



January 20, 2022

HOUSE BILL No. 1214

DIGEST OF HB 1214 (Updated January 19, 2022 4:29 pm - DI 106)

Citations Affected: IC 24-4; IC 32-31.

Synopsis: Residential eviction actions. Defines an "eviction action information provider" as a person that compiles, furnishes, or publishes information that: (1) concerns an eviction action that is filed in a court in Indiana; and (2) is available in records kept by a clerk of a court in Indiana with jurisdiction over the eviction action (eviction action information). Prohibits an eviction action information provider from knowingly compiling, furnishing, or publishing eviction action information if: (1) a court has issued an order under the bill's provisions prohibiting disclosure of any records in the eviction action; (2) the record of the eviction action has otherwise been restricted by: (A) a court order; or (B) court rules; and is marked as restricted from public disclosure or is removed from public access; or (3) the eviction action information provider knows that the eviction action information is inaccurate. Prohibits an eviction action information provider from knowingly compiling, furnishing, or publishing eviction action information if the eviction action information fails to reflect material changes to the official record occurring at least 60 days before the date the eviction action information is compiled, furnished, or published. Provides that a violation of these provisions is a deceptive act that is actionable under the deceptive consumer sales act. Requires the plaintiff in a residential eviction action to file a motion to dismiss the action if the case is resolved between the parties at any time before final adjudication, unless the plaintiff is seeking damages. Provides that if, at any time after an eviction action is filed, no action has been taken by the plaintiff to further prosecute the case for a period of at least 180
(Continued next page)

Effective: Upon passage; January 1, 2022 (retroactive).

Manning, Jeter

January 6, 2022, read first time and referred to Committee on Judiciary.
January 20, 2022, amended, reported — Do Pass.

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Digest Continued

days, the court shall provide to the parties written notice: (1) stating the date of the most recent action taken by the plaintiff in the case; and (2) directing the plaintiff to take action to either: (A) further prosecute the case; or (B) dismiss the case; not later than 10 business days after the date of the notice. Provides that if the plaintiff fails to take any action within the prescribed time: (1) the defendant may petition the court to dismiss the case; or (2) the court on its own motion may dismiss the case. Provides that a residential eviction diversion program may not be offered or operated on a statewide or local basis unless: (1) participation in the program is voluntary for all parties; and (2) a local, state, or federal rental assistance program is operational, and funding is available to the parties. Requires, upon motion of the tenant, the court in which an eviction action is filed to order the clerk of the court and the operator of any state, regional, or local case management system not to disclose or permit disclosure of any records in the case, subject to certain exceptions, if any of the following occur: (1) The action is dismissed. (2) A judgment in favor of the tenant is entered. (3) A judgment against the tenant is later overturned or vacated on appeal. Provides that if: (1) an eviction action, regardless of when it was filed, results in one of the specified outcomes allowing for the nondisclosure of records in the action; and (2) the court does not issue an order prohibiting the disclosure of any records in the action; the tenant in the action may petition the court in which the eviction action was filed to issue an order prohibiting the disclosure of any records in the action in accordance with the bill's provisions. Provides that the court may: (1) issue an order prohibiting the disclosure of any records in the action; or (2) set the matter for a hearing. Provides that the petitioner bears the burden of proof in any hearing set by the court. Requires the clerk of court or other court administrator to: (1) track all eviction actions with respect to which a nondisclosure order is issued by the court; and (2) on an annual basis: (A) compile, as aggregate data that is subject to public inspection, the information tracked; and (B) include the compiled data in the statutorily required statistical data provided to the office of judicial administration (office) on a periodic basis. Requires the office to include the data provided by the courts in the Indiana Judicial Report. Requires: (1) the Indiana housing and community development authority; and (2) any political subdivision that distributes rental assistance funds made available by the federal government in response to the COVID-19 pandemic; to create a designated landlord application process.



January 20, 2022

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. 1214

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 24-4-18.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]:

4 **Chapter 18.1. Eviction Action Information Providers**
5 **Sec. 1. The definitions in IC 32-31-3 apply throughout this**
6 **chapter.**

7 **Sec. 2. As used in this chapter, "eviction action" means:**
8 **(1) an action for possession of the rental premises (as defined**
9 **in IC 32-31-7-3), including a petition for an emergency**
10 **possessory order under IC 32-31-6; or**
11 **(2) an action to evict the tenant from the rental premises (as**
12 **defined in IC 32-31-7-3);**

13 **as authorized by the rental agreement or by any applicable law.**

14 **Sec. 3. As used in this chapter, "eviction action information"**
15 **means information that:**

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1 (1) concerns an eviction action that is filed in a court in
2 Indiana having jurisdiction; and

3 (2) is available in records kept by the clerk of a court in
4 Indiana with jurisdiction over the eviction action, including
5 an appellate court with jurisdiction over an appeal of the
6 eviction action.

