



City of Mishawaka

OFFICE OF THE CITY CLERK

Deborah S. Block, IAMCA, MMC, City Clerk

May 28, 2026

NOTICE

**A MEETING OF THE
SUB-STANDARD HOUSING COMMITTEE
OF THE MISHAWAKA COMMON COUNCIL
WILL MEET IN THE COUNCIL CHAMBERS**

**100 Lincolnway West
CITY HALL
ON**

**Monday, June 22, 2026
AT 6:00 P.M.**

**Regarding
Proposed Ordinance No. 2026-18
ESTABLISHING A RENTAL REGISTRATION & INSPECTION PROGRAM**

Livestream

<http://mishawaka.in.gov/council/livestream>

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements contact Susan Kile, ADA Coordinator, at (574) 258-1615.

Respectfully, Deborah S. Block, IAMCA, CMO, MMC, City Clerk

Raven Boston, Chief Deputy I Michael Hixenbaugh, Chief Deputy II
City Hall, 100 Lincolnway West Mishawaka, IN 46544 (574) 258-1616 FAX (574) 258-1728
E-mail: dblock@mishawaka.in.gov Website: Mishawaka.in.gov

1st Reading 5/4/26
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2026-18

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA REGARDING
RENTAL REGISTRATION AND INSPECTION

WHEREAS, _____

WHEREAS, it is the intent of the Common Council of the City of Mishawaka to create a new rental registration and inspection program in the City of Mishawaka for the purpose of protecting residents of the City, by the creation of a new Chapter of the Mishawaka Code of Ordinances, which shall be designated as _____.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. The Mishawaka Code of Ordinances, is hereby amended to add a new Chapter _____, Article _____, Rental Registration and Inspection Program, as follows:

Sec. ____-____. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter. Words in the singular shall include the plural, and words in the plural shall include the singular.

Inspection certificate means a certificate issued by the building department which documents that a rental unit has passed inspection and the owner is permitted to rent or lease the unit.

Inspection officers means shall mean the following people, working separately or together, who shall enforce the provisions of this chapter:

1. Building Official or his/her designee.
2. Fire inspector, fire chief or other designated officer.

Occupant/Tenant means any person, living, sleeping, cooking, or having physical or actual possession of a rental unit.

Owner means one or more persons in whom is vested all or part of the legal title to property. The term includes a mortgagor or contract purchaser in possession.

Person means an individual, a corporation, an association, a partnership, a governmental entity, a trust, an estate, or any other legal or commercial entity.

Registration fee means the amount paid to the building department when registering a rental unit with the City of Mishawaka, IN.

Rental Unit means:

1. A structure, or the part of a structure, that is used as a home, residence, or sleeping unit by:
 - a. One individual who maintains a household
 - b. Two or more individuals who maintain a common household
2. Any grounds, facilities, or area promised for the use of a residential tenant, including the following:
 - a. An apartment unit.
 - b. A boarding house.
 - c. A rooming house.
 - d. A single- or two- or more family dwelling.

Rental Unit Community means one or more parcels of contiguous real property upon which are located one or more structures containing rental units, if:

1. The combined total of all rental units in all of the structures is five or more rental units; and
2. The rental units are not occupied solely by the owner or the owner's family.

Unsafe building means 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 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 laws.

Unsafe premises means the tract of real estate on which an unsafe building is located.

Sec. ___-___. Safe and habitable premises.

An owner must maintain the rental unit in a safe and habitable manner. Accordingly, the owner must ensure that the rental unit is:

- (a) not in an unsafe building;
 - (b) complying, with all rules, regulations, ordinances, statutes, or other laws including, but not limited to:
 - (1) The City of Mishawaka, IN unsafe building ordinance.
 - (2) The state of Indiana Unsafe Building Law.
 - (3) State and City of Mishawaka, IN fire code.
 - (4) State and City of Mishawaka, IN building code.
 - (5) National, state, and local electric code.
 - (6) Any other rule, regulation, statute, or other law relating or pertaining to the safety or habitability of a residential or rental property; and
- (b) 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 carbon monoxide detectors
- (8) The structure in which a rental unit is located.

Sec. ___-___. Annual registration.

(a) Registration Form. The Building Official shall prepare a form for an owner of a rental unit to complete ("registration form"). The registration form shall require information including, but not be limited to, name of owner, address of rental unit, mailing address for owner or owner's representative, name of tenant, e-mail address, phone number, number of units that owner rents, and verification that the landlord will update any and all information within 30 days of any change. The Building Official may amend the registration form from time to time as appropriate and/or necessary.

(b) Annual Registration and Fee. An owner of rental unit in the City of Mishawaka, IN shall complete a registration form and pay an annual \$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 Building Department. The registration fee shall be due yearly by January 31st of each year. Failure to register each year will result in a fine of up to two hundred fifty (\$250) dollars per offense.

(c) Rental Unit Community Exception. An owner of the rental unit community will only be obligated to complete one registration form and to submit a single registration fee per each rental unit community.

(d) 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 chapter.

