



Reprinted
January 27, 2012

HOUSE BILL No. 1261

DIGEST OF HB 1261 (Updated January 26, 2012 4:32 pm - DI 87)

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. 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 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. 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.

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.
January 26, 2012, read second time, ordered engrossed.

HB 1261—LS 6941/DI 87+



C
o
p
y

Reprinted
January 27, 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.

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 dollars (\$3) under IC 36-2-7-10(b)(11) for each mortgage~~
4 ~~recorded. The fee~~ **county recorder shall be paid pay two dollars and**
5 **fifty cents (\$2.50) for each mortgage recorded from the mortgage**
6 **recording fee assessed under IC 36-2-7-10(k)** to the county treasurer
7 at the end of each calendar month as provided in IC 36-2-7-10(a).
8 SECTION 2. IC 24-9-9-2 IS REPEALED [EFFECTIVE JULY 1,
9 2012]. Sec. 2. ~~The county auditor shall credit fifty cents (\$0.50) of the~~
10 ~~fee collected under IC 36-2-7-10(b)(11) for each mortgage recorded to~~
11 ~~the county recorder's records perpetuation fund established under~~
12 ~~IC 36-2-7-10(d).~~
13 SECTION 3. IC 24-9-9-3 IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2012]: Sec. 3. On or before June 20 and
15 December 20 of each year, after completing an audit of the county

HB 1261—LS 6941/DI 87+



C
O
P
Y

1 treasurer's monthly reports required by IC 36-2-10-16, the county
 2 auditor shall distribute to the auditor of state two dollars and fifty cents
 3 (\$2.50) of the mortgage recording fee collected under
 4 ~~IC 36-2-7-10(b)(1)~~ **IC 36-2-7-10(m)** for each mortgage recorded by
 5 the county recorder. The auditor of state shall deposit the money in the
 6 state general fund to be distributed as described in section 4 of this
 7 chapter.

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

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

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

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

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

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



C
o
p
y

- 1 (1) the president, vice president, cashier, secretary, treasurer,
- 2 attorney in fact, or other authorized representative of a national
- 3 bank, state bank, trust company, or savings bank; or
- 4 (2) the president, vice president, general manager, secretary,
- 5 treasurer, attorney in fact, or other authorized representative of
- 6 any other corporation doing business in Indiana;

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

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

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

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

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

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

42 (e) A release by the attorney-in-fact may not be recorded until a

C
o
p
y



1 written instrument specifically granting the attorney in fact the
 2 authority to release and discharge mortgages, judgments, or other
 3 record liens has been filed and recorded in the recorder's office of the
 4 county where the release is to be recorded. The written instrument must
 5 be in writing and signed and acknowledged by two (2) officers of the
 6 national bank, state bank, trust company, savings bank, or other
 7 corporation.

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

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

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

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

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

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

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

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

37 SECTION 7. IC 36-2-7-10, AS AMENDED BY P.L.45-2010,
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2012]: Sec. 10. (a) The county recorder shall tax and collect
 40 the fees prescribed by this section for recording, filing, copying, and
 41 other services the recorder renders, and shall pay them into the county
 42 treasury at the end of each calendar month. The fees prescribed and

C
o
p
y



1 collected under this section supersede all other recording fees required
2 by law to be charged for services rendered by the county recorder.

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

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

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

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

21 ~~(4) (3) One dollar (\$1) for each cross-reference of a recorded~~
22 ~~document.~~

23 ~~(5) (4) One dollar (\$1) per page not larger than eight and one-half~~
24 ~~(8 1/2) inches by fourteen (14) inches for furnishing copies of~~
25 ~~records and two five dollars (\$2) (\$5) per page that is larger than~~
26 ~~eight and one-half (8 1/2) inches by fourteen (14) inches.~~

27 ~~(6) (5) Five dollars (\$5) for acknowledging or certifying to a~~
28 ~~document.~~

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

33 ~~(8) (6) A fee in an amount authorized under IC 5-14-3-8 for~~
34 ~~transmitting a copy of a document by facsimile machine.~~

35 ~~(9) (7) A fee in an amount authorized by an ordinance adopted by~~
36 ~~the county legislative body for duplicating a computer tape, a~~
37 ~~computer disk, an optical disk, microfilm, or similar media. This~~
38 ~~fee may not cover making a handwritten copy or a photocopy or~~
39 ~~using xerography or a duplicating machine.~~

40 ~~(10) (8) A supplemental fee of three dollars (\$3) for recording a~~
41 ~~document that is paid at the time of recording. The fee under this~~
42 ~~subdivision is in addition to other fees provided by law for~~

C
O
P
Y



1 recording a document.

