

**GENERAL ORDINANCE 4, 2025**

AN ORDINANCE AMENDING THE *TERRE HAUTE CITY CODE* CHAPTER 10, ARTICLE 4, REGISTRIES AND REGISTRATION, DIVISION I, RENTAL PROPERTY REGISTRATION & INSPECTIONS.

WHEREAS, I.C. § 36-8-2-4 authorizes the City of Terre Haute to regulate the conduct, use or possession of property which might endanger health, public safety, or the welfare of its citizens; and

Whereas, a Building Code has been established for the City of Terre Haute to protect the life and health of the residents as it relates to the design and construction of buildings and structures; and

WHEREAS, in order to protect the public health, safety, and welfare of its citizens, it is essential that provisions be implemented to maintain a rental registry and inspection protocol that may occur within the corporate limits; and

THEREFORE, BE IT ORDAINED by the Common Council for the City of Terre Haute, Indiana as follows:

**SECTION 1.** *Terre Haute City Code* Chapter 10, Article 4, is hereby amended by the insertion of the text as follows:

**ARTICLE 4. REGISTRIES AND REGISTRATION****Division I. RENTAL PROPERTY REGISTRATION & INSPECTIONS****Sec. 10-400            Title.**

This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the "Rental Registration and Inspection Program of the City of Terre Haute, Indiana", and may be cited as such, and will be referred to herein as "this Code."

**Sec. 10-401            Definitions.**

- a.     **Inspection Certificate.** A certificate is issued by the Department of Engineering of the City of Terre Haute that documents that a rental unit has passed inspection and the property owner is permitted to rent or lease the unit.
- b.     **Building Inspector.** The persons, working with the Department of Engineering of the City of Terre Haute, who shall enforce the provisions of this code.

- c. **Land Contract.** Means a contract for the sale of real estate in which the seller of the real estate retains legal title to the real estate until the total contract price is paid by the buyer. IC 24-9-2-9.5
- d. **Occupant.** A person/persons living, sleeping, cooking, having physical or actual possession of a Rental Unit, or using the property as their primary residence.
- e. **Property Owner.** One or more persons or a corporation in whom is vested all or in part of the legal title to the property or the Rental Unit. The term includes a mortgagee or contract purchaser in possession.
- f. **Person.** An individual, a corporation, an association, a partnership, a governmental entity, a trust, an estate, or any other legal or commercial entity.
- g. **Recorded Documents.** Recorded with Vigo County Recorder's Office in accordance with IC 32-21-4-1
- h. **Registration Fee.** The amount paid to the Department of Engineering of the City of Terre Haute when registering a Rental Unit with the City.
- i. **Rental Unit.** As used in the City Code means:
  - 1. A structure, or part of a structure, that is used as a home, residence or a sleeping unit by:
    - a. One (1) individual who maintains a household; or
    - b. Two (2) or more who maintain a common household;
  - Or-
  - 2. Any grounds, facilities, or are promised for use of a residential tenant, including the following:
    - a. An Apartment unit, Building/ Structure,
    - b. A Boarding house,
    - c. A Rooming house,
    - d. A mobile home space,
    - e. A single or two (2) or more family dwelling.
- j. **Rental Unit Community or Facility.** As used in this Code, "Rental Unit Community or Facility" means one (1) or more parcels of contiguous real property upon which are located one (1) or more structures/ dwelling units if the following exists:
  - 1. The combined total of rental units in all Structures is five (5) or more rental units; and
  - 2. The rental unit/units are not occupied solely by the property owner/owners or immediately member of the property owner.
- 3. **Responsible Party.** Property owner/owners or property manager/managers
- 4. **Professional Real Estate Manager.** Is defined in accordance with Indiana Code 25-34.1 and means a person who:

1. For consideration, sells, buys, trades, exchanges, options, leases, rents, manages, lists, or appraises real estate or negotiates or offers to perform any of those acts; and
  2. Is acting in association with and under the auspices of a managing broker and broker company.
3. **Unsafe Building.** A building or structure, or any part of a building or structure, that is:
  1. In an impaired structural condition that makes it unsafe to a person or property;
  2. A fire hazard;
  3. A hazard to the public health;
  4. A public nuisance;
  5. Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance;
  6. Vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance; or
  7. Otherwise in violation of State or City Unsafe Building Code.
4. **Unsafe Premises.** The tract of real estate on which an Unsafe Building is located.

**Sec. 10-402                      Purpose.**

The purpose of this Code is to provide minimum housing standards for all rental properties to protection of life, limb, health, environment, public safety and welfare, and ensure all rental properties meet minimum properties standards for all rental/leases within this chapter and City Code.

**Sec. 10-403                      Authority.**

The Department of Engineering of the City of Terre Haute, hereinafter referred to as the Department of Engineering, is authorized and directed to administer and enforce all of the provisions of this *Code* and in accordance with Indiana Code 36-1-20. Whenever in the building regulations, it is provided that anything must be done to the approval of or subject to the direction of the Department of Engineering or any other officer of the City of Terre Haute; this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and so such provisions shall not be construed as giving any officer discretionary powers as to what such regulations, codes, or standards shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner.



