HOUSE BILL No. 1625

DIGEST OF HB 1625 (Updated February 14, 2019 1:13 pm - DI 87)

Citations Affected: IC 4-22; IC 5-20; IC 36-1.

Synopsis: Housing cost information. Amends the statute concerning state rulemaking procedures to provide that if a state agency intends to adopt a rule that may increase or decrease the costs of housing in Indiana, the agency shall prepare a housing impact analysis (analysis) for the rule. Provides that: (1) the full text of the analysis must be published in the Indiana Register; and (2) the rule must be referenced in the required newspaper notice of the rule; under state rulemaking procedures. Requires a county or a municipality to prepare an analysis if a proposed regulation may increase or decrease the cost of housing in the county or municipality. Requires the analysis to be submitted to the members of the legislative body not less than 30 days before the legislative body considers the regulation. Sets forth the required information for an analysis prepared by a state agency or by a county or municipality. Requires the Indiana housing and community development authority (authority) to prepare a comprehensive five year state housing strategy plan (plan). Sets forth required elements of the plan. Requires the authority to: (1) annually update the plan; and (2) submit the plan to the governor and the legislative council before October 1 of each year. Requires a municipality to annually prepare a housing fee report. Requires the municipality to post the report on the municipality's Internet web site (or on the county's Internet web site if the municipality does not maintain an Internet web site). Provides that a municipality may not impose any housing related fee that is not: (1) included in the fee report; or (2) posted on the municipality's Internet web site.

Effective: Upon passage; July 1, 2019.

Clere, Eberhart, Hatfield, Manning

January 22, 2019, read first time and referred to Committee on Government and Regulatory Reform.
January 31, 2019, amended, reported — Do Pass.
February 5, 2019, read second time, amended, ordered engrossed.
February 6, 2019, engrossed.
February 12, 2019, returned to second reading.
February 14, 2019, re-read second time, amended, ordered engrossed.

HB 1625—LS 7532/DI 101
HOUSE BILL No. 1625

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 4-22-2-24, AS AMENDED BY P.L.1-2006, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) An agency shall notify the public of its intention to adopt a rule by complying with the publication requirements in subsections (b) and (c).

(b) The agency shall cause a notice of a public hearing to be published once in one (1) newspaper of general circulation in Marion County, Indiana. To publish the newspaper notice, the agency shall directly contract with the newspaper. An agency may not contract for the publication of a notice under this chapter until the agency has received a written or an electronic authorization to proceed from the publisher under subsection (g).

(c) The agency shall cause:

(1) a notice of public hearing; and

(2) the full text of the agency's proposed rule (excluding the full text of a matter incorporated by reference under section 21 of this chapter); and

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(3) the full text of any housing impact analysis prepared under section 28.3 of this chapter with respect to the rule;

to be published once in the Indiana Register. To publish the notice and proposed rule in the Indiana Register, the agency shall submit the text to the publisher in accordance with subsection (g). The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(d) The agency shall include the following in the notice required by subsections (b) and (c):

(1) A statement of the date, time, and place at which the public hearing required by section 26 of this chapter will be convened.
(2) A general description of the subject matter of the proposed rule.
(3) In a notice published after June 30, 2005, a statement justifying any requirement or cost that is:
   (A) imposed on a regulated entity under the rule; and
   (B) not expressly required by:
      (i) the statute authorizing the agency to adopt the rule; or
      (ii) any other state or federal law.

The statement required under this subdivision must include a reference to any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary.

(4) an explanation that:
   (A) the proposed rule; and
   (B) any data, studies, or analysis referenced in a statement under subdivision (3); and
   (C) any housing impact analysis prepared under section 28.3 of this chapter with respect to the rule;

may be inspected and copied at the office of the agency.

However, inadequacy or insufficiency of the subject matter description under subdivision (2) or a statement of justification under subdivision (3) in a notice does not invalidate a rulemaking action.

(e) Although the agency may comply with the publication requirements in this section on different days, the agency must comply with all of the publication requirements in this section at least twenty-one (21) days before the public hearing required by section 26 of this chapter is convened.

(f) This section does not apply to the solicitation of comments under section 23 of this chapter.
(g) The publisher shall review materials submitted under this section and determine the date that the publisher intends to include the material in the Indiana Register. After:

1. establishing the intended publication date; and
2. receiving the public hearing information specified in subsection (d) from the agency;

the publisher shall provide a written or an electronic mail authorization to proceed to the agency.

