

HOUSE BILL No. 1233

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-7-7.

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, Scholer, Kruzan, Linder

January 13, 1998, read first time and referred to Committee on Judiciary.

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Introduced

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 a statute 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 mobile home and the mobile home's space,
4 and a single or two (2) family dwelling.

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

9 Sec. 6. (a) During a tenant's occupancy of a dwelling unit, the
10 landlord shall provide the tenant with notice of intent of the
11 landlord to enter the tenant's dwelling unit. A landlord may enter
12 a tenant's dwelling unit only at reasonable times. Except in case of
13 an emergency, the landlord shall provide the tenant with
14 twenty-four (24) hours notice of the landlord's intent to enter the
15 tenant's dwelling unit.

16 (b) The landlord may use the right of access to the dwelling unit
17 only under one (1) or more of the following conditions:

18 (1) To make necessary or agreed repairs, decorations,
19 alterations, or improvements.

20 (2) To supply necessary or agreed services.

21 (3) To show the dwelling unit to prospective or actual
22 purchasers, mortgagees, tenants, workers, or contractors.

23 (4) If there is a court order providing the landlord with
24 access.

25 (5) When the tenant voluntarily surrenders the dwelling unit.

26 (6) When the tenant abandons the dwelling unit.

27 (7) At reasonable intervals to inspect the condition of the
28 dwelling unit.

29 Sec. 7. A tenant shall allow a landlord reasonable access to the
30 dwelling unit under section 6 of this chapter.

31 Sec. 8. (a) For purposes of this section, "tenant" includes a
32 former tenant.

33 (b) Except as provided in IC 32-7-6, a landlord may not
34 withhold from a tenant, or deny a tenant access to, the tenant's
35 personal property.

36 Sec. 9. (a) This section does not apply if the dwelling unit has
37 been abandoned.

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

42 (1) Changing the locks or adding a device to exclude the

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- 1 **tenant from the dwelling unit.**
- 2 **(2) Removing the doors, windows, fixtures, or appliances from**
- 3 **the dwelling unit.**
- 4 **(3) Interrupting, shutting off, or causing termination of**
- 5 **electricity, gas, water, or other essential services to the tenant**
- 6 **unless the interruption, shutting off, or termination results**
- 7 **from an emergency, good faith repairs, or necessary**
- 8 **construction.**

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