

2016 End of Session Report

March 28, 2016

HB1222 CONDOMINIUMS AND HOMEOWNERS ASSOCIATIONS (BURTON W) Makes the following amendments to the statutes concerning condominiums and homeowners associations: (1) Provides that notice of a proposed amendment of a condominium declaration or the governing documents of a homeowners association is required only with respect to first mortgage holders that provide an address to the secretary of the board of directors of the condominium association or homeowners association, as applicable. (2) Provides that a condominium co-owner or a homeowners association member is entitled to attend any meeting of the condominium's or homeowners association board, including an annual meeting. Provides that the board of directors may meet in private to discuss delinquent assessments or litigation matters. (3) Repeals provisions requiring condominium instruments and the governing documents of homeowners associations to include grievance resolution procedures. (4) Makes technical changes. Makes the following amendments to the statute concerning homeowners associations: (1) Specifies that certain provisions of the homeowners association statute apply to a homeowners association established before July 1, 2009, regardless of whether the members of the homeowners association have elected to be governed by the statute. (2) Provides that a homeowners association is not required to disclose communications that: (A) are initiated by the association or by a member of the association; and (B) concern suspected criminal activity by another member of the association. (3) Provides that in an enforcement action by the attorney general under the statute, the court may impose a civil penalty not exceeding \$500 on an individual determined by the court to have exercised a proxy in violation of the statute.

Current Status: 3/23/2016 - **SIGNED BY GOVERNOR**

Recent Status: 3/16/2016 - Signed by the President of the Senate
3/10/2016 - Signed by the President Pro Tempore

HB1273 VARIOUS PROPERTY TAX MATTERS (LEONARD D) Makes numerous changes in property tax law. Provides that personal property is exempt from property taxation if it is owned by a homeowners association and is held by the homeowners association for the use, benefit, or enjoyment of members of the homeowners association.

Current Status: 3/24/2016 - **SIGNED BY GOVERNOR**

Recent Status: 3/17/2016 - Signed by the President of the Senate
3/16/2016 - Signed by the President Pro Tempore

HB1288 POLL TAKERS (RICHARDSON K) Repeals a statute requiring an individual to respond to a poll taker visiting the individual's place of lodging. Removes provisions requiring the proprietor or manager of a place of lodging to maintain lists of residents of the place of lodging for certain periods relating to an election. Repeals related statutes.

Current Status: 3/21/2016 - **SIGNED BY GOVERNOR**

Recent Status: 3/14/2016 - Signed by the President of the Senate
3/1/2016 - Signed by the President Pro Tempore

HB1360 REALTOR CONTINUING EDUCATION (MORRIS R) Provides that following every license renewal period, the Indiana real estate commission (commission) in consultation with the

professional licensing agency may randomly audit for compliance more than 1% but less than 10% of the licensed real estate brokers required to take continuing education courses. Requires a real estate continuing education course sponsor to submit certain documentation to the commission. Adds to the conditions under which the commission may deny, suspend, or revoke approval of a course sponsor. Allows the commission to enter into an agreement with certain entities to provide an electronic continuing education tracking system.

Current Status: 3/23/2016 - **SIGNED BY GOVERNOR**

Recent Status: 3/16/2016 - Signed by the President of the Senate
3/10/2016 - Signed by the President Pro Tempore

SB300

APPRAISEMENT AND REAL ESTATE BROKERS (BOOTS P) Removes the requirement that property sold at sheriff's sale be appraised. Adds to the existing list of acts that are exempt from the statute governing the licensure of real estate brokers the performance of an evaluation of real property by a financial institution in connection with a transaction for which the financial institution would not be required to use the services of a state licensed appraiser under regulations adopted under Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

Current Status: 3/21/2016 - **SIGNED BY GOVERNOR**

Recent Status: 3/14/2016 - Signed by the President of the Senate
2/29/2016 - Returned to the Senate without amendments

SB309

STATE AND LOCAL TAXATION (HERSHMAN B) Makes numerous changes to tax law. Specifies that a person is a retail merchant making a retail transaction for purposes of state gross retail and use taxes when the person rents or furnishes rooms, lodgings, or accommodations (lodgings) that: (1) are rented or furnished for periods of less than 30 days; and (2) are located in a house, condominium, or apartment in which lodgings are rented or furnished for transient residential housing for consideration. Defines "facilitator" as a person who: (1) contracts with a person who rents or furnishes lodgings for consideration to market the lodgings through the Internet; and (2) accepts payment from the consumer for the lodging. Provides that a facilitator is a retail merchant making a retail transaction when the facilitator accepts payment from the consumer for lodgings rented or furnished in Indiana. Provides that a retail merchant who rents or furnishes lodgings shall provide to the consumer of the lodging an itemized statement separately stating all of the following: (1) The part of the gross retail income that is charged for the rental or furnishing of the lodging. (2) Any taxes collected by the person renting or furnishing the lodging. (3) Any part of the gross retail income that is a fee, commission, or other charge of a facilitator. Provides that a penalty of \$25 is imposed on a facilitator for each transaction in which the facilitator fails to separately state such information.

Current Status: 3/24/2016 - **SIGNED BY GOVERNOR**

Recent Status: 3/17/2016 - Signed by the President of the Senate
3/16/2016 - Signed by the President Pro Tempore