

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	5
NO:	3

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate Bill 225, 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:

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 39.
- 3 Page 3, line 35, delete "judgment of" and insert "**mortgage**".
- 4 Page 3, line 35, after "foreclosure" insert "**action**".
- 5 Page 3, line 36, delete "32-30-10-5." and insert "**32-30-10**".
- 6 Page 3, line 38, delete "Not later than ten (10) days after the
- 7 judgment of foreclosure" and insert "**A plaintiff that obtains a**
- 8 **judgement of foreclosure under IC 32-30-10 with respect to a**
- 9 **certain property and any subsequent owners of the property:**
- 10 **(1) shall honor the terms of a residential rental agreement of;**
- 11 **and**
- 12 **(2) unless there is cause, may not evict for ninety (90) days;**
- 13 **a tenant who rents a rental unit located in the property that was**
- 14 **the subject of the mortgage foreclosure action.**
- 15 **(d) Not later than ten (10) days after a foreclosure complaint is**
- 16 **filed with respect to real property described in subsection (b), the**

1 **landlord shall by mail or personal delivery provide each tenant**
 2 **with a written notice that:**

3 **(1) states that the real property is the subject of a foreclosure**
 4 **action; and**

5 **(2) sets forth the rights of tenants under this section.**

6 **(e) If a landlord:**

7 **(1) fails to provide the notice described in subsection (d); and**

8 **(2) fails to fulfill any of the duties set forth in IC 32-31-8-5(1),**
 9 **IC 32-31-8-5(2), and IC 32-31-8-5(4);**

10 **the tenant has the right to terminate the rental agreement upon**
 11 **written notice delivered to the landlord or owner. Termination of**
 12 **a rental agreement under this subsection is effective on a date**
 13 **established by the tenant, but not earlier than ten (10) days after**
 14 **the tenant receives the written notice described in subsection (d)."**

15 Page 3, delete lines 39 through 42.

16 Page 4, delete lines 1 through 12.

17 Page 4, line 13, delete "(e)" and insert "(f)".

18 Page 4, line 19, delete "(f)" and insert "(g)".

19 Page 4, line 20, delete "(e)," and insert "(f),".

20 Page 4, line 25, delete "(g)" and insert "(h) **A tenant who**
 21 **terminates a rental agreement under this section is entitled to the**
 22 **return of the tenant's security deposit unless the security deposit is**
 23 **used for the purposes set forth in IC 32-31-3-13.**

24 **(i)".**

25 Page 4, line 33, delete "(h)" and insert "(j)".

26 Page 4, after line 34, begin a new paragraph and insert:

27 "SECTION 3. IC 32-31-8-8 IS ADDED TO THE INDIANA CODE
 28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2009]: **Sec. 8. (a) This section applies to real property that**
 30 **contains one (1) or more residential rental units and that is the**
 31 **subject of a judgment of foreclosure rendered under IC 32-30-10.**

32 **(b) This section does not apply:**

33 **(1) for an emergency possessory order issued under**
 34 **IC 32-31-6; or**

35 **(2) when a tenant has failed to pay rent or comply with other**
 36 **obligations of the rental contract or agreement.**

37 **(c) For one (1) year after the date on which a judgment of**
 38 **foreclosure is rendered under IC 32-30-10, a tenant may not be**

1 **evicted from the tenant's rental unit unless:**
2 **(1) the landlord or owner sends the tenant a notice of eviction**
3 **at least thirty (30) days before the date of eviction; or**
4 **(2) the rental agreement has expired.**
5 **(d) In seeking an order from a court to evict a tenant of a**
6 **property described in subsection (a), a landlord or owner must**
7 **provide a copy of the notice described in subsection (c)."**
8 Renumber all SECTIONS consecutively.
(Reference is to SB 225 as printed January 23, 2009.)

and when so amended that said bill do pass.

Representative Lawson L