



February 18, 2022

ENGROSSED HOUSE BILL No. 1214

DIGEST OF HB 1214 (Updated February 16, 2022 8:20 pm - DI 101)

Citations Affected: IC 32-31.

Synopsis: Residential eviction actions. Requires the plaintiff in a residential eviction action to file a motion to dismiss the action if the case is resolved between the parties at any time before final adjudication, unless the plaintiff is seeking damages. Provides that if, at any time after an eviction action is filed, no action has been taken by the plaintiff to further prosecute the case for a period of at least 180 days, the court shall send to the parties written notice: (1) stating the date of the most recent action taken by the plaintiff in the case; and (2) directing the plaintiff to take action to either: (A) further prosecute the case; or (B) dismiss the case; not later than 10 business days after the date of the notice. Provides that if the plaintiff fails to take any action within the prescribed time: (1) the defendant may petition the court to dismiss the case; or (2) the court on its own motion may dismiss the case. Provides that a residential eviction diversion program may not be offered or operated on a statewide or local basis unless participation in the program is voluntary for all parties. Requires: (1) the Indiana housing and community development authority; and (2) any political
(Continued next page)

Effective: Upon passage; July 1, 2022.

Manning, Jeter, Clere, Smith V

(SENATE SPONSORS — KOCH, BUCK, POL JR., LANANE,
RANDOLPH LONNIE M, TAYLOR G)

January 6, 2022, read first time and referred to Committee on Judiciary.
January 20, 2022, amended, reported — Do Pass.
January 24, 2022, read second time, ordered engrossed. Engrossed.
January 25, 2022, read third time, passed. Yeas 89, nays 0.

SENATE ACTION

February 2, 2022, read first time and referred to Committee on Judiciary.
February 17, 2022, amended, reported favorably — Do Pass.

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Digest Continued

subdivision that distributes rental assistance funds made available by the federal government in response to the COVID-19 pandemic; to create a designated landlord application process, in addition to the tenant application process, not later than August 31, 2022. Requires, upon motion of the tenant, the court in which an eviction action is filed to order the clerk of the court and the operator of any state, regional, or local case management system not to disclose or permit disclosure of any records in the case, subject to certain exceptions, if any of the following occur: (1) The action is dismissed. (2) A judgment in favor of the tenant is entered. (3) A judgment against the tenant is later overturned or vacated on appeal. Provides that if: (1) an eviction action, regardless of when it was filed, results in one of the specified outcomes allowing for the nondisclosure of records in the action; and (2) the court does not issue an order prohibiting the disclosure of any records in the action; the tenant in the action may petition the court in which the eviction action was filed to issue an order prohibiting the disclosure of any records in the action in accordance with the bill's provisions. Provides that upon the filing of such a petition, the court may: (1) issue an order prohibiting the disclosure of any records in the action; or (2) set the matter for a hearing. Provides that the petitioner bears the burden of proof in any hearing set by the court. Requires the clerk of court or other court administrator to: (1) track all eviction actions with respect to which a nondisclosure order is issued by the court; and (2) furnish the data compiled in the statutorily required statistical data provided to the office of judicial administration (office), as prescribed by the office. Requires the office to include the data provided by the courts in the Indiana Judicial Report.

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February 18, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1214

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 32-31-2.9-2 AS AMENDED BY P.L.22-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. As used in this chapter, "residential
4 landlord-tenant statute" refers to any of the following:
5 (1) IC 32-31-3.
6 (2) IC 32-31-4.
7 (3) IC 32-31-5.
8 (4) IC 32-31-6.
9 (5) IC 32-31-7.
10 (6) IC 32-31-8.
11 **(7) IC 32-31-8.5.**
12 ~~(7)~~ **(8) IC 32-31-9.**
13 **(9) IC 32-31-10.**
14 **(10) IC 32-31-11.**
15 SECTION 2. IC 32-31-10 IS ADDED TO THE INDIANA CODE

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1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]:

3 **Chapter 10. Residential Eviction Actions**

4 **Sec. 1. This chapter applies to an eviction action regardless of**
5 **when the eviction action is originally filed.**

6 **Sec. 2. For purposes of this chapter:**

7 (1) the definitions in IC 32-31-3 apply; and

8 (2) "eviction action" means:

9 (A) an action for possession of the rental premises (as
10 defined in IC 32-31-7-3), including a petition for an
11 emergency possessory order under IC 32-31-6; or

12 (B) an action to evict the tenant from the rental premises
13 (as defined in IC 32-31-7-3);

14 as authorized by the rental agreement or by any applicable
15 law.