7 **Sec. 4. (a) As used in this chapter, "eviction action information
8 provider" means a person that:**

9 (1) compiles eviction action information for use by one (1) or
10 more third parties primarily for the purposes of evaluating a
11 particular individual's eligibility for:

12 (A) employment in Indiana;

13 (B) housing in Indiana;

14 (C) a license, permit, or occupational certification issued
15 under state law; or

16 (D) insurance, credit, or another financial service, if the
17 insurance, credit, or financial service is to be provided to
18 an individual residing in Indiana;

19 (2) furnishes eviction action information to a consumer
20 reporting agency (as defined in 15 U.S.C. 1681a(f)); or

21 (3) regularly publishes eviction action information on the
22 Internet or regularly makes eviction information available
23 through the Internet;

24 regardless of the person's geographic location. For purposes of
25 subdivision (3), a person publishes or makes available eviction
26 action information regularly if the person publishes or makes
27 available eviction action information concerning at least twelve
28 (12) eviction actions in a calendar year.

29 (b) The term includes a nationwide specialty consumer
30 reporting agency (as defined in 15 U.S.C. 1681a(x)) that compiles
31 and maintains files on consumers on a nationwide basis relating to
32 residential or tenant history.

33 (c) The term does not include the following:

34 (1) A criminal justice agency (as defined in IC 10-13-3-6).

35 (2) A law enforcement agency (as defined in IC 10-13-3-10).

36 (3) A consumer reporting agency (as defined in 15 U.S.C.
37 1681a(f)), other than a nationwide specialty consumer
38 reporting agency described in subsection (b).

39 (4) Any:

40 (A) person connected with or employed by:

41 (i) a newspaper or other periodical issued at regular
42 intervals and having a general circulation; or



- 1 (ii) a recognized press association or wire service;
 2 as a bona fide owner, or as an editorial or reportorial
 3 employee who receives income from legitimate gathering,
 4 writing, editing, and interpreting of news;
 5 (B) person connected with a licensed radio or television
 6 station as an owner or official, or as an editorial or
 7 reportorial employee who receives income from legitimate
 8 gathering, writing, editing, interpreting, announcing, or
 9 broadcasting of news; or
 10 (C) other person who gathers, records, compiles, or
 11 disseminates eviction action information solely for
 12 journalistic, academic, governmental, or legal research
 13 purposes.

- 14 (5) The clerk of a circuit, superior, city, or town court, or of
 15 an appellate court.

16 Sec. 5. (a) Except as provided in subsection (b), an eviction
 17 action information provider shall not knowingly compile, furnish,
 18 or publish eviction action information, as described in section 4(a)
 19 of this chapter, concerning an eviction action if any of the following
 20 apply:

- 21 (1) A court has issued an order under:
 22 (A) IC 32-31-11-3; or
 23 (B) IC 32-31-11-4;
 24 with respect to the eviction action.
 25 (2) The record of the eviction action has otherwise been
 26 restricted by:
 27 (A) a court order, including, with respect to a pending
 28 eviction, an order making court records related to the
 29 eviction action confidential in compliance with an order of
 30 the Indiana supreme court issued in connection with a
 31 residential eviction diversion program that complies with
 32 IC 32-31-10-5(b), as described in IC 32-31-11-3(e); or
 33 (B) court rules;
 34 and is marked as restricted from public disclosure or is
 35 removed from public access.
 36 (3) The eviction action information provider knows that the
 37 eviction action information is inaccurate.

38 (b) An eviction action information provider may compile and
 39 furnish eviction action information to a third person, regardless of
 40 whether subsection (a)(1) or (a)(2) applies, if the person to whom
 41 the eviction action information is furnished is required by state or
 42 federal law to obtain the information.



