
HOUSE BILL No. 1751

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 6-1.3; IC 36-6-5-3.

Synopsis: Interim fees on property improvements. Allows a county to impose interim property fees on real property improvements at the time the improvements are complete and before they are subject to property tax.

Effective: January 1, 2005 (retroactive).

Thompson

January 19, 2005, read first time and referred to Committee on Local Government.

C
O
P
Y



First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

C
o
p
y

HOUSE BILL No. 1751



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 6-1.1-5-15 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
 3 Sec. 15. (a) Except as provided in subsection (b), before an owner of
 4 real property demolishes, structurally modifies, or improves it at a cost
 5 of more than five hundred dollars (\$500) for materials or labor, or both,
 6 the owner or the owner's agent shall file with the county assessor in the
 7 county where the property is located an assessment registration notice
 8 on a form prescribed by the department of local government finance.
 9 (b) If the owner of the real property, or the person performing the
 10 work for the owner, is required to obtain a permit from an agency or
 11 official of the state or a political subdivision for the demolition,
 12 structural modification, or improvement, the owner or the person
 13 performing the work for the owner is not required to file an assessment
 14 registration notice.
 15 (c) Each state or local government official or agency shall, before
 16 the tenth day of each month, deliver a copy of each permit described in
 17 subsection (b) to the assessor of the county in which the real property



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

to be improved is ~~situated~~: **located**.

(d) A government official or agency that issues a certificate of occupancy or other approval to occupy or use a newly constructed structure shall, before the tenth day of each month that begins after March 31, 2005, deliver to the assessor of the county in which the structure is located copies of all certificates or other approvals that were issued by the official or agency during the previous month.

~~(d)~~ **(e)** Before the ~~last~~ **twentieth** day of each month, the county assessor shall distribute a copy of each:

- (1)** assessment registration notice filed under subsection (a); ~~or~~
- (2)** permit received under subsection ~~(b)~~ **(c)**; **and**
- (3) certificate or other approval received under subsection (d);**

to the assessor of the township in which the real property ~~to be demolished, modified, or improved~~ is ~~situated~~: **located**.

~~(e)~~ **(f)** A fee of five dollars (\$5) shall be charged by the county assessor for the filing of the assessment registration notice. All fees collected by the county assessor shall be deposited in the county property reassessment fund.

~~(f)~~ **(g)** A township or county assessor shall immediately notify the county treasurer if the assessor discovers property that has been improved or structurally modified at a cost of more than five hundred dollars (\$500) and the owner of the property has failed to obtain the required building permit or to file an assessment registration notice.

~~(g)~~ **(h)** Any person who fails to:

- (1)** file the registration notice required by subsection (a); or
- (2)** obtain a building permit described in subsection (b);

before demolishing, structurally modifying, or improving real property is subject to a civil penalty of one hundred dollars (\$100). The county treasurer shall include the penalty on the person's property tax statement and collect it in the same manner as delinquent personal property taxes under IC 6-1.1-23. However, if a person files a late registration notice, the person shall pay the fee, if any, and the penalty to the county assessor at the time the person files the late registration notice.

SECTION 2. IC 6-1.1-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:

Sec. 3. (a) Subject to subsections (e) and (f), an owner of tangible property who wishes to obtain an exemption from property taxation shall file a certified application in duplicate with the county assessor of the county in which the property that is the subject of the exemption is

**C
O
P
Y**



1 located. **Except as provided in IC 6-1.3-4-4**, the application must be
2 filed annually on or before May 15 on forms prescribed by the
3 department of local government finance. Except as provided in sections
4 1, 3.5, and 4 of this chapter, the application applies only for the taxes
5 imposed for the year for which the application is filed.

6 (b) The authority for signing an exemption application may not be
7 delegated by the owner of the property to any other person except by
8 an executed power of attorney.

9 (c) An exemption application which is required under this chapter
10 shall contain the following information:

11 (1) A description of the property claimed to be exempt in
12 sufficient detail to afford identification.

13 (2) A statement showing the ownership, possession, and use of
14 the property.

15 (3) The grounds for claiming the exemption.

16 (4) The full name and address of the applicant.

17 (5) For the year that ends on the assessment date of the property,
18 identification of:

19 (A) each part of the property used or occupied; and

20 (B) each part of the property not used or occupied;

21 for one (1) or more exempt purposes under IC 6-1.1-10 during the
22 time the property is used or occupied.

23 (6) Any additional information which the department of local
24 government finance may require.

25 (d) A person who signs an exemption application shall attest in
26 writing and under penalties of perjury that, to the best of the person's
27 knowledge and belief, a predominant part of the property claimed to be
28 exempt is not being used or occupied in connection with a trade or
29 business that is not substantially related to the exercise or performance
30 of the organization's exempt purpose.

31 (e) An owner must file with an application for exemption of real
32 property under subsection (a) or section 5 of this chapter a copy of the
33 township assessor's record kept under IC 6-1.1-4-25(a) that shows the
34 calculation of the assessed value of the real property for the assessment
35 date for which the exemption is claimed. Upon receipt of the
36 exemption application, the county assessor shall examine that record
37 and determine if the real property for which the exemption is claimed
38 is properly assessed. If the county assessor determines that the real
39 property is not properly assessed, the county assessor shall direct the
40 township assessor of the township in which the real property is located
41 to:

42 (1) properly assess the real property; and

C
o
p
y



1 (2) notify the county assessor and county auditor of the proper
2 assessment.

3 (f) If the county assessor determines that the applicant has not filed
4 with an application for exemption a copy of the record referred to in
5 subsection (e), the county assessor shall notify the applicant in writing
6 of that requirement. The applicant then has thirty (30) days after the
7 date of the notice to comply with that requirement. The county property
8 tax assessment board of appeals shall deny an application described in
9 this subsection if the applicant does not comply with that requirement
10 within the time permitted under this subsection.

11 SECTION 3. IC 6-1.1-11-3.5 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
13 Sec. 3.5. (a) **Except as provided in IC 6-1.3-4-4**, a ~~not-for-profit~~
14 **nonprofit** corporation that seeks an exemption provided by IC 6-1.1-10
15 for 2000 or for a year that follows 2000 by a multiple of two (2) years
16 must file an application for the exemption in that year. However, if a
17 ~~not-for-profit nonprofit~~ corporation seeks an exemption provided by
18 IC 6-1.1-10 for a year not specified in this subsection and the
19 corporation did not receive the exemption for the preceding year, the
20 corporation must file an application for the exemption in the year for
21 which the exemption is sought. The ~~not-for-profit nonprofit~~
22 corporation must file each exemption application in the manner (other
23 than the requirement for filing annually) prescribed in section 3 of this
24 chapter.

25 (b) A ~~not-for-profit nonprofit~~ corporation that receives an
26 exemption provided under IC 6-1.1-10 for a particular year that
27 remains eligible for the exemption for the following year is only
28 required to file a statement to apply for the exemption in the years
29 specified in subsection (a), if the use of the ~~not-for-profit nonprofit~~
30 corporation's property remains unchanged.

