

# SENATE BILL No. 387

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-9-25.

**Synopsis:** Unsafe building hearing notifications. Clarifies the procedure for notice by publication under the unsafe building law.

**Effective:** July 1, 2019.

---

---

## Koch

---

---

January 14, 2019, read first time and referred to Committee on Local Government.

---

---



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.

## SENATE BILL No. 387

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 36-7-9-25, AS AMENDED BY P.L.194-2007,  
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 25. (a) Notice of orders, notice of continued  
4 hearings without a specified date, notice of a statement that public bids  
5 are to be let, and notice of claims for payment must be given by:  
6 (1) sending a copy of the order or statement by registered or  
7 certified mail to the residence or place of business or employment  
8 of the person to be notified, with return receipt requested;  
9 (2) delivering a copy of the order or statement personally to the  
10 person to be notified;  
11 (3) leaving a copy of the order or statement at the dwelling or  
12 usual place of abode of the person to be notified and sending by  
13 first class mail a copy of the order or statement to the last known  
14 address of the person to be notified; or  
15 (4) sending a copy of the order or statement by first class mail to  
16 the last known address of the person to be notified.  
17 If a notice described in subdivision (1) is returned undelivered, a copy



1 of the order or statement must be given in accordance with subdivision  
2 (2), (3), or (4).

3 (b) If service is not obtained by a means described in subsection (a)  
4 and the hearing authority concludes that a reasonable effort has been  
5 made to obtain service, service may be made by publishing a notice of  
6 the order or statement in accordance with IC 5-3-1 in the county where  
7 the unsafe premises are located. However, publication ~~may be made on~~  
8 ~~consecutive days.~~ **must be made two (2) times, at least one (1) week**  
9 **apart, with the second publication made at least three (3) days**  
10 **before an event described in subsection (a).** If service of an order is  
11 made by publication, the publication must include the information  
12 required by subdivisions (1), (2), (4), (5), (6), (7), and (9) of section  
13 5(b) of this chapter, and must also include a statement indicating  
14 generally what action is required by the order and that the exact terms  
15 of the order may be obtained from the enforcement authority. The  
16 hearing authority may make a determination about whether a  
17 reasonable effort has been made to obtain service by the means  
18 described in subsection (a) on the basis of information provided by the  
19 department (or, in the case of a consolidated city, the enforcement  
20 authority). The hearing authority is not required to make the  
21 determination at a hearing. The hearing authority must make the  
22 determination in writing.

23 (c) When service is made by any of the means described in this  
24 section, except by mailing or by publication, the person making service  
25 must make an affidavit stating that the person has made the service, the  
26 manner in which service was made, to whom the order or statement  
27 was issued, the nature of the order or statement, and the date of service.  
28 The affidavit must be placed on file with the enforcement authority.

29 (d) The date when notice of the order or statement is considered  
30 given is as follows:

31 (1) If the order or statement is delivered personally or left at the  
32 dwelling or usual place of abode, notice is considered given on  
33 the day when the order or statement is delivered to the person or  
34 left at the person's dwelling or usual place of abode.

35 (2) If the order or statement is mailed, notice is considered given  
36 on the date shown on the return receipt, or, if no date is shown, on  
37 the date when the return receipt is received by the enforcement  
38 authority.

39 (3) Notice by publication is considered given on the date of the  
40 second day that publication was made.

41 (e) A person with a property interest in an unsafe premises who does  
42 not:



1           (1) record an instrument reflecting the interest in the recorder's  
2           office of the county where the unsafe premises is located; or  
3           (2) if an instrument reflecting the interest is not recorded, provide  
4           to the department (or, in the case of a consolidated city, the  
5           enforcement authority) in writing the person's name and address  
6           and the location of the unsafe premises;  
7           is considered to consent to reasonable action taken under this chapter  
8           for which notice would be required and relinquish a claim to notice  
9           under this chapter.  
10          (f) The department (or, in the case of a consolidated city, the  
11          enforcement authority) may, for the sake of administrative  
12          convenience, publish notice under subsection (b) at the same time  
13          notice is attempted under subsection (a). If published notice is given as  
14          described in subsection (b), the hearing authority shall subsequently  
15          make a determination about whether a reasonable effort has been made  
16          to obtain service by the means described in subsection (a).

