

HOUSE BILL No. 1280

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 32-29-7-3; IC 32-30-3-16.5; IC 34-30-2-154.5; IC 36-1-8-16; IC 36-1-11; IC 36-7.

Synopsis: Land banks and tax sale issues. Authorizes a county, consolidated city, or second class city to which the unsafe building law applies to establish a municipal corporation known as a land bank to manage and improve the marketability of distressed real property in the county or city that establishes the land bank. Provides that if a county executive acquires a certificate of sale because real property on the tax sale list failed to sell at the tax sale and the real property is located in the territory of a land bank, the county executive shall offer to assign the certificate of sale to the land bank at no cost. Changes the calculation of the amount required to redeem real property sold at a tax sale. Provides for the distribution to a land bank of all or part of the redemption interest paid to redeem property sold at a tax sale. Shortens the period during which a person who holds a tax sale certificate must apply for a tax deed. Provides that a land bank is entitled to a share of the property taxes attributable to real property sold by a land bank during a look back period. Provides that money held in an unsafe building fund may be used for the operation of a land bank.

Effective: July 1, 2014.

Clere, Burton, Riecken

January 14, 2014, read first time and referred to Committee on Government and Regulatory Reform.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1280

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

- 1 SECTION 1. IC 6-1.1-24-0.5 IS ADDED TO THE INDIANA
- 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. The following definitions**
- 4 **apply throughout this chapter:**
- 5 (1) "Abandoned structure" has the meaning set forth in
- 6 IC 36-7-36-1.
- 7 (2) "Certified as vacant or abandoned property" refers to a
- 8 certification by a county executive under section 1(a)(2) of this
- 9 chapter that a tract or item of real property is vacant or
- 10 abandoned.
- 11 (3) "County executive" means the following:
- 12 (A) In a county not containing a consolidated city, the
- 13 county executive or the county executive's designee.
- 14 (B) In a county containing a consolidated city, the
- 15 executive of the consolidated city.
- 16 (4) "Land bank" has the meaning set forth in IC 36-7-37-1(3).



1 (5) "Minimum bid" means the amount determined under
2 section 5(f) or 5(g) of this chapter, as applicable, for a tract or
3 item of real property subject to sale under this chapter.

4 (6) "Sale" includes, if applicable, an assignment or other
5 transfer.

6 (7) "Substantial property interest of public record" means
7 title to or interest in a tract possessed by a person and
8 recorded in the office of a county recorder or available for
9 public inspection in the office of a circuit court clerk not later
10 than the hour and date on which the sale or transfer is
11 scheduled to begin under this chapter, including a fee interest,
12 a life estate interest, a future interest, a mortgage interest, or
13 an equitable interest of a contract purchaser. The term does
14 not include a lien held by the state or a political subdivision.

15 (8) "Unoccupied parcel of abandoned land" means vacant
16 real property having the following characteristics:

17 (A) There is no building, structure, or other improvement
18 located on the vacant real property that is:

- 19 (i) subject to taxation; and
20 (ii) lawfully inhabited as a dwelling.

21 (B) There is no trade or business actively being conducted:

- 22 (i) on the vacant real property by the owner, a tenant or
23 another party occupying the vacant real property under
24 a lease or by other legal authority; or
25 (ii) in a building, structure, or other improvement
26 located on the vacant real property and subject to
27 taxation.

28 (C) The vacant real property is not lawfully or physically
29 inhabited.

30 (D) There is no indication of a change in tenancy or that
31 the vacant real property is undergoing improvements,
32 including an application for a building permit or activity
33 to change the condition of the property.

34 (E) In the case of vacant real property for which
35 delinquent property taxes are owed, there is no
36 improvement or other permanent structure affixed to the
37 land.

38 (9) "Vacant real property" has the meaning set forth in
39 IC 36-7-36-5.

40 (10) "Vacant structure" has the meaning set forth in
41 IC 36-7-36-6.

42 SECTION 2. IC 6-1.1-24-1, AS AMENDED BY P.L.203-2013,



1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2014]: Sec. 1. (a) On or after January 1 of each calendar year
3 in which a tax sale will be held in a county and not later than fifty-one
4 (51) days after the first tax payment due date in that calendar year, the
5 county treasurer (or county executive, in the case of property described
6 in subdivision (2)) shall certify to the county auditor a list of real
7 property on which any of the following exist:

8 (1) In the case of real property other than real property described
9 in subdivision (2), any property taxes or special assessments
10 certified to the county auditor for collection by the county
11 treasurer from the prior year's spring installment or before are
12 delinquent as determined under IC 6-1.1-37-10 and the delinquent
13 property tax or special assessments due exceed twenty-five dollars
14 (\$25).

15 (2) In the case of real property for which a county executive has
16 certified to the county auditor that the real property is:

17 (A) vacant; or

18 (B) abandoned;

19 any property taxes or special assessments from the prior year's fall
20 installment or before that are delinquent as determined under
21 IC 6-1.1-37-10. The county executive must make a certification
22 under this subdivision not later than sixty-one (61) days before
23 the earliest date on which application for judgment and order for
24 sale may be made. The executive of a city or town may provide to
25 the county executive of the county in which the city or town is
26 located a list of real property that the city or town has determined
27 to be vacant or abandoned. The county executive shall include
28 real property included on the list provided by a city or town
29 executive on the list certified by the county executive to the
30 county auditor under this subsection. **For purposes of this
31 subdivision, vacant or abandoned property includes an
32 abandoned structure, a vacant structure, vacant real
33 property, or an unoccupied parcel of abandoned land.**

34 (3) Any unpaid costs are due under section 2(b) of this chapter
35 from a prior tax sale.

36 (b) The county auditor shall maintain a list of all real property
37 eligible for sale. Except as provided in section 1.2 or another provision
38 of this chapter, the taxpayer's property shall remain on the list. The list
39 must:

40 (1) describe the real property by parcel number and common
41 address, if any;

42 (2) for a tract or item of real property with a single owner,



- 1 indicate the name of the owner; and
 2 (3) for a tract or item with multiple owners, indicate the name of
 3 at least one (1) of the owners.
- 4 (c) Except as otherwise provided in this chapter, the real property
 5 so listed is eligible for sale in the manner prescribed in this chapter.
- 6 (d) Not later than fifteen (15) days after the date of the county
 7 treasurer's certification under subsection (a), the county auditor shall
 8 mail by certified mail a copy of the list described in subsection (b) to
 9 each mortgagee who requests from the county auditor by certified mail
 10 a copy of the list. Failure of the county auditor to mail the list under
 11 this subsection does not invalidate an otherwise valid sale.
- 12 SECTION 3. IC 6-1.1-24-1.2, AS AMENDED BY P.L.48-2013,
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2014]: Sec. 1.2. (a) Except as provided in subsection (c), a
 15 tract or an item of real property may not be removed from the list
 16 certified under section 1 of this chapter before the tax sale unless all:
- 17 (1) delinquent taxes and special assessments due before the date
 18 the list on which the property appears was certified under section
 19 1 of this chapter; and
 20 (2) penalties due on the delinquency, interest, and costs ~~directly~~
 21 attributable to the tax sale **or tax delinquency**;
 22 have been paid in full.
- 23 (b) A county treasurer may accept partial payments of delinquent
 24 property taxes, assessments, penalties, interest, or costs under
 25 subsection (a) after the list of real property is certified under section 1
 26 of this chapter. However, a partial payment does not remove a tract or
 27 an item from the list certified under section 1 of this chapter unless the
 28 taxpayer complies with subsection (a) or (c) before the date of the tax
 29 sale.
- 30 (c) A county auditor shall remove a tract or an item of real property
 31 from the list certified under section 1 of this chapter before the tax sale
 32 if the county treasurer and the taxpayer agree to a mutually satisfactory
 33 arrangement for the payment of the delinquent taxes.
- 34 (d) The county auditor shall remove the tract or item from the list
 35 certified under section 1 of this chapter if:
- 36 (1) the arrangement described in subsection (c):
 37 (A) is in writing;
 38 (B) is signed by the taxpayer; and
 39 (C) requires the taxpayer to pay the delinquent taxes in full not
 40 later than the last business day before July 1 of the year after
 41 the date the agreement is signed; and
 42 (2) the county treasurer has provided a copy of the written



1 agreement to the county auditor.

2 (e) If the taxpayer fails to make a payment under the arrangement
3 described in subsection (c):

4 (1) the arrangement is void; and

5 (2) the county auditor shall immediately place the tract or item of
6 real property on the list of real property eligible for sale at a tax
7 sale.

8 (f) If the county auditor acts under subsection (e) with respect to a
9 tract or item subject to an arrangement described in subsection (c), the
10 taxpayer may not enter into another arrangement under subsection (c)
11 with respect to that tract or item after the due date of the payment
12 referred to in subsection (d) and before the date that succeeds by five
13 (5) years the date on which the original arrangement would have
14 expired if the arrangement had not become void under subsection (e).

15 SECTION 4. IC 6-1.1-24-1.5, AS AMENDED BY P.L.169-2006,
16 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2014]: Sec. 1.5. (a) As used in this chapter and IC 6-1.1-25,
18 "county executive" means the following:

19 (1) In a county not containing a consolidated city, the county
20 executive or the county executive's designee.

21 (2) In a county containing a consolidated city, the executive of the
22 consolidated city.

23 (b) (a) The county executive may designate the real property on the
24 list prepared under section 4.5(b) of this chapter that is eligible for
25 listing on the list prepared under subsection (c): (b).

26 (c) (b) The county executive shall prepare a list of properties
27 designated under subsection (b) (a) and certify the list to the county
28 auditor no later than sixty-one (61) days prior to the earliest date on
29 which application for judgment and order for sale may be made.

30 (d) (c) Upon receiving the list described in subsection (c); (b), the
31 county auditor shall:

32 (1) prepare a list of the properties certified by the commission;
33 and

34 (2) delete any property described in that list from the delinquent
35 tax list prepared under section 1 of this chapter.

36 SECTION 5. IC 6-1.1-24-1.9 IS REPEALED [EFFECTIVE JULY
37 1, 2014]. Sec. 1.9: As used in this chapter and IC 6-1.1-25, "substantial
38 property interest of public record" means title to or interest in a tract
39 possessed by a person and recorded in the office of a county recorder
40 or available for public inspection in the office of a circuit court clerk
41 no later than the hour and date the sale is scheduled to commence
42 under this chapter. The term does not include a lien held by the state or



1 a political subdivision.

2 SECTION 6. IC 6-1.1-24-2, AS AMENDED BY P.L.56-2012,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2014]: Sec. 2. (a) In addition to the delinquency list required
5 under section 1 of this chapter, each county auditor shall prepare a
6 notice. The notice shall contain the following:

7 (1) A list of tracts or **items of** real property eligible for sale under
8 this chapter.

9 (2) A statement that the tracts or **items of** real property included
10 in the list will be sold at public auction to the highest bidder,
11 subject to the right of redemption.

12 (3) A statement that the tracts or **items of** real property will not be
13 sold for an amount which is less than the sum of:

14 (A) the delinquent taxes and special assessments on each tract
15 or item of real property;

16 (B) the taxes and special assessments on each tract or item of
17 real property that are due and payable in the year of the sale,
18 whether or not they are delinquent;

19 (C) all penalties due on the delinquencies;

20 (D) an amount prescribed by the county auditor that equals the
21 sum of:

22 (i) the greater of twenty-five dollars (\$25) or postage and
23 publication costs; and

24 (ii) any other ~~actual~~ costs incurred by the county that are
25 ~~directly~~ attributable to the tax sale **or the tax delinquency**;
26 and

27 (E) any unpaid costs due under subsection (b) from a prior tax
28 sale.

29 (4) A statement that a person redeeming each tract or item of real
30 property after the sale must pay:

31 (A) ~~one hundred ten percent (110%)~~ of the amount of the
32 minimum bid for which the tract or item of real property was
33 offered at the time of sale, if the tract or item of real property
34 is redeemed not more than six (6) months after the date of
35 sale; **plus:**

36 (i) **one and five-tenths percent (1.5%) per month on the**
37 **amount of the minimum bid for which the tract or item**
38 **of real property was offered at the sale, if the tract or**
39 **item of real property is not certified as vacant or**
40 **abandoned property; or**

41 (ii) **five percent (5%) per month on the amount of the**
42 **minimum bid for which the tract or item of real property**



- 1 **was offered at the sale, if the tract or item of real**
 2 **property is certified as vacant or abandoned property;**
 3 ~~(B)~~ **one hundred fifteen percent (115%) of the amount of the**
 4 **minimum bid for which the tract or item of real property was**
 5 **offered at the time of sale if the tract or item of real property**
 6 **is redeemed more than six (6) months after the date of sale;**
 7 ~~(C)~~ **(B) the amount by which the purchase price exceeds the**
 8 **minimum bid on the tract or item of real property, plus:**
 9 **(i) one and five-tenths percent (1.5%) per month on the**
 10 **amount by which the purchase price exceeds the**
 11 **minimum bid, if the tract or item of real property is not**
 12 **certified as vacant or abandoned property; or**
 13 **(ii) ten five percent (10%) (5%) per annum month on the**
 14 **amount by which the purchase price exceeds the minimum**
 15 **bid, if the tract or item of real property is certified as**
 16 **vacant or abandoned property; and**
 17 ~~(D)~~ **(C) all taxes and special assessments on the tract or item**
 18 **of real property paid by the purchaser after the tax sale plus**
 19 **interest at the rate of:**
 20 **(i) ten one and five-tenths percent (10%) (1.5%) per**
 21 **annum month on the amount of taxes and special**
 22 **assessments paid by the purchaser on the redeemed**
 23 **property, if the tract or item of real property is not**
 24 **certified as vacant or abandoned property; or**
 25 **(ii) five percent (5%) per month on the amount of taxes**
 26 **and special assessments paid by the purchaser on the**
 27 **redeemed property, if the tract or item of real property**
 28 **is certified as vacant or abandoned property.**
 29 (5) A statement for informational purposes only, of the location
 30 of each tract or item of real property by key number, if any, and
 31 street address, if any, or a common description of the property
 32 other than a legal description. The township assessor, or the
 33 county assessor if there is no township assessor for the township,
 34 upon written request from the county auditor, shall provide the
 35 information to be in the notice required by this subsection. A
 36 misstatement in the key number or street address does not
 37 invalidate an otherwise valid sale.
 38 (6) A statement that the county does not warrant the accuracy of
 39 the street address or common description of the property.
 40 (7) A statement indicating:
 41 (A) the name of the owner of each tract or item of real
 42 property with a single owner; or



- 1 (B) the name of at least one (1) of the owners of each tract or
2 item of real property with multiple owners.
- 3 (8) A statement of the procedure to be followed for obtaining or
4 objecting to a judgment and order of sale, that must include the
5 following:
- 6 (A) A statement:
- 7 (i) that the county auditor and county treasurer will apply on
8 or after a date designated in the notice for a court judgment
9 against the tracts or **items of** real property for an amount
10 that is not less than the amount set under subdivision (3),
11 and for an order to sell the tracts or **items of** real property at
12 public auction to the highest bidder, subject to the right of
13 redemption; and
- 14 (ii) indicating the date when the period of redemption
15 specified in IC 6-1.1-25-4 will expire.
- 16 (B) A statement that any defense to the application for
17 judgment must be:
- 18 (i) filed with the court; and
- 19 (ii) served on the county auditor and the county treasurer;
20 before the date designated as the earliest date on which the
21 application for judgment may be filed.
- 22 (C) A statement that the county auditor and the county
23 treasurer are entitled to receive all pleadings, motions,
24 petitions, and other filings related to the defense to the
25 application for judgment.
- 26 (D) A statement that the court will set a date for a hearing at
27 least seven (7) days before the advertised date and that the
28 court will determine any defenses to the application for
29 judgment at the hearing.
- 30 (9) A statement that the sale will be conducted at a place
31 designated in the notice and that the sale will continue until all
32 tracts and **items of** real property have been offered for sale.
- 33 (10) A statement that the sale will take place at the times and
34 dates designated in the notice. Whenever the public auction is to
35 be conducted as an electronic sale, the notice must include a
36 statement indicating that the public auction will be conducted as
37 an electronic sale and a description of the procedures that must be
38 followed to participate in the electronic sale.
- 39 (11) A statement that a person redeeming each tract or item after
40 the sale must pay the costs described in IC 6-1.1-25-2(e).
- 41 (12) If a county auditor and county treasurer have entered into an
42 agreement under IC 6-1.1-25-4.7, a statement that the county



1 auditor will perform the duties of the notification and title search
 2 under IC 6-1.1-25-4.5 and the notification and petition to the
 3 court for the tax deed under IC 6-1.1-25-4.6.