31 (c) A ~~not-for-profit nonprofit~~ corporation that receives an
32 exemption provided under IC 6-1.1-10 for a particular year which
33 becomes ineligible for the exemption for the following year shall notify
34 the assessor of the county in which the tangible property for which it
35 claims the exemption is located of its ineligibility on or before May 15
36 of the year for which it becomes ineligible. If a ~~not-for-profit nonprofit~~
37 corporation that is receiving an exemption provided under IC 6-1.1-10
38 changes the use of its tangible property so that part or all of that
39 property no longer qualifies for the exemption, the ~~not-for-profit~~
40 **nonprofit** corporation shall notify the assessor of the county in which
41 the tangible property for which it claims the exemption is located of its
42 ineligibility on or before May 15 of the year for which it first becomes

C
o
p
y



1 ineligible. The county assessor shall immediately notify the county
2 auditor of the ~~not-for-profit~~ **nonprofit** corporation's ineligibility or
3 disqualification for the exemption. A ~~not-for-profit~~ **nonprofit**
4 corporation that fails to provide the notification required by this
5 subsection is subject to the penalties set forth in IC 6-1.1-37-9.

6 (d) For each year that is not a year specified in subsection (a), the
7 auditor of each county shall apply an exemption provided under
8 IC 6-1.1-10 to the tangible property owned by a ~~not-for-profit~~
9 **nonprofit** corporation that received the exemption in the preceding
10 year unless the county property tax assessment board of appeals
11 determines that the ~~not-for-profit~~ **nonprofit** corporation is no longer
12 eligible for the exemption.

13 (e) The department of local government finance may at any time
14 review an exemption provided under this section and determine
15 whether or not the ~~not-for-profit~~ **nonprofit** corporation is eligible for
16 the exemption.

17 SECTION 4. IC 6-1.1-12-2 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
19 Sec. 2. (a) Except as provided in section 17.8 of this chapter, a person
20 who desires to claim the deduction provided by section 1 of this
21 chapter must file a statement in duplicate, on forms prescribed by the
22 department of local government finance, with the auditor of the county
23 in which the real property, mobile home not assessed as real property,
24 or manufactured home not assessed as real property is located. **Except**
25 **as provided in IC 6-1.3-4-4**, with respect to real property, the
26 statement must be filed during the twelve (12) months before May 11
27 of each year for which the person wishes to obtain the deduction. With
28 respect to a mobile home that is not assessed as real property or a
29 manufactured home that is not assessed as real property, the statement
30 must be filed during the twelve (12) months before March 2 of each
31 year for which the individual wishes to obtain the deduction. The
32 statement may be filed in person or by mail. If mailed, the mailing must
33 be postmarked on or before the last day for filing. In addition to the
34 statement required by this subsection, a contract buyer who desires to
35 claim the deduction must submit a copy of the recorded contract or
36 recorded memorandum of the contract, which must contain a legal
37 description sufficient to meet the requirements of IC 6-1.1-5, with the
38 first statement that the buyer files under this section with respect to a
39 particular parcel of real property. Upon receipt of the statement and the
40 recorded contract or recorded memorandum of the contract, the county
41 auditor shall assign a separate description and identification number to
42 the parcel of real property being sold under the contract.

C
o
p
y



1 (b) The statement referred to in subsection (a) must be verified
2 under penalties for perjury, and the statement must contain the
3 following information:

4 (1) The balance of the person's mortgage or contract indebtedness
5 on the assessment date of the year for which the deduction is
6 claimed.

7 (2) The assessed value of the real property, mobile home, or
8 manufactured home.

9 (3) The full name and complete residence address of the person
10 and of the mortgagee or contract seller.

11 (4) The name and residence of any assignee or bona fide owner or
12 holder of the mortgage or contract, if known, and if not known,
13 the person shall state that fact.

14 (5) The record number and page where the mortgage, contract, or
15 memorandum of the contract is recorded.

16 (6) A brief description of the real property, mobile home, or
17 manufactured home which is encumbered by the mortgage or sold
18 under the contract.

19 (7) If the person is not the sole legal or equitable owner of the real
20 property, mobile home, or manufactured home, the exact share of
21 the person's interest in it.

22 (8) The name of any other county in which the person has applied
23 for a deduction under this section and the amount of deduction
24 claimed in that application.

25 (c) The authority for signing a deduction application filed under this
26 section may not be delegated by the real property, mobile home, or
27 manufactured home owner or contract buyer to any person except upon
28 an executed power of attorney. The power of attorney may be contained
29 in the recorded mortgage, contract, or memorandum of the contract, or
30 in a separate instrument.

31 SECTION 5. IC 6-1.1-12-10.1 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
33 Sec. 10.1. (a) Except as provided in section 17.8 of this chapter, an
34 individual who desires to claim the deduction provided by section 9 of
35 this chapter must file a sworn statement, on forms prescribed by the
36 department of local government finance, with the auditor of the county
37 in which the real property, mobile home, or manufactured home is
38 located. **Except as provided in IC 6-1.3-4-4**, with respect to real
39 property, the statement must be filed during the twelve (12) months
40 before May 11 of each year for which the individual wishes to obtain
41 the deduction. With respect to a mobile home that is not assessed as
42 real property or a manufactured home that is not assessed as real

C
O
P
Y



1 property, the statement must be filed between January 15 and March
 2 31, inclusive of each year for which the individual wishes to obtain the
 3 deduction. The statement may be filed in person or by mail. If mailed,
 4 the mailing must be postmarked on or before the last day for filing.

5 (b) The statement referred to in subsection (a) shall be in affidavit
 6 form or require verification under penalties of perjury. The statement
 7 must be filed in duplicate if the applicant owns, or is buying under a
 8 contract, real property, a mobile home, or a manufactured home subject
 9 to assessment in more than one (1) county or in more than one (1)
 10 taxing district in the same county. The statement shall contain:

11 (1) the source and exact amount of gross income received by the
 12 individual and ~~his~~ **the individual's** spouse during the preceding
 13 calendar year;

14 (2) the description and assessed value of the real property, mobile
 15 home, or manufactured home;

16 (3) the individual's full name and ~~his~~ complete residence address;

17 (4) the record number and page where the contract or
 18 memorandum of the contract is recorded if the individual is
 19 buying the real property, mobile home, or manufactured home on
 20 contract; and

21 (5) any additional information which the department of local
 22 government finance may require.

23 (c) In order to substantiate ~~his~~ **the applicant's** deduction statement,
 24 the applicant shall submit for inspection by the county auditor a copy
 25 of ~~his~~ **the applicant's** and a copy of ~~his~~ **the applicant's** spouse's
 26 income tax returns for the preceding calendar year. If either was not
 27 required to file an income tax return, the applicant shall subscribe to
 28 that fact in the deduction statement.

29 SECTION 6. IC 6-1.1-12-12 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
 31 Sec. 12. (a) Except as provided in section 17.8 of this chapter, a person
 32 who desires to claim the deduction provided in section 11 of this
 33 chapter must file an application, on forms prescribed by the department
 34 of local government finance, with the auditor of the county in which the
 35 real property, mobile home not assessed as real property, or
 36 manufactured home not assessed as real property is located. **Except as**
 37 **provided in IC 6-1.3-4-4**, with respect to real property, the application
 38 must be filed during the twelve (12) months before May 11 of each
 39 year for which the individual wishes to obtain the deduction. With
 40 respect to a mobile home that is not assessed as real property or a
 41 manufactured home that is not assessed as real property, the application
 42 must be filed during the twelve (12) months before March 2 of each

C
O
P
Y



1 year for which the individual wishes to obtain the deduction. The
 2 application may be filed in person or by mail. If mailed, the mailing
 3 must be postmarked on or before the last day for filing.

