

HOUSE BILL No. 1277

DIGEST OF INTRODUCED BILL

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

Synopsis: Requests for law enforcement at rental properties. Repeals a provision in the law governing landlord-tenant relations that does the following: (1) Prohibits a political subdivision from imposing certain penalties against a tenant, an owner, or a landlord for a contact made to request law enforcement or other emergency assistance for one or more rental units if: (A) the contact is made by or on behalf of: (i) a victim or potential victim of abuse; (ii) a victim or potential victim of a crime; or (iii) an individual in an emergency; and (B) certain conditions apply. (2) Provides that if: (A) a political subdivision imposes penalties for other types of contacts made to request law enforcement or other emergency assistance for rental units; and (B) a request for law enforcement or emergency assistance is made by a tenant; the penalty imposed must be assessed against the tenant and may not exceed \$250.

Effective: July 1, 2022.

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January 10, 2022, read first time and referred to Committee on Local Government.



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.

HOUSE BILL No. 1277

A BILL FOR AN ACT to repeal a provision of 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 IC 32-31-1-22 IS REPEALED [EFFECTIVE JULY 1,
- 2 2022]. Sec. 22: (a) The definitions in IC 32-31-3 apply throughout this
- 3 section:
- 4 (b) As used in this section, "penalty" refers to any of the following:
- 5 (1) The assessment of a penalty, fine, or fee.
- 6 (2) Actual or threatened eviction from a rental unit, or the causing
- 7 of an actual or threatened eviction from a rental unit.
- 8 (c) As used in this section, "political subdivision" has the meaning
- 9 set forth in IC 36-1-2-13:
- 10 (d) Except as provided in subsection (c), a political subdivision may
- 11 not adopt or enforce any ordinance, rule, or regulation that imposes a
- 12 penalty, or allows for the imposition of a penalty, against a tenant, an
- 13 owner, or a landlord for a contact made to request law enforcement
- 14 assistance or other emergency assistance for one (1) or more rental
- 15 units if:
- 16 (1) the contact is made by or on behalf of:
- 17 (A) a victim or potential victim of abuse;



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

