

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 ENROLLED ACT No. 1214

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AN ACT to amend the Indiana Code concerning property.

*Be it enacted by the General Assembly of the State of Indiana:*

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

- (1) IC 32-31-3.
- (2) IC 32-31-4.
- (3) IC 32-31-5.
- (4) IC 32-31-6.
- (5) IC 32-31-7.
- (6) IC 32-31-8.
- (7) IC 32-31-8.5.**
- ~~(7)~~ **(8) IC 32-31-9.**
- (9) IC 32-31-10.**
- (10) IC 32-31-11.**

SECTION 2. IC 32-31-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 10. Residential Eviction Actions**

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

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

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

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**(2) "eviction action" means:**

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

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

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

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

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

**(1) informing the parties of 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 ten (10) business days after the date of the notice.**

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

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

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

**If the court dismisses the case under this subsection on or after July 1, 2022, the court shall, in conjunction with its order of dismissal, issue an order in accordance with IC 32-31-11, without further motion of the defendant, to prohibit the disclosure of any records in the eviction action.**

**(c) The court may assess an administrative fee of ten dollars (\$10), payable by the plaintiff, for any order of dismissal entered under subsection (b).**

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

**(1) preeviction diversion program;**

**(2) landlord-tenant settlement conference; or**

**(3) similar program affecting residential evictions or the**



possession of residential rental property; that is offered or operated in Indiana on a statewide or local basis, regardless of when the program is first offered or operated in Indiana.

(b) A residential eviction diversion program may not be offered or operated unless participation in the program is voluntary for all parties.

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

**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 in addition to the tenant application process.

(c) A designated landlord application process created under subsection (b) must require that any application by a landlord for rental assistance funds made available by the federal government in response to the coronavirus disease (COVID-19) pandemic must be signed and certified by the tenant.

SECTION 3. IC 32-31-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

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

**Sec. 1. (a) This chapter applies to an eviction action that results in an outcome described in section 3(a)(1) through 3(a)(3) of this chapter regardless of when the eviction action is originally filed.**

**(b) This chapter does not apply to a hearing for damages in an eviction action in which a judgment has been awarded.**

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

- (1) the definitions in IC 32-31-3 apply; and
- (2) "eviction action" means:
  - (A) an action for possession of the rental premises (as



defined in IC 32-31-7-3), including a petition for an emergency possessory order under IC 32-31-6; or  
 (B) an action to evict the tenant from the rental premises (as defined in IC 32-31-7-3);  
 as authorized by the rental agreement or by any applicable law.

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

- (1) the eviction action is dismissed by the court:**
  - (A) upon petition of the landlord under IC 32-31-10-3 or otherwise; or**
  - (B) upon:**
    - (i) petition by the tenant; or**
    - (ii) the court's own motion;**
- under IC 32-31-10-4 as a result of the landlord's failure to prosecute the case;**
- (2) a judgment in favor of the tenant is entered by the court;**
- or**
- (3) a judgment is entered by the court against the tenant, and the judgment is subsequently overturned or vacated on appeal;**

the court in which the eviction action was filed, upon motion by the tenant, shall 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, including the petition by the landlord for possession of the rental unit. In an order issued under this subsection, the court shall direct the clerk of the court to redact or permanently seal the court's own records related to the eviction action.

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

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

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

- (1) the action is dismissed;**



- (2) the judgment in favor of the tenant is entered; or
- (3) the opinion overturning or vacating the judgment against the tenant becomes final;

as applicable, without holding an additional hearing.

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

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

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

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

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

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

Sec. 4. (a) If:

- (1) an eviction action:
  - (A) is filed before July 1, 2022; and
  - (B) results in an outcome described in section 3(a)(1) through 3(a)(3) of this chapter before July 1, 2022; and the court in the action has not otherwise filed an order described in section 3 of this chapter; or
- (2) the court has not otherwise issued an order under section 3 of this chapter in an eviction action that results, on or after July 1, 2022, in an outcome described in section 3(a)(1) through 3(a)(3) of this chapter;



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, including the petition by the landlord for possession of the rental unit, in accordance with section 3 of this chapter.

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

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

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

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

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

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

- (1) track all eviction actions with respect to which an order under section 3 or 4 of this chapter is issued by the court; and
- (2) furnish the data compiled under subdivision (1) in the statistical data provided to the office of judicial administration under IC 33-24-6-3(a)(2), at the time and in the form prescribed by the office.

(b) The office of judicial administration shall include the data provided by courts under subsection (a)(2) in the office's reports under IC 33-24-6-3(a)(3).



**SECTION 4. An emergency is declared for this act.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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