4 (b) Proof of blindness may be supported by:

5 (1) the records of a county office of family and children, the
 6 division of family and children, or the division of disability,
 7 aging, and rehabilitative services; or

8 (2) the written statement of a physician who is licensed by this
 9 state and skilled in the diseases of the eye or of a licensed
 10 optometrist.

11 (c) The application required by this section must contain the record
 12 number and page where the contract or memorandum of the contract
 13 is recorded if the individual is buying the real property, mobile home,
 14 or manufactured home on a contract that provides that ~~he~~ **the**
 15 **individual** is to pay property taxes on the real property, mobile home,
 16 or manufactured home.

17 SECTION 7. IC 6-1.1-12-15 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
 19 Sec. 15. (a) Except as provided in section 17.8 of this chapter, an
 20 individual who desires to claim the deduction provided by section 13
 21 or section 14 of this chapter must file a statement with the auditor of
 22 the county in which the individual resides. **Except as provided in**
 23 **IC 6-1.3-4-4**, with respect to real property, the statement must be filed
 24 during the twelve (12) months before May 11 of each year for which
 25 the individual wishes to obtain the deduction. With respect to a mobile
 26 home that is not assessed as real property or a manufactured home that
 27 is not assessed as real property, the statement must be filed during the
 28 twelve (12) months before March 2 of each year for which the
 29 individual wishes to obtain the deduction. The statement may be filed
 30 in person or by mail. If mailed, the mailing must be postmarked on or
 31 before the last day for filing. The statement shall contain a sworn
 32 declaration that the individual is entitled to the deduction.

33 (b) In addition to the statement, the individual shall submit to the
 34 county auditor for the auditor's inspection:

35 (1) a pension certificate, an award of compensation, or a disability
 36 compensation check issued by the United States Department of
 37 Veterans Affairs if the individual claims the deduction provided
 38 by section 13 of this chapter;

39 (2) a pension certificate or an award of compensation issued by
 40 the United States Department of Veterans Affairs if the individual
 41 claims the deduction provided by section 14 of this chapter; or

42 (3) the appropriate certificate of eligibility issued to the individual

C
o
p
y



1 by the Indiana department of veterans' affairs if the individual
 2 claims the deduction provided by section 13 or 14 of this chapter.
 3 (c) If the individual claiming the deduction is under guardianship,
 4 the guardian shall file the statement required by this section.
 5 (d) If the individual claiming a deduction under section 13 or 14 of
 6 this chapter is buying real property, a mobile home not assessed as real
 7 property, or a manufactured home not assessed as real property under
 8 a contract that provides that the individual is to pay property taxes for
 9 the real estate, mobile home, or manufactured home, the statement
 10 required by this section must contain the record number and page
 11 where the contract or memorandum of the contract is recorded.

12 SECTION 8. IC 6-1.1-12-17 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
 14 Sec. 17. Except as provided in section 17.8 of this chapter, a surviving
 15 spouse who desires to claim the deduction provided by section 16 of
 16 this chapter must file a statement with the auditor of the county in
 17 which the surviving spouse resides. **Except as provided in**
 18 **IC 6-1.3-4-4**, with respect to real property, the statement must be filed
 19 during the twelve (12) months before May 11 of each year for which
 20 the surviving spouse wishes to obtain the deduction. With respect to a
 21 mobile home that is not assessed as real property or a manufactured
 22 home that is not assessed as real property, the statement must be filed
 23 during the twelve (12) months before March 2 of each year for which
 24 the individual wishes to obtain the deduction. The statement may be
 25 filed in person or by mail. If mailed, the mailing must be postmarked
 26 on or before the last day for filing. The statement shall contain:

- 27 (1) a sworn statement that the surviving spouse is entitled to the
- 28 deduction; and
- 29 (2) the record number and page where the contract or
- 30 memorandum of the contract is recorded, if the individual is
- 31 buying the real property on a contract that provides that the
- 32 individual is to pay property taxes on the real property.

33 In addition to the statement, the surviving spouse shall submit to the
 34 county auditor for the auditor's inspection a letter or certificate from the
 35 United States Department of Veterans Affairs establishing the service
 36 of the deceased spouse in the military or naval forces of the United
 37 States before November 12, 1918.

38 SECTION 9. IC 6-1.1-12-17.5 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
 40 Sec. 17.5. (a) Except as provided in section 17.8 of this chapter, a
 41 veteran who desires to claim the deduction provided in section 17.4 of
 42 this chapter must file a sworn statement, on forms prescribed by the

COPY



1 department of local government finance, with the auditor of the county
 2 in which the real property, mobile home, or manufactured home is
 3 assessed. **Except as provided in IC 6-1.3-4-4**, with respect to real
 4 property, the veteran must file the statement during the twelve (12)
 5 months before May 11 of each year for which the veteran wishes to
 6 obtain the deduction. With respect to a mobile home that is not
 7 assessed as real property or a manufactured home that is not assessed
 8 as real property, the statement must be filed during the twelve (12)
 9 months before March 2 of each year for which the individual wishes to
 10 obtain the deduction. The statement may be filed in person or by mail.
 11 If mailed, the mailing must be postmarked on or before the last day for
 12 filing.

13 (b) The statement required under this section shall be in affidavit
 14 form or require verification under penalties of perjury. The statement
 15 shall be filed in duplicate if the veteran has, or is buying under a
 16 contract, real property in more than one (1) county or in more than one
 17 (1) taxing district in the same county. The statement shall contain:

- 18 (1) a description and the assessed value of the real property,
 19 mobile home, or manufactured home;
- 20 (2) the veteran's full name and complete residence address;
- 21 (3) the record number and page where the contract or
 22 memorandum of the contract is recorded, if the individual is
 23 buying the real property, mobile home, or manufactured home on
 24 a contract that provides that the individual is to pay property taxes
 25 on the real property, mobile home, or manufactured home; and
- 26 (4) any additional information which the department of local
 27 government finance may require.

28 SECTION 10. IC 6-1.1-12-20 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
 30 Sec. 20. (a) A property owner who desires to obtain the deduction
 31 provided by section 18 of this chapter must file a certified deduction
 32 application, on forms prescribed by the department of local government
 33 finance, with the auditor of the county in which the rehabilitated
 34 property is located. The application may be filed in person or by mail.
 35 If mailed, the mailing must be postmarked on or before the last day for
 36 filing. Except as provided in:

- 37 (1) subsection (b); **and**
 - 38 (2) **IC 6-1.3-4-4**;
- 39 the application must be filed before May 10 of the year in which the
 40 addition to assessed value is made.

41 (b) If notice of the addition to assessed value for any year is not
 42 given to the property owner before April 10 of that year, the application

COPY



1 required by this section may be filed not later than thirty (30) days after
2 the date such a notice is mailed to the property owner at the address
3 shown on the records of the township assessor.

