

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1641

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 5-14-1.5-6.1, AS AMENDED BY P.L.200-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 6.1. (a) As used in this section, "public official" means a person:

- (1) who is a member of a governing body of a public agency; or
- (2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

- (1) Where authorized by federal or state statute.
- (2) For discussion of strategy with respect to any of the following:
 - (A) Collective bargaining, which does not include a discussion or meeting under IC 20-29-6-7.
 - (B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing. As used in this clause, "litigation" includes any judicial action or administrative law proceeding under federal or state law.
 - (C) The implementation of security systems.
 - (D) A real property transaction including:
 - (i) a purchase;
 - (ii) a lease as lessor;
 - (iii) a lease as lessee;
 - (iv) a transfer;

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(v) an exchange; or

(vi) a sale;

by the governing body up to the time a contract or option is executed by the parties. This clause does not affect a political subdivision's duty to comply with any other statute that governs the conduct of the real property transaction, including IC 36-1-10 or IC 36-1-11.

(E) School consolidation.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by:

(A) the Indiana economic development corporation;

(B) the office of tourism development (before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020);

(C) the Indiana finance authority;

(D) the ports of Indiana;

(E) an economic development commission;

(F) the Indiana state department of agriculture;

(G) the Indiana White River state park development commission;

(H) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or

(I) a governing body of a political subdivision.

However, this subdivision does not apply to any discussions regarding research that is prohibited under IC 16-34.5-1-2 or under any other law.

(5) To receive information about and interview prospective employees.

(6) With respect to any individual over whom the governing body has jurisdiction:

(A) to receive information concerning the individual's alleged misconduct; and

(B) to discuss, before a determination, the individual's status



as an employee, a student, or an independent contractor who is:

- (i) a physician; or
- (ii) a school bus driver.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

(10) When considering the appointment of a public official, to do the following:

- (A) Develop a list of prospective appointees.
- (B) Consider applications.
- (C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 25.

(13) To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.

(14) To train members of a board of aviation commissioners appointed under IC 8-22-2 or members of an airport authority board appointed under IC 8-22-3 with an outside consultant about the performance of the role of the members as public officials. A board may hold not more than one (1) executive session per calendar year under this subdivision.

(15) For discussion by the governing body of a state educational



institution of:

(A) the assessment of; or

(B) negotiation with another entity concerning;

the establishment of a collaborative relationship or venture to advance the research, engagement, or education mission of the state educational institution. However, this subdivision does not apply to any discussions regarding research that is prohibited under IC 16-34.5-1-2 or under any other law.

(16) To have communications with an attorney that are subject to the attorney client privilege.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection.

SECTION 2. IC 6-1.1-5.5-2, AS AMENDED BY P.L.49-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) As used in this chapter, "conveyance document" means any of the following:

(1) Any of the following that purports to transfer a real property interest for valuable consideration:

(A) A document.

(B) A deed.

(C) A contract of sale.

(D) An agreement.

(E) A judgment.

(F) A lease that includes the fee simple estate and is for a period in excess of ninety (90) years.

(G) A quitclaim deed serving as a source of title.

(H) Another document presented for recording.

(2) Documents for compulsory transactions as a result of



foreclosure or express threat of foreclosure, divorce, court order, condemnation, or probate.

(3) Documents involving the partition of land between tenants in common, joint tenants, or tenants by the entirety.

(b) The term does not include the following:

(1) Security interest documents such as mortgages and trust deeds.

(2) Leases that are for a term of less than ninety (90) years.

(3) Agreements and other documents for mergers, consolidations, and incorporations involving solely nonlisted stock.

(4) Quitclaim deeds not serving as a source of title.

(5) Public utility or governmental easements or rights-of-way.

(6) Conveyances to the state.

(7) Conveyances to a unit (as defined in IC 36-1-2-23).

SECTION 3. IC 9-24-1-7, AS AMENDED BY P.L.211-2023, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 7. (a) Section 1 of this chapter does not apply to the following individuals:

(1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.

(2) An individual who is at least sixteen (16) years and one hundred eighty (180) days of age, while operating:

(A) road construction or maintenance machinery;

(B) a ditch digging apparatus;

(C) a well drilling apparatus; or

(D) a concrete mixer;

that is being temporarily drawn, moved, or propelled on a highway.

(3) A nonresident who:

(A) is:

(i) at least sixteen (16) years and one hundred eighty (180) days of age; or

(ii) employed in Indiana;

(B) has in the nonresident's immediate possession a valid driver's license that was issued to the nonresident in the nonresident's home state or country; and

(C) is legally present in the United States;

while operating on a highway the type of motor vehicle for which the driver's license was issued, subject to the restrictions imposed by the home state or country of the individual's residence.