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

5 (A) ~~Fifty cents (\$0.50) is to be deposited in the recorder's~~
 6 ~~record perpetuation fund;~~

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

10 ~~(12) (9) This subdivision applies in a county only if at least one~~
 11 ~~(1) unit in the county has established an affordable housing fund~~
 12 ~~under IC 5-20-5-15.5 and the county fiscal body adopts an~~
 13 ~~ordinance authorizing the fee described in this subdivision. An~~
 14 ~~ordinance adopted under this subdivision may authorize the~~
 15 ~~county recorder to charge a fee of:~~

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

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

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

24 ~~(13) (10) This subdivision applies in a county containing a~~
 25 ~~consolidated city that has established a housing trust fund under~~
 26 ~~IC 36-7-15.1-35.5(e). The county fiscal body may adopt an~~
 27 ~~ordinance authorizing the fee described in this subdivision. An~~
 28 ~~ordinance adopted under this subdivision may authorize the~~
 29 ~~county recorder to charge a fee of:~~

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

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

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

38 (c) The county recorder shall charge a two dollar (\$2) county
 39 identification security protection fee for recording or filing a document
 40 **under subsection (b). The fee is in addition to the fees charged**
 41 **under subsection (b).** This fee shall be deposited under IC 36-2-7.5-6.

42 (d) The county treasurer shall establish a recorder's records

C
O
P
Y



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

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

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

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

18 (1) recording an official bond of a public officer, a deputy, an
 19 appointee, or an employee; or

20 (2) performing any service under any of the following:

21 (A) IC 6-1.1-22-2(c).

22 (B) IC 8-23-7.

23 (C) IC 8-23-23.

24 (D) IC 10-17-2-3.

25 (E) IC 10-17-3-2.

26 (F) IC 12-14-13.

27 (G) IC 12-14-16.

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

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

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



C
o
p
y

1 for a county that establishes an affordable housing fund is the
 2 population of the county outside any city or town that has
 3 established an affordable housing fund.

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

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

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

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

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

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

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

31 **(1) One hundred dollars (\$100) for a mortgage, if the recorder**
 32 **charges a fee for the affordable housing fund under**
 33 **subsection (b)(9) or the housing trust fund under subsection**
 34 **(b)(10).**

35 **(2) Eighty-five dollars (\$85) for a mortgage, if the recorder**
 36 **does not charge a fee for the affordable housing fund under**
 37 **subsection (b)(9) or the housing trust fund under subsection**
 38 **(b)(10).**

39 **(3) Twenty-five dollars (\$25) for a deed.**

40 **(4) Twenty-five dollars (\$25) for an assignment.**

41 **(5) Twenty-five dollars (\$25) for an affidavit with only one (1)**
 42 **cross-reference.**

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

- (6) Twenty-five dollars (\$25) for a satisfaction.
- (7) Twenty-five dollars (\$25) for a release.
- (8) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first transaction is as follows:
 - (A) Six dollars (\$6) for the first page and two dollars (\$2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.
 - (B) One dollar (\$1) for each cross-reference of a recorded document.
 - (C) One dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.
- (9) One dollar (\$1) for each cross-reference of a recorded document.
- (l) Except as provided in subsections (m), (n), (o), and (p), the fees collected under subsection (k) shall be deposited in the recorder's records perpetuation fund under subsection (d).
- (m) Two dollars and fifty cents (\$2.50) of the fee the recorder collects under subsection (k)(1) or (k)(2) shall be distributed to the auditor of the state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.
- (n) Five dollars (\$5) of the fee the recorder collects under subsection (k)(3) shall be deposited in the county surveyor's corner perpetuation fund for use as provided in IC 21-47-3-3 or IC 36-2-12-11(e).
- (o) An ordinance adopted before, on, or after July 1, 2012, that authorizes a fee described in subsection (b)(9) or (b)(10) authorizes the county recorder to charge the fee described in subsection (b)(9) or (b)(10) for each document the recorder records under subsection (b) or (k). The fee charged under subsection (b)(9) or (b)(10) shall be deducted from the fee charged under subsection (k)(1) and deposited as set forth in subsection (i) or (j).
- (p) Two dollars (\$2) of each fee the recorder collects under subsection (k) shall be deposited under IC 36-2-7.5-6.