4 (13) A statement that, if the tract or item of real property is sold
 5 for an amount more than the minimum bid and the property is not
 6 redeemed, the owner of record of the tract or item of real property
 7 who is divested of ownership at the time the tax deed is issued
 8 may have a right to the tax sale surplus.

9 (14) If a determination has been made under subsection (d), a
 10 statement that tracts or items will be sold together.

11 (15) With respect to a tract or an item of real property that is
 12 subject to sale under this chapter after June 30, 2012, and before
 13 July 1, 2013, a statement declaring whether an ordinance adopted
 14 under IC 6-1.1-37-10.1 is in effect in the county and, if
 15 applicable, an explanation of the circumstances in which penalties
 16 on the delinquent taxes and special assessments will be waived.

17 (b) If within sixty (60) days before the date of the tax sale the county
 18 incurs costs set under subsection (a)(3)(D) and those costs are not paid,
 19 the county auditor shall enter the amount of costs that remain unpaid
 20 upon the tax duplicate of the property for which the costs were set. The
 21 county treasurer shall mail notice of unpaid costs entered upon a tax
 22 duplicate under this subsection to the owner of the property identified
 23 in the tax duplicate.

24 (c) The amount of unpaid costs entered upon a tax duplicate under
 25 subsection (b) must be paid no later than the date upon which the next
 26 installment of real estate taxes for the property is due. Unpaid costs
 27 entered upon a tax duplicate under subsection (b) are a lien against the
 28 property described in the tax duplicate, and amounts remaining unpaid
 29 on the date the next installment of real estate taxes is due may be
 30 collected in the same manner that delinquent property taxes are
 31 collected.

32 (d) The county auditor and county treasurer may establish the
 33 condition that a tract or item will be sold and may be redeemed under
 34 this chapter only if the tract or item is sold or redeemed together with
 35 one (1) or more other tracts or items. Property may be sold together
 36 only if the tract or item is owned by the same person.

37 SECTION 7. IC 6-1.1-24-4, AS AMENDED BY P.L.56-2012,
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2014]: Sec. 4. (a) Not less than twenty-one (21) days before
 40 the earliest date on which the application for judgment and order for
 41 sale of real property eligible for sale may be made, the county auditor
 42 shall send a notice of the sale by certified mail, return receipt



1 requested, to **each person having a substantial property interest of**
 2 **public record in**

3 (1) the owner of record of real property with a single owner; or
 4 (2) at least one (1) of the owners; as of the date of certification; of
 5 real property with multiple owners;

6 **on the tax sale list** at the last address of the owner for person having
 7 **a substantial property interest of public record in** the property as
 8 indicated in the records of the county auditor on the date that the tax
 9 sale list is certified. In addition, the county auditor shall mail a
 10 duplicate notice to ~~the an~~ owner of record as described in subdivisions
 11 (1) and (2); by first class mail to the owners from whom the certified
 12 mail return receipt was not signed and returned. Additionally, the
 13 county auditor may determine that mailing a first class notice to or
 14 serving a notice on the property is a reasonable step to notify the
 15 owner, if the address of the owner is not the same address as the
 16 physical location of the property. If both notices are returned due to
 17 incorrect or insufficient addresses, the county auditor shall research the
 18 county auditor records to determine a more complete or accurate
 19 address. If a more complete or accurate address is found, the county
 20 auditor shall resend the notices to the address that is found in
 21 accordance with this section. Failure to obtain a more complete or
 22 accurate address does not invalidate an otherwise valid sale. The
 23 county auditor shall prepare the notice in the form prescribed by the
 24 state board of accounts. The notice must set forth the key number, if
 25 any, of the real property and a street address, if any, or other common
 26 description of the property other than a legal description. The notice
 27 must include the statement set forth in section 2(a)(4) of this chapter.
 28 With respect to a tract or an item of real property that is subject to sale
 29 under this chapter after June 30, 2012, and before July 1, 2013, the
 30 notice must include a statement declaring whether an ordinance
 31 adopted under IC 6-1.1-37-10.1 is in effect in the county and, if
 32 applicable, an explanation of the circumstances in which penalties on
 33 the delinquent taxes and special assessments will be waived. The
 34 county auditor must present proof of this mailing to the court along
 35 with the application for judgment and order for sale. Failure by an
 36 **owner a person having a substantial property interest of public**
 37 **record** to receive or accept the notice required by this section does not
 38 affect the validity of the judgment and order. ~~The owner of~~ **A person**
 39 **having a substantial property interest of public record in** real
 40 property shall notify the county auditor of the ~~owner's~~ **person's** correct
 41 address. The notice required under this section is considered sufficient
 42 if the notice is mailed to the address or addresses required by this



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section.

(b) In addition to the notice required under subsection (a) for real property on the list prepared under section 1(a)(2) or ~~1.5(d)~~ **1.5(c)** of this chapter, the county auditor shall prepare and mail the notice required under section 2.2 of this chapter no later than forty-five (45) days after the county auditor receives the certified list from the county treasurer under section 1(a) of this chapter.

(c) On or before the day of sale, the county auditor shall list, on the tax sale record required by IC 6-1.1-25-8, all properties that will be offered for sale.

SECTION 8. IC 6-1.1-24-4.6, AS AMENDED BY P.L.89-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) On the day on which the application for judgment and order for sale is made, the county treasurer shall report to the county auditor all of the tracts and **items of** real property listed in the notice required by section 2 of this chapter upon which all delinquent taxes and special assessments, all penalties due on the delinquencies, any unpaid costs due from a prior tax sale, and the amount due under section 2(a)(3)(D) of this chapter have been paid up to that time. The county auditor, assisted by the county treasurer, shall compare and correct the list, removing tracts and **items of** real property for which all delinquencies have been paid, and shall make and subscribe an affidavit in substantially the following form:

State of Indiana)
) ss
County of _____)
I, _____, treasurer of the county of _____, and
I, _____, auditor of the county of _____, do
solemnly affirm that the foregoing is a true and correct list of the **tracts
and items of** real property within the county of _____ upon
which have remained delinquent uncollected taxes, special
assessments, penalties and costs, as required by law for the time
periods set forth, to the best of my knowledge and belief.

County Treasurer

County Auditor

Dated _____
I, _____, auditor of the county of _____, do
solemnly affirm that notice of the application for judgment and order
for sale was mailed via certified mail to the **owners persons having a
substantial property interest of public record** on the foregoing list,



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and publication made, as required by law.

County Auditor

Dated _____

(b) Application for judgment and order for sale shall be made as one (1) cause of action to any court of competent jurisdiction jointly by the county treasurer and county auditor. The application shall include the names of at least one (1) of the owners of each tract or item of real property, the dates of mailing of the notice required by sections 2 and 2.2 of this chapter, the dates of publication required by section 3 of this chapter, and the affidavit and corrected list as provided in subsection (a).

(c) Any defense to the application for judgment and order of sale shall be filed with the court on or before the earliest date on which the application may be made as set forth in the notice required under section 2 of this chapter. The county auditor and the county treasurer for the county where the **tract or item of** real property is located are entitled to receive all pleadings, motions, petitions, and other filings related to a defense to the application for judgment and order of sale.

SECTION 9. IC 6-1.1-24-5.3, AS AMENDED BY P.L.88-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.3. (a) This section applies to the following:

(1) A person who:

(A) owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in an unsafe building or unsafe premises in the county in which a sale is held under this chapter; and

(B) is subject to an order issued under IC 36-7-9-5(a)(2), IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5) regarding which the conditions set forth in IC 36-7-9-10(a)(1) through IC 36-7-9-10(a)(4) exist.

(2) A person who:

(A) owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in an unsafe building or unsafe premises in the county in which a sale is held under this chapter; and

(B) is subject to an order issued under IC 36-7-9-5(a), other than an order issued under IC 36-7-9-5(a)(2), IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5), regarding which the conditions set forth in IC 36-7-9-10(b)(1) through IC 36-7-9-10(b)(4) exist.

(3) A person who is the defendant in a court action brought under



- 1 IC 36-7-9-18, IC 36-7-9-19, IC 36-7-9-20, IC 36-7-9-21, or
 2 IC 36-7-9-22 in the county in which a sale is held under this
 3 chapter that has resulted in a judgment in favor of the plaintiff and
 4 the unsafe condition that caused the action to be brought has not
 5 been corrected.
- 6 (4) A person who has any of the following relationships to a
 7 person, partnership, corporation, or legal entity described in
 8 subdivisions (1), (2), or (3):
- 9 (A) A partner of a partnership.
 10 (B) An officer or majority stockholder of a corporation.
 11 (C) The person who directs the activities or has a majority
 12 ownership in a legal entity other than a partnership or
 13 corporation.
- 14 (5) A person who, in the county in which a sale is held under this
 15 chapter, owes:
- 16 (A) delinquent taxes;
 17 (B) special assessments;
 18 (C) penalties;
 19 (D) interest; ~~or~~
 20 (E) costs directly attributable to a prior tax sale, **if those costs**
 21 **accrued before July 1, 2014; or**
 22 **(F) costs attributable to a prior tax sale or the tax**
 23 **delinquency, if those costs accrued after June 30, 2014;**
 24 on a tract or an item of real property listed under section 1 of this
 25 chapter.
- 26 (6) A person who owns a fee interest, a life estate interest, or the
 27 equitable interest of a contract purchaser in a vacant or abandoned
 28 structure subject to an enforcement order under IC 32-30-6,
 29 IC 32-30-7, IC 32-30-8, or IC 36-7-9.
- 30 (7) A person who is an agent of the person described in this
 31 subsection.
- 32 (b) A person subject to this section may not purchase a tract offered
 33 for sale under section 5 or 6.1 of this chapter. However, this section
 34 does not prohibit a person from bidding on a tract that is owned by the
 35 person and offered for sale under section 5 of this chapter.
- 36 (c) The county treasurer shall require each person who will be
 37 bidding at the tax sale to sign a statement in a form substantially
 38 similar to the following:
- 39 "Indiana law prohibits a person who owes delinquent taxes,
 40 special assessments, penalties, interest, or costs directly
 41 attributable to a prior tax sale, from purchasing tracts or items of
 42 real property at a tax sale. I hereby affirm under the penalties for



1 perjury that I do not owe delinquent taxes, special assessments,
 2 penalties, interest, costs directly attributable to a prior tax sale,
 3 amounts from a final adjudication in favor of a political
 4 subdivision in this county, any civil penalties imposed for the
 5 violation of a building code or ordinance of this county, or any
 6 civil penalties imposed by a health department in this county.
 7 Further, I hereby acknowledge that any successful bid I make in
 8 violation of this statement is subject to forfeiture. In the event of
 9 forfeiture, the amount of my bid shall be applied to the delinquent
 10 taxes, special assessments, penalties, interest, costs, judgments,
 11 or civil penalties I owe, and a certificate will be issued to the
 12 county executive."

13 (d) If a person purchases a tract that the person was not eligible to
 14 purchase under this section, the sale of the property is subject to
 15 forfeiture. If the county treasurer determines or is notified not more
 16 than six (6) months after the date of the sale that the sale of the
 17 property should be forfeited, the county treasurer shall:

18 (1) notify the person in writing that the sale is subject to forfeiture
 19 if the person does not pay the amounts that the person owes
 20 within thirty (30) days of the notice;

21 (2) if the person does not pay the amounts that the person owes
 22 within thirty (30) days after the notice, apply the surplus amount
 23 of the person's bid to the person's delinquent taxes, special
 24 assessments, penalties, and interest;

25 (3) remit the amounts owed from a final adjudication or civil
 26 penalties in favor of a political subdivision to the appropriate
 27 political subdivision; and

28 (4) notify the county auditor that the sale has been forfeited.

29 Upon being notified that a sale has been forfeited, the county auditor
 30 shall issue a certificate to the county executive under section 6 of this
 31 chapter.

32 (e) A county treasurer may decline to forfeit a sale under this section
 33 because of inadvertence or mistake, lack of actual knowledge by the
 34 bidder, substantial harm to other parties with interests in the tract or
 35 item of real property, or other substantial reasons. If the treasurer
 36 declines to forfeit a sale, the treasurer shall:

37 (1) prepare a written statement explaining the reasons for
 38 declining to forfeit the sale; and

39 (2) retain the written statement as an official record.

40 (f) If a sale is forfeited under this section and the tract or item of real
 41 property is redeemed from the sale, the county auditor shall deposit the
 42 amount of the redemption into the county general fund and notify the



1 county executive of the redemption. Upon being notified of the
 2 redemption, the county executive shall surrender the certificate to the
 3 county auditor.

4 SECTION 10. IC 6-1.1-24-5.4 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2014]: **Sec. 5.4. (a) This section applies to the**
 7 **following:**

8 **(1) A foreign business association that:**

9 **(A) has not obtained a certificate of authority from, or**
 10 **registered with, the secretary of state in accordance with**
 11 **the procedures described in IC 23, as applicable; or**

12 **(B) has obtained a certificate of authority from, or**
 13 **registered with, the secretary of state in accordance with**
 14 **the procedures described in IC 23, as applicable, but is not**
 15 **in good standing in Indiana as determined by the secretary**
 16 **of state.**

17 **(2) A person who is an agent of a person described in this**
 18 **subsection.**

19 **(b) As used in this section, "foreign business association" means**
 20 **a corporation, professional corporation, nonprofit corporation,**
 21 **limited liability company, partnership, or limited partnership that**
 22 **is organized under the laws of another state or another country.**

23 **(c) A person subject to this section may not purchase a tract**
 24 **offered for sale under section 5 or 6.1 of this chapter. However, this**
 25 **section does not prohibit a person from bidding on a tract that is**
 26 **owned by the person and offered for sale under section 5 of this**
 27 **chapter.**

28 **(d) If a person purchases a tract that the person was not eligible**
 29 **to purchase under this section, the sale of the property is subject to**
 30 **forfeiture. If the county treasurer determines or is notified not**
 31 **more than six (6) months after the date of the sale that the sale of**
 32 **the property should be forfeited under this section, the county**
 33 **treasurer shall:**

34 **(1) notify the person in writing that the sale is subject to**
 35 **forfeiture within thirty (30) days of the notice if:**

36 **(A) the person does not obtain a certificate of authority, or**
 37 **register with, the secretary of state in accordance with the**
 38 **procedures described in IC 23, as applicable; or**

39 **(B) the person does not otherwise cure the noncompliance**
 40 **that is the basis of the person's failure to be in good**
 41 **standing in Indiana as determined by the secretary of**
 42 **state;**



1 (2) if the person does not meet the conditions described in
2 subdivision (1) within thirty (30) days after the notice, refund
3 the surplus amount of the person's bid to the person; and

4 (3) notify the county auditor that the sale has been forfeited.

