



January 13, 2012

HOUSE BILL No. 1261

DIGEST OF HB 1261 (Updated January 12, 2012 11:09 am - DI 75)

Citations Affected: IC 24-9; IC 32-29; IC 32-30; IC 36-2; IC 36-7.

Synopsis: County recorders. Increases from \$2 per page to \$5 per page the fee for providing copies of records on paper larger than legal size. Provides the following: (1) Establishes inclusive fees for recording mortgages, deeds, assignments, affidavits, satisfactions, and releases. (2) Requires that after certain fees are deducted, the remainder of the fees collected for recording these documents must be deposited in the recorder's records perpetuation fund. Provides that the county identification security protection fee for recording a document is included in the fee charged for recording a mortgage, deed, assignment, affidavit, satisfaction, or release. Provides that with regard to recording a nonconforming document: (1) requires (rather than allows) the recorder to attach additional pages as needed; and (2) requires the recorder to collect an additional \$25 fee for the entire document (instead of an additional fee of \$1 for each nonconforming page). Maintains the following requirements: (1) \$5 of each deed recording fee is deposited in the surveyor's corner perpetuation fund. (2) \$2.50 of each mortgage recording fee is deposited in the state general fund and the homeowner protection unit account. Provides that a county ordinance adopted before, on, or after July 1, 2012, that authorizes the collection of a fee on each document recorded, a part of which is deposited into the county's affordable housing fund or housing trust
(Continued next page)

Effective: July 1, 2012.

Heuer, Friend

January 9, 2012, read first time and referred to Committee on Local Government.
January 13, 2012, amended, reported — Do Pass.

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fund, authorizes the county recorder to charge the fee as part of the fee collected for each mortgage, deed, assignment, affidavit, satisfaction, or release recorded. Provides that for purposes of recording, a document should conform to the standards set forth in statute, but may not be rejected unless the document is considered to be illegible by the county recorder or is incapable of being archived. Allows the resources of the Indianapolis housing trust fund to be used to fund programs considered appropriate to meet the affordable housing and community development needs of lower income families and very low income families, including lower income elderly individuals, individuals with disabilities, and homeless individuals.

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January 13, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1261

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

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

1 SECTION 1. IC 24-9-9-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2012]: Sec. 1. The county recorder shall assess
3 a fee of ~~three one hundred~~ dollars (~~\$3~~) (**\$100**) under
4 ~~IC 36-2-7-10(b)(11)~~ **IC 36-2-7-10(k)** for each mortgage recorded. The
5 fee shall be paid to the county treasurer at the end of each calendar
6 month as provided in IC 36-2-7-10(a).

7 SECTION 2. IC 24-9-9-2, AS AMENDED BY P.L.1-2010,
8 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2012]: Sec. 2. **Except as provided in section 3 of this**
10 **chapter and IC 36-2-7-10(o) and IC 36-2-7-10(p)**, the county auditor
11 shall credit ~~fifty cents~~ (~~\$0.50~~) of the fee collected under
12 ~~IC 36-2-7-10(b)(11)~~ **IC 36-2-7-10(k)(1)** for each mortgage recorded to
13 the county recorder's records perpetuation fund established under
14 IC 36-2-7-10(d).

15 SECTION 3. IC 24-9-9-3 IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2012]: Sec. 3. On or before June 20 and
 2 December 20 of each year, after completing an audit of the county
 3 treasurer's monthly reports required by IC 36-2-10-16, the county
 4 auditor shall distribute to the auditor of state two dollars and fifty cents
 5 (\$2.50) of the mortgage recording fee collected under
 6 ~~IC 36-2-7-10(b)(11)~~ **IC 36-2-7-10(m)** for each mortgage recorded by
 7 the county recorder. The auditor of state shall deposit the money in the
 8 state general fund to be distributed as described in section 4 of this
 9 chapter.

10 SECTION 4. IC 32-29-1-8 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Any mortgage of
 12 record or any part of the mortgage may be assigned by the mortgagee
 13 or any assignee of the mortgage, either by an assignment entered on the
 14 margin of the record, signed by the person making the assignment and
 15 attested by the recorder, or by a separate instrument executed and
 16 acknowledged before any person authorized to take acknowledgments,
 17 and recorded in the mortgage records of the county. The county
 18 recorder shall note the assignment in the margin by reference to the
 19 location where the assignment is recorded.

20 (b) The signature of a person on an assignment under subsection (a)
 21 may be a facsimile. The facsimile on the assignment is equivalent to
 22 and constitutes the written signature of the person for all requirements
 23 regarding mortgage assignments.