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



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

IC 36-2-7-10(c) and IC 36-2-7-10(p).

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

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

- (1) One dollar (\$1) shall be deposited in the county recorder's records perpetuation fund established under IC 36-2-7-10(d).
- (2) Fifty cents (\$0.50) shall be deposited in the county identification security protection fund established under section 11 of this chapter.
- (3) Fifty cents (\$0.50) shall be deposited in the county elected officials training fund established under IC 36-2-7-19.

SECTION 9. 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:
 - (A) necessary in the public interest; and

C
o
p
y



- 1 (B) a public use and purpose for which public money may be
- 2 spent and private property may be acquired.
- 3 (b) In addition to its other powers with respect to a housing program
- 4 under sections 32 through 35 of this chapter, the commission may
- 5 establish a supplemental housing program. Except as provided by this
- 6 section, the commission has the same powers and duties with respect
- 7 to the supplemental housing program that the commission has under
- 8 sections 32 through 35 of this chapter with respect to the housing
- 9 program.
- 10 (c) One (1) allocation area may be established for the supplemental
- 11 housing program. The commission is not required to make the findings
- 12 required under section 34(5) through 34(8) of this chapter with respect
- 13 to the allocation area. However, the commission must find that the
- 14 property contained within the boundaries of the allocation area consists
- 15 solely of one (1) or more multiple family housing projects that are or
- 16 have been covered, in whole or in part, by a contract for project based
- 17 assistance from the United States Department of Housing and Urban
- 18 Development or have been owned at one time by a public housing
- 19 agency. The allocation area need not be contiguous. The definition of
- 20 "base assessed value" set forth in section 35(a) of this chapter applies
- 21 to the special fund established under section 26(b) of this chapter for
- 22 the allocation area.
- 23 (d) The special fund established under section 26(b) of this chapter
- 24 for the allocation area established under this section may be used only
- 25 for the following purposes:
- 26 (1) Subject to subdivision (2), on January 1 and July 1 of each
- 27 year the balance of the special fund shall be transferred to the
- 28 housing trust fund established under subsection (e).
- 29 (2) The commission may provide each taxpayer in the allocation
- 30 area a credit for property tax replacement in the manner provided
- 31 by section 35(b)(7) of this chapter. Transfers made under
- 32 subdivision (1) shall be reduced by the amount necessary to
- 33 provide the credit.
- 34 (e) The commission shall, by resolution, establish a housing trust
- 35 fund to be administered, subject to the terms of the resolution, by:
- 36 (1) the housing division of the consolidated city; or
- 37 (2) the department, division, or agency that has been designated
- 38 to perform the public housing function by an ordinance adopted
- 39 under IC 36-7-18-1.
- 40 (f) The housing trust fund consists of:
- 41 (1) amounts transferred to the fund under subsection (d);
- 42 (2) payments in lieu of taxes deposited in the fund under

COPY



- 1 IC 36-3-2-11;
- 2 (3) gifts and grants to the fund;
- 3 (4) investment income earned on the fund's assets;
- 4 (5) money deposited in the fund under IC 36-2-7-10(j); and
- 5 (6) other funds from sources approved by the commission.
- 6 (g) The commission shall, by resolution, establish uses for the
- 7 housing trust fund. However, the uses must be limited to:
- 8 (1) providing financial assistance to those individuals and
- 9 families whose income is at or below eighty percent (80%) of the
- 10 county's median income for individuals and families, respectively,
- 11 to enable those individuals and families to purchase or lease
- 12 residential units within the county;
- 13 (2) paying expenses of administering the fund;
- 14 (3) making grants, loans, and loan guarantees for the
- 15 development, rehabilitation, or financing of affordable housing
- 16 for individuals and families whose income is at or below eighty
- 17 percent (80%) of the county's median income for individuals and
- 18 families, respectively, including the elderly, persons with
- 19 disabilities, and homeless individuals and families; ~~and~~
- 20 (4) providing technical assistance to nonprofit developers of
- 21 affordable housing; **and**
- 22 **(5) funding other programs considered appropriate to meet**
- 23 **the affordable housing and community development needs of**
- 24 **lower income families (as defined in IC 5-20-4-5) and very low**
- 25 **income families (as defined in IC 5-20-4-6), including lower**
- 26 **income elderly individuals, individuals with disabilities, and**
- 27 **homeless individuals.**
- 28 (h) At least fifty percent (50%) of the dollars allocated for
- 29 production, rehabilitation, or purchase of housing must be used for
- 30 units to be occupied by individuals and families whose income is at or
- 31 below fifty percent (50%) of the county's area median income for
- 32 individuals and families, respectively.
- 33 (i) The low income housing trust fund advisory committee is
- 34 established. The low-income housing trust fund advisory committee
- 35 consists of eleven (11) members. The membership of the low income
- 36 housing trust fund advisory committee is comprised of:
- 37 (1) one (1) member appointed by the mayor, to represent the
- 38 interests of low income families;
- 39 (2) one (1) member appointed by the mayor, to represent the
- 40 interests of owners of subsidized, multifamily housing
- 41 communities;
- 42 (3) one (1) member appointed by the mayor, to represent the