(4) A new Indiana resident who:

(A) possesses a valid driver's license issued by the state or



country of the individual's former residence; and

(B) is legally present in the United States;

for a period of sixty (60) days after becoming an Indiana resident, and subject to the restrictions imposed by the state or country of the individual's former residence while operating upon a highway the type of motor vehicle for which the driver's license was issued.

(5) An individual while operating a farm wagon that is being temporarily drawn, moved, or propelled on a public highway. However, to operate the farm wagon on a highway, other than to temporarily draw, move, or propel it, the individual must be at least fifteen (15) years of age.

~~(6) An individual who does not hold a driver's license or permit and is authorized to operate a golf cart or an off-road vehicle on the highways of a county, city, or town in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).~~

(b) An ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) ~~must require that an individual who operates concerning the operation of~~ a golf cart or off-road vehicle in the city, county, or town **must require either of the following:**

(1) ~~An operator~~ hold a driver's license. ~~or~~

(2) ~~An operator hold a driver's license or~~ be at least sixteen (16) years and one hundred eighty (180) days of age and hold:

(A) an identification card issued under IC 9-24-16; or

(B) a photo exempt identification card issued under IC 9-24-16.5.

SECTION 4. IC 10-17-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. The state or a ~~political subdivision~~ **county recorder** shall provide upon request, without charge or fee, one (1) certified copy of a document or record if it is shown that the certified copy is necessary to secure benefits to:

(1) members of the military service;

(2) honorably discharged veterans; or

(3) surviving spouses or dependents of an individual described in subdivision (1) or (2);

under a federal or state law.

SECTION 5. IC 10-17-3-3, AS AMENDED BY P.L.127-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 3. The state or a ~~political subdivision~~ **county recorder** may collect a charge per copy of not more than the amount specified in IC 36-2-7-10(c)(5) if a person requests more than one (1) certified copy of ~~the a~~ document or record **under section 2 of this**



chapter. The funds received under this section by the:

(1) **state**, shall be placed in the **state** general fund; ~~of the state or county; and~~

(2) **county recorder**, shall be placed in the **county recorder's records perpetuation fund established under IC 36-2-7-10(g).**

SECTION 6. IC 16-23-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 12. (a) The governing board shall hold ~~one (1) regular meeting each month not less than ten~~ **(10) meetings a year at a time and place times and places** to be fixed by the board. The meeting must be held in a convenient place in the city in which the hospital is located. Special meetings of the board may be held on written notice by the president, the secretary, or any three (3) members of the board to the remaining members. Personal attendance at a meeting constitutes a waiver of notice.

(b) A majority of all members of the board constitutes a quorum for the transaction of business at any regular or special meeting. A majority vote of all members of the board is required on all questions or business.

SECTION 7. IC 16-37-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 12. If the body is to be transported by common carrier, the person in charge of interment shall secure a burial transit permit in duplicate **from:**

(1) **the local health officer; or**

(2) **in the absence of a local health officer, the county registrar.**

SECTION 8. IC 20-26-5-41, AS ADDED BY P.L.216-2021, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 41. The governing body of a school corporation may enter into a public-private agreement for the construction **or renovation of new** school buildings **under IC 5-23.**

SECTION 9. IC 29-1-7-23, AS AMENDED BY P.L.26-2022, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 23. (a) When a person dies, the person's real and personal property passes to persons to whom it is devised by the person's last will or, in the absence of such disposition, to the persons who succeed to the person's estate as the person's heirs; but it shall be subject to the possession of the personal representative and to the election of the surviving spouse and shall be chargeable with the expenses of administering the estate, the payment of other claims and the allowances under IC 29-1-4-1, except as otherwise provided in IC 29-1.

(b) A person may sign and record an affidavit to establish prima



facie evidence of the passage of real estate title to distributees under this section. An affidavit under this section may contain the following information:

- (1) The decedent's name and date of death.
 - (2) A statement of the affiant's relationship to the decedent.
 - (3) A description of how the following deeds or other instruments vested in the decedent an ownership or leasehold interest in real property, with a cross-reference if applicable, under ~~IC 36-2-7-10(l)~~ **IC 36-2-7-10(m)** to each deed or other instrument:
 - (A) Deeds or other instruments recorded in the office of the recorder where the real property is located.
 - (B) Deeds or other instruments that disclose a title transaction (as defined in IC 32-20-2-7).
 - (4) The legal description of the conveyed real property as it appears in instruments described in subdivision (3).
 - (5) The names of all distributees known to the affiant.
 - (6) An explanation of how each interest in the real property passed upon the decedent's death to each distributee by:
 - (A) intestate succession under IC 29-1-2-1; or
 - (B) the decedent's last will and testament that has been admitted to probate under section 13 of this chapter, with references to:
 - (i) the name and location of the court that issued the order admitting the will to probate; and
 - (ii) the date when the court admitted the decedent's will to probate.
 - (7) An explanation of how any fractional interests in the real property that may have passed to multiple distributees were calculated and apportioned.
- (c) Upon presentation of an affidavit described in subsection (b), the auditor of the county where the real property described in the affidavit is located must endorse the affidavit as an instrument that is exempt from the requirements to file a sales disclosure form and must enter the names of the distributees shown on the affidavit on the tax duplicate on which the real property is transferred, assessed, and taxed under IC 6-1.1-5-7. After December 31, 2023, an auditor may not refuse to endorse an affidavit because the affidavit is an electronic document.
- (d) Upon presentation of an affidavit described in subsection (b), the recorder of the county where the real property described in the affidavit is located must:
- (1) record the affidavit; and



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

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

- (1) made in good faith; and
- (2) under this section;

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

(f) If:

- (1) at least seven (7) months have elapsed since the decedent's death;
- (2) the clerk of the court described in subsection (b)(6)(B) has not issued letters testamentary or letters of administration to the court appointed personal representative for the decedent within the time limits specified under section 15.1(d) of this chapter; and
- (3) the court described in subsection (b)(6)(B) has not issued findings and an accompanying order preventing the limitations in section 15.1(b) of this chapter from applying to the decedent's real property;

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

SECTION 10. IC 34-58-1-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.1. After June 30, 2025, no action shall be brought with respect to jail or prison conditions under state law by an offender until such administrative remedies as are available are exhausted.**

SECTION 11. IC 36-2-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 20. The county executive may make orders concerning county property, including orders for:

- (1) the sale of the county's public buildings and the acquisition of land in the county seat on which to build new public buildings; and
- (2) the acquisition of land for a public square and the maintenance of that square.

However, a conveyance or purchase by a county of land having a value



of ~~one thousand dollars (\$1,000)~~ **fifty thousand dollars (\$50,000)** or more must be authorized by an ordinance of the county fiscal body fixing the terms and conditions of the transaction.

SECTION 12. IC 36-2-2.9-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 15. A county employee may not take action on a county contract unless permitted by a county ordinance. This section does not apply to a county officer.**

SECTION 13. IC 36-2-7-10, AS AMENDED BY P.L.96-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 10. (a) The following definitions apply to this section:

(1) "Copy" means:

- (A) transcribing or duplicating a document by handwriting, photocopy, xerography, or duplicating machine;
- (B) duplicating electronically stored data onto a disk, tape, drum, or any other means of electronic data storage; or
- (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; **or**
- (D) a mortgage assumption.**

(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.

(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)~~ **(g)**.
- (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)~~ **(g)**.
- (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) This subsection applies to all counties. A county recorder shall deposit fees collected under subsection (c)(3), (c)(4), (c)(5), (c)(6), and (c)(7) in the county recorder's records perpetuation fund established under subsection (g).

~~(f)~~ **(g)** 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. ~~and the county elected officials training fund under section 19(c)(4) of this chapter.~~ 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)~~ **(h)** 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)~~ **(i)** 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:
 - (A) IC 6-1.1-22-2(c).
 - (B) IC 8-23-7.
 - (C) IC 8-23-23.
 - (D) IC 10-17-2-3.
 - (E) IC 10-17-3-2.
 - (F) IC 12-14-13.
 - (G) IC 12-14-16.

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

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

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



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

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

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

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

(2) Forty percent (40%) of the money collected by the county recorder under subsection (c)(10) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

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

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

SECTION 14. IC 36-2-7-10.1, AS AMENDED BY P.L.86-2018, SECTION 338, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 10.1. (a) The following definitions apply throughout this section:

(1) "Bulk form copy" means an aggregation of:

(A) copies of all recorded documents received by the county recorder for recording in a calendar day, week, month, or year;

(B) the indices for finding, retrieving, and viewing all recorded documents received by the county recorder for recording in a calendar day, week, month, or year; or

(C) the items under both clauses (A) and (B).

(2) "Bulk user" means an individual, a corporation, a partnership,



a limited liability company, or an unincorporated association that receives bulk form copies under a contract with the county recorder.

(3) "Copy" means a reproduction, including an image of a recorded document or indices created by:

- (A) duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or
- (B) reproducing on microfilm.

(4) "Indices" means all of the indexing information used by the county recorder for finding, retrieving, and viewing a recorded document.

(5) "Recorded document" means a writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by the county recorder or the county recorder's designee.

