

HOUSE BILL No. 1473

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2-7-10; IC 36-7-38.

Synopsis: Land banks. Permits a county to adopt an ordinance imposing a \$7 fee for each document recorded on a tract located in the territory of a land bank, and requires the county treasurer to distribute the entire amount collected for the fee to the land bank on a quarterly basis. Provides that for five years after a tract is purchased from a land bank, 50% of the amount of property taxes paid on the tract must be transferred to the land bank. 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, and requires 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.

Effective: July 1, 2021.

Errington, Moed

January 14, 2021, read first time and referred to Committee on Local Government.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1473

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 36-2-7-10, AS AMENDED BY P.L.86-2018,
2 SECTION 337, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) The following definitions
4 apply to this section:
5 (1) "Copy" means:
6 (A) transcribing or duplicating a document by handwriting,
7 photocopy, xerography, or duplicating machine;
8 (B) duplicating electronically stored data onto a disk, tape,
9 drum, or any other means of electronic data storage; or
10 (C) reproducing a document by any other means.
11 (2) "Mortgage" means a transfer of rights to real property, in a
12 form substantially similar to that set forth in IC 32-29-1-5, with or
13 without warranty from the grantor. The term does not include:
14 (A) a mortgage modification;
15 (B) a mortgage assignment; or
16 (C) a mortgage release.
17 (3) "Multiple transaction document" means a document



1 containing two (2) or more transactions of the same type.

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

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

11 (c) The county recorder shall charge the following:

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

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

15 (3) For pages larger than eight and one-half (8 1/2) inches by
16 fourteen (14) inches twenty-five dollars (\$25) for the first page
17 and five dollars (\$5) for each additional page of any document the
18 recorder records, if the pages are larger than eight and one-half (8
19 1/2) inches by fourteen (14) inches.

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

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

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

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

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

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

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



1 document the recorder records.

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

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

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

11 of each document the recorder records.

12 **(10) This subdivision applies in a county where an eligible unit**
13 **(as defined in IC 36-7-38-1(2)) has established a land bank**
14 **under IC 36-7-38-2. The county fiscal body may adopt an**
15 **ordinance authorizing the fee described in this subdivision. An**
16 **ordinance adopted under this subdivision may authorize the**
17 **county recorder to charge a fee of seven dollars (\$7) for each**
18 **document recorded on a tract located in the territory of a land**
19 **bank. One hundred percent (100%) of a fee collected under**
20 **this subdivision must be transferred to the applicable land**
21 **bank. The county treasurer shall distribute money collected**
22 **under this subdivision to land banks on a quarterly basis.**

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

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

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

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

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

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

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

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



- 1 (2) Five dollars (\$5) in the county surveyor's corner perpetuation
 2 fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).
 3 (3) Eleven dollars and fifty cents (\$11.50) in the county recorder's
 4 records perpetuation fund established under subsection (f).
 5 (4) Two dollars and fifty cents (\$2.50) with the county treasurer
 6 to be distributed in accordance with IC 24-9-9-3 and IC 24-9-9-4.
 7 (5) One dollar (\$1) in the county identification security protection
 8 fund established under IC 36-2-7.5-11.
 9 (6) One dollar (\$1) in the county elected officials training fund
 10 under IC 36-2-7-19.
- 11 (f) The county treasurer shall establish a county recorder's records
 12 perpetuation fund. The fund consists of all fees collected under this
 13 section for deposit in the fund and amounts transferred to the fund from
 14 the county identification security protection fund under IC 36-2-7.5-11.
 15 Except as provided in section 10.2 of this chapter, the county recorder
 16 may use any money in this fund without appropriation for:
 17 (1) the preservation of records; and
 18 (2) the improvement of record keeping systems and equipment;
 19 within the control of the county recorder. Money from the fund may not
 20 be deposited or transferred into the county general fund and does not
 21 revert to the county general fund at the end of a fiscal year.
- 22 (g) The county recorder shall post the fees set forth in subsection (c)
 23 in a prominent place within the county recorder's office where the fee
 24 schedule will be readily accessible to the public.
- 25 (h) The county recorder may not charge or collect any fee for:
 26 (1) recording an official bond of a public officer, a deputy, an
 27 appointee, or an employee; or
 28 (2) performing any service under any of the following:
 29 (A) IC 6-1.1-22-2(c).
 30 (B) IC 8-23-7.
 31 (C) IC 8-23-23.
 32 (D) IC 10-17-2-3.
 33 (E) IC 10-17-3-2.
 34 (F) IC 12-14-13.
 35 (G) IC 12-14-16.
- 36 (i) The state and its agencies and instrumentalities are required to
 37 pay the recording fees and charges that this section prescribes.
- 38 (j) This subsection applies to a county other than a county
 39 containing a consolidated city. The county treasurer shall distribute
 40 money collected by the county recorder under subsection (c)(8) as
 41 follows:
 42 (1) Sixty percent (60%) of the money collected by the county



1 recorder under subsection (c)(8) shall be distributed to the units
 2 in the county that have established an affordable housing fund
 3 under IC 5-20-5-15.5 for deposit in the fund. The amount to be
 4 distributed to a unit is the amount available for distribution
 5 multiplied by a fraction. The numerator of the fraction is the
 6 population of the unit. The denominator of the fraction is the
 7 population of all units in the county that have established an
 8 affordable housing fund. The population to be used for a county
 9 that establishes an affordable housing fund is the population of
 10 the county outside any city or town that has established an
 11 affordable housing fund.

12 (2) Forty percent (40%) of the money collected by the county
 13 recorder under subsection (c)(8) shall be distributed to the
 14 treasurer of state for deposit in the affordable housing and
 15 community development fund established under IC 5-20-4-7 for
 16 the purposes of the fund.

17 Money shall be distributed under this subsection before the sixteenth
 18 day of the month following the month in which the money is collected
 19 from the county recorder.

20 (k) This subsection applies to a county described in subsection
 21 (c)(9). The county treasurer shall distribute money collected by the
 22 county recorder under subsection (c)(9) as follows:

23 (1) Sixty percent (60%) of the money collected by the county
 24 recorder under subsection (c)(9) shall be deposited in the housing
 25 trust fund established under IC 36-7-15.1-35.5(e) for the purposes
 26 of the fund.

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

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

35 (l) The county recorder may also include a cross-reference or
 36 multiple cross-references identified in a document for recording under
 37 this section. For cross-references not otherwise required by statute or
 38 county ordinance, the person submitting the document for recording
 39 shall clearly identify on the front page of the instrument the specific
 40 cross-reference or cross-references to be included with the recorded
 41 documents.

42 SECTION 2. IC 36-7-38-24 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 2 1, 2021]: **Sec. 24. For the five (5) years succeeding the year a tract**
 3 **is sold by a land bank under this chapter, fifty percent (50%) of the**
 4 **amount of property taxes paid for the tract under IC 6-1.1 must be**
 5 **transferred to the land bank. The county treasurer shall transfer**
 6 **the amount under this section not later than sixty (60) days after**
 7 **the date an installment of property taxes is due.**

8 SECTION 3. IC 36-7-38-25 IS ADDED TO THE INDIANA CODE
 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2021]: **Sec. 25. The county executive (as defined in**
 11 **IC 6-1.1-23.9-1) must provide a land bank in the county with a list**
 12 **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. If a land bank requests a tract on the list not
 18 later than ninety (90) days from the date it receives the list, the
 19 county executive shall assign the tax sale certificate for the tract or
 20 convey the tract, as applicable, to the land bank at no cost to the
 21 land bank.