24 (c) Notwithstanding subsection (a), marginal assignments may be
 25 accepted at the discretion of the recorder. ~~Except in a county that~~
 26 ~~accepts marginal assignments of mortgage, an assignment of mortgage~~
 27 ~~must be recorded on a separate written instrument from the mortgage.~~
 28 If a recorder accepts marginal assignments of mortgage, an instrument
 29 presented for recording in that county may not contain more than one
 30 (1) assignment. ~~If a recorder allows an instrument to contain more than~~
 31 ~~one (1) assignment, the fee for recording that instrument is provided in~~
 32 ~~IC 36-2-7-10(b)(3).~~ **The fee for recording an assignment is provided**
 33 **in IC 36-2-7-10(k).**

34 **(d) In a county that does not accept marginal assignments of**
 35 **mortgage, an assignment of mortgage must be recorded on a**
 36 **separate written instrument from the mortgage. A recorder may**
 37 **allow an instrument to contain more than one (1) assignment. The**
 38 **fee for recording an assignment is provided in IC 36-2-7-10(k).**

39 ~~(d)~~ (e) After entry is made of record, the mortgagor and all other
 40 persons are bound by the record, and the entry is a public record. Any
 41 assignee may enter satisfaction or release of the mortgage, or the part
 42 of the mortgage held by the assignee of record.



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1 SECTION 5. IC 32-29-5-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) It is lawful for:

3 (1) the president, vice president, cashier, secretary, treasurer,
4 attorney in fact, or other authorized representative of a national
5 bank, state bank, trust company, or savings bank; or

6 (2) the president, vice president, general manager, secretary,
7 treasurer, attorney in fact, or other authorized representative of
8 any other corporation doing business in Indiana;

9 to release upon the record mortgages, judgments, and other record liens
10 upon the payment of the debts secured by the liens.

11 (b) A release, when made upon the margin or face of the record of
12 the mortgage, judgment, or other lien and attested by the recorder,
13 clerk, or other officer having custody of the record of the lien, is a full
14 discharge and satisfaction of the lien.

15 (c) The recorder of each county may require that each release,
16 discharge, or satisfaction of a mortgage, judgment, or lien, or any
17 partial release of any of these, be recorded on a separate written
18 instrument. If a recorder requires the recording of each release,
19 discharge, or satisfaction on a separate written instrument, an
20 instrument presented for recordation in that county may not contain
21 more than one (1) release, discharge, or satisfaction. ~~If~~ A recorder
22 ~~allows~~ **may allow** an instrument to contain more than one (1) release,
23 discharge, or satisfaction. ~~the fee for recording that instrument is~~
24 ~~provided in IC 36-2-7-10(b)(3).~~ **The fee for recording a release or**
25 **satisfaction is provided in IC 36-2-7-10(k).**

26 (d) Except as provided in subsection (e), a national bank, state bank,
27 trust company, savings bank, or other corporation may release and
28 discharge mortgages, judgments, or other record liens by a separate
29 written instrument signed by its:

- 30 (1) corporate name;
31 (2) president;
32 (3) vice president;
33 (4) cashier;
34 (5) secretary;
35 (6) treasurer;
36 (7) attorney-in-fact; or
37 (8) authorized representative.

38 A release under this subsection shall be recorded by the recorder, clerk,
39 or other officer having custody of the record of the lien, with a
40 reference on the margin of the record of the lien to the location where
41 the release is recorded. Upon recordation, the release is a full discharge
42 and satisfaction of the lien, or portion of the lien, as indicated in a

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1 partial release.

2 (e) A release by the attorney-in-fact may not be recorded until a
3 written instrument specifically granting the attorney in fact the
4 authority to release and discharge mortgages, judgments, or other
5 record liens has been filed and recorded in the recorder's office of the
6 county where the release is to be recorded. The written instrument must
7 be in writing and signed and acknowledged by two (2) officers of the
8 national bank, state bank, trust company, savings bank, or other
9 corporation.

10 (f) A party may revoke the written instrument filed under subsection
11 (e) by:

12 (1) noting on the written instrument granting the attorney in fact
13 the authority to release mortgages and liens that this power has
14 been revoked; or

15 (2) filing and recording in the recorder's office of the county
16 where the written instrument described in subsection (e) of this
17 section was filed, a separate written instrument signed and
18 acknowledged by two (2) officers of the entity revoking the
19 attorney-in-fact's authority.

20 The written notice of revocation described in this subsection must be
21 attested by the recorder of the county in which the revocation is filed.
22 The party conferring the power described in subsection (e) is bound by
23 an act performed before written notice revoking the authority is
24 properly attested to and filed in the county recorder's office.

25 SECTION 6. IC 32-30-10-6 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. Upon:

27 (1) the foreclosure of a recorded mortgage in a court of any
28 county having jurisdiction in Indiana; and

29 (2) the payment and satisfaction of the judgment as may be
30 rendered in the foreclosure proceeding;

31 the prevailing party shall immediately after satisfaction of the judgment
32 record the satisfaction of the mortgage on the records of the recorder's
33 office of the county where the property is located. The record in
34 foreclosure and satisfaction must show that the whole debt, secured by
35 the mortgage, has been paid. The recorder must be paid a fee of not
36 more than the amount specified in ~~IC 36-2-7-10(b)(1)~~ and
37 ~~IC 36-2-7-10(b)(2)~~ **IC 36-2-7-10(k)** in each case of foreclosure
38 requiring satisfaction.