4 (c) The application required by this section shall contain the
5 following information:

- 6 (1) a description of the property for which a deduction is claimed
7 in sufficient detail to afford identification;
- 8 (2) statements of the ownership of the property;
- 9 (3) the assessed value of the improvements on the property before
10 rehabilitation;
- 11 (4) the number of dwelling units on the property;
- 12 (5) the number of dwelling units rehabilitated;
- 13 (6) the increase in assessed value resulting from the
14 rehabilitation; and
- 15 (7) the amount of deduction claimed.

16 (d) A deduction application filed under this section is applicable for
17 the year in which the increase in assessed value occurs and for the
18 immediately following four (4) years without any additional application
19 being filed.

20 (e) On verification of an application by the assessor of the township
21 in which the property is located, the county auditor shall make the
22 deduction.

23 SECTION 11. IC 6-1.1-12-24 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
25 Sec. 24. (a) A property owner who desires to obtain the deduction
26 provided by section 22 of this chapter must file a certified deduction
27 application, on forms prescribed by the department of local government
28 finance, with the auditor of the county in which the property is located.
29 The application may be filed in person or by mail. If mailed, the
30 mailing must be postmarked on or before the last day for filing. Except
31 as provided in:

32 (1) subsection (b); or

33 (2) IC 6-1.3-4-4;

34 the application must be filed before May 10 of the year in which the
35 addition to assessed valuation is made.

36 (b) If notice of the addition to assessed valuation for any year is not
37 given to the property owner before April 10 of that year, the application
38 required by this section may be filed not later than thirty (30) days after
39 the date such a notice is mailed to the property owner at the address
40 shown on the records of the township assessor.

41 (c) The application required by this section shall contain the
42 following information:

C
o
p
y



- 1 (1) the name of the property owner;
- 2 (2) a description of the property for which a deduction is claimed
- 3 in sufficient detail to afford identification;
- 4 (3) the assessed value of the improvements on the property before
- 5 rehabilitation;
- 6 (4) the increase in the assessed value of improvements resulting
- 7 from the rehabilitation; and
- 8 (5) the amount of deduction claimed.

9 (d) A deduction application filed under this section is applicable for
 10 the year in which the addition to assessed value is made and in the
 11 immediate following four (4) years without any additional application
 12 being filed.

13 (e) On verification of the correctness of an application by the
 14 assessor of the township in which the property is located, the county
 15 auditor shall make the deduction.

16 SECTION 12. IC 6-1.1-12-27.1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
 18 Sec. 27.1. Except as provided in section 36 of this chapter, a person
 19 who desires to claim the deduction provided by section 26 of this
 20 chapter must file a certified statement in duplicate, on forms prescribed
 21 by the department of local government finance, with the auditor of the
 22 county in which the real property or mobile home is subject to
 23 assessment. **Except as provided in IC 6-1.3-4-4**, with respect to real
 24 property, the person must file the statement during the twelve (12)
 25 months before May 11 of each year for which the person desires to
 26 obtain the deduction. With respect to a mobile home which is not
 27 assessed as real property, the person must file the statement between
 28 January 15 and March 31, inclusive, of each year for which the person
 29 desires to obtain the deduction. The statement may be filed in person
 30 or by mail. If mailed, the mailing must be postmarked on or before the
 31 last day for filing. On verification of the statement by the assessor of
 32 the township in which the real property or mobile home is subject to
 33 assessment, the county auditor shall allow the deduction.

34 SECTION 13. IC 6-1.1-12-30 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
 36 Sec. 30. Except as provided in section 36 of this chapter, a person who
 37 desires to claim the deduction provided by section 29 of this chapter
 38 must file a certified statement in duplicate, on forms prescribed by the
 39 department of local government finance, with the auditor of the county
 40 in which the real property or mobile home is subject to assessment.
 41 **Except as provided in IC 6-1.3-4-4**, with respect to real property, the
 42 person must file the statement between March 1 and May 10, inclusive,

C
o
p
y



1 of each year for which the person desires to obtain the deduction. With
 2 respect to a mobile home which is not assessed as real property, the
 3 person must file the statement between January 15 and March 31,
 4 inclusive, of each year for which the person desires to obtain the
 5 deduction. On verification of the statement by the assessor of the
 6 township in which the real property or mobile home is subject to
 7 assessment, the county auditor shall allow the deduction.

8 SECTION 14. IC 6-1.1-12-35.5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
 10 Sec. 35.5. (a) Except as provided in section 36 of this chapter, a person
 11 who desires to claim the deduction provided by section 31, 33, or 34 of
 12 this chapter must file a certified statement in duplicate, on forms
 13 prescribed by the department of local government finance, and proof
 14 of certification under subsection (b) with the auditor of the county in
 15 which the property for which the deduction is claimed is subject to
 16 assessment. Except as provided in:

17 (1) subsection (e); or

18 (2) **IC 6-1.3-4-4;**

19 with respect to property that is not assessed under IC 6-1.1-7, the
 20 person must file the statement between March 1 and May 10, inclusive,
 21 of the assessment year. The person must file the statement in each year
 22 for which ~~he~~ **the person** desires to obtain the deduction. With respect
 23 to a property which is assessed under IC 6-1.1-7, the person must file
 24 the statement between January 15 and March 31, inclusive, of each
 25 year for which ~~he~~ **the person** desires to obtain the deduction. The
 26 statement may be filed in person or by mail. If mailed, the mailing must
 27 be postmarked on or before the last day for filing. On verification of the
 28 statement by the assessor of the township in which the property for
 29 which the deduction is claimed is subject to assessment, the county
 30 auditor shall allow the deduction.

31 (b) The department of environmental management, upon application
 32 by a property owner, shall determine whether a system or device
 33 qualifies for a deduction provided by section 31, 33, or 34 of this
 34 chapter. If the department determines that a system or device qualifies
 35 for a deduction, it shall certify the system or device and provide proof
 36 of the certification to the property owner. The department shall
 37 prescribe the form and manner of the certification process required by
 38 this subsection.

39 (c) If the department of environmental management receives an
 40 application for certification before April 10 of the assessment year, the
 41 department shall determine whether the system or device qualifies for
 42 a deduction before May 10 of the assessment year. If the department

C
o
p
y



1 fails to make a determination under this subsection before May 10 of
2 the assessment year, the system or device is considered certified.

3 (d) A denial of a deduction claimed under section 31, 33, or 34 of
4 this chapter may be appealed as provided in IC 6-1.1-15. The appeal is
5 limited to a review of a determination made by the township assessor,
6 county property tax assessment board of appeals, or department of local
7 government finance.

8 (e) A person who timely files a personal property return under
9 IC 6-1.1-3-7(a) for an assessment year and who desires to claim the
10 deduction provided in section 31 of this chapter for property that is not
11 assessed under IC 6-1.1-7 must file the statement described in
12 subsection (a) between March 1 and May 15, inclusive, of that year. A
13 person who obtains a filing extension under IC 6-1.1-3-7(b) for an
14 assessment year must file the application between March 1 and the
15 extended due date for that year.