SECTION 2. IC 4-22-2-28, AS AMENDED BY P.L.237-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) The following definitions apply throughout this section:

1. "Ombudsman" refers to the small business ombudsman designated under IC 5-28-17-6.
2. "Total estimated economic impact" means the direct annual economic impact of a rule on all regulated persons after the rule is fully implemented under subsection (g).

(b) The ombudsman:

1. shall review a proposed rule that:
   A. imposes requirements or costs on small businesses (as defined in IC 4-22-2.1-4); and
   B. is referred to the ombudsman by an agency under IC 4-22-2.1-5(c); and
2. may review a proposed rule that imposes requirements or costs on businesses other than small businesses (as defined in IC 4-22-2.1-4).

After conducting a review under subdivision (1) or (2), the ombudsman may suggest alternatives to reduce any regulatory burden that the proposed rule imposes on small businesses or other businesses. The agency that intends to adopt the proposed rule shall respond in writing to the ombudsman concerning the ombudsman's comments or suggested alternatives before adopting the proposed rule under section 29 of this chapter.

(c) Subject to subsection (e) and not later than fifty (50) days before the public hearing for a proposed rule required by section 26 of this chapter, an agency shall submit the proposed rule to the office of management and budget for a review under subsection (d), if the agency proposing the rule determines that the rule will have a total estimated economic impact greater than five hundred thousand dollars ($500,000) on all regulated persons. In determining the total estimated economic impact under this subsection, the agency shall consider any applicable information submitted by the regulated persons affected by
the rule. To assist the office of management and budget in preparing
the fiscal impact statement required by subsection (d), the agency shall
submit, along with the proposed rule, the data used and assumptions
made by the agency in determining the total estimated economic
impact of the rule.

(d) Except as provided in subsection (e), before the adoption of the
rule, and not more than forty-five (45) days after receiving a proposed
rule under subsection (c), the office of management and budget shall
prepare, using the data and assumptions provided by the agency
proposing the rule, along with any other data or information available
to the office of management and budget, a fiscal impact statement
concerning the effect that compliance with the proposed rule will have
on:

(1) the state; and

(2) all persons regulated by the proposed rule.

The fiscal impact statement must contain the total estimated economic
impact of the proposed rule and a determination concerning the extent
to which the proposed rule creates an unfunded mandate on a state
agency or political subdivision. The fiscal impact statement is a public
document. The office of management and budget shall make the fiscal
impact statement available to interested parties upon request and to the
agency proposing the rule. The agency proposing the rule shall
consider the fiscal impact statement as part of the rulemaking process
and shall provide the office of management and budget with the
information necessary to prepare the fiscal impact statement, including
any economic impact statement prepared by the agency under
IC 4-22-2.1-5. The office of management and budget may also receive
and consider applicable information from the regulated persons
affected by the rule in preparation of the fiscal impact statement.

(e) With respect to a proposed rule subject to IC 13-14-9:

(1) the department of environmental management shall give
written notice to the office of management and budget of the
proposed date of preliminary adoption of the proposed rule not
less than sixty-six (66) days before that date; and

(2) the office of management and budget shall prepare the fiscal
impact statement referred to in subsection (d) not later than
twenty-one (21) days before the proposed date of preliminary
adoption of the proposed rule.

(f) In determining whether a proposed rule has a total estimated
economic impact greater than five hundred thousand dollars
($500,000), the agency proposing the rule shall consider the impact of
the rule on any regulated person that already complies with the
standards imposed by the rule on a voluntary basis.

(g) For purposes of this section, a rule is fully implemented after:

1. the conclusion of any phase-in period during which:
   A. the rule is gradually made to apply to certain regulated
      persons; or
   B. the costs of the rule are gradually implemented; and

2. the rule applies to all regulated persons that will be affected
   by the rule.

In determining the total estimated economic impact of a proposed rule
under this section, the agency proposing the rule shall consider the
annual economic impact on all regulated persons beginning with the
first twelve (12) month period after the rule is fully implemented. The
agency may use actual or forecasted data and may consider the actual
and anticipated effects of inflation and deflation. The agency shall
describe any assumptions made and any data used in determining the
total estimated economic impact of a rule under this section.