16 **Sec. 3. The plaintiff in an eviction action shall file a motion to**
17 **dismiss the action if the case is resolved between the parties at any**
18 **time before final adjudication of the action, unless the plaintiff is**
19 **seeking damages, including the retention of the tenant's security**
20 **deposit.**

21 **Sec. 4. (a) If, at any time after the filing of an eviction action, no**
22 **action has been taken by the plaintiff to further prosecute the case**
23 **for a period of at least one hundred eighty (180) days, the court**
24 **shall send to the parties written notice:**

25 (1) informing the parties of the date of the most recent action
26 taken by the plaintiff in the case; and

27 (2) directing the plaintiff to take action to either:

28 (A) further prosecute the case; or

29 (B) dismiss the case;

30 not later than ten (10) business days after the date of the
31 notice.

32 (b) If the plaintiff fails to take an action described in subsection
33 (a)(2) within the time prescribed by subsection (a)(2):

34 (1) the defendant in the eviction action may petition the court
35 to dismiss the case; or

36 (2) the court on the court's own motion may dismiss the case.

37 If the court dismisses the case under this subsection on or after
38 July 1, 2022, the court shall, in conjunction with its order of
39 dismissal, issue an order in accordance with IC 32-31-11, without
40 further motion of the defendant, to prohibit the disclosure of any
41 records in the eviction action.

42 (c) The court may assess an administrative fee of ten dollars



1 (\$10), payable by the plaintiff, for any order of dismissal entered
2 under subsection (b).

3 **Sec. 5. (a) As used in this section, "residential eviction diversion**
4 **program" refers to any:**

- 5 (1) preeviction diversion program;
6 (2) landlord-tenant settlement conference; or
7 (3) similar program affecting residential evictions or the
8 possession of residential rental property;

9 that is offered or operated in Indiana on a statewide or local basis,
10 regardless of when the program is first offered or operated in
11 Indiana.

12 (b) A residential eviction diversion program may not be offered
13 or operated unless participation in the program is voluntary for all
14 parties.

15 (c) A person that offers or operates a residential eviction
16 diversion program in violation of subsection (b) shall immediately
17 cease to offer the program to new participants.

18 **Sec. 6. (a) This section applies to:**

- 19 (1) the Indiana housing and community development
20 authority in its role in distributing rental assistance funds
21 made available by the federal government in response to the
22 coronavirus disease (COVID-19) pandemic; and
23 (2) any political subdivision that distributes rental assistance
24 funds made available by the federal government in response
25 to the coronavirus disease (COVID-19) pandemic.

26 (b) Not later than August 31, 2022:

- 27 (1) the Indiana housing and community development
28 authority; and
29 (2) any political subdivision to which this section applies;

30 shall create a designated landlord application in addition to the
31 tenant application process.

32 (c) A designated landlord application process created under
33 subsection (b) must require that any application by a landlord for
34 rental assistance funds made available by the federal government
35 in response to the coronavirus disease (COVID-19) pandemic must
36 be signed and certified by the tenant.

37 SECTION 3. IC 32-31-11 IS ADDED TO THE INDIANA CODE
38 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2022]:

40 **Chapter 11. Disclosure of Residential Eviction Information**

41 **Sec. 1. (a) This chapter applies to an eviction action that results**
42 **in an outcome described in section 3(a)(1) through 3(a)(3) of this**



1 chapter regardless of when the eviction action is originally filed.

2 (b) This chapter does not apply to a hearing for damages in an
3 eviction action in which a judgment has been awarded.

4 Sec. 2. For purposes of this chapter:

5 (1) the definitions in IC 32-31-3 apply; and

6 (2) "eviction action" means:

7 (A) an action for possession of the rental premises (as
8 defined in IC 32-31-7-3), including a petition for an
9 emergency possessory order under IC 32-31-6; or

10 (B) an action to evict the tenant from the rental premises
11 (as defined in IC 32-31-7-3);

12 as authorized by the rental agreement or by any applicable
13 law.