16 SECTION 15. IC 6-1.1-12-38 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
18 Sec. 38. (a) A person is entitled to a deduction from the assessed value
19 of the person's property in an amount equal to the difference between:

20 (1) the assessed value of the person's property, including the
21 assessed value of the improvements made to comply with the
22 fertilizer storage rules adopted by the state chemist under
23 IC 15-3-3-12 and the pesticide storage rules adopted by the state
24 chemist under ~~IC 15-3-3.5-11~~; **IC 15-3-3.5-10**; minus

25 (2) the assessed value of the person's property, excluding the
26 assessed value of the improvements made to comply with the
27 fertilizer storage rules adopted by the state chemist under
28 IC 15-3-3-12 and the pesticide storage rules adopted by the state
29 chemist under ~~IC 15-3-3.5-11~~; **IC 15-3-3.5-10**.

30 (b) To obtain the deduction under this section, a person must file a
31 certified statement in duplicate, on forms prescribed by the department
32 of local government finance, with the auditor of the county in which the
33 property is subject to assessment. In addition to the certified statement,
34 the person must file a certification by the state chemist listing the
35 improvements that were made to comply with the fertilizer storage
36 rules adopted under IC 15-3-3-12 and the pesticide storage rules
37 adopted by the state chemist under ~~IC 15-3-3.5-11~~; **IC 15-3-3.5-10**.
38 **Except as provided in IC 6-1.3-4-4**, the statement and certification
39 must be filed before May 10 of the year preceding the year the
40 deduction will first be applied. Upon the verification of the statement
41 and certification by the assessor of the township in which the property
42 is subject to assessment, the county auditor shall allow the deduction.

C
o
p
y



1 SECTION 16. IC 6-1.1-12.1-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
3 Sec. 5. (a) A property owner who desires to obtain the deduction
4 provided by section 3 of this chapter must file a certified deduction
5 application, on forms prescribed by the department of local government
6 finance, with the auditor of the county in which the property is located.
7 Except as otherwise provided in:

- 8 (1) subsection (b) or (e); **or**
9 (2) **IC 6-1.3-4-4;**

10 the deduction application must be filed before May 10 of the year in
11 which the addition to assessed valuation is made.

12 (b) If notice of the addition to assessed valuation or new assessment
13 for any year is not given to the property owner before April 10 of that
14 year, the deduction application required by this section may be filed not
15 later than thirty (30) days after the date such a notice is mailed to the
16 property owner at the address shown on the records of the township
17 assessor.

18 (c) The deduction application required by this section must contain
19 the following information:

- 20 (1) The name of the property owner.
21 (2) A description of the property for which a deduction is claimed
22 in sufficient detail to afford identification.
23 (3) The assessed value of the improvements before rehabilitation.
24 (4) The increase in the assessed value of improvements resulting
25 from the rehabilitation.
26 (5) The assessed value of the new structure in the case of
27 redevelopment.
28 (6) The amount of the deduction claimed for the first year of the
29 deduction.
30 (7) If the deduction application is for a deduction in a
31 residentially distressed area, the assessed value of the
32 improvement or new structure for which the deduction is claimed.

33 (d) A deduction application filed under subsection (a) or (b) is
34 applicable for the year in which the addition to assessed value or
35 assessment of a new structure is made and in the following years the
36 deduction is allowed without any additional deduction application
37 being filed. However, property owners who had an area designated an
38 urban development area pursuant to a deduction application filed prior
39 to January 1, 1979, are only entitled to a deduction for a five (5) year
40 period. In addition, property owners who are entitled to a deduction
41 under this chapter pursuant to a deduction application filed after
42 December 31, 1978, and before January 1, 1986, are entitled to a

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

deduction for a ten (10) year period.

(e) A property owner who desires to obtain the deduction provided by section 3 of this chapter but who has failed to file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between March 1 and May 10 of a subsequent year which shall be applicable for the year filed and the subsequent years without any additional deduction application being filed for the amounts of the deduction which would be applicable to such years pursuant to section 4 of this chapter if such a deduction application had been filed in accordance with subsection (a) or (b).

(f) Subject to subsection (i), the county auditor shall act as follows:

(1) If a determination about the number of years the deduction is allowed has been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall make the appropriate deduction.

(2) If a determination about the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall send a copy of the deduction application to the designating body. Upon receipt of the resolution stating the number of years the deduction will be allowed, the county auditor shall make the appropriate deduction.

(3) If the deduction application is for rehabilitation or redevelopment in a residentially distressed area, the county auditor shall make the appropriate deduction.

(g) The amount and period of the deduction provided for property by section 3 of this chapter are not affected by a change in the ownership of the property if the new owner of the property:

(1) continues to use the property in compliance with any standards established under section 2(g) of this chapter; and

(2) files an application in the manner provided by subsection (e).

(h) The township assessor shall include a notice of the deadlines for filing a deduction application under subsections (a) and (b) with each notice to a property owner of an addition to assessed value or of a new assessment.

(i) Before the county auditor acts under subsection (f), the county auditor may request that the township assessor of the township in which the property is located review the deduction application.

(j) A property owner may appeal the determination of the county auditor under subsection (f) by filing a complaint in the office of the clerk of the circuit or superior court not more than forty-five (45) days after the county auditor gives the person notice of the determination.

SECTION 17. IC 6-1.1-20.9-3 IS AMENDED TO READ AS

C
O
P
Y



1 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
 2 Sec. 3. (a) An individual who desires to claim the credit provided by
 3 section 2 of this chapter must file a certified statement in duplicate, on
 4 forms prescribed by the department of local government finance, with
 5 the auditor of the county in which the homestead is located. The
 6 statement shall include the parcel number or key number of the real
 7 estate and the name of the city, town, or township in which the real
 8 estate is located. **Except as provided in IC 6-1.3-4-4**, with respect to
 9 real property, the statement must be filed during the twelve (12)
 10 months before May 11 of the year prior to the first year for which the
 11 person wishes to obtain the credit for the homestead. With respect to
 12 a mobile home that is not assessed as real property or a manufactured
 13 home that is not assessed as real property, the statement must be filed
 14 during the twelve (12) months before March 2 of the first year for
 15 which the individual wishes to obtain the credit. The statement may be
 16 filed in person or by mail. If mailed, the mailing must be postmarked
 17 on or before the last day for filing. The statement applies for that first
 18 year and any succeeding year for which the credit is allowed.

19 (b) The certified statement referred to in subsection (a) shall contain
 20 the name of any other county and township in which the individual
 21 owns or is buying real property.

22 (c) If an individual who is receiving the credit provided by this
 23 chapter changes the use of the individual's real property, so that part or
 24 all of that real property no longer qualifies for the homestead credit
 25 provided by this chapter, the individual must file a certified statement
 26 with the auditor of the county, notifying the auditor of the change of
 27 use within sixty (60) days after the date of that change. An individual
 28 who changes the use of the individual's real property and fails to file
 29 the statement required by this subsection is liable for the amount of the
 30 credit ~~to~~ **the individual** was allowed under this chapter for that real
 31 property.

32 (d) An individual who receives the credit provided by section 2 of
 33 this chapter for property that is jointly held with another owner in a
 34 particular year and remains eligible for the credit in the following year
 35 is not required to file a statement to reapply for the credit following the
 36 removal of the joint owner if:

- 37 (1) the individual is the sole owner of the property following the
- 38 death of the individual's spouse;
- 39 (2) the individual is the sole owner of the property following the
- 40 death of a joint owner who was not the individual's spouse; or
- 41 (3) the individual is awarded sole ownership of property in a
- 42 divorce decree.

