



COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1115, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 32-21-5-8.5, AS ADDED BY P.L.141-2015,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 8.5. (a) This section applies to all transfers of title
6 to property after June 30, 2015.
7 (b) The definitions in IC 32-25.5-2 apply in this section.
8 (c) As used in this section, "property" refers to real property covered
9 by the governing documents of a homeowners association.
10 (d) As used in this section, "purchaser" refers to a person who
11 purchases property.
12 (e) The following must be provided by the seller to a purchaser not
13 later than ten (10) days before the sale of the property closes:
14 (1) A disclosure that the property is in a community governed by
15 a homeowners association.
16 (2) A copy of the recorded governing documents.
17 (3) A statement indicating whether there are assessments and the
18 amount of any assessments.
19 (4) The following information about a board member,

1 homeowners association agent, or other person who has a contract
 2 with the homeowners association to provide any management
 3 services for the homeowners association:

4 (A) The name.

5 (B) The business or home address.

6 (f) A homeowners association or agent of a homeowners association
 7 providing a statement of unpaid assessments or other charges of the
 8 homeowners association relating to the property may **not** charge ~~not~~
 9 ~~more than two hundred fifty dollars (\$250)~~ a fee for the statement.

10 (g) The failure to provide any of the documents listed in subsection
 11 (e) does not limit or prevent enforcement of the governing documents
 12 by the homeowners association."

13 Page 4, line 13, after "may" insert "**not**".

14 Page 4, line 13, strike "reasonable".

15 Page 5, line 32, strike "for the first".

16 Page 5, line 33, strike "hour required".

17 Page 5, line 34, strike "A homeowners association may charge".

18 Page 5, strike lines 35 through 42.

19 Page 6, strike lines 1 through 4.

20 Page 6, between lines 4 and 5, begin a new paragraph and insert:

21 "SECTION 3. IC 32-25.5-3-9, AS AMENDED BY P.L.164-2016,
 22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2026]: Sec. 9. **(a) The amendments made to this section by**
 24 **HEA 1115-2026 apply only to governing documents adopted or**
 25 **amended after June 30, 2026.**

26 **(b)** The governing documents must contain a provision allowing the
 27 owners to amend the governing documents at any time, from time to
 28 time, subject to the following:

29 (1) The declarant's consent to an amendment may be required if:

30 (A) the declarant owns one (1) or more units within the
 31 subdivision; and

32 (B) not more than seven (7) years have passed since the
 33 original governing documents were first recorded.

34 (2) The consent of the owners to the amendment has been
 35 obtained as evidenced by either of the following:

36 (A) The vote of the owners at a meeting duly called for the
 37 purpose of considering the amendment, **including a special**
 38 **meeting called upon the demand of members of the**

1 **homeowners association under section 2 of this chapter.**

2 (B) A written instrument signed by the owners.

3 The governing documents may not require that the consent of
4 more than ~~seventy-five percent (75%)~~ **two-thirds (2/3)** of the
5 owners ~~is~~ **be** required for consent under this subdivision.

6 (3) If the consent of first mortgage holders is required, only first
7 mortgage holders that provide an address to the secretary of the
8 board must be notified. The consent of a first mortgage holder
9 must be indicated in a written instrument signed by the mortgage
10 holder. However, a mortgage holder is considered to have
11 consented to a proposed amendment if the mortgage holder does
12 not respond to a written request for consent within thirty (30) days
13 after the mortgage holder receives the request. The governing
14 documents may not require that the consent of more than
15 ~~seventy-five percent (75%)~~ **two-thirds (2/3)** of first mortgage
16 holders eligible to receive notice ~~is~~ **be** required for consent under
17 this subdivision.

18 ~~(4) Notwithstanding subdivisions (1) through (3), the governing~~
19 ~~documents may require the approval of at least ninety-five percent~~
20 ~~(95%) of the owners to convey common areas or to dissolve the~~
21 ~~plan of governance for the homeowners association."~~

22 Page 6, line 13, delete "and".

23 Page 6, line 20, delete "assessed." and insert "**assessed; and**

24 **(4) a maximum aggregate fine amount for any single violation.**
25 **A fine assessed on an ongoing or recurring basis may not**
26 **exceed the maximum aggregate amount stated in the schedule**
27 **of fines."**

28 Page 7, between lines 29 and 30, begin a new paragraph and insert:

29 **"(i) Notwithstanding any other law, a homeowners association,**
30 **an agent of a homeowners association, or a homeowners**
31 **association management company may not charge a homeowner a**
32 **fee associated with any service provided by the homeowners**
33 **association, other than the homeowners association dues or fines**
34 **expressly identified in the homeowners association's governing**
35 **documents or adopted in a schedule of fines. This subsection does**
36 **not affect the ability of a homeowners association to take debt**

1 **collection efforts for dues or fines allowable under the homeowners**
2 **association's governing documents."**

3 Renumber all SECTIONS consecutively.
(Reference is to HB 1115 as printed January 22, 2026.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 1.

Carrasco

Chairperson