

HOUSE BILL No. 1378

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-31.

Synopsis: Emergency evictions. Specifies that a landlord includes a property owner. Authorizes a landlord to seek an emergency possessory order if an occupant has no contractual relationship with the property owner or other interest in the property.

Effective: July 1, 2021.

Lauer, Manning

January 14, 2021, read first time and referred to Committee on Judiciary.



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.

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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 32-31-1-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. Notice is not
3 required to terminate a lease in the following situations:
4 (1) The landlord agrees to rent the premises to the tenant for a
5 specified period of time.
6 (2) The time for the determination of the tenancy is specified in
7 the contract.
8 (3) A tenant at will commits waste.
9 (4) The tenant is a tenant at sufferance.
10 (5) The express terms of the contract require the tenant to pay the
11 rent in advance, and the tenant refuses or neglects to pay the rent
12 in advance.
13 (6) The landlord-tenant relationship does not exist.
14 (7) **The landlord files an action for an emergency possessory**
15 **order under IC 32-31-6.**
16 SECTION 2. IC 32-31-3-3 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. As used in this



1 chapter, "landlord" means:

- 2 (1) the owner, lessor, or sublessor of **real property**, a rental unit,
 3 or the property of which the unit is a part; or
 4 (2) a person authorized to exercise any aspect of the management
 5 of the premises, including a person who directly or indirectly:
 6 (A) acts as a rental agent; or
 7 (B) receives rent or any part of the rent other than as a bona
 8 fide purchaser.

9 SECTION 3. IC 32-31-6-3 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The following may
 11 file a petition for an emergency possessory order under this chapter:

- 12 (1) A tenant, if the landlord has violated IC 32-31-5-6.
 13 (2) A landlord:
 14 (A) if the tenant has committed or threatens to commit waste
 15 to the rental unit; **or**
 16 (B) **under section 7.1 of this chapter.**

17 SECTION 4. IC 32-31-6-4 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. A petition for an
 19 order under this chapter must:

- 20 (1) include an allegation specifying:
 21 (A) the violation, act, or omission caused or threatened by a
 22 landlord or tenant; and
 23 (B) **if applicable**, the nature of the specific immediate and
 24 serious:
 25 (i) injury;
 26 (ii) loss; or
 27 (iii) damage;
 28 that the landlord or tenant has suffered or will suffer if the
 29 violation, act, or omission is not enjoined; and
 30 (2) be sworn to by the petitioner.

31 SECTION 5. IC 32-31-6-7.1 IS ADDED TO THE INDIANA CODE
 32 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2021]: **Sec. 7.1. At the emergency hearing, if the court finds that
 34 the occupant of the dwelling unit has no:**

- 35 (1) **contractual relationship with the property owner (whether
 36 express or implied); or**
 37 (2) **contractual or other interest in the property;**
 38 **the court shall order the occupant to immediately return possession
 39 of the dwelling unit to the property owner.**