**Sec. 10-404****Safe and Habitable Premises.**

An Owner must maintain the Rental Unit in a safe and habitable manner. Accordingly, the Owner must ensure that a Rental Unit:

- a. Is not in an Unsafe Building;
- b. Is in compliance with all rules, regulations, ordinances, statutes, or other laws including, but not limited to:
  - 1. The City of Terre Haute's Unsafe Building Ordinance;
  - 2. The State of Indiana Unsafe Building Law;
  - 3. State and City Fire Code;
  - 4. State and City Building Code;
  - 5. National, State, and Local Electric Code; and
  - 6. Any other rule, regulation, statute, or other law relating or pertaining to the safety or habitability of a residential or rental property.
- c. Is safe and habitable with respect to:
  - 1. Electrical supply and electrical systems;
  - 2. Plumbing and plumbing systems;
  - 3. Water supply, including hot water;
  - 4. Heating, ventilation, and air conditioning equipment and systems;
  - 5. Bathroom and toilet facilities;
  - 6. Weatherization;
  - 7. Doors, windows, stairways, and hallways;
  - 8. Functioning smoke detectors; and
  - 9. The structure in which a Rental Unit is located.

**Sec. 10-405****Annual Registration.**

a. *Registration Form* The Department of Engineering of the City of Terre Haute will provide a Registration Form for an Owner of a Rental Unit to complete through the City's online portal. The Department of Engineering may amend the Registration Form from time to time as appropriate and/or necessary. The Registration Form shall require information including, but not be limited to:

- 1. Name of Owner;
- 2. Address of Rental Unit;

3. Mailing address for Owner, Owner's representative, Responsible Party, or Property Manager;
4. Email address Owner, Owner's representative, Responsible Party, or Property Manager;
5. Phone number for Owner, Owner's representative, Responsible Party, or Property Manager;
6. Number of units that Owner rents;
7. Verification that a Homestead Property Tax deduction is not being claimed on the property while it is used as a Rental Unit; and
8. Verification that the Owner, Owner's representative, Responsible Party, or Property Manager will update any and all information within thirty (30) days of any change.

b. *Annual Registration and Fees* An Owner of Rental Unit shall complete a Registration Form and pay an annual Five-Dollar (\$5.00) registration fee ("Registration Fee") for each parcel of real property on which a Rental Unit is located. The Registration Form and the Registration Fee shall be submitted to the Department of Engineering's online portal. The Registration Fee shall be due by January 31 of each year. The City Controller shall cause any fees collected under this Section to be deposited into the Engineering Non Reverting account.

c. *Initial Registration* All current Owners shall submit an initial Registration Form and a Registration Fee for any and all existing Rental Units by January 31, 2026. Thereafter, any Owner shall have thirty (30) days from obtaining ownership in a Rental Unit and/or leasing a Rental Unit to submit the Registration Form and the Registration Fee to the City.

d. *Issuance of Permit* Upon meeting the requirements of the Registration Form and paying the Registration Fee, an Owner may be issued a Registration Permit.

e. *Obligation to Update Information* The Owner of a Rental Unit will be required to update its Registration Form within thirty (30) days of any change in address, change in ownership, change in Occupant, or any other material changes thereto. Failure to do so will result in a violation of this Code.

f. *New Ownership* Registration Permits are not transferrable from change of ownership. A new Owner shall submit a new Registration Form and pay the Registration fee within thirty (30) days after the change of ownership.

g. *Rental Unit Community/ Facility Exception* Notwithstanding other provisions of this Code, an Owner of Rental Unit Community/Facility will only be obligated to complete one Registration Form and to submit a single Registration Fee per each Rental Unit Community/Facility.

h. *Land Contract Exception* When a property is being sold under a land contract, the Owner and/or prospective Owner is not required to submit a Registration Form and Registration Fee as

long as they can provide a recorded copy of the land contract from the Vigo County Recorder's Office.

- i. *Rental Registration and Inspection Fund* The City Council hereby establishes a special fund which shall be known as the "Rental Registration and Inspection Fund" dedicated solely to reimbursing the costs actually incurred by the City relating to the registration and inspection of Rental Units as provided in this Code. The City Controller shall cause any fees collected under this Section to be deposited into the Engineering Non Reverting account.

#### **Sec. 10-406                      Inspections.**

The Building Inspector is authorized and directed to make inspections to ensure the conditions of a Rental Unit meets the minimum standards within the City of Terre Haute.

