HOUSE BILL No. 1346

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-30-6-8.5.

Synopsis: Tax liens for property cleanup. Permits a county, city, or town, after successfully bringing an action to abate a nuisance, to abate the nuisance itself or hire a contractor to abate the nuisance. Provides that if the county, city, or town is not reimbursed for abating the nuisance, the county auditor may place the unpaid amount on the owner's property tax statement and collect the unpaid amount as taxes are collected.

Effective: July 1, 2011.

Neese

January 13, 2011, read first time and referred to Committee on Local Government.

C o p y

Introduced

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C o p y

HOUSE BILL No. 1346

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

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

SECTION 1. IC 32-30-6-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 8.5. (a) This section applies if a county, city, or town prevails in an action under section 7 of this chapter.**

(b) If, not later than seven (7) days after the date a court issues an order to abate or enjoin a nuisance (unless the court sets another time), the defendant does not begin to abate the nuisance, the county, city, or town may abate the nuisance itself or contract with another person to abate the nuisance.

(c) After completion of the work described in subsection (b), the county, city, or town shall transmit a certified statement of costs to the owner or person possessing the real estate by certified mail or personal service. If approved by the legislative body of the county, city, or town, the costs may include an administrative abatement fee that does not exceed the greater of:

(1) two hundred dollars ($200); or

(2) ten percent (10%) of the actual cost of the abatement.

The statement must request that the person pay the costs within ten (10) days.

(d) If the owner or person possessing the property does not pay the amount set forth in the certified statement not later than ten (10) days after receipt of the certified statement, the county, city, or town shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located.

(e) The county auditor shall place the amount claimed in the certified statement under subsection (d) on the tax duplicate of the real estate. The amount claimed shall be collected as taxes are collected.

(f) After an amount described in subsection (c) is collected, the funds must be deposited in the general fund of the county, city, or town.

C o p y