

IC 22-9.5-7

Chapter 7. Enforcement by Private Persons

IC 22-9.5-7-1

Civil action filed by aggrieved person; limitations

Sec. 1. (a) An aggrieved person may file a civil action in the circuit or superior court located in the county in which the alleged discriminatory practice occurred not later than one (1) year after the occurrence of the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement entered into under this article, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.

(b) The one (1) year period does not include any time during which an administrative hearing under this article is pending with respect to a complaint or finding of reasonable cause under this article based on the discriminatory housing practice. This subsection does not apply to actions arising from a breach of a conciliation agreement.

(c) An aggrieved person may file an action under this section whether or not a complaint has been filed under IC 22-9.5-6 and without regard to the status of any complaint filed under IC 22-9.5-6.

(d) If the commission has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this section with respect to the alleged discriminatory housing practice that forms the basis for the complaint except to enforce the terms of the agreement.

(e) An aggrieved person may not file an action under this section with respect to an alleged discriminatory housing practice that forms the basis of a finding of reasonable cause issued by the commission if the commission has begun a hearing on the record under this article with respect to the finding of reasonable cause.

As added by P.L.66-1990, SEC.2.

IC 22-9.5-7-2

Award of damages and costs; injunctions

Sec. 2. If the court finds that a discriminatory housing practice has occurred or is about to occur in an action under this chapter, the court may award to the prevailing party the following:

- (1) Actual and punitive damages.
- (2) Reasonable attorney's fees.
- (3) Court costs.
- (4) Subject to section 3 of this chapter, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.

As added by P.L.66-1990, SEC.2.

IC 22-9.5-7-3

Effect of relief granted on prior transactions

Sec. 3. Relief granted under this chapter does not affect a contract, a sale, an encumbrance, or a lease that:

- (1) was consummated before the granting of the relief; and
- (2) involved a bona fide purchaser, an encumbrancer, or a tenant who did not have actual notice of the filing of a complaint or a civil action under this article.

As added by P.L. 66-1990, SEC.2.

IC 22-9.5-7-4

Intervention by commission

Sec. 4. (a) The commission may intervene in an action under this article if the commission determines that the case is of general public importance.

(b) The commission may obtain the same relief available to the commission under IC 22-9.5-8.1-2.

As added by P.L. 66-1990, SEC.2. Amended by P.L. 1-1991, SEC.155.