



January 29, 2016

SENATE BILL No. 310

DIGEST OF SB 310 (Updated January 27, 2016 4:13 pm - DI 87)

Citations Affected: IC 6-1.1; IC 36-7.

Synopsis: Distressed property and Lake County pilot program. Makes changes to the statute concerning determination of serial tax delinquencies to rephrase various constructions and provide that: (1) a petitioner is required to serve notice of a petition only on a person with a substantial property interest of public record, eliminating the need to serve notice on other appropriate parties; (2) a hearing date on a petition for a determination of serial tax delinquencies may be set not earlier than 30 days and not later than 60 days after the petition is filed (current law specifies that the hearing date may be set not earlier than 15 days and not later than 25 days after the petition is filed); and (3) property taxes and special assessments are removed from the tax duplicate as soon as an order is issued finding that serial tax delinquencies exist with respect to the subject properties, regardless of whether the petitioner acquires a tax deed for the properties. Provides that a petitioner for a tax deed under the normal tax sale statute may (instead of must) include various items of documentation with the petition. Establishes a three year pilot program applicable only in Lake County, that authorizes a redevelopment commission to: (1) establish an area known as a new opportunity area; and (2) sell any property that is held by the redevelopment commission and located in a new opportunity area at auction to the highest responsible and responsive bidder. Repeals the provision concerning a political subdivision that has acquired a tax deed following a determination that serial tax delinquencies exist for a set of properties to eliminate the requirement that the proceeds of a subsequent sale of a property by the petitioner be distributed in the same manner as if the property had been offered and sold at a tax sale.

Effective: Upon passage.

Rogers, Niemeyer, Merritt

January 7, 2016, read first time and referred to Committee on Appropriations.
January 21, 2016, reassigned to Committee on Local Government pursuant to Rule 68(b).
January 28, 2016, amended, reported favorably — Do Pass.

SB 310—LS 6864/DI 113



January 29, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 310

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

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

1 SECTION 1. IC 6-1.1-24.5-2, AS ADDED BY P.L.236-2015,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. (a) ~~Each year~~, After the county treasurer
4 certifies the tracts or items of real property ~~on the tax sale list as~~
5 **eligible for tax sale** under IC 6-1.1-24-1, if the county executive
6 reasonably believes that:
7 (1) ten (10) or more of the tracts or items of real property that
8 appear ~~on the tax sale list as eligible for tax sale~~ are owned by:
9 (A) one (1) person; or
10 (B) two (2) or more persons in a group of affiliated persons, in
11 any ownership relation between persons in the group of
12 affiliated persons and the tracts or items of real property; and
13 (2) the tracts or items of real property identified in subdivision (1)
14 were acquired ~~by their respective owners~~ in a previous tax sale
15 under IC 6-1.1-24;
16 the county executive may petition the court for a finding that serial tax
17 delinquencies exist with respect to the tracts or items of real property

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1 identified in subdivision (1).

2 (b) If each of the tracts or items of real property described in
 3 subsection (a)(1) and (a)(2) are located in the same city or town, the
 4 executive of the city or town may petition the court for a finding that
 5 serial tax delinquencies exist with respect to the tracts or items of real
 6 property identified in subsection (a)(1), if the county executive
 7 consents in writing to allow the city or town to file the petition.

8 SECTION 2. IC 6-1.1-24.5-3, AS ADDED BY P.L.236-2015,
 9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: Sec. 3. A petition filed with a court under this
 11 chapter must include all of the following:

12 (1) The legal description and ~~parcel description~~ **property**
 13 **number** for each of the tracts or items of real property. ~~that are~~
 14 ~~the subject of the petition:~~

15 (2) A statement that the tracts or items of real property that are the
 16 subject of the petition are located within the petitioner's territory.

17 (3) For each tract or item of real property that is the subject of the
 18 petition, the names of the persons who own the tract or item of
 19 real property. If the petitioner is alleging that the tracts or items
 20 of real property are owned by a group of affiliated persons, the
 21 petitioner must also specify each person's affiliation with at least
 22 one (1) other person in the group of affiliated persons.