(h) An agency shall provide the legislative council in an electronic
format under IC 5-14-6 with any analysis, data, and description of
assumptions submitted to the office of management and budget under
this section or section 40 of this chapter at the same time the agency
submits the information to the office of management and budget. The
office of management and budget shall provide the legislative council
in an electronic format under IC 5-14-6 any fiscal impact statement and
related supporting documentation prepared by the office of
management and budget under this section or section 40 of this chapter
at the same time the office of management and budget provides the
fiscal impact statement to the agency proposing the rule. Information
submitted under this subsection must identify the rule to which the
information is related by document control number assigned by the
publisher.

(i) An agency shall provide the legislative council in an electronic
format under IC 5-14-6 with any economic impact or fiscal impact
statement, including any supporting data, studies, or analysis, prepared
for a rule proposed by the agency or subject to readoption by the
agency to comply with:

1. a requirement in section 19.5 of this chapter to minimize the
   expenses to regulated entities that are required to comply with the
   rule;

2. a requirement in section 24 of this chapter to publish a
   justification of any requirement or cost that is imposed on a
   regulated entity under the rule;

3. a requirement in IC 4-22-2.1-5 to prepare a statement that
describes the annual economic impact of a rule on all small
businesses after the rule is fully implemented;
(4) a requirement in IC 4-22-2.5-3.1 to conduct a review to
consider whether there are any alternative methods of achieving
the purpose of the rule that are less costly or less intrusive, or that
would otherwise minimize the economic impact of the proposed
rule on small businesses;
(5) a requirement in IC 13-14-9-3 or IC 13-14-9-4 to publish
information concerning the fiscal impact of a rule or alternatives
to a rule subject to these provisions; or
(6) a requirement in section 28.3 of this chapter to prepare a
housing impact analysis for the rule; or
(6) (7) a requirement under any other law to conduct an analysis
of the cost, economic impact, or fiscal impact of a rule;
regardless of whether the total estimated economic impact of the
proposed rule is more than five hundred thousand dollars ($500,000),
as soon as practicable after the information is prepared. Information
submitted under this subsection must identify the rule to which the
information is related by document control number assigned by the
publisher.

SECTION 3. IC 4-22-2-28.3 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 28.3. (a) This section applies to a rule for
which the notice required by section 23 of this chapter is published
by an agency after June 30, 2019.

(b) As used in this section, "housing costs" means the following:
(1) For housing occupied by the owner, any of the following:
   (A) Property insurance.
   (B) Utility related costs.
   (C) Property taxes.
   (D) If the housing is owned and occupied by members of a
      cooperative or an unincorporated cooperative association,
      fees paid to a person for managing the housing.
   (E) Estimated home value.
(2) For rental housing, any of the following:
   (A) Rent.
   (B) Utility related costs, if not included in the rent.
   (c) As used in this section, "utility related costs" means costs
      related to power, heat, gas, light, water, and sewage.
   (d) If an agency intends to adopt a rule that may increase or
decrease, either directly or indirectly, the cost of the development,
construction, purchasing, sale, ownership, or availability of single
family or multifamily housing in Indiana, the agency shall prepare a housing impact analysis for the rule.

(e) The analysis required by subsection (d) must include information about the effect of the rule on housing in Indiana, including the effect of the rule on each of the following:

1. The cost of developing, constructing, rehabilitating, improving, maintaining, or owning single family or multifamily dwellings.
2. The purchase price of new homes or the fair market value of existing homes.
3. Housing costs.
4. The density, location, setback, size, or height development on a lot, parcel, land division, or subdivision.

(f) The following applies to information on housing costs required to be included in the analysis under subsection (e)(3):

1. The analysis must include reasonable estimates of the effect of the rule on housing costs, expressed in dollar amounts. The agency shall include a brief summary of, or worksheet demonstrating, the computations used in determining the dollar amounts. However, if the agency determines that it is not possible to make an estimate expressed in dollar amounts, the analysis must include a statement setting forth the reasons for the agency's determination.

2. The analysis must include descriptions of both:
   (A) the immediate effect; and
   (B) to the extent ascertainable, the long term effect; of the rule on housing costs.

