



February 25, 1999

HOUSE BILL No. 1653

DIGEST OF HB 1653 (Updated February 23, 1999 11:08 am - DI 69)

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. 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, 1999.

Hasler, Scholer, Klinker, Linder

January 21, 1999, read first time and referred to Committee on Judiciary.
February 24, 1999, amended, reported — Do Pass.

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February 25, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

HOUSE BILL No. 1653

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, 1999]:
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, 1999.**
8 **(b) This chapter applies to a landlord or tenant only if the rental
9 agreement was entered into or renewed after June 30, 1999.**
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. Except as provided in IC 16-41-27-29, IC 32-7-5, or
12 IC 32-7-6, a landlord may not:

- 13 (1) take possession of;
14 (2) remove from a tenant's dwelling unit;
15 (3) deny a tenant access to; or
16 (4) dispose of;
17 a tenant's personal property in order to enforce an obligation of
18 the tenant to the landlord under a rental agreement.

19 Sec. 7. (a) This section does not apply if the dwelling unit has
20 been abandoned.

21 (b) For purposes of this section, a dwelling unit is considered
22 abandoned if:

- 23 (1) the tenants have failed to pay, or have failed to offer to
24 pay, rent due under the rental agreement; and
25 (2) the circumstances are such that a reasonable person would
26 conclude that the tenants:
27 (A) have voluntarily vacated the dwelling unit;
28 (B) have relinquished possession of the dwelling unit; and
29 (C) do not intend to return to the dwelling unit.

30 An oral or written rental agreement may not define abandonment
31 differently than is provided by this subsection.

32 (c) Except as authorized by judicial order, a landlord may not
33 deny or interfere with a tenant's access to or quiet enjoyment of the
34 tenant's dwelling unit by commission of any act, including any of
35 the following:

- 36 (1) Changing the locks or adding a device to exclude the
37 tenant from the dwelling unit.
38 (2) Removing the doors, windows, fixtures, or appliances from
39 the dwelling unit.
40 (3) Interrupting, shutting off, or causing termination of
41 electricity, gas, water, or other essential services to the tenant
42 unless the interruption, shutting off, or termination results



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1 **from an emergency, good faith repairs, or necessary**
2 **construction.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1653, 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 11, after "in" insert "**IC 16-41-27-29, IC 32-7-5, or**".

Page 2, delete lines 20 through 42, begin a new paragraph and insert:

"(b) For purposes of this section, a dwelling unit is considered abandoned if:

(1) the tenants have failed to pay, or have failed to offer to pay, rent due under the rental agreement; and

(2) the circumstances are such that a reasonable person would conclude that the tenants:

(A) have voluntarily vacated the dwelling unit;

(B) have relinquished possession of the dwelling unit; and

(C) do not intend to return to the dwelling unit.

An oral or written rental agreement may not define abandonment differently than is provided by this subsection."

Page 3, delete lines 1 through 7.

and when so amended that said bill do pass.

(Reference is to HB 1653 as introduced.)

VILLALPANDO, Chair

Committee Vote: yeas 9, nays 4.

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