

# HOUSE BILL No. 1242

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 32-31-12.

**Synopsis:** Public health reporting for rental housing. Allows tenants to report unsafe rental housing conditions to the local health department (department). Requires the department to investigate allegations of unsafe rental housing conditions. Provides that the hearing authority shall hold a hearing if probable cause exists, make findings of fact, and make recommendations for department action. Provides certain procedural requirements for the hearing. Requires the department to do one or more of the following if the allegations are true: (1) Issue a warning to the landlord. (2) Impose a civil penalty on the landlord not to exceed \$1,000. (3) Bring a cause of action against the landlord to compel necessary repairs to alleviate the unsafe rental housing condition. Allows a person to file a complaint requesting judicial review of the hearing authority's finding or the department action within 10 days of the finding or action. Requires a request for judicial review to be filed in a verified complaint including the findings and action taken. Provides that a reviewing court may affirm, modify, or reverse an action taken by the department.

**Effective:** July 1, 2023.

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January 10, 2023, read first time and referred to Committee on Public Health.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1242

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 32-31-12 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]:  
4 **Chapter 12. Reporting Unsafe Rental Housing**  
5 **Sec. 1. (a) As used in this chapter, "department" means a local**  
6 **health department (as defined in IC 16-18-2-211).**  
7 **(b) As used in this chapter, "hearing authority" refers to a local**  
8 **health department's board or the board's designee.**  
9 **(c) As used in this chapter, "infestation" means the presence,**  
10 **within or contiguous to, a structure or premises of:**  
11 **(1) insects, including bedbugs;**  
12 **(2) rats;**  
13 **(3) vermin; or**  
14 **(4) any other pest.**  
15 **(d) As used in this chapter, "reasonable time" means a duration**  
16 **of time that is reasonable under the surrounding circumstances.**  
17 **(e) As used in this chapter, "unsafe rental housing condition"**



1 includes the following:

2 (1) Infestation.

3 (2) Mold.

4 (3) Lack of:

5 (A) heat beginning October 1 through March 31 for  
6 twenty-four (24) to forty-eight (48) hours; or

7 (B) water for at least three (3) days.

8 (4) Nonworking smoke detectors.

9 (5) Carbon monoxide levels of fifty (50) parts per million or  
10 higher.

11 (6) Radon.

12 (7) Any other property condition that endangers the health or  
13 safety of a tenant or the public.

14 Sec. 2. (a) A tenant may file a complaint alleging a landlord's  
15 refusal to properly remedy an unsafe rental housing condition.

16 (b) The complaint must be filed with the department of the  
17 county or municipality in which the rental property is located.

18 Sec. 3. (a) The department shall investigate the allegations in the  
19 complaint within a reasonable time after receiving a complaint  
20 described in section 2 of this chapter.

21 (b) If the department finds that there is probable cause to  
22 believe the allegations are true, the hearing authority shall hold a  
23 hearing.

24 (c) The hearing authority shall provide the landlord and the  
25 tenant ten (10) days notice before holding the hearing. The notice  
26 may be given by:

27 (1) sending registered mail with a return receipt requested;

28 (2) delivering by personal service; or

29 (3) leaving a copy at the dwelling of the person to be notified  
30 and sending a copy by first class mail to the person's last  
31 known address.

32 If service is not obtainable by means described in subdivisions (1)  
33 through (3) and the hearing authority concludes that a reasonable  
34 effort has been made to obtain service, the hearing authority may  
35 allow service by publication in the county where the rental  
36 property is located. However, publication must be made two (2)  
37 times, at least one (1) week apart, and the second publication must  
38 be made at least ten (10) days before the hearing.

39 (d) The landlord and the tenant are entitled to:

40 (1) appear in person or by counsel to the hearing;

41 (2) present evidence;

42 (3) cross-examine witnesses; and



- 1           **(4) present arguments.**
- 2           **(e) At the conclusion of a hearing, the hearing authority shall**  
3 **issue an order including the detailed findings for the case and**  
4 **recommended action for the department to take.**
- 5           **(f) The hearing authority shall make its findings and**  
6 **recommended action for the department available to the public**  
7 **upon request.**
- 8           **Sec. 4. If the hearing authority's findings indicate that the**  
9 **allegations from the complaint are true, the department shall do**  
10 **one (1) or more of the following:**
- 11           **(1) Issue a warning to the landlord.**
- 12           **(2) Impose a civil penalty on the landlord not to exceed one**  
13 **thousand dollars (\$1,000).**
- 14           **(3) Bring a cause of action against the landlord to compel**  
15 **necessary repairs to alleviate the unsafe rental housing**  
16 **condition.**
- 17           **Sec. 5. (a) The following are subject to review by the circuit or**  
18 **superior court of the county in which the rental property is located**  
19 **by the landlord or by the tenant:**
- 20           **(1) A finding or recommendation by the hearing authority.**
- 21           **(2) An action by the department.**
- 22           **(b) A person requesting judicial review under this section must**  
23 **file a verified complaint including the findings of fact and the**  
24 **action taken by the department. The person requesting judicial**  
25 **review must file the verified complaint not more than ten (10) days**  
26 **after the date when action was taken.**
- 27           **(c) An appeal under this section is an action de novo. The court**  
28 **may affirm, modify, or reverse the action taken by the department.**