39 SECTION 7. IC 36-2-7-10, AS AMENDED BY P.L.45-2010,
40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2012]: Sec. 10. (a) The county recorder shall tax and collect
42 the fees prescribed by this section for recording, filing, copying, and

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1 other services the recorder renders, and shall pay them into the county
2 treasury at the end of each calendar month. The fees prescribed and
3 collected under this section supersede all other recording fees required
4 by law to be charged for services rendered by the county recorder.

5 (b) **Except as provided in subdivisions (9) and (10), this**
6 **subsection does not apply to the recording of a mortgage, a deed,**
7 **an assignment, an affidavit, a satisfaction, a release, or a tax sale**
8 **certificate.** The county recorder shall charge the following:

9 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each
10 additional page of any document the recorder records if the pages
11 are not larger than eight and one-half (8 1/2) inches by fourteen
12 (14) inches.

13 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for
14 each additional page of any document the recorder records, if the
15 pages are larger than eight and one-half (8 1/2) inches by fourteen
16 (14) inches.

17 ~~(3) For attesting to the release, partial release, or assignment of~~
18 ~~any mortgage, judgment, lien, or oil and gas lease contained on a~~
19 ~~multiple transaction document, the fee for each transaction after~~
20 ~~the first is the amount provided in subdivision (1) plus the amount~~
21 ~~provided in subdivision (4) and one dollar (\$1) for marginal~~
22 ~~mortgage assignments or marginal mortgage releases.~~

23 ~~(4) (3) One dollar (\$1) for each cross-reference of a recorded~~
24 ~~document.~~

25 ~~(5) (4) One dollar (\$1) per page not larger than eight and one-half~~
26 ~~(8 1/2) inches by fourteen (14) inches for furnishing copies of~~
27 ~~records and two five dollars (\$2) (\$5) per page that is larger than~~
28 ~~eight and one-half (8 1/2) inches by fourteen (14) inches.~~

29 ~~(6) (5) Five dollars (\$5) for acknowledging or certifying to a~~
30 ~~document.~~

31 ~~(7) Five dollars (\$5) for each deed the recorder records, in~~
32 ~~addition to other fees for deeds; for the county surveyor's corner~~
33 ~~perpetuation fund for use as provided in IC 21-47-3-3 or~~
34 ~~IC 36-2-12-11(e).~~

35 ~~(8) (6) A fee in an amount authorized under IC 5-14-3-8 for~~
36 ~~transmitting a copy of a document by facsimile machine.~~

37 ~~(9) (7) A fee in an amount authorized by an ordinance adopted by~~
38 ~~the county legislative body for duplicating a computer tape, a~~
39 ~~computer disk, an optical disk, microfilm, or similar media. This~~
40 ~~fee may not cover making a handwritten copy or a photocopy or~~
41 ~~using xerography or a duplicating machine.~~

42 ~~(10) (8) A supplemental fee of three dollars (\$3) for recording a~~

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1 document that is paid at the time of recording. The fee under this
 2 subdivision is in addition to other fees provided by law for
 3 recording a document.

4 ~~(11)~~ Three dollars (\$3) for each mortgage on real estate recorded;
 5 in addition to other fees required by this section; distributed as
 6 follows:

7 (A) Fifty cents (\$0.50) is to be deposited in the recorder's
 8 record perpetuation fund:

9 (B) Two dollars and fifty cents (\$2.50) is to be distributed to
 10 the auditor of state on or before June 20 and December 20 of
 11 each year as provided in IC 24-9-9-3.

12 ~~(12)~~ (9) This subdivision applies in a county only if at least one
 13 (1) unit in the county has established an affordable housing fund
 14 under IC 5-20-5-15.5 and the county fiscal body adopts an
 15 ordinance authorizing the fee described in this subdivision. An
 16 ordinance adopted under this subdivision may authorize the
 17 county recorder to charge a fee of:

18 (A) two dollars and fifty cents (\$2.50) for the first page; and

19 (B) one dollar (\$1) for each additional page;

20 of each document the recorder records. **An ordinance adopted**
 21 **before, on, or after July 1, 2012, that authorizes the recorder**
 22 **to charge the fee described in this subdivision authorizes the**
 23 **county recorder to charge the fee described in this subdivision**
 24 **for each document that the recorder records under this**
 25 **subsection or subsection (k).**

