

SENATE BILL No. 296

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1.

Synopsis: Order to repair tax sale property. Provides that an order for necessary repairs originally issued by an enforcement authority under the unsafe building law to the owner of a vacant or abandoned property that is later sold at a tax sale may subsequently be enforced against the successful bidder at the tax sale. Organizes several tax sale definitions.

Effective: July 1, 2018.

Raatz

January 4, 2018, read first time and referred to Committee on Civil Law.



Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 296

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

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

1 SECTION 1. IC 6-1.1-23.9 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]:

4 **Chapter 23.9. Definitions Applicable to Chapters 24, 24.5, and**
5 **25**

6 **Sec. 1. Except as otherwise provided, the definitions in this**
7 **chapter apply throughout IC 6-1.1-24, IC 6-1.1-24.5, and**
8 **IC 6-1.1-25.**

9 **Sec. 1. "County executive" means the following:**

10 **(1) In a county not containing a consolidated city, the county**
11 **executive or the county executive's designee.**

12 **(2) In a county containing a consolidated city, the executive of**
13 **the consolidated city.**

14 **Sec. 2. "Necessary repairs", as determined on a specified date,**
15 **means repairs or abatements of a vacant or abandoned property**
16 **that:**

17 **(1) are required by an unexpired enforcement order issued by**



1 an enforcement authority under IC 36-7-9; and

2 (2) have not been completed by the specified date, as
3 determined by the enforcement authority.

4 **Sec. 3. "Substantial property interest of public record" means**
5 **title to or interest in a tract possessed by a person and recorded in**
6 **the office of a county recorder or available for public inspection in**
7 **the office of a circuit court clerk no later than the hour and date a**
8 **sale is scheduled to commence under IC 6-1.1-24. The term does**
9 **not include a lien held by the state or a political subdivision.**

10 SECTION 2. IC 6-1.1-24-1.4 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2018]: **Sec. 1.4. (a) This section applies to**
13 **real property that the executive of a county, city, or town certifies**
14 **to the county auditor is on a list of vacant and abandoned property**
15 **under section 1.5(a) of this chapter.**

16 **(b) The executive of a county, city, or town may submit to the**
17 **county auditor copies of one (1) or more orders for necessary**
18 **repairs for any property on the executive's certified list of vacant**
19 **or abandoned property to be included with the notice required**
20 **under section 1.5 of this chapter, section 2.3 of this chapter, or**
21 **IC 36-7-36.**

22 **(c) An executive of a county, city, or town that submits orders**
23 **for necessary repairs to the county auditor under subsection (b)**
24 **shall make information about the necessary repairs available to the**
25 **public, upon request or otherwise, at least ten (10) days before the**
26 **sale conducted under section 1.5 of this chapter.**

27 **(d) If the executive of a county, city, or town submits a copy of**
28 **an order for necessary repairs for a vacant or abandoned property**
29 **to the county auditor under subsection (b) and makes the**
30 **information about the necessary repairs available to the public**
31 **under subsection (c), a successful bidder for the vacant or**
32 **abandoned property at a tax sale conducted under section 1.5 of**
33 **this chapter takes the successful bidder's interest in the vacant or**
34 **abandoned property subject to the order for necessary repairs for**
35 **the vacant or abandoned property.**

36 **(e) If a tax deed for a vacant or abandoned property has been**
37 **issued to a successful bidder under section 1.5 of this chapter and**
38 **there is an order for necessary repairs for the vacant or abandoned**
39 **property to which subsection (d) applies, the enforcement authority**
40 **with jurisdiction may enforce the order for necessary repairs**
41 **under IC 36-7-9 against the successful bidder.**

42 SECTION 3. IC 6-1.1-24-1.5, AS AMENDED BY P.L.187-2016,



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2018]: Sec. 1.5. ~~(a)~~ As used in this chapter and IC 6-1.1-25,
3 "county executive" means the following:

- 4 (1) In a county not containing a consolidated city, the county
5 executive or the county executive's designee.
6 (2) In a county containing a consolidated city, the executive of the
7 consolidated city.

8 ~~(b)~~ (a) If:

- 9 (1) any property taxes or special assessments from the prior year's
10 fall installment or before are delinquent on real property as
11 determined under IC 6-1.1-37-10; and
12 (2) an order from a court or a determination of a hearing authority
13 has been obtained under IC 36-7-37 that the real property is
14 vacant or abandoned;

15 the executive of the county, city, or town may, after providing either the
16 notice required by IC 36-7-37 or section 2.3 of this chapter, certify a
17 list of vacant or abandoned property to the county auditor **and attach**
18 **copies of any orders for necessary repairs for any properties on the**
19 **list.** This list **and the attached copies of orders for necessary repairs**
20 must be delivered to the county auditor not later than fifty-one (51)
21 days after the first tax payment due date each calendar year.