(g) Except as otherwise provided in this section, a housing impact analysis required under this section must be based on costs associated with the development, construction, financing, purchasing, sale, ownership, or availability of a median priced single family or multifamily residence. However, the analysis may include estimates for larger developments as part of an analysis of the long term effect of the rule.

(h) An agency may request information from any state agencies, local units of government, universities or colleges, organizations, or individuals as necessary to prepare a housing impact analysis under this section.

SECTION 4. IC 5-20-1-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 28. (a) As used in this section, "plan" refers to the
comprehensive state housing strategy plan developed under subsection (b).

(b) The authority shall prepare a comprehensive five (5) year state housing strategy plan.

(c) The plan must include the following:

1. A statement by the authority of housing policies and recommendations.

2. An evaluation and summary of housing conditions and trends in Indiana, including:
   (A) housing stock and housing costs analyses;
   (B) general population and household composition demographic analyses; and
   (C) housing and demographic forecasts.

3. An evaluation of housing assistance needs that is based in part on the evaluation described in subdivision (2).

4. A discussion of major housing issues, including:
   (A) housing production;
   (B) housing and neighborhood conservation;
   (C) housing for persons with special needs;
   (D) fair housing and accessibility; and
   (E) housing affordability.

5. Housing policies that establish the general framework for the state's housing efforts.

6. Strategies for using federal funding and for coordinating federal and state housing efforts.

7. Specific recommendations for public and private action that will contribute to the attainment of housing policies under the plan.

8. Strategies and specific recommendations for public and private action that will facilitate the inclusion of bicycle oriented and pedestrian oriented design in:
   (A) residential developments; and
   (B) mixed use developments that include residential elements.

(d) In preparing the plan, the authority may obtain input from housing authorities, community based organizations, the private housing industry, and other persons interested in housing assistance and development.

(e) The authority shall annually update the plan.

(f) Beginning in 2020, before October 1 of each year, the authority shall submit the plan to the following:

1. The governor.
(2) The legislative council in an electronic format under IC 5-14-6.

SECTION 5. IC 36-1-24.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 24.3. Housing Impact Analyses for Proposed Regulations

Sec. 1. This chapter applies to a regulation that is introduced for consideration by the legislative body of a unit after June 30, 2019.

Sec. 2. As used in this chapter, "housing costs" means the following:

(1) For housing occupied by the owner, any of the following:
   (A) Property insurance.
   (B) Utility related costs.
   (C) For multifamily properties, the impact to area HUD fair market rents.
   (D) Property taxes.
   (E) If the housing is owned and occupied by members of a cooperative or an unincorporated cooperative association, fees paid to a person for managing the housing.
   (F) Estimated home value.

(2) For rental housing, any of the following:
   (A) Rent.
   (B) Utility related costs, if not included in the rent.

Sec. 3. (a) As used in this chapter, "regulation" refers to any ordinance or regulation, including any:

(1) zoning or land use ordinance or regulation; or

(2) general or specific planning ordinance or regulation;

that is proposed for adoption by a unit.

(b) The term does not include the following:

(1) An impact fee ordinance adopted under IC 36-7-4-1300.

(2) A zoning or land use:
   (A) ordinance;
   (B) regulation; or
   (C) approval;

that is requested voluntarily by or on behalf of a property owner to which the action would apply.

Sec. 4. As used in this chapter, "unit" means a county or a municipality.

Sec. 5. As used in this chapter, "utility related costs" means costs related to power, heat, gas, light, water, and sewage.

Sec. 6. (a) If a unit intends to adopt a regulation that may
increase or decrease, either directly or indirectly, the cost of the
development, construction, purchasing, sale, ownership, or
availability of housing in the unit, the unit shall prepare a housing
impact analysis for the regulation before the regulation is
submitted to the legislative body of the unit for consideration.

(b) The analysis required by subsection (a) must include
information about the effect of the regulation on housing in the
unit, including the effect of the regulation on each of the following:

(1) The financial impact of developing, constructing,
rehabilitating, improving, maintaining, or owning single
family or multifamily dwellings.

(2) The purchase price of new homes or the fair market value
of existing homes.

(3) For multifamily properties, the impact to area HUD fair
market rents.

(4) Housing costs.

(5) The density, location, setback, size, or height development
on a lot, parcel, land division, or subdivision.