14 Sec. 3. (a) Except as provided in subsection (b), if a landlord files
15 an eviction action and:

16 (1) the eviction action is dismissed by the court:

17 (A) upon petition of the landlord under IC 32-31-10-3 or
18 otherwise; or

19 (B) upon:

20 (i) petition by the tenant; or

21 (ii) the court's own motion;

22 under IC 32-31-10-4 as a result of the landlord's failure to
23 prosecute the case;

24 (2) a judgment in favor of the tenant is entered by the court;
25 or

26 (3) a judgment is entered by the court against the tenant, and
27 the judgment is subsequently overturned or vacated on
28 appeal;

29 the court in which the eviction action was filed, upon motion by the
30 tenant, shall order the clerk of the court and the operator of any
31 state, regional, or local case management system not to disclose or
32 permit disclosure of any records in the case, including the petition
33 by the landlord for possession of the rental unit. In an order issued
34 under this subsection, the court shall direct the clerk of the court
35 to redact or permanently seal the court's own records related to
36 the eviction action.

37 (b) If the court issues an order under subsection (a), the court
38 and the operator of any state, regional, or local case management
39 system shall not disclose or permit disclosure of any records in the
40 eviction action, including the petition by the landlord for
41 possession of the rental unit:

42 (1) other than to any person under a court order;



1 (2) other than to a law enforcement agency for an authorized
2 law enforcement activity; or

3 (3) unless authorized under this chapter or otherwise required
4 by law.

5 (c) The court shall issue an order under subsection (a) at the
6 time:

7 (1) the action is dismissed;

8 (2) the judgment in favor of the tenant is entered; or

9 (3) the opinion overturning or vacating the judgment against
10 the tenant becomes final;

11 as applicable, without holding an additional hearing.

12 (d) If an appellate court overturns or vacates a judgment
13 entered against a tenant in an eviction action, as described in
14 subsection (a)(3), and the court in which the action is filed then
15 enters an order prohibiting the disclosure of any records in the
16 action under subsection (a), the appellate court shall:

17 (1) redact the opinion or memorandum decision as it appears
18 on the computer gateway administered by the office of
19 technology so that it does not include the name of the tenant;
20 and

21 (2) provide a redacted copy of the opinion to any publisher or
22 organization to whom the opinion or memorandum decision
23 is provided after the date of the order under subsection (a).

24 The Indiana supreme court and the court of appeals are not
25 required to redact, destroy, or otherwise dispose of any copy of an
26 opinion or memorandum decision that includes the name of the
27 tenant and that was created before the date of the order under
28 subsection (a).

29 (e) This section does not affect an order that is issued by a court
30 and that:

31 (1) is made in compliance with an order of the Indiana
32 supreme court issued in connection with a residential eviction
33 diversion program that complies with IC 32-31-10-5(b); and

34 (2) makes court records related to a pending eviction action
35 confidential.

36 Records related to a pending eviction action that are made
37 confidential under an order described in this subsection retain or
38 lose their confidential status in accordance with the court's order.

39 Sec. 4. (a) If:

40 (1) an eviction action:

41 (A) is filed before July 1, 2022; and

42 (B) results in an outcome described in section 3(a)(1)



1 through 3(a)(3) of this chapter before July 1, 2022;
 2 and the court in the action has not otherwise filed an order
 3 described in section 3 of this chapter; or

4 (2) the court has not otherwise issued an order under section
 5 3 of this chapter in an eviction action that results, on or after
 6 July 1, 2022, in an outcome described in section 3(a)(1)
 7 through 3(a)(3) of this chapter;

8 the tenant in the action may petition the court in which the eviction
 9 action was filed to issue an order prohibiting the disclosure of any
 10 records in the action, including the petition by the landlord for
 11 possession of the rental unit, in accordance with section 3 of this
 12 chapter.

13 (b) A petition under subsection (a) must be verified by the
 14 petitioner and filed with court, and must include the following
 15 information:

16 (1) The petitioner's full name.

17 (2) The petitioner's date of birth.

18 (3) The petitioner's current address.

19 (4) The case number or cause number of the eviction action.

20 (5) A description of why the petitioner is entitled to relief
 21 under this section, along with any supporting documentation
 22 or evidence.

23 (6) A sworn statement that a monetary judgment is not
 24 outstanding to the landlord in the eviction action with respect
 25 to which the petitioner seeks relief under this section.

26 (c) The court may do any of the following, with respect to a
 27 petition filed under subsection (a):

28 (1) Issue an order prohibiting the disclosure of any records in
 29 the action, in accordance with section 3 of this chapter,
 30 without a hearing, if the court determines that the petition
 31 contains sufficient information under subsection (b).

32 (2) Set the matter for a hearing if:

33 (A) the court determines that the petition does not contain
 34 sufficient information under subsection (b); or

35 (B) one (1) or more questions arise from the petition.

