



Reprinted
February 23, 2021

SENATE BILL No. 116

DIGEST OF SB 116 (Updated February 22, 2021 3:19 pm - DI 107)

Citations Affected: IC 33-28; IC 33-29; IC 33-31; IC 33-34.

Synopsis: Landlord tenant settlement conference program. Provides, for a two year period and contingent upon the availability of specified funds, that: (1) the jurisdictional amount in small claims court is \$20,000 in residential landlord tenant cases (under current law, the amount is \$8,000); and (2) the landlord and the tenant may agree to participate in the landlord tenant settlement conference program.

Effective: Upon passage.

Tallian, Brown L, Bohacek

January 4, 2021, read first time and referred to Committee on Rules and Legislative Procedure.
February 1, 2021, amended; reassigned to Committee on Judiciary.
February 18, 2021, amended, reported favorably — Do Pass.
February 22, 2021, read second time, amended, ordered engrossed.

SB 116—LS 6506/DI 13



Reprinted
February 23, 2021

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.

SENATE BILL No. 116

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

- 1 SECTION 1. IC 33-28-3-4, AS AMENDED BY P.L.162-2020,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 4. (a) This section applies after June 30, 2005.
4 (b) The small claims docket has jurisdiction over the following:
5 (1) Civil actions in which the amount sought or value of the
6 property sought to be recovered is not more than eight thousand
7 dollars (\$8,000). The plaintiff in a statement of claim or the
8 defendant in a counterclaim may waive the excess of any claim
9 that exceeds eight thousand dollars (\$8,000) in order to bring it
10 within the jurisdiction of the small claims docket.
11 (2) **Except as provided in subsection (c)**, possessory actions
12 between landlord and tenant in which the rent due at the time the
13 action is filed does not exceed eight thousand dollars (\$8,000).
14 (3) Emergency possessory actions between a landlord and tenant
15 under IC 32-31-6.
16 (c) **This subsection applies after June 30, 2021, and before July**
17 **1, 2023, if federal government emergency rental assistance funds**

SB 116—LS 6506/DI 13



1 are available in the resident's jurisdiction. The small claims docket
 2 has jurisdiction over a possessory action between a landlord and
 3 tenant relating to a dwelling unit in Indiana in which the rent due
 4 at the time the action is filed does not exceed twenty thousand
 5 dollars (\$20,000). This subsection does not apply to an
 6 arrangement described in IC 32-31-2.9-4.

7 SECTION 2. IC 33-28-3-11 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 11. (a) This section applies after June 30,
 10 2021, and before July 1, 2023, if federal government emergency
 11 rental assistance funds are available in the resident's jurisdiction.

12 (b) This section applies to a possessory action between a
 13 landlord and tenant relating to a dwelling unit in Indiana. This
 14 section does not apply to an emergency possessory order.
 15 Emergency possessory orders are governed by IC 32-31-6.

16 (c) As used in this section, "landlord tenant settlement
 17 conference program" means the landlord tenant settlement
 18 conference program established by the supreme court.

19 (d) If a party files a possessory action described in subsection
 20 (b), the landlord and tenant may agree to participate in the
 21 landlord tenant settlement conference program.

22 (e) An attorney is not required for any party participating in the
 23 landlord tenant settlement conference.

24 SECTION 3. IC 33-29-2-4, AS AMENDED BY P.L.162-2020,
 25 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 4. (a) This section applies after June 30, 2005.

27 (b) The small claims docket has jurisdiction over the following:

28 (1) Civil actions in which the amount sought or value of the
 29 property sought to be recovered is not more than eight thousand
 30 dollars (\$8,000). The plaintiff in a statement of claim or the
 31 defendant in a counterclaim may waive the excess of any claim
 32 that exceeds eight thousand dollars (\$8,000) in order to bring it
 33 within the jurisdiction of the small claims docket.

34 (2) **Except as provided in subsection (c)**, possessory actions
 35 between landlord and tenant in which the rent due at the time the
 36 action is filed does not exceed eight thousand dollars (\$8,000).

37 (3) Emergency possessory actions between a landlord and tenant
 38 under IC 32-31-6.

39 (c) This subsection applies after June 30, 2021, and before July
 40 1, 2023, if federal government emergency rental assistance funds
 41 are available in the resident's jurisdiction. The small claims docket
 42 has jurisdiction over a possessory action between a landlord and



1 **tenant relating to a dwelling unit in Indiana in which the rent due**
 2 **at the time the action is filed does not exceed twenty thousand**
 3 **dollars (\$20,000). This subsection does not apply to an**
 4 **arrangement described in IC 32-31-2.9-4.**

5 SECTION 4. IC 33-29-2-11 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: **Sec. 11. (a) This section applies after June 30,**
 8 **2021, and before July 1, 2023, if federal government emergency**
 9 **rental assistance funds are available in the resident's jurisdiction.**