26 ~~(13)~~ (10) This subdivision applies in a county containing a
 27 consolidated city that has established a housing trust fund under
 28 IC 36-7-15.1-35.5(e). The county fiscal body may adopt an
 29 ordinance authorizing the fee described in this subdivision. An
 30 ordinance adopted under this subdivision may authorize the
 31 county recorder to charge a fee of:

32 (A) two dollars and fifty cents (\$2.50) for the first page; and

33 (B) one dollar (\$1) for each additional page;

34 of each document the recorder records. **An ordinance adopted**
 35 **before, on, or after July 1, 2012, that authorizes the recorder**
 36 **to charge the fee described in this subdivision authorizes the**
 37 **county recorder to charge the fee described in this subdivision**
 38 **for each document that the recorder records under this**
 39 **subsection or subsection (k).**

40 (c) The county recorder shall charge a two dollar (\$2) county
 41 identification security protection fee for recording or filing a document
 42 under subsection (b). The fee is in addition to the fees charged

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1 **under subsection (b).** This fee shall be deposited under IC 36-2-7.5-6.

2 (d) The county treasurer shall establish a recorder's records
3 perpetuation fund. All revenue received under section 10.1 of this
4 chapter, subsection ~~(b)(5), (b)(8), (b)(9), and (b)(10)~~; **(b)(4), (b)(6),**
5 **(b)(7), and (b)(8)**, and IC 36-2-7.5-6(c)(1) (after June 30, 2011), ~~and~~
6 ~~fifty cents (\$0.50) from revenue received under subsection (b)(11)~~;
7 shall be deposited in this fund. The county recorder may use any money
8 in this fund without appropriation for the preservation of records and
9 the improvement of record keeping systems and equipment. Money
10 from the fund may not be deposited or transferred into the county
11 general fund and does not revert to the county general fund at the end
12 of a fiscal year.

13 (e) As used in this section, "record" or "recording" includes the
14 functions of recording, filing, and filing for record.

15 (f) The county recorder shall post the fees set forth in ~~subsection~~
16 **subsections (b) and (k)** in a prominent place within the county
17 recorder's office where the fee schedule will be readily accessible to the
18 public.

19 (g) The county recorder may not tax or collect any fee for:

- 20 (1) recording an official bond of a public officer, a deputy, an
21 appointee, or an employee; or
22 (2) performing any service under any of the following:
23 (A) IC 6-1.1-22-2(c).
24 (B) IC 8-23-7.
25 (C) IC 8-23-23.
26 (D) IC 10-17-2-3.
27 (E) IC 10-17-3-2.
28 (F) IC 12-14-13.
29 (G) IC 12-14-16.

30 (h) The state and its agencies and instrumentalities are required to
31 pay the recording fees and charges that this section prescribes.

32 (i) This subsection applies to a county other than a county
33 containing a consolidated city. The county treasurer shall distribute
34 money collected by the county recorder under ~~subsection (b)(12)~~
35 **subsections (b)(9) and (o)** as follows:

- 36 (1) Sixty percent (60%) of the money collected by the county
37 recorder under ~~subsection (b)(12)~~ **subsections (b)(9) and (o)**
38 shall be distributed to the units in the county that have established
39 an affordable housing fund under IC 5-20-5-15.5 for deposit in
40 the fund. The amount to be distributed to a unit is the amount
41 available for distribution multiplied by a fraction. The numerator
42 of the fraction is the population of the unit. The denominator of

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1 the fraction is the population of all units in the county that have
 2 established an affordable housing fund. The population to be used
 3 for a county that establishes an affordable housing fund is the
 4 population of the county outside any city or town that has
 5 established an affordable housing fund.

6 (2) Forty percent (40%) of the money collected by the county
 7 recorder under ~~subsection (b)(12)~~ **subsections (b)(9) and (o)**
 8 shall be distributed to the treasurer of state for deposit in the
 9 affordable housing and community development fund established
 10 under IC 5-20-4-7 for the purposes of the fund.

11 Money shall be distributed under this subsection before the sixteenth
 12 day of the month following the month in which the money is collected
 13 from the county recorder.

14 (j) This subsection applies to a county described in ~~subsection~~
 15 ~~(b)(13)~~ **subsections (b)(10) and (o)**. The county treasurer shall
 16 distribute money collected by the county recorder under ~~subsection~~
 17 ~~(b)(13)~~ **subsections (b)(10) and (o)** as follows:

18 (1) Sixty percent (60%) of the money collected by the county
 19 recorder under ~~subsection (b)(13)~~ **subsections (b)(10) and (o)**
 20 shall be deposited in the housing trust fund established under
 21 IC 36-7-15.1-35.5(e) for the purposes of the fund.

22 (2) Forty percent (40%) of the money collected by the county
 23 recorder under ~~subsection (b)(13)~~ **subsections (b)(10) and (o)**
 24 shall be distributed to the treasurer of state for deposit in the
 25 affordable housing and community development fund established
 26 under IC 5-20-4-7 for the purposes of the fund.

