

HOUSE BILL No. 1411

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-24-4.5.

Synopsis: Eminent domain for nonpublic uses. Amends the statute concerning the use of eminent domain to acquire real property for nonpublic uses to provide that the requirement that a condemnor compensate the owner of residential property acquired under the statute in the amount of 150% of the fair market value of the property applies: (1) only to residential property occupied by the owner as a residence, in the case of an eminent domain proceeding: (A) initiated before July 1, 2019; and (B) with respect to which the fair market value of the parcel has been determined before July 1, 2019; and (2) to all residential property, regardless of whether the property is occupied by the owner as a residence, in the case of an eminent domain proceeding initiated: (A) after June 30, 2019; or (B) before July 1, 2019, and with respect to which the fair market value of the parcel has not been determined before July 1, 2019. Defines "residential property" for purposes of the statute.

Effective: July 1, 2019.

Wolkins

January 14, 2019, read first time and referred to Committee on Local Government.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

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

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

- 1 SECTION 1. IC 32-24-4.5-6.2 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2019]: **Sec. 6.2. As used in this chapter,**
- 4 **"residential property" means real property that consists of:**
- 5 **(1) a single family dwelling that is not owned for the purpose**
- 6 **of resale, rental, or leasing in the ordinary course of the**
- 7 **owner's business; and**
- 8 **(2) the land on which the dwelling is located.**
- 9 SECTION 2. IC 32-24-4.5-8, AS ADDED BY P.L.163-2006,
- 10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2019]: Sec. 8. **(a)** Notwithstanding IC 32-24-1, a condemnor
- 12 that acquires a parcel of real property through the exercise of eminent
- 13 domain under this chapter shall compensate the owner of the parcel as
- 14 follows:
- 15 (1) For agricultural land:
- 16 (A) either:
- 17 (i) payment to the owner equal to one hundred twenty-five



- 1 percent (125%) of the fair market value of the parcel as
 2 determined under IC 32-24-1; or
 3 (ii) upon the request of the owner and if the owner and
 4 condemnor both agree, transfer to the owner of an ownership
 5 interest in agricultural land that is equal in acreage to the
 6 parcel acquired through the exercise of eminent domain;
 7 (B) payment of any other damages determined under
 8 IC 32-24-1 and any loss incurred in a trade or business that is
 9 attributable to the exercise of eminent domain; and
 10 (C) payment of the owner's relocation costs, if any.
- 11 **(2) Subject to subsection (b), for a parcel of real residential**
 12 **property: occupied by the owner as a residence:**
 13 (A) payment to the owner equal to one hundred fifty percent
 14 (150%) of the fair market value of the parcel as determined
 15 under IC 32-24-1;
 16 (B) payment of any other damages determined under
 17 IC 32-24-1 and any loss incurred in a trade or business that is
 18 attributable to the exercise of eminent domain; and
 19 (C) payment of the owner's relocation costs, if any.
- 20 **(3) For a parcel of real property not described in subdivision (1)**
 21 **or (2):**
 22 (A) payment to the owner equal to one hundred percent
 23 (100%) of the fair market value of the parcel as determined
 24 under IC 32-24-1;
 25 (B) payment of any other damages determined under
 26 IC 32-24-1 and any loss incurred in a trade or business that is
 27 attributable to the exercise of eminent domain; and
 28 (C) payment of the owner's relocation costs, if any.
- 29 **(b) Subsection (a)(2) applies:**
 30 **(1) only to residential property occupied by the owner as a**
 31 **residence, in the case of an eminent domain proceeding:**
 32 **(A) initiated before July 1, 2019; and**
 33 **(B) with respect to which the fair market value of the**
 34 **parcel has been determined under IC 32-24-1 before July**
 35 **1, 2019; and**
 36 **(2) to all residential property, regardless of whether the**
 37 **property is occupied by the owner as a residence, in the case**
 38 **of an eminent domain proceeding initiated:**
 39 **(A) after June 30, 2019; or**
 40 **(B) before July 1, 2019, and with respect to which the fair**
 41 **market value of the parcel has not been determined under**
 42 **IC 32-24-1 before July 1, 2019.**

