

SENATE BILL No. 355

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-24.

Synopsis: Notice of tax sales. Provides that notices of tax sales involving vacant and abandoned property and notices of various tax sales conducted by a county executive may omit the descriptions of the properties to be offered for sale if: (1) the notice includes a statement indicating that descriptions of the properties are available on the county's Internet web site and in printed form upon request; and (2) the descriptions of the properties are made available on the county's Internet web site and in printed form upon request.

Effective: July 1, 2016.

Niemeyer

January 11, 2016, read first time and referred to Committee on Local Government.



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. 355



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 6-1.1-24-1.5, AS AMENDED BY P.L.247-2015,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 1.5. (a) As used in this chapter and IC 6-1.1-25,
4 "county executive" means the following:
5 (1) In a county not containing a consolidated city, the county
6 executive or the county executive's designee.
7 (2) In a county containing a consolidated city, the executive of the
8 consolidated city.
9 (b) If:
10 (1) any property taxes or special assessments from the prior year's
11 fall installment or before are delinquent on real property as
12 determined under IC 6-1.1-37-10; and
13 (2) an order from a court or a determination of a hearing authority
14 has been obtained under IC 36-7-37 that the real property is
15 vacant or abandoned;
16 the executive of the county, city, or town may, after providing either the
17 notice required by IC 36-7-37 or section 2.3 of this chapter, certify a



1 list of vacant or abandoned property to the county auditor. This list
 2 must be delivered to the county auditor not later than fifty-one (51)
 3 days after the first tax payment due date each calendar year.

4 (c) Upon receiving lists described in subsection (b), the county
 5 auditor shall do all the following:

6 (1) Prepare a combined list of the properties certified by the
 7 executive of the county, city, or town.

8 (2) Delete any property described in that list from the delinquent
 9 tax list prepared under section 1 of this chapter.

10 (3) Provide public notice of the sale of the properties under
 11 subsection (d) at least thirty (30) days before the date of the sale,
 12 which shall be published in accordance with IC 5-3-1, and post a
 13 copy of the notice at a public place of posting in the county
 14 courthouse or in another public county building at least
 15 twenty-one (21) days before the date of sale.

16 (4) Certify to the county treasurer that the real property is to be
 17 sold at auction under this chapter as required by section 5(j) of
 18 this chapter.

19 (5) Issue a deed to the real property that conveys a fee simple
 20 interest to the highest bidder as long as the bid is at least the
 21 minimum bid specified in this section.

22 The minimum bid for a property at the auction under this section is the
 23 proportionate share of the actual costs incurred by the county in
 24 conducting the sale. Any amount collected from the sale of all
 25 properties under this section above the total minimum bids shall first
 26 be used to pay the costs of the county, city, or town that certified the
 27 property vacant or abandoned for title search and court proceedings.
 28 Any amount remaining from the sale shall be certified by the county
 29 treasurer to the county auditor for distribution to other taxing units
 30 during settlement.

31 (d) Notice of the sale under this section must contain the following:

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

33 (2) A statement that:

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

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

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

41 A deed issued under this subdivision to the highest bidder
 42 conveys the same fee simple interest in the real property as a deed



- 1 issued under IC 6-1.1-25.
 2 (3) A statement that the real property will not be sold for less than
 3 an amount equal to actual proportionate costs incurred by the
 4 county that are directly attributable to the abandoned property
 5 sale.
 6 (4) A statement for informational purposes only, of the location
 7 of each item of real property by key number, if any, and street
 8 address, if any, or a common description of the property other
 9 than a legal description. The township assessor, or the county
 10 assessor if there is no township assessor for the township, upon
 11 written request from the county auditor, shall provide the
 12 information to be in the notice required by this subsection. A
 13 misstatement in the key number or street address does not
 14 invalidate an otherwise valid sale.
 15 (5) A statement that the county does not warrant the accuracy of
 16 the street address or common description of the property.
 17 (6) A statement that the sale will be conducted at a place
 18 designated in the notice and that the sale will continue until all
 19 real property has been offered for sale.
 20 (7) A statement that the sale will take place at the times and dates
 21 designated in the notice.