23 (4) A statement that each ~~person that owns~~ **owner of record of a**
 24 tract or item of real property that is the subject of the petition:

25 (A) acquired the tract or item of real property in one (1) or
 26 more tax sales; and

27 (B) subsequently received a ~~tax~~ deed for the real property.

28 (5) For each tract or item of real property that is the subject of the
 29 petition, the amounts of the delinquent property taxes and special
 30 assessments that are owed at the time ~~the petition is filed: the~~
 31 **property is certified as eligible for tax sale under**
 32 **IC 6-1.1-24-1.**

33 (6) A statement that the delinquent property taxes and special
 34 assessments are payable to the county treasurer.

35 (7) A statement that if:

36 (A) the delinquent property taxes and special assessments on
 37 the tracts or items of real property that are the subject of the
 38 petition; **and**

39 (B) **the property taxes and special assessments that accrue**
 40 **after the property is certified as eligible for tax sale under**
 41 **IC 6-1.1-24-1;**

42 are not paid on or before the appearance date and time, the



1 petitioner will be entitled to an order directing the county auditor
2 to issue a deed to each of the tracts or items of real property to the
3 petitioner, without a right of redemption.

4 (8) A statement that if proof of payment of the **total amount of**
5 **delinquent property taxes and special assessments for all tracts**
6 **or items of real property specified under subdivision (1)** is
7 tendered to the court on or before the appearance date and time,
8 the court will dismiss the petition.

9 (9) If the petitioner is a city or town, a representation that the
10 petitioner has furnished the county executive with a copy of the
11 petition and the county executive consents to the requested relief.

12 SECTION 3. IC 6-1.1-24.5-4, AS ADDED BY P.L.236-2015,
13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: Sec. 4. A petition filed under this chapter must be
15 served on

16 (†) each person who has a substantial property interest of public
17 record in any of the tracts or items of real property that are the
18 subject of the petition ~~and~~

19 (2) ~~any other appropriate party;~~

20 in the manner prescribed by the Indiana Rules of Trial Procedure.

21 SECTION 4. IC 6-1.1-24.5-5, AS ADDED BY P.L.236-2015,
22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 5. When a court receives a petition from a
24 county, city, or town seeking a determination of serial tax delinquency
25 under this chapter, the court shall issue an order to each ~~person who~~
26 **owns owner of record of** a tract or item of real property that is the
27 subject of the petition ~~and any other person the court considers~~
28 **appropriate** that directs the **person owner of record** to appear before
29 the court at a date and time specified in the order and to show cause as
30 to why the tracts or items of real property that are the subject of the
31 petition should not be found to be serially delinquent. The court's order
32 under this section must do the following:

33 (1) Direct the parties subject to the order to appear before the
34 court at a date and time specified by the court. The date specified
35 under this subdivision must not be:

36 (A) earlier than ~~fifteen (15)~~ **thirty (30)** days; or

37 (B) later than ~~twenty-five (25)~~ **sixty (60)** days;

38 after the date of the court's order.

39 (2) Notify the parties subject to the order that any party ordered
40 to appear:

41 (A) may present evidence or objections on the issue of serial
42 delinquency to the court:



- 1 (i) in writing before the appearance date specified by the
 2 court under subdivision (1); or
 3 (ii) in writing or by oral testimony at the date and time
 4 specified by the court under subdivision (1); and
 5 (B) has the right to be represented by an attorney when
 6 appearing before the court.
- 7 (3) Notify the parties subject to the order that if the parties:
 8 (A) fail to submit written evidence or objections to the court
 9 before the appearance date specified in subdivision (1); and
 10 (B) fail to appear before the court at the date and time
 11 specified by the court order under subdivision (1);
 12 the party's failure to submit evidence or objections or to appear
 13 before the court will result in a finding of serial tax delinquencies
 14 with respect to the tracts or items of real property that are the
 15 subject of the petition.

