



SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1152 be amended to read as follows:

- 1 Page 6, between lines 20 and 21, begin a new paragraph and insert:
2 "SECTION 5. IC 32-25.5-3.2 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]:
5 **Chapter 3.2. Homeowners Association Regulation of Rental**
6 **Property**
7 **Sec. 1. As used in this chapter, "rental" means a rental that is**
8 **not a short term rental (as defined in IC 36-1-24-6).**
9 **Sec. 2. This chapter applies only to a homeowners association's**
10 **adoption or amendment of governing documents after June 30,**
11 **2026.**
12 **Sec. 3. A homeowners association may:**
13 **(1) prohibit or restrict; or**
14 **(2) adopt or enforce a resolution, regulation, policy, bylaw, or**
15 **rule that has the effect of prohibiting or restricting;**
16 **the use of property as a rental property."**
17 Page 7, after line 34, begin a new paragraph and insert:
18 "SECTION 8. IC 36-1-3-8, AS AMENDED BY P.L.4-2023,
19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2026]: Sec. 8. (a) Subject to subsection (b), a unit does not
21 have the following:
22 (1) The power to condition or limit its civil liability, except as
23 expressly granted by statute.
24 (2) The power to prescribe the law governing civil actions
25 between private persons.
26 (3) The power to impose duties on another political subdivision,
27 except as expressly granted by statute.

- 1 (4) The power to impose a tax, except as expressly granted by
2 statute.
- 3 (5) The power to impose a license fee greater than that reasonably
4 related to the administrative cost of exercising a regulatory power.
- 5 (6) The power to impose a service charge or user fee greater than
6 that reasonably related to reasonable and just rates and charges
7 for services.
- 8 (7) The power to regulate conduct that is regulated by a state
9 agency, except as expressly granted by statute.
- 10 (8) The power to prescribe a penalty for conduct constituting a
11 crime or infraction under statute.
- 12 (9) The power to prescribe a penalty of imprisonment for an
13 ordinance violation.
- 14 (10) The power to prescribe a penalty of a fine as follows:
15 (A) More than ten thousand dollars (\$10,000) for the violation
16 of an ordinance or a regulation concerning air emissions
17 adopted by a county that has received approval to establish an
18 air permit program under IC 13-17-12-6.
19 (B) For a violation of any other ordinance:
20 (i) more than two thousand five hundred dollars (\$2,500) for
21 a first violation of the ordinance; and
22 (ii) except as provided in subsection (c), more than seven
23 thousand five hundred dollars (\$7,500) for a second or
24 subsequent violation of the ordinance.
- 25 (11) The power to invest money, except as expressly granted by
26 statute.
- 27 (12) The power to adopt an ordinance, a resolution, or an order
28 concerning an election described by IC 3-5-1-2, or otherwise
29 conduct an election, except as expressly granted by statute. An
30 ordinance, a resolution, or an order concerning an election
31 described by IC 3-5-1-2 that was adopted before January 1, 2023,
32 is void unless a statute expressly granted the unit the power to
33 adopt the ordinance, resolution, or order.
- 34 (13) The power to adopt or enforce an ordinance described in
35 section 8.5 of this chapter.
- 36 (14) The power to take any action prohibited by section 8.6 of this
37 chapter.
- 38 (15) The power to dissolve a political subdivision, except:
39 (A) as expressly granted by statute; or
40 (B) if IC 36-1-8-17.7 applies to the political subdivision, in
41 accordance with the procedure set forth in IC 36-1-8-17.7.
- 42 (16) After June 30, 2019, the power to enact an ordinance
43 requiring a solid waste hauler or a person who operates a vehicle
44 in which recyclable material is transported for recycling to collect
45 fees authorized by IC 13-21 and remit the fees to:
46 (A) a unit; or

- 1 (B) the board of a solid waste management district established
- 2 under IC 13-21.
- 3 **(17) The power to adopt or enforce an ordinance, resolution,**
- 4 **regulation, policy, or rule described in section 8.8 of this**
- 5 **chapter.**
- 6 (b) A township does not have the following, except as expressly
- 7 granted by statute:
- 8 (1) The power to require a license or impose a license fee.
- 9 (2) The power to impose a service charge or user fee.
- 10 (3) The power to prescribe a penalty.
- 11 (c) Subsection (a)(10)(B)(ii) does not apply to the violation of an
- 12 ordinance that regulates traffic or parking.
- 13 SECTION 9. IC 36-1-3-8.8 IS ADDED TO THE INDIANA CODE
- 14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 15 1, 2026]: **Sec. 8.8. A unit may not:**
- 16 **(1) prohibit or restrict; or**
- 17 **(2) adopt or enforce an ordinance, resolution, regulation,**
- 18 **policy, or rule that has the effect of prohibiting or restricting;**
- 19 **the use of property as a rental property."**
- 20 Renumber all SECTIONS consecutively.
- (Reference is to EHB 1152 as printed February 13, 2026.)

Senator HUNLEY