(b) A county executive shall establish by ordinance the manner and form in which the county recorder may provide bulk form copies to bulk users. The ordinance must establish whether the county recorder may provide bulk form copies to a bulk user:

- (1) on a disk, tape, drum, or any other medium of electronic data storage or microfilm;
- (2) by electronically transmitting the copies using an electronic transfer process; or
- (3) under both subdivisions (1) and (2).

(c) A bulk user must submit a written request to the county recorder that identifies the requested bulk form copies with reasonable particularity. Unless the request is refused under subsection (j), upon receipt of a valid written request the county recorder or the county recorder's designee shall provide the bulk form copies to the bulk user by the method or methods established by ordinance. The bulk form copies shall be provided within a reasonable time after the later of the following events:

- (1) The recorder's archival process is completed and bulk form copies become available in the county recorder's office.
- (2) The bulk form user executes a contract that meets the requirements of subsection (g) with:
 - (A) the county recorder; and
 - (B) if the county recorder uses a third party to provide bulk copy services, the county recorder's designee.

The county recorder or the county recorder's designee shall work with reasonable diligence to ensure that bulk form copies are timely produced to the bulk user.



(d) The county recorder shall charge a fee for producing bulk form copies. Except as provided in subsection (e), the amount of the fee shall be as follows:

- (1) Ten cents (\$0.10) per page for a copy of a recorded document, including the instrument's book and page, if applicable.
- (2) Ten cents (\$0.10) per recorded document for a copy of the indices used by the county recorder for finding, retrieving, and viewing a recorded document.

(e) If the county executive makes a finding and determination that the costs incurred by the county recorder of producing bulk form copies, including applying a watermark or other protective feature, exceed the amount of the fee under subsection (d), the county executive may adopt an ordinance that establishes a greater fee in an amount not to exceed the following:

- (1) Twenty cents (\$0.20) per page for a copy of a recorded document, including the instrument's book and page, if applicable.
- (2) Twenty cents (\$0.20) per recorded document for a copy of the indices used by the county recorder for finding, retrieving, and viewing a recorded document.

If the county executive adopts an ordinance under this subsection, the county recorder shall charge the fee in the amount set by the ordinance, instead of the amount set forth in subsection (d).

(f) The fees charged by the county recorder are subject to the following requirements:

- (1) The county recorder shall pay the fees into the county treasury at the end of each calendar month.
- (2) The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the county recorder to bulk users.
- (3) All revenue generated by the county recorder under this section shall be deposited in the county recorder's records perpetuation fund and used by the recorder in accordance with section ~~10(f)~~ **10(g)** of this chapter.

(g) A bulk user must enter into a contract with the county recorder and if the county recorder uses a third party to provide bulk copy services, the county recorder's designee, in order to receive bulk form copies. The contract must be in writing and must require that the bulk user agree not to do any of the following:

- (1) Except as provided in subsection (h), provide, transfer, or allow the transfer of any copy of a recorded document obtained by the bulk user under this section to a third party.



(2) Engage in unauthorized access to recorded documents.

(3) Engage in unauthorized alteration of recorded documents.

A contract required under this subsection may not include any restrictions on a bulk form user's use of the bulk form copies other than those contained in this section.

(h) A bulk user that is licensed under IC 27-1-15.6-6(d) or holds a certificate of authority under IC 27-7-3-6 may provide bulk form copies related to the specific order for a title search (as defined in IC 27-7-3-2) when operating as:

(1) a title plant for the issuance of title insurance (as defined in IC 27-7-3-2); or

(2) title company (as defined in IC 27-7-3-2).

A bulk user that meets the requirements of this subsection may charge its customers a fee for using the bulk form copies obtained by the bulk user that may not exceed the costs incurred by the bulk user for obtaining the bulk form copies. A bulk user that meets the requirements of this subsection may not resell, provide, transfer, or allow the transfer of any copy of a recorded document, whether in bulk form or as individual copies or images, to any other bulk user or title plant.

(i) A bulk user that does not meet the requirements of subsection (h) is prohibited from selling, offering for sale, advertising for sale, soliciting a purchase of, loaning, giving away, allowing subscription service to, or otherwise transferring, providing, or allowing the transfer of bulk form copies for commercial purposes to a third party, whether the copies are in bulk form or individual copies or images.

(j) If a bulk user does not comply with a contract, the county recorder may terminate the contract, immediately stop providing bulk form copies to the bulk user, and refuse to provide the bulk form copies requested by the bulk user if all termination provisions and procedures in the contract have been met by the county recorder. The county recorder may refuse subsequent requests from a bulk user for bulk form copies in the following circumstances:

(1) The bulk user is a person that has had a previous bulk form copy contract terminated by the county recorder because the recorder determined that the bulk user failed to comply with the contract.