16 SECTION 5. IC 6-1.1-24.5-6, AS ADDED BY P.L.236-2015,
 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 6. (a) If an order is entered under this chapter
 19 finding that serial tax delinquencies exist with respect to tracts or items
 20 of real property that are the subject of a petition under this chapter:

- 21 (1) the owners of the tracts or items of real property do not have
 22 a right of redemption with respect to the tracts or items of real
 23 property; and
 24 (2) the tracts or items of real property may be disposed of by the
 25 petitioner in any lawful manner.

26 (b) If an order is entered under this chapter finding that serial tax
 27 delinquencies exist with respect to tracts or items of real property that
 28 are the subject of a petition under this chapter:

- 29 (1) the court shall send a copy of the order to the county auditor;
 30 **and**
 31 (2) the county auditor shall remove the tracts or items of real
 32 property from the tax sale list maintained by the county auditor
 33 under IC 6-1.1-24; **and**
 34 **(3) the county auditor shall remove the taxes and special**
 35 **assessments for which the tract or item of real property**
 36 **became eligible for tax sale and all subsequent taxes, special**
 37 **assessments, interest, penalties, and costs of sale, from the tax**
 38 **duplicate in the same manner that taxes are removed by**
 39 **certificate of error.**

40 SECTION 6. IC 6-1.1-24.5-7, AS ADDED BY P.L.236-2015,
 41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 7. (a) If an order is entered under this chapter



1 finding that serial tax delinquencies exist with respect to tracts or items
2 of real property that are the subject of a petition under this chapter,

3 ~~(1) the petitioner acquires a lien against each tract or item of real~~
4 ~~property in the amount of delinquent property taxes and special~~
5 ~~assessments; and~~

6 ~~(2) the petitioner may request that the county auditor execute~~
7 ~~deeds for the tracts or items of real property and deliver the deeds~~
8 ~~to the petitioner.~~

9 (b) A request under subsection ~~(a)(2)~~ **(a)** along with a copy of the
10 order must be delivered to the county auditor within six (6) months
11 after the date of the court's order. The county auditor shall issue the
12 deeds within sixty (60) days after the date the request is received by the
13 county auditor. If the petitioner does not request the deeds within six
14 (6) months after the date of the order, the order is void.

15 SECTION 7. IC 6-1.1-24.5-8 IS REPEALED [EFFECTIVE UPON
16 PASSAGE]. ~~Sec. 8: If a petitioner acquires a deed to a tract or item of~~
17 ~~real property under section 7 of this chapter and the petitioner disposes~~
18 ~~of the tract or item of real property before the third anniversary of the~~
19 ~~date on which the deed to the tract or item of real property is issued by~~
20 ~~the county auditor, the proceeds of the disposition, if any, shall be~~
21 ~~disbursed in the same manner as if the tract or item of real property had~~
22 ~~been offered and sold at a tax sale under IC 6-1.1-24.~~

23 SECTION 8. IC 6-1.1-24.5-9, AS ADDED BY P.L.236-2015,
24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 9. Subject to section ~~6(a)(1)~~ **6(a)** of this
26 chapter, a deed issued under section 7 of this chapter conveys the same
27 fee simple interest in a tract or item of real property as a deed issued
28 under IC 6-1.1-25.

29 SECTION 9. IC 6-1.1-25-4.6, AS AMENDED BY P.L.236-2015,
30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 UPON PASSAGE]: Sec. 4.6. (a) After the expiration of the redemption
32 period specified in section 4 of this chapter but not later than three (3)
33 months after the expiration of the period of redemption:

34 (1) the purchaser, the purchaser's assignee, the county executive,
35 the county executive's assignee, or the purchaser of the certificate
36 of sale under IC 6-1.1-24-6.1 may; or

37 (2) in a county where the county auditor and county treasurer
38 have an agreement under section 4.7 of this chapter, the county
39 auditor shall, upon the request of the purchaser or the purchaser's
40 assignee;

