

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1152

AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 32-21-5-8.5, AS ADDED BY P.L.141-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8.5. (a) This section applies to all transfers of title to property after June 30, 2015.

(b) The definitions in IC 32-25.5-2 apply in this section.

(c) As used in this section, "property" refers to real property covered by the governing documents of a homeowners association.

(d) As used in this section, "purchaser" refers to a person who purchases property.

(e) The following must be provided by the seller to a purchaser not later than ten (10) days before the sale of the property closes:

(1) A disclosure that the property is in a community governed by a homeowners association.

(2) A copy of the recorded governing documents.

(3) A statement indicating whether there are assessments and the amount of any assessments.

(4) The following information about a board member, homeowners association agent, or other person who has a contract with the homeowners association to provide any management services for the homeowners association:

(A) The name.

(B) The business or home address.

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

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

SECTION 2. IC 32-25.5-3-3, AS AMENDED BY P.L.164-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A homeowners association shall prepare an annual budget.

(b) The annual budget must reflect:

- (1) the estimated revenues and expenses for the budget year; and
- (2) the estimated surplus or deficit as of the end of the current budget year.

(c) The homeowners association shall provide each member of the homeowners association with:

(1) a:

- (A) copy of the proposed annual budget; or
- (B) written notice that a copy of the proposed annual budget is available upon request at no charge to the member; and
- (2) a written notice of the amount of any increase or decrease in a regular annual assessment paid by the members that would occur if the proposed annual budget is approved;

before the homeowners association meeting held under subsection (d).

(d) Subject to subsection (f) **and section 3.1 of this chapter**, a homeowners association budget must be approved at a meeting of the homeowners association members by a majority of the members of the homeowners association in attendance at a meeting called and conducted in accordance with the requirements of the homeowners association's governing documents.

(e) For purposes of this section, a member of a homeowners association is considered to be in attendance at a meeting if the member attends:

- (1) in person;
- (2) by proxy; or
- (3) by any other means allowed under:
 - (A) state law; or
 - (B) the governing documents of the homeowners association.

(f) **Except as provided in sections 3.1, 3.2, and 3.3 of this chapter**, if the number of members of the homeowners association in attendance at a meeting held under subsection (d) does not constitute



a quorum as defined in the governing documents of the homeowners association, the board may adopt an annual budget for the homeowners association for the ensuing year in an amount that does not exceed one hundred percent (100%) of the amount of the last approved homeowners association annual budget. ~~However, the board may adopt an annual budget for the homeowners association for the ensuing year in an amount that does not exceed one hundred ten percent (110%) of the amount of the last approved homeowners association annual budget if the governing documents of the homeowners association allow the board to adopt an annual budget under this subsection for the ensuing year in an amount that does not exceed one hundred ten percent (110%) of the amount of the last approved homeowners association annual budget.~~

(g) Subject to subsection (k):

- (1) the financial records, including all contracts, invoices, bills, receipts, and bank records, of a homeowners association must be available for inspection by each member of the homeowners association upon written request; and
- (2) the minutes of meetings of the homeowners association board, including the annual meeting, must be available to a member of the homeowners association for inspection upon the homeowners association member's request, which may be submitted:
 - (A) in person;
 - (B) in writing; or
 - (C) by electronic mail.

In addition to the right to inspect the meeting minutes of the homeowners association board, a member of a homeowners association has the right to attend any meeting of the homeowners association board, including an annual meeting of the board. However, the board of directors may meet in private to discuss delinquent assessments. The board of directors may also meet in private with legal counsel to discuss the initiation of litigation, or to discuss litigation that either is pending or has been threatened specifically in writing. As used in this subsection, "litigation" includes any judicial action or administrative law proceeding under state or federal law.

A written request for inspection must identify with reasonable particularity the information being requested. A member's ability to inspect records under this section shall not be unreasonably denied or conditioned upon provision of an appropriate purpose for the request. The homeowners association may **not** charge a ~~reasonable~~ fee for the copying of a record requested under this subsection if the homeowners



association member requests a written copy of the record.