(2) The bulk user is a corporation or limited liability company in which a person has a majority or controlling interest and:

(A) the person requested bulk form copies under a previous contract with the county recorder; and

(B) the contract was terminated by the county recorder because the county recorder determined that the person failed



to comply with the contract.

(k) This section does not apply to enhanced access under IC 5-14-3-3.

SECTION 15. IC 36-2-7-10.2, AS AMENDED BY P.L.127-2017, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 10.2. (a) As used in this section, "fund" refers to the county recorder's records perpetuation fund established under section ~~10(f)~~ **10(g)** of this chapter.

(b) A county recorder may pay all or a portion of the expenses of the county recorder's office for the following calendar year from the fund only if:

(1) the county recorder submits to the county fiscal body a sworn statement that:

(A) the current revenue to the fund is sufficient to fulfill the statutory purpose of the fund;

(B) the technology of the county recorder's office is presently updated and at a level to sufficiently meet the statutory purposes of the fund and the county recorder's office;

(C) the fund has a sufficient reserve, consistent with the recorder's plan, to capitalize the next technology or other records management upgrade necessary to fulfill the statutory purpose of the fund and the county recorder's office; and

(D) the county recorder specifically requests that all or a specific, identifiable portion of the fund be used to pay the expenses of the county recorder's office for the following calendar year; and

(2) the county fiscal body adopts an ordinance approving the recorder's request under subsection (c).

(c) Upon receiving the county recorder's sworn statement, the county fiscal body may adopt an ordinance approving the county recorder's request. If the ordinance is adopted, the county fiscal body shall, if specifically requested by the recorder for the following calendar year, approve sufficient money from the fund. The county fiscal body may not approve any more money from the fund for any purpose in excess of that requested by the county recorder.

(d) A county recorder's request and the county fiscal body's approval are valid for only the following calendar year. The requirements of this section must be met for each calendar year.

SECTION 16. IC 36-2-7-10.5, AS AMENDED BY P.L.19-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 10.5. (a) This section applies only in a county containing a consolidated city.



(b) The county recorder shall deposit the fees collected under section 10(c)(1) and 10(c)(8) of this chapter as follows:

- (1) Nine dollars (\$9) 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 section ~~10(f)~~ **10(g)** of this chapter.
- (4) Fifty cents (\$0.50) in the county identification security protection fund established under IC 36-2-7.5-11.
- (5) Fifty cents (\$0.50) in the county elected officials training fund under IC 36-2-7-19.

(c) The county recorder shall deposit the fees collected under section 10(c)(2) of this chapter as follows:

- (1) Thirty-five dollars (\$35) 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 section ~~10(f)~~ **10(g)** of this chapter.
- (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) Fifty cents (\$0.50) in the county identification security protection fund established under IC 36-2-7.5-11.
- (6) Fifty cents (\$0.50) in the county elected officials training fund under IC 36-2-7-19.

SECTION 17. IC 36-2-7-10.7, AS AMENDED BY P.L.19-2021, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 10.7. (a) This section applies in a county containing a consolidated city that has established a housing trust fund under IC 36-7-15.1-35.5(e).

(b) The county fiscal body may adopt an ordinance authorizing the county recorder to charge a fee of ten dollars (\$10) for each document the recorder records.

(c) If the county fiscal body adopts an ordinance under this section, the following do not apply:

- (1) Section 10(c)(10) of this chapter.
- (2) Section ~~10(k)~~ **10(l)** of this chapter.

(d) All money collected by the county recorder under this section shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of the fund.

SECTION 18. IC 36-2-7-19, AS AMENDED BY P.L.96-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2025]: Sec. 19. (a) As used in this section, "fund" refers to a county elected officials training fund established under subsection (b).

(b) Each county legislative body shall establish a county elected officials training fund to supplement appropriations that may come from the county general fund to provide training of elected officials. The county fiscal body shall appropriate money from the fund.

(c) The fund consists of money deposited under IC 36-2-7.5-6(b)(2) and any other sources required or permitted by law. Money in the fund does not revert to the county general fund.

(d) Except as provided in subsection (e)(3), ~~and (e)(4)~~; money in the fund shall be used solely to provide training of:

- (1) county elected officials; and
 - (2) individuals first elected to a county office;
- required by IC 33-32-2-9, IC 36-2-9-2.5, IC 36-2-9.5-2.5, IC 36-2-10-2.5, IC 36-2-11-2.5, and IC 36-2-12-2.5.

