

## **IC 16-41-20**

### **Chapter 20. Health, Sanitation, and Safety: Dwellings Unfit for Human Habitation**

#### **IC 16-41-20-1**

##### **Dwellings unfit for human habitation**

Sec. 1. A dwelling is unfit for human habitation when the dwelling is dangerous or detrimental to life or health because of any of the following:

- (1) Want of repair.
- (2) Defects in the drainage, plumbing, lighting, ventilation, or construction.
- (3) Infection with contagious disease.
- (4) The existence on the premises of an unsanitary condition that is likely to cause sickness among occupants of the dwelling.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-20-2**

##### **Powers of local inspectors of buildings**

Sec. 2. The inspector of buildings in a city or town may exercise all the powers granted the inspector in the following:

- (1) A city or town ordinance dealing with housing.
- (2) This chapter to boards of health.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-20-3**

##### **Exercise of powers by the state health department**

Sec. 3. The state department may not exercise a power granted in this chapter without giving to the local board of health or county health officer having jurisdiction a notice setting forth the conditions that have been certified to the state department or of which the state department has knowledge. If the local board of health or county health officer fails to act not more than three (3) days after the notice, the state department may exercise the granted powers.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-20-4**

##### **Orders to vacate dwellings**

Sec. 4. Whenever the state department, the local board of health, or county health officer determines that a dwelling is unfit for human habitation, the state department, local board of health, or county health officer may issue an order requiring all persons living in the dwelling to vacate the dwelling within not less than five (5) days and not more than fifteen (15) days. The order must mention at least one (1) reason for the order.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-20-5**

##### **Extension or revocation of orders to vacate dwellings**

Sec. 5. (a) The state department, local board of health, or county health officer that issued an order to vacate under section 4 of this chapter shall, for a good reason, extend the time within which to comply with the order.

(b) The state department, local board of health, or county health officer may revoke the order if satisfied that the danger from the dwelling has ceased to exist and that the dwelling is fit for habitation.  
*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-20-6**

##### **Public nuisances**

Sec. 6. The state department, local board of health, or county health officer may declare a dwelling that is unfit for human habitation a public nuisance. The state department, local board of health, or county health officer may order to be removed, abated, suspended, altered, improved, or purified a dwelling, structure, excavation, business, pursuit, or thing in or about the dwelling or the dwelling's lot, or the plumbing, sewerage, drainage, light, or ventilation of the dwelling.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-20-7**

##### **Orders for cleaning, repairing, or improving**

Sec. 7. The state department, local board of health, or county health officer may order purified, cleansed, disinfected, renewed, altered, repaired, or improved a dwelling, excavation, building, structure, sewer, plumbing, pipe, passage, premises, ground, or thing in or about a dwelling that is found to be unfit for human habitation or the dwelling's lot.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-20-8**

##### **Service of orders**

Sec. 8. An order issued under this chapter shall be served on the tenant and the owner of the dwelling or the owner's rental agent. The order may be served on a person who by contract has assumed the duty of doing the things that the order specifies to be done.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-20-9**

##### **Judicial review of orders**

Sec. 9. (a) A person aggrieved by an order of a local board of health or county health officer issued under this chapter may, not more than ten (10) days after the making of the order, file with the circuit or superior court a petition seeking a review of the order.

(b) The court shall hear the appeal. The court's decision is final.  
*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-20-10**

##### **Appeal bonds**

Sec. 10. The person appealing to the circuit or superior court shall file with the court a bond in an amount to be fixed by the court with sureties to be approved by the judge and conditioned to pay all the costs on the appeal if the person fails to sustain the appeal or the appeal is dismissed.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-20-11**

##### **Review proceedings**

Sec. 11. (a) Review proceedings shall be docketed as an action between the appellant and the local board of health or county health officer and shall be tried as civil actions are tried.

(b) The:

- (1) corporation counsel or the department of law in the city or town; and
- (2) prosecuting attorney in cases arising outside of cities and towns and in cities and towns that do not have a department of law or any other legal representative;

shall attend to all the proceedings on the part of the local board of health or county health officer.

(c) If no appeal is taken within the required ten (10) days, the order of the local board of health or county health officer is final and conclusive.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-20-12**

##### **Costs and expenses**

Sec. 12. A person who:

- (1) violates this chapter; or
- (2) fails to comply with an order of:
  - (A) the state department or the state department's authorized agents;
  - (B) a local board of health; or
  - (C) a county health officer;

is liable for all costs and expenses paid or incurred by the state department, a local board of health or the local board of health's authorized agents, or a local health officer in executing the order. This amount may be recovered in a civil action brought by the state department, the local board of health or the local board of health's authorized agents, or the county health officer, who is entitled to recover reasonable attorney's fees.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-20-13**

##### **Violations**

Sec. 13. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

*As added by P.L.2-1993, SEC.24.*