22 Whenever the public auction is to be conducted as an electronic sale,
 23 the notice must include a statement indicating that the public auction
 24 will be conducted as an electronic sale and a description of the
 25 procedures that must be followed to participate in the electronic sale.

26 **(e) For properties that are not sold when initially offered for**
 27 **sale under this section, the county auditor may omit from the**
 28 **notice the descriptions of the tracts or items of real property**
 29 **specified in subsections (d)(1) and (d)(4) for those properties that**
 30 **are to be offered again at subsequent sales under this section if:**

31 **(1) the county auditor includes in the notice a statement that**
 32 **descriptions of those tracts or items of real property are**
 33 **available on the county government's Internet web site and**
 34 **the information may be obtained in printed form from the**
 35 **county auditor upon request; and**

36 **(2) the descriptions of those tracts or items of real property**
 37 **eligible for sale a second or subsequent time under this section**
 38 **are made available on the county government Internet web**
 39 **site and in printed form from the county auditor upon**
 40 **request.**

41 SECTION 2. IC 6-1.1-24-6.1, AS AMENDED BY P.L.251-2015,
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2016]: Sec. 6.1. (a) The county executive may do the
2 following:

3 (1) By resolution, identify properties concerning which the county
4 executive desires to offer to the public the certificates of sale
5 acquired by the county executive under section 6 of this chapter.

6 (2) **Except as otherwise provided in subsection (c)**, in
7 conformity with IC 5-3-1-4, publish:

8 (A) notice of the date, time, and place for a public sale; and

9 (B) a listing of parcels on which certificates will be offered by
10 parcel number and minimum bid amount;

11 once each week for three (3) consecutive weeks, with the final
12 advertisement being not less than thirty (30) days before the sale
13 date. The expenses of the publication shall be paid out of the
14 county general fund.

15 (3) Sell each certificate of sale covered by the resolution for a
16 price that:

17 (A) is less than the minimum sale price prescribed by section
18 5 of this chapter; and

19 (B) includes any costs to the county executive directly
20 attributable to the sale of the certificate of sale.

21 (b) **Except as otherwise provided in subsection (c)**, notice of the
22 list of properties prepared under subsection (a) and the date, time, and
23 place for the public sale of the certificates of sale shall be published in
24 accordance with IC 5-3-1. The notice must:

25 (1) include a description of the property by parcel number and
26 common address;

27 (2) specify that the county executive will accept bids for the
28 certificates of sale for the price referred to in subsection (a)(3);

29 (3) specify the minimum bid for each parcel;

30 (4) include a statement that a person redeeming each tract or item
31 of real property after the sale of the certificate must pay:

32 (A) the amount of the minimum bid under section 5 of this
33 chapter for which the tract or item of real property was last
34 offered for sale;

35 (B) ten percent (10%) of the amount for which the certificate
36 is sold;

37 (C) the attorney's fees and costs of giving notice under
38 IC 6-1.1-25-4.5;

39 (D) the costs of a title search or of examining and updating the
40 abstract of title for the tract or item of real property;

41 (E) all taxes and special assessments on the tract or item of
42 real property paid by the purchaser after the sale of the