(e) Initial Registration. All current owners shall submit an initial registration form and a registration fee for all existing rental units within ninety-days (90) of passage of this ordinance. Thereafter, any new owner shall have thirty (30) days from obtaining ownership in a rental unit and/or leasing a rental unit to register that rental unit with the City of Mishawaka, IN and to submit the registration fee. Failure to do so will result in a two hundred fifty dollar (\$250) fine each day and each day thereafter.

(f) Rental Registration and Inspection Fund. The City of Mishawaka, IN 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 chapter. All registration fees required hereunder shall be deposited in that special fund.

Sec. ____-____. Inspection.

(a) Inspections Authorized. The inspection officers are authorized and directed to make inspections to determine the condition of rental units located within the City of Mishawaka, IN.

- (1) The inspection officers are authorized to enter, examine and survey, at all reasonable times, 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 chapter to enter upon said premises. At the time of each inspection, all pets must be controlled so that the inspection officer can move about the dwelling and surrounding property.
- (2) The owner or the owner's representative and the occupant shall be entitled to 72 hours' written notice from the inspection officer prior to conducting the inspection, examination or survey. In the event that the owner, or the tenant if occupied, refuses to allow the inspection officer to conduct the inspection, the inspection officer shall apply for a warrant to make the inspection in accordance with IC [36-7-9-16](#).

- (3) This provision shall not be construed to limit or restrain the right of the inspection officer to make an inspection of any other building or premises pursuant to any of the provisions of IC [36-7-9-1](#) or the city's ordinances concerning unsafe buildings or unsightly premises.

(b) Initial Inspection. Every Rental unit operated and maintained in the City of Mishawaka, IN shall be inspected by the Building Department within ninety (90) days of the owner's submission of the Initial Registration, Initial Registration Fee, and Inspection Fee. The Initial Inspection shall be made to ascertain that the Rental Unit conforms to all requirements of this chapter, any other ordinance of the City of Mishawaka, IN and all applicable statutes of the State of Indiana. Any owner allowing a tenant to occupy a rental unit without a valid inspection certificate is in violation of this chapter and subject to a two hundred fifty dollars (\$250) fine each day and each day thereafter.

(c) Inspection At Least Once Every Three Years and/or New Occupant. Every rental unit operated and maintained in the City of Mishawaka, IN shall be inspected by the Building Official or his/her designee at least one time every three years ("routine inspection"). The routine inspection shall be made to ascertain that the facility conforms to all requirements of this chapter, any other ordinance of the City of Mishawaka, IN, and all statutes of the state of Indiana regarding such facilities.

(d) Exemption to Routine Inspection. Pursuant to IC [36-1-20-4.1\(c\)](#), the City of Mishawaka, IN may not conduct a routine inspection of a rental unit or impose a fee pertaining to the inspection of a rental unit, if the rental unit satisfies all of the following:

(1) The rental unit is:

(i) Managed by a professional real estate manager; or

(ii) Part of a rental unit community that is managed by a professional real estate manager.

(2) During the previous 12 months, the rental unit has been inspected or is part of a rental unit community that has been inspected by either of the following:

(i) By or for:

(A) The United States Department of Housing and Urban Development, the Indiana Housing and Community Development Authority, or another federal or state agency; or

(B) A financial institution or insurance company authorized to do business in Indiana.

(ii) By an inspector who:

(A) Is a registered architect.

(B) Is a professional engineer; or

(C) Satisfies the qualifications of the City of Mishawaka, IN Building department such that the inspector would qualify as an inspection officer.

(iii) However, the inspector may not be an employee of the owner.

(3) A written inspection report of the inspection has been issued to the owner of the rental unit or rental unit community (as applicable) that verifies that the rental unit or rental unit community is safe and habitable with respect to:

(i) Electrical supply and electrical systems.

(ii) Plumbing and plumbing systems.

(iii) Water supply, including hot water.

(iv) Heating, ventilation, and air conditioning equipment and systems.

(v) Bathroom and toilet facilities.

(vi) Doors, windows, stairways, and hallways.

(vii) Functioning smoke detectors; and

(viii) The structure in which a rental unit is located; and

(4) The inspection report is delivered to the City of Mishawaka, IN Building department on or before the date of the scheduled inspection.

(e) Additional Inspections. In addition to the routine inspection, the City of Mishawaka, IN may inspect any rental unit, if the political subdivision has reason to believe or receive a complaint that the rental unit does not comply with applicable code requirements, so long as the City of Mishawaka, IN provides 72 hours' notice.

(f) Access. Every occupant of a rental unit shall give the owner thereof or the owner's representative access to any part of such dwelling or rental unit or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter.

(g) Inspection Fee.

(1) Initial Inspection- For any routine inspection, the City of Mishawaka, IN shall charge the owner of the rental unit a fee of \$150.00 ("inspection fee"). Failure to pay the inspection fee within 30 days of receiving notice thereof shall result in a violation of this chapter. Each "inspection fee" is good for three (3) years or when a new tenant occupies the space, whichever occurs first. However, in the case of a rental unit that meets the requirements for an exemption, the City of Mishawaka, IN may not impose any inspection fee pertaining to the inspection of that rental unit.

