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**TITLE 50 DEPARTMENT OF LOCAL  
GOVERNMENT FINANCE**

*NOTE: Under IC 6-1.1-31-1, the name of the State Board of Tax Commissioners is changed to Department of Local Government Finance, effective January 1, 2002.*

**Proposed Rule**  
LSA Document #01-402

**DIGEST**

Amends 50 IAC 2.3-1-1 and 50 IAC 2.3-1-2 to update the adoption date of matters incorporated by reference as a result of minor changes and corrections to the 2002 Real Property Assessment Manual and the Real Property Assessment Guidelines for 2002—Version A, published by the state board of tax commissioners and originally dated May 10, 2001, and to eliminate reference to the shelter allowance as required by House Enrolled Act 1001(ss). Effective 30 days after filing with the secretary of state.

**50 IAC 2.3-1-1**

**50 IAC 2.3-1-2**

SECTION 1. 50 IAC 2.3-1-1, AS AMENDED AT 26 IR 6, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**50 IAC 2.3-1-1 Applicability, provisions, and procedures**

**Authority:** IC 4-22-2-21; IC 6-1.1-4-26; IC 6-1.1-31; IC 6-1.1-35-1

**Affected:** IC 5-3-1; IC 6-1.1-4; IC 6-1.1-15; IC 6-1.1-31-5; IC 6-1.1-31-6

Sec. 1. (a) This article applies to the assessment of all real property under IC 6-1.1-4.

(b) All real property assessed after February 28, 2002, must be assessed in accordance with the 2002 Real Property Assessment Manual, incorporated by reference under section 2 of this rule.

(c) In addition to the requirements established in the 2002 Real Property Assessment Manual and to fully address the requirements of IC 6-1.1-31-6, the county assessor must select a set of more specific guidelines to be applied by assessing officials in connection with the assessment of real property in their county. These guidelines must:

(1) contain provisions for the determination of true tax value following the instructions in the section of the 2002 Real Property Assessment Manual entitled “Approval of Mass Appraisal Methods”; and

(2) be approved by the state board of tax commissioners.

The state board of tax commissioners has approved the provisions contained in the “Real Property Assessment Guidelines for 2002—Version ‘A’” dated May 10, 2001, **as amended to and including October 1, 2002**, incorporated by reference under section 2 of this rule. Other real property assessment guidelines proposed by a county must be submitted to, and approved by, the state board of tax commissioners before they may be used for the assessment of real property in that county.

(d) The purpose of this rule is to accurately determine “True Tax Value” as defined in the 2002 Real Property Assessment Manual, not to mandate that any specific assessment method be followed. The intent of the state board of tax commissioners is that any individual assessment is to be deemed accurate if it is a reasonable measure of “True Tax Value” as defined in the 2002 Real Property Assessment Manual. No technical failure to comply with the procedures of a specific assessing method violates this rule so long as the individual assessment is a reasonable measure of “True Tax Value”, and failure to comply with the Real Property Assessment Guidelines for 2002—Version ‘A’ or other

guidelines approved under subsection (c) does not in itself show that the assessment is not a reasonable measure of "True Tax Value".

(e) After July 1, 2001, and before November 1, 2001, the county assessor shall make the selection required under subsection (c). The method selected under subsection (c) must be used by all the assessing officials within the county, will serve as the appropriate method for calculating an assessment that is appealed under IC 6-1.1-15, and govern throughout the effective period of the 2002 reassessment. No method, other than the method selected by the county assessor under subsection (c), may be used for the assessment of real property under IC 6-1.1-4 within the county. Before November 1, 2001, the county assessor shall publish the selected method in accordance with IC 5-3-1 and notify the state board of tax commissioners, in writing, of the selection.

(f) If the county assessor elects, pursuant to IC 6-1.1-31-5, to consider additional factors not provided for in this rule or the manual incorporated herein by reference, the county assessor shall submit a written request for approval of such factors by the state board of tax commissioners, at least sixty (60) days before the assessments are made, and no later than January 1, 2002. *(Department of Local Government Finance; 50 IAC 2.3-1-1; filed May 23, 2001, 4:01 p.m.: 24 IR 3015; filed Aug 26, 2002, 10:36 a.m.: 26 IR 6)*

SECTION 2. 50 IAC 2.3-1-2 IS AMENDED TO READ AS FOLLOWS:

#### **50 IAC 2.3-1-2 Incorporation by reference**

**Authority:** IC 4-22-2-21; IC 6-1.1-4-26; IC 6-1.1-31; IC 6-1.1-35-1

**Affected:** IC 6-1.1

Sec. 2. (a) As used in this article, "2002 Real Property Assessment Manual" refers to the 2002 Real Property Assessment Manual, published by the state board of tax commissioners and dated May 10, 2001, **as amended to and including October 1, 2002. The amendments adopted as of October 1, 2002, eliminate references to the shelter allowance as required by House Enrolled Act 1001(ss).**

(b) As used in this article, "Real Property Assessment Guidelines for 2002-Version 'A'" refers to the Real Property Assessment Guidelines for 2002-Version 'A', published by the state board of tax commissioners and dated May 10, 2001, **as amended to and including October 1, 2002. The amendments incorporate minor changes and corrections to the Real Property Assessment Guidelines for 2002-Version 'A', published by the state board of tax commissioners and originally dated May 10, 2001, and eliminate references to the shelter allowance as required by House Enrolled Act 1001(ss).** The Real Property Assessment Guidelines for 2002-Version 'A' are Exhibit 1 to the 2002 Real Property Assessment Manual.

(c) The 2002 Real Property Assessment Manual and Real Property Assessment Guidelines for 2002-Version 'A' is incorporated by reference under the authority of IC 4-22-2-21(a)(3). *(Department of Local Government Finance; 50 IAC 2.3-1-2; filed May 23, 2001, 4:01 p.m.: 24 IR 3016)*

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on October 29, 2002 at 2:00 p.m., at the Indiana Government Center-North, 100 North Senate Avenue, Room 1045, (IEERB Conference Room) Indianapolis, Indiana the Department of Local Government Finance will hold a public hearing on proposed amendments to update the adoption date of matters incorporated by reference as a result of minor changes and corrections to the 2002 Real Property Assessment Manual and the Real Property Assessment Guidelines for 2002-Version A, published by the state board of tax commissioners and originally dated May 10, 2001, and to eliminate reference to the shelter allowance as required by House Enrolled Act 1001(ss). Parties interested in participating in the public hearing are encouraged to attend and submit written statements expressing their specific or general concerns, any suggested additions or revisions, and any documentation that may serve to support, clarify, or supplement their concerns, suggestions, or proposed revisions. The Department of Local Government Finance also encourages any interested party who has concerns, suggestions, or proposed revisions to contact Beth H. Henkel, General Counsel, Department of Local Government Finance at (317) 233-1495. Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 1058*

*and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Lisa Acobert  
Commissioner  
Department of Local Government Finance