5 Upon being notified that a sale has been forfeited, the county
6 auditor shall issue a certificate to the county executive under
7 section 6 of this chapter.

8 (e) A county treasurer may decline to forfeit a sale under this
9 section because of inadvertence or mistake, lack of actual
10 knowledge by the bidder, substantial harm to other parties with
11 interests in the tract or item of real property, or other substantial
12 reasons. If the treasurer declines to forfeit a sale, the treasurer
13 shall:

14 (1) prepare a written statement explaining the reasons for
15 declining to forfeit the sale; and

16 (2) retain the written statement as an official record.

17 (f) If a sale is forfeited under this section and the tract or item
18 of real property is redeemed from the sale, the county auditor shall
19 deposit the amount of the redemption into the county general fund
20 and notify the county executive of the redemption. Upon being
21 notified of the redemption, the county executive shall surrender the
22 certificate to the county auditor.

23 SECTION 11. IC 6-1.1-24-6, AS AMENDED BY P.L.203-2013,
24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2014]: Sec. 6. (a) When a tract or an item of real property is
26 offered for sale under this chapter and an amount is not received equal
27 to or in excess of the minimum ~~sale price prescribed in section 5 of this~~
28 ~~chapter, bid~~, the county executive acquires a lien in the amount of the
29 minimum ~~sale price: bid~~. This lien attaches on the day after the last
30 date on which the tract or item was offered for sale.

31 (b) When a county executive acquires a lien under this section, the
32 county auditor shall issue a tax sale certificate to the county executive
33 in the manner provided ~~in~~ **under** section 9 of this chapter. The county
34 auditor shall date the certificate the day that the county executive
35 acquires the lien. When a county executive acquires a certificate under
36 this section, the county executive has the same rights as a purchaser.

37 (c) When a lien is acquired by a county executive under this section,
38 no money shall be paid by the county executive. However, each of the
39 taxing units having an interest in the taxes on the tract shall be charged
40 with the full amount of all delinquent taxes due them.

41 (d) If:

42 (1) a county executive acquires a certificate of sale for a tract



1 or item of real property under this section; and

2 **(2) the tract or item of real property is located in the territory**
3 **of a land bank;**

4 **the county executive shall offer to assign the certificate of sale to**
5 **the land bank at no cost to the land bank promptly after the**
6 **certificate of sale is issued to the county executive and before**
7 **undertaking any other disposition of the certificate of sale. The**
8 **offer expires sixty (60) days after the offer is made to the land**
9 **bank, unless the county executive specifies a longer period in the**
10 **offer. If the land bank makes a timely acceptance of the offer, the**
11 **county executive shall assign the certificate of sale to the land bank**
12 **at no cost to the land bank. If a certificate of sale is assigned to a**
13 **land bank under this subsection, the land bank acquires the same**
14 **rights as the county executive. If the land bank rejects the county**
15 **executive's offer to assign the certificate of sale to the land bank or**
16 **the offer expires as provided in this subsection before the land**
17 **bank accepts the offer, the county executive may transfer the**
18 **certificate of sale as otherwise provided in this chapter. If an**
19 **assignment is made under this subsection, the period of redemption**
20 **of the tract or item of real property under IC 6-1.1-25 expires one**
21 **hundred twenty (120) days after the date of the assignment.**

22 ~~(d) This subsection applies after June 30, 2013.~~ **(e) Whenever:**

23 **(1) a county executive acquires a lien certificate of sale for a**
24 **tract or item of real property under this section; and**

25 **(2) either:**

26 **(A) the tract or item of real property is not located in the**
27 **territory of a land bank; or**

28 **(B) the tract or item of real property is located in the**
29 **territory of a land bank and the county executive retains**
30 **the certificate of sale because the land bank did not make**
31 **a timely acceptance of the offer to assign the certificate of**
32 **sale under subsection (d);**

33 **the county auditor shall provide a list of the liens held certificates of**
34 **sale retained by the county to the executive of a city or town who**
35 **requests the list or post the list on the county's Internet web site not**
36 **later than thirty (30) days after the tax sale, if subdivision (2)(A)**
37 **applies, or the expiration of the period described under subsection**
38 **(d) during which a land bank may accept an offer of assignment,**
39 **if subdivision (2)(B) applies.**

40 ~~(e)~~ **(f) This section shall apply to any tract or an item of real**
41 **property offered for sale under this chapter in 2006, and an amount was**
42 **not received equal to or in excess of the minimum sale price prescribed**



1 ~~in section 5 of this chapter, bid~~, if the county executive finds that the
 2 tract or item of real property meets the definition of a brownfield as set
 3 forth in IC 13-11-2-19.3.

4 SECTION 12. IC 6-1.1-24-6.1, AS AMENDED BY P.L.203-2013,
 5 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2014]: Sec. 6.1. (a) The county executive may do the
 7 following:

8 (1) By resolution, identify properties:

9 (A) that are described in section 6.7(a) or 6.9(a) of this
 10 chapter; and

11 (B) concerning which the county executive desires to offer to
 12 the public the certificates of sale acquired by the county
 13 executive under section 6 of this chapter.

14 (2) In conformity with IC 5-3-1-4, publish:

15 (A) notice of the date, time, and place for a public sale; and

16 (B) a listing of parcels on which certificates will be offered by
 17 parcel number and minimum bid amount;

18 once each week for three (3) consecutive weeks, with the final
 19 advertisement being not less than thirty (30) days before the sale
 20 date. The expenses of the publication shall be paid out of the
 21 county general fund.

22 (3) Sell each certificate of sale covered by the resolution for a
 23 price that:

24 (A) is less than the minimum sale price prescribed by section
 25 5 of this chapter; and

26 (B) includes any costs to the county executive ~~directly~~
 27 attributable to the sale of the certificate of sale **or the tax**
 28 **delinquency.**

29 (b) Notice of the list of properties prepared under subsection (a) and
 30 the date, time, and place for the public sale of the certificates of sale
 31 shall be published in accordance with IC 5-3-1. The notice must:

32 (1) include a description of the property by parcel number and
 33 common address;

34 (2) specify that the county executive will accept bids for the
 35 certificates of sale for the price referred to in subsection (a)(3);

36 (3) specify the minimum bid for each parcel;

37 (4) include a statement that a person redeeming each tract or item
 38 of real property after the sale of the certificate must pay:

39 (A) the amount of the minimum bid ~~under section 5 of this~~
 40 ~~chapter~~ for which the tract or item of real property was last
 41 offered for sale **under section 5 of this chapter;**

42 (B) ten percent (10%) of the amount for which the certificate



- 1 is sold;
- 2 (C) the attorney's fees and costs of giving notice under
- 3 IC 6-1.1-25-4.5;
- 4 (D) the costs of a title search or of examining and updating the
- 5 abstract of title for the tract or item of real property;
- 6 (E) all taxes and special assessments on the tract or item of
- 7 real property paid by the purchaser after the sale of the
- 8 certificate plus interest at the rate of ten percent (10%) per
- 9 annum on the amount of taxes and special assessments paid by
- 10 the purchaser on the redeemed property; and
- 11 (F) all costs of sale, advertising costs, and other expenses of
- 12 the county ~~directly~~ attributable to the sale of certificates of sale
- 13 **or the tax delinquency**; and
- 14 (5) include a statement that, if the certificate is sold for an amount
- 15 more than the minimum bid ~~under section 5 of this chapter~~ for
- 16 which the tract or item of real property was last offered for sale
- 17 **under section 5 of this chapter** and the property is not redeemed,
- 18 the owner of record of the tract or item of real property who is
- 19 divested of ownership at the time the tax deed is issued may have
- 20 a right to the tax sale surplus.
- 21 SECTION 13. IC 6-1.1-24-9, AS AMENDED BY P.L.73-2010,
- 22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2014]: Sec. 9. (a) Immediately after a tax sale purchaser pays
- 24 the bid, as evidenced by the receipt of the county treasurer, or
- 25 immediately after the county acquires a lien under section 6 of this
- 26 chapter, the county auditor shall deliver a certificate of sale to the
- 27 purchaser or to the county or to the city. The certificate shall be signed
- 28 by the auditor and registered in the auditor's office. The certificate shall
- 29 contain:
- 30 (1) a description of **a tract or item of** real property that
- 31 corresponds to the description used on the notice of sale;
- 32 (2) the name of:
- 33 (A) the owner of record at the time of the sale of **the tract or**
- 34 **item of** real property with a single owner; or
- 35 (B) at least one (1) of the owners of **the tract or item of** real
- 36 property with multiple owners;
- 37 (3) the mailing address of the owner of the real property sold as
- 38 indicated in the records of the county auditor;
- 39 (4) the name of the purchaser;
- 40 (5) the date of sale;
- 41 (6) the amount for which the **tract or item of** real property was
- 42 sold;



1 (7) the amount of the minimum bid ~~for which determined for the~~
 2 tract or **item of** real property ~~was offered~~ at the time of sale; ~~as~~
 3 ~~required by section 5 of this chapter;~~

4 (8) the date when the period of redemption specified in
 5 IC 6-1.1-25-4 will expire;

6 (9) the court cause number under which judgment was obtained;
 7 and

8 (10) the street address, if any, or common description of the real
 9 property.

10 (b) When a certificate of sale is issued under this section, the
 11 purchaser acquires a lien against the **tract or item of** real property for
 12 the entire amount paid. The lien of the purchaser is superior to all liens
 13 against the real property which exist at the time the certificate is issued.

14 (c) A certificate of sale is assignable. However, an assignment is not
 15 valid unless it is endorsed on the certificate of sale, acknowledged
 16 before an officer authorized to take acknowledgments of deeds, and
 17 registered in the office of the county auditor. When a certificate of sale
 18 is assigned, the assignee acquires the same rights and obligations that
 19 the original purchaser acquired.

20 (d) Subject to IC 36-1-11-8, the county executive may assign a
 21 certificate of sale held in the name of the county executive to any
 22 political subdivision during the life of the certificate. If an assignment
 23 is made under this subsection, the period of redemption of the **tract or**
 24 **item of** real property under IC 6-1.1-25 is one hundred twenty (120)
 25 days after the date of the assignment.

26 SECTION 14. IC 6-1.1-24-13, AS AMENDED BY P.L.56-2012,
 27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2014]: Sec. 13. (a) Whenever:

29 (1) a tract is offered for sale under this chapter; and

30 (2) no bid is received ~~for that equals or exceeds~~ the minimum
 31 ~~sale price set under section 5 of this chapter; bid;~~

32 the county auditor shall prepare a certified statement of the actual costs
 33 incurred by the county described in section 2(a)(3)(D) of this chapter.

34 (b) The county auditor shall place the amount specified in the
 35 certified statement prepared under subsection (a) on the tax duplicate
 36 of the tract offered but not sold at the sale. The amount shall be
 37 collected as real property taxes are collected and paid into the county
 38 general fund.

39 SECTION 15. IC 6-1.1-25-0.5 IS ADDED TO THE INDIANA
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. The definitions in**
 42 **IC 6-1.1-24-0.5 apply throughout this chapter.**



1 SECTION 16. IC 6-1.1-25-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Any person may
 3 redeem ~~the a~~ tract or **item of** real property:

4 (1) sold; or

5 (2) for which the certificate of sale is sold ~~under IC 6-1.1-24;~~ **or**
 6 **assigned;**

7 under IC 6-1.1-24 at any time before the expiration of the period of
 8 redemption specified in section 4 of this chapter by paying to the
 9 county treasurer the amount required for redemption under section 2 of
 10 this chapter.

11 SECTION 17. IC 6-1.1-25-2, AS AMENDED BY P.L.56-2012,
 12 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2014]: Sec. 2. (a) The total amount of money required for the
 14 redemption of real property equals:

15 (1) the sum of the amounts prescribed in subsections (b) through
 16 (f); or

17 (2) the amount prescribed in subsection (g);

18 reduced by any amounts held in the name of the taxpayer or the
 19 purchaser in the tax sale surplus fund.

20 (b) Except as provided in subsection (g), the total amount required
 21 for redemption includes:

22 (1) one hundred ten percent (110%) of the minimum bid for
 23 which the tract or **item of** real property was offered ~~at~~ **when** the
 24 ~~time of sale as required by IC 6-1.1-24-5;~~ **was conducted, if:**

25 **(A) the sale of the tract or item of real property under**
 26 **IC 6-1.1-24-5 was conducted before July 1, 2014; and**

27 **(B) the tract or item of real property is redeemed not more than**
 28 **six (6) months after the date ~~of~~ **on which the sale ~~or~~ was****
 29 **conducted;**

30 (2) one hundred fifteen percent (115%) of the minimum bid for
 31 which the tract or **item of** real property was offered ~~at~~ **when** the
 32 ~~time of sale as required by IC 6-1.1-24-5;~~ **was conducted, if:**

33 **(A) the sale of the tract or item of real property under**
 34 **IC 6-1.1-24-5 was conducted before July 1, 2014; and**

35 **(B) the tract or item of real property is redeemed more than six**
 36 **(6) months but not more than one (1) year after the date ~~of~~ **on****
 37 **which the sale was conducted; or**

38 **(3) if the sale of the tract or item of real property under**
 39 **IC 6-1.1-24-5 was conducted after June 30, 2014, the amount**
 40 **of the minimum bid for which the tract or item of real**
 41 **property was offered when the sale was conducted, plus:**

42 **(A) one and five-tenths percent (1.5%) per month on the**



1 **amount of the minimum bid for which the tract or item of**
 2 **real property was offered when the sale was conducted, if**
 3 **the tract or item of real property is not certified as vacant**
 4 **or abandoned property; or**
 5 **(B) five percent (5%) per month on the amount of the**
 6 **minimum bid for which the tract or item of real property**
 7 **was offered when the sale was conducted, if the tract or**
 8 **item of real property is certified as vacant or abandoned**
 9 **property.**

10 (c) Except as provided in subsection (g), in addition to the amount
 11 required under subsection (b), the total amount required for redemption
 12 includes the amount by which the purchase price exceeds the minimum
 13 bid on the **tract or item of** real property plus:

14 **(1) if the sale of the tract or item of real property under**
 15 **IC 6-1.1-24-5 was conducted before July 1, 2014, ten percent**
 16 **(10%) per annum on the amount by which the purchase price**
 17 **exceeds the minimum bid on the property; or**

18 **(2) if the sale of the tract or item of real property under**
 19 **IC 6-1.1-24-5 was conducted after June 30, 2014:**

20 **(A) one and five-tenths percent (1.5%) per month on the**
 21 **amount by which the purchase price exceeds the minimum**
 22 **bid on the property, if the tract or item of real property is**
 23 **not certified as vacant or abandoned property; or**

24 **(B) five percent (5%) per month on the amount by which**
 25 **the purchase price exceeds the minimum bid on the**
 26 **property, if the tract or item of real property is certified as**
 27 **vacant or abandoned property.**

28 (d) Except as provided in subsection (g), in addition to the amount
 29 required under subsections (b) and (c), the total amount required for
 30 redemption includes all taxes and special assessments upon the
 31 property paid by the purchaser after the sale plus:

32 **(1) if the sale of the tract or item of real property under**
 33 **IC 6-1.1-24-5 was conducted before July 1, 2014, ten percent**
 34 **(10%) interest per annum on those taxes and special assessments;**

35 **or**

36 **(2) if the sale of the tract or item of real property under**
 37 **IC 6-1.1-24-5 was conducted after June 30, 2014:**

38 **(A) one and five-tenths percent (1.5%) per month on those**
 39 **taxes and special assessments, if the tract or item of real**
 40 **property is not certified as vacant or abandoned property;**

41 **or**

42 **(B) five percent (5%) per month on those taxes and special**



1 **assessments, if the tract or item of real property is certified**
 2 **as vacant or abandoned property.**

3 (e) Except as provided in subsection (g), in addition to the amounts
 4 required under subsections (b), (c), and (d), the total amount required
 5 for redemption includes the following costs, if certified before
 6 redemption and not earlier than thirty (30) days after the date of sale of
 7 the property being redeemed by the payor to the county auditor on a
 8 form prescribed by the state board of accounts, that were incurred and
 9 paid by the purchaser, the purchaser's assignee, or the county, before
 10 redemption:

11 (1) The attorney's fees and costs of giving notice under section 4.5
 12 of this chapter.

