit the corrected application to the local authority;

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

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

- 8 (1) review the application to determine if it complies with all
 9 applicable requirements; and
- 10 (2) notify the applicant in writing whether the application is
 11 approved or denied.

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

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

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

23 SECTION 14. IC 36-7-4-1311, AS AMENDED BY P.L.149-2016,
 24 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2026]: Sec. 1311. (a) The legislative body of a unit may adopt
 26 an ordinance imposing an impact fee on new development in the
 27 geographic area over which the unit exercises planning and zoning
 28 jurisdiction. The ordinance must aggregate the portions of the impact
 29 fee attributable to the infrastructure types covered by the ordinance so
 30 that a single and unified impact fee is imposed on each new
 31 development.

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

37 (c) If the legislative body of a unit does not have planning and
 38 zoning jurisdiction over the entire geographic area covered by the
 39 impact fee ordinance but does have jurisdiction over one (1) or more
 40 infrastructure types in the area, the legislative body shall establish the
 41 portion of the impact fee schedule or formula for the infrastructure
 42 types over which the legislative body has jurisdiction. The legislative



1 body of the unit having planning and zoning jurisdiction shall adopt an
 2 impact fee ordinance containing that portion of the impact fee schedule
 3 or formula if:

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

6 (2) each plan commission that has planning jurisdiction over any
 7 part of the geographic area in which the impact fee is to be
 8 imposed has approved the proposed impact fee ordinance by
 9 resolution.

10 (d) An ordinance adopted under this section is the exclusive means
 11 for a unit to impose an impact fee. **Except as provided in subsection**
 12 **(e), an impact fee imposed on new development to pay for**
 13 **infrastructure may not be collected after January 1, 1992, unless the**
 14 **impact fee is imposed under an impact fee ordinance adopted under**
 15 **this chapter.**

16 **(e) This section applies to an impact fee imposed by a unit after**
 17 **June 30, 202~~25~~6. An impact fee imposed on new development to**
 18 **pay for infrastructure may not be collected after June 30,**
 19 **202~~25~~6, unless the impact fee is imposed under an impact fee**
 20 **ordinance that complies with:**

21 (1) section 1316.5 of this chapter; and

22 (2) any other applicable provision;

23 of this chapter. This subsection, in accordance with section 1109 of
 24 this chapter, does not affect an impact fee that was imposed and
 25 not collected by the unit before July 1, 202~~25~~6.

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

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

31 (A) the fee, charge, or assessment is imposed upon all users
 32 whether they are new users or users requiring additional
 33 capacity or services;

34 (B) the fee, charge, or assessment is not used to fund
 35 construction of new infrastructure unless the new
 36 infrastructure is of the same type for which the fee, charge,
 37 or assessment is imposed and will serve the payer; and

38 (C) the fee, charge, or assessment constitutes a reasonable
 39 charge for the services provided in accordance with
 40 IC 36-1-3-8(a)(6) or other governing statutes requiring that
 41 any fees, charges, or assessments bear a reasonable
 42 relationship to the infrastructure provided.



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

7 SECTION 15. IC 36-7-4-1316 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1316. **(a) This section**
9 **only applies to an impact zone designated under section 1315 of**
10 **this chapter before ~~January~~ [July] 1, 2026.**

14 (1) there is a functional relationship between the components of
15 the infrastructure type in the impact zone;
16 (2) the infrastructure type provides a reasonably uniform benefit
17 throughout the impact zone; and
18 (3) all areas included in the impact zone are contiguous.

19 SECTION 16. IC 36-7-4-1316.5 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2026]: Sec. 1316.5. (a) This section only
22 applies to an impact zone designated under section 1315 of this
23 chapter after ~~December~~ [June] 3~~10~~ [6].

26 (1) there is a functional relationship between the components
27 of the infrastructure type in the impact zone;
28 (2) the infrastructure type provides a reasonably uniform
29 benefit throughout the impact zone;
30 (3) all areas included in the impact zone are contiguous; and
31 (4) the impact zone is:

31 (.) the impact zone is:

32 (A) contiguous to the new development;

33 (B) coterminous with a:

34 (i) utility service; or

35 (ii) distribution line of a type described in section

36 1309(1) or 1309(5) of this chapter, that may be

37 necessary for the new development to interconnect

38 with existing utility infrastructure; or

39 (C) located not more than one (1) mile from the

40 infrastructure type described in section 1309(2), 1309(3),

41 and 1309(4) of this chapter.