41 file a verified petition in accordance with subsection (b) in the same
42 court and under the same cause number in which the judgment of sale



1 was entered asking the court to direct the county auditor to issue a tax
 2 deed if the real property is not redeemed from the sale. Notice of the
 3 filing of this petition shall be given to the same parties as provided in
 4 section 4.5 of this chapter, except that, if notice is given by publication,
 5 only one (1) publication is required. The notice required by this section
 6 is considered sufficient if the notice is sent to the address required by
 7 section 4.5(d) of this chapter. Any person owning or having an interest
 8 in the tract or item of real property may file a written objection to the
 9 petition with the court not later than thirty (30) days after the date the
 10 petition was filed. If a written objection is timely filed, the court shall
 11 conduct a hearing on the objection. If there is not a written objection
 12 that is timely filed, the court may consider the petition without
 13 conducting a hearing.

14 ~~(b) Unless the county auditor and the county treasurer have entered~~
 15 ~~into an agreement under section 4.7 of this chapter,~~ A verified petition
 16 filed under subsection (a) ~~must~~ **may** include the following:

- 17 (1) Copies of all notices sent under section 4.5 of this chapter.
- 18 (2) Copies of all notices sent under this section.
- 19 (3) Copies of all certified mail mailing receipts, return receipts,
 20 and returned mailing envelopes for notices sent under section 4.5
 21 of this chapter.
- 22 (4) Copies of all certified mail mailing receipts, return receipts,
 23 and returned mailing envelopes for notices sent under this section.
- 24 (5) Copies or descriptions of the evidence used by the petitioner
 25 or the petitioner's assignor to identify the owner and other persons
 26 with a substantial property interest of public record in the real
 27 property.

28 (c) If the purchaser or the purchaser's assignee ~~fails to include~~
 29 **includes** the documents described in subsection (b), the issuance of a
 30 tax deed ~~does not constitute~~ **constitutes** prima facie evidence of the
 31 sale referenced in subsection (k).

32 (d) If a verified petition is brought by the county auditor under an
 33 agreement provided for under section 4.7 of this chapter, a tax deed
 34 constitutes prima facie evidence of the validity of the sale referenced
 35 in subsection (k) upon timely production by the county of all
 36 documents described in subsection (b) in response to a challenge to a
 37 tax deed.

38 (e) If the issuance of a tax deed does not constitute prima facie
 39 evidence of the validity of the sale due to the failure to comply with
 40 this section, the purchaser or the purchaser's successor has the burden
 41 of proving the validity of the sale by a preponderance of the evidence
 42 in any subsequent challenge to the sale.



1 (f) Not later than sixty-one (61) days after the petition is filed under
 2 subsection (a), the court shall enter an order directing the county
 3 auditor (on the production of the certificate of sale and a copy of the
 4 order) to issue to the petitioner a tax deed if the court finds that the
 5 following conditions exist:

6 (1) The time of redemption has expired.

7 (2) The tract or item of real property has not been redeemed from
 8 the sale before the expiration of the period of redemption
 9 specified in section 4 of this chapter.

10 (3) Except with respect to a petition for the issuance of a tax deed
 11 under a sale of the certificate of sale on the property under
 12 IC 6-1.1-24-6.1 or IC 6-1.1-24-6.8, or with respect to penalties
 13 described in section 4(j) of this chapter, all taxes and special
 14 assessments, penalties, and costs have been paid.

15 (4) The notices required by this section and section 4.5 of this
 16 chapter have been given.

17 (5) The petitioner has complied with all the provisions of law
 18 entitling the petitioner to a deed.

19 The county auditor shall execute deeds issued under this subsection in
 20 the name of the state under the county auditor's name. If a certificate of
 21 sale is lost before the execution of a deed, the county auditor shall issue
 22 a replacement certificate if the county auditor is satisfied that the
 23 original certificate existed.