13 (2) The costs of a title search or of examining and updating the
 14 abstract of title for the tract or item of real property.

15 (f) The total amount required for redemption includes, in addition
 16 to the amounts required under subsections (b) and (e), all taxes, special
 17 assessments, interest, penalties, and fees on the property that accrued
 18 after the sale.

19 (g) With respect to a tract or item of real property redeemed under
 20 section 4(c) of this chapter, instead of the amounts stated in subsections
 21 (b) through (f), the total amount required for redemption is the amount
 22 determined under IC 6-1.1-24-6.1(b)(4).

23 SECTION 18. IC 6-1.1-25-3, AS AMENDED BY P.L.56-2012,
 24 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2014]: Sec. 3. (a) Except as provided in ~~subsection~~
 26 **subsections (b) and (c)**, when **a tract or item of** real property is
 27 redeemed and the certificate of sale is surrendered to the county
 28 auditor, the auditor shall issue a warrant to the purchaser or purchaser's
 29 assignee in an amount equal to:

30 **(1) the amount received by the county treasurer for redemption;**
 31 **minus**

32 **(2) if the sale of the tract or item of real property under**
 33 **IC 6-1.1-24-5 was conducted after June 30, 2014, fifty percent**
 34 **(50%) of the sum of:**

35 **(A) the amount determined under section 2(b)(3)(A) or**
 36 **2(b)(3)(B) of this chapter, as applicable;**

37 **(B) the amount determined under section 2(c)(2)(A) or**
 38 **2(c)(2)(B) of this chapter, as applicable; and**

39 **(C) the amount determined under section 2(d)(2)(A) or**
 40 **2(d)(2)(B) of this chapter, as applicable.**

41 **If the tract or item of real property is located in the territory of a**
 42 **land bank, at the time the county auditor issues a warrant to the**



1 purchaser or purchaser's assignee under this subsection, the
 2 county auditor shall issue a warrant, without appropriation, to the
 3 land bank for the amount determined under subdivision (2). If the
 4 tract or item of real property is not located in the territory of a
 5 land bank, the county shall retain the amount determined under
 6 subdivision (2) exclusively for use in managing vacant or
 7 abandoned housing in the county.

8 (b) When real property sold under IC 6-1.1-24-6.1 is redeemed and
 9 the certificate of sale is surrendered to the county auditor, the auditor
 10 shall issue a warrant to the purchaser of the certificate of sale or the
 11 purchaser's assignee in an amount equal to:

- 12 (1) the amount received by the county treasurer for redemption;
 13 minus
 14 (2) if the certificate of sale was sold for less than the minimum
 15 bid, ~~under IC 6-1.1-24-5~~, an amount equal to the difference
 16 between the minimum bid ~~under IC 6-1.1-24-5~~ and the amount for
 17 which the certificate was sold.

18 (c) **This subsection applies to a certificate of sale that is assigned**
 19 **to a land bank under IC 6-1.1-24-6(d). When real property to**
 20 **which this subsection applies is redeemed and the certificate of sale**
 21 **is surrendered to the county auditor, the county auditor shall issue**
 22 **a warrant to the land bank, or the land bank's assignee, in an**
 23 **amount equal to:**

- 24 (1) ten percent (10%) of the minimum bid for which the tract
 25 or item of real property was offered when the sale was
 26 conducted, if:
 27 (A) the sale of the tract or item of real property under
 28 IC 6-1.1-24-5 was conducted before July 1, 2014; and
 29 (B) the tract or item of real property is redeemed not more
 30 than six (6) months after the date on which the sale was
 31 conducted;
 32 (2) fifteen percent (15%) of the minimum bid for which the
 33 tract or item of real property was offered when the sale was
 34 conducted, if:
 35 (A) the sale of the tract or item of real property under
 36 IC 6-1.1-24-5 was conducted before July 1, 2014; and
 37 (B) the tract or item of real property is redeemed more
 38 than six (6) months but not more than one (1) year after
 39 the date on which the sale was conducted; or
 40 (3) if the sale of the tract or item of real property under
 41 IC 6-1.1-24-5 was conducted after June 30, 2014:
 42 (A) one and five-tenths percent (1.5%) per month on the



1 **amount of the minimum bid for which the tract or item of**
 2 **real property was offered when the sale was conducted, if**
 3 **the tract or item of real property is not certified as vacant**
 4 **or abandoned property; or**
 5 **(B) five percent (5%) per month on the amount of the**
 6 **minimum bid for which the tract or item of real property**
 7 **was offered when the sale was conducted, if the tract or**
 8 **item of real property is certified as vacant or abandoned**
 9 **property.**

10 ~~(c)~~ **(d)** The county auditor shall indorse the certificate and preserve
 11 it as a public record. If a certificate of sale is lost and the auditor is
 12 satisfied that the certificate did exist, the county auditor may make
 13 payment in the manner provided in this section.

14 SECTION 19. IC 6-1.1-25-4, AS AMENDED BY P.L.118-2013,
 15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2014]: Sec. 4. (a) The period for redemption of real property
 17 sold under IC 6-1.1-24 is:

- 18 (1) one (1) year after the date of sale;
 19 (2) one hundred twenty (120) days after the date of sale to a
 20 purchasing agency qualified under IC 36-7-17 or IC 36-7-17.1; or
 21 (3) one hundred twenty (120) days after the date of sale of real
 22 property on the list prepared under IC 6-1.1-24-1(a)(2) or
 23 IC 6-1.1-24-1.5.

24 (b) Subject to subsection ~~(f)~~; **(i)**, **IC 6-1.1-24-6(d)**, and
 25 IC 6-1.1-24-9(d), the period for redemption of real property:

- 26 (1) on which the county executive acquires a lien under
 27 IC 6-1.1-24-6; and
 28 (2) for which the certificate of sale is not sold under
 29 IC 6-1.1-24-6.1;

30 is one hundred twenty (120) days after the date the county executive
 31 acquires the lien under IC 6-1.1-24-6.

32 (c) The period for redemption of real property:

- 33 (1) on which the county executive acquires a lien under
 34 IC 6-1.1-24-6; and
 35 (2) for which the certificate of sale is sold under IC 6-1.1-24;

36 is one hundred twenty (120) days after the date of sale of the certificate
 37 of sale under IC 6-1.1-24.

38 (d) When a deed for real property is executed under this chapter, the
 39 county auditor shall cancel the certificate of sale and file the canceled
 40 certificate in the office of the county auditor. If real property that
 41 appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale
 42 and an amount that is at least equal to the minimum ~~sale price required~~



1 ~~under IC 6-1.1-24-5 bid~~ is not received, the county auditor shall issue
2 a deed to the real property, subject to this chapter.

3 (e) When a deed is issued **under this chapter** to a county executive
4 ~~under this chapter, or a land bank to which the county executive has~~
5 **assigned a certificate of sale**, the taxes and special assessments for
6 which the real property was offered for sale, and all subsequent taxes,
7 special assessments, interest, penalties, and cost of sale shall be
8 removed from the tax duplicate in the same manner that taxes are
9 removed by certificate of error.

10 (f) A tax deed executed under this chapter vests in the grantee an
11 estate in fee simple absolute, free and clear of all liens and
12 encumbrances created or suffered before or after the tax sale except
13 those liens granted priority under federal law and the lien of the state
14 or a political subdivision for taxes and special assessments which
15 accrue subsequent to the sale and which are not removed under
16 subsection (e). However, subject to subsection (g), the estate is subject
17 to:

18 (1) all easements, covenants, declarations, and other deed
19 restrictions shown by public records;

20 (2) laws, ordinances, and regulations concerning governmental
21 police powers, including zoning, building, land use,
22 improvements on the land, land division, and environmental
23 protection; and

24 (3) liens and encumbrances created or suffered by the grantee.

25 (g) A tax deed executed under this chapter for real property sold in
26 a tax sale:

27 (1) does not operate to extinguish an easement recorded before
28 the date of the tax sale in the office of the recorder of the county
29 in which the real property is located, regardless of whether the
30 easement was taxed under this article separately from the real
31 property; and

32 (2) conveys title subject to all easements recorded before the date
33 of the tax sale in the office of the recorder of the county in which
34 the real property is located.

35 (h) A tax deed executed under this chapter is prima facie evidence
36 of:

37 (1) the regularity of the sale of the real property described in the
38 deed;

39 (2) the regularity of all proper proceedings; and

40 (3) valid title in fee simple in the grantee of the deed.

41 (i) A county auditor is not required to execute a deed to the county
42 executive under this chapter if the county executive determines that the



1 property involved contains hazardous waste or another environmental
 2 hazard for which the cost of abatement or alleviation will exceed the
 3 fair market value of the property. The county executive may enter the
 4 property to conduct environmental investigations.

5 (j) If the county executive makes the determination under subsection
 6 (i) as to any interest in an oil or gas lease or separate mineral rights, the
 7 county treasurer shall certify all delinquent taxes, interest, penalties,
 8 and costs assessed under IC 6-1.1-24 to the clerk, following the
 9 procedures in IC 6-1.1-23-9. After the date of the county treasurer's
 10 certification, the certified amount is subject to collection as delinquent
 11 personal property taxes under IC 6-1.1-23. Notwithstanding
 12 IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an
 13 interest shall be zero (0) until production commences.

14 (k) When a deed is issued to a purchaser of a certificate of sale sold
 15 under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that
 16 taxes are removed by certificate of error, remove from the tax duplicate
 17 the taxes, special assessments, interest, penalties, and costs remaining
 18 due as the difference between the amount of the last minimum bid
 19 ~~under IC 6-1.1-24-5~~ and the amount paid for the certificate of sale.

20 (l) If a tract or item of real property did not sell at a tax sale and the
 21 county treasurer and the owner of real property agree before the
 22 expiration of the period for redemption under subsection (b) to a
 23 mutually satisfactory arrangement for the payment of the entire amount
 24 required for redemption under section 2 of this chapter before the
 25 expiration of a period for redemption extended under this subsection:

26 (1) the county treasurer may extend the period for redemption;
 27 and

28 (2) except as provided in subsection (m), the extended period for
 29 redemption expires one (1) year after the date of the agreement.

30 (m) If the owner of real property fails to meet the terms of an
 31 agreement entered into with the county treasurer under subsection (l),
 32 the county treasurer may terminate the agreement after providing thirty
 33 (30) days written notice to the owner. If the county treasurer gives
 34 notice under this subsection, the extended period for redemption
 35 established under subsection (l) expires thirty (30) days after the date
 36 of the notice.

37 SECTION 20. IC 6-1.1-25-4.6, AS AMENDED BY P.L.118-2013,
 38 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2014]: Sec. 4.6. (a) After the expiration of the redemption
 40 period specified in section 4 of this chapter but not later than **thirty**
 41 **(30) days after the expiration of the period of redemption, if the**
 42 **period of redemption expires after June 30, 2014, or** six (6) months



1 after the expiration of the period of redemption, **if the period of**
 2 **redemption expires before July 1, 2014:**

3 (1) the purchaser, the purchaser's assignee, the county executive,
 4 or the purchaser of the certificate of sale under IC 6-1.1-24 may;
 5 or

6 (2) in a county where the county auditor and county treasurer
 7 have an agreement under section 4.7 of this chapter, the county
 8 auditor shall, upon the request of the purchaser or the purchaser's
 9 assignee;

10 file a verified petition in the same court and under the same cause
 11 number in which the judgment of sale was entered asking the court to
 12 direct the county auditor to issue a tax deed if the real property is not
 13 redeemed from the sale. Notice of the filing of this petition shall be
 14 given to the same parties and in the same manner as provided in section
 15 4.5 of this chapter, except that, if notice is given by publication, only
 16 one (1) publication is required. The notice required by this section is
 17 considered sufficient if the notice is sent to the address required by
 18 section 4.5(d) of this chapter. Any person owning or having an interest
 19 in the tract or real property may file a written objection to the petition
 20 with the court not later than thirty (30) days after the date the petition
 21 was filed. If a written objection is timely filed, the court shall conduct
 22 a hearing on the objection.

23 (b) Not later than sixty-one (61) days after the petition is filed under
 24 subsection (a), the court shall enter an order directing the county
 25 auditor (on the production of the certificate of sale and a copy of the
 26 order) to issue to the petitioner a tax deed if the court finds that the
 27 following conditions exist:

28 (1) The time of redemption has expired.

29 (2) The tract or **item of** real property has not been redeemed from
 30 the sale before the expiration of the period of redemption
 31 specified in section 4 of this chapter.

32 (3) Except with respect to a petition for the issuance of a tax deed
 33 under a sale of the certificate of sale on the property under
 34 IC 6-1.1-24-6.1 or IC 6-1.1-24-6.8, all taxes and special
 35 assessments, penalties, and costs have been paid.

36 (4) The notices required by this section and section 4.5 of this
 37 chapter have been given.

38 (5) The petitioner has complied with all the provisions of law
 39 entitling the petitioner to a deed.

40 The county auditor shall execute deeds issued under this subsection in
 41 the name of the state under the county auditor's name. If a certificate of
 42 sale is lost before the execution of a deed, the county auditor shall issue



1 a replacement certificate if the county auditor is satisfied that the
2 original certificate existed.

3 (c) Upon application by the grantee of a valid tax deed in the same
4 court and under the same cause number in which the judgment of sale
5 was entered, the court shall enter an order to place the grantee of a
6 valid tax deed in possession of the real estate. The court may enter any
7 orders and grant any relief that is necessary or desirable to place or
8 maintain the grantee of a valid tax deed in possession of the real estate.

9 (d) Except as provided in subsections (e) and (f), if:

10 (1) the verified petition referred to in subsection (a) is timely
11 filed; and

12 (2) the court refuses to enter an order directing the county auditor
13 to execute and deliver the tax deed because of the failure of the
14 petitioner under subsection (a) to fulfill the notice requirement of
15 subsection (a);

16 the court shall order the return of the amount, if any, by which the
17 purchase price exceeds the minimum bid on the property ~~under~~
18 ~~IC 6-1.1-24-5~~ minus a penalty of twenty-five percent (25%) of that
19 excess. The petitioner is prohibited from participating in any manner
20 in the next succeeding tax sale in the county under IC 6-1.1-24. The
21 county auditor shall deposit penalties paid under this subsection in the
22 county general fund.