1 **Sec. 6. (a) An eviction action information provider shall not**
 2 **knowingly compile, furnish, or publish eviction action information,**
 3 **as described in section 4(a) of this chapter, if the eviction action**
 4 **information fails to reflect material changes to the official record**
 5 **occurring sixty (60) days or more before the date the eviction**
 6 **action information is compiled, furnished, or published.**

7 **(b) An eviction action information provider that:**

8 **(1) compiles, furnishes, or publishes eviction action**
 9 **information, as described in section 4(a) of this chapter; and**

10 **(2) fails to reflect material eviction action information in the**
 11 **information compiled, furnished, or published;**

12 **does not violate this section if the material eviction action**
 13 **information was not contained in the official record at least sixty**
 14 **(60) days before the date the eviction action information is**
 15 **compiled, furnished, or published.**

16 **Sec. 7. (a) A violation of section 5 or 6 of this chapter is a**
 17 **deceptive act that is actionable under IC 24-5-0.5-4.**

18 **(b) This section does not prohibit an individual from bringing**
 19 **an action on the individual's own behalf under the federal Fair**
 20 **Credit Reporting Act (15 U.S.C. 1681 et seq.).**

21 **Sec. 8. The federal Fair Credit Reporting Act (15 U.S.C. 1681 et**
 22 **seq.) does not annul, alter, or affect the duty of a nationwide**
 23 **specialty consumer reporting agency described in section 4(b) of**
 24 **this chapter to comply with this chapter, except to the extent that**
 25 **this chapter is inconsistent with any provision of the federal Fair**
 26 **Credit Reporting Act (15 U.S.C. 1681 et seq.), and then only to the**
 27 **extent of the inconsistency, as provided in 15 U.S.C. 1681t(a).**

28 SECTION 2. IC 32-31-2.9-2 AS AMENDED BY P.L.22-2007,
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2022 (RETROACTIVE)]: Sec. 2. As used in this
 31 chapter, "residential landlord-tenant statute" refers to any of the
 32 following:

33 (1) IC 32-31-3.

34 (2) IC 32-31-4.

35 (3) IC 32-31-5.

36 (4) IC 32-31-6.

37 (5) IC 32-31-7.

38 (6) IC 32-31-8.

39 **(7) IC 32-31-8.5.**

40 **(7) (8) IC 32-31-9.**

41 **(9) IC 32-31-10.**

42 **(10) IC 32-31-11.**



1 SECTION 3. IC 32-31-10 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2022 (RETROACTIVE)]:

4 **Chapter 10. Residential Eviction Actions**

5 **Sec. 1. This chapter applies to an eviction action regardless of**
 6 **when the eviction action is originally filed.**

7 **Sec. 2. For purposes of this chapter:**

8 (1) the definitions in IC 32-31-3 apply; and

9 (2) "eviction action" means:

10 (A) an action for possession of the rental premises (as
 11 defined in IC 32-31-7-3), including a petition for an
 12 emergency possessory order under IC 32-31-6; or

13 (B) an action to evict the tenant from the rental premises
 14 (as defined in IC 32-31-7-3);

15 as authorized by the rental agreement or by any applicable
 16 law.

17 **Sec. 3. The plaintiff in an eviction action shall file a motion to**
 18 **dismiss the action if the case is resolved between the parties at any**
 19 **time before final adjudication of the action, unless the plaintiff is**
 20 **seeking damages, including the retention of the tenant's security**
 21 **deposit.**

22 **Sec. 4. (a) If, at any time after the filing of an eviction action, no**
 23 **action has been taken by the plaintiff to further prosecute the case**
 24 **for a period of at least one hundred eighty (180) days, the court**
 25 **shall provide to the parties written notice:**

26 (1) informing the parties of the date of the most recent action
 27 taken by the plaintiff in the case; and

28 (2) directing the plaintiff to take action to either:

29 (A) further prosecute the case; or

30 (B) dismiss the case;

31 not later than ten (10) business days after the date of the
 32 notice.

33 (b) If the plaintiff fails to take an action described in subsection
 34 (a)(2) within the time prescribed by subsection (a)(2):

35 (1) the defendant in the eviction action may petition the court
 36 to dismiss the case; or

37 (2) the court on the court's own motion may dismiss the case.

38 **If the court dismisses the case under this subsection on or after**
 39 **January 1, 2022, the court shall, in conjunction with its order of**
 40 **dismissal, issue an order under IC 32-31-11-3 prohibiting the**
 41 **disclosure of any records in the eviction action.**

42 (c) The court may assess an administrative fee of ten dollars



1 (\$10), payable by the plaintiff, for any order of dismissal entered
2 under subsection (b).

3 **Sec. 5. (a) As used in this section, "residential eviction diversion**
4 **program" refers to any:**

- 5 (1) preeviction diversion program;
6 (2) landlord-tenant settlement conference, mediation, or other
7 alternative dispute resolution program; or
8 (3) similar program affecting residential evictions or the
9 possession of residential rental property;

10 that is offered or operated in Indiana on a statewide or local basis,
11 regardless of when the program is first offered or operated in
12 Indiana.

13 (b) A residential eviction diversion program may not be offered
14 or operated unless:

- 15 (1) participation in the program is voluntary for all parties;
16 and
17 (2) a local, state, or federal rental assistance program is
18 operational, and funding through such a program is available
19 to the parties.