(e) Except as provided in IC 5-11-14-1, money in the fund may be used to provide any of the following:

- (1) Travel, lodging, and related expenses associated with any training paid for from the fund.
- (2) Training of one (1) or more designees of a county elected official if sufficient funds are appropriated by the county fiscal body.
- (3) Upon determination by a county fiscal body that money in the fund exceeds the amount necessary to fund the expenses specified under subsection (d)(1) and (d)(2), money in the fund may be used for the training (and related travel and lodging expenses) of county council members provided:
 - (A) under IC 5-11-14-1; or
 - (B) by the Association of Indiana Counties.

~~(4) Upon determination by a county fiscal body that money in the fund exceeds the amount necessary to fund the expenses specified under subdivisions (1) and (2); the county auditor may, not later than December 31, 2023, transfer the excess money to the county recorder's records perpetuation fund established under section 10(f) of this chapter. This subdivision expires January 1, 2024.~~

SECTION 19. IC 36-2-7.5-11, AS AMENDED BY P.L.127-2017, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 11. (a) As used in this section, "fund" refers to a county identification security protection fund established under subsection (b).

(b) Each county legislative body shall establish an identification security protection fund to be administered by the county recorder. The



county fiscal body shall appropriate money from the fund.

(c) A fund consists of money deposited in the fund under section 6(b) of this chapter. Money in a fund does not revert to the county general fund. Money in a fund may be transferred to the county recorder's records perpetuation fund for the uses set forth in ~~IC 36-2-7-10(f)~~ **IC 36-2-7-10(g)**.

(d) A county recorder may use money in the fund only to purchase, upgrade, implement, or maintain redacting technology, or to secure protection measures used in the office of the county recorder.

SECTION 20. IC 36-7-14-39, AS AMENDED BY P.L.136-2024, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means, subject to subsection (j), the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, within the allocation area, as finally determined for the current assessment date.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for the current assessment date.

(3) If:



(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on



or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. Notwithstanding any other law, in the case of an allocation area that is established after June 30, 2019, and that is located in a redevelopment project area described in section 25.1(c)(3)(C) of this chapter, an economic development area described in section 25.1(c)(3)(C) of this chapter, or an urban renewal project area described in section 25.1(c)(3)(C) of this chapter, the expiration date of the allocation provision may not be more than thirty-five (35) years after the date on which the allocation provision is established. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

- (1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:
 - (A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made;



or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) This subdivision applies to a fire protection territory established after December 31, 2022. If a unit becomes a participating unit of a fire protection territory that is established after a declaratory resolution is adopted under section 15 of this chapter, the excess of the proceeds of the property taxes attributable to an increase in the property tax rate for the participating unit of a fire protection territory:

(A) except as otherwise provided by this subdivision, shall be determined as follows:

STEP ONE: Divide the unit's tax rate for fire protection for the year before the establishment of the fire protection territory by the participating unit's tax rate as part of the fire protection territory.

STEP TWO: Subtract the STEP ONE amount from one (1).

STEP THREE: Multiply the STEP TWO amount by the allocated property tax attributable to the participating unit of the fire protection territory; and

(B) to the extent not otherwise included in subdivisions (1) and (3), the amount determined under STEP THREE of clause

(A) shall be allocated to and distributed in the form of an allocated property tax revenue pass back to the participating unit of the fire protection territory for the assessment date with respect to which the allocation is made.

However, if the redevelopment commission determines that it is unable to meet its debt service obligations with regards to the allocation area without all or part of the allocated property tax revenue pass back to the participating unit of a fire protection area under this subdivision, then the allocated property tax revenue pass back under this subdivision shall be reduced by the amount necessary for the redevelopment commission to meet its debt service obligations of the allocation area. The calculation under this subdivision must be made by the redevelopment commission in collaboration with the county auditor and the applicable fire protection territory. Any calculation determined according to clause (A) must be submitted to the department of local government finance in the manner prescribed by the department of local government finance. The department of local government finance shall verify the accuracy of each calculation.



(3) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivisions (1) and (2) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(4) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1), (2), and (3) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.



(I) For property taxes first due and payable before January 1, 2009, pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

- (i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by
- (ii) the STEP ONE sum.

STEP THREE: Multiply:

- (i) the STEP TWO quotient; times
- (ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter (before its repeal) in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.



However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(L) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

- (i) Make, when due, any payments required under clauses (A) through (K), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.
- (ii) Make any reimbursements required under this subdivision.
- (iii) Pay any expenses required under this subdivision.
- (iv) Establish, augment, or restore any debt service reserve under this subdivision.

(M) Expend money and provide financial assistance as authorized in section 12.2(a)(27) of this chapter.

(N) Expend revenues that are allocated for police and fire services on both capital expenditures and operating expenses as authorized in section 12.2(a)(28) of this chapter.

The allocation fund may not be used for operating expenses of the commission.

