

First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 152

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 4-6-12-2, AS AMENDED BY P.L.66-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. The attorney general shall establish a homeowner protection unit to enforce IC 24-9 to ~~operate the tax sale blight registry~~, and to carry out this chapter.

SECTION 2. IC 4-6-12-3, AS AMENDED BY P.L.66-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) The unit shall do the following:

- (1) Investigate deceptive acts in connection with mortgage lending.
- (2) Investigate violations of IC 24-9.
- (3) Institute appropriate administrative and civil actions to redress:
 - (A) deceptive acts in connection with mortgage lending; and
 - (B) violations of IC 24-5-0.5 and IC 24-9.
- (4) Cooperate with federal, state, and local law enforcement agencies in the investigation of the following:
 - (A) Deceptive acts in connection with mortgage lending.
 - (B) Criminal violations involving deceptive acts in connection with mortgage lending.
 - (C) Violations of IC 24-5-0.5 and IC 24-9.
 - (D) Violations of:

SEA 152



- (i) the federal Truth in Lending Act (15 U.S.C. 1601 et seq.);
- (ii) the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.); and
- (iii) any other federal laws or regulations concerning mortgage lending.

To the extent authorized by federal law, the unit may enforce compliance with the federal statutes or regulations described in this clause or refer suspected violations of the statutes or regulations to the appropriate federal regulatory agencies.

(5) Enforce violations of IC 32-25.5-3 by homeowners associations.

~~(6) Beginning July 1, 2015, operate and maintain the tax sale blight registry established by section 3-6 of this chapter.~~

(b) The attorney general shall adopt rules under IC 4-22-2 to the extent necessary to organize the unit.

SECTION 3. IC 4-6-12-3.6 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 3-6. (a) Beginning July 1, 2015, the unit shall establish a registry of persons described in IC 6-1.1-24-5.3 who are prohibited from purchasing certain properties at a tax sale.~~

~~(b) The registry described in subsection (a) is named the tax sale blight registry.~~

~~(c) The tax sale blight registry:~~

~~(1) shall be made available in an electronic format or over the Internet to county officials responsible for conducting tax sales to ensure that persons not permitted to participate in the tax sale are excluded; and~~

~~(2) may be made available to the public in a form to be determined by the attorney general; however, confidential information, if any, must be excluded.~~

~~(d) Notwithstanding subsection (c)(2), information contained in the tax sale blight registry that is not otherwise confidential is a public record for purposes of IC 5-14-3.~~

SECTION 4. IC 4-6-12-9, AS AMENDED BY P.L.64-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) The homeowner protection unit account within the general fund is established to support the operations of the unit. The account is administered by the attorney general.

(b) The homeowner protection unit account consists of **the following:**

(1) Fees collected under IC 24-9-9.

(2) Fees distributed to the account under IC 33-34-8-3,



IC 33-37-7-2(a), and IC 33-37-7-8(a).

(c) The expenses of administering the homeowner protection unit account shall be paid from money in the account.

(d) The treasurer of state shall invest the money in the homeowner protection unit account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(e) Money in the homeowner protection unit account at the end of a state fiscal year does not revert to the state general fund.

SECTION 5. IC 36-7-14-19, AS AMENDED BY P.L.149-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 19. (a) If no appeal is taken or if an appeal is taken but is unsuccessful, the redevelopment commission shall proceed with the proposed project to the extent that money is available for that purpose.

(b) The redevelopment commission shall first approve and adopt a list of the real property and interests in real property to be acquired and the price to be offered to the owner of each parcel of interest. **For properties and interests in real property that:**

(1) are not for sale at auction; or

(2) have a total purchase price (including land and structures, if any) of at least twenty-five thousand dollars (\$25,000);

the prices to be offered may not exceed the average of two (2) independent appraisals of fair market value procured by the commission except that appraisals are not required in transactions with other governmental agencies. ~~However, if the real property is less than five (5) acres in size and the fair market value of the real property or interest has been appraised by one (1) independent appraiser at less than ten thousand dollars (\$10,000), the second appraisal may be made by a qualified employee of the department of redevelopment.~~ The prices indicated on the list may not be exceeded unless specifically authorized by the commission or ordered by a court in condemnation proceedings. The commission may except from acquisition any real property in the area if the commission finds that such an acquisition is not necessary under the redevelopment plan. Appraisals made under this section are for the information of the commission and are not open for public inspection.

