

HOUSE BILL No. 1319

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-30-10.3.

Synopsis: Regulation of mortgage foreclosures. Specifies that the statute concerning the state regulation of mortgage foreclosures does not affect or preempt a political subdivision's authority to: (1) regulate the maintenance, upkeep, or repair of real property within the jurisdiction of the political subdivision, including real property subject to a mortgage foreclosure action; or (2) act as authorized under the unsafe building law, or other applicable state law, with respect to real property within the jurisdiction of the political subdivision, including real property subject to a mortgage foreclosure action; in accordance with state law.

Effective: Upon passage.

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January 14, 2019, read first time and referred to Committee on Financial Institutions.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1319

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 32-30-10.3-1, AS ADDED BY P.L.247-2015,
2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 1. **Except as provided in section 4 of this**
4 **chapter:**

- 5 (1) the state is the sole regulator of the process of mortgage
- 6 foreclosures, including the duties and obligations of borrowers
- 7 and lenders in connection with mortgage foreclosures; **and**
- 8 (2) this chapter preempts all other regulation of the process of
- 9 mortgage foreclosures by a political subdivision.

10 SECTION 2. IC 32-30-10.3-3, AS ADDED BY P.L.247-2015,
11 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: Sec. 3. **Except as provided in section 4 of this**
13 **chapter**, a political subdivision may not do any of the following:

- 14 (1) Enact, issue, or enforce:
 - 15 (A) ordinances, resolutions, regulations, orders, requests for
 - 16 proposals, or requests for bids pertaining to mortgage
 - 17 foreclosure activities or practices; **and or**



- 1 **(B)** rules that disqualify persons from doing business with a
 2 municipality and that are based upon mortgage foreclosure
 3 activities or practices.
- 4 **(2)** Impose reporting requirements or any other obligations ~~upon~~
 5 ~~persons~~ regarding mortgage foreclosure activities or practices
 6 **upon persons**, or upon subsidiaries or affiliates **of persons**, that:
- 7 (A) are subject to the jurisdiction of the department of
 8 financial institutions;
- 9 (B) are subject to the jurisdiction or regulatory supervision of
 10 the Board of Governors of the Federal Reserve System, the
 11 Office of the Comptroller of the Currency, the National Credit
 12 Union Administration, the Federal Deposit Insurance
 13 Corporation, the Federal Trade Commission, the United States
 14 Department of Housing and Urban Development or the
 15 Federal Housing Finance Agency;
- 16 (C) are chartered by the United States Congress to engage in
 17 secondary market mortgage transactions;
- 18 (D) are created by the Indiana housing and community
 19 development authority; or
- 20 (E) originate, purchase, sell, assign, securitize, or service
 21 property interests or obligations created by financial
 22 transactions or loans made, executed, originated, or purchased
 23 by persons referred to in clauses (A), (B), (C), or (D).
- 24 SECTION 3. IC 32-30-10.3-4 IS ADDED TO THE INDIANA
 25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE UPON PASSAGE]: **Sec. 4. This chapter does not affect**
 27 **or preempt the authority of a political subdivision, or of an agency,**
 28 **a department, or an officer of a political subdivision, including an**
 29 **enforcement authority (as defined in IC 36-7-9-2), to:**
- 30 **(1) enact, issue, or enforce ordinances, resolutions,**
 31 **regulations, orders, requests for proposals, or requests for**
 32 **bids pertaining to, or to otherwise regulate, the maintenance,**
 33 **upkeep, or repair of real property within the jurisdiction of**
 34 **the political subdivision, including real property that is the**
 35 **subject of a mortgage foreclosure action; or**
- 36 **(2) act as authorized under IC 36-7-9, or under other**
 37 **applicable state law, with respect to real property within the**
 38 **jurisdiction of the political subdivision, including real**
 39 **property that is the subject of a mortgage foreclosure action;**
 40 **in accordance with state law.**
- 41 SECTION 4. **An emergency is declared for this act.**

