

HOUSE BILL No. 1461

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-30-8-12; IC 32-31.

Synopsis: Abandoned property in a rented dwelling. Repeals provisions requiring a landlord to transfer a tenant's abandoned personal property to a storage facility. Provides that a tenant's personal property is considered abandoned if it remains on the premises after the tenant vacates the rental unit. Permits a landlord to dispose of a tenant's abandoned personal property without any liability to the tenant. Makes conforming amendments.

Effective: July 1, 2021.

Borders

January 14, 2021, read first time and referred to Committee on Judiciary.



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. 1461

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 32-30-8-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) The court, after
3 a hearing under this chapter, may grant a judgment of restitution or the
4 possession of the property to the owner if:

- 5 (1) the owner and tenant are parties to the action; and
- 6 (2) the tenant has failed to obey an order issued under section 10
7 or 11 of this chapter.

8 (b) If the court orders the owner to have possession of the property,
9 the court shall require the sheriff to execute the order of possession not
10 later than five (5) days after the order is issued.

11 (c) ~~If the owner is awarded possession of the property,~~ The owner
12 may seek an order from the court allowing removal **dispose** of a
13 tenant's personal property under ~~IC 32-31-4~~. **IC 32-31-1-23.**

14 SECTION 2. IC 32-31-1-23 IS ADDED TO THE INDIANA CODE
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2021]: **Sec. 23. (a) A landlord has no liability for loss or damage
17 to a tenant's personal property if the tenant's personal property**



1 has been abandoned by the tenant.

2 (b) For purposes of this section, a tenant's personal property is
3 considered abandoned if it remains on the premises after the date
4 the tenant vacates the rental unit.

5 (c) The landlord may remove and dispose of any abandoned
6 personal property once it is considered abandoned under this
7 section.

8 SECTION 3. IC 32-31-2.9-2, AS AMENDED BY P.L.22-2007,
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2021]: Sec. 2. As used in this chapter, "residential
11 landlord-tenant statute" refers to any of the following:

- 12 (1) IC 32-31-3.
13 ~~(2) IC 32-31-4.~~
14 ~~(3) (2) IC 32-31-5.~~
15 ~~(4) (3) IC 32-31-6.~~
16 ~~(5) (4) IC 32-31-7.~~
17 ~~(6) (5) IC 32-31-8.~~
18 ~~(7) (6) IC 32-31-9.~~

19 SECTION 4. IC 32-31-4 IS REPEALED [EFFECTIVE JULY 1,
20 2021]. (Moving and Storage of Tenant's Property).

21 SECTION 5. IC 32-31-5-5 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as
23 provided in IC 16-41-27-29, IC 32-31-3, or ~~IC 32-31-4~~, **IC 32-31-1-23**,
24 a landlord may not:

- 25 (1) take possession of;
26 (2) remove from a tenant's dwelling unit;
27 (3) deny a tenant access to; or
28 (4) dispose of;

29 a tenant's personal property in order to enforce an obligation of the
30 tenant to the landlord under a rental agreement.

31 (b) The landlord and tenant may agree in a writing separate from the
32 rental agreement that the landlord may hold property voluntarily
33 tendered by the tenant as security in exchange for forbearance from an
34 action to evict.