27 Money shall be distributed under this subsection before the sixteenth
 28 day of the month following the month in which the money is collected
 29 from the county recorder.

30 **(k) This subsection applies only to the recording of a mortgage,**
 31 **a deed, an assignment, an affidavit, a satisfaction, and a release.**
 32 **The county recorder shall charge the following fees:**

33 **(1) One hundred dollars (\$100) for a mortgage.**

34 **(2) Twenty-five dollars (\$25) for a deed.**

35 **(3) Twenty-five dollars (\$25) for an assignment.**

36 **(4) Twenty-five dollars (\$25) for an affidavit with only one (1)**
 37 **cross-reference.**

38 **(5) Twenty-five dollars (\$25) for a satisfaction.**

39 **(6) Twenty-five dollars (\$25) for a release.**

40 **(7) For attesting to the release, partial release, or assignment**
 41 **of any mortgage, judgment, lien, or oil and gas lease contained**
 42 **on a multiple transaction document, the fee for each**

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1 transaction after the first transaction is as follows:

2 (A) Six dollars (\$6) for the first page and two dollars (\$2)
3 for each additional page of any document the recorder
4 records if the pages are not larger than eight and one-half
5 (8 1/2) inches by fourteen (14) inches.

6 (B) One dollar (\$1) for each cross-reference of a recorded
7 document.

8 (C) One dollar (\$1) for marginal mortgage assignments or
9 marginal mortgage releases.

10 (8) One dollar (\$1) for each cross-reference of a recorded
11 document.

12 (l) Except as provided in subsections (m), (n), (o), and (p), the
13 fees collected under subsection (k) shall be deposited in the
14 recorder's records perpetuation fund under subsection (d).

15 (m) Two dollars and fifty cents (\$2.50) of the fee the recorder
16 collects under subsection (k)(1) shall be distributed to the auditor
17 of the state on or before June 20 and December 20 of each year as
18 provided in IC 24-9-9-3.

19 (n) Five dollars (\$5) of the fee the recorder collects under
20 subsection (k)(2) shall be deposited in the county surveyor's corner
21 perpetuation fund for use as provided in IC 21-47-3-3 or
22 IC 36-2-12-11(e).

23 (o) An ordinance adopted before, on, or after July 1, 2012, that
24 authorizes a fee described in subsection (b)(9) or (b)(10) authorizes
25 the county recorder to charge the fee described in subsection (b)(9)
26 or (b)(10) for each document the recorder records under
27 subsection (b) or (k). The fee charged under subsection (b)(9) or
28 (b)(10) shall be deducted from the fee charged under subsection (k)
29 and deposited as set forth in subsection (i) or (j).

30 (p) Two dollars (\$2) of each fee the recorder collects under
31 subsection (k) shall be deposited under IC 36-2-7.5-6.

32 (q) A document for recording should conform to the standards
33 set forth in IC 36-2-11-16.5(b) but may not be rejected unless the
34 document is considered to be illegible by the county recorder or is
35 incapable of being archived.

36 SECTION 8. IC 36-2-7.5-6, AS AMENDED BY P.L.45-2010,
37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2012]: Sec. 6. (a) The county recorder shall charge a two
39 dollar (\$2) county identification security protection fee for recording
40 or filing a document in addition to the fees required by
41 ~~IC 36-2-7-10(b)(1) through IC 36-2-7-10(b)(11)~~. under
42 IC 36-2-7-10(c) and IC 36-2-7-10(p).

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1 (b) The county recorder shall deposit two dollars (\$2) of the fee
2 charged under subsection (a) in the county identification security
3 protection fund established by section 11 of this chapter. This
4 subsection expires July 1, 2011.

5 (c) Beginning July 1, 2011; (b) The county recorder shall deposit the
6 fee charged under subsection (a) in the following manner:

7 (1) One dollar (\$1) shall be deposited in the county recorder's
8 records perpetuation fund established under IC 36-2-7-10(d).

9 (2) Fifty cents (\$0.50) shall be deposited in the county
10 identification security protection fund established under section
11 11 of this chapter.

12 (3) Fifty cents (\$0.50) shall be deposited in the county elected
13 officials training fund established under IC 36-2-7-19.

14 SECTION 9. IC 36-2-11-16.5 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16.5. (a) This section
16 does not apply to the following:

17 (1) A judgment, an order, or a writ of a court.

18 (2) A will or death certificate.

19 (3) A plat.

20 (4) A survey.

21 (b) The county recorder may receive for record an instrument or a
22 document without collecting the additional fee described in subsection
23 (c) if:

24 (1) the instrument or document consists of at least one (1)
25 individual page measuring not more than eight and one-half (8
26 1/2) inches by fourteen (14) inches that is not permanently bound
27 and is not a continuous form;

28 (2) the instrument or document is on white paper of at least
29 twenty (20) pound weight and has clean margins:

30 (A) on the first and last pages of at least two (2) inches on the
31 top and bottom and one-half (1/2) inch on each side; and

32 (B) on each additional page of at least one-half (1/2) inch on
33 the top, bottom, and each side; and

34 (3) the instrument or document is typewritten or computer
35 generated in black ink in at least 10 point type.

