

HOUSE BILL No. 1400

DIGEST OF INTRODUCED BILL

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

Synopsis: Regulation of rental properties. Limits the application of a provision prohibiting a political subdivision from adopting or enforcing any ordinance, rule, or regulation that imposes a penalty, or allows for the imposition of a penalty for a contact made to request law enforcement assistance or other emergency assistance to tenants. Specifies that the statute does not prohibit a political subdivision from adopting or enforcing an ordinance, a rule, or a regulation that imposes a penalty upon an owner or a landlord for certain law enforcement contacts. Removes a provision specifying that certain penalties must be imposed upon a tenant and may not be imposed upon a landlord or an owner of a rental unit.

Effective: July 1, 2022.

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January 13, 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. 1400

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, 2022]: 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)~~, **subsection (f)**, this section
 13 does not prohibit a political subdivision from adopting or enforcing an
 14 ordinance, a rule, or a regulation that imposes a penalty **upon an**
 15 **owner or a landlord** for a contact that:
 16 (1) is made to request law enforcement assistance or other
 17 emergency assistance; and
 18 (2) is not made by or on behalf of:
 19 (A) a victim or potential victim of abuse;
 20 (B) a victim or potential victim of a crime; or
 21 (C) an individual in an emergency.
- 22 ~~(f) If:~~
 23 ~~(1) a political subdivision imposes a penalty under an ordinance;~~
 24 ~~a rule; or a regulation authorized by subsection (e); and~~
 25 ~~(2) the prohibited contact to request law enforcement assistance~~
 26 ~~or other emergency assistance is made by a tenant in a rental unit;~~
 27 ~~the penalty imposed must be assessed against the tenant of the rental~~
 28 ~~unit and not against the landlord or owner of the rental unit.~~
- 29 ~~(g) (f)~~ Any penalty that is assessed under an ordinance, a rule, or a
 30 regulation authorized by subsection (e) may not exceed two hundred
 31 fifty dollars (\$250).
- 32 ~~(h) (g)~~ Nothing in this section shall be construed to prevent a
 33 housing authority established under IC 36-7-18 from enforcing rights
 34 or remedies established by contract or federal law against a landlord or
 35 owner of a rental unit.
- 36 ~~(i) (h)~~ Nothing in this section shall be construed to prevent an
 37 attorney representing a city, county, or town from bringing a nuisance
 38 action described under IC 32-30-6-7(b) against a landlord or owner of
 39 a rental unit.