20 (c) A person that offers or operates a residential eviction
21 diversion program in violation of subsection (b) shall immediately
22 cease to offer the program to new participants.

23 **Sec. 6. (a) This section applies to:**

- 24 (1) the Indiana housing and community development
25 authority in its role in distributing rental assistance funds
26 made available by the federal government in response to the
27 coronavirus disease (COVID-19) pandemic; and
28 (2) any political subdivision that distributes rental assistance
29 funds made available by the federal government in response
30 to the coronavirus disease (COVID-19) pandemic.

31 (b) Not later than August 31, 2022:

- 32 (1) the Indiana housing and community development
33 authority; and
34 (2) any political subdivision to which this section applies;

35 shall create a designated landlord application process.

36 (c) This section expires September 1, 2023.

37 SECTION 4. IC 32-31-11 IS ADDED TO THE INDIANA CODE
38 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
39 JANUARY 1, 2022 (RETROACTIVE)]:

40 **Chapter 11. Disclosure of Residential Eviction Information**

41 **Sec. 1. (a) This chapter applies to an eviction action that results**
42 **in an outcome described in section 3(a)(1) through 3(a)(4) of this**



1 chapter regardless of when the eviction action is originally filed.

2 (b) Except as provided in section 3(a)(4) of this chapter, this
3 chapter does not apply to a hearing for damages in an eviction
4 action in which a judgment has been awarded.

5 **Sec. 2. For purposes of this chapter:**

6 (1) the definitions in IC 32-31-3 apply; and

7 (2) "eviction action" means:

8 (A) an action for possession of the rental premises (as
9 defined in IC 32-31-7-3), including a petition for an
10 emergency possessory order under IC 32-31-6; or

11 (B) an action to evict the tenant from the rental premises
12 (as defined in IC 32-31-7-3);

13 as authorized by the rental agreement or by any applicable
14 law.

15 **Sec. 3. (a) Except as provided in subsection (b), if a landlord files
16 an eviction action and:**

17 (1) the eviction action is dismissed by the court:

18 (A) upon petition of the landlord under IC 32-31-10-3 or
19 otherwise; or

20 (B) upon:

21 (i) petition by the tenant; or

22 (ii) the court's own motion;

23 under IC 32-31-10-4 as a result of the landlord's failure to
24 prosecute the case;

25 (2) a judgment in favor of the tenant is entered by the court;
26 or

27 (3) a judgment is entered by the court against the tenant, and
28 the judgment is subsequently overturned or vacated on
29 appeal;

30 the court in which the eviction action was filed, upon motion by the
31 tenant, shall order the clerk of the court and the operator of any
32 state, regional, or local case management system not to disclose or
33 permit disclosure of any records in the case, including the petition
34 by the landlord for possession of the rental unit. In an order issued
35 under this subsection, the court shall direct the clerk of the court
36 to redact or permanently seal the court's own records related to
37 the eviction action.

38 (b) If the court issues an order under subsection (a), the court
39 and the operator of any state, regional, or local case management
40 system shall not disclose or permit disclosure of any records in the
41 eviction action, including the petition by the landlord for
42 possession of the rental unit:



- 1 (1) other than to any person under a court order;
- 2 (2) other than to a law enforcement agency for an authorized
- 3 law enforcement activity; or
- 4 (3) unless authorized under this chapter or otherwise required
- 5 by law.

6 (c) The court shall issue an order under subsection (a) at the
7 time:

- 8 (1) the action is dismissed;
- 9 (2) the judgment in favor of the tenant is entered;
- 10 (3) the opinion overturning or vacating the judgment against
- 11 the tenant becomes final; or
- 12 (4) the damages hearing is dismissed under subsection (a)(4);
- 13 as applicable, without holding an additional hearing.

14 (d) If an appellate court overturns or vacates a judgment
15 entered against a tenant in an eviction action, as described in
16 subsection (a)(3), and the court in which the action is filed then
17 enters an order prohibiting the disclosure of any records in the
18 action, as required under subsection (a), the appellate court shall:

- 19 (1) redact the opinion or memorandum decision as it appears
- 20 on the computer gateway administered by the office of
- 21 technology so that it does not include the name of the tenant;
- 22 and
- 23 (2) provide a redacted copy of the opinion to any publisher or
- 24 organization to whom the opinion or memorandum decision
- 25 is provided after the date of the order under subsection (a).

26 The Indiana supreme court and the court of appeals are not
27 required to redact, destroy, or otherwise dispose of any copy of an
28 opinion or memorandum decision that includes the name of the
29 tenant and that was created before the date of the order under
30 subsection (a).