SECTION 17. JC 36-7-4.1 IS ADDED TO THE INDIANA CODE

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1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2026]:

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

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

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

8 **(1) a historic area or historic zoning district created under:**
 9 (A) IC 36-7-11;
 10 (B) IC 36-7-11.1;
 11 (C) IC 36-7-11.2; or
 12 (D) IC 36-7-11.3; or

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

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

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

21 (1) with processes using flammable or explosive materials;
 22 (2) with hazardous conditions; or
 23 (3) that is noxious or offensive from odors, smoke, noise,
 24 fumes, or vibrations.

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

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

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

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

42 **The term includes apartments and condominiums. The term does**



1 not include a hotel, motel, or other transient lodging.

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

- 5 (1) a public hearing;
- 6 (2) variance, special exception, contingent use, or conditional
 7 use; or
- 8 (3) other discretionary zoning action, other than a
 9 determination that a site plan conforms with applicable
 10 zoning regulations.

11 Sec. 8. As used in this chapter, "religious institution" means a
 12 bona fide church, religious denomination, or religious organization
 13 that is exempt from federal income taxation under Section
 14 501(c)(3) of the Internal Revenue Code.

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

- 17 (1) A single family dwelling or ~~townhouse~~ [\[duplex\]](#) within
 18 an area zoned for residential use, under section 10 of this
 19 chapter.
- 20 (2) At least one (1) accessory dwelling unit on a lot or parcel
 21 containing a single family dwelling under section 11 of this
 22 chapter.
- 23 (3) Affordable housing on property owned by a religious
 24 institution in an area zoned for residential or commercial use
 25 under section 12 of this chapter.
- 26 (4) A mixed use residential or multi-family residential
 27 development in an area zoned for commercial use under
 28 section 18 of this chapter.

29 (b) Notwithstanding IC 36-7-4 or any other law, a unit may not
 30 adopt or enforce restrictions regarding single family dwellings or
 31 ~~townhouses~~ [\[duplexes\]](#) that violate this chapter.

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

- 34 (1) At least two (2) single family dwellings.
- 35 (2) At least ~~three~~ [\[one\]](#) (~~↔~~ [\[1\]](#)) ~~townhouses~~ [\[duplex\]](#).
- 36 (b) A unit may require a will-serve letter for a dwelling under
 37 subsection (a)(2).
- 38 (c) This subsection applies to a dwelling that is connected to
 39 water and sewer service. Except for a dwelling under section 14 or
 40 15 of this chapter, a unit may not require:

- 41 (1) a single family dwelling to be built on a lot or parcel that
 42 exceeds five thousand four hundred forty-five (5,445) square



1 feet (one-eighth (1/8) acre); or
 2 (2) a ~~townhouse~~ duplex to be built on a lot or parcel that
 3 exceeds one thousand five hundred (1,500) square feet.
 4 (d) An accessory dwelling unit may be prohibited on a lot or
 5 parcel unless the lot or parcel contains a single family dwelling as
 6 provided in section 11 of this chapter.
 7 (e) A unit may not impose standards on a
 8 ~~townhouse~~ duplex requiring:
 9 (1) side setbacks greater than seven and five-tenths (7.5) feet
 10 on each side;
 11 (2) combined minimum front and rear setbacks in excess of
 12 fifteen (15) feet;
 13 (3) any floor area ratio requirement on a development that
 14 otherwise complies with lot coverage and height
 15 requirements; or
 16 (4) maximum lot or parcel coverage requirements of less
 17 than eighty percent (80%), except as:
 18 (A) required by the design of the municipality's storm
 19 water system; or
 20 (B) otherwise provided in state or federal law or rule.
 21 Sec. 11. (a) Any accessory dwelling unit that is internal to a
 22 single family dwelling that meets the requirements of this section
 23 is a permitted use. A single family dwelling may have one (1) or
 24 more accessory dwelling units as permitted uses, if the accessory
 25 dwelling units satisfy the requirements of this section.
 26 (b) The interior habitable area (gross floor area) of an
 27 accessory dwelling unit may not exceed the lesser of:
 28 (1) seventy-five percent (75%) of the interior habitable area
 29 (gross floor area) of the single family dwelling; or
 30 (2) one thousand (1,000) square feet.
 31 (c) A unit may require all of the following:
 32 (1) A will-serve letter for each accessory dwelling unit.
 33 (2) An application fee for each accessory dwelling unit, of not
 34 more than two hundred fifty dollars (\$250). The application
 35 fee is in addition to any other fees charged by the
 36 municipality for single family residential construction.
 37 ~~(d) A unit may not prohibit the construction of an~~
 38 ~~accessory dwelling unit with a will-serve letter and that meets the~~
 39 ~~unit's requirements regarding:~~
 40 (1) setbacks;
 41 (2) size; or
 42 (3) architectural or visual continuity with the existing



structure.