(h) Subject to subsections (j) and (k), if there is a dispute between a homeowner and a homeowners association, the officers of the homeowners association must make all communications concerning the dispute available to the homeowner.

(i) Subject to subsections (j) and (k), the following apply:

(1) A homeowners association shall make all communications and information concerning a lot available to the owner of the lot or a home on the lot.

(2) If a homeowners association initiates communication with any member about another member's lot, the homeowners association must give a copy of that communication to the other member whose lot is the subject of the communication. However, this subdivision does not apply if the communication concerns suspected criminal activity, or activity that is the subject of a law enforcement investigation, involving the member whose lot is the subject of the communication.

(j) A homeowners association is not required to make:

(1) communications between the homeowners association and the legal counsel of the homeowners association; and

(2) other communications or attorney work product prepared in anticipation of litigation;

available to the owner of a lot or home.

(k) A homeowners association is not required to make available to a member for inspection any of the following:

(1) Unexecuted contracts.

(2) Records regarding contract negotiations.

(3) Information regarding an individual member's association account to a person who is not a named party on the account.

(4) Any information that is prohibited from release under state or federal law.

(5) Any records that were created more than two (2) years before the request.

(6) Information that:

(A) is provided by a member of the homeowners association about another member of the homeowners association; and

(B) concerns suspected criminal activity involving the other member.

Except as otherwise provided in this article (including subsection (j) and this subsection), other applicable law, or the governing documents of the homeowners association, a homeowners association is not required to retain a record of a written or electronic communication for



any specific period of time. However, a homeowners association or a member of the board of a homeowners association shall retain for at least two (2) years after receipt, and during that period shall make available to a member of the homeowners association at the member's request, any written or electronic communication received by the homeowners association or board member that relates to a financial transaction of the homeowners association and that is not otherwise excepted from disclosure under this article or other applicable law.

(l) Nothing in this chapter:

(1) abrogates or eliminates provisions in homeowners association agreements that permit or require additional disclosure or inspection rights not required by this chapter; or

(2) prevents a homeowners association from agreeing to make disclosures or to provide inspection rights not required by this chapter.

(m) A homeowners association may not charge a fee for the first hour required to search for a record in response to a written request submitted under this chapter. ~~A homeowners association may charge a search fee for any time that exceeds one (1) hour. The following provisions apply if a homeowners association charges a search fee:~~

~~(1) The homeowners association shall charge an hourly fee that does not exceed thirty-five dollars (\$35) per hour.~~

~~(2) The homeowners association may charge the fee only for time that the person making the search actually spends in searching for the record.~~

~~(3) The homeowners association shall prorate the fee to reflect any search time of less than one (1) hour.~~

~~(4) The total amount of the fee charged by the homeowners association for a search may not exceed two hundred dollars (\$200).~~

(n) Notwithstanding any other law, a homeowners association, an agent of a homeowners association, or a homeowners association management company may not charge a homeowner a fee associated with any service provided by the homeowners association, other than the homeowners association dues or fines expressly identified in the homeowners association's governing documents. This subsection does not affect the ability of a homeowners association to take debt collection efforts for dues or fines allowable under the homeowners association's governing documents.

SECTION 3. IC 32-25.5-3-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2026]: **Sec. 3.1. (a)** The amendments made by HEA 1152-2026 to section 3 of this chapter do not apply to a homeowners association established before July 1, 2026, if the homeowners association's governing documents allowed for the adoption of the annual budget for the ensuing year in an amount that does not exceed one hundred ten percent (110%) of the amount of the last approved annual budget as permitted by section 3(f) of this chapter, before the amendment by HEA 1152-2026.

(b) This section does not apply if a homeowners association described in subsection (a) amends or renews the governing documents after June 30, 2026.