C
o
p
y



1 SECTION 18. IC 6-1.1-24-0.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: **Sec. 0.5. The**
4 **payment of an interim property fee under IC 6-1.3 is subject to**
5 **enforcement in the same manner that the payment of property**
6 **taxes is enforced under this chapter and IC 6-1.1-25.**

7 SECTION 19. IC 6-1.1-42-27 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
9 Sec. 27. (a) A property owner who desires to obtain the deduction
10 provided by section 24 of this chapter must file a certified deduction
11 application, on forms prescribed by the department of local government
12 finance, with the auditor of the county in which the property is located.
13 Except as otherwise provided in:

- 14 (1) subsection (b) or (e); or
- 15 (2) **IC 6-1.3-4-4;**

16 the deduction application must be filed before May 10 of the year in
17 which the addition to assessed valuation is made.

18 (b) If notice of the addition to assessed valuation or new assessment
19 for any year is not given to the property owner before April 10 of that
20 year, the deduction application required by this section may be filed not
21 later than thirty (30) days after the date such a notice is mailed to the
22 property owner at the address shown on the records of the township
23 assessor.

24 (c) The certified deduction application required by this section must
25 contain the following information:

- 26 (1) The name of each owner of the property.
- 27 (2) A certificate of completion of a voluntary remediation under
28 IC 13-25-5-16.
- 29 (3) Proof that each owner who is applying for the deduction:
 - 30 (A) has never had an ownership interest in an entity that
 - 31 contributed; and
 - 32 (B) has not contributed;
- 33 a contaminant (as defined in IC 13-11-2-42) that is the subject of
- 34 the voluntary remediation, as determined under the written
- 35 standards adopted by the department of environmental
- 36 management.
- 37 (4) Proof that the deduction was approved by the appropriate
- 38 designating body.
- 39 (5) A description of the property for which a deduction is claimed
- 40 in sufficient detail to afford identification.
- 41 (6) The assessed value of the improvements before remediation
- 42 and redevelopment.

C
o
p
y



- 1 (7) The increase in the assessed value of improvements resulting
- 2 from remediation and redevelopment.
- 3 (8) The amount of the deduction claimed for the first year of the
- 4 deduction.
- 5 (d) A certified deduction application filed under subsection (a) or
- 6 (b) is applicable for the year in which the addition to assessed value or
- 7 assessment of property is made and each subsequent year to which the
- 8 deduction applies under the resolution adopted under section 24 of this
- 9 chapter.
- 10 (e) A property owner who desires to obtain the deduction provided
- 11 by section 24 of this chapter but who has failed to file a deduction
- 12 application within the dates prescribed in subsection (a) or (b) may file
- 13 a deduction application between March 1 and May 10 of a subsequent
- 14 year which is applicable for the year filed and the subsequent years
- 15 without any additional certified deduction application being filed for
- 16 the amounts of the deduction which would be applicable to such years
- 17 under this chapter if such a deduction application had been filed in
- 18 accordance with subsection (a) or (b).
- 19 (f) On verification of the correctness of a certified deduction
- 20 application by the assessor of the township in which the property is
- 21 located, the county auditor shall, if the property is covered by a
- 22 resolution adopted under section 24 of this chapter, make the
- 23 appropriate deduction.
- 24 (g) The amount and period of the deduction provided for property
- 25 by section 24 of this chapter are not affected by a change in the
- 26 ownership of the property if the new owner of the property:
- 27 (1) is a person that:
- 28 (A) has never had an ownership interest in an entity that
- 29 contributed; and
- 30 (B) has not contributed;
- 31 a contaminant (as defined in IC 13-11-2-42) that is the subject of
- 32 the voluntary remediation, as determined under the written
- 33 standards adopted by the department of environmental
- 34 management;
- 35 (2) continues to use the property in compliance with any
- 36 standards established under sections 7 and 23 of this chapter; and
- 37 (3) files an application in the manner provided by subsection (e).
- 38 (h) The township assessor shall include a notice of the deadlines for
- 39 filing a deduction application under subsections (a) and (b) with each
- 40 notice to a property owner of an addition to assessed value or of a new
- 41 assessment.

42 SECTION 20. IC 6-1.3 IS ADDED TO THE INDIANA CODE AS

C
o
p
y



A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:

ARTICLE 1.3. INTERIM PROPERTY FEES

Chapter 1. Definitions and Applicability

Sec. 1. The definitions set forth in IC 6-1.1-1 apply throughout this article.

Sec. 2. This article permits the imposition of an interim property fee after December 31, 2004.

Chapter 2. Imposition of Interim Property Fee

Sec. 1. A county may impose an interim property fee on real property improvements.

Sec. 2. The imposition of an interim property fee by a county under this chapter must be approved by the adoption of an ordinance by both the:

- (1) legislative body (as defined in IC 36-1-2-9); and**
- (2) executive (as defined in IC 36-1-2-5);**

of the county. The content of the ordinance as adopted by the county legislative body and as adopted by the county executive must be identical.

Sec. 3. Before adopting an ordinance under section 2 of this chapter, the county legislative body and the county executive must each:

- (1) conduct a public hearing on the proposed ordinance; and**
- (2) publish notice of the public hearing in the manner prescribed by IC 5-3-1.**

Chapter 3. Assessment

Sec. 1. (a) Except as provided in subsection (b), in each township in a county in which an interim property fee has been imposed under IC 6-1.3-2, the township assessor shall determine assessments for improvements to real property located within the township. Except as provided in subsections (c) and (d), the township assessor shall determine an assessment for a particular property in a calendar year under this section as of the first day of the next month following:

- (1) the date a certificate of occupancy is issued for the property by the appropriate government official or agency;**
- (2) if subdivision (1) does not apply, the date other approval to occupy or use the property is issued by the appropriate government official or agency; or**
- (3) if subdivisions (1) and (2) do not apply, the date the real property is determined by the township assessor to be available for occupancy or use;**

**C
O
P
Y**



1 if the date referred to in subdivision (1), (2), or (3) is after March
2 1 of the calendar year and before January 1 of the following
3 calendar year.

4 (b) The department of local government finance instead of the
5 township assessor shall determine assessments under subsection (a)
6 for real property subject to IC 6-1.1-8.5.

7 (c) The township assessor is not required to determine the
8 assessment for a property under subsection (a) if the owner of the
9 property gives written notice to the township assessor before the
10 first day of the next month following the date referred to in
11 subsection (a)(1) that:

- 12 (1) the property is not occupied;
- 13 (2) the property owner authorizes the township assessor to
14 inspect the property at any time to verify that the property is
15 not occupied; and
- 16 (3) if the property is occupied before the next succeeding
17 January 1, the property owner will give written notice to the
18 township assessor that the property has been occupied not
19 later than seven (7) days after the date of occupancy.

20 (d) If:

- 21 (1) the township assessor receives a notice under subsection
22 (c)(3) for a property; or
- 23 (2) the township assessor otherwise determines that the
24 property has been occupied before the next succeeding
25 January 1;

26 the township assessor shall determine an assessment for the
27 property as of the first day of the next month following the date of
28 occupancy of the property.

