Citations Affected:  IC 36-1-27.

Synopsis: Building permits. Prohibits a building commissioner, building code official, or inspector for a local unit of government (unit) from issuing a building permit when the building commissioner, building code official, or inspector has a direct or indirect financial interest in the issuance of the permit. Requires a unit to adopt an ordinance to establish a procedure to address instances where a building commissioner, building code official, or inspector has a direct or indirect financial interest in the issuance of a permit.

Effective: July 1, 2019.
SENATE BILL No. 142

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:

SECTION 1. IC 36-1-27 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 27. Building Permit Conflict of Interest
Sec. 1. As used in this chapter, "conflict of interest" means a direct or indirect financial interest in the issuance of a permit.
Sec. 2. As used in this chapter, "permit" has the meaning set forth in IC 36-7-4-1109(b).
Sec. 3. A building commissioner, building code official, or inspector of a unit may not issue a permit or oversee the issuance of a permit through a subordinate if the building commissioner, building code official, or inspector has a conflict of interest.
Sec. 4. (a) Except as provided in subsection (c), a unit shall adopt an ordinance to establish a procedure to address a conflict of interest that prevents a building commissioner, building code official, or inspector from issuing a permit under section 3 of this chapter.

2019 IN 142—LS 6214/DI 132
(b) An ordinance adopted under this section must include the following:

(1) A procedure for the building commissioner, building code official, or inspector to report a conflict of interest.

(2) A procedure for appointing a qualified temporary replacement building commissioner, building code official, or inspector in the case of a conflict of interest.

(c) An ordinance adopted by a unit before July 1, 2019, satisfies the requirements of this section if the ordinance includes the procedures required by subsection (b).