



March 26, 2021

ENGROSSED HOUSE BILL No. 1541

DIGEST OF HB 1541 (Updated March 25, 2021 10:57 am - DI 87)

Citations Affected: IC 32-31.

Synopsis: Landlord-tenant relations. Eliminates the general restriction on the authority of a county, city, town, or township concerning regulation of landlord-tenant relationship matters not specifically described by state statute. Prohibits the waiver of laws regarding retaliatory acts by a landlord.

Effective: Upon passage; February 17, 2021 (retroactive).

Manning

(SENATE SPONSOR — BUCK)

January 14, 2021, read first time and referred to Committee on Judiciary.
February 16, 2021, amended, reported — Do Pass.
February 18, 2021, read second time, amended, ordered engrossed.
February 19, 2021, engrossed.
February 22, 2021, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

March 1, 2021, read first time and referred to Committee on Local Government.
March 25, 2021, amended, reported favorably — Do Pass.

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March 26, 2021

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.

ENGROSSED HOUSE BILL No. 1541

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 32-31-1-20, AS AMENDED BY P.L.168-2020,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 FEBRUARY 17, 2021 (RETROACTIVE)]: Sec. 20. (a) Subject to
4 IC 36-1-3-8.5, this section does not apply to privately owned real
5 property for which government funds or benefits have been allocated
6 from the United States government, the state, or a political subdivision
7 for the express purpose of providing reduced rents to low or moderate
8 income tenants.
9 (b) A unit (as defined in IC 36-1-2-23) may not regulate rental rates
10 for privately owned real property, through a zoning ordinance or
11 otherwise, unless the regulation is authorized by an act of the general
12 assembly.
13 (c) A unit (as defined in IC 36-1-2-23) may not regulate, through an
14 ordinance or otherwise, any of the following aspects of a
15 landlord-tenant relationship with respect to privately owned real
16 property located in the unit unless the regulation is authorized by an act
17 of the general assembly:

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- 1 (1) The screening process used by a landlord in approving tenants
- 2 to lease privately owned real property.
- 3 (2) Security deposits.
- 4 (3) Lease applications.
- 5 (4) Leasing terms and conditions.
- 6 (5) Disclosures concerning the:
- 7 (A) property;
- 8 (B) lease; or
- 9 (C) rights and responsibilities of the parties;
- 10 involved in a landlord-tenant relationship.
- 11 (6) The rights of the parties to a lease.
- 12 (7) Any fees charged by a landlord.
- 13 ~~(8) Any other aspects of the landlord-tenant relationship.~~

14 Any ordinance or regulation that violates this subsection is void and
15 unenforceable.

16 SECTION 2. IC 32-31-8.5-0.5 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
18 [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. A waiver of this chapter**
19 **by a landlord or tenant, including a former tenant, by contract or**
20 **otherwise, is void.**

21 SECTION 3. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1541, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1541 as introduced.)

TORR

Committee Vote: yeas 8, nays 3.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1541 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE FEBRUARY 17, 2021 (RETROACTIVE)]".

Page 1, line 1, delete "SEA 148-2020," and insert "P.L. 168-2020,".

(Reference is to HB 1541 as printed February 16, 2021.)

MANNING

 COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1541, 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:

Page 2, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. IC 32-31-8.5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. A waiver of this chapter by a landlord or tenant, including a former tenant, by contract or otherwise, is void.**"

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1541 as reprinted February 19, 2021.)

BUCK, Chairperson

Committee Vote: Yeas 10, Nays 0.