##### **a.            Inspections Authorized.**

1.        The Building Inspector is authorized to enter, examine, and survey, at all reasonable times, any and all Rental Units. The Owner or the Owner's representative, and/or Occupant of every Rental Unit shall give the Inspection Officer free access to such Rental Unit and its premises at all reasonable times for the purpose of such inspection, examination and survey, provided, however, that such Inspection Officer has, prior to entry thereof, positively identified himself or herself as a person authorized pursuant to this Code to enter upon said premises. At the time of each inspection, all pets must be controlled so that the Building Inspector can move about the dwelling and surrounding property.
2.        In the event that the Owner, or the Occupant if occupied, refuses to allow the Building Inspector to conduct the inspection, the Building Inspector may apply for a warrant to make the inspection in accordance with state law.
3.        This provision shall not be construed to limit or restrain the right of the Building Inspector to make an inspection of any other building or premises pursuant to any other provision of state law or the City Code.
4.        Any Rental Unit that obtained two (2) or more major violations within the previous calendar year may be inspected upon submission of its annual Registration Form. Upon receiving and reviewing the Registration Form, the City will notify the Owner of the inspection. For any inspection done under this subsection, the City shall charge the Owner of the Rental Unit a fee of One hundred Dollars (\$100.00) ("Inspection Fee"). Inspection fees are due within thirty (30) days of the City notifying the Owner of the inspection. Failure to pay the Inspection Fee within thirty (30) days of receiving notice thereof shall result in a violation of this Code. The City Controller shall cause any fees collected under this Section to be deposited into the Engineering Non Reverting account.



b. The Building Inspector may inspect a Rental Unit, if he or she:

1. Has reason to believe; or
2. Receives a complaint;

that the Rental Unit does not comply with applicable code requirements. If the inspection reveals a violation of applicable code requirements, the Owner of the Rental Unit may be subject to a penalty as provided in this Code.

c. Inspections with Malicious or False Intent. If determined by the Inspector that the occupant maliciously or falsely reports, the occupant shall be in violation and may be subject to penalty.

d. An inspection report of the inspection under subdivision (2) has been issued to the owner or landlord of the rental unit or rental unit community (as applicable) that verifies that the rental unit or a random sample of the rental unit community, if the sample size complies with the United States Department of Housing and Urban Development's (HUD) rules for sample size on inspection, is safe and habitable with respect to:

1. Electrical supply and electrical systems;
2. Plumbing and plumbing systems;
3. Water supply, including hot water;
4. Heating, ventilation, and air conditioning equipment and systems;
5. Bathroom and toilet facilities;
6. Doors, windows, stairways, and hallways;
7. Functioning smoke detectors; and
8. The structure in which a rental unit is located.

A political subdivision may not add to the requirements of this subdivision.

e. The inspection report issued under subdivision (C) is delivered to the political subdivision on or before the due date set by the political subdivision.

f. *Violation Notice* If a Building Inspector finds that a Rental Unit or any part thereof fails to comply with any standard set forth in this Code, any other ordinance of the City of Terre Haute, or any statute of the State of Indiana, he or she shall give notice of the alleged violation to the Owner of the Rental Unit (the "Violation Notice"). The Violation Notice shall reasonably describe the violation found. The Violation Notice shall further specify the date by which the violation must be corrected.

g. *Permit Required* If a Violation Notice states that a permit is required to become compliant with state and local rules and regulations, then a licensed contractor may be required to complete the work.

h. *Service of Violation Notice* The Violation Notice shall be served upon the Owner or the Owner's representative, and the Occupant of the Rental Unit. The Violation Notice may be served by any of the following methods:

1. Sending a copy of the Violation Notice by registered or certified mail to the address of the Owner and/or Occupant as reflected on the Registration Form;
2. Delivering a copy of the Violation Notice personally to the person to be notified; or
3. Leaving a copy of the Violation Notice at the address of the Owner and/or Occupant as reflected on the Registration Form.
4. In the event that service cannot be obtained by foregoing methods, the alternate means of service described in Ind. Code § 36-7-9-25 may be used.

#### **Sec. 10-407                      Enforcement**

A Rental Unit that the Building Inspector finds to be unsafe, uninhabitable, or in violation of this Code, any other City ordinances, and/or state law shall be fixed or repaired to become compliant within thirty (30) calendar days of the Violation Notice. If a violation is determined to be willful, repeated, or threatens significant harm to public health, safety, or welfare, the Building Inspector may require a shorter period of time to become compliant. Failure to cure a violation shall result in a violation of this Code. The Building Inspector may extend the period to cure for good cause.

#### **Sec. 10-408              Penalty.**

Any violation of any provision of this Code shall subject the violating party to a fine shall not be less than Five Hundred Dollars (\$500.00) not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) for each such violation, failure, or refusal. Each day of such unlawful activity shall constitute a separate offense. The City Controller shall cause any fines collected under this Section to be deposited into the Engineering Non Reverting account.

**SECTION 2.** The illegality or invalidity, for any reason, of any of the sections of this ordinance, or parts thereof, shall invalidate only such section or sections as are so determined to be illegal or invalid, any such invalidity shall have no effect on the remaining sections of this ordinance.

**SECTION 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.



**SECTION 4.** This ordinance shall be in full force and effect from and after the date of its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and upon publication as required by law.

Introduced by: \_\_\_\_\_ Todd Nation, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_ Todd Nation, President

ATTEST: \_\_\_\_\_ Michelle L. Edwards, City Clerk

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2025

at \_\_\_\_\_ o'clock.

\_\_\_\_\_ Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_ Brandon C. Sakbun, Mayor

ATTEST: \_\_\_\_\_ Michelle L. Edwards, City Clerk