23 (e) Notwithstanding subsection (d), in all cases in which:

24 (1) the verified petition referred to in subsection (a) is timely
25 filed;

26 (2) the petitioner under subsection (a) has made a bona fide
27 attempt to comply with the statutory requirements under
28 subsection (b) for the issuance of the tax deed but has failed to
29 comply with these requirements;

30 (3) the court refuses to enter an order directing the county auditor
31 to execute and deliver the tax deed because of the failure to
32 comply with these requirements; and

33 (4) the purchaser, the purchaser's successors or assignees, or the
34 purchaser of the certificate of sale under IC 6-1.1-24 files a claim
35 with the county auditor for refund not later than thirty (30) days
36 after the entry of the order of the court refusing to direct the
37 county auditor to execute and deliver the tax deed;

38 the county auditor shall not execute the deed but shall refund the
39 purchase money minus a penalty of twenty-five percent (25%) of the
40 purchase money from the county treasury to the purchaser, the
41 purchaser's successors or assignees, or the purchaser of the certificate
42 of sale under IC 6-1.1-24. The county auditor shall deposit penalties



1 paid under this subsection in the county general fund. All the
 2 delinquent taxes and special assessments shall then be reinstated and
 3 recharged to the tax duplicate and collected in the same manner as if
 4 the property had not been offered for sale. The tract or item of real
 5 property, if it is then eligible for sale under IC 6-1.1-24, shall be placed
 6 on the delinquent list as an initial offering under IC 6-1.1-24.

7 (f) Notwithstanding subsections (d) and (e), the court shall not order
 8 the return of the purchase price or any part of the purchase price if:

- 9 (1) the purchaser or the purchaser of the certificate of sale under
 10 IC 6-1.1-24 has failed to provide notice or has provided
 11 insufficient notice as required by section 4.5 of this chapter; and
 12 (2) the sale is otherwise valid.

13 (g) A tax deed executed under this section vests in the grantee an
 14 estate in fee simple absolute, free and clear of all liens and
 15 encumbrances created or suffered before or after the tax sale except
 16 those liens granted priority under federal law, and the lien of the state
 17 or a political subdivision for taxes and special assessments that accrue
 18 subsequent to the sale. However, the estate is subject to all easements,
 19 covenants, declarations, and other deed restrictions and laws governing
 20 land use, including all zoning restrictions and liens and encumbrances
 21 created or suffered by the purchaser at the tax sale. The deed is prima
 22 facie evidence of:

- 23 (1) the regularity of the sale of the real property described in the
 24 deed;
 25 (2) the regularity of all proper proceedings; and
 26 (3) valid title in fee simple in the grantee of the deed.

27 (h) A tax deed issued under this section is incontestable except by
 28 appeal from the order of the court directing the county auditor to issue
 29 the tax deed filed not later than sixty (60) days after the date of the
 30 court's order.

31 SECTION 21. IC 6-1.1-25-7.5, AS AMENDED BY P.L.118-2013,
 32 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2014]: Sec. 7.5. (a) This section applies to a county having a
 34 consolidated city.

35 (b) The county auditor shall provide the ~~metropolitan development~~
 36 ~~commission county land bank~~ with a list of real property:

- 37 (1) included on the list prepared under IC 6-1.1-24-1.5;
 38 (2) for which a certificate of sale has been issued; and
 39 (3) for which the holder of the certificate has not requested the
 40 county auditor to execute and deliver a deed.

41 (c) The ~~metropolitan development commission county land bank~~
 42 shall, within a reasonable time after receiving a list under subsection



1 (b), identify any property described under subsection (b) that the
 2 ~~metropolitan development commission~~ **county land bank** desires to
 3 acquire for ~~urban homesteading~~ under IC 36-7-17 or IC 36-7-17.1 or
 4 for redevelopment purposes under IC 36-7-15.1. The ~~metropolitan~~
 5 ~~development commission~~ **county land bank** shall then provide the
 6 county auditor with a list of the properties identified under this
 7 subsection.

8 (d) The county auditor shall execute and deliver a deed for any
 9 property identified under subsection (c) to the ~~metropolitan~~
 10 ~~development commission~~ **county land bank**.

11 (e) The county auditor shall execute and deliver a deed to the county
 12 for any property:

- 13 (1) included in the notice prepared under subsection (b); and
- 14 (2) not identified under subsection (c).

15 (f) The ~~metropolitan development commission~~ **county land bank**
 16 and the county may not pay for any property acquired under subsection
 17 (d) or (e). However, a taxing unit having an interest in the taxes on the
 18 real property shall be credited with the full amount of the delinquent
 19 tax due to that unit.

20 SECTION 22. IC 6-1.1-25-9, AS AMENDED BY P.L.169-2006,
 21 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2014]: Sec. 9. (a) When a county acquires title to real property
 23 under IC 6-1.1-24 and this chapter, the county executive may dispose
 24 of the real property under IC 36-1-11 or subsection (e). The proceeds
 25 of any sale under IC 36-1-11 shall be applied as follows:

- 26 (1) First, to the cost of the sale or offering for sale of the real
 27 property, including the cost of:
 - 28 (A) maintenance;
 - 29 (B) preservation;
 - 30 (C) administration of the property before the sale or offering
 31 for sale of the property;
 - 32 (D) unpaid costs of the sale or offering for sale of the property;
 - 33 (E) preparation of the property for sale;
 - 34 (F) advertising; and
 - 35 (G) appraisal.
- 36 (2) Second, to any unrecovered cost of the sale or offering for sale
 37 of other real property in the same taxing district acquired by the
 38 county under IC 6-1.1-24 and this chapter, including the cost of:
 - 39 (A) maintenance;
 - 40 (B) preservation;
 - 41 (C) administration of the property before the sale or offering
 42 for sale of the property;



- 1 (D) unpaid costs of the sale or offering for sale of the property;
 2 (E) preparation of the property for sale;
 3 (F) advertising; and
 4 (G) appraisal.
- 5 (3) Third, to the payment of the taxes on the real property that
 6 were removed from the tax duplicate under section 4(c) of this
 7 chapter.
- 8 (4) Fourth, any surplus remaining into the county general fund.
- 9 (b) The county auditor shall file a report with the board of
 10 commissioners before January 31 of each year. The report must:
- 11 (1) list the real property acquired under IC 6-1.1-24 and this
 12 chapter; and
 13 (2) indicate if any person resides or conducts a business on the
 14 property.
- 15 (c) The county auditor shall mail a notice by certified mail before
 16 March 31 of each year to each person listed in subsection (b)(2). The
 17 notice must state that the county has acquired title to the tract the
 18 person occupies.
- 19 (d) If the county executive determines that any real property
 20 acquired under this section should be retained by the county, then the
 21 county executive shall not dispose of the real property. The county
 22 executive may repair, maintain, equip, alter, and construct buildings
 23 upon the real property so retained in the same manner prescribed for
 24 other county buildings.
- 25 (e) The county executive may transfer title to real property
 26 described in subsection (a) to ~~the redevelopment commission a land~~
 27 ~~bank at no cost to the commission for sale, grant, or other disposition~~
 28 ~~under IC 36-7-14-22.2, IC 36-7-14-22.5, IC 36-7-15.1-15.1,~~
 29 ~~IC 36-7-15.1-15.2, or IC 36-7-15.1-15.5. land bank.~~
- 30 (f) If the real property is located in a geographic area that is not
 31 served by a ~~redevelopment commission land bank~~ and the county
 32 executive determines that any real property acquired under this section
 33 should be held for later sale or transfer by the county executive, the
 34 county executive shall wait until an appropriate time to dispose of the
 35 real property. The county executive may do the following:
- 36 (1) Examine, classify, manage, protect, insure, and maintain the
 37 property being held.
 38 (2) Eliminate deficiencies (including environmental deficiencies),
 39 carry out repairs, remove structures, make improvements, and
 40 control the use of the property.
 41 (3) Lease the property while it is being held.
- 42 The county executive may enter into contracts to carry out part or all of



1 the functions described in subdivisions (1) through (3).

2 SECTION 23. IC 32-29-7-3, AS AMENDED BY P.L.102-2012,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2014]: Sec. 3. (a) In a proceeding for the foreclosure of a
5 mortgage executed on real estate, process may not issue for the
6 execution of a judgment or decree of sale for a period of three (3)
7 months after the filing of a complaint in the proceeding. However:

8 (1) the period is:

9 (A) twelve (12) months in a proceeding for the foreclosure of
10 a mortgage executed before January 1, 1958; and

11 (B) six (6) months in a proceeding for the foreclosure of a
12 mortgage executed after December 31, 1957, but before July
13 1, 1975; and

14 (2) if the court finds under IC 32-30-10.6 that the mortgaged real
15 estate has been abandoned, a judgment or decree of sale may be
16 executed on the date the judgment of foreclosure or decree of sale
17 is entered, regardless of the date the mortgage is executed.

18 (b) A judgment and decree in a proceeding to foreclose a mortgage
19 that is entered by a court having jurisdiction may be filed with the clerk
20 in any county as provided in IC 33-32-3-2. After the period set forth in
21 subsection (a) expires, a person who may enforce the judgment and
22 decree may file a praecipe with the clerk in any county where the
23 judgment and decree is filed, and the clerk shall promptly issue and
24 certify to the sheriff of that county a copy of the judgment and decree
25 under the seal of the court. However, if:

26 (1) a praecipe is not filed with the clerk within ~~one hundred eighty~~
27 ~~(180)~~ **ninety (90)** days after the later of the dates on which:

28 (A) the period specified in subsection (a) expires; or

29 (B) the judgment and decree is filed; and

30 (2) the sale is not:

31 (A) otherwise prohibited by law;

32 (B) subject to a voluntary statewide foreclosure moratorium;

33 or

34 (C) subject to a written agreement that:

35 (i) provides for a delay in the sale of the mortgaged real
36 estate; and

37 (ii) is executed by and between the owner of the mortgaged
38 real estate and a party entitled to enforce the judgment and
39 decree;

40 an enforcement authority that has issued an abatement order under
41 IC 36-7-36-9 with respect to the mortgaged real estate may file a
42 praecipe with the clerk in any county where the judgment and decree



1 is filed. If an enforcement authority files a praecipe under this
2 subsection, the clerk of the county in which the praecipe is filed shall
3 promptly issue and certify to the sheriff of that county a copy of the
4 judgment and decree under the seal of the court.

5 (c) Upon receiving a certified judgment under subsection (b), the
6 sheriff shall, subject to section 4 of this chapter, sell the mortgaged
7 premises or as much of the mortgaged premises as necessary to satisfy
8 the judgment, interest, and costs at public auction at the office of the
9 sheriff or at another location that is reasonably likely to attract higher
10 competitive bids. The sheriff shall schedule the date and time of the
11 sheriff's sale for:

12 (1) a date not later than one hundred twenty (120) days after the
13 date on which the judgment and decree under seal of the court are
14 certified to the sheriff by the clerk; and

15 (2) a time certain between the hours of 10 a.m. and 4 p.m. on any
16 day of the week except Sunday.

17 (d) Before selling mortgaged property, the sheriff must advertise the
18 sale by publication once each week for three (3) successive weeks in
19 a daily or weekly newspaper of general circulation. The sheriff shall
20 publish the advertisement in at least one (1) newspaper published and
21 circulated in each county where the real estate is situated. The first
22 publication shall be made at least thirty (30) days before the date of
23 sale. At the time of placing the first advertisement by publication, the
24 sheriff shall also serve a copy of the written or printed notice of sale
25 upon each owner of the real estate. Service of the written notice shall
26 be made as provided in the Indiana Rules of Trial Procedure governing
27 service of process upon a person. The sheriff shall charge a fee of ten
28 dollars (\$10) to one (1) owner and three dollars (\$3) to each additional
29 owner for service of written notice under this subsection. The fee is:

30 (1) a cost of the proceeding;

31 (2) to be collected as other costs of the proceeding are collected;
32 and

33 (3) to be deposited in the county general fund for appropriation
34 for operating expenses of the sheriff's department.

35 (e) The sheriff also shall post written or printed notices of the sale
36 at the door of the courthouse of each county in which the real estate is
37 located.

38 (f) If the sheriff is unable to procure the publication of a notice
39 within the county, the sheriff may dispense with publication. The
40 sheriff shall state that the sheriff was not able to procure the
41 publication and explain the reason why publication was not possible.

42 (g) Notices under subsections (d) and (e) must contain a statement,



1 for informational purposes only, of the location of each property by
 2 street address, if any, or other common description of the property other
 3 than legal description. A misstatement in the informational statement
 4 under this subsection does not invalidate an otherwise valid sale.

5 (h) The sheriff may charge an administrative fee of not more than
 6 two hundred dollars (\$200) with respect to a proceeding referred to in
 7 subsection (b) for actual costs directly attributable to the administration
 8 of the sale under subsection (c). The fee is:

9 (1) payable by the person seeking to enforce the judgment and
 10 decree; and

11 (2) due at the time of filing of the praecipe;

12 under subsection (b).

13 SECTION 24. IC 32-30-3-16.5 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2014]: **Sec. 16.5. A land bank established**
 16 **under IC 36-7-37 may, in accordance with sections 14 and 16 of**
 17 **this chapter, institute an action to quiet title to more than one (1)**
 18 **parcel of real property to which the land bank has a claim in a**
 19 **single complaint. The possible claimants of any of the parcels**
 20 **designated in the complaint are not required to have any**
 21 **relationship.**

22 SECTION 25. IC 34-30-2-154.5 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2014]: **Sec. 154.5. IC 36-7-37-21 (Concerning**
 25 **liability of a land bank for violations of law involving**
 26 **environmental damage.)**

27 SECTION 26. IC 36-1-8-16 IS REPEALED [EFFECTIVE JULY 1,
 28 2014]. **Sec. 16:** (a) If a county executive disposes of real property, the
 29 property taxes collected for each item of the real property in the first
 30 year the item of real property is subject to taxation after the year the
 31 real property is sold or otherwise conveyed shall be disbursed to the
 32 county executive that sold or otherwise conveyed the item of real
 33 property:

34 (b) Disbursements to the county executive under subsection (a) shall
 35 be deposited into the county general fund, the redevelopment fund, the
 36 unsafe building fund, or the housing trust fund and shall be used only
 37 for one (1) or more of the purposes authorized under IC 36-7-14-22.5
 38 or IC 36-7-15.1-15.5:

39 (c) The county executive shall forward a copy of each resolution
 40 that disposes or otherwise conveys real property to the county auditor:

41 (d) The disbursement of property taxes under subsection (a) shall
 42 terminate in the second year the item of real property is subject to



1 ~~taxation after the property is sold or otherwise conveyed:~~

2 SECTION 27. IC 36-1-11-1, AS AMENDED BY P.L.286-2013,
3 SECTION 128, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in
5 subsection (b), this chapter applies to the disposal of property by:

- 6 (1) political subdivisions; and
7 (2) agencies of political subdivisions.

8 (b) This chapter does not apply to the following:

- 9 (1) The disposal of property under an urban homesteading
10 program under IC 36-7-17 or IC 36-7-17.1.
11 (2) The lease of school buildings under IC 20-47.
12 (3) The sale of land to a lessor in a lease-purchase contract under
13 IC 36-1-10.
14 (4) The disposal of property by a redevelopment commission
15 established under IC 36-7.
16 (5) The leasing of property by a board of aviation commissioners
17 established under IC 8-22-2 or an airport authority established
18 under IC 8-22-3.
19 (6) The disposal of a municipally owned utility under IC 8-1.5.
20 (7) The sale or lease of property by a unit to an Indiana nonprofit
21 corporation organized for educational, literary, scientific,
22 religious, or charitable purposes that is exempt from federal
23 income taxation under Section 501 of the Internal Revenue Code
24 or the sale or reletting of that property by the nonprofit
25 corporation.
26 (8) The disposal of surplus property by a hospital established and
27 operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8,
28 IC 16-23-1, or IC 16-24-1.
29 (9) The sale or lease of property acquired under IC 36-7-13 for
30 industrial development.
31 (10) The sale, lease, or disposal of property by a local hospital
32 authority under IC 5-1-4.
33 (11) The sale or other disposition of property by a county or
34 municipality to finance housing under IC 5-20-2.
35 (12) The disposition of property by a soil and water conservation
36 district under IC 14-32.
37 (13) The sale, lease, or disposal of property by the health and
38 hospital corporation established and operated under IC 16-22-8.
39 (14) The disposal of personal property by a library board under
40 IC 36-12-3-5(c).
41 (15) The sale or disposal of property by the historic preservation
42 commission under IC 36-7-11.1.