(e) Except for infrastructure identified in IC 36-7-4-1309(2),

a] unit may not charge an impact fee for an accessory dwelling unit.] The impact fee for infrastructure identified in IC 36-7-4-1309(2) shall not exceed fifty percent (50%) of the impact fee rate charged for a single family dwelling.]

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

(1) a religious institution is the developer of the property or a developer working on behalf of a religious institution;

- (2) the development is located on property owned by the religious institution and purchased before January 1, 2025;
- (3) the development has been approved by the legislative body of the unit with jurisdiction over the property where the development is to be located;

the development is to be located;

(4) the development exclusively contains affordable housing; and

and

(5) the developer has obtained all other permits including building permits required by law.

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

(1) Require a lot or parcel to have:

(A) additional parking to accommodate an accessory dwelling unit; or

(B) parking spaces:

(i) in excess of those allowed under section 18 of this chapter; and

(ii) within a garage or other enclosed or covered area.

(2) Require an application fee that:

- (A) exceeds a fee charged for a single family dwelling; or
- (B) violates IC 36-7-2.3.

(3) Require the property owner, in the case of a single family dwelling with an accessory dwelling unit, to occupy the single family dwelling or the accessory dwelling unit.

(4) Require a familial, marital, or employment relationship between the occupants of a single family dwelling and the occupants of the accessory dwelling unit.

(5) Require improvements to public streets as a condition of permitting, except as necessary to reconstruct or repair a public street that is disturbed as a result of the construction of the individual dwelling.

of the single family dwelling or ~~townhouse~~ duplex.

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

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

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

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

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

7 **(c) Unless a municipality adopts an ordinance to opt out of this**
 8 **section, the municipality may not adopt or enforce an ordinance**
 9 **that requires a lot or parcel:**

10 **(1) to exceed:**

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

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

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

14 **in size; or**

15 **(2) to have a density ratio of less than thirty-one and**
 16 **one-tenth (31.1) dwelling units per acre.**

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

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

21 **(c) In addition to the other requirements of this section, unless**
 22 **a municipality adopts an ordinance to opt out of this section, the**
 23 **following apply:**

24 **(1) A municipality may not require any of the following:**

25 **(A) A building, waterway, plane, or other setback that**
 26 **is more than five (5) feet from the:**

27 **(i) front or back of the property; or**

28 **(ii) side of the property.**

29 **(B) More than thirty percent (30%) open space or**
 30 **permeable surface.**

31 **(C) Fewer than three (3) full stories not exceeding ten**
 32 **(10) feet in height measured from the interior floor to**
 33 **ceiling.**

34 **(D) A maximum building bulk.**

35 **(E) Any other requirement that imposes restrictions**
 36 **inconsistent with this section, including restrictions**
 37 **imposed through contiguous zoning districts or uses or**
 38 **an overlapping zoning district.**

39 **(2) A municipality may:**

40 **(A) require a lot to share a driveway with another lot;**

41 **(B) charge a permitting fee consistent with IC 36-7-2.3;**

42 **or**



(C) impose restrictions applicable to all similarly situated lots, parcels, or subdivisions, including restrictions to fully mitigate storm water runoff.

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

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

(1) A zoning classification that allows heavy industrial use.

(2) Land that is located:

- (A) not more than one thousand (1,000) feet from an existing heavy industrial use or development site; or
- (B) not more than three thousand (3,000) feet from an airport or military base

(3) An area designated by a unit as a clear zone under:

(A) standards adopted by the Indiana department of transportation; or

(B) air installations compatible use zones standards established by the United States Department of War.

(c) Unless a unit adopts an ordinance to opt out of this section, a mixed use residential or multi-family residential development is a permitted use within any area zoned for commercial use that allows office, commercial, retail, warehouse, or mixed use development.

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

(1) Imposes:

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

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

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

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

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

(ii) sixty (60) feet; or

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

(i) a setback or buffer requirement that would apply to an office, commercial, retail, or warehouse

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development constructed on the site; or
(ii) twenty-five (25) feet.

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

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

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

(e) A unit may require:

(1) a will-serve letter; and

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

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

¶ (b) ~~Except for infrastructure identified in IC 36-7-4-1309(2), a~~n impact fee may not be charged by the unit unless the land was subject to an impact fee before a building permit related ~~to the~~ conversion was filed with the unit. The impact fee for infrastructure identified in IC 36-7-4-1309(2) shall not exceed fifty percent (50%) of the impact fee rate charged for a single family dwelling.

(c) If:

(1) the building was constructed at least five (5) years before the proposed date of the conversion; and

(2) the conversion involves:

- (A) at least sixty-five percent (65%) of a building; and
- (B) each floor of the building that is fit for residential occupancy;

the unit may not impose the requirements in subsection (d).