36 In a hearing under this subdivision, the petitioner bears the
 37 burden of proof with respect to whether the court should issue
 38 an order prohibiting the disclosure of any records in the
 39 eviction action in accordance with section 3 of this chapter.

40 Sec. 5. (a) The clerk of court or other court administrator shall:

41 (1) track all eviction actions with respect to which an order
 42 under section 3 or 4 of this chapter is issued by the court; and



1 **(2) furnish the data compiled under subdivision (1) in the**
2 **statistical data provided to the office of judicial**
3 **administration under IC 33-24-6-3(a)(2), at the time and in**
4 **the form prescribed by the office.**

5 **(b) The office of judicial administration shall include the data**
6 **provided by courts under subsection (a)(2) in the office's reports**
7 **under IC 33-24-6-3(a)(3).**

8 **SECTION 4. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1214, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, between lines 22 and 23, begin a new paragraph and insert:

"Sec. 6. (a) This section applies to:

- (1) the Indiana housing and community development authority in its role in distributing rental assistance funds made available by the federal government in response to the coronavirus disease (COVID-19) pandemic; and**
- (2) any political subdivision that distributes rental assistance funds made available by the federal government in response to the coronavirus disease (COVID-19) pandemic.**

(b) Not later than August 31, 2022:

- (1) the Indiana housing and community development authority; and**
- (2) any political subdivision to which this section applies;**

shall create a designated landlord application process.

(c) This section expires September 1, 2023."

Page 7, line 11, after "court," insert "**or**".

Page 7, line 14, delete "or".

Page 7, delete lines 15 through 18.

Page 7, line 19, delete "filed" and insert "**filed, upon motion by the tenant,**".

and when so amended that said bill do pass.

(Reference is to HB 1214 as introduced.)

TORR

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1214, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 2 through 3 with

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"[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 4 with "[EFFECTIVE JULY 1, 2022]".

Delete pages 1 through 3.

Page 4, delete lines 1 through 27.

Page 5, line 25, delete "provide" and insert "**send**".

Page 5, line 39, delete "January 1, 2022," and insert "**July 1, 2022,**".

Page 5, line 40, delete "under IC 32-31-11-3 prohibiting" and insert "**in accordance with IC 32-31-11, without further motion of the defendant, to prohibit**".

Page 6, line 6, delete "conference, mediation, or other" and insert "**conference; or**".

Page 6, delete line 7.

Page 6, line 14, delete "unless:" and insert "**unless**".

Page 6, line 15, delete "(1)".

Page 6, line 15, delete "parties;" and insert "**parties.**".

Page 6, run in lines 14 through 15.

Page 6, delete lines 16 through 19.

Page 6, line 35, delete "process." and insert "**in addition to the tenant application process.**".

Page 6, line 36, delete "This section expires September 1, 2023." and insert "**A designated landlord application process created under subsection (b) must require that any application by a landlord for rental assistance funds made available by the federal government in response to the coronavirus disease (COVID-19) pandemic must be signed and certified by the tenant.**".

Page 6, line 42, delete "3(a)(4)" and insert "**3(a)(3)**".

Page 7, line 2, delete "Except as provided in section 3(a)(4) of this chapter, this" and insert "**This**".

Page 8, line 9, after "entered;" insert "**or**".

Page 8, line 11, delete "or".

Page 8, delete line 12.

Page 8, line 18, delete ", as required".

Page 8, line 31, after "order" insert "**that is**".

Page 8, line 31, after "court" insert "**and**".

Page 8, line 42, delete "January 1, 2022;" and insert "**July 1, 2022;**".

Page 9, line 2, delete "3(a)(4) of this chapter before January 1, 2022;" and insert "**3(a)(3) of this chapter before July 1, 2022;**".

Page 9, line 5, delete "fails to issue" and insert "**has not otherwise issued**".

Page 9, line 6, delete "January" and insert "**July 1, 2022,**".

Page 9, line 7, delete "1, 2022,".



Page 9, line 8, delete "3(a)(4)" and insert "**3(a)(3)**".

Page 10, line 2, delete "on an annual basis:" and insert "**furnish the data compiled under subdivision (1)**".

Page 10, delete lines 3 through 5.

Page 10, line 6, delete "(B) include the data compiled under clause (A)".

Page 10, run in lines 2 through 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1214 as printed January 20, 2022.)

BROWN L, Chairperson

Committee Vote: Yeas 8, Nays 1.