- 1 certificate plus interest at the rate of ten percent (10%) per
 2 annum on the amount of taxes and special assessments paid by
 3 the purchaser on the redeemed property; and
 4 (F) all costs of sale, advertising costs, and other expenses of
 5 the county directly attributable to the sale of certificates of
 6 sale; and
 7 (5) include a statement that, if the certificate is sold for an amount
 8 more than the minimum bid under section 5 of this chapter for
 9 which the tract or item of real property was last offered for sale
 10 and the property is not redeemed, the owner of record of the tract
 11 or item of real property who is divested of ownership at the time
 12 the tax deed is issued may have a right to the tax sale surplus.
- 13 **(c) The county executive may omit from the notice the list of**
 14 **properties prepared under subsection (a), the descriptions of the**
 15 **tracts or items of real property specified in subsection (b)(1), and**
 16 **the associated minimum bids under section 5 of this chapter if:**
- 17 **(1) the county executive includes in the notice a statement that**
 18 **descriptions of those tracts or items of real property are**
 19 **available on the county government's Internet web site and**
 20 **the information may be obtained in printed form from the**
 21 **county executive upon request; and**
- 22 **(2) the descriptions of those tracts or items of real property**
 23 **eligible for sale under this section are made available on the**
 24 **county government Internet web site and in printed form**
 25 **from the county executive upon request.**
- 26 SECTION 3. IC 6-1.1-24-6.7, AS AMENDED BY P.L.251-2015,
 27 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2016]: Sec. 6.7. (a) For purposes of this section, in a county
 29 containing a consolidated city "county executive" refers to the board of
 30 commissioners of the county as provided in IC 36-3-3-10.
- 31 (b) A county executive may transfer to a nonprofit entity:
 32 (1) property under this section; or
 33 (2) a tax sale certificate under section 17 of this chapter.
- 34 (c) As used in this section, "nonprofit entity" means an organization
 35 exempt from federal income taxation under 26 U.S.C. 501(c)(3).
- 36 (d) The county executive may:
 37 (1) by resolution, identify the property described under section 6
 38 of this chapter that the county executive desires to transfer to
 39 nonprofit entities for use for the public good; and
 40 (2) set a date, time, and place for a public hearing to consider the
 41 transfer of the property to nonprofit entities.
- 42 (e) **Except as otherwise provided in subsection (f), notice of the**



1 property identified under subsection (d) and the date, time, and place
 2 for the hearing on the proposed transfer of the property on the list shall
 3 be published in accordance with IC 5-3-1. The notice must include a
 4 description of the property by:

- 5 (1) legal description; and
- 6 (2) parcel number or street address, or both.

7 The notice must specify that the county executive will accept
 8 applications submitted by nonprofit entities as provided in subsection
 9 ~~(g)~~ **(h)** and hear any opposition to a proposed transfer.

10 **(f) The county executive may omit from the notice the**
 11 **descriptions of the properties identified under subsection (d) if:**

- 12 **(1) the county executive includes in the notice a statement that**
 13 **descriptions of those tracts or items of real property are**
 14 **available on the county government's Internet web site and**
 15 **the information may be obtained in printed form from the**
 16 **county executive upon request; and**
- 17 **(2) the descriptions of those tracts or items of real property**
 18 **eligible for transfer under this section are made available on**
 19 **the county government Internet web site and in printed form**
 20 **from the county executive upon request.**

21 ~~(f)~~ **(g)** After the hearing set under subsection (d), the county
 22 executive shall by resolution make a final determination concerning:

- 23 (1) the properties that are to be transferred to a nonprofit entity;
- 24 (2) the nonprofit entity to which each property is to be transferred;
- 25 and
- 26 (3) the terms and conditions of the transfer.

27 ~~(g)~~ **(h)** To be eligible to receive property under this section, a
 28 nonprofit entity must file an application with the county executive. The
 29 application must state the property that the nonprofit entity desires to
 30 acquire, the use to be made of the property, and the time period
 31 anticipated for implementation of the use. The application must be
 32 accompanied by documentation verifying the nonprofit status of the
 33 entity and be signed by an officer of the nonprofit entity. If more than
 34 one (1) application for a single property is filed, the county executive
 35 shall determine which application is to be accepted based on the
 36 benefit to be provided to the public and the neighborhood and the
 37 suitability of the stated use for the property and the surrounding area.

