

## KNOW YOUR HOUSING RIGHTS

### EVICTION IN INDIANA

If you own and rent properties in the state of Indiana, you are responsible for complying with Indiana eviction laws. These are the steps of the legal eviction process that landlords should follow when filing a petition for eviction in Indiana.

*Indiana's eviction laws can be found at [IC § 32-30-3, 32-30-8, and 32-31-10.](#)*

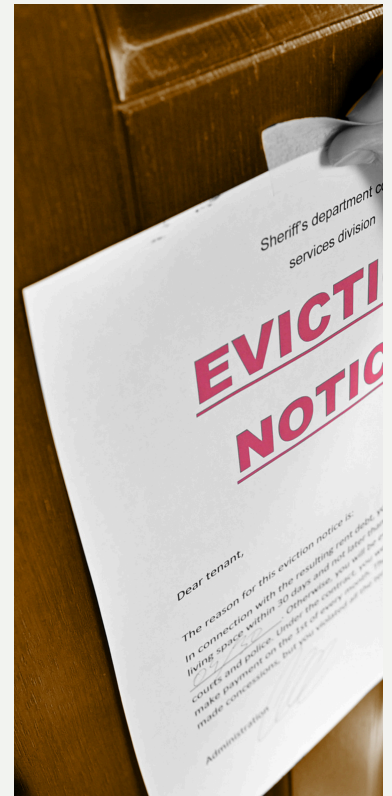
#### Eviction Process in Indiana

1. Landlord serves an eviction notice.
2. Landlord files an eviction lawsuit with the court.
3. Court serves tenant a summons.
4. Landlord and tenant attend court hearing and receive judgment.
5. Writ is served and tenant gets 48 hours to five days to move out.
6. Sheriff arrives to forcibly remove the tenant.

In Indiana, a tenant can be evicted for:

- nonpayment of rent
- violating the lease
- committing waste to the premises, or
- engaging in illegal activity (e.g., use of illegal drugs) on the premises.

The Fair Housing Act protects tenants from discrimination in the sale, advertisement, financing, or renting of housing based on their Race, Religion, Family Status, Skin Color, National Origin, Disability, or Gender.



If you believe you are being evicted due to your protected class, please contact the Human Relations Commission:

201 S. Second Street  
Elkhart, Indiana 46516  
574-294-5471 x 1014  
Relay Indiana 711  
[human.relations@coei.org](mailto:human.relations@coei.org)  
[www.elkhartindiana.org/fair-housing](http://www.elkhartindiana.org/fair-housing)

# ELKHART HUMAN RELATIONS

## WHEN A LANDLORD SERVES AN EVICTION NOTICE



The landlord must first serve an Indiana eviction notice and state that the tenant has the appropriate number of days to remedy or cure the violation.

There are three possible eviction notices a landlord may send in Indiana:

**Rent Demand Notice: 10 days to pay or quit.** If rent is unpaid when due, the landlord must deliver this notice stating the amount of unpaid rent required to remedy the breach and the date on which the lease will terminate if it is not paid (not less than ten days after receipt of the notice) (IC § 32-31-1-6).

**Lease Violation Notice: Reasonable period to cure or quit.** If a tenant violates another lease term, the landlord must deliver this notice stating the breach and what is required to remedy it, as well as the date on which the lease will terminate if the tenant does not cure the breach. Indiana law does not specify the specific length this notice should be, only that it must be reasonable (IC § 32-31-7-7). If the tenant commits waste to the property (severe damage or destruction) or holds over after the lease has ended and becomes a tenant at sufferance, the landlord is not required to send advanced notice to quit before filing for eviction (IC § 32-31-1-8).

**Unconditional Notice to Quit: 45 days to quit.** This notice gives no opportunity to “cure” the violation and applies if the tenant commits a public nuisance/illegal activity on the premises (e.g. use of illegal drugs, prostitution, etc.). The notice should include the date, time, and location the nuisance was first discovered and be either hand delivered to the tenant or sent by certified mail (IC § 32-30-8-5).

**All eviction notices should be served by one of the following methods:**

- Direct delivery to the tenant
- Direct delivery to another person residing at the premises (the server must explain the contents of the notice)
- If no person can be found, the notice can be posted on a conspicuous part of the premises. (IC § 32-31-1-9)

For all evictions, the landlord may recover actual damages and reasonable attorney’s fees.

YOUR STORY MATTERS AND WE ARE HERE TO HELP.

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