24 (g) Upon application by the grantee of a valid tax deed in the same
 25 court and under the same cause number in which the judgment of sale
 26 was entered, the court shall enter an order to place the grantee of a
 27 valid tax deed in possession of the real estate. The court may enter any
 28 orders and grant any relief that is necessary or desirable to place or
 29 maintain the grantee of a valid tax deed in possession of the real estate.

30 (h) Except as provided in subsections (i) and (j), if:

31 (1) the verified petition referred to in subsection (a) is timely
 32 filed; and

33 (2) the court refuses to enter an order directing the county auditor
 34 to execute and deliver the tax deed because of the failure of the
 35 petitioner under subsection (a) to fulfill the notice requirement of
 36 subsection (a);

37 the court shall order the return of the amount, if any, by which the
 38 purchase price exceeds the minimum bid on the property under
 39 IC 6-1.1-24-5 minus a penalty of twenty-five percent (25%) of that
 40 excess. The petitioner is prohibited from participating in any manner
 41 in the next succeeding tax sale in the county under IC 6-1.1-24. The
 42 county auditor shall deposit penalties paid under this subsection in the



- 1 county general fund.
- 2 (i) Notwithstanding subsection (h), in all cases in which:
- 3 (1) the verified petition referred to in subsection (a) is timely
- 4 filed;
- 5 (2) the petitioner under subsection (a) has made a bona fide
- 6 attempt to comply with the statutory requirements under
- 7 subsection (f) for the issuance of the tax deed but has failed to
- 8 comply with these requirements;
- 9 (3) the court refuses to enter an order directing the county auditor
- 10 to execute and deliver the tax deed because of the failure to
- 11 comply with these requirements; and
- 12 (4) the purchaser, the purchaser's successors or assignees, or the
- 13 purchaser of the certificate of sale under IC 6-1.1-24 files a claim
- 14 with the county auditor for refund not later than thirty (30) days
- 15 after the entry of the order of the court refusing to direct the
- 16 county auditor to execute and deliver the tax deed;
- 17 the county auditor shall not execute the deed but shall refund the
- 18 purchase money minus a penalty of twenty-five percent (25%) of the
- 19 purchase money from the county treasury to the purchaser, the
- 20 purchaser's successors or assignees, or the purchaser of the certificate
- 21 of sale under IC 6-1.1-24. The county auditor shall deposit penalties
- 22 paid under this subsection in the county general fund. All the
- 23 delinquent taxes and special assessments shall then be reinstated and
- 24 recharged to the tax duplicate and collected in the same manner as if
- 25 the property had not been offered for sale. The tract or item of real
- 26 property, if it is then eligible for sale under IC 6-1.1-24, shall be placed
- 27 on the delinquent list as an initial offering under IC 6-1.1-24.
- 28 (j) Notwithstanding subsections (h) and (i), the court shall not order
- 29 the return of the purchase price or any part of the purchase price if:
- 30 (1) the purchaser or the purchaser of the certificate of sale under
- 31 IC 6-1.1-24 has failed to provide notice or has provided
- 32 insufficient notice as required by section 4.5 of this chapter; and
- 33 (2) the sale is otherwise valid.
- 34 (k) A tax deed executed under this section vests in the grantee an
- 35 estate in fee simple absolute, free and clear of all liens and
- 36 encumbrances created or suffered before or after the tax sale except
- 37 those liens granted priority under federal law, and the lien of the state
- 38 or a political subdivision for taxes and special assessments that accrue
- 39 subsequent to the sale. However, the estate is subject to all easements,
- 40 covenants, declarations, and other deed restrictions and laws governing
- 41 land use, including all zoning restrictions and liens and encumbrances
- 42 created or suffered by the purchaser at the tax sale. Except as provided



1 in subsections (b), (c), (d), and (e), the deed is prima facie evidence of:

- 2 (1) the regularity of the sale of the real property described in the
 3 deed;
 4 (2) the regularity of all proper proceedings; and
 5 (3) valid title in fee simple in the grantee of the deed.