SECTION 4. IC 32-25.5-3-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 3.2. (a)** This section applies to a homeowners association within the first five (5) years after the first sale of a lot or unit within the homeowners association from a developer to a person that is not affiliated with the developer.

(b) If the number of members of the homeowners association in attendance at a meeting held under section 3(d) of this chapter do not constitute a quorum as defined in the governing documents of the homeowners association, the board may adopt an annual budget for the homeowners association for the ensuing year in an amount that does not exceed one hundred ten percent (110%) of the amount of the last approved homeowners association annual budget.

(c) The governing documents of the homeowners association must expressly allow a board to adopt a budget in the manner described in subsection (b) without a quorum.

(d) The governing documents of a homeowners association may not allow a budget to be increased under this section after the expiration of the fifth year following the first sale of a lot or unit by a developer to a person that is not affiliated with the developer.

SECTION 5. IC 32-25.5-3-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 3.3. (a)** This section applies to a homeowners association after the expiration of the fifth year following the first sale of a lot or unit by a developer to a person that is not affiliated with the developer.

(b) If the number of members of the homeowners association in attendance at a meeting held under section 3(d) of this chapter do not constitute a quorum as defined in the governing documents of the homeowners association, the board may adopt an annual



budget for the homeowners association for the ensuing year in an amount that does not exceed the lesser of:

- (1) one hundred five percent (105%) of the amount of the last approved homeowners association budget; or
- (2) the last approved homeowners association budget increased by the average increase of the Consumer Price Index, published by the United States Bureau of Labor Statistics, for housing in the midwest region for the prior twelve (12) months.

(c) The governing documents of the homeowners association must expressly allow a board to adopt a budget in the manner described in subsection (b) without a quorum.

SECTION 6. IC 32-25.5-3.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 3.4. Homeowners Association Regulation of Amateur Radio Antennas

Sec. 1. As used in this chapter, "amateur radio antenna" means an antenna, support structure, tower, feed line, or related equipment used by an amateur station as defined by 47 CFR 97.3.

Sec. 2. As used in this chapter, "governing documents" has the meaning set forth in IC 32-25.5-2-3.

Sec. 3. This chapter applies only to a homeowners association's adoption or amendment of governing documents after June 30, 2026.

Sec. 4. A homeowners association may not adopt or enforce a regulation, rule, or other policy that has the effect of prohibiting a person from maintaining an amateur radio antenna on a property that the person owns, rents, or leases.

SECTION 7. IC 32-25.5-3.9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 3.9. Homeowners Association Regulation of Property Used to Provide Child Care

Sec. 1. (a) This chapter applies only to a homeowners association's adoption or amendment of governing documents after June 30, 2026.

(b) This chapter does not apply to an age-restricted community governed by a homeowners association that is in compliance with the Housing for Older Persons Act of 1995.

Sec. 2. As used in this chapter, "governing documents" has the meaning set forth in IC 32-25.5-2-3.



Sec. 3. As used in this chapter, "providing child care" means:

- (1) the operation of a Class I child care home as defined in IC 12-7-2-33.7; or**
- (2) providing child care described in IC 12-17.2-1-1(2).**

Sec. 4. As used in this chapter, "single family residence" means a residential structure that:

- (1) does not share a common wall with any other structure within the homeowners association; and**
- (2) is designed and built for occupancy by only one (1) family.**

Sec. 5. A homeowners association may not:

- (1) prohibit or restrict; or**
- (2) adopt or enforce a regulation, rule, or other policy that has the effect of prohibiting or restricting;**

a person from providing child care in a single family residence that the person resides within and owns, rents, or leases. The person holding a license of a Class I child care home must also reside within the single family residence.

Sec. 6. A homeowners association may adopt or amend governing documents to permit a person providing child care within a single family residence that the person resides within and owns, rents, or leases, to conform with this chapter.

Sec. 7. This chapter does not affect:

- (1) a homeowners association that allowed for the operation of providing child care in a single family residence before July 1, 2026; or**
- (2) the application of any other laws that apply to providing child care.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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