

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 2012 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 4

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-7-11-23 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2013]: **Sec. 23. (a) This section provides the exclusive method for removing the designation of a historic district. The owner or owners of a building, structure, or site designated as a single site historic district may sign and file a petition with the legislative body of the unit requesting removal of the designation of the building, structure, or site as a historic district. In the case of a historic district containing two (2) or more parcels, at least sixty percent (60%) of the owners of the real property of the historic district may sign and file a petition with the legislative body of the unit requesting removal of the designation of the historic district.**

(b) The legislative body shall submit a petition filed under subsection (a) to the historic preservation commission of the unit. The historic preservation commission shall conduct a public hearing on the petition not later than sixty (60) days after receiving the petition. The historic preservation commission shall provide notice of the hearing:

- (1) by publication under IC 5-3-1-2(b);**
- (2) in the case of a historic district comprised of real property owned by fewer than fifty (50) property owners, by certified mail, sent at least ten (10) days before the hearing, to each**

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owner of real estate within the historic district; and

(3) in the case of a single building, structure, or site designated as a historic district, by certified mail, sent at least ten (10) days before the hearing, to each owner of the real estate abutting the building, structure, or site designated as a historic district that is the subject of the petition.

(c) The historic preservation commission shall make the following findings after the public hearing:

(1) Whether a building, structure, or site within the historic district continues to meet the criteria for inclusion in a historic district as set forth in the ordinance approving the historic district map under section 7 of this chapter. The determination must state specifically the criteria that are applicable to the buildings, structures, or sites within the district.

(2) Whether failure to remove the designation of the historic district would deny an owner of a building, structure, or site within the historic district reasonable use of the owner's property or prevent reasonable economic return. Evidence provided by the petitioner may include information on:

- (A) costs to comply with regulations;
- (B) income generation;
- (C) availability of contractors to perform work;
- (D) real estate values;
- (E) assessed values and taxes;
- (F) revenue projections;
- (G) current level of return;
- (H) operating expenses;
- (I) vacancy rates;
- (J) financing issues;
- (K) efforts to explore alternative uses for a property;
- (L) availability of economic incentives; and
- (M) recent efforts to sell or rent property.

(3) Whether removal of the designation of a historic district would have an adverse economic impact on the owners of real estate abutting the historic district, based on testimony and evidence provided by the owners of the real estate and licensed real estate appraisers or brokers.

(4) Whether removal of or failure to remove the designation of the historic district would have an adverse impact on the unit's historic resources, and specifically whether it would result in the loss of a building, structure, or site classified as

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historic by the commission's survey prepared under section 6 of this chapter.

(d) Not later than ten (10) days after the public hearing, the historic preservation commission shall submit:

- (1) its findings on the petition; and
- (2) a recommendation to grant or deny the petition;

to the legislative body of the unit.

(e) Not later than forty-five (45) days after receiving the historic preservation commission's findings, the legislative body of the unit shall:

- (1) take public comment and receive evidence in support of or in opposition to the petition; and
- (2) do one (1) of the following:
 - (A) Deny the petition.
 - (B) Grant the petition by adopting an ordinance that removes the designation of the historic district by:
 - (i) a majority vote, if the recommendation of the historic preservation commission is to grant the petition; or
 - (ii) a two-thirds (2/3) vote, if the recommendation of the historic preservation commission is to deny the petition.

The legislative body shall record an ordinance adopted under subdivision (2) with the county recorder not later than ten (10) days after the legislative body adopts the ordinance. The historic district designation is considered removed on the date the ordinance is recorded with the county recorder.

(f) If the legislative body of the unit does not grant or deny the petition within forty-five (45) days after receiving the historic preservation commission's findings:

- (1) the petition is considered granted or denied in accordance with the recommendation of the historic preservation commission; and
- (2) if the petition is considered granted, the legislative body shall, not later than fifty-five (55) days after receiving the historic preservation commission's findings:
 - (A) adopt an ordinance that removes the designation of the historic district; and
 - (B) record the ordinance with the county recorder.

The historic district designation is considered removed on the date the ordinance is recorded with the county recorder.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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