31 (e) This section does not affect an order issued by a court that:

- 32 (1) is made in compliance with an order of the Indiana
- 33 supreme court issued in connection with a residential eviction
- 34 diversion program that complies with IC 32-31-10-5(b); and
- 35 (2) makes court records related to a pending eviction action
- 36 confidential.

37 Records related to a pending eviction action that are made
38 confidential under an order described in this subsection retain or
39 lose their confidential status in accordance with the court's order.

40 Sec. 4. (a) If:

- 41 (1) an eviction action:
- 42 (A) is filed before January 1, 2022; and



1 **(B) results in an outcome described in section 3(a)(1)**
 2 **through 3(a)(4) of this chapter before January 1, 2022;**
 3 **and the court in the action has not otherwise filed an order**
 4 **described in section 3 of this chapter; or**
 5 **(2) the court fails to issue an order under section 3 of this**
 6 **chapter in an eviction action that results, on or after January**
 7 **1, 2022, in an outcome described in section 3(a)(1) through**
 8 **3(a)(4) of this chapter;**

9 **the tenant in the action may petition the court in which the eviction**
 10 **action was filed to issue an order prohibiting the disclosure of any**
 11 **records in the action, including the petition by the landlord for**
 12 **possession of the rental unit, in accordance with section 3 of this**
 13 **chapter.**

14 **(b) A petition under subsection (a) must be verified by the**
 15 **petitioner and filed with court, and must include the following**
 16 **information:**

- 17 **(1) The petitioner's full name.**
 18 **(2) The petitioner's date of birth.**
 19 **(3) The petitioner's current address.**
 20 **(4) The case number or cause number of the eviction action.**
 21 **(5) A description of why the petitioner is entitled to relief**
 22 **under this section, along with any supporting documentation**
 23 **or evidence.**
 24 **(6) A sworn statement that a monetary judgment is not**
 25 **outstanding to the landlord in the eviction action with respect**
 26 **to which the petitioner seeks relief under this section.**

27 **(c) The court may do any of the following, with respect to a**
 28 **petition filed under subsection (a):**

- 29 **(1) Issue an order prohibiting the disclosure of any records in**
 30 **the action, in accordance with section 3 of this chapter,**
 31 **without a hearing, if the court determines that the petition**
 32 **contains sufficient information under subsection (b).**
 33 **(2) Set the matter for a hearing if:**
 34 **(A) the court determines that the petition does not contain**
 35 **sufficient information under subsection (b); or**
 36 **(B) one (1) or more questions arise from the petition.**

37 **In a hearing under this subdivision, the petitioner bears the**
 38 **burden of proof with respect to whether the court should issue**
 39 **an order prohibiting the disclosure of any records in the**
 40 **eviction action in accordance with section 3 of this chapter.**

41 **Sec. 5. (a) The clerk of court or other court administrator shall:**

- 42 **(1) track all eviction actions with respect to which an order**



1 under section 3 or 4 of this chapter is issued by the court; and
2 **(2) on an annual basis:**
3 **(A) compile, as aggregate data that is subject to public**
4 **inspection under IC 5-14-3, the information described in**
5 **subdivision (1); and**
6 **(B) include the data compiled under clause (A) in the**
7 **statistical data provided to the office of judicial**
8 **administration under IC 33-24-6-3(a)(2), at the time and in**
9 **the form prescribed by the office.**
10 **(b) The office of judicial administration shall include the data**
11 **provided by courts under subsection (a)(2) in the office's reports**
12 **under IC 33-24-6-3(a)(3).**
13 **SECTION 5. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1214, 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:

Page 6, between lines 22 and 23, begin a new paragraph and insert:

"Sec. 6. (a) This section applies to:

- (1) the Indiana housing and community development authority in its role in distributing rental assistance funds made available by the federal government in response to the coronavirus disease (COVID-19) pandemic; and**
- (2) any political subdivision that distributes rental assistance funds made available by the federal government in response to the coronavirus disease (COVID-19) pandemic.**

(b) Not later than August 31, 2022:

- (1) the Indiana housing and community development authority; and**
- (2) any political subdivision to which this section applies;**

shall create a designated landlord application process.

(c) This section expires September 1, 2023."

Page 7, line 11, after "court," insert "**or**".

Page 7, line 14, delete "or".

Page 7, delete lines 15 through 18.

Page 7, line 19, delete "filed" and insert "**filed, upon motion by the tenant,**".

and when so amended that said bill do pass.

(Reference is to HB 1214 as introduced.)

TORR

Committee Vote: yeas 11, nays 0.

