



January 12, 2024

SENATE BILL No. 111

DIGEST OF SB 111 (Updated January 10, 2024 1:44 pm - DI 140)

Citations Affected: IC 32-31.

Synopsis: Enforcement of residential landlord obligations. Provides that in addition to, or instead of, bringing a court action to enforce a statutory obligation of a residential landlord, a tenant may enforce the obligation by doing the following: (1) Providing notice to the landlord, at least 30 days before the tenant's next regular rental payment is due, of: (A) the landlord's alleged failure to comply with the required obligation; and (B) the tenant's intent to deposit rental payments with the clerk of the court in the county in which the rental premises are located if the landlord fails to make any repairs or take any other actions necessary to remedy the landlord's failure to comply before the tenant's next regular rental payment is due under the rental agreement. (2) Depositing all rental payments with the clerk of the court in the county where the rental premises are located if the landlord fails or refuses to make any repairs or take any other actions necessary to remedy the landlord's failure to comply before the due date of the tenant's next regular rental payment. (3) Applying to the court for an order that provides specified remedies for the landlord's failure to comply. Provides that, during the pendency of a court action brought by a tenant to enforce a statutory obligation of a landlord, the court may order the tenant to make the regular rental payments otherwise due to the landlord under the rental agreement to: (1) the clerk of the court; or (2) an attorney trust account; to be held in trust for disbursement to the prevailing party, as ordered by the court.

Effective: July 1, 2024.

Vinzant

January 8, 2024, read first time and referred to Committee on Rules and Legislative Procedure.
January 10, 2024, amended; reassigned to Committee on Judiciary.

SB 111—LS 6137/DI 13



January 12, 2024

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.

SENATE BILL No. 111

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 32-31-8-5.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: **Sec. 5.5. (a) In addition to, or instead of, bringing an**
4 **action under section 6 of this chapter, a tenant may enforce an**
5 **obligation of a landlord under this chapter by doing the following:**
6 **(1) Providing notice to the landlord, at least thirty (30) days**
7 **before the tenant's next regular rental payment is due under**
8 **the rental agreement, of the following:**
9 **(A) That the landlord has failed to comply with one (1) or**
10 **more requirements of this chapter, including information**
11 **as to the nature of the landlord's alleged failure to comply.**
12 **(B) That if before the tenant's next regular rental payment**
13 **is due under the rental agreement, the landlord fails or**
14 **refuses to:**
15 **(i) make any repairs; or**
16 **(ii) take any other actions;**
17 **necessary to remedy the landlord's alleged failure to**

SB 111—LS 6137/DI 13



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comply, the tenant intends to deposit rental payments with the clerk of the court having jurisdiction in the county in which the rental premises are located.

Notice under this section shall be made through any means of communication that is specified in the rental agreement or that is customarily used by the landlord and tenant.

(2) Subject to subsection (b), depositing all rental payments with the clerk of the court having jurisdiction in the county where the rental premises are located if the landlord fails or refuses to:

(A) make any repairs; or

(B) take any other actions;

necessary to remedy the landlord's alleged failure to comply, as described in the tenant's notice under subdivision (1), before the due date of the tenant's next regular rental payment following provision of the notice under subdivision (1).

(3) Subject to subsection (b), applying to the court for an order that does one (1) or more of the following:

(A) Directs the landlord to remedy the alleged failure to comply.

(B) Reduces the rental payments due under the rental agreement until the landlord remedies the alleged failure to comply.

(C) Releases rental payments deposited with the clerk to the tenant for the tenant's use in remedying the alleged failure to comply.

(D) Terminates the rental agreement.

(b) A tenant may not take any action described in subsection (a)(2) or (a)(3) if:

(1) the tenant prevents the landlord from having reasonable access to the rental premises to make any repairs or take any action necessary to remedy the alleged failure to comply before the due date of the tenant's next regular rental payment following provision of the notice under subsection (a)(1); or

(2) the landlord:

(A) owns, at any one (1) time, not more than three (3) single family houses that are used as rental premises; or

(B) occupies one (1) of the living quarters of the rental premises if the rental premises consist of a dwelling containing living quarters that are intended to be occupied



1 by not more than four (4) families living independently of
 2 each other.

3 SECTION 2. IC 32-31-8-6.5 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2024]: **Sec. 6.5. (a) This section applies to an action that is filed
 6 under section 6 of this chapter after June 30, 2024.**

7 **(b) During the pendency of an action to which this section
 8 applies, if the tenant continues to occupy the rental unit upon
 9 which the action is based, the court may issue a provisional order
 10 that requires the tenant to make regular rental payments otherwise
 11 due to the landlord under the rental agreement to:**

12 **(1) the clerk of the court, who shall hold the payments in trust
 13 for the parties; or
 14 (2) an attorney trust account;**

15 as directed by the court. The funds held by the clerk or in an
 16 attorney trust account under this subsection may not be disbursed
 17 unless the court issues an order for their disbursement.

18 **(c) Subject to subsection (e), if the tenant is the prevailing party
 19 in the action under section 6 of this chapter, the tenant is entitled
 20 to a refund of payments made under an order issued by the court
 21 under subsection (b). The amount of the refund:**

22 **(1) shall be determined by the court after taking into
 23 consideration:**

24 **(A) the estimated cost of any repairs or other action
 25 necessary to remedy the condition that was the basis of the
 26 tenant's action under section 6 of this chapter;**

27 **(B) expenses incurred by the tenant in undertaking any
 28 repairs or other action necessary to remedy the condition
 29 that was the basis of the tenant's action under section 6 of
 30 this chapter;**

31 **(C) efforts undertaken by the landlord before or after the
 32 filing of the tenant's action under section 6 of this chapter
 33 to remedy the condition that was the basis of the tenant's
 34 action under section 6 of this chapter; and**

35 **(D) any other factors that justice may require; and**

36 **(2) shall be disbursed to the tenant upon order of the court.**

37 **(d) Subject to subsection (e), if the tenant is not the prevailing
 38 party in the action under section 6 of this chapter, the tenant is not
 39 entitled to a refund of any rental payments made under an order
 40 issued by the court under subsection (b), and any amounts held in
 41 trust by the clerk of the court or in an attorney trust account shall,
 42 upon order of the court, be disbursed to the landlord and credited**



1 against the amount of the regular rental payments due to the
2 landlord under the rental agreement during the pendency of the
3 action.

4 (e) The court may reduce the amount of:

5 (1) a refund to be disbursed to a tenant in an order under
6 subsection (c), if the court determines that the tenant
7 contributed in any way to the necessity of repairs or other
8 action needed to remedy the condition that was the basis of
9 the tenant's action under section 6 of this chapter; or

10 (2) any amounts to be disbursed to a landlord in an order
11 under subsection (d), if the court determines that the
12 landlord's failure to comply with one (1) or more of the
13 requirements of this chapter contributed in any way to the
14 necessity of repairs or other action needed to remedy the
15 condition that was the basis of the tenant's action under
16 section 6 of this chapter;

17 as justice may require.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 111, 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:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

(Reference is to SB 111 as introduced.)

BRAY, Chairperson

