

January 28, 1998

HOUSE BILL No. 1233

DIGEST OF HB 1233 (Updated January 27, 1998 12:23 pm - DI 51)

Citations Affected: IC 32-7.

Synopsis: Residential landlord and tenant law. Requires a landlord to give a tenant at least 30 days written notice before modifying the rental agreement, unless a written rental agreement provides otherwise. States circumstances under which a landlord may enter a tenant's dwelling unit. Requires a tenant to give a landlord reasonable access to the tenant's dwelling unit. Provides that a landlord may not deny a tenant access to the tenant's personal property, except under an existing statute. Provides that a landlord may not interfere with a tenant's access to or quiet enjoyment of the tenant's dwelling unit, except under a judicial order.

Effective: July 1, 1998.

**Hasler, Linder, Scholer, Kruzan,
Gulling**

January 13, 1998, read first time and referred to Committee on Judiciary; reassigned to Committee on Courts and Criminal Code.
January 27, 1998, amended, reported — Do Pass.

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January 28, 1998

Second Regular Session 110th General Assembly (1998)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1233

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 32-7-7 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1998]:
4 **Chapter 7. Rental Agreements; Rights of Access to a Dwelling
5 Unit and Tenant's Property**
6 **Sec. 1. (a) This chapter applies only to a rental agreement
7 entered into or renewed after June 30, 1998.**
8 **(b) This chapter applies to a landlord or tenant only if the rental
9 agreement was entered into or renewed after June 30, 1998.**
10 **Sec. 2. (a) For purposes of this section, "tenant" includes a
11 former tenant.**
12 **(b) A waiver of this chapter by a landlord or tenant, by contract
13 or otherwise, is void.**
14 **Sec. 3. The definitions in IC 32-7-5 apply throughout this
15 chapter.**
16 **Sec. 4. (a) As used in this chapter, "dwelling unit" means a
17 structure or part of a structure that is used as a home, residence,**

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1 or sleeping unit.

2 (b) The term includes an apartment unit, a boarding house unit,
3 a rooming house unit, a manufactured home (as defined in
4 IC 22-12-1-16) or mobile structure (as defined in IC 22-12-1-17)
5 used as a dwelling unit and the manufactured home's or mobile
6 structure's space, and a single or two (2) family dwelling.

7 Sec. 5. Unless otherwise provided by a written rental agreement
8 between a landlord and tenant, a landlord shall give the tenant at
9 least thirty (30) days written notice before modifying the rental
10 agreement.

11 Sec. 6. (a) A landlord may enter a tenant's dwelling unit:

- 12 (1) at a reasonable hour; or
13 (2) in an emergency.

14 (b) A landlord may not abuse the right of access described in
15 subsection (a).

16 (c) A tenant may not unreasonably deny a landlord access to the
17 tenant's dwelling unit under subsection (a).

18 Sec. 7. Except as provided in IC 32-7-6, a landlord may not:

- 19 (1) take possession of;
20 (2) remove from a tenant's dwelling unit;
21 (3) deny a tenant access to; or
22 (4) dispose of;

23 a tenant's personal property in order to enforce an obligation of
24 the tenant to the landlord under a rental agreement.

25 Sec. 8. (a) This section does not apply if the dwelling unit has
26 been abandoned.

27 (b) Except as authorized by judicial order, a landlord may not
28 deny or interfere with a tenant's access to or quiet enjoyment of the
29 tenant's dwelling unit by commission of any act, including any of
30 the following:

- 31 (1) Changing the locks or adding a device to exclude the
32 tenant from the dwelling unit.
33 (2) Removing the doors, windows, fixtures, or appliances from
34 the dwelling unit.
35 (3) Interrupting, shutting off, or causing termination of
36 electricity, gas, water, or other essential services to the tenant
37 unless the interruption, shutting off, or termination results
38 from an emergency, good faith repairs, or necessary
39 construction.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1233, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "mobile home" and insert "**manufactured home (as defined in IC 22-12-1-16) or mobile structure (as defined in IC 22-12-1-17) used as a dwelling unit**".

Page 2, line 3, delete "mobile home's" and insert "**manufactured home's or mobile structure's**".

Page 2, delete lines 9 through 35, begin a new paragraph and insert: "**Sec. 6. (a) A landlord may enter a tenant's dwelling unit:**

- (1) **at a reasonable hour; or**
- (2) **in an emergency.**

(b) **A landlord may not abuse the right of access described in subsection (a).**

(c) **A tenant may not unreasonably deny a landlord access to the tenant's dwelling unit under subsection (a).**

Sec. 7. Except as provided in IC 32-7-6, a landlord may not:

- (1) **take possession of;**
- (2) **remove from a tenant's dwelling unit;**
- (3) **deny a tenant access to; or**
- (4) **dispose of;**

a tenant's personal property in order to enforce an obligation of the tenant to the landlord under a rental agreement."

Page 2, line 36, delete "9." and insert "8."

and when so amended that said bill do pass.

(Reference is to House Bill 1233 as introduced.)

DVORAK, Chair

Committee Vote: yeas 13, nays 0.

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