- 1 (16) The disposal of an interest in property by a housing authority
 2 under IC 36-7-18.
- 3 (17) The disposal of property under IC 36-9-37-26.
- 4 (18) The disposal of property used for park purposes under
 5 IC 36-10-7-8.
- 6 (19) The disposal of curricular materials that will no longer be
 7 used by school corporations under IC 20-26-12.
- 8 (20) The disposal of residential structures or improvements by a
 9 municipal corporation without consideration to:
 10 (A) a governmental entity; or
 11 (B) a nonprofit corporation that is organized to expand the
 12 supply or sustain the existing supply of good quality,
 13 affordable housing for residents of Indiana having low or
 14 moderate incomes.
- 15 (21) The disposal of historic property without consideration to a
 16 nonprofit corporation whose charter or articles of incorporation
 17 allows the corporation to take action for the preservation of
 18 historic property. As used in this subdivision, "historic property"
 19 means property that is:
 20 (A) listed on the National Register of Historic Places; or
 21 (B) eligible for listing on the National Register of Historic
 22 Places, as determined by the division of historic preservation
 23 and archeology of the department of natural resources.
- 24 (22) The disposal of real property without consideration to:
 25 (A) a governmental agency; or
 26 (B) a nonprofit corporation that exists for the primary purpose
 27 of enhancing the environment;
 28 when the property is to be used for compliance with a permit or
 29 an order issued by a federal or state regulatory agency to mitigate
 30 an adverse environmental impact.
- 31 (23) The disposal of property to a person under an agreement
 32 between the person and a political subdivision or an agency of a
 33 political subdivision under IC 5-23.
- 34 (24) The disposal of residential real property pursuant to a federal
 35 aviation regulation (14 CFR 150) Airport Noise Compatibility
 36 Planning Program as approved by the Federal Aviation
 37 Administration.
- 38 **(25) The disposal of property to or by a land bank established**
 39 **under IC 36-7-37.**
- 40 SECTION 28. IC 36-1-11-19 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2014]: **Sec. 19. (a) As used in this section,**



1 **"foreign business association" means a corporation, professional**
 2 **corporation, nonprofit corporation, limited liability company,**
 3 **partnership, or limited partnership that is organized under the**
 4 **laws of another state or another country.**

5 **(b) A foreign business association may not purchase, receive, or**
 6 **lease property from an entity to which this chapter applies unless**
 7 **at the time the sale, transfer, or lease occurs:**

8 **(1) the foreign business association has obtained a certificate**
 9 **of authority from, or registered with, the secretary of state in**
 10 **accordance with the procedures described in IC 23, as**
 11 **applicable; and**

12 **(2) the foreign business association is in good standing in**
 13 **Indiana as determined by the secretary of state.**

14 **(c) If a foreign business association purchases, receives, or leases**
 15 **a tract that the foreign business association was not eligible under**
 16 **subsection (b) to purchase, receive, or lease, the sale, transfer, or**
 17 **lease of the property is void and the entity that sold, transferred,**
 18 **or leased the property retains the interest in the tract that the**
 19 **entity possessed before the sale, transfer, or lease of the tract.**

20 SECTION 29. IC 36-7-9-7, AS AMENDED BY P.L.88-2009,
 21 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2014]: Sec. 7. (a) A hearing must be held relative to each
 23 order of the enforcement authority, except for an order issued under
 24 section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter. An order
 25 issued under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter
 26 becomes final ten (10) days after notice is given, unless a hearing is
 27 requested before the ten (10) day period ends by a person holding a fee
 28 interest, life estate interest, mortgage interest, or equitable interest of
 29 a contract purchaser in the unsafe premises. The hearing shall be
 30 conducted by the hearing authority.

31 (b) The hearing shall be held on a business day no earlier than ten
 32 (10) days after notice of the order is given. The hearing authority may,
 33 however, take action at the hearing, or before the hearing if a written
 34 request is received by the enforcement authority not later than five (5)
 35 days after notice is given, to continue the hearing to a business day not
 36 later than fourteen (14) days after the hearing date shown on the order.
 37 Unless the hearing authority takes action to have the continued hearing
 38 held on a definite, specified date, notice of the continued hearing must
 39 be given to the person to whom the order was issued at least five (5)
 40 days before the continued hearing date, in the manner prescribed by
 41 section 25 of this chapter. If the order being considered at the
 42 continued hearing was served by publication, it is sufficient to give



1 notice of the continued hearing by publication unless the enforcement
2 authority has received information in writing that enables it to make
3 service under section 25 of this chapter by a method other than
4 publication.

5 (c) The person to whom the order was issued, any person having a
6 substantial property interest in the unsafe premises that are the subject
7 of the order, or any other person with an interest in the proceedings
8 may appear in person or by counsel at the hearing. Each person
9 appearing at the hearing is entitled to present evidence, cross-examine
10 opposing witnesses, and present arguments.

11 (d) At the conclusion of any hearing at which a continuance is not
12 granted, the hearing authority may make findings and take action to:

13 (1) affirm the order;

14 (2) rescind the order; or

15 (3) modify the order, but unless the person to whom the order was
16 issued, or counsel for that person, is present at the hearing, the
17 hearing authority may modify the order in only a manner that
18 makes its terms less stringent.

19 (e) In addition to affirming the order, in those cases in which the
20 hearing authority finds that there has been a willful failure to comply
21 with the order, the hearing authority may impose a civil penalty in an
22 amount not to exceed five thousand dollars (\$5,000). The effective date
23 of the civil penalty may be postponed for a reasonable period, after
24 which the hearing authority may order the civil penalty reduced or
25 stricken if the hearing authority is satisfied that all work necessary to
26 fully comply with the order has been done. For purposes of an appeal
27 under section 8 of this chapter or enforcement of an order under section
28 17 of this chapter, action of the hearing authority is considered final
29 upon the affirmation of the order, even though the hearing authority
30 may retain jurisdiction for the ultimate determination related to the
31 civil penalty. In the hearing authority's exercise of continuing
32 jurisdiction, the hearing authority may, in addition to reducing or
33 striking the civil penalty, impose one (1) or more additional civil
34 penalties in an amount not to exceed five thousand dollars (\$5,000) per
35 civil penalty. An additional civil penalty may be imposed if the hearing
36 authority finds that:

37 (1) significant work on the premises to comply with the affirmed
38 order has not been accomplished; and

39 (2) the premises have a negative effect on property values or the
40 quality of life of the surrounding area or the premises require the
41 provision of services by local government in excess of the
42 services required by ordinary properties.



1 **(f) If a civil penalty imposed under subsection (e) remains**
 2 **unpaid after the first anniversary of the effective date of the civil**
 3 **penalty, a hearing authority may impose an additional civil penalty**
 4 **in an amount not to exceed ten thousand dollars (\$10,000).**

5 ~~(f)~~ **(g)** If, at a hearing, a person to whom an order has been issued
 6 requests an additional period to accomplish action required by the
 7 order, and shows good cause for this request to be granted, the hearing
 8 authority may grant the request. However, as a condition for allowing
 9 the additional period, the hearing authority may require that the person
 10 post a performance bond to be forfeited if the action required by the
 11 order is not completed within the additional period.

12 ~~(g)~~ **(h)** If an order is affirmed or modified, the hearing authority
 13 shall issue a continuous enforcement order (as defined in section 2 of
 14 this chapter).

15 ~~(h)~~ **(i)** The board or commission having control over the department
 16 shall, at a public hearing, after having given notice of the time and
 17 place of the hearing by publication in accordance with IC 5-3-1, adopt
 18 a schedule setting forth the maximum amount of performance bonds
 19 applicable to various types of ordered action. The hearing authority
 20 shall use this schedule to fix the amount of the performance bond
 21 required under subsection ~~(f)~~: **(g)**.

22 ~~(i)~~ **(j)** The record of the findings made and action taken by the
 23 hearing authority at the hearing shall be available to the public upon
 24 request. However, neither the enforcement authority nor the hearing
 25 authority is required to give any person notice of the findings and
 26 action.

27 ~~(j)~~ **(k)** If a civil penalty **imposed** under subsection (e) **or (f)** is
 28 unpaid for more than fifteen (15) days after payment of the civil
 29 penalty is due, the civil penalty may be collected from any person
 30 against whom the hearing officer assessed the civil penalty or fine. A
 31 civil penalty or fine may be collected under this subsection in the same
 32 manner as costs under section 13 or 13.5 of this chapter. The amount
 33 of the civil penalty or fine that is collected shall be deposited in the
 34 unsafe building fund.

35 SECTION 30. IC 36-7-9-8, AS AMENDED BY P.L.169-2006,
 36 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2014]: Sec. 8. (a) An action taken under section 7(d), ~~or~~ 7(e),
 38 **or 7(f)** of this chapter is subject to review by the circuit or superior
 39 court of the county in which the unsafe premises are located, on request
 40 of:

- 41 (1) any person who has a substantial property interest in the
 42 unsafe premises; or



- 1 (2) any person to whom that order was issued.
- 2 (b) A person requesting judicial review under this section must file
3 a verified complaint including the findings of fact and the action taken
4 by the hearing authority. The complaint must be filed within ten (10)
5 days after the date when the action was taken.
- 6 (c) An appeal under this section is an action de novo. The court may
7 affirm, modify, or reverse the action taken by the hearing authority.
- 8 SECTION 31. IC 36-7-9-14, AS AMENDED BY P.L.169-2006,
9 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2014]: Sec. 14. (a) The enforcement authority shall establish
11 in its operating budget a fund designated as the unsafe building fund.
12 Any balance remaining at the end of a fiscal year shall be carried over
13 in the fund for the following year and does not revert to the general
14 fund.
- 15 (b) Money for the unsafe building fund may be received from any
16 source, including appropriations by local, state, or federal governments,
17 and donations. The following money shall be deposited in the fund:
- 18 (1) Money received as payment for or settlement of obligations or
19 judgments established under sections 9 through 13 and 17
20 through 22 of this chapter.
- 21 (2) Money received from bonds posted under section 7 of this
22 chapter.
- 23 (3) Money received in satisfaction of receivers' notes or
24 certificates that were issued under section 20 of this chapter and
25 were purchased with money from the unsafe building fund.
- 26 (4) Money received for payment or settlement of civil penalties or
27 fines imposed under section 7 of this chapter.
- 28 (5) Money received from the collection of special assessments
29 under section 13.5 of this chapter.
- 30 (c) Money in the unsafe building fund may be used for the
31 **following:**
- 32 (1) Expenses incurred in carrying out the purposes of this chapter,
33 including:
- 34 (1) (A) the cost of obtaining reliable information about the
35 identity and location of each person who owns a substantial
36 property interest in unsafe premises;
- 37 (2) (B) the cost of an examination of an unsafe building by a
38 registered architect or registered engineer not employed by the
39 department;
- 40 (3) (C) the cost of surveys necessary to determine the location
41 and dimensions of real property on which an unsafe building
42 is located;



- 1 ~~(4)~~ **(D)** the cost of giving notice of orders, notice of statements
 2 of rescission, notice of continued hearing, and notice of
 3 statements that public bids are to be let in the manner
 4 prescribed by section 25 of this chapter;
 5 ~~(5)~~ **(E)** the bid price of work by a contractor under section 10
 6 or sections 17 through 22 of this chapter;
 7 ~~(6)~~ **(F)** the cost of emergency action under section 9 of this
 8 chapter; and
 9 ~~(7)~~ **(G)** the cost of notes or receivers' certificates issued under
 10 section 20 of this chapter.

11 **(2) The operation of a land bank.**

12 (d) Payment of money from the unsafe building fund must be made
 13 in accordance with applicable law.

14 SECTION 32. IC 36-7-14-22.2, AS AMENDED BY P.L.4-2005,
 15 SECTION 134, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2014]: Sec. 22.2. (a) The commission may sell
 17 or grant, at no cost, title to real property to an urban enterprise
 18 association for the purpose of developing the real property if the
 19 following requirements are met:

- 20 (1) The urban enterprise association has incorporated as a
 21 nonprofit corporation under IC 5-28-15-14(b)(3).
 22 (2) The parcel of property to be sold or granted is located entirely
 23 within the enterprise zone for which the urban enterprise
 24 association was created under IC 5-28-15-13.
 25 (3) The urban enterprise association agrees to cause development
 26 on the parcel of property within a specified period that may not
 27 exceed five (5) years from the date of the sale or grant.
 28 (4) The urban enterprise association agrees to rehabilitate or
 29 otherwise develop the property in a manner that is similar to and
 30 consistent with the use of the other properties in the enterprise
 31 zone.

32 (b) The commission may sell or grant, at no cost, title to real
 33 property to a community development corporation (as defined in
 34 IC 4-4-28-2) for the purpose of providing low or moderate income
 35 housing or other development that will benefit or serve low or
 36 moderate income families if the following requirements are met:

- 37 (1) The community development corporation has as a major
 38 corporate purpose and function the provision of housing for low
 39 and moderate income families within the geographic area in
 40 which the parcel of real property is located.
 41 (2) The community development corporation agrees to cause
 42 development that will serve or benefit low or moderate income



1 families on the parcel of real property within a specified period,
 2 which may not exceed five (5) years from the date of the sale or
 3 grant.

4 (3) The community development corporation agrees that the
 5 community development corporation and each applicant,
 6 recipient, contractor, or subcontractor undertaking work in
 7 connection with the real property will:

8 (A) use lower income project area residents as trainees and as
 9 employees; and

10 (B) contract for work with business concerns located in the
 11 project area or owned in substantial part by persons residing
 12 in the project area;

13 to the greatest extent feasible, as determined under the standards
 14 specified in 24 CFR 135.

15 (4) The community development corporation agrees to
 16 rehabilitate or otherwise develop the property in a manner that is
 17 similar to and consistent with the use of the other properties in the
 18 area served by the community development corporation.

19 ~~(c) To carry out the purposes of this section, the commission may~~
 20 ~~secure from the county under IC 6-1.1-25-9(c) parcels of property~~
 21 ~~acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.~~

22 ~~(d)~~ (c) Before offering any parcel of property for sale or grant, the
 23 fair market value of the parcel of property must be determined by an
 24 appraiser, who may be an employee of the department. However, if the
 25 commission has obtained the parcel ~~in the manner described in~~
 26 ~~subsection (c);~~ **from the county under IC 6-1.1-25-9(e) before July**
 27 **1, 2014,** an appraisal is not required. An appraisal under this subsection
 28 is solely for the information of the commission and is not available for
 29 public inspection.

30 ~~(e)~~ (d) The commission must decide at a public meeting whether the
 31 commission will sell or grant the parcel of real property. In making this
 32 decision, the commission shall give substantial weight to the extent to
 33 which and the terms under which the urban enterprise association or
 34 community development corporation will cause development on the
 35 property.

36 ~~(f)~~ (e) Before conducting a meeting under subsection ~~(g);~~ (f), the
 37 commission shall publish a notice in accordance with IC 5-3-1
 38 indicating that at a designated time the commission will consider
 39 selling or granting the parcel of real property under this section. The
 40 notice must state the general location of the property, including the
 41 street address, if any, or a common description of the property other
 42 than the legal description.