36 (c) For each instrument or document presented for recording that
37 does not conform to the requirements of subsection (b), the recorder
38 may attach additional pages, as needed, and collect one dollar (\$1) for
39 each nonconforming page. shall:

40 (1) attach additional pages as needed; and

41 (2) collect an additional fee of twenty-five dollars (\$25) for the
42 nonconforming document.

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1 SECTION 10. IC 36-7-15.1-35.5, AS AMENDED BY
2 P.L.211-2007, SECTION 48, IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 35.5. (a) The general
4 assembly finds the following:

5 (1) Federal law permits the sale of a multiple family housing
6 project that is or has been covered, in whole or in part, by a
7 contract for project based assistance from the United States
8 Department of Housing and Urban Development without
9 requiring the continuation of that project based assistance.

10 (2) Such a sale displaces the former residents of a multiple family
11 housing project described in subdivision (1) and increases the
12 shortage of safe and affordable housing for persons of low and
13 moderate income within the county.

14 (3) The displacement of families and individuals from affordable
15 housing requires increased expenditures of public funds for crime
16 prevention, public health and safety, fire and accident prevention,
17 and other public services and facilities.

18 (4) The establishment of a supplemental housing program under
19 this section will do the following:

20 (A) Benefit the health, safety, morals, and welfare of the
21 county and the state.

22 (B) Serve to protect and increase property values in the county
23 and the state.

24 (C) Benefit persons of low and moderate income by making
25 affordable housing available to them.

26 (5) The establishment of a supplemental housing program under
27 this section and sections 32 through 35 of this chapter is:

28 (A) necessary in the public interest; and

29 (B) a public use and purpose for which public money may be
30 spent and private property may be acquired.

31 (b) In addition to its other powers with respect to a housing program
32 under sections 32 through 35 of this chapter, the commission may
33 establish a supplemental housing program. Except as provided by this
34 section, the commission has the same powers and duties with respect
35 to the supplemental housing program that the commission has under
36 sections 32 through 35 of this chapter with respect to the housing
37 program.

38 (c) One (1) allocation area may be established for the supplemental
39 housing program. The commission is not required to make the findings
40 required under section 34(5) through 34(8) of this chapter with respect
41 to the allocation area. However, the commission must find that the
42 property contained within the boundaries of the allocation area consists

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1 solely of one (1) or more multiple family housing projects that are or
2 have been covered, in whole or in part, by a contract for project based
3 assistance from the United States Department of Housing and Urban
4 Development or have been owned at one time by a public housing
5 agency. The allocation area need not be contiguous. The definition of
6 "base assessed value" set forth in section 35(a) of this chapter applies
7 to the special fund established under section 26(b) of this chapter for
8 the allocation area.

9 (d) The special fund established under section 26(b) of this chapter
10 for the allocation area established under this section may be used only
11 for the following purposes:

12 (1) Subject to subdivision (2), on January 1 and July 1 of each
13 year the balance of the special fund shall be transferred to the
14 housing trust fund established under subsection (e).

15 (2) The commission may provide each taxpayer in the allocation
16 area a credit for property tax replacement in the manner provided
17 by section 35(b)(7) of this chapter. Transfers made under
18 subdivision (1) shall be reduced by the amount necessary to
19 provide the credit.

20 (e) The commission shall, by resolution, establish a housing trust
21 fund to be administered, subject to the terms of the resolution, by:

- 22 (1) the housing division of the consolidated city; or
- 23 (2) the department, division, or agency that has been designated
24 to perform the public housing function by an ordinance adopted
25 under IC 36-7-18-1.

26 (f) The housing trust fund consists of:

- 27 (1) amounts transferred to the fund under subsection (d);
- 28 (2) payments in lieu of taxes deposited in the fund under
29 IC 36-3-2-11;
- 30 (3) gifts and grants to the fund;
- 31 (4) investment income earned on the fund's assets;
- 32 (5) money deposited in the fund under IC 36-2-7-10(j); and
- 33 (6) other funds from sources approved by the commission.