COPY



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

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

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

- 26 (1) the development of policies and procedures for the uses of the
- 27 low income housing trust fund; and
- 28 (2) long term sources of capital for the low income housing trust
- 29 fund, including:
 - 30 (A) revenue from:
 - 31 (i) development ordinances;
 - 32 (ii) fees; or
 - 33 (iii) taxes;
 - 34 (B) financial market based income;
 - 35 (C) revenue derived from private sources; and
 - 36 (D) revenue generated from grants, gifts, donations, or income
 - 37 in any other form, from a:
 - 38 (i) government program;
 - 39 (ii) foundation; or
 - 40 (iii) corporation.

41 (k) The county treasurer shall invest the money in the fund not
 42 currently needed to meet the obligations of the fund in the same

C
o
p
y



1 manner as other public funds may be invested.

C
o
p
y



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:

C
O
P
Y



- (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);

C
O
P
Y



- (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;

C
O
P
Y



- (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

C
O
P
Y



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.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1261 be amended to read as follows:

Page 1, delete lines 1 through 14, begin a new paragraph and insert:
"SECTION 1. IC 24-9-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~The county recorder shall assess a fee of three dollars (\$3) under IC 36-2-7-10(b)(11) for each mortgage recorded.~~ **The fee county recorder shall be paid pay two dollars and fifty cents (\$2.50) for each mortgage recorded from the mortgage recording fee assessed under IC 36-2-7-10(k) to the county treasurer at the end of each calendar month as provided in IC 36-2-7-10(a).**

SECTION 2. IC 24-9-9-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. The county auditor shall credit fifty cents (\$0.50) of the fee collected under IC 36-2-7-10(b)(11) for each mortgage recorded to the county recorder's records perpetuation fund established under IC 36-2-7-10(d).~~

Page 5, line 7, after "satisfaction," insert "or".

Page 5, line 7, delete ", or a tax sale" and insert ".".

Page 5, line 8, delete "certificate."

Page 8, line 33, delete "." and insert ", **if the recorder charges a fee for the affordable housing fund under subsection (b)(9) or the housing trust fund under subsection (b)(10).**".

Page 8, between lines 33 and 34, begin a new line block indented and insert:

"(2) Eighty-five dollars (\$85) for a mortgage, if the recorder does not charge a fee for the affordable housing fund under subsection (b)(9) or the housing trust fund under subsection (b)(10)."



COPY

Page 8, line 34, delete "(2)" and insert "(3)".
Page 8, line 35, delete "(3)" and insert "(4)".
Page 8, line 36, delete "(4)" and insert "(5)".
Page 8, line 38, delete "(5)" and insert "(6)".
Page 8, line 39, delete "(6)" and insert "(7)".
Page 8, line 40, delete "(7)" and insert "(8)".
Page 9, line 10, delete "(8)" and insert "(9)".
Page 9, line 16, after "(k)(1)" insert "**or (k)(2)**".
Page 9, line 20, delete "(k)(2)" and insert "**(k)(3)**".
Page 9, line 28, delete "(k)" and insert "**(k)(1)**".
Page 9, delete lines 32 through 35.
Page 10, delete lines 14 through 42.
Re-number all SECTIONS consecutively.

(Reference is to HB 1261 as printed January 13, 2012.)

HEUER

C
o
p
y

