

HOUSE BILL No. 1321

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-26-5.

Synopsis: Tax sale procedures. Provides immunity from civil liability and civil and criminal trespass to a person who is a tax sale certificate holder or an applicant for a tax deed who enters an abandoned or vacant property during the statutory redemption period to perform routine maintenance in order to remedy an existing or anticipated ordinance violation imposed by a political subdivision.

Effective: January 1, 2025.

Zimmerman, Pierce K

January 10, 2024, read first time and referred to Committee on Judiciary.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1321

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

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

1 SECTION 1. IC 34-30-26-5, AS AMENDED BY P.L.203-2013,
2 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2025]: Sec. 5. (a) Except as provided in subsection (d),
4 a person who is not the owner of real property or who is a creditor, and
5 who suspects that the property may be vacant or abandoned, may enter
6 upon the premises of the real property to do the following:
7 (1) Without entering any structure located on the real property,
8 visually inspect the real property to determine whether the real
9 property may be vacant or abandoned.
10 (2) Perform any of the following actions:
11 (A) Secure the real property.
12 (B) Remove trash or debris from the grounds of the real
13 property.
14 (C) Landscape, maintain, or mow the grounds of the real
15 property.
16 (D) Remove or paint over graffiti on the real property.
17 (E) **For either a tax sale certificate holder or an applicant**



1 **for a tax deed, maintenance described in clauses (A)**
 2 **through (D), or any other routine maintenance, required**
 3 **to remedy an existing or anticipated ordinance violation**
 4 **imposed by a political subdivision (as defined in**
 5 **IC 34-6-2-110) during a tax sale redemption period (as**
 6 **specified in IC 6-1.1-25-4) with regard to:**

- 7 **(i) an abandoned structure (as defined in IC 36-7-36-1);**
 8 **(ii) vacant real property (as defined in IC 36-7-36-5); or**
 9 **(iii) a vacant structure (as defined in IC 36-7-36-6).**

10 (b) A person who:

11 (1) enters upon the premises of real property to visually inspect
 12 the property, as permitted under subsection (a)(1); and

13 (2) after inspecting the real property, determines that the real
 14 property may be vacant or abandoned;

15 may notify the appropriate enforcement authority of the suspected
 16 vacant or abandoned status of the property and request that the
 17 enforcement authority inspect the property to determine whether the
 18 property is in fact vacant or abandoned.

19 (c) A person that enters upon the premises of real property as
 20 permitted under this section:

21 (1) is immune from civil liability for an act or omission related to
 22 the entry or to any action described in subsection (a)(2), unless
 23 the act or omission constitutes gross negligence or willful,
 24 wanton, or intentional misconduct; and

25 (2) shall be held harmless from and against all claims of civil or
 26 criminal trespass.

27 (d) In the case of real property that is subject to a mortgage, the
 28 creditor in the mortgage transaction may not enter upon the premises
 29 of the real property under subsection (a) if entry is barred by an
 30 automatic stay issued by a bankruptcy court.