34 (g) The commission shall, by resolution, establish uses for the
35 housing trust fund. However, the uses must be limited to:

- 36 (1) providing financial assistance to those individuals and
37 families whose income is at or below eighty percent (80%) of the
38 county's median income for individuals and families, respectively,
39 to enable those individuals and families to purchase or lease
40 residential units within the county;
- 41 (2) paying expenses of administering the fund;
- 42 (3) making grants, loans, and loan guarantees for the

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1 development, rehabilitation, or financing of affordable housing
 2 for individuals and families whose income is at or below eighty
 3 percent (80%) of the county's median income for individuals and
 4 families, respectively, including the elderly, persons with
 5 disabilities, and homeless individuals and families; ~~and~~
 6 (4) providing technical assistance to nonprofit developers of
 7 affordable housing; **and**
 8 **(5) funding other programs considered appropriate to meet**
 9 **the affordable housing and community development needs of**
 10 **lower income families (as defined in IC 5-20-4-5) and very low**
 11 **income families (as defined in IC 5-20-4-6), including lower**
 12 **income elderly individuals, individuals with disabilities, and**
 13 **homeless individuals.**

14 (h) At least fifty percent (50%) of the dollars allocated for
 15 production, rehabilitation, or purchase of housing must be used for
 16 units to be occupied by individuals and families whose income is at or
 17 below fifty percent (50%) of the county's area median income for
 18 individuals and families, respectively.

19 (i) The low income housing trust fund advisory committee is
 20 established. The low-income housing trust fund advisory committee
 21 consists of eleven (11) members. The membership of the low income
 22 housing trust fund advisory committee is comprised of:

- 23 (1) one (1) member appointed by the mayor, to represent the
 24 interests of low income families;
- 25 (2) one (1) member appointed by the mayor, to represent the
 26 interests of owners of subsidized, multifamily housing
 27 communities;
- 28 (3) one (1) member appointed by the mayor, to represent the
 29 interests of banks and other financial institutions;
- 30 (4) one (1) member appointed by the mayor, of the department of
 31 metropolitan development;
- 32 (5) three (3) members representing the community at large
 33 appointed by the commission, from nominations submitted to the
 34 commission as a result of a general call for nominations from
 35 neighborhood associations, community based organizations, and
 36 other social services agencies;
- 37 (6) one (1) member appointed by and representing the Coalition
 38 for Homeless Intervention and Prevention of Greater Indianapolis;
- 39 (7) one (1) member appointed by and representing the Local
 40 Initiatives Support Corporation;
- 41 (8) one (1) member appointed by and representing the
 42 Indianapolis Coalition for Neighborhood Development; and

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1 (9) one (1) member appointed by and representing the
2 Indianapolis Neighborhood Housing Partnership.
3 Members of the low income housing trust fund advisory committee
4 serve for a term of four (4) years, and are eligible for reappointment. If
5 a vacancy exists on the committee, the appointing authority who
6 appointed the former member whose position has become vacant shall
7 appoint an individual to fill the vacancy. A committee member may be
8 removed at any time by the appointing authority who appointed the
9 committee member.
10 (j) The low income housing trust fund advisory committee shall
11 make recommendations to the commission regarding:
12 (1) the development of policies and procedures for the uses of the
13 low income housing trust fund; and
14 (2) long term sources of capital for the low income housing trust
15 fund, including:
16 (A) revenue from:
17 (i) development ordinances;
18 (ii) fees; or
19 (iii) taxes;
20 (B) financial market based income;
21 (C) revenue derived from private sources; and
22 (D) revenue generated from grants, gifts, donations, or income
23 in any other form, from a:
24 (i) government program;
25 (ii) foundation; or
26 (iii) corporation.
27 (k) The county treasurer shall invest the money in the fund not
28 currently needed to meet the obligations of the fund in the same
29 manner as other public funds may be invested.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1261, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 8.

Page 16, line 4, after "satisfaction," insert "**and**".

Page 16, line 4, delete ", and a" and insert ".".

Page 16, line 5, delete "tax sale certificate."

Page 16, delete line 14.

Page 16, line 15, delete "(8)" and insert "**(7)**".

Page 16, line 27, delete "(9)" and insert "**(8)**".

Page 18, after line 17, begin a new paragraph and insert:

"SECTION 13. IC 36-7-15.1-35.5, AS AMENDED BY P.L.211-2007, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 35.5. (a) The general assembly finds the following:

(1) Federal law permits the sale of a multiple family housing project that is or has been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development without requiring the continuation of that project based assistance.

(2) Such a sale displaces the former residents of a multiple family housing project described in subdivision (1) and increases the shortage of safe and affordable housing for persons of low and moderate income within the county.

(3) The displacement of families and individuals from affordable housing requires increased expenditures of public funds for crime prevention, public health and safety, fire and accident prevention, and other public services and facilities.

(4) The establishment of a supplemental housing program under this section will do the following:

(A) Benefit the health, safety, morals, and welfare of the county and the state.

(B) Serve to protect and increase property values in the county and the state.

(C) Benefit persons of low and moderate income by making affordable housing available to them.

(5) The establishment of a supplemental housing program under this section and sections 32 through 35 of this chapter is:

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- (A) necessary in the public interest; and
- (B) a public use and purpose for which public money may be spent and private property may be acquired.