(2) Reinspection- if after conducting an initial inspection, the Inspection Officer determines that a reinspection is necessary, the City of Mishawaka, IN, may charge the owner of the rental unit an additional \$75.00 per reinspection, fee. The reinspection fee is due within thirty (30) days of owner receipt of the notice of reinspection. The reinspection fee must be paid prior to issuance of the certificate of occupancy.

(h) Inspection Certificate. The building department shall issue to the owner of every registered and inspected rental unit an inspection certificate as proof that the unit passed inspection. The inspection certificate shall be valid for three (3) years or until the next inspection is required by this chapter.

(i) Violation Notice. If an inspection officer finds that a rental unit or any part thereof fails to comply with any standard set forth in this chapter, any other ordinance of the City of Mishawaka, IN 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 be in writing and shall reasonably describe the violation found. The violation notice shall further specify the date by which the violation must be corrected.

(j) 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.

In the event that service cannot be obtained by foregoing methods, the alternate means of service described in IC [36-7-9-25](#) may be used.

(k) Curing Violations. A rental unit that the inspection officer finds to be unsafe or uninhabitable shall be repaired so that it meets acceptable standards within 15 days of the violation notice. Any other violations shall be repaired within 30 days of the violation notice. Failure to cure a violation shall result in a violation of this chapter. The City of Mishawaka, IN Building Official may extend the period for cure for good cause.

Sec. ____-____. Penalties for violation.

Any violation of any provision of this chapter shall subject the violating party to a fine not to exceed \$250.00 per day. Each day that a violation continues or remains uncured shall constitute a separate offense.

Section 2. The provisions of this chapter are severable, and the invalidity of any phrase, clause or part of this chapter shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 3. This chapter of this ordinance shall be in full force and effective thirty (30) days after its passage, approval and publication according to the laws of the State of Indiana.

PASSED by the Common Council the ____ day of _____, 2026 at
_____ o'clock ____m.

Gregg Hixenbaugh, Council President

ATTEST:

Deborah S. Block, IAMCA, CMO, MMC
City Clerk

PRESENTED to the Mayor this ____ day of _____, 2026 at ____
o'clock ____m.

Deborah S. Block, IAMCA, CMO, MMC
City Clerk

APPROVED by me this ____ day of _____, 2026 at ____ o'clock ____m.

David A. Wood, Mayor

City of Mishawaka Rental Inspection Program

The City of Mishawaka has long taken pride in being a safe, family-oriented, and well-maintained community. As our city continues to grow and attract new residents, it is important that we also strengthen the protections that ensure every citizen has access to safe and livable housing. For this reason, we strongly recommend the approval of a rental inspection program for the City of Mishawaka.

A rental inspection program is not designed to burden responsible landlords or create unnecessary government oversight. Instead, it serves as a proactive measure to protect tenants, preserve property values, and maintain the overall quality of neighborhoods throughout the city. Some property owners already maintain their rental units responsibly, but without a formal inspection process, unsafe and neglected properties can go unnoticed until serious issues arise. Problems such as faulty electrical systems, mold, structural hazards, plumbing failures, and inadequate heating can create dangerous living conditions for residents and place additional strain on emergency services and city resources.

Implementing a rental inspection program would help identify these issues before they escalate into larger health and safety concerns. By establishing minimum housing standards and conducting periodic inspections, the city can ensure that rental properties remain safe, sanitary, and compliant with local codes. This benefits not only tenants but also neighboring homeowners and businesses who rely on stable, well-maintained communities to protect property values and encourage investment.

Additionally, Mishawaka would not be acting alone in adopting such a program. Both of our neighboring cities have already implemented rental inspection programs, recognizing the value they bring to their communities. These cities have demonstrated that rental inspections can be administered fairly and effectively while improving housing conditions and accountability. By adopting a similar program, Mishawaka would align itself with proven regional standards and avoid becoming an outlier where substandard rental housing may become more concentrated.

A rental inspection program also promotes fairness among landlords. Responsible property owners who already invest time and money into maintaining their rentals should not have to compete against negligent landlords who ignore safety standards while collecting the same rent. Regular inspections help create a level playing field where all rental properties are held to consistent expectations.

Most importantly, this program is about protecting the citizens of Mishawaka. Every resident deserves to feel safe in their home, regardless of whether they own or rent.

Families, seniors, students, and working individuals should not have to worry about unsafe living conditions or absentee landlords failing to address serious maintenance issues. A rental inspection program demonstrates that the city values the health, safety, and well-being of all residents equally.

Approving this program would be a responsible investment in the future of Mishawaka. It would strengthen neighborhoods, support responsible landlords, improve housing quality, and provide greater protection for residents across the community. As our neighboring cities have already shown, rental inspections are a practical and effective tool for maintaining safe and thriving communities. Mishawaka should take this important step forward in the best interest of its citizens.

Bo Hundt

Building Commissioner

Ken Witkowski

Code Enforcement Director