(c) Negotiations for the purchase of property may be carried on directly by the redevelopment commission, by its employees, or by expert negotiations, but no option, contract, or understanding relative to the purchase of real property is binding on the commission until approved and accepted by the commission in writing. The commission may authorize the payment of a nominal fee to bind an option and as a



part of the consideration for conveyance may agree to pay the expense incident to the conveyance and determination of the title of the property. Payment for the property purchased shall be made when and as directed by the commission but only on delivery of proper instruments conveying the title or interest of the owner to the "City (Town or County) of _____ for the use and benefit of its department of redevelopment". Notwithstanding the other provisions of this subsection, any agreement by the commission to:

- (1) make payments for the property to be purchased for a term exceeding three (3) years; or
- (2) pay a purchase price for the property that exceeds five million dollars (\$5,000,000);

is subject to the prior approval of the legislative body of the unit.

(d) All real property and interests in real property acquired by the redevelopment commission are free and clear of all **governmental** liens, assessments, and other governmental charges except for current property taxes, which shall be prorated to the date of acquisition.

(e) Notwithstanding subsections (a) through (d), the redevelopment commission may, before the time referred to in this section, accept gifts of property needed for the redevelopment of redevelopment project areas if the property is free and clear of all **governmental** liens other than taxes, assessments, and other governmental charges. The commission may, before the time referred to in this section, take options on or contract for the acquisition of property needed for the redevelopment of redevelopment project areas if the options and contracts are not binding on the commission or the district until the time referred to in this section and until money is available to pay the consideration set out in the options or contracts.

SECTION 6. IC 36-7-14-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION [EFFECTIVE JULY 1, 2017]: **Sec. 19.5.**

(a) Notwithstanding section 19 of this chapter, a redevelopment commission may purchase property in accordance with this section that the redevelopment commission determines is:

- (1) blighted;**
- (2) unsafe;**
- (3) abandoned;**
- (4) foreclosed; or**
- (5) structurally damaged;**

from a willing seller.

(b) A redevelopment commission may purchase property described in subsection (a) as follows:

- (1) The redevelopment commission may purchase the**



property if:

(A) the sale price of the property is not more than twenty-five thousand dollars (\$25,000) or the property is for sale by another governmental agency; and

(B) the redevelopment commission:

(i) has a sufficient fund balance available; or

(ii) issues an obligation from public funds;

for the purchase of the property.

(2) If the sale price of the property is greater than twenty-five thousand dollars (\$25,000), a redevelopment commission shall obtain two (2) independent appraisals of fair market value of the property. Any agreement by the redevelopment commission to:

(A) make a purchase under this subdivision that exceeds the greater of the two (2) appraisals;

(B) make payments for the property to be purchased for a term exceeding three (3) years; or

(C) pay a purchase price for the property that exceeds five million dollars (\$5,000,000);

is subject to prior approval of the legislative body of the unit.

(c) Negotiations for the purchase of property may be carried on directly by the redevelopment commission, by its employees, or by expert negotiations, but no option, contract, or understanding relative to the purchase of real property is binding on the commission until approved and accepted by the commission in writing. The commission may authorize the payment of a nominal fee to bind an option and as a part of the consideration for conveyance may agree to pay the expense incident to the conveyance and determination of the title to the property. Payment for the property purchase shall be made when and as directed by the commission but only on delivery of proper instruments conveying the title or interest of the owner to the "City (Town or County) of _____ for the use and benefit of its department of redevelopment".

(d) All real property and interests in real property acquired by the redevelopment commission are free and clear of all governmental liens, assessments, and other governmental charges except for current property taxes, which must be prorated to the date of acquisition.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 152

