

HOUSE BILL No. 1089

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-31-1-22.

Synopsis: Recovery in nuisance actions. Provides that a prevailing city, county, or town in a nuisance action may recover certain damages, fees, and costs.

Effective: July 1, 2023.

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January 9, 2023, read first time and referred to Committee on Judiciary.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1089

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 32-31-1-22, AS AMENDED BY P.L.86-2018,
2 SECTION 227, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2023]: Sec. 22. (a) The definitions in
4 IC 32-31-3 apply throughout this section.
5 (b) As used in this section, "penalty" refers to any of the following:
6 (1) The assessment of a penalty, fine, or fee.
7 (2) Actual or threatened eviction from a rental unit, or the causing
8 of an actual or threatened eviction from a rental unit.
9 (c) As used in this section, "political subdivision" has the meaning
10 set forth in IC 36-1-2-13.
11 (d) Except as provided in subsection (e), a political subdivision may
12 not adopt or enforce any ordinance, rule, or regulation that imposes a
13 penalty, or allows for the imposition of a penalty, against a tenant, an
14 owner, or a landlord for a contact made to request law enforcement
15 assistance or other emergency assistance for one (1) or more rental
16 units if:
17 (1) the contact is made by or on behalf of:



- 1 (A) a victim or potential victim of abuse;
 2 (B) a victim or potential victim of a crime; or
 3 (C) an individual in an emergency; and
 4 (2) either of the following applies:
 5 (A) At the time the contact is made, the person making the
 6 contact reasonably believes that law enforcement assistance or
 7 other emergency assistance is necessary to prevent the
 8 perpetration or escalation of abuse, a crime, or an emergency.
 9 (B) If abuse, a crime, or an emergency occurs, the law
 10 enforcement assistance or other emergency assistance was
 11 needed.
- 12 (e) Subject to subsections (f) and (g), this section does not prohibit
 13 a political subdivision from adopting or enforcing an ordinance, a rule,
 14 or a regulation that imposes a penalty for a contact that:
 15 (1) is made to request law enforcement assistance or other
 16 emergency assistance; and
 17 (2) is not made by or on behalf of:
 18 (A) a victim or potential victim of abuse;
 19 (B) a victim or potential victim of a crime; or
 20 (C) an individual in an emergency.
- 21 (f) If:
 22 (1) a political subdivision imposes a penalty under an ordinance,
 23 a rule, or a regulation authorized by subsection (e); and
 24 (2) the prohibited contact to request law enforcement assistance
 25 or other emergency assistance is made by a tenant in a rental unit;
 26 the penalty imposed must be assessed against the tenant of the rental
 27 unit and not against the landlord or owner of the rental unit.
- 28 (g) Any penalty that is assessed under an ordinance, a rule, or a
 29 regulation authorized by subsection (e) may not exceed two hundred
 30 fifty dollars (\$250).
- 31 (h) Nothing in this section shall be construed to prevent a housing
 32 authority established under IC 36-7-18 from enforcing rights or
 33 remedies established by contract or federal law against a landlord or
 34 owner of a rental unit.
- 35 (i) Nothing in this section shall be construed to prevent:
 36 (1) an attorney representing a city, county, or town from bringing
 37 a nuisance action described under IC 32-30-6-7(b) against a
 38 landlord or owner of a rental unit; **or**
 39 (2) **a prevailing city, county, or town in a nuisance action**
 40 **under IC 32-30-6-7(b) from recovering damages, fees, and**
 41 **costs available under IC 32-30-6-7(c) and IC 32-30-6-8,**
 42 **including recovery of costs related to law enforcement or**



1 **emergency response.**

