

Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1061

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AN ACT to amend the Indiana Code concerning property.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 32-31-2.9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. The residential landlord-tenant statutes do not apply to any of the following arrangements unless the arrangement was created to avoid application of the residential landlord-tenant statutes:

- (1) Residence at a rental unit owned or operated by an institution that is directly related to detention or the provision of medical care, maternity home care, education, counseling, religious service, geriatric service, or a similar service.
- (2) Occupancy under a contract of sale of a rental unit or the property of which the rental unit is a part if the occupant is the purchaser or a person who succeeds to the purchaser's interest. **However, the residential landlord-tenant statutes apply to occupancy of a rental unit under a rental agreement described in IC 32-31-3-7(b).**
- (3) Occupancy by a member of a fraternal or social organization in the part of a structure operated for the benefit of the organization.
- (4) Transient occupancy in a hotel, motel, or other lodging.
- (5) Occupancy by an employee of a landlord whose right to occupancy is conditional upon employment in or about the premises.

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(6) Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative.

(7) Occupancy under a rental agreement covering property used by the occupant primarily for agricultural purposes.

SECTION 2. IC 32-31-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) As used in this chapter, "rental agreement" means an agreement together with any modifications, embodying the terms and conditions concerning the use and occupancy of a rental unit.

**(b) The term includes an agreement, regardless of what the agreement is called, that satisfies the following:**

**(1) The agreement is entered into after June 30, 2008.**

**(2) The agreement provides for a rental period, explicitly or implicitly, regardless of the term of the rental period.**

**(3) The agreement contains an option to purchase.**

SECTION 3. IC 32-31-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies only to dwelling units that are let for rent **under a rental agreement entered into** after June 30, 2002.

(b) This chapter does not apply to dwelling units that are let for rent with an option to purchase **under an agreement entered into before July 1, 2008.**

SECTION 4. IC 32-31-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies only to dwelling units that are let for rent **under a rental agreement entered into** after June 30, 2002.

(b) This chapter does not apply to dwelling units that are let for rent with an option to purchase **under an agreement entered into before July 1, 2008.**

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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