10 **(b) This section applies to a possessory action between a**
 11 **landlord and tenant relating to a dwelling unit in Indiana. This**
 12 **section does not apply to an emergency possessory order.**
 13 **Emergency possessory orders are governed by IC 32-31-6.**

14 **(c) As used in this section, "landlord tenant settlement**
 15 **conference program" means the landlord tenant settlement**
 16 **conference program established by the supreme court.**

17 **(d) If a party files a possessory action described in subsection**
 18 **(b), the landlord and tenant may agree to participate in the**
 19 **landlord tenant settlement conference program.**

20 **(e) An attorney is not required for any party participating in the**
 21 **landlord tenant settlement conference program.**

22 SECTION 5. IC 33-31-2-3, AS AMENDED BY P.L.162-2020,
 23 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: **Sec. 3. (a) The small claims docket has jurisdiction**
 25 **over the following:**

26 (1) Civil actions in which the amount sought or value of the
 27 property sought to be recovered is not more than eight thousand
 28 dollars (\$8,000). The plaintiff in a statement of claim or the
 29 defendant in a counterclaim may waive the excess of any claim
 30 that exceeds eight thousand dollars (\$8,000) in order to bring it
 31 within the jurisdiction of the small claims docket.

32 (2) **Except as provided in subsection (b),** possessory actions
 33 between landlord and tenant in which the rent due at the time the
 34 action is filed does not exceed eight thousand dollars (\$8,000).

35 (3) Emergency possessory actions between a landlord and tenant
 36 under IC 32-31-6.

37 **(b) This subsection applies after June 30, 2021, and before July**
 38 **1, 2023, if federal government emergency rental assistance funds**
 39 **are available in the resident's jurisdiction. The small claims docket**
 40 **has jurisdiction over a possessory action between a landlord and**
 41 **tenant relating to a dwelling unit in Indiana in which the rent due**
 42 **at the time the action is filed does not exceed twenty thousand**



1 **dollars (\$20,000). This subsection does not apply to an**
 2 **arrangement described in IC 32-31-2.9-4.**

3 SECTION 6. IC 33-31-2-10 IS ADDED TO THE INDIANA CODE
 4 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 5 **UPON PASSAGE]: Sec. 10. (a) This section applies after June 30,**
 6 **2021, and before July 1, 2023, if federal government emergency**
 7 **rental assistance funds are available in the resident's jurisdiction.**

8 **(b) This section applies to a possessory action between a**
 9 **landlord and tenant relating to a dwelling unit in Indiana. This**
 10 **section does not apply to an emergency possessory order. This**
 11 **Emergency possessory orders are governed by IC 32-31-6.**

12 **(c) As used in this section, "landlord tenant settlement**
 13 **conference program" means the landlord tenant settlement**
 14 **conference program established by the supreme court.**

15 **(d) If a party files a possessory action described in subsection**
 16 **(b), the landlord and tenant may agree to participate in the**
 17 **landlord tenant settlement conference program.**

18 **(e) An attorney is not required for any party participating in the**
 19 **landlord tenant settlement conference program.**

20 SECTION 7. IC 33-34-3-3, AS AMENDED BY P.L.170-2015,
 21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 3. **(a) Except as provided in subsection (b),**
 23 the court has original and concurrent jurisdiction with the circuit and
 24 superior courts in possessory actions between landlord and tenant in
 25 which the past ~~due~~ **rent due** at the time of filing does not exceed eight
 26 thousand dollars (\$8,000). The court also has original and concurrent
 27 jurisdiction with the circuit and superior courts in actions for the
 28 possession of property where the value of the property sought to be
 29 recovered does not exceed eight thousand dollars (\$8,000). These
 30 jurisdictional limitations are not affected by interest and attorney's fees.

31 **(b) This subsection applies after June 30, 2021, and before July**
 32 **1, 2023, if federal government emergency rental assistance funds**
 33 **are available in the resident's jurisdiction. The small claims court**
 34 **has original and concurrent jurisdiction with the circuit and**
 35 **superior courts in possessory actions between a landlord and**
 36 **tenant relating to a dwelling unit in Indiana in which the past rent**
 37 **due at the time of filing does not exceed twenty thousand dollars**
 38 **(\$20,000). This subsection does not apply to an arrangement**
 39 **described in IC 32-31-2.9-4.**

40 SECTION 8. IC 33-34-3-3.5 IS ADDED TO THE INDIANA CODE
 41 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 42 **UPON PASSAGE]: Sec. 3.5. (a) This section applies after June 30,**



- 1 **2021, and before July 1, 2023, if federal government emergency**
2 **rental assistance funds are available in the resident's jurisdiction.**
3 **(b) This section applies to a possessory action between a**
4 **landlord and tenant relating to a dwelling unit in Indiana. This**
5 **section does not apply to an emergency possessory order.**
6 **Emergency possessory orders are governed by IC 32-31-6.**
7 **(c) As used in this section, "landlord tenant settlement**
8 **conference program" means the landlord tenant settlement**
9 **conference program established by the supreme court.**
10 **(d) If a party files a possessory action described in subsection**
11 **(b), the landlord and tenant may agree to participate in the**
12 **landlord tenant settlement conference program.**
13 **(e) An attorney is not required for any party participating in the**
14 **landlord tenant settlement conference program.**
15 **SECTION 9. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 116, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

(Reference is to SB 116 as introduced.)

