

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 100

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 36-7-4-1019 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1019. **(a)** In an enforcement action brought under this chapter, the party alleging the existence of a **legal**, nonconforming use or variance granted by a board of zoning appeals has the burden of proof on that issue. The nonexistence of a nonconforming use or variance need not be proved.

(b) Except as provided in subsection (c), this subsection applies whenever a legal, nonconforming structure on a parcel of real property used for residential purposes is damaged or destroyed. The owner of the parcel shall be permitted to reconstruct, repair, or renovate the nonconforming structure if the reconstruction, repair, or renovation meets the following requirements:

(1) The structure will continue to be used for residential purposes.

(2) The new foundation of the reconstructed, repaired, or renovated structure may not exceed the square footage of the foundation of the damaged or destroyed structure.

(c) The provisions of subsection (b) concerning the reconstruction, repair, or renovation of a damaged or destroyed nonconforming structure do not authorize the reconstruction, repair, or renovation of a damaged or destroyed nonconforming structure that is:

SEA 100 — Concur



(1) subject to the jurisdiction of a preservation commission organized under:

(A) IC 36-7-11;

(B) IC 36-7-11.1;

(C) IC 36-7-11.2; or

(D) IC 36-7-11.3; or

(2) located within a flood plain (as defined in IC 14-8-2-99).



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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