38 ~~(h)~~ **(i)** After the hearing set under subsection (d) and the final
 39 determination of properties to be transferred under subsection ~~(f)~~; **(g)**,
 40 the county executive, on behalf of the county, shall cause all delinquent
 41 taxes, special assessments, penalties, interest, and costs of sale to be
 42 removed from the tax duplicate and the nonprofit entity is entitled to a



1 tax deed prepared by the county auditor, if the conditions of
 2 IC 6-1.1-25-4.5 and IC 6-1.1-25-4.6 are satisfied. The deed shall
 3 provide for:

- 4 (1) the use to be made of the property;
 5 (2) the time within which the use must be implemented and
 6 maintained;
 7 (3) any other terms and conditions that are established by the
 8 county executive; and
 9 (4) the reversion of the property to the county executive if the
 10 grantee nonprofit entity fails to comply with the terms and
 11 conditions.

12 If the grantee nonprofit entity fails to comply with the terms and
 13 conditions of the transfer and title to the property reverts to the county
 14 executive, the property may be retained by the county executive or
 15 disposed of under any of the provisions of this chapter or IC 6-1.1-25,
 16 or both.

17 SECTION 4. IC 6-1.1-24-6.9, AS ADDED BY P.L.203-2013,
 18 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2016]: Sec. 6.9. (a) For purposes of this section, in a county
 20 having a consolidated city, "county executive" refers to the board of
 21 commissioners of the county as provided in IC 36-3-3-10.

22 (b) The county executive may:

- 23 (1) by resolution, identify the property described in section 6 of
 24 this chapter that the county executive desires to transfer to a
 25 person able to satisfactorily repair and maintain the property, if
 26 repair and maintenance of the property are in the public interest;
 27 and
 28 (2) set a date, time, and place for a public hearing to consider the
 29 transfer of the property.

30 (c) Notice of the property identified under subsection (b) and the
 31 date, time, and place for the hearing on the proposed transfer of the
 32 property shall be published in accordance with IC 5-3-1. The notice
 33 must include a description of the property by:

- 34 (1) legal description; and
 35 (2) parcel number or street address, or both.

36 The notice must specify that the county executive will accept
 37 applications submitted by persons able to satisfactorily repair and
 38 maintain the property as provided in subsection ~~(e)~~ (f) and hear any
 39 opposition to a proposed transfer.

40 **(d) The county executive may omit from the notice the**
 41 **descriptions of the properties identified under subsection (b) if:**

- 42 **(1) the county executive includes in the notice a statement that**



1 **descriptions of those tracts or items of real property are**
 2 **available on the county government's Internet web site and**
 3 **the information may be obtained in printed form from the**
 4 **county executive upon request; and**

5 **(2) the descriptions of those tracts or items of real property**
 6 **eligible for transfer under this section are made available on**
 7 **the county government Internet web site and in printed form**
 8 **from the county executive upon request.**

9 ~~(d)~~ **(e)** After the hearing set under subsection (b), the county
 10 executive shall by resolution make a final determination concerning:

- 11 (1) the properties that are to be transferred;
 12 (2) the person to which each property is to be transferred; and
 13 (3) the terms and conditions of the transfer.

14 ~~(e)~~ **(f)** To be eligible to receive a property under this section, a
 15 person must file an application with the county executive. The
 16 application must identify the property that the person desires to
 17 acquire, the use to be made of the property, and the time anticipated for
 18 implementation of the use. The application must be accompanied by
 19 documentation demonstrating the person's ability to satisfactorily repair
 20 and maintain the property, including evidence of the person's:

- 21 (1) ability to repair and maintain the property personally, if
 22 applicable;
 23 (2) financial resources, if the services of a contractor may be
 24 required to satisfactorily repair or maintain the property; and
 25 (3) previous experience in repairing or maintaining property, if
 26 applicable.

27 The application must be signed by the person. If more than one (1)
 28 application for a single property is filed, the county executive shall
 29 determine which application is to be accepted based on the benefit to
 30 be provided to the public and the neighborhood, the suitability of the
 31 stated use for the property and the surrounding area, and the likelihood
 32 that the person will satisfactorily repair and maintain the property. The
 33 county executive may require the person to pay a reasonable deposit or
 34 post a performance bond to be forfeited if the person does not
 35 satisfactorily repair and maintain the property.

