

IC 22-9.5-3

Chapter 3. Exemptions

IC 22-9.5-3-1

Sale or rental of certain single-family houses; sale or rental of certain rooms or units

Sec. 1. (a) Subject to subsection (b), IC 22-9.5-5 does not apply to the following:

(1) The sale or rental of a single-family house sold or rented by an owner if:

(A) the owner does not:

- (i) own more than three (3) single-family houses at any one (1) time; or
- (ii) own any interest in, nor is there owned or reserved on the owner's behalf, under any express or voluntary agreement, title to, or any right to any part of the proceeds from the sale or rental of more than three (3) single-family houses at any one (1) time; and

(B) the house was sold or rented without:

- (i) the use of the sales or rental facilities or services of a real estate broker, an agent, or a salesman licensed under IC 25-34.1, or of an employee or agent of a licensed broker, an agent, or a salesman, or the facilities or services of the owner of a dwelling designed or intended for occupancy by five (5) or more families; or
- (ii) the publication, posting, or mailing of a notice, a statement, or an advertisement prohibited by IC 22-9.5-5-2.

(2) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner maintains and occupies one (1) of the living quarters as the owner's residence.

(b) The exemption in subsection (a)(1) applies to only one (1) sale or rental in a twenty-four (24) month period if the owner was not the most recent resident of the house at the time of the sale or rental.

As added by P.L.66-1990, SEC.2.

IC 22-9.5-3-2

Sale, rental, or occupancy of property operated or controlled by or in conjunction with religious organization

Sec. 2. This article does not prohibit a religious organization, an association, or a society or a nonprofit institution or an organization operated, supervised, or controlled by or in conjunction with a religious organization, an association, or a society from:

- (1) limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or
- (2) giving preference to persons of the same religion, unless

membership in the religion is restricted because of race, color, or national origin.

As added by P.L.66-1990, SEC.2.

IC 22-9.5-3-3

Rental or occupancy of lodging by private club not open to the public

Sec. 3. This article does not prohibit a private club not open to the public that, as an incident to the club's primary purpose, provides lodging that the club owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to the members or from giving preference to the members, unless membership in the club is restricted because of race, color, or national origin.

As added by P.L.66-1990, SEC.2.

IC 22-9.5-3-4

"Housing for older persons" defined; scope of term; criteria for determinations; inapplicable provisions

Sec. 4. (a) As used in this section, "housing for older persons" means housing that the commission determines is:

- (1) specifically designed and operated to assist elderly persons under a federal or state program;
- (2) intended for and solely occupied by persons at least sixty-two (62) years of age; or
- (3) intended and operated for occupancy by persons at least fifty-five (55) years of age if the provisions of subsection (c) are met.

(b) Housing does not fail to meet the requirements for housing for older persons if:

- (1) the unoccupied units are reserved for persons who meet the age requirements of subsection (a)(2) or (a)(3); or
- (2) the occupants who do not meet the age requirements of subsection (a)(2) or (a)(3) have resided in the housing since September 13, 1988, or an earlier date, and the persons who became occupants after September 13, 1988, meet the age requirements of subsection (a)(2) or (a)(3).

(c) To be considered housing for older persons under subsection (a)(3), a housing facility or community must meet the following provisions:

- (1) At least eighty percent (80%) of the occupied units are occupied by at least one (1) person who is at least fifty-five (55) years of age.
- (2) The housing facility or community publishes and adheres to policies and procedures that demonstrate an intent to operate housing for persons who are at least fifty-five (55) years of age.
- (3) The housing facility or community complies with rules adopted by the civil rights commission under IC 4-22-2 for verification of occupancy that:

(A) provide for verification by reliable surveys and affidavits; and

(B) include examples of the types of policies and procedures relevant to determine compliance with subdivision (2).

(d) The surveys and affidavits used to verify occupancy under subsection (c)(3)(A) are admissible in an administrative or a judicial proceeding to verify occupancy.

(e) The provisions of IC 22-9.5-1-2 relating to familial status do not apply to housing for older persons.

As added by P.L.66-1990, SEC.2. Amended by P.L.111-1992, SEC.6; P.L.89-2003, SEC.1.

IC 22-9.5-3-5

Factors considered by real property appraisers

Sec. 5. This article does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, disability, familial status, or national origin.

As added by P.L.66-1990, SEC.2. Amended by P.L.23-1993, SEC.140.

IC 22-9.5-3-6

Local or state restrictions

Sec. 6. (a) This article does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or restriction relating to health or safety standards.

(b) This article does not affect a requirement of nondiscrimination in any other state or federal law.

As added by P.L.66-1990, SEC.2.