1 ~~(g)~~ **(f)** If the county agrees to transfer a parcel of real property to the
 2 commission to be sold or granted under this section, the commission
 3 may conduct a meeting to sell or grant the parcel to an urban enterprise
 4 zone or to a community development corporation even though the
 5 parcel has not yet been transferred to the commission. After the
 6 hearing, the commission may adopt a resolution directing the
 7 department to take appropriate steps necessary to acquire the parcel
 8 from the county and to transfer the parcel to the urban enterprise
 9 association or to the community development corporation.

10 ~~(h)~~ **(g)** A conveyance of property under this section shall be made
 11 in accordance with section 22(i) of this chapter.

12 ~~(i)~~ **(h)** An urban enterprise association that purchases or receives
 13 real property under this section shall report the terms of the conveyance
 14 to the board of the Indiana economic development corporation not later
 15 than thirty (30) days after the date the conveyance of the property is
 16 made.

17 SECTION 33. IC 36-7-14-22.5, AS AMENDED BY P.L.118-2013,
 18 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 22.5. (a) This section applies to the following:

20 (1) Real property:

21 (A) that was acquired by the commission to carry out a
 22 redevelopment project, an economic development area project,
 23 or an urban renewal project; and

24 (B) relative to which the commission has, at a public hearing,
 25 decided that the real property is not needed to complete the
 26 redevelopment activity, an economic development activity, or
 27 urban renewal activity in the project area.

28 (2) Real property acquired under this chapter that is not in a
 29 redevelopment project area, economic development area, or an
 30 urban renewal project area.

31 ~~(3) Parcels of property secured from the county under~~
 32 ~~IC 6-1.1-25-9(e) that were acquired by the county under~~
 33 ~~IC 6-1.1-24 and IC 6-1.1-25:~~

34 ~~(4)~~ **(3)** Real property donated or transferred to the commission to
 35 be held and disposed of under this section.

36 However, this section does not apply to property acquired under section
 37 32.5 of this chapter.

38 (b) The commission may do the following to or for real property
 39 described in subsection (a):

40 (1) Examine, classify, manage, protect, insure, and maintain the
 41 property.

42 (2) Eliminate deficiencies (including environmental deficiencies),



1 carry out repairs, remove structures, and make improvements.

2 (3) Control the use of the property.

3 (4) Lease the property.

4 (5) Use any powers under section 12.2 of this chapter in relation
5 to the property.

6 (c) The commission may enter into contracts to carry out part or all
7 of the functions described in subsection (b).

8 (d) The commission may extinguish all delinquent taxes, special
9 assessments, and penalties relative to real property donated to the
10 commission to be held and disposed of under this section. The
11 commission shall provide the county auditor with a list of the real
12 property on which delinquent taxes, special assessments, and penalties
13 are extinguished under this subsection.

14 (e) Real property described in subsection (a) may be sold,
15 exchanged, transferred, granted, donated, or otherwise disposed of in
16 any of the following ways:

17 (1) In accordance with section 22, 22.2, 22.6, or 22.7 of this
18 chapter.

19 (2) In accordance with the provisions authorizing an urban
20 homesteading program under IC 36-7-17 or IC 36-7-17.1.

21 (f) In disposing of real property under subsection (e), the
22 commission may:

23 (1) group together properties for disposition in a manner that will
24 best serve the interest of the community, from the standpoint of
25 both human and economic welfare; and

26 (2) group together nearby or similar properties to facilitate
27 convenient disposition.

28 SECTION 34. IC 36-7-15.1-15.1 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15.1. (a) As used in this
30 section, "qualifying corporation" refers to a nonprofit corporation or
31 neighborhood development corporation that meets the requirements of
32 subsection (b)(1) and the criteria established by the county fiscal body
33 under subsection ~~(i)~~: **(h)**.

34 (b) The commission may sell or grant at no cost title to real property
35 to a nonprofit corporation or neighborhood development corporation
36 for the purpose of providing low or moderate income housing or other
37 development that will benefit or serve low or moderate income families
38 if the following requirements are met:

39 (1) The nonprofit corporation or neighborhood development
40 corporation has, as a major corporate purpose and function, the
41 provision of housing for low and moderate income families within
42 the geographic area in which the parcel of property is located.



- 1 (2) The qualifying corporation agrees to cause development that
- 2 will serve or benefit low or moderate income families on the
- 3 parcel of property within a specified period, which may not
- 4 exceed five (5) years from the date of the sale or grant.
- 5 (3) The qualifying corporation, if the qualifying corporation is a
- 6 neighborhood development corporation, agrees that the qualifying
- 7 corporation and each applicant, recipient, contractor, or
- 8 subcontractor undertaking work in connection with the real
- 9 property will:
 - 10 (A) use lower income project area residents as trainees and as
 - 11 employees; and
 - 12 (B) contract for work with business concerns located in the
 - 13 project area or owned in substantial part by persons residing
 - 14 in the project area;
 - 15 to the greatest extent feasible, as determined under the standards
 - 16 specified in 24 CFR 135.
- 17 (4) The county fiscal body has determined that the corporation
- 18 meets the criteria established under subsection ~~(i)~~: **(h)**.
- 19 (5) The qualifying corporation agrees to rehabilitate or otherwise
- 20 develop the property in a manner that is similar to and consistent
- 21 with the use of the other properties in the area served by the
- 22 qualifying corporation.
- 23 ~~(e) To carry out the purposes of this section, the commission may~~
- 24 ~~secure from the county under IC 6-1.1-25-9(e) parcels of property~~
- 25 ~~acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.~~
- 26 ~~(d)~~ **(c)** Before offering any parcel of property for sale or grant, the
- 27 fair market value of the parcel of property must be determined. The fair
- 28 market value may be determined by an appraisal made by a qualified
- 29 employee of the department. However, if:
 - 30 **(1)** the qualified employee of the department determines that
 - 31 ~~(i)~~ the property:
 - 32 (A) is less than five (5) acres in size; and
 - 33 (B) has a fair market value that is less than ten thousand
 - 34 dollars (\$10,000); or
 - 35 **(2)** if the commission has obtained the parcel ~~in the manner~~
 - 36 ~~described in subsection (e); from the county under~~
 - 37 **IC 6-1.1-25-9(e) before July 1, 2014;**
 - 38 an appraisal is not required. An appraisal under this subsection is solely
 - 39 for the information of the commission and is not available for public
 - 40 inspection.
 - 41 ~~(e)~~ **(d)** The commission must decide whether the commission will
 - 42 sell or grant the parcel of real property at a public meeting. In making



1 this decision, the commission shall give substantial weight to the extent
 2 to which and the terms under which the qualifying corporation will
 3 cause development to serve or benefit families of low or moderate
 4 income. If more than one (1) qualifying corporation is interested in
 5 acquiring a parcel of real property, the commission shall conduct a
 6 hearing at which a representative of each corporation may state the
 7 reasons why the commission should sell or grant the parcel to that
 8 corporation.

9 ~~(f)~~ (e) Before conducting a hearing under subsection ~~(e)~~, (d), the
 10 commission shall publish a notice in accordance with IC 5-3-1
 11 indicating that at a designated time the commission will consider
 12 selling or granting the parcel of real property under this section. The
 13 notice must state the general location of the property, including the
 14 street address if any, or a common description of the property other
 15 than the legal description.

16 ~~(g)~~ (f) If the county agrees to transfer a parcel of real property to the
 17 commission to be sold or granted under this section, the commission
 18 may conduct a hearing to sell or grant the parcel to a qualifying
 19 corporation even though the parcel has not yet been transferred to the
 20 commission. After the hearing, the commission may adopt a resolution
 21 directing the department to take appropriate steps necessary to acquire
 22 the parcel from the county and to transfer the parcel to the qualifying
 23 corporation.

24 ~~(h)~~ (g) A conveyance of property to a qualifying corporation under
 25 this section shall be made in accordance with section 15(i) of this
 26 chapter.

27 ~~(i)~~ (h) The county fiscal body shall establish criteria for determining
 28 the eligibility of nonprofit corporations and neighborhood development
 29 corporations for sales or grants of real property under this section. A
 30 nonprofit corporation or neighborhood development corporation may
 31 apply to the county fiscal body for a determination concerning the
 32 corporation's compliance with the criteria established under this
 33 subsection.

34 SECTION 35. IC 36-7-15.1-15.2, AS AMENDED BY P.L.4-2005,
 35 SECTION 137, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2014]: Sec. 15.2. (a) The commission may sell
 37 or grant, at no cost, title to real property to an urban enterprise
 38 association for the purpose of developing the real property if the
 39 following requirements are met:

- 40 (1) The urban enterprise association has incorporated as a
 41 nonprofit corporation under IC 5-28-15-14(b)(3).
 42 (2) The parcel of property to be sold or granted is located entirely



1 within the enterprise zone for which the urban enterprise
2 association was created under IC 5-28-15-13.

3 (3) The urban enterprise association agrees to cause development
4 on the parcel of property within a specified period that may not
5 exceed five (5) years from the date of the sale or grant.

6 (4) The urban enterprise association agrees to rehabilitate or
7 otherwise develop the property in a manner that is similar to and
8 consistent with the use of the other properties in the enterprise
9 zone.

10 ~~(b)~~ To carry out the purposes of this section, the commission may
11 secure from the county under IC 6-1.1-25-9(e) parcels of property
12 acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.

13 ~~(c)~~ **(b)** Before offering any parcel of property for sale or grant, the
14 fair market value of the parcel of property must be determined by an
15 appraiser, who may be an employee of the department. However, if the
16 commission has obtained the parcel in the manner described in
17 subsection ~~(b)~~; **from the county under IC 6-1.1-25-9(e) before July**
18 **1, 2014**, an appraisal is not required. An appraisal under this subsection
19 is solely for the information of the commission and is not available for
20 public inspection.

21 ~~(d)~~ **(c)** The commission must decide at a public meeting whether the
22 commission will sell or grant the parcel of real property. In making this
23 decision, the commission shall give substantial weight to the extent to
24 which and the terms under which the urban enterprise association will
25 cause development on the property.

26 ~~(e)~~ **(d)** Before conducting a meeting under subsection ~~(d)~~; **(c)**, the
27 commission shall publish a notice in accordance with IC 5-3-1
28 indicating that at a designated time the commission will consider
29 selling or granting the parcel of real property under this section. The
30 notice must state the general location of the property, including the
31 street address, if any, or a common description of the property other
32 than the legal description.

33 ~~(f)~~ **(e)** If the county agrees to transfer a parcel of real property to the
34 commission to be sold or granted under this section, the commission
35 may conduct a meeting to sell or grant the parcel to an urban enterprise
36 zone even though the parcel has not yet been transferred to the
37 commission. After the hearing, the commission may adopt a resolution
38 directing the department to take appropriate steps necessary to acquire
39 the parcel from the county and to transfer the parcel to the urban
40 enterprise association.

41 ~~(g)~~ **(f)** A conveyance of property to an urban enterprise association
42 under this section shall be made in accordance with section 15(i) of this



1 chapter.

2 ~~(h)~~ (g) An urban enterprise association that purchases or receives
3 real property under this section shall report the terms of the conveyance
4 to the board of the Indiana economic development corporation not later
5 than thirty (30) days after the date the conveyance of the property is
6 made.

7 SECTION 36. IC 36-7-15.1-15.5, AS AMENDED BY
8 P.L.118-2013, SECTION 14, IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15.5. (a) This section
10 applies to the following:

11 (1) Real property:

12 (A) that was acquired by the commission to carry out a
13 redevelopment project, an economic development area project,
14 or an urban renewal project; and

15 (B) relative to which the commission has, at a public hearing,
16 decided that the real property is not needed to complete the
17 redevelopment activity, an economic development area
18 activity, or urban renewal activity in the project area.

19 (2) Real property acquired under this chapter that is not in a
20 redevelopment project area, an economic development area, or an
21 urban renewal project area.

22 ~~(3) Parcels of property secured from the county under~~
23 ~~IC 6-1.1-25-9(c) that were acquired by the county under~~
24 ~~IC 6-1.1-24 and IC 6-1.1-25.~~

25 ~~(4)~~ (3) Real property donated or transferred to the commission to
26 be held and disposed of under this section.

27 However, this section does not apply to property acquired under section
28 22.5 of this chapter.

29 (b) The commission may do the following to or for real property
30 described in subsection (a):

31 (1) Examine, classify, manage, protect, insure, and maintain the
32 property.

33 (2) Eliminate deficiencies (including environmental deficiencies),
34 carry out repairs, remove structures, and make improvements.

35 (3) Control the use of the property.

36 (4) Lease the property.

37 (5) Use any powers under section 7(a) or 7(b) of this chapter in
38 relation to the property.

39 (c) The commission may enter into contracts to carry out part or all
40 of the functions described in subsection (b).

41 (d) The commission may extinguish all delinquent taxes, special
42 assessments, and penalties relative to real property donated to the



1 commission to be held and disposed of under this section. The
 2 commission shall provide the county auditor with a list of the real
 3 property on which delinquent taxes, special assessments, and penalties
 4 are extinguished under this subsection.

5 (e) Real property described in subsection (a) may be sold,
 6 exchanged, transferred, granted, donated, or otherwise disposed of in
 7 any of the following ways:

8 (1) In accordance with section 15, 15.1, 15.2, 15.6, or 15.7 of this
 9 chapter.

10 (2) In accordance with the provisions authorizing an urban
 11 homesteading program under IC 36-7-17 or IC 36-7-17.1.

12 (f) In disposing of real property under subsection (e), the
 13 commission may:

14 (1) group together properties for disposition in a manner that will
 15 best serve the interest of the community, from the standpoint of
 16 both human and economic welfare; and

17 (2) group together nearby or similar properties to facilitate
 18 convenient disposition.

19 SECTION 37. IC 36-7-37 IS ADDED TO THE INDIANA CODE
 20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2014]:

22 **Chapter 37. Land Banks**

23 **Sec. 1. The following definitions apply throughout this chapter:**

24 (1) "Distressed real property" includes real property in a
 25 neglected or unmarketable condition.

26 (2) "Eligible unit" means:

27 (A) a county;

28 (B) a consolidated city; or

29 (C) a second class city;

30 to which IC 36-7-9 applies.

31 (3) "Land bank" means an entity established by or in
 32 accordance with an ordinance adopted under section 2 of this
 33 chapter.

34 **Sec. 2. (a) The legislative body of an eligible unit may adopt an
 35 ordinance:**

36 (1) establishing a body corporate and politic; or

37 (2) directing the executive of the eligible unit to organize a
 38 nonprofit corporation under IC 23-17;

39 as an independent instrumentality exercising essential
 40 governmental functions. The primary purpose of an entity
 41 established under this subsection is to manage and improve the
 42 marketability of distressed real property located in the territory of



- 1 the eligible unit.
- 2 (b) The legislative body shall specify the following in the
- 3 ordinance:
- 4 (1) The name of the entity.
- 5 (2) The number of board members, subject to section 3 of this
- 6 chapter.
- 7 (c) The territory of a land bank established by a county is all the
- 8 territory of the county, except for the territory of any second class
- 9 city in the county that has established a land bank.
- 10 Sec. 3. (a) A land bank is governed by a board of at least seven
- 11 (7) and at most nine (9) directors.
- 12 (b) A director of a land bank appointed under this section must
- 13 have demonstrated competency in an occupation or discipline that
- 14 is relevant to the primary purpose of a land bank.
- 15 (c) Except as provided in this chapter, the term of a director of
- 16 a land bank is for three (3) consecutive calendar years.
- 17 (d) If a director of a land bank is unable to complete the
- 18 director's term, the authority that appointed the director shall
- 19 appoint a successor to serve for the remainder of the incomplete
- 20 term.
- 21 Sec. 4. (a) This section applies to the board of a county land
- 22 bank established by a county that does not have a consolidated city.
- 23 (b) The board of a land bank to which this section applies is
- 24 comprised of the following:
- 25 (1) A director appointed by the county treasurer. A director
- 26 appointed under this subdivision must be a resident of the
- 27 county.
- 28 (2) A director appointed by the county auditor. A director
- 29 appointed under this subdivision must be a resident of the
- 30 county.
- 31 (3) Five (5) directors respectively appointed by the executives
- 32 of the five (5) municipalities in the county with the five largest
- 33 populations, as determined by the most recent federal
- 34 decennial census. A director appointed under this subdivision
- 35 must reside in the municipality of the appointing authority
- 36 that appoints the director.
- 37 (4) At most two (2) additional directors appointed, as
- 38 applicable, in the manner and subject to the requirements set
- 39 forth in the land bank's bylaws.
- 40 (c) The terms of the initial directors of a land bank to which this
- 41 section applies are equal to:
- 42 (1) the remainder of the calendar year in which the land bank



1 is established; plus

2 (2) a number of additional years equal to:

3 (A) one (1) calendar year, for:

4 (i) the director appointed under subsection (b)(1);

5 (ii) the director appointed under subsection (b)(2); and

6 (iii) the director appointed under subsection (b)(3) by the
7 executive of the municipality in the county that has the
8 largest population;

9 (B) two (2) calendar years, for directors appointed under
10 subsection (b)(3) by the executives of the municipalities
11 that have the second through the fourth largest
12 populations in the county; and

13 (C) three (3) calendar years, for:

14 (i) the director appointed under subsection (b)(3) by the
15 executive of the municipality that has the fifth largest
16 population in the county; and

17 (ii) any directors appointed under subsection (b)(4).

18 **Sec. 5. (a) This section applies to the board of a county land
19 bank established by a county that has a consolidated city.**

20 **(b) The board of a land bank to which this section applies is
21 comprised of the following:**

22 (1) Three (3) directors appointed by the county executive. A
23 director appointed under this subdivision must be a resident
24 of the county.

25 (2) Three (3) directors appointed by the legislative body of the
26 county. A director appointed under this subdivision must be
27 a resident of the county.

28 (3) A director appointed by the county auditor. A director
29 appointed under this subdivision must be a resident of the
30 county.

31 (4) A director appointed by the local community foundation.
32 A director appointed under this subdivision must be a
33 resident of the county.

34 (5) At most one (1) additional director appointed, as
35 applicable, in the manner and subject to the requirements set
36 forth in the land bank's bylaws.

37 **(c) The terms of the initial directors of a land bank to which this
38 section applies are equal to:**

39 (1) the remainder of the calendar year in which the land bank
40 is established; plus

41 (2) a number of additional years equal to:

42 (A) one (1) calendar year, for directors appointed under



- 1 subsection (b)(1);
 2 (B) two (2) calendar years, for directors appointed under
 3 subsection (b)(2); and
 4 (C) three (3) calendar years, for directors appointed under
 5 subsection (b)(3) through (b)(5).
- 6 **Sec. 6. (a) This section applies to the board of a land bank**
 7 **established by a second class city.**
- 8 **(b) The board of a land bank to which this section applies is**
 9 **comprised of the following:**
- 10 **(1) Three (3) directors appointed by the executive of the**
 11 **second class city. A director appointed under this subdivision**
 12 **must be a resident of the second class city.**
- 13 **(2) Three (3) directors appointed by the legislative body of the**
 14 **second class city. A director appointed under this subdivision**
 15 **must be a resident of the second class city.**
- 16 **(3) A director appointed by the county treasurer of the county**
 17 **in which the second class city is located, or the county**
 18 **treasurer of the county in which most residents of the second**
 19 **class city reside, if the second class city is located in more than**
 20 **one (1) county. A director appointed under this subdivision**
 21 **must be a resident of the second class city.**
- 22 **(4) At most two (2) additional directors appointed, as**
 23 **applicable, in the manner and subject to the requirements set**
 24 **forth in the land bank's bylaws.**
- 25 **(c) The terms of the initial directors of a land bank to which this**
 26 **section applies are equal to:**
- 27 **(1) the remainder of the calendar year in which the land bank**
 28 **is established; plus**
- 29 **(2) a number of additional years equal to:**
- 30 **(A) one (1) calendar year, for directors appointed under**
 31 **subsection (b)(1);**
- 32 **(B) two (2) calendar years, for directors appointed under**
 33 **subsection (b)(2); and**
- 34 **(C) three (3) calendar years, for directors appointed under**
 35 **subsection (b)(3) or (b)(4).**
- 36 **Sec. 7. Except as otherwise provided in this chapter, a land bank**
 37 **is granted all powers necessary, convenient, or appropriate to**
 38 **carry out and effectuate the land bank's public and corporate**
 39 **purposes, which include the power to do the following:**
- 40 **(1) Sue or be sued in the land bank's own name.**
 41 **(2) Enter into contracts.**
 42 **(3) Establish accounts with financial institutions.**



- 1 **(4) Acquire, lease, improve, repair, renovate, and dispose of**
 2 **property.**
 3 **(5) Borrow money, including issue bonds.**
 4 **(6) Pledge collateral.**
 5 **(7) Make investments.**
 6 **(8) Hire employees, including an executive director.**
 7 **(9) Procure insurance.**
 8 **Sec. 8. (a) A land bank shall endeavor to acquire a diverse**
 9 **portfolio of properties to enable the land bank to dispose of diverse**
 10 **properties in diverse real estate markets in the county or municipal**
 11 **territory that the land bank serves and, thereby, generate revenue**
 12 **for the land bank in a sustainable manner. A land bank shall**
 13 **acquire property for the purpose of supporting the mission of the**
 14 **land bank.**
 15 **(b) A land bank's priorities concerning the disposition of**
 16 **properties from the land bank must support the mission of the land**
 17 **bank, which includes the sale or transfer of properties:**
 18 **(1) for redevelopment that will act as a catalyst for further**
 19 **development;**
 20 **(2) that support a comprehensive development plan or**
 21 **strategic plan for neighborhood revitalization;**
 22 **(3) that reduce blight in the community;**
 23 **(4) that revitalize or stabilize neighborhoods;**
 24 **(5) that will be returned to productive, tax paying status;**
 25 **(6) that will be returned to productive uses including**
 26 **development of side lots, green spaces, and gardens;**
 27 **(7) that are available for immediate ownership or occupancy**
 28 **without a need for substantial rehabilitation;**
 29 **(8) that will be used for affordable housing; or**
 30 **(9) that will generate operating support for the functions of a**
 31 **land bank.**
 32 **Sec. 9. (a) A land bank shall do the following:**
 33 **(1) Maintain an inventory of real property held by the land**
 34 **bank.**
 35 **(2) Develop policies, guidelines, and procedures for the**
 36 **acquisition, redevelopment, and disposition of property by**
 37 **and from the land bank. The policies, guidelines, and**
 38 **procedures developed under this subdivision must be**
 39 **formulated in plain language with the objective of being**
 40 **clearly understood.**
 41 **(3) Make the information described in subdivisions (1) and (2)**
 42 **available for inspection:**



- 1 (A) at the offices of the land bank during regular business
2 hours; and
3 (B) on the land bank's Internet web site.
- 4 (4) Coordinate the land bank's activities with any land use
5 plans that affect real property held by the land bank.
- 6 (b) If real property held by a county land bank is located in the
7 territory of a municipality of the county, the county land bank shall
8 offer to convey the real property to the municipality before the
9 county land bank offers, or accepts an offer, to convey the real
10 property to any other individual or entity. An offer to convey real
11 property made by a county land bank to a municipality under this
12 section expires sixty (60) days after the county land bank makes the
13 offer, unless the county land bank and the municipality agree to
14 another period.
- 15 Sec. 10. A land bank may:
- 16 (1) enter into an interlocal agreement under IC 36-1-7 with
17 another governmental entity; or
18 (2) otherwise contract with another governmental entity in
19 Indiana to perform services for the governmental entity.
- 20 Sec. 11. (a) This subsection does not apply to a consolidated city.
21 The legislative body of an eligible unit that has adopted an
22 ordinance to create a land bank under section 2 of this chapter may
23 not rescind the ordinance that the legislative body adopted under
24 IC 36-7-9-3, unless the land bank is first dissolved.
- 25 (b) A land bank does not have authority to exercise the power
26 of eminent domain.
- 27 Sec. 12. Within six (6) months after an eligible unit has
28 established a land bank under this chapter, the eligible unit shall
29 furnish the land bank with a list of real property:
- 30 (1) that is located in the territory of the land bank;
31 (2) for which the eligible unit holds:
32 (A) a tax sale certificate issued under IC 6-1.1-24; or
33 (B) a tax deed issued under IC 6-1.1-25; and
34 (3) that is not committed to a redevelopment project or for
35 another purpose.
- 36 At the time the eligible unit furnishes the list to the land bank, the
37 eligible unit shall offer to assign the tax sale certificates and convey
38 the real property described on the list to the land bank at no cost
39 to the land bank. For each tract or item of real property described
40 on the list, the offer expires six (6) months after the offer is made
41 to the land bank, unless the eligible unit specifies a longer period
42 in the offer. If, for a particular tract or item of real property on the



1 list, the land bank accepts the offer, the eligible unit shall assign the
 2 tax sale certificate or convey the real property, as applicable, to the
 3 land bank at no cost to the land bank. If, for a particular tract or
 4 item of real property on the list, the land bank rejects the offer, the
 5 eligible unit may dispose of the real property as otherwise provided
 6 by law.

7 **Sec. 13. (a) This section applies to the following:**

8 **(1) A person who owes:**

9 **(A) delinquent taxes;**

10 **(B) special assessments;**

11 **(C) penalties;**

12 **(D) interest;**

13 **(E) costs directly attributable to a prior tax sale, if the tax**
 14 **sale occurs before July 1, 2014; or**

15 **(F) costs attributable to a prior tax sale or tax delinquency,**
 16 **if the tax sale occurs after June 30, 2014;**

17 **on a tract of real property listed under IC 6-1.1-24-1.**

18 **(2) A person who is an agent of the person described in**
 19 **subdivision (1).**

20 **(b) A person subject to this section may not purchase, receive,**
 21 **or lease a tract that is offered by a land bank in a sale, exchange,**
 22 **or lease under this chapter.**

23 **(c) If a person purchases, receives, or leases a tract that the**
 24 **person was not eligible to purchase, receive, or lease under this**
 25 **section, the sale, transfer, or lease of the property is void and the**
 26 **land bank retains the interest in the tract that the land bank**
 27 **possessed before the sale, transfer, or lease of the tract.**

28 **Sec. 14. (a) As used in this section, "foreign business**
 29 **association" means a corporation, professional corporation,**
 30 **nonprofit corporation, limited liability company, partnership, or**
 31 **limited partnership that is organized under the laws of another**
 32 **state or another country.**

33 **(b) A foreign business association may not purchase, receive, or**
 34 **lease property from a land bank unless at the time the sale,**
 35 **transfer, or lease occurs:**

36 **(1) the foreign business association has obtained a certificate**
 37 **of authority from, or registered with, the secretary of state in**
 38 **accordance with the procedures described in IC 23, as**
 39 **applicable; and**

40 **(2) the foreign business association is in good standing in**
 41 **Indiana as determined by the secretary of state.**

42 **(c) If a foreign business association purchases, receives, or leases**



1 a tract that the foreign business association was not eligible under
 2 subsection (b) to purchase, receive, or lease, the sale, transfer, or
 3 lease of the property is void and the land bank retains the interest
 4 in the tract that the land bank possessed before the sale, transfer,
 5 or lease of the tract.

6 Sec. 15. (a) As used in this section, "look back period"
 7 associated with a specified year means the period beginning on the
 8 first day of the fifth year immediately preceding the specified year
 9 and ending on the final day of the second year immediately
 10 preceding the specified year.

11 (b) On or before March 1 of each year, a land bank shall deliver
 12 a report to the county auditor and the county treasurer of the
 13 county in which the land bank is located in a format determined by
 14 the county auditor that shows for each parcel of real property sold
 15 or otherwise conveyed by the land bank during the look back
 16 period associated with the year:

- 17 (1) the year in which the parcel was sold or otherwise
 18 conveyed by the land bank;
 19 (2) the parcel number and street address of the real property;
 20 and
 21 (3) the grantee of the conveyance.

22 If the land bank is located in more than one (1) county, the
 23 information for each parcel of real property must be segregated by
 24 county in the report and the land bank shall deliver the report to
 25 the county auditor and the county treasurer of each county in
 26 which the land bank is located.

27 (c) Whenever property taxes are distributed to taxing bodies by
 28 a county treasurer, the county treasurer shall reduce the amount
 29 of each taxing body's distribution calculated without regard to this
 30 subsection by an amount equal to twenty-five percent (25%) of the
 31 remainder of:

- 32 (1) the part of the taxing body's distribution of property taxes
 33 calculated without regard to this subsection that is
 34 attributable to real property sold or otherwise conveyed by a
 35 land bank during the look back period associated with the
 36 year of distribution; minus
 37 (2) the part of the amount described in subdivision (1) that is
 38 attributable to property taxes:
 39 (A) levied for debt service, including lease rental
 40 payments;
 41 (B) imposed on real property that is part of a brownfield
 42 plan;



1 (C) authorized by a referendum; or

2 (D) allocated for use in an allocation area.

3 (d) The county treasurer shall divide the remaining amount of
4 property taxes equal to the sum of the reductions made under
5 subsection (c) among each land bank in the county on the basis of
6 whether the real property on which the property taxes were
7 imposed was sold or otherwise conveyed by the land bank during
8 the look back period associated with the year of distribution. The
9 county treasurer shall distribute a land bank's share determined
10 under this subsection to the land bank without appropriation.

11 Sec. 16. (a) Employees of a land bank are not employees of the
12 eligible unit that established the land bank.

13 (b) The board of a land bank may elect by resolution to provide
14 programs of group health insurance for the land bank's employees
15 and retired employees as provided under IC 5-10-8-2.6.

16 (c) The board of a land bank may elect by resolution to provide
17 retirement and disability benefits for employees, which may be by
18 means of participation in the public employees' retirement fund as
19 provided under IC 5-10.3-6.

20 Sec. 17. A land bank's income is not subject to taxation under
21 IC 6-3-1 through IC 6-3-7.

22 Sec. 18. Notwithstanding IC 6-1.1-10-4, after a land bank
23 acquires title to a parcel of real property, the property tax
24 exemption provided under IC 6-1.1-10-4 terminates for the parcel
25 of real property on the final day of the first uninterrupted sixty
26 (60) month period for which the land bank has leased, or offered
27 to lease, all or part of the parcel of real property to one (1) or more
28 tenants.

29 Sec. 19. A land bank is subject to IC 5-14-1.5 (open door law)
30 and IC 5-14-3 (public records law).

31 Sec. 20. The state board of accounts shall audit the funds and
32 accounts of a land bank as provided under IC 5-11-1-25.

33 Sec. 21. A land bank may not be held liable for damages or
34 subjected to equitable remedies for:

35 (1) breach of a common law duty;

36 (2) a violation of Indiana law; or

37 (3) a violation of any order, permit, license, variance, or plan
38 approval;

39 concerning environmental damage to, or attributable to, a tract or
40 item of real property held by the land bank.