29 **Sec. 2.** The township assessor or the department of local
30 government finance shall determine an assessment under section
31 1 of this chapter by determining:

- 32 (1) the real property tax assessment that would have been
33 determined for the real property improvements if the
34 improvements had been subject to assessment as completed
35 improvements ready for occupancy or use under IC 6-1.1 on
36 the assessment date of the calendar year for which the
37 assessment is determined under section 1 of this chapter;
38 minus
- 39 (2) any partial assessment of the improvements under IC 6-1.1
40 for the assessment date referred to in subdivision (1).

41 **Sec. 3.** An assessment determined under section 1 of this chapter
42 is not a property tax assessment of the real property for purposes

C
O
P
Y



1 of IC 6-1.1.

2 **Sec. 4. (a) If a township assessor or the department of local**
3 **government finance completes an assessment under section 1 of**
4 **this chapter before January 15 of the calendar year that**
5 **immediately follows the calendar year for which the assessment is**
6 **determined, the township assessor or department shall do the**
7 **following:**

8 (1) **Certify the following to the county assessor, county**
9 **auditor, and county treasurer before February 1 of that year:**

- 10 (A) **The legal description of the property assessed.**
- 11 (B) **The amount of the assessment determined for the real**
- 12 **property improvements.**
- 13 (C) **The mailing address of the property owner.**

14 (2) **Not later than five (5) days after the completion of the**
15 **assessment, notify the property owner:**

- 16 (A) **of the assessment;**
- 17 (B) **that the property owner might be eligible for:**
 - 18 (i) **one (1) or more deductions;**
 - 19 (ii) **a credit; or**
 - 20 (iii) **an exemption;**
- 21 **as provided in IC 6-1.3-4; and**
- 22 (C) **that to qualify for a deduction, a credit, or an**
- 23 **exemption under IC 6-1.3-4, the property owner must file**
- 24 **an application under that chapter not later than twenty**
- 25 **(20) days after the date of the notice under this subdivision.**

26 (b) **If a township assessor or the department of local**
27 **government finance completes an assessment under section 1 of**
28 **this chapter after January 14 of the calendar year that immediately**
29 **follows the calendar year for which the assessment is determined,**
30 **the township assessor or department shall as soon as possible after**
31 **the completion of the assessment certify to the county assessor,**
32 **county auditor, and county treasurer the information under**
33 **subsection (a)(1).**

34 **Sec. 5. (a) Except as provided in subsection (b), an assessment**
35 **under section 1 of this chapter is subject to appeal in the same**
36 **manner that a real property tax assessment is subject to appeal**
37 **under:**

- 38 (1) **IC 6-1.1-15, with respect to an assessment determined by**
- 39 **a township assessor; or**
- 40 (2) **IC 6-1.1-8.5-11, with respect to an assessment determined**
- 41 **by the department of local government finance.**
- 42 (b) **An appeal under subsection (a)(1) must be made as provided**

C
O
P
Y



1 in IC 6-1.1-15-1(b)(1).

2 **Chapter 4. Deductions, Credits, and Exemptions**

3 **Sec. 1. (a) Except as provided in subsection (b), deductions**
4 **under:**

- 5 (1) IC 6-1.1-12;
6 (2) IC 6-1.1-12.1; and
7 (3) IC 6-1.1-42;

8 apply to assessments under this article in the same manner the
9 deductions apply to property tax assessments.

10 (b) To qualify for a deduction under subsection (a), the property
11 owner must file a deduction application with the county auditor not
12 later than twenty (20) days after the date of the notice under
13 IC 6-1.3-3-4(a)(2).

14 (c) The amount of the deduction under subsection (a)(2) or
15 (a)(3) is one hundred percent (100%).

16 (d) The application of a deduction under subsection (a)(2) or
17 (a)(3) to an assessment under this article does not affect the
18 amount of the property tax assessment deductions under the
19 chapters referred to in subsection (a)(2) or (a)(3) for the years
20 following the year for which the assessment deduction is applied
21 under this chapter.

22 **Sec. 2. (a) Except as provided in subsections (b) and (c), the**
23 **homestead credit under IC 6-1.1-20.9 applies to interim property**
24 **fees under this article in the same manner the credit applies to**
25 **property taxes on homesteads.**

26 (b) To qualify for a credit under subsection (a), the property
27 owner must file a credit application with the county auditor not
28 later than twenty (20) days after the date of the notice under
29 IC 6-1.3-3-4(a)(2).

30 (c) Notwithstanding IC 6-1.1-20.9-2(a), to qualify for the
31 homestead credit under this section, it is not required that the
32 applicant on March 1 of the year for which the assessment is
33 determined under IC 6-1.3-3-1 either owns or is buying a
34 homestead under a contract that provides the individual is to pay
35 the property taxes on the homestead.

36 (d) If the homestead credit applies to interim property fees
37 under this section, the deduction under IC 6-1.1-12-37 applies to
38 the assessment on which the fees are determined in the same
39 manner the deduction applies to a property tax assessment.

40 **Sec. 3. (a) Except as provided in subsection (b), the exemptions**
41 **under IC 6-1.1-10 apply to assessments under this article in the**
42 **same manner the exemptions apply to property tax assessments.**

C
O
P
Y



1 (b) To qualify for an exemption under subsection (a), the
2 property owner must file an exemption application with the county
3 assessor not later than twenty (20) days after the date of the notice
4 under IC 6-1.3-3-4(a)(2).

5 Sec. 4. (a) Except as provided in subsection (c), an application
6 for a deduction or an exemption under this chapter applies to:

- 7 (1) the assessment under IC 6-1.3-3-1 for the year for which
8 the assessment is determined; and
- 9 (2) the property tax assessment for the immediately
10 succeeding year.

11 (b) Except as provided in subsection (c), an application for a
12 credit under this chapter applies to:

- 13 (1) the interim property fee under this article for the year for
14 which the assessment is determined; and
- 15 (2) the property taxes for the immediately succeeding year.

16 (c) The property owner must:

- 17 (1) file a new application for a property tax deduction, credit,
18 or exemption for the year referred to in subsection (a)(2) or
19 (b)(2) if a change in the owner's circumstances changes the
20 owner's eligibility for the deduction, credit, or exemption; and
- 21 (2) notify the county auditor if the owner no longer qualifies
22 for the deduction, credit, or exemption for the year referred
23 to in subsection (a)(2) or (b)(2).

24 **Chapter 5. Determination of Interim Property Fee**

25 Sec. 1. (a) In a county in which an interim property fee has been
26 imposed under IC 6-1.3-2, the county auditor shall:

- 27 (1) calculate the interim property fee liability of each property
28 owner for the calendar year of the assessment; and
- 29 (2) except as provided in subsection (b), certify the amount of
30 each property fee liability to the county treasurer before April
31 1 of the immediately following calendar year.

32 (b) If an assessment is certified to the county auditor under
33 IC 6-1.3-3-4(a)(1) after March 15 of the immediately following
34 calendar year referred to in subsection (a)(2), the county auditor
35 shall certify the amount of the property fee liability with respect to
36 the assessment to the county treasurer not later than fifteen (15)
37 days after the assessment is certified.