(d) The unit may not require any of the following for a building conversion described in subsection (c):

(1) A traffic impact analysis or study relating to the proposed converted building's effect on traffic or traffic operations.

converted building's effect on traffic or traffic operations.

(2) Construction of improvements or payment of a fee to mitigate traffic effects related to the proposed converted building.

(3) Any additional parking spaces.

(4) Extension, upgrade, replacement, or oversizing of a utility facility except as necessary to provide the minimum capacity



required for the proposed converted building.

↔ (5) A design requirement:

- (A) more restrictive than the applicable minimum standard under IC 22-12-2.5; or
- (B) prohibited under IC 36-7-4-201.  [3].

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

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

(1) a permit; or

(2) an approval:

(A) of a land use; or

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

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

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

(2) Parking for a religious institution.

(3) An accessory dwelling unit under ~~IC 36-7-4.1-11~~ [section 11 of this chapter].

(4) Parking requirements for carpools.

- (5) Temporary or time-restricted parking.
- (6) The minimum number of parking spaces required to comply with the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) that are permanently marked for the exclusive use of individuals with disabilities.

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

(e) A unit may require not more than:

(1) one (1) parking space for each multi-family residence;
(2) one (1) parking space for each single family home; or
(3) two (2) parking spaces for each one thousand (1,000) square feet of commercial space.

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

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

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



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1 (1) the building area is not more than four thousand (4,000)
 2 square feet per floor;
 3 (2) the maximum exit access travel distance shall not exceed
 4 one hundred twenty-five (125) feet;
 5 (3) the building is equipped with a sprinkler system
 6 compliant with the state fire code;
 7 (4) a manual fire alarm system and automatic smoke
 8 detection system that activates the occupant notification
 9 system in accordance with the state building and fire code is
 10 provided, with smoke detectors located in common spaces
 11 outside of dwelling units, including but not limited to
 12 gathering areas, laundry rooms, mechanical equipment
 13 rooms, storage rooms, interior corridors, interior stairways,
 14 and exit passageways;
 15 (5) openings to the interior exit stairway enclosure are
 16 limited to openings:
 17 (A) required for exit access into the enclosure from
 18 normally occupied spaces;
 19 (B) required for egress from the enclosure; and
 20 (C) to the exterior;
 21 (6) elevators do not open into the interior exit stairway
 22 enclosure;
 23 (7) electrical receptacles are not installed in an interior exit
 24 stairway; and
 25 (8) the stairway:
 26 (A) complies with state fire code requirements, including
 27 fire-rated doors at each floor; and
 28 (B) is constructed of fireproof material.
 29 Sec. 20. This section applies to structure classified as an R-2
 30 building occupancy classification under the Indiana building code
 31 adopted by the fire prevention and building safety commission. A
 32 unit may not require a [\[A\]](#) structure that is not more than:
 33 (1) ~~six~~ [\[three\]](#) (~~6~~ [\[3\]](#)) stories; and
 34 (2) twenty-four (24) total units;
 35 ~~I shall be permitted] to] have a passenger elevator [not] larger~~
 36 than an elevator that accommodates a wheelchair.
 37 Sec. 2 ~~1~~ [\[0\]](#). ~~Nothing~~ [\[Notwithstanding section 19 of this](#)
 38 [\[chapter, nothing \] in this chapter:](#)
 39 (1) affects a unit's regulation of short term rentals as under
 40 IC 36-1-24;
 41 (2) prohibits property owners from enforcing rules or deed
 42 restrictions imposed by a homeowners association or by



1 other private~~I~~ agreement, including restrictions relating
 2 to an accessory dwelling unit;
 3 (3) supersedes applicable building codes, fire codes, or public
 4 health and safety laws;
 5 (4) relieves a person from obtaining a required permit;
 6 (5) prohibits a unit from taking enforcement actions,
 7 imposing fines, penalties, or requiring project modifications
 8 to bring a development into compliance; or
 9 (6) affects a restrictive covenant or regulation of a
 10 condominium association or homeowners' association.

11 Sec. 2~~2~~1. A zoning ordinance adopted before July 1, 2026,
 12 is void to the extent the ordinance conflicts with this chapter.
 13 However, this chapter does not apply to or affect any application
 14 for a permit under IC 36-7-4 submitted to a unit before July 1,
 15 2026.

16 Sec. 2~~2~~2. A person adversely affected or aggrieved by a
 17 violation of this section may bring an action against the unit for:

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

20 SECTION 18. An emergency is declared for this act.1

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2026

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DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY