

HOUSE BILL No. 1147

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1-1; IC 29-1-7-23; IC 36-2-7-10; IC 36-7-38.

Synopsis: Land banks. Allows a county to adopt an ordinance requiring every person who wishes to participate in a tax sale as a bidder to pay a neighborhood investment fee of not more than \$150 and specifies the manner in which neighborhood investment fees collected are to be distributed to land banks. Allows a county to adopt an ordinance to impose, in addition to the 5% penalty for delinquent real property taxes, an additional penalty of not more than 3% for a total penalty that may not exceed 8% of the amount of delinquent real property taxes (additional penalty ordinance). Exempts delinquent tax payments attributable to real property receiving the homestead standard deduction for the most recent assessment date from an additional penalty ordinance. Specifies the manner in which the amounts collected attributable to an additional penalty ordinance are to be distributed to land banks. Allows a county to adopt an ordinance imposing a \$15 fee for each document recorded on a tract located in the territory of a land bank and specifies the manner in which the fee is to be distributed to land banks. Makes various changes to the statutes governing land banks that concern certain land bank powers, objectives, and duties. Provides that a majority of the directors of a land bank's board must have demonstrated competency in an occupation or discipline that is relevant to the primary purpose of a land bank. Allows a land bank to establish advisory committees composed of specified community members to consult with and advise the land bank on: (1) properties within the territory of the land bank that are imposing the greatest harm on residents and neighborhoods; (2) resident and neighborhood priorities for new uses of land bank properties; and (3) options for potential
(Continued next page)

Effective: July 1, 2023.

Errington, Bauer M

January 10, 2023, read first time and referred to Committee on Local Government.



transferees of land bank properties. Provides, subject to certain limitations, that a land bank may use an interlocal agreement to establish processes to improve the quality of title and marketability of property the land bank owns by extinguishing any liens that exist on the property. Provides that, if a land bank enters into an interlocal agreement, any employees of an eligible unit who may be contracted to provide staffing services to the land bank pursuant to the interlocal agreement retain their status as public employees of the eligible unit. Requires a county executive to provide a land bank in the county with a list of tracts located in the territory of the land bank that: (1) are delinquent on property taxes; and (2) have been offered for public sale at least two times and remain unsold; on an annual basis. Specifies that list must be provided to the land bank within 60 days after the end of the last tax sale for which the tracts went unsold. Allows the county executive to transfer its interest in a tract on the list to a land bank if requested by the land bank not later than 90 days after it receives the list.



Introduced

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1147

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 6-1.1-24-5.7, AS ADDED BY P.L.66-2021,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 5.7. (a) The county treasurer shall require each
4 person who will be bidding at the tax sale to sign a statement in a form
5 substantially similar to the following:
6 "Indiana law prohibits a person who owes delinquent taxes,
7 special assessments, penalties, interest, or costs directly
8 attributable to a prior tax sale of a tract or item of real property
9 listed under IC 6-1.1-24-1 from bidding on or purchasing tracts or
10 items of real property at a tax sale. I hereby affirm under the
11 penalties for perjury that I do not owe delinquent taxes, special
12 assessments, penalties, interest, costs directly attributable to a
13 prior tax sale, amounts from a final adjudication in favor of a
14 political subdivision, any civil penalties imposed for the violation
15 of a building code or county ordinance, or any civil penalties

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1 imposed by a county health department. I also affirm that I am not
 2 purchasing tracts or items of real property on behalf of or as an
 3 agent for a person who is prohibited from purchasing at a tax sale.
 4 Further, I hereby acknowledge that any successful bid I make in
 5 violation of this statement is subject to forfeiture. In the event of
 6 forfeiture, the amount by which my bid exceeds the minimum bid
 7 on the tract or item or real property under IC 6-1.1-24-5(e), if any,
 8 shall be applied to the delinquent taxes, special assessments,
 9 penalties, interest, costs, judgments, or civil penalties I owe, and
 10 a certificate will be issued to the county executive. I further
 11 acknowledge that a person who knowingly or intentionally
 12 provides false information on this affidavit commits perjury, a
 13 Level 6 felony."

14 (b) If a person purchases real property that the person was not
 15 eligible to purchase under section 5.1, 5.3, or 5.4 of this chapter, the
 16 sale of the real property is subject to forfeiture. If the county treasurer
 17 determines or is notified not more than forty-five (45) days after the
 18 date of the sale that the sale of the real property should be forfeited, the
 19 county treasurer shall:

20 (1) not more than five (5) days after the county treasurer is
 21 notified, notify the person in writing by first class mail that the
 22 sale is subject to forfeiture if the person does not pay the amounts
 23 the person owes within fifteen (15) days of the date the written
 24 notice is mailed;

25 (2) if the person does not meet the conditions described in
 26 subdivision (1) within fifteen (15) days after the written notice is
 27 mailed, apply the surplus amount of the person's bid, if any, to the
 28 delinquent taxes, special assessments, penalties, and interest on
 29 the real property;

30 (3) remit the amounts owed from a final adjudication or civil
 31 penalties in favor of a political subdivision to the political
 32 subdivision;

33 (4) notify the county auditor that the sale has been forfeited; and

34 (5) file with the county recorder a certification identifying the
 35 forfeited sale that includes:

36 (A) the date of the sale;

37 (B) the name of the buyer;

38 (C) the property identification number of the real property;

39 (D) the real property's legal description; and

40 (E) a statement that the sale has been forfeited and is null and
 41 void because the buyer was not eligible to purchase the real
 42 property.



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

4 (c) A county treasurer may decline to forfeit a sale under this section
5 because of inadvertence or mistake, lack of actual knowledge by the
6 bidder, substantial harm to other parties with interests in the real
7 property, or other substantial reasons. If the treasurer declines to forfeit
8 a sale, the treasurer shall:

9 (1) prepare a written statement explaining the reasons for
10 declining to forfeit the sale;

11 (2) retain the written statement as an official record; and

12 (3) file with the county recorder a certification that includes:

13 (A) the date of the sale;

14 (B) the name of the buyer;

15 (C) the property identification number of the real property;

16 (D) the real property's legal description; and

17 (E) a statement that the sale has not been forfeited and is valid.

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

24 (e) If a county treasurer does not take action under subsection (b)
25 within forty-five (45) days of the date the county treasurer determines
26 or is notified that a sale should be forfeited, the person is deemed to be
27 an eligible purchaser for that sale of that real property.

28 (f) If a tax deed is issued for real property under IC 6-1.1-25-4, this
29 section cannot be invoked to invalidate, rescind, or set aside the tax
30 deed.

31 **(g) If a county has adopted an ordinance under section 16.5 of**
32 **this chapter authorizing the imposition of a neighborhood**
33 **investment fee to participate in a tax sale as a bidder, the**
34 **neighborhood investment fee is not refundable if a sale of real**
35 **property is forfeited under this section.**

36 SECTION 2. IC 6-1.1-24-16.5 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2023]: **Sec. 16.5. (a) This section applies to all**
39 **counties in which there is at least one (1) land bank established in**
40 **the county.**

41 **(b) As used in this section, "land bank" has the meaning set**
42 **forth in IC 36-7-38-1(3).**



(c) The county fiscal body may adopt an ordinance requiring every person who wishes to participate in a tax sale as a bidder to pay a neighborhood investment fee of not more than one hundred fifty dollars (\$150).

(d) A county fiscal body that has adopted an ordinance under subsection (c) that is in effect in the county may rescind the ordinance adopted under subsection (c).

(e) An ordinance adopted under this section is effective on January 1 of the year immediately following the year in which the ordinance is adopted.

(f) If a county fiscal body adopts an ordinance to require the payment of a neighborhood investment fee, the payment of the neighborhood investment fee is in addition to any other fees or charges a county may impose for registering to bid at a tax sale. The neighborhood investment fee is not refundable if a sale of real property is forfeited under section 5.7 of this chapter.

(g) The county treasurer shall distribute the proceeds collected from the neighborhood investment fee semiannually to a land bank located in the county. If there is more than one (1) land bank established within a county, the county treasurer shall semiannually distribute the proceeds collected from the neighborhood investment fee to a land bank in an amount proportional to the population of the territory of each land bank as it bears to the total population in the county.

SECTION 3. IC 6-1.1-37-10, AS AMENDED BY P.L.95-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) If property taxes due and payable are not completely paid on or before the due date, a penalty shall be added to the unpaid portion in the year of the initial delinquency. The penalty is equal to an amount determined as follows:

(1) If:

(A) subject to subsection (g), the real property taxes due and payable are completely paid on or before the date thirty (30) days after the due date; and

(B) the taxpayer is not liable for:

(i) delinquent property taxes first due and payable in a previous tax payment for the same parcel; or

(ii) a penalty that is owed from a previous tax payment for the same parcel;

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes. **However, for a county in which an ordinance adopted under section 10.2 of this chapter is in**



effect in the county, the amount of the penalty imposed under this subdivision is equal to five percent (5%) plus the additional amount set forth in the ordinance adopted under section 10.2 of this chapter.

(2) If:

(A) subject to subsection (g), personal property taxes due and payable are not completely paid on or before the date thirty (30) days after the due date; and

(B) the taxpayer is not liable for:

(i) delinquent property taxes first due and payable in a previous tax payment for a personal property tax return for property in the same taxing district; or

(ii) a penalty that is owed from a previous tax payment;

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(3) If subdivision (1) or (2) does not apply, the amount of the penalty is equal to ten percent (10%) of the amount due and payable as of the tax date.

A payment received under this subsection shall be applied first to the delinquent tax amount and then to any associated penalties. **For a county in which an ordinance adopted under section 10.2 of this chapter is in effect in the county, the additional penalty amount collected under subdivision (1) shall be distributed as provided in section 10.2(g) of this chapter.**

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates of the first and second installments in each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

(1) six (6) months; or

(2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8.1, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by



1 the date so established.

2 (e) If any due date falls on a Saturday, a Sunday, a national legal
3 holiday recognized by the federal government, or a statewide holiday,
4 the act that must be performed by that date is timely if performed by
5 the next succeeding day that is not a Saturday, a Sunday, or one (1) of
6 those holidays.

7 (f) Subject to subsections (h) and (i), a payment to the county
8 treasurer is considered to have been paid by the due date if the payment
9 is:

10 (1) received on or before the due date by the county treasurer or
11 a collecting agent appointed by the county treasurer;

12 (2) deposited in United States first class mail:

13 (A) properly addressed to the principal office of the county
14 treasurer;

15 (B) with sufficient postage; and

16 (C) postmarked by the United States Postal Service as mailed
17 on or before the due date;

18 (3) deposited with a nationally recognized express parcel carrier
19 and is:

20 (A) properly addressed to the principal office of the county
21 treasurer; and

22 (B) verified by the express parcel carrier as:

23 (i) paid in full for final delivery; and

24 (ii) received by the express parcel carrier on or before the
25 due date;

26 (4) deposited to be mailed through United States registered mail,
27 United States certified mail, or United States certificate of
28 mailing:

29 (A) properly addressed to the principal office of the county
30 treasurer;

31 (B) with sufficient postage; and

32 (C) with a date of registration, certification, or certificate, as
33 evidenced by any record authenticated by the United States
34 Postal Service, on or before the due date;

35 (5) deposited in United States first class mail:

36 (A) properly addressed to the principal office of the county
37 treasurer;

38 (B) with sufficient metered postage from a meter postage
39 provider approved by the United States Postal Service; and

40 (C) with a postage meter stamp affixed to the envelope that
41 must bear the actual date the postage meter stamp was affixed
42 to the envelope, which must be on or before the due date;



and the payment is received by the county treasurer not later than five (5) business days after the due date; or
 (6) made by an electronic funds transfer and the taxpayer's bank account is charged on or before the due date.

(g) As used in this subsection, "initial penalty period" means the period after the due date and not later than thirty (30) days after the due date. A person who makes a payment within the initial penalty period is subject to a penalty equal to five percent (5%) of the amount of the delinquent taxes as provided in subsection (a)(1) or (a)(2). **However, for a county in which an ordinance adopted under section 10.2 of this chapter is in effect in the county, the amount of the penalty imposed under subsection (a)(1) is equal to five percent (5%) plus the additional amount set forth in the ordinance adopted under section 10.2 of this chapter.** A payment to the county treasurer is considered to have been paid within the initial penalty period and subject to the five percent (5%) penalty **or, in the case of subsection (a)(1), five percent (5%) plus the additional amount set forth in the ordinance adopted under section 10.2 of this chapter** if the payment is:

- (1) received within the penalty period by the county treasurer or a collecting agent appointed by the county treasurer;
- (2) deposited in United States first class mail:
 - (A) properly addressed to the principal office of the county treasurer;
 - (B) with sufficient postage; and
 - (C) postmarked by the United States Postal Service as mailed on or before the thirtieth day after the due date;
- (3) deposited with a nationally recognized express parcel carrier and is:
 - (A) properly addressed to the principal office of the county treasurer; and
 - (B) verified by the express parcel carrier as:
 - (i) paid in full for final delivery; and
 - (ii) received by the express parcel carrier on or before the thirtieth day after the due date;
- (4) deposited to be mailed through United States registered mail, United States certified mail, or United States certificate of mailing:
 - (A) properly addressed to the principal office of the county treasurer;
 - (B) with sufficient postage; and
 - (C) with a date of registration, certification, or certificate, as



- 1 evidenced by any record authenticated by the United States
 2 Postal Service, on or before the thirtieth day after the due date;
 3 or
 4 (5) deposited in United States first class mail:
 5 (A) properly addressed to the principal office of the county
 6 treasurer;
 7 (B) with sufficient metered postage from a meter postage
 8 provider approved by the United States Postal Service; and
 9 (C) with a postage meter stamp affixed to the envelope that
 10 must bear the actual date the postage meter stamp was affixed
 11 to the envelope, which must be on or before the thirtieth day
 12 after the due date;
 13 and the payment is received by the county treasurer not later than
 14 five (5) business days after the thirtieth day after the due date.
 15 (h) As used in this subsection, "initial penalty period" has the
 16 meaning set forth in subsection (g). If a payment is mailed through the
 17 United States mail and is physically received after the due date or after
 18 the initial penalty period without a legible correct postmark, the person
 19 who mailed the payment is considered to have made the payment:
 20 (1) on or before the due date if the person can show by reasonable
 21 evidence that the payment was deposited in the United States mail
 22 on or before the due date; or
 23 (2) within the initial penalty period, if the person can show by
 24 reasonable evidence that the payment was deposited in the United
 25 States mail on or before the thirtieth day after the due date.
 26 (i) As used in this subsection, "initial penalty period" has the
 27 meaning set forth in subsection (g). This section applies if a payment
 28 is sent via the United States mail or a nationally recognized express
 29 parcel carrier but is not received by the designated recipient, the person
 30 who sent the payment is considered to have made the payment:
 31 (1) on or before the due date if the person:
 32 (A) can show by reasonable evidence that the payment was
 33 deposited in the United States mail, or with the express parcel
 34 carrier, on or before the due date; and
 35 (B) makes a duplicate payment within thirty (30) days after the
 36 date the person is notified that the payment was not received;
 37 or
 38 (2) within the initial penalty period, if the person:
 39 (A) can show by reasonable evidence that the payment was
 40 deposited in the United States mail, or with the express parcel
 41 carrier, on or before the thirtieth day after the due date; and
 42 (B) makes a duplicate payment within thirty (30) days after the



1 date the person is notified that the payment was not received.

2 SECTION 4. IC 6-1.1-37-10.2 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2023]: **Sec. 10.2. (a) This section applies to all**
5 **counties in which there is at least one (1) land bank established in**
6 **the county.**

7 **(b) As used in this section, "land bank" has the meaning set**
8 **forth in IC 36-7-38-1(3).**

9 **(c) Subject to subsection (d), a county fiscal body may adopt an**
10 **ordinance to impose, in addition to the five percent (5%) penalty**
11 **set forth in section 10(a)(1) of this chapter for delinquent real**
12 **property taxes, an additional penalty of not more than three**
13 **percent (3%) for a total penalty that may not exceed eight percent**
14 **(8%) of the amount of delinquent taxes.**

15 **(d) The county fiscal body may not impose the additional**
16 **penalty described in subsection (c) on delinquent real property tax**
17 **payments that are attributable to real property receiving a**
18 **homestead standard deduction under IC 6-1.1-12-37 for the most**
19 **recent assessment date.**

20 **(e) A county fiscal body that has adopted an ordinance under**
21 **subsection (c) that is in effect in the county may rescind the**
22 **ordinance adopted under subsection (c).**

23 **(f) An ordinance adopted under this section is effective on**
24 **January 1 of the year immediately following the year in which the**
25 **ordinance is adopted.**

26 **(g) Notwithstanding section 12 of this chapter, IC 6-1.1-22-9(f),**
27 **or any other law, if an ordinance adopted under subsection (c) is in**
28 **effect in a county, the county treasurer shall do the following:**

29 **(1) For a county in which there is only one (1) land bank,**
30 **quarterly distribute the additional penalty authorized under**
31 **this section to the land bank.**

32 **(2) For a county in which there is more than one (1) land**
33 **bank, quarterly distribute the additional penalty authorized**
34 **under this section to each land bank in an amount**
35 **proportional to the population of the territory of each land**
36 **bank as it bears to the total population in the county.**

37 SECTION 5. IC 29-1-7-23, AS AMENDED BY P.L.26-2022,
38 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2023]: **Sec. 23. (a) When a person dies, the person's real and**
40 **personal property passes to persons to whom it is devised by the**
41 **person's last will or, in the absence of such disposition, to the persons**
42 **who succeed to the person's estate as the person's heirs; but it shall be**



1 subject to the possession of the personal representative and to the
 2 election of the surviving spouse and shall be chargeable with the
 3 expenses of administering the estate, the payment of other claims and
 4 the allowances under IC 29-1-4-1, except as otherwise provided in
 5 IC 29-1.

6 (b) A person may sign and record an affidavit to establish prima
 7 facie evidence of the passage of real estate title to distributees under
 8 this section. An affidavit under this section may contain the following
 9 information:

- 10 (1) The decedent's name and date of death.
 11 (2) A statement of the affiant's relationship to the decedent.
 12 (3) A description of how the following deeds or other instruments
 13 vested in the decedent an ownership or leasehold interest in real
 14 property, with a cross-reference if applicable, under
 15 ~~IC 36-2-7-10(f)~~ **IC 36-2-7-10(m)** to each deed or other
 16 instrument:

17 (A) Deeds or other instruments recorded in the office of the
 18 recorder where the real property is located.

19 (B) Deeds or other instruments that disclose a title transaction
 20 (as defined in IC 32-20-2-7).

21 (4) The legal description of the conveyed real property as it
 22 appears in instruments described in subdivision (3).

23 (5) The names of all distributees known to the affiant.

24 (6) An explanation of how each interest in the real property
 25 passed upon the decedent's death to each distributee by:

26 (A) intestate succession under IC 29-1-2-1; or

27 (B) the decedent's last will and testament that has been
 28 admitted to probate under section 13 of this chapter, with
 29 references to:

30 (i) the name and location of the court that issued the order
 31 admitting the will to probate; and

32 (ii) the date when the court admitted the decedent's will to
 33 probate.

34 (7) An explanation of how any fractional interests in the real
 35 property that may have passed to multiple distributees were
 36 calculated and apportioned.

37 (c) Upon presentation of an affidavit described in subsection (b), the
 38 auditor of the county where the real property described in the affidavit
 39 is located must endorse the affidavit as an instrument that is exempt
 40 from the requirements to file a sales disclosure form and must enter the
 41 names of the distributees shown on the affidavit on the tax duplicate on
 42 which the real property is transferred, assessed, and taxed under



1 IC 6-1.1-5-7. After December 31, 2023, an auditor may not refuse to
2 endorse an affidavit because the affidavit is an electronic document.

3 (d) Upon presentation of an affidavit described in subsection (b), the
4 recorder of the county where the real property described in the affidavit
5 is located must:

6 (1) record the affidavit; and

7 (2) index the affidavit as the most recent instrument responsible
8 for the transfer of the real property described in subsection (b)(4).

9 (e) Any person may rely upon an affidavit recorded with the county
10 recorder:

11 (1) made in good faith; and

12 (2) under this section;

13 as prima facie evidence of an effective transfer of the decedent's title
14 to the real property interest under subsection (a) to the distributee
15 described in the affidavit.

16 (f) If:

17 (1) at least seven (7) months have elapsed since the decedent's
18 death;

19 (2) the clerk of the court described in subsection (b)(6)(B) has not
20 issued letters testamentary or letters of administration to the court
21 appointed personal representative for the decedent within the time
22 limits specified under section 15.1(d) of this chapter; and

23 (3) the court described in subsection (b)(6)(B) has not issued
24 findings and an accompanying order preventing the limitations in
25 section 15.1(b) of this chapter from applying to the decedent's real
26 property;

27 any person may rely upon the affidavit described in subsection (e) as
28 evidence that the real property may not be sold by an executor or
29 administrator of the decedent's estate to pay a debt or obligation of the
30 decedent, which is not a lien of record in the county in which the real
31 property is located, or to pay any costs of administration of the
32 decedent's estate.

33 SECTION 6. IC 36-2-7-10, AS AMENDED BY P.L.19-2021,
34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2023]: Sec. 10. (a) The following definitions apply to this
36 section:

37 (1) "Copy" means:

38 (A) transcribing or duplicating a document by handwriting,
39 photocopy, xerography, or duplicating machine;

40 (B) duplicating electronically stored data onto a disk, tape,
41 drum, or any other means of electronic data storage; or

42 (C) reproducing a document by any other means.



(2) "Mortgage" means a transfer of rights to real property, in a form substantially similar to that set forth in IC 32-29-1-5, with or without warranty from the grantor. The term does not include:

- (A) a mortgage modification;
- (B) a mortgage assignment; or
- (C) a mortgage release.

(3) "Multiple transaction document" means a document containing two (2) or more transactions of the same type.

(4) "Record" or "recording" means the act of placing a document into the official records of the county recorder and includes the functions of filing and filing for record.

(b) The county recorder shall charge and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(c) The county recorder shall charge the following:

(1) Twenty-five dollars (\$25) for recording any deed or other instrument, other than a mortgage.

(2) Fifty-five dollars (\$55) for recording any mortgage.

(3) For pages larger than eight and one-half (8 1/2) inches by fourteen (14) inches twenty-five dollars (\$25) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(4) If the county recorder has elected to attest to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is seven dollars (\$7) plus the amount provided in subdivision (1).

(5) For furnishing copies of records, the fee for each copy is:

(A) one dollar (\$1) per page that is not larger than eleven (11) inches by seventeen (17) inches; and

(B) five dollars (\$5) per page that is larger than eleven (11) inches by seventeen (17) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or



using xerography or a duplicating machine.

(8) Twenty-five dollars (\$25) per parcel for recording the release of a lien or liens of a political subdivision for a property sold or transferred under IC 6-1.1-24-6.1 or IC 36-1-11, regardless of the number of liens held by the political subdivision. This fee applies to each political subdivision with a lien or liens on a parcel. In addition to the fee under this subdivision, if a county fiscal body adopts a fee under section 10.7 of this chapter, the county recorder may charge the fee under section 10.7 of this chapter for each document recorded by a political subdivision under this subdivision.

(9) This subdivision applies in a county only if at least one (1) unit in the county has established an affordable housing fund under IC 5-20-5-15.5 and the county fiscal body adopts an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of ten dollars (\$10) for each document the recorder records.

(10) This subdivision applies in a county containing a consolidated city that has established a housing trust fund under IC 36-7-15.1-35.5(e). This subdivision does not apply if the county fiscal body adopts a fee under section 10.7 of this chapter. The county fiscal body may adopt an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents (\$2.50) for the first page; and

(B) one dollar (\$1) for each additional page;

of each document the recorder records.

(11) This subdivision applies in a county where an eligible unit (as defined in IC 36-7-38-1(2)) has established a land bank under IC 36-7-38-2. The county fiscal body may adopt an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of fifteen dollars (\$15) for each document recorded on a tract located in the territory of a land bank.

(d) This subsection does not apply in a county containing a consolidated city. Section 10.5 of this chapter applies to the deposit of fees collected under subsection (c)(1) and (c)(8) in a county containing a consolidated city. The county recorder shall deposit the fees collected under subsection (c)(1) and (c)(8) as follows:

(1) Eight dollars (\$8) in the county general fund.



(2) Five dollars (\$5) in the county surveyor's corner perpetuation fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).

(3) Ten dollars (\$10) in the county recorder's records perpetuation fund established under subsection (f).

(4) One dollar (\$1) in the county identification security protection fund established under IC 36-2-7.5-11.

(5) One dollar (\$1) in the county elected officials training fund under IC 36-2-7-19.

(e) This subsection does not apply in a county containing a consolidated city. Section 10.5 of this chapter applies to the deposit of fees collected under subsection (c)(2) in a county containing a consolidated city. The county recorder shall deposit the fees collected under subsection (c)(2) as follows:

(1) Thirty-four dollars (\$34) in the county general fund.

(2) Five dollars (\$5) in the county surveyor's corner perpetuation fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).

(3) Eleven dollars and fifty cents (\$11.50) in the county recorder's records perpetuation fund established under subsection (f).

(4) Two dollars and fifty cents (\$2.50) with the county treasurer to be distributed in accordance with IC 24-9-9-3 and IC 24-9-9-4.

(5) One dollar (\$1) in the county identification security protection fund established under IC 36-2-7.5-11.

(6) One dollar (\$1) in the county elected officials training fund under IC 36-2-7-19.

(f) The county treasurer shall establish a county recorder's records perpetuation fund. The fund consists of all fees collected under this section for deposit in the fund and amounts transferred to the fund from the county identification security protection fund under IC 36-2-7.5-11. Except as provided in section 10.2 of this chapter, the county recorder may use any money in this fund without appropriation for:

(1) the preservation of records; and

(2) the improvement of record keeping systems and equipment; within the control of the county recorder. Money from the fund may not be deposited or transferred into the county general fund and does not revert to the county general fund at the end of a fiscal year.

(g) The county recorder shall post the fees set forth in subsection (c) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(h) The county recorder may not charge or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:



1 (A) IC 6-1.1-22-2(c).

2 (B) IC 8-23-7.

3 (C) IC 8-23-23.

4 (D) IC 10-17-2-3.

5 (E) IC 10-17-3-2.

6 (F) IC 12-14-13.

7 (G) IC 12-14-16.

8 (i) The state and its agencies and instrumentalities are required to
9 pay the recording fees and charges that this section prescribes.

10 (j) This subsection applies to a county other than a county
11 containing a consolidated city. The county treasurer shall distribute
12 money collected by the county recorder under subsection (c)(9) as
13 follows:

14 (1) Sixty percent (60%) of the money collected by the county
15 recorder under subsection (c)(9) shall be distributed to the units
16 in the county that have established an affordable housing fund
17 under IC 5-20-5-15.5 for deposit in the fund. The amount to be
18 distributed to a unit is the amount available for distribution
19 multiplied by a fraction. The numerator of the fraction is the
20 population of the unit. The denominator of the fraction is the
21 population of all units in the county that have established an
22 affordable housing fund. The population to be used for a county
23 that establishes an affordable housing fund is the population of
24 the county outside any city or town that has established an
25 affordable housing fund.

26 (2) Forty percent (40%) of the money collected by the county
27 recorder under subsection (c)(9) shall be distributed to the
28 treasurer of state for deposit in the affordable housing and
29 community development fund established under IC 5-20-4-7 for
30 the purposes of the fund.

31 Money shall be distributed under this subsection before the sixteenth
32 day of the month following the month in which the money is collected
33 from the county recorder.

34 (k) This subsection applies to a county described in subsection
35 (c)(10). The county treasurer shall distribute money collected by the
36 county recorder under subsection (c)(10) as follows:

37 (1) Sixty percent (60%) of the money collected by the county
38 recorder under subsection (c)(10) shall be deposited in the
39 housing trust fund established under IC 36-7-15.1-35.5(e) for the
40 purposes of the fund.

41 (2) Forty percent (40%) of the money collected by the county
42 recorder under subsection (c)(10) shall be distributed to the



1 treasurer of state for deposit in the affordable housing and
 2 community development fund established under IC 5-20-4-7 for
 3 the purposes of the fund.

4 Money shall be distributed under this subsection before the sixteenth
 5 day of the month following the month in which the money is collected
 6 from the county recorder.

7 **(l) This subsection applies to a county described in subsection**
 8 **(c)(11). The county treasurer shall distribute money collected by**
 9 **the county recorder under subsection (c)(11) to a land bank located**
 10 **in the county before the sixteenth day of the month following the**
 11 **month in which the money is collected from the county recorder.**
 12 **If there is more than one (1) land bank established within a county,**
 13 **the county treasurer shall distribute the proceeds collected from**
 14 **the county recorder to a land bank in an amount proportional to**
 15 **the population of the territory of each land bank as it bears to the**
 16 **total population in the county.**

17 **(m)** The county recorder may also include a cross-reference or
 18 multiple cross-references identified in a document for recording under
 19 this section. For cross-references not otherwise required by statute or
 20 county ordinance, the person submitting the document for recording
 21 shall clearly identify on the front page of the instrument the specific
 22 cross-reference or cross-references to be included with the recorded
 23 documents.

24 SECTION 7. IC 36-7-38-1, AS AMENDED BY P.L.26-2020,
 25 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2023]: Sec. 1. The following definitions apply throughout this
 27 chapter:

28 (1) "Distressed real property" includes real property in a neglected
 29 or unmarketable condition.

30 (2) "Eligible unit" means:

31 (A) a county;

32 (B) a consolidated city;

33 (C) a second class city; or

34 (D) a third class city;

35 to which IC 36-7-9 applies.

36 (3) "Land bank" means an entity established under section 2 of
 37 this chapter.

38 (4) "Person" means an individual, a corporation, a limited liability
 39 company, a partnership, or other legal entity.

40 **(5) "Vacant real property" has the meaning set forth in**
 41 **IC 36-7-36-5.**

42 SECTION 8. IC 36-7-38-2, AS AMENDED BY P.L.26-2020,



SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) The legislative body of an eligible unit may adopt an ordinance:

(1) establishing a body corporate and politic; or

(2) directing the executive of the eligible unit to organize a nonprofit corporation under IC 23-17; as an independent instrumentality exercising essential governmental functions.

(b) The legislative bodies of two (2) or more eligible units within a single county or within two (2) or more contiguous counties may enter into an interlocal agreement under IC 36-1-7:

(1) establishing a body corporate and politic; or

(2) directing the executive of one (1) of the eligible units entering into the interlocal agreement to organize a nonprofit corporation under IC 23-17;

as an independent instrumentality exercising essential governmental functions.

(c) The primary purpose of a land bank established under subsection (a) or (b) is to manage and improve the marketability of **vacant real property and** distressed real property located in the territory of the land bank.

(d) An ordinance or interlocal agreement establishing a land bank must specify **the following information**:

(1) The name of the land bank.

(2) The number of board members **and requirements for appointment to the board**, subject to section 4 of this chapter.

(e) The territory of a land bank established under subsection (a) is:

(1) in the case of an eligible unit that is a municipality, the territory of the municipality; or

(2) in the case of an eligible unit that is a county, all the territory of the county, except for the territory of any municipality in the county that has established another land bank.

(f) The territory of a land bank established under subsection (b) is the territory of all the eligible units that have established the land bank, except for the territory of any municipality that has established another land bank under subsection (a) or (b).

SECTION 9. IC 36-7-38-4, AS ADDED BY P.L.211-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) A land bank is governed by a board of at least seven (7) and at most nine (9) directors.

(b) ~~A director~~ **At least a majority of the directors** of a land bank appointed under this ~~section~~ **chapter** must have demonstrated



competency in an occupation or discipline that is relevant to the primary purpose of a land bank.

(c) Except as provided in this chapter, the term of a director of a land bank is for three (3) consecutive calendar years.

(d) If a director of a land bank is unable to complete the director's term, the authority that appointed the director shall appoint a successor to serve for the remainder of the incomplete term.

SECTION 10. IC 36-7-38-4.5, AS ADDED BY P.L.26-2020, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4.5. (a) This section applies to the board of a land bank established under section 2(b) of this chapter.

(b) The interlocal agreement providing for the establishment of the land bank must specify:

- (1) subject to section 4(a) of this chapter, the number of directors of the board of the land bank;
- (2) any directors that are to serve as ex officio directors of the board; and
- (3) for each director of the board that is to be appointed, the appointing authority.

(c) The interlocal agreement must also specify that the requirement established by section 4(b) of this chapter applies to the appointment of a director to the board of a land bank created under this section.

SECTION 11. IC 36-7-38-7.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7.7. (a) A land bank may establish one (1) or more advisory committees to consult with and advise the land bank on:

- (1) properties within the territory of the land bank that are imposing the greatest harm on residents and neighborhoods;
- (2) resident and neighborhood priorities for new uses of land bank properties; and
- (3) options for potential transferees of land bank properties.

(b) As appropriate to the location of the real property of the land bank and if a land bank elects to establish an advisory committee under this section, the membership of the advisory community shall include but is not limited to individuals from formal and informal neighborhood specific community associations, residents' associations, faith communities, community development corporations, and anchor institutions.

SECTION 12. IC 36-7-38-8, AS ADDED BY P.L.211-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2023]: Sec. 8. Except as otherwise provided in this chapter, a land bank is granted all powers necessary, convenient, or appropriate to carry out and effectuate the land bank's public and corporate purposes, which include the power to do the following:

- (1) Sue or be sued in the land bank's own name.
- (2) Enter into contracts.
- (3) Establish accounts with financial institutions.

(4) Acquire by:

(A) purchase;

(B) exchange;

(C) gift;

(D) donation;

(E) grant;

(F) lease; or

(G) any combination of the methods listed in clauses (A) through (F);

any real or personal property or interest in property needed to carry out the mission of the land bank.

~~(4)~~ **(5)** Acquire, lease, improve, repair, renovate, and dispose of property.

~~(5)~~ **(6)** Borrow money, including **the ability to** issue bonds.

~~(6)~~ **(7)** Pledge collateral.

~~(7)~~ **(8)** Make investments.

~~(8)~~ **(9)** Hire employees **and other appropriate staff**, including an executive director. **In accordance with section 18 of this chapter, a land bank may determine the qualifications and fix the compensation and benefits provided for employees, other staff, and the executive director.**

~~(9)~~ **(10)** Procure insurance.

SECTION 13. IC 36-7-38-9, AS ADDED BY P.L.211-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) A land bank shall endeavor to acquire a diverse portfolio of properties to enable the land bank to dispose of diverse properties in diverse real estate markets in the county or municipal territory that the land bank serves and, thereby, ~~generate revenue for the land bank in a sustainable manner.~~ **put the properties back to productive use, improve property conditions, contribute to local and regional neighborhood stabilization efforts, expand opportunities for development, and have a positive impact on the local tax base.** A land bank shall acquire property for the purpose of supporting the mission of the land bank.

(b) A land bank's priorities concerning the disposition of properties



1 from the land bank must support the mission of the land bank, which
2 includes the sale or transfer of properties:

- 3 (1) for redevelopment that will act as a catalyst for further
4 development;
- 5 (2) that support a comprehensive development plan or strategic
6 plan for neighborhood revitalization;
- 7 (3) that reduce ~~blight~~ **the number of blighted properties** in the
8 community;
- 9 (4) that revitalize or stabilize neighborhoods;
- 10 (5) that will be returned to productive, tax paying status;
- 11 (6) that will be returned to productive uses, including
12 development of side lots, green spaces, and gardens;
- 13 (7) that are available for immediate ownership or occupancy
14 without a need for substantial rehabilitation;
- 15 (8) that will be used for affordable housing; or
- 16 (9) that will generate operating support for the functions of a land
17 bank.

18 SECTION 14. IC 36-7-38-10, AS ADDED BY P.L.211-2016,
19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2023]: Sec. 10. (a) A land bank shall do the following:

- 21 (1) Maintain an inventory of real property held by the land bank.
- 22 (2) Develop policies, guidelines, and procedures for the
23 acquisition, redevelopment, and disposition of property by and
24 from the land bank. The policies, guidelines, and procedures
25 developed under this subdivision must be formulated in plain
26 language with the objective of being clearly understood.
- 27 (3) Make the information described in subdivisions (1) and (2)
28 available for inspection:

29 (A) at the offices of the land bank during regular business
30 hours; and

31 (B) on the land bank's ~~Internet web site.~~ **website.**

- 32 (4) Coordinate the land bank's activities with any land use plans
33 that affect real property held by the land bank.

34 (b) If real property held by a county land bank is located in the
35 territory of a municipality of the county, the county land bank shall
36 offer to convey the real property to the municipality before the county
37 land bank offers, or accepts an offer, to convey the real property to any
38 other individual or entity. An offer to convey real property made by a
39 county land bank to a municipality under this ~~section~~ **subsection**
40 expires sixty (60) days after the county land bank makes the offer,
41 unless the county land bank and the municipality agree to another
42 period.



(c) This subsection applies to a land bank created pursuant to an interlocal agreement under section 2(b) of this chapter that is composed of two (2) or more contiguous counties. If real property held by a land bank composed of two (2) or more contiguous counties is located in the territory of a municipality of a county that is a party to the interlocal agreement, the land bank shall offer to convey the real property to the municipality before the land bank offers, or accepts an offer, to convey the real property to any other individual or entity. An offer to convey real property made by a land bank composed of two (2) or more counties to a municipality under this subsection expires sixty (60) days after the land bank makes the offer, unless the land bank and the municipality agree to another period.

SECTION 15. IC 36-7-38-11, AS ADDED BY P.L.211-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) A land bank may:

- (1) enter into an interlocal agreement under IC 36-1-7 with another governmental entity, **including, subject to subsection (b), the establishment of processes to improve the quality of title and marketability of property the land bank owns by extinguishing any liens that exist on the property;** or
- (2) otherwise contract with another governmental entity in Indiana to perform services for the governmental entity.

(b) The following are exempt from the scope of an interlocal agreement described in subsection (a)(1) to extinguish liens that exist on a property the land bank owns:

- (1) A lien granted priority under federal law.
- (2) A lien of the state.
- (3) Any valid easements, covenants, declarations, or deed restrictions that encumber the property as shown in the public record.

SECTION 16. IC 36-7-38-18, AS ADDED BY P.L.211-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18. (a) Employees of a land bank are not employees of the eligible unit that established the land bank.

(b) If a land bank enters into an interlocal agreement under IC 36-1-7 as provided in section 11 of this chapter, any employees of an eligible unit who may be contracted to provide staffing services to the land bank pursuant to the interlocal agreement retain their status as public employees of the eligible unit. Nothing in this subsection shall be construed to alter or otherwise affect the public employee's status as an employee of the eligible unit.



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

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

8 SECTION 17. IC 36-7-38-24 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2023]: **Sec. 24. The county executive (as**
 11 **defined in IC 6-1.1-23.9-1) must provide a land bank in the county**
 12 **with a list of tracts in the territory of the land bank that:**

13 (1) are delinquent on property taxes (as defined in
 14 IC 6-1.1-37-10); and

15 (2) have been offered for sale by the county at two (2) or more
 16 public sales held under IC 6-1.1-24 and remain unsold;
 17 on an annual basis. The list must be provided to the land bank
 18 within sixty (60) days after the end of the last tax sale held under
 19 IC 6-1.1-24 for which the tracts went unsold. If a land bank
 20 requests a tract on the list not later than ninety (90) days from the
 21 date it receives the list, the county executive may assign the tax sale
 22 certificate for the tract or convey the tract, as applicable, to the
 23 land bank at no cost to the land bank.