BRAY, Chairperson

 COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 116, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 3 through 10 with "[EFFECTIVE UPON PASSAGE]".

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 8.

Page 2, line 25, delete "2023." and insert **"2023, if federal government emergency rental assistance funds are available in the resident's jurisdiction."**

Page 2, line 28, delete "ten thousand dollars (\$10,000)." and insert **"twenty thousand dollars (\$20,000)."**

Page 2, line 42, delete "shall stay the action and" and insert **"may"**.

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"(e) Notwithstanding any other law or provision, a landlord's participation in the landlord tenant settlement conference program is not subject to Indiana small claims rule 8(C)(3) and a landlord or any agent of a landlord may participate in the landlord tenant settlement conference program without an attorney."

SB 116—LS 6506/DI 13



Page 3, line 23, delete "2023." and insert **"2023, if federal government emergency rental assistance funds are available in the resident's jurisdiction."**

Page 3, line 26, delete "ten thousand dollars (\$10,000)." and insert **"twenty thousand dollars (\$20,000)."**

Page 3, line 40, delete "shall stay the action and" and insert **"may"**.

Page 4, between lines 4 and 5, begin a new paragraph and insert:

"(e) Notwithstanding any other law or provision, a landlord's participation in the landlord tenant settlement conference program is not subject to small claims rule 8(C)(3) and a landlord or any agent of a landlord may participate in the landlord tenant settlement conference program without an attorney."

Page 4, line 21, delete "2023." and insert **"2023, if federal government emergency rental assistance funds are available in the resident's jurisdiction."**

Page 4, line 24, delete "ten thousand dollars (\$10,000)." and insert **"twenty thousand dollars (\$20,000)."**

Page 4, line 38, delete "shall stay the action and" and insert **"may"**.

Page 5, between lines 2 and 3, begin a new paragraph and insert:

"(e) Notwithstanding any other law or provision, a landlord's participation in the landlord tenant settlement conference program is not subject to small claims rule 8(C)(3) and a landlord or any agent of a landlord may participate in the landlord tenant settlement conference program without an attorney."

Page 5, line 15, delete "2023." and insert **"2023, if federal government emergency rental assistance funds are available in the resident's jurisdiction."**

Page 5, line 19, delete "ten thousand dollars (\$10,000)." and insert **"twenty thousand dollars (\$20,000)."**

Page 5, line 33, delete "shall stay the action and" and insert **"may"**.

Page 5, after line 39, begin a new paragraph and insert:

"(e) Notwithstanding any other law or provision, a landlord's participation in the landlord tenant settlement conference program is not subject to small claims rule (8)(C)(3) and a landlord or any agent of a landlord may participate in the landlord tenant settlement conference program without an attorney."

SECTION 9. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 116 as printed February 2, 2021.)

SB 116—LS 6506/DI 13



BROWN L, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 116 be amended to read as follows:

Page 2, line 10, delete "2023." and insert **"2023, if federal government emergency rental assistance funds are available in the resident's jurisdiction."**

Page 2, line 19, delete "the court may require the parties to participate in the landlord" and insert **"the landlord and tenant may agree to participate in the landlord tenant settlement conference program."**

(e) An attorney is not required for any party participating in the landlord tenant settlement conference."

Page 2, delete lines 20 through 30.

Page 3, line 15, delete "2023." and insert **"2023, if federal government emergency rental assistance funds are available in the resident's jurisdiction."**

Page 3, line 24, delete "the court may require the parties to participate in the landlord" and insert **"the landlord and tenant may agree to participate in the landlord tenant settlement conference program."**

(e) An attorney is not required for any party participating in the landlord tenant settlement conference program."

Page 3, delete lines 25 through 35.

Page 4, line 20, delete "2023." and insert **"2023, if federal government emergency rental assistance funds are available in the resident's jurisdiction."**

Page 4, line 29, delete "the court may require the parties to participate in the landlord" and insert **"the landlord and tenant may agree to participate in the landlord tenant settlement conference program."**

(e) An attorney is not required for any party participating in the landlord tenant settlement conference program."

Page 4, delete lines 30 through 40.

Page 5, line 22, delete "2023." and insert **"2023, if federal government emergency rental assistance funds are available in the resident's jurisdiction."**

SB 116—LS 6506/DI 13



Page 5, line 31, delete "the court may require the parties to participate in the landlord" and insert "**the landlord and tenant may agree to participate in the landlord tenant settlement conference program.**

(e) An attorney is not required for any party participating in the landlord tenant settlement conference program."

Page 5, delete lines 32 trough 42.

(Reference is to SB 116 as printed February 19, 2021.)

FREEMAN