6 (l) A tax deed issued under this section is incontestable except by
 7 appeal from the order of the court directing the county auditor to issue
 8 the tax deed filed not later than sixty (60) days after the date of the
 9 court's order.

10 SECTION 10. IC 36-7-14-22.5, AS AMENDED BY P.L.149-2014,
 11 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 22.5. (a) This section applies to the following:

13 (1) Real property:

14 (A) that was acquired by the commission to carry out a
 15 redevelopment project, an economic development area project,
 16 or an urban renewal project; and

17 (B) relative to which the commission has, at a public hearing,
 18 decided that the real property is not needed to complete the
 19 redevelopment activity, an economic development activity, or
 20 urban renewal activity in the project area.

21 (2) Real property acquired under this chapter that is not in a
 22 redevelopment project area, economic development area, or an
 23 urban renewal project area.

24 (3) Parcels of property secured from the county under
 25 IC 6-1.1-25-9(e) that were acquired by the county under
 26 IC 6-1.1-24 and IC 6-1.1-25.

27 (4) Real property donated or transferred to the commission to be
 28 held and disposed of under this section.

29 However, this section does not apply to property acquired under section
 30 32.5 of this chapter (before its repeal).

31 (b) The commission may do the following to or for real property
 32 described in subsection (a):

33 (1) Examine, classify, manage, protect, insure, and maintain the
 34 property.

35 (2) Eliminate deficiencies (including environmental deficiencies),
 36 carry out repairs, remove structures, and make improvements.

37 (3) Control the use of the property.

38 (4) Lease the property.

39 (5) Use any powers under section 12.2 of this chapter in relation
 40 to the property.

41 (c) The commission may enter into contracts to carry out part or all
 42 of the functions described in subsection (b).



1 (d) The commission may extinguish all delinquent taxes, special
 2 assessments, and penalties relative to real property donated to the
 3 commission to be held and disposed of under this section. The
 4 commission shall provide the county auditor with a list of the real
 5 property on which delinquent taxes, special assessments, and penalties
 6 are extinguished under this subsection.

7 (e) Subject to the prior approval by the legislative body of the unit,
 8 real property described in subsection (a) may be sold, exchanged,
 9 transferred, granted, donated, or otherwise disposed of in any of the
 10 following ways:

11 (1) In accordance with section 22, 22.2, 22.6, ~~or 22.7~~, **or 22.8** of
 12 this chapter.

13 (2) In accordance with the provisions authorizing an urban
 14 homesteading program under IC 36-7-17 or IC 36-7-17.1.

15 The commission shall provide to the legislative body of the unit at a
 16 public meeting all the information supporting the action the
 17 commission proposes to take under this subsection, including any terms
 18 and conditions to which the commission would have to agree to carry
 19 out the action.

20 (f) In disposing of real property under subsection (e), the
 21 commission may:

22 (1) group together properties for disposition in a manner that will
 23 best serve the interest of the community, from the standpoint of
 24 both human and economic welfare; and

25 (2) group together nearby or similar properties to facilitate
 26 convenient disposition.

27 SECTION 11. IC 36-7-14-22.8 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE UPON PASSAGE]: **Sec. 22.8. (a) This section applies**
 30 **only in Lake County as a three (3) year pilot program to obtain**
 31 **experience with the method of disposing of real property set forth**
 32 **in this section.**

33 (b) A redevelopment commission may establish a new
 34 opportunity area in accordance with the criteria and procedures
 35 set forth in this section. A redevelopment commission may dispose
 36 of property to which section 22.5 of this chapter applies as
 37 provided in this section if the property is located in a new
 38 opportunity area.

39 (c) A redevelopment commission may determine that the
 40 following findings apply to an area within the jurisdiction of the
 41 redevelopment commission:

42 (1) At least one-third (1/3) of the parcels in the area are



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vacant or abandoned, as determined under IC 36-7-37 or another statute.

(2) At least one-third (1/3) of the parcels in the area have at least one (1) of the following characteristics:

(A) The dwelling on the parcel is not permanently occupied.