(c) The following applies to information on housing costs
required to be included in the analysis under subsection (b)(4):

(1) The analysis must include reasonable estimates of the
effect of the regulation on housing costs, expressed in dollar
amounts. The unit shall include a brief summary of, or
worksheet demonstrating, the computations used in
determining the dollar amounts. However, if the unit
determines that it is not possible to make an estimate
expressed in dollar amounts, the analysis must include a
statement setting forth the reasons for the unit's
determination.

(2) The analysis must include descriptions of both:

(A) the immediate effect; and

(B) to the extent ascertainable, the long term effect;

of the regulation on housing costs.

(d) Except as otherwise provided in this section, a housing
impact analysis required under this section must be based on costs
associated with the development, construction, purchasing, sale,
ownership, or availability of a median priced single family or
multifamily residence. However, the analysis may include estimates
for larger developments as part of an analysis of the long term
effect of the regulation.

(e) A unit may request information from any state agencies,
local units of government, universities or colleges, organizations,
or individuals as necessary to prepare a housing impact analysis under this section.

(f) The unit shall provide the housing impact analysis for a regulation to the members of the legislative body of the unit not less than thirty (30) days before the regulation is considered by the legislative body.

SECTION 6. IC 36-1-24.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 24.4. Housing Fee Reports

Sec. 1. Beginning in 2020, a municipality shall prepare, not later than January 31 of each year, a report concerning the municipality's single family or multifamily development fees imposed during the immediately preceding calendar year for purposes related to single family or multifamily construction, remodeling, or development.

Sec. 2. The report required by section 1 of this chapter must include the following:

(1) Information as to whether the municipality imposes any of the following fees or other requirements for purposes related to residential construction, remodeling, or development and, if so, the amount of each fee:

(A) Building permit fee.
(B) Impact fee.
(C) Park fee.
(D) Land dedication requirement, or fee in lieu of land dedication requirement.
(E) Plat approval fee.
(F) Storm water management fee and other utility fees if charged by a municipal utility.
(G) Water or sewer hook up fee.
(H) Rental unit registration and inspection fees.
(I) Any other fee or requirement.

(2) The total amount of fees described in subdivision (1) that the municipality imposed in the immediately preceding calendar year for purposes related to residential construction, remodeling, or development.

(3) The calculation of an amount that equals:

(A) the total amount of fees that the municipality imposed as described in subdivision (2); divided by

(B) the number of new residential dwelling units approved in the municipality in the immediately preceding calendar

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Sec. 3. Except as provided in section 4 of this chapter, a municipality shall post the report prepared by the municipality under this chapter on the municipality's Internet web site on a web page:

(1) dedicated solely to the report; and

(2) titled "New Housing Fee Report".

Sec. 4. If a municipality does not maintain an Internet web site, the county in which the municipality is located shall post the information required under this chapter on the county's Internet web site on a web page dedicated solely to development fee information, as described in this chapter, for the municipality.

Sec. 5. A municipality shall provide a copy of the report to each member of the legislative body of the municipality.

Sec. 6. Notwithstanding any other law, if a municipality does not:

(1) include in the municipality's report under this chapter:

(A) a fee described in section 2(1) of this chapter; and

(B) the amount of the fee; or

(2) post the report with the fee and amount of the fee on:

(A) the municipality's web site under section 3 of this chapter; or

(B) the county's web site under section 4 of this chapter;

the municipality may not impose the fee.

SECTION 7. An emergency is declared for this act.
COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1625, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 39, delete "rented" and insert "rental".
Page 7, line 5, after "of" insert "single family or multifamily".
Page 8, line 1, after "family" insert "or multifamily".
Page 9, line 34, delete "rented" and insert "rental".
Page 11, line 4, after "family" insert "or multifamily".
Page 11, line 12, after "unit" insert "not less than thirty (30) days".
Page 12, line 5, delete "subdivision," and insert "subdivision or multifamily development;".
Page 12, line 13, after "subdivision" insert "or multifamily development".
Page 12, line 26, delete "residential" and insert "single family or multifamily".
Page 12, line 28, delete "residential" and insert "single family or multifamily".
Page 12, line 41, delete "fee." and insert "fee and other utility fees if charged by a municipal utility.".
Page 12, after line 42, begin a new line double block indented and insert:

"(H) Rental unit registration and inspection fees."

