

# HOUSE BILL No. 1096

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-9.

**Synopsis:** Demolition of unsafe buildings. Allows a court to order the demolition of all or part of a property as a remedy in a civil action regarding an unsafe premises.

**Effective:** July 1, 2021.

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January 7, 2021, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## HOUSE BILL No. 1096

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

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

1        SECTION 1. IC 36-7-9-17, AS AMENDED BY P.L.88-2009,  
2        SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3        JULY 1, 2021]: Sec. 17. (a) The department, acting through its  
4        enforcement authority, a person designated by the enforcement  
5        authority, or a community organization may bring a civil action  
6        regarding unsafe premises in the circuit, superior, or municipal court  
7        of the county. The department is not liable for the costs of such an  
8        action. The court may grant one (1) or more of the kinds of relief  
9        authorized by sections ~~18 through 22~~ **18, 18.1, 19, 20, 20.5, 21, 22, and 22.5** of this chapter.  
10       (b) A civil action may not be initiated under this section before the  
11       final date of an order or an extension of an order under section 5(c) of  
12       this chapter requiring:  
13                (1) the completion; or  
14                (2) a substantial beginning toward accomplishing the completion;  
15                of the required remedial action.  
16                (c) A community organization may not initiate a civil action under



1       this section if:

2               (1) the enforcement authority or a person designated by the  
 3               enforcement authority has filed a civil action under this section  
 4               regarding the unsafe premises; or

5               (2) the enforcement authority has issued a final order that the  
 6               required remedial action has been satisfactorily completed.

7               (d) A community organization may not initiate a civil action under  
 8               this section if the real property that is the subject of the civil action is  
 9               located outside the specific geographic boundaries of the area defined  
 10               in the bylaws or articles of incorporation of the community  
 11               organization.

12               (e) At least sixty (60) days before commencing a civil action under  
 13               this section, a community organization must issue a notice by certified  
 14               mail, return receipt requested, that:

15               (1) specifies:

- 16                       (A) the nature of the alleged nuisance;
- 17                       (B) the date the nuisance was first discovered;
- 18                       (C) the location on the property where the nuisance is  
 19                       allegedly occurring;
- 20                       (D) the intent of the community organization to bring a civil  
 21                       action under this section; and
- 22                       (E) the relief sought in the action; and

23               (2) is provided to:

- 24                       (A) the owner of record of the premises;
- 25                       (B) tenants located on the premises;
- 26                       (C) the enforcement authority; and
- 27                       (D) any person that possesses an interest of record.

28               (f) In any action filed by a community organization under this  
 29               section, a court may award reasonable attorney's fees, court costs, and  
 30               other reasonable expenses of litigation to the prevailing party.

31               (g) If a second or subsequent civil judgment is entered under this  
 32               section:

33               (1) against an owner of a known or recorded fee interest, life  
 34               estate, or equitable interest as a contract purchaser of property;  
 35               and

36               (2) during any two (2) year period;  
 37               a court may order the owner to pay treble damages based on the costs  
 38               of the ordered action. The second or subsequent civil judgment may  
 39               relate to the same property or a different property held by the owner.

40               SECTION 2. IC 36-7-9-22.5 IS ADDED TO THE INDIANA CODE  
 41               AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 42               1, 2021]: **Sec. 22.5. (a) A court acting under section 17 of this**



1       **chapter may order the demolition of all or a part of a property that**  
2       **is determined to be an unsafe building under this chapter.**

3       **(b) An order of demolition under subsection (a) must contain the**  
4       **following:**

5       **(1) The name of the person to whom the order is issued.**  
6       **(2) The legal description or address of the property.**  
7       **(3) The demolition action the order requires.**  
8       **(4) The date by which the demolition action must be**  
9       **completed.**  
10       **(5) A statement briefly indicating what action may be taken**  
11       **by the court if the order is not complied with.**

12       **(c) Notice of an order of demolition under subsection (a) must**  
13       **be given to all persons with a substantial interest in the property as**  
14       **provided in section 25 of this chapter.**

15       **(d) If the demolition required in an order of demolition under**  
16       **subsection (a) is not completed by the date provided in the order,**  
17       **the court may:**

18       **(1) authorize a contractor to perform or complete the**  
19       **demolition of the property; and**  
20       **(2) enter a judgment against all persons having an interest in**  
21       **the property for the costs of the demolition;**  
22       **under section 21 of this chapter.**