38 Sec. 2. The owner's interim property fee liability under this
39 chapter for a property for a calendar year is the result under STEP
40 SIX of the following formula:

41 **STEP ONE: Determine the assessment of the improvements**
42 **for the calendar year as certified under IC 6-1.3-3-4.**

**C
o
p
y**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

STEP TWO: If the owner qualifies for one (1) or more deductions under IC 6-1.3-4, reduce the STEP ONE assessment by the combined amount of the deductions.

STEP THREE: Multiply the STEP TWO result by the net property tax rate (after consideration of the property tax replacement credit under IC 6-1.1-21) for the taxing district in which the property is located for property taxes first due and payable in the calendar year immediately following the calendar year for which the assessment is certified under IC 6-1.3-3-4.

STEP FOUR: If the owner qualifies for the homestead credit under IC 6-1.3-4, reduce the STEP THREE result by:

- (A) the homestead credit percentage; and
- (B) any additional homestead credit percentage under IC 6-3.5-6 or IC 6-3.5-7;

that apply for the taxing district in which the property is located for property taxes first due and payable in the calendar year immediately following the calendar year for which the assessment is certified under IC 6-1.3-3-4.

STEP FIVE: Determine the percentage under the following table for the listed month that corresponds to the month in which the date determined under IC 6-1.3-3-1(a)(1), IC 6-1.3-3-1(a)(2), or IC 6-1.3-3-1(a)(3) for the property occurs or the month in which the property was occupied as determined by the township assessor under IC 6-1.3-3-1(d):

| | |
|-----------|-------|
| March | 83.3% |
| April | 75.0% |
| May | 66.7% |
| June | 58.3% |
| July | 50.0% |
| August | 41.7% |
| September | 33.3% |
| October | 25.0% |
| November | 16.7% |
| December | 8.3% |

STEP SIX: Multiply the STEP FOUR result by the percentage determined in STEP FIVE.

Chapter 6. Payment of Interim Property Fee

Sec. 1. (a) An interim property fee imposed under IC 6-1.3-2: (1) except as provided in subsection (b), is due in two (2) equal installments on May 10 and November 10 of the calendar year immediately following the calendar year for which the

**C
O
P
Y**



1 assessment is determined under IC 6-1.3-3-1, subject to
2 section 2 of this chapter; and

3 (2) must be paid to the county treasurer.

4 (b) With respect to an assessment for which the county
5 treasurer is unable for any reason to mail or transmit an interim
6 property fee billing statement along with statements for the
7 property tax installment due on May 10 of the calendar year
8 immediately following the calendar year for which the assessment
9 is determined under IC 6-1.3-3-1, the treasurer may issue a billing
10 statement for the full interim property fee due on November 10 of
11 that year.

12 Sec. 2. IC 6-1.1-37-10 applies to payments under this chapter.

13 Chapter 7. County Treasurer Duties

14 Sec. 1. The treasurer of a county in which an interim property
15 fee has been imposed under IC 6-1.3-2 shall:

16 (1) distribute interim property fee revenue under this article
17 to the taxing units in which the property is located:

18 (A) in the same proportion; and

19 (B) at the same time;

20 that property taxes are distributed to the taxing units;

21 (2) either:

22 (A) mail, to the last known address of each person liable
23 for an interim property fee, a statement of the interim
24 property fee that is due; or

25 (B) transmit, by written, electronic, or other means to a
26 mortgagee maintaining an escrow account for a person
27 who is liable for an interim property fee, a statement of the
28 interim property fee that is due; and

29 (3) include the following in the statement mailed or
30 transmitted under subdivision (2):

31 (A) An itemized listing, including:

32 (i) the amounts of any deductions applied to the
33 assessment;

34 (ii) the amount of the tax rate used to calculate the
35 interim property fee;

36 (iii) the amounts of any credits used to calculate the
37 interim property fee; and

38 (iv) the amount of the interim property fee attributable
39 to the property.

40 (B) Information designed to inform the property owner or
41 mortgagee clearly and accurately of the manner in which
42 the interim property fee billed in the statement is to be

C
O
P
Y



1 used.

2 **Sec. 2. The form used and the method by which the statement**
 3 **and information, if any, are transmitted under section 1 of this**
 4 **chapter must be approved by the state board of accounts. The**
 5 **county treasurer shall mail or transmit the statement and**
 6 **information one (1) time each year at least fifteen (15) days before**
 7 **the date on which the first installment or only installment is due.**
 8 **The statement must contain the date or dates on which the**
 9 **installment or installments are due and denote the amount to be**
 10 **paid for each installment.**

11 **Chapter 8. Enforcement of Payment of Interim Property Fee**

12 **Sec. 1. (a) The state acquires a lien on each tract of real**
 13 **property for all interim property fees levied against the tract under**
 14 **this article, including the land under an improvement or**
 15 **appurtenance described in IC 6-1.1-2-4(b), and all subsequent**
 16 **penalties and cost resulting from the fees. This lien attaches on**
 17 **December 31 of the year for which the assessment is determined**
 18 **under IC 6-1.3-3-1. The lien is not affected by any sale or transfer**
 19 **of the tract, including the land under an improvement or**
 20 **appurtenance described in IC 6-1.1-2-4(b), including the sale,**
 21 **exchange, or lease of the tract under IC 36-1-11.**

22 **(b) A lien of the state under subsection (a) for interim property**
 23 **fees, penalties, and cost continues for ten (10) years from May 10**
 24 **of the year in which the fees first become due. However, if any**
 25 **proceeding is instituted to enforce the lien within the ten (10) year**
 26 **period, the limitation is extended, if necessary, to permit the**
 27 **termination of the proceeding.**

28 **(c) A lien of the state under subsection (a) inures to taxing units**
 29 **that impose the interim property fees on which the lien is based,**
 30 **and the lien is superior to all other liens except the lien for**
 31 **property taxes under IC 6-1.1-22-13.**

32 **(d) A taxing unit described in subsection (c) may institute a civil**
 33 **suit against a person or an entity liable for delinquent interim**
 34 **property fees. The taxing unit may, after obtaining a judgment,**
 35 **collect:**

- 36 **(1) delinquent interim property fees;**
 37 **(2) penalties due to the delinquency; and**
 38 **(3) costs and expenses incurred in collecting the delinquent**
 39 **interim property fees, including reasonable attorney's fees**
 40 **and court costs approved by a court with jurisdiction.**

41 **Sec. 2. The payment of an interim property fee under this article**
 42 **is subject to enforcement in the same manner that the payment of**

C
O
P
Y



1 **property taxes is enforced under IC 6-1.1-24 and IC 6-1.1-25.**
 2 **Chapter 9. Interim Property Fee in Addition to Property Tax**
 3 **Sec. 1. The interim property fee imposed upon a property under**
 4 **this article is in addition to any property taxes levied against the**
 5 **property under IC 6-1.1.**
 6 SECTION 21. IC 36-6-5-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
 8 Sec. 3. The assessor shall perform the duties prescribed by statute,
 9 including:
 10 (1) assessment duties prescribed by IC 6-1.1 **and IC 6-1.3**; and
 11 (2) administration of the dog tax and dog fund, as prescribed by
 12 IC 15-5-9.
 13 SECTION 22. **An emergency is declared for this act.**

**C
o
p
y**