Page 13, line 1, delete "(H)" and insert "(I)".

and when so amended that said bill do pass.

(Reference is to HB 1625 as introduced.)

MAHAN

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1625 be amended to read as follows:

Page 6, delete lines 28 through 38, begin a new line double block indented and insert:

"(A) Property insurance."
(B) Utility related costs.
(C) Property taxes.
(D) If the housing is owned and occupied by members of a cooperative or an unincorporated cooperative association, fees paid to a person for managing the housing.
(E) Estimated home value.

Page 7, line 4, delete "financing."
Page 7, delete lines 7 through 23, begin a new paragraph and insert:
"(e) The analysis required by subsection (d) must include information about the effect of the rule on housing in Indiana, including the effect of the rule on each of the following:

1. The cost of developing, constructing, rehabilitating, improving, maintaining, or owning single family or multifamily dwellings.
2. The purchase price of new homes or the fair market value of existing homes.
3. Housing costs.
4. The density, location, setback, size, or height development on a lot, parcel, land division, or subdivision."

Page 7, line 25, delete "(e)(1)(D):" and insert "(e)(3):"
Page 9, delete lines 23 through 33, begin a new line double block indented and insert:

"(A) Property insurance.
(B) Utility related costs.
(C) For multifamily properties, the impact to area HUD fair market rents.
(D) Property taxes.
(E) If the housing is owned and occupied by members of a cooperative or an unincorporated cooperative association, fees paid to a person for managing the housing.
(F) Estimated home value."

Page 10, line 6, delete "financing."
Page 10, delete lines 10 through 26, begin a new paragraph AND insert:
"(b) The analysis required by subsection (a) must include information about the effect of the regulation on housing in the unit, including the effect of the regulation on each of the following:

1. The financial impact of developing, constructing, rehabilitating, improving, maintaining, or owning single family or multifamily dwellings.
2. The purchase price of new homes or the fair market value of existing homes.
(3) For multifamily properties, the impact to area HUD fair market rents.
(4) Housing costs.
(5) The density, location, setback, size, or height development on a lot, parcel, land division, or subdivision.

Page 10, line 28, delete "(b)(1)(D):" and insert "(b)(4):".
Page 11, line 2, delete "financing,"
Page 11, line 18, delete "Affordability" and insert "Analysis".
Page 12, line 21, delete "Affordability"
Page 12, line 25, delete "affordability" and insert "analysis".

(Reference is to HB 1625 as printed February 1, 2019.)

CLERE

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1625 be amended to read as follows:

Page 9, line 25, after "3." insert "(a)"
Page 9, between lines 29 and 30, begin a new paragraph and insert: "(b) The term does not include the following:

(1) An impact fee ordinance adopted under IC 36-7-4-1300.
(2) A zoning or land use:
   (A) ordinance;
   (B) regulation; or
   (C) approval;
   that is requested voluntarily by or on behalf of a property owner to which the action would apply."

Page 11, delete lines 2 through 42, begin a new paragraph and insert:

"Chapter 24.4. Housing Fee Reports"

Page 12, delete lines 1 through 10.
Page 12, line 11, delete "2. (a)" and insert "1."
Page 12, line 17, delete "(b)" and insert "Sec. 2."
Page 12, line 17, delete "subsection (a)" and insert "section 1 of this chapter"

Page 13, line 2, delete "(c)" and insert "Sec. 3."
Page 13, line 2, delete "subsection (d)," and insert "section 4 of this chapter,"
Page 13, line 3, delete "section" and insert "chapter".
Page 13, line 7, delete "(d)" and insert "Sec. 4."
Page 13, line 9, delete "section" and insert "chapter"
Page 13, line 11, delete "section," and insert "chapter,"
Page 13, line 12, delete "(e)" and insert "Sec. 5."
Page 13, line 14, delete "(f)" and insert "Sec. 6."
Page 13, line 15, delete "section:" and insert "chapter:".
Page 13, line 16, delete "subsection (b)(1); and" and insert "section 2(1) of this chapter; and"
Page 13, line 19, delete "subsection (c); or" and insert "section 3 of this chapter; or"
Page 13, line 20, delete "subsection (d);" and insert "section 4 of this chapter;"
Page 13, line 21, delete "section;" and insert "chapter;"

(Reference is to HB 1625 as reprinted February 6, 2019.)

CLERE