(b) In addition to its other powers with respect to a housing program under sections 32 through 35 of this chapter, the commission may establish a supplemental housing program. Except as provided by this section, the commission has the same powers and duties with respect to the supplemental housing program that the commission has under sections 32 through 35 of this chapter with respect to the housing program.

(c) One (1) allocation area may be established for the supplemental housing program. The commission is not required to make the findings required under section 34(5) through 34(8) of this chapter with respect to the allocation area. However, the commission must find that the property contained within the boundaries of the allocation area consists solely of one (1) or more multiple family housing projects that are or have been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development or have been owned at one time by a public housing agency. The allocation area need not be contiguous. The definition of "base assessed value" set forth in section 35(a) of this chapter applies to the special fund established under section 26(b) of this chapter for the allocation area.

(d) The special fund established under section 26(b) of this chapter for the allocation area established under this section may be used only for the following purposes:

- (1) Subject to subdivision (2), on January 1 and July 1 of each year the balance of the special fund shall be transferred to the housing trust fund established under subsection (e).
- (2) The commission may provide each taxpayer in the allocation area a credit for property tax replacement in the manner provided by section 35(b)(7) of this chapter. Transfers made under subdivision (1) shall be reduced by the amount necessary to provide the credit.

(e) The commission shall, by resolution, establish a housing trust fund to be administered, subject to the terms of the resolution, by:

- (1) the housing division of the consolidated city; or
- (2) the department, division, or agency that has been designated to perform the public housing function by an ordinance adopted under IC 36-7-18-1.

(f) The housing trust fund consists of:

- (1) amounts transferred to the fund under subsection (d);

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- (2) payments in lieu of taxes deposited in the fund under IC 36-3-2-11;
- (3) gifts and grants to the fund;
- (4) investment income earned on the fund's assets;
- (5) money deposited in the fund under IC 36-2-7-10(j); and
- (6) other funds from sources approved by the commission.

(g) The commission shall, by resolution, establish uses for the housing trust fund. However, the uses must be limited to:

- (1) providing financial assistance to those individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, to enable those individuals and families to purchase or lease residential units within the county;
- (2) paying expenses of administering the fund;
- (3) making grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing for individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, including the elderly, persons with disabilities, and homeless individuals and families; ~~and~~
- (4) providing technical assistance to nonprofit developers of affordable housing; **and**
- (5) funding other programs considered appropriate to meet the affordable housing and community development needs of lower income families (as defined in IC 5-20-4-5) and very low income families (as defined in IC 5-20-4-6), including lower income elderly individuals, individuals with disabilities, and homeless individuals.**

(h) At least fifty percent (50%) of the dollars allocated for production, rehabilitation, or purchase of housing must be used for units to be occupied by individuals and families whose income is at or below fifty percent (50%) of the county's area median income for individuals and families, respectively.

(i) The low income housing trust fund advisory committee is established. The low-income housing trust fund advisory committee consists of eleven (11) members. The membership of the low income housing trust fund advisory committee is comprised of:

- (1) one (1) member appointed by the mayor, to represent the interests of low income families;
- (2) one (1) member appointed by the mayor, to represent the interests of owners of subsidized, multifamily housing communities;

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- (3) one (1) member appointed by the mayor, to represent the interests of banks and other financial institutions;
- (4) one (1) member appointed by the mayor, of the department of metropolitan development;
- (5) three (3) members representing the community at large appointed by the commission, from nominations submitted to the commission as a result of a general call for nominations from neighborhood associations, community based organizations, and other social services agencies;
- (6) one (1) member appointed by and representing the Coalition for Homeless Intervention and Prevention of Greater Indianapolis;
- (7) one (1) member appointed by and representing the Local Initiatives Support Corporation;
- (8) one (1) member appointed by and representing the Indianapolis Coalition for Neighborhood Development; and
- (9) one (1) member appointed by and representing the Indianapolis Neighborhood Housing Partnership.

Members of the low income housing trust fund advisory committee serve for a term of four (4) years, and are eligible for reappointment. If a vacancy exists on the committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy. A committee member may be removed at any time by the appointing authority who appointed the committee member.

(j) The low income housing trust fund advisory committee shall make recommendations to the commission regarding:

- (1) the development of policies and procedures for the uses of the low income housing trust fund; and
- (2) long term sources of capital for the low income housing trust fund, including:
 - (A) revenue from:
 - (i) development ordinances;
 - (ii) fees; or
 - (iii) taxes;
 - (B) financial market based income;
 - (C) revenue derived from private sources; and
 - (D) revenue generated from grants, gifts, donations, or income in any other form, from a:
 - (i) government program;
 - (ii) foundation; or
 - (iii) corporation.

(k) The county treasurer shall invest the money in the fund not

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currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1261 as introduced.)

NEESE, Chair

Committee Vote: yeas 8, nays 1.

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