(5) Except as provided in subsection (g), before June 15 of each year, the commission shall do the following:

- (A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (4), plus the amount necessary for other purposes described in



subdivision (4).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The county auditor, upon receiving the notice, shall forward this notice (in an electronic format) to the department of local government finance not later than June 15 of each year. The notice must:

- (i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or
- (ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (4) or lessors under section 25.3 of this chapter.

(C) If:

- (i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (4); plus
- (ii) the amount necessary for other purposes described in subdivision (4);

the commission shall submit to the legislative body of the unit its determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(6) Notwithstanding subdivision (5), in the case of an allocation area that is established after June 30, 2019, and that is located in



a redevelopment project area described in section 25.1(c)(3)(C) of this chapter, an economic development area described in section 25.1(c)(3)(C) of this chapter, or an urban renewal project area described in section 25.1(c)(3)(C) of this chapter, for each year the allocation provision is in effect, if the amount of excess assessed value determined by the commission under subdivision (5)(A) is expected to generate more than two hundred percent (200%) of:

- (A) the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (4) for the project; plus
- (B) the amount necessary for other purposes described in subdivision (4) for the project;

the amount of the excess assessed value that generates more than two hundred percent (200%) of the amounts described in clauses (A) and (B) shall be allocated to the respective taxing units in the manner prescribed by subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(4) may, subject to subsection (b)(5), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(4).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone



created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(4) shall establish an allocation fund for the purposes specified in subsection (b)(4) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1), (b)(2), and (b)(3) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(4) for the year. The amount sufficient for purposes specified in subsection (b)(4) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(4) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1), (b)(2), and (b)(3) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1), (b)(2), and (b)(3) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(4), except that where reference is made in subsection (b)(4) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each reassessment in an area under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the annual adjustment on the property



tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection:

- (1) may not include the effect of phasing in assessed value due to property tax abatements under IC 6-1.1-12.1;
- (2) may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(4) than would otherwise have been received if the reassessment under the reassessment plan or the annual adjustment had not occurred; and
- (3) may decrease base assessed value only to the extent that assessed values in the allocation area have been decreased due to annual adjustments or the reassessment under the reassessment plan.

Assessed value increases attributable to the application of an abatement schedule under IC 6-1.1-12.1 may not be included in the base assessed value of an allocation area. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

- (1) The initial allocation deadline is December 31, 2011.
- (2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.
- (3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:
 - (A) terminates the automatic extension of allocation deadlines under subdivision (2); and
 - (B) specifically designates a particular date as the final allocation deadline.

(j) If a redevelopment commission adopts a declaratory resolution or an amendment to a declaratory resolution that contains an allocation provision and the redevelopment commission makes either of the filings required under section 17(e) of this chapter after the first anniversary of the effective date of the allocation provision, the auditor of the county in which the unit is located shall compute the base assessed value for the allocation area using the assessment date immediately preceding the later of:

- (1) the date on which the documents are filed with the county auditor; or



(2) the date on which the documents are filed with the department of local government finance.

(k) For an allocation area established after June 30, 2025, "residential property" refers to the assessed value of property that is allocated to the one percent (1%) homestead land and improvement categories in the county tax and billing software system. ~~along with the residential assessed value as defined for purposes of calculating the rate for the local income tax property tax relief credit designated for residential property under IC 6-3.6-5-6(d)(3).~~

SECTION 21. IC 36-7-15.1-35.5, AS AMENDED BY P.L.126-2023, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 35.5. (a) The general assembly finds the following:

(1) Federal law permits the sale of a multiple family housing project that is or has been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development without requiring the continuation of that project based assistance.

(2) Such a sale displaces the former residents of a multiple family housing project described in subdivision (1) and increases the shortage of safe and affordable housing for persons of low and moderate income within the county.

(3) The displacement of families and individuals from affordable housing requires increased expenditures of public funds for crime prevention, public health and safety, fire and accident prevention, and other public services and facilities.

(4) The establishment of a supplemental housing program under this section will do the following:

(A) Benefit the health, safety, morals, and welfare of the county and the state.

(B) Serve to protect and increase property values in the county and the state.

(C) Benefit persons of low and moderate income by making affordable housing available to them.

(5) The establishment of a supplemental housing program under this section and sections 32 through 35 of this chapter is:

(A) necessary in the public interest; and

(B) a public use and purpose for which public money may be spent and private property may be acquired.

(b) In addition to its other powers with respect to a housing program under sections 32 through 35 of this chapter, the commission may establish a supplemental housing program. Except as provided by this



section, the commission has the same powers and duties with respect to the supplemental housing program that the commission has under sections 32 through 35 of this chapter with respect to the housing program.