22 ~~(c)~~ (b) Upon receiving lists described in subsection ~~(b)~~, (a), the
23 county auditor shall do all the following:

- 24 (1) Prepare a combined list of the properties certified by the
25 executive of the county, city, or town.
26 (2) Delete any property described in that list from the delinquent
27 tax list prepared under section 1 of this chapter.
28 (3) Provide public notice of the sale of the properties under
29 subsection ~~(d)~~ (c) at least thirty (30) days before the date of the
30 sale, which shall be published in accordance with IC 5-3-1, and
31 post a copy of the notice at a public place of posting in the county
32 courthouse or in another public county building at least
33 twenty-one (21) days before the date of sale.
34 (4) Certify to the county treasurer that the real property is to be
35 sold at auction under this chapter as required by section ~~5(j)~~ 5(h)
36 of this chapter.
37 (5) Issue a deed to the real property that conveys a fee simple
38 interest to the highest bidder as long as the bid is at least the
39 minimum bid specified in this section.

40 The minimum bid for a property at the auction under this section is the
41 proportionate share of the actual costs incurred by the county in
42 conducting the sale. Any amount collected from the sale of all



1 properties under this section above the total minimum bids shall first
 2 be used to pay the costs of the county, city, or town that certified the
 3 property vacant or abandoned for title search and court proceedings.
 4 Any amount remaining from the sale shall be certified by the county
 5 treasurer to the county auditor for distribution to other taxing units
 6 during settlement.

7 ~~(d)~~ (c) Notice of the sale under this section must contain the
 8 following:

9 (1) A list of real property eligible for sale under this chapter.

10 (2) A statement that:

11 (A) the real property included in the list will be sold at public
 12 auction to the highest bidder;

13 (B) the county auditor will issue a deed to the real property
 14 that conveys a fee simple interest to the highest bidder that
 15 bids at least the minimum bid; and

16 (C) the owner will have no right to redeem the real property
 17 after the date of the sale.

18 A deed issued under this subdivision to the highest bidder
 19 conveys the same fee simple interest in the real property as a deed
 20 issued under IC 6-1.1-25.

21 (3) A statement that the real property will not be sold for less than
 22 an amount equal to actual proportionate costs incurred by the
 23 county that are directly attributable to the abandoned property
 24 sale.

25 (4) A statement for informational purposes only, ~~of describing~~
 26 **for each item of real property on the list:**

27 (A) the location of ~~each the~~ item of real property by key
 28 number, if any, and street address, if any, or a common
 29 description of the property other than a legal description;

30 (B) **whether there are one (1) or more orders to make**
 31 **necessary repairs on the real property; and**

32 (C) **where information can be found regarding the orders**
 33 **to make necessary repairs for the real property, if any.**

34 The township assessor, or the county assessor if there is no
 35 township assessor for the township, upon written request from the
 36 county auditor, shall provide the information to be in the notice
 37 required by this subsection. A misstatement in the key number or
 38 street address does not invalidate an otherwise valid sale.

39 (5) A statement that the county does not warrant the accuracy of
 40 the street address or common description of the property.

41 (6) A statement that the sale will be conducted at a place
 42 designated in the notice and that the sale will continue until all



1 real property has been offered for sale.

2 (7) A statement that the sale will take place at the times and dates
3 designated in the notice.

4 Whenever the public auction is to be conducted as an electronic sale,
5 the notice must include a statement indicating that the public auction
6 will be conducted as an electronic sale and a description of the
7 procedures that must be followed to participate in the electronic sale.

8 ~~(e)~~ **(d)** For properties that are not sold when initially offered for sale
9 under this section, the county auditor may omit from the notice the
10 descriptions of the tracts or items of real property specified in
11 ~~subsections (d)(1)~~ **subsection (c)(1)** and ~~(d)(4)~~ **(c)(4)** for those
12 properties that are to be offered again at subsequent sales under this
13 section if:

14 (1) the county auditor includes in the notice a statement that
15 descriptions of those tracts or items of real property are available
16 on the Internet web site of the county government or the county
17 government's contractor and the information may be obtained in
18 an alternative form from the county auditor upon request; and

19 (2) the descriptions of those tracts or items of real property
20 eligible for sale a second or subsequent time under this section are
21 made available on the Internet web site of the county government
22 or the county government's contractor and may be obtained from
23 the county auditor in an alternative form upon request in
24 accordance with section 3.4 of this chapter.

25 SECTION 4. IC 6-1.1-24-1.9 IS REPEALED [EFFECTIVE JULY
26 1, 2018]. ~~Sec. 1-9: As used in this chapter and IC 6-1.1-25, "substantial~~
27 ~~property interest of public record" means title to or interest in a tract~~
28 ~~possessed by a person and recorded in the office of a county recorder~~
29 ~~or available for public inspection in the office of a circuit court clerk~~
30 ~~no later than the hour and date the sale is scheduled to commence~~
31 ~~under this chapter. The term does not include a lien held by the state or~~
32 ~~a political subdivision.~~

33 SECTION 5. IC 6-1.1-24.5-1, AS ADDED BY P.L.236-2015,
34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2018]: Sec. 1. The following definitions apply throughout this
36 chapter:

37 (1) "Group of affiliated persons" means a group of persons in
38 which each person of the group has a relationship that is
39 described in Section 267(b) of the Internal Revenue Code with at
40 least one (1) other person of the group.

41 (2) "Person" means an individual, a corporation, a limited liability
42 company, a partnership, or other legal entity.



1 (3) "Substantial property interest of public record" has the
2 meaning set forth in IC 6-1.1-24-1.9.

