



January 29, 2021

SENATE BILL No. 155

DIGEST OF SB 155 (Updated January 28, 2021 10:46 am - DI 140)

Citations Affected: IC 32-31.

Synopsis: Removal of tenant's property. Adds language to the form of notice for eviction regarding a tenant's personal property. Adds language providing that a landlord may seek a court order allowing the immediate removal and disposal of a tenant's personal property.

Effective: July 1, 2021.

Bohacek

January 4, 2021, read first time and referred to Committee on Rules and Legislative Procedure.
January 28, 2021, amended; reassigned to Committee on Judiciary.

SB 155—LS 6139/DI 13



January 29, 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.

SENATE BILL No. 155

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 32-31-1-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. The following form
3 of notice may be used when a tenant fails or refuses to pay rent:

4 (insert date here)

5 To (insert name of tenant here):

6 You are notified to vacate the following property not more than ten
7 (10) days after you receive this notice unless you pay the rent due on
8 the property within ten (10) days: (insert description of property here).

9 **YOU MAY SUFFER THE LOSS OF PERSONAL PROPERTY IF**
10 **THE PERSONAL PROPERTY IS NOT REMOVED BY THE**
11 **DATE THE COURT ORDERS YOU TO VACATE THE**
12 **PROPERTY.**

13 (insert name of landlord here)

14 SECTION 2. IC 32-31-4-1.5, AS ADDED BY P.L.115-2007,
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2021]: Sec. 1.5. As used in this chapter, "storage facility"
17 means any location approved by a court for storage of a tenant's

SB 155—LS 6139/DI 13



1 personal property under section 2(e) of this chapter: **real property**
 2 **designed and used for the storage and retrieval of personal**
 3 **property.**

4 SECTION 3. IC 32-31-4-2, AS AMENDED BY P.L.115-2007,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 2. (a) A landlord has no liability for loss or
 7 damage to a tenant's personal property if the **landlord complies with**
 8 **this section or the** tenant's personal property has been abandoned by
 9 the tenant.

10 (b) For purposes of this section, a tenant's personal property is
 11 considered abandoned if a reasonable person would conclude that the
 12 tenant has vacated the premises and has surrendered possession of the
 13 personal property.

14 (c) An oral or a written rental agreement may not define
 15 abandonment differently than is provided in subsection (b).

16 (d) If a landlord is awarded possession of a dwelling unit by a court
 17 under IC 32-30-2, the landlord may seek an order from the court
 18 allowing **the immediate removal and disposal** of a tenant's personal
 19 property, **unless, prior to the date a tenant is required to vacate the**
 20 **dwelling unit under the court's order, the tenant provides the**
 21 **landlord with written notice of the tenant's desire to have the**
 22 **tenant's personal property stored pursuant to section 3 of this**
 23 **chapter.**

24 (e) If the tenant fails to remove the tenant's personal property before
 25 the date specified in the court's order issued under subsection (d), the
 26 landlord may remove the tenant's personal property in accordance with
 27 the order and deliver the personal property to a warehouseman under
 28 section 3 of this chapter or to a storage facility approved by the court.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 155, 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 155 as introduced.)

BRAY, Chairperson