(c) One (1) allocation area may be established for the supplemental housing program. The commission is not required to make the findings required under section 34(5) through 34(7) of this chapter with respect to the allocation area. However, the commission must find that the property contained within the boundaries of the allocation area consists solely of one (1) or more multiple family housing projects that are or have been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development or have been owned at one time by a public housing agency. The allocation area need not be contiguous. The definition of "base assessed value" set forth in section 35(a) of this chapter applies to the special fund established under section 26(b) of this chapter for the allocation area.

(d) The special fund established under section 26(b) of this chapter for the allocation area established under this section may be used only for the following purposes:

(1) Subject to subdivision (2), on January 1 and July 1 of each year the balance of the special fund shall be transferred to the housing trust fund established under subsection (e).

(2) The commission may provide each taxpayer in the allocation area a credit for property tax replacement in the manner provided by section 35(b)(7) of this chapter. Transfers made under subdivision (1) shall be reduced by the amount necessary to provide the credit.

(e) The commission shall, by resolution, establish a housing trust fund to be administered, subject to the terms of the resolution, by:

(1) the housing division of the consolidated city; or

(2) the department, division, or agency that has been designated to perform the public housing function by an ordinance adopted under IC 36-7-18-1.

(f) The housing trust fund consists of:

(1) amounts transferred to the fund under subsection (d);

(2) payments in lieu of taxes deposited in the fund under IC 36-3-2-12;

(3) gifts and grants to the fund;

(4) investment income earned on the fund's assets;

(5) money deposited in the fund under ~~IC 36-2-7-10(k)~~ **IC 36-2-7-10(l)** or IC 36-2-7-10.7; and



(6) other funds from sources approved by the commission.

(g) The commission shall, by resolution, establish uses for the housing trust fund. However, the uses must be limited to:

- (1) providing financial assistance to those individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, to enable those individuals and families to purchase or lease residential units within the county;
- (2) paying expenses of administering the fund;
- (3) making grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing for individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, including the elderly, persons with disabilities, and homeless individuals and families;
- (4) providing technical assistance to nonprofit developers of affordable housing; and
- (5) funding other programs considered appropriate to meet the affordable housing and community development needs of lower income families (as defined in IC 5-20-4-5) and very low income families (as defined in IC 5-20-4-6), including lower income elderly individuals, individuals with disabilities, and homeless individuals.

(h) After June 30, 2017, at least forty percent (40%) of the money deposited in the housing trust fund shall be used for the following purposes:

- (1) To assist existing owner occupants with the repair, rehabilitation, or reconstruction of their homes.
- (2) To finance the acquisition, rehabilitation, or new construction of homes for home buyers.
- (3) To acquire, rehabilitate, or construct rental housing.

(i) At least fifty percent (50%) of the dollars allocated for production, rehabilitation, or purchase of housing must be used for units to be occupied by individuals and families whose income is at or below fifty percent (50%) of the county's area median income for individuals and families, respectively.

(j) The low income housing trust fund advisory committee is established. The low income housing trust fund advisory committee consists of eleven (11) members. The membership of the low income housing trust fund advisory committee is comprised of:

- (1) one (1) member appointed by the mayor, to represent the interests of low income families;



- (2) one (1) member appointed by the mayor, to represent the interests of owners of subsidized, multifamily housing communities;
- (3) one (1) member appointed by the mayor, to represent the interests of banks and other financial institutions;
- (4) one (1) member appointed by the mayor, of the department of metropolitan development;
- (5) three (3) members representing the community at large appointed by the commission, from nominations submitted to the commission as a result of a general call for nominations from neighborhood associations, community based organizations, and other social services agencies;
- (6) one (1) member appointed by and representing the Coalition for Homeless Intervention and Prevention of Greater Indianapolis;
- (7) one (1) member appointed by and representing the Local Initiatives Support Corporation;
- (8) one (1) member appointed by and representing the Indiana housing and community development authority; and
- (9) one (1) member appointed by and representing the Indianapolis Neighborhood Housing Partnership.

Members of the low income housing trust fund advisory committee serve for a term of four (4) years, and are eligible for reappointment. If a vacancy exists on the committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy. A committee member may be removed at any time by the appointing authority who appointed the committee member.

(k) The low income housing trust fund advisory committee shall make recommendations to the commission regarding:

- (1) the development of policies and procedures for the uses of the low income housing trust fund; and
- (2) long term sources of capital for the low income housing trust fund, including:
 - (A) revenue from:
 - (i) development ordinances;
 - (ii) fees; or
 - (iii) taxes;
 - (B) financial market based income;
 - (C) revenue derived from private sources; and
 - (D) revenue generated from grants, gifts, donations, or income in any other form, from a:
 - (i) government program;



- (ii) foundation; or
- (iii) corporation.

(l) The county treasurer shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

SECTION 22. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1641 — Concur