36 ~~(f)~~ **(g)** After the hearing set under subsection (b) and the final
 37 determination of the properties to be transferred under subsection ~~(d)~~;
 38 **(e)**, the county executive, on behalf of the county, shall cause all
 39 delinquent taxes, special assessments, penalties, interest, and costs of
 40 sale to be removed from the tax duplicate and the person is entitled to
 41 a tax deed if the conditions of IC 6-1.1-25-4.5 and IC 6-1.1-25-4.6 are
 42 satisfied. The deed must provide for:



- 1 (1) the use to be made of the property;
- 2 (2) the time within which the use must be implemented and
- 3 maintained;
- 4 (3) any other terms and conditions that are established by the
- 5 county executive;
- 6 (4) the reversion of the property to the county executive if the
- 7 grantee fails to comply with the terms and conditions; and
- 8 (5) the forfeiture of any bond or deposit to the county executive
- 9 if the grantee fails to comply with the terms and conditions.

10 If the grantee fails to comply with the terms and conditions of the
 11 transfer and title to the property reverts to the county executive, the
 12 property may be retained by the county executive or disposed of under
 13 any of the provisions of this chapter or IC 6-1.1-25, or both.

14 SECTION 5. IC 6-1.1-24-17, AS ADDED BY P.L.251-2015,
 15 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2016]: Sec. 17. (a) For purposes of this section, in a county
 17 containing a consolidated city "county executive" refers to the board of
 18 commissioners of the county as provided in IC 36-3-3-10.

19 (b) As used in this section, "nonprofit entity" means an organization
 20 exempt from federal income taxation under 26 U.S.C. 501(c)(3).

21 (c) The county executive may by resolution:

- 22 (1) identify tax sale certificates issued under section 6 of this
- 23 chapter that the county executive desires to assign to one (1) or
- 24 more nonprofit entities; and
- 25 (2) set a date, time, and place for a public hearing to consider the
- 26 assignment of the tax sale certificates to the nonprofit entities.

27 (d) **Except as otherwise provided in subsection (e)**, notice of the
 28 tax sale certificates identified under subsection (c) and the date, time,
 29 and place for the hearing on the proposed transfer of the tax sale
 30 certificates on the list shall be published in accordance with IC 5-3-1.
 31 The notice must include a description of the properties associated with
 32 the tax sale certificates being considered for assignment by:

- 33 (1) parcel number;
- 34 (2) legal description; and
- 35 (3) street address or other common description.

36 The notice must specify that the county executive will hear any
 37 opposition to the proposed assignments.

38 (e) **The county executive may omit from the notice the**
 39 **descriptions of the tax sale certificates and the properties**
 40 **associated with the tax sale certificates identified under subsection**
 41 **(c) if:**

- 42 (1) the county executive includes in the notice a statement that



- 1 **the descriptions of those tax sale certificates and the tracts or**
2 **items of real property associated with the tax sale certificates**
3 **are available on the county government's Internet web site**
4 **and the information may be obtained in printed form from**
5 **the county executive upon request; and**
6 **(2) the descriptions of those tax sale certificates and the tracts**
7 **or items of real property associated with the tax sale**
8 **certificates are made available on the county government**
9 **Internet web site and in printed form from the county**
10 **executive upon request.**
- 11 ~~(e)~~ **(f)** After the hearing set under subsection (c), the county
12 executive shall by resolution make a final determination concerning:
13 (1) the tax sale certificates that are to be assigned to a nonprofit
14 entity;
15 (2) the nonprofit entity to which each tax sale certificate is to be
16 assigned; and
17 (3) the terms and conditions of the assignment.
- 18 ~~(f)~~ **(g)** If a county executive assigns a tax sale certificate to a
19 nonprofit entity under this section, the period of redemption of the real
20 property under IC 6-1.1-25 expires one hundred twenty (120) days after
21 the date of the assignment to the nonprofit entity. If a nonprofit entity
22 takes assignment of a tax sale certificate under this section, the
23 nonprofit entity acquires the same rights and obligations as a purchaser
24 of a tax sale certificate under section 6.1 of this chapter.