(B) Two (2) or more property tax payments owed on the parcel are delinquent.

(3) None of the properties in the area have been annexed within the immediately preceding five (5) years over a remonstrance of a majority of the land owners within the annexed area.

(4) The area cannot be improved by the ordinary operation of private enterprise because of:

(A) the existence of conditions that lower the value of the land below that of nearby land; or

(B) other conditions similar to the conditions described in clause (A).

(5) Each of the parcels in the area are residential parcels that are less than one (1) acre in size.

(6) The property tax collection rate over the immediately preceding two (2) years has been less than sixty percent (60%).

(7) The sale of parcels that are held by the redevelopment commission and are located in the new opportunity area to individuals and other private entities will benefit the public health and welfare of the residents of the surrounding area and the area governed by the commission.

(d) Whenever a redevelopment commission makes the findings described in subsection (c), a redevelopment commission may adopt a resolution declaring the area to be a new opportunity area.

(e) After a redevelopment commission adopts a resolution declaring an area to be a new opportunity area, the redevelopment commission may dispose of properties to which section 22.5 of this chapter applies that are located in the new opportunity area by using the following procedure:

(1) The redevelopment commission shall give notice in accordance with IC 5-3-1 twice by publication, one (1) week apart, with the last publication occurring at least ten (10) days before the date on which the redevelopment commission intends to convene the meeting described in subdivision (2). The notice must include the following:



- 1 **(A) The date, time, and place of the meeting described in**
- 2 **subdivision (2).**
- 3 **(B) A description of each parcel to be offered for sale by**
- 4 **parcel number and common address.**
- 5 **(C) A statement that the redevelopment commission:**
- 6 **(i) is accepting bids on the properties described under**
- 7 **clause (B); and**
- 8 **(ii) intends to sell each property described under clause**
- 9 **(B) to the highest responsible and responsive bidder.**
- 10 **(2) The redevelopment commission shall hold a meeting on the**
- 11 **date and at the time and place specified in the notice**
- 12 **described in subdivision (1) at which bids for the properties**
- 13 **described in the notice shall be opened and read aloud. The**
- 14 **redevelopment commission may thereafter sell each property**
- 15 **to the highest responsible and responsive bidder.**
- 16 **(f) This section expires July 1, 2019.**
- 17 **SECTION 12. An emergency is declared for this act.**



Report of the President
Pro Tempore

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 310, currently assigned to the Committee on Appropriations, be reassigned to the Committee on Local Government.

LONG

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 310, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, line 14, delete "This subsection does not apply if the petitioner is a political".

Page 6, line 15, delete "subdivision (as defined in IC 36-1-2-13)".

Page 6, line 15, strike "Unless the county auditor".

Page 6, strike line 16.

Page 6, line 17, strike "4.7 of this chapter,".

Page 6, line 17, delete "a" and insert "A".

Page 6, line 17, strike "must" and insert "**may**".

Page 6, line 30, delete "This subsection does not apply if the petitioner is a political".

Page 6, line 31, delete "subdivision (as defined in IC 36-1-2-13)".

Page 6, line 32, strike "fails to include" and insert "**includes**".

Page 6, line 33, strike "does not constitute" and insert "**constitutes**".

Page 10, line 32, after "(a)" insert "**This section applies only in Lake County as a three (3) year pilot program to obtain experience with the method of disposing of real property set forth in this section.**

(b)".

Page 10, line 38, delete "(b)" and insert "**(c)**".

Page 11, line 28, delete "(c)" and insert "**(d)**".

Page 11, line 29, delete "(b)," and insert "**(c)**,".

Page 11, line 31, delete "(d)" and insert "**(e)**".

Page 12, between lines 14 and 15, begin a new paragraph and insert: "**(f) This section expires July 1, 2019.**".

Page 12, delete lines 15 through 42.



Delete pages 13 through 14.

Page 15, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 310 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 8, Nays 0.

