



# Department of Local Government Finance

## Disasters

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# Disasters

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# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

## Ind. Code § 6-1.1-4-11

- Destroyed property; order of reassessment by county assessor
- Sec. 11. (a) If a substantial amount of real and personal property in a township has been physically destroyed, in whole or in part, as a result of a disaster, the county assessor shall:
  - (1) cause a survey to be made of the area or areas in which the property has been destroyed; and
  - (2) order a reassessment of the destroyed property; if a person petitions the county assessor to take that action. The county assessor shall specify in the assessor's order the time within which the reassessment must be completed and the date on which the reassessment will become effective.



# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

- However, the reassessed value and the corresponding adjustment of tax due, past due, or already paid is effective as of the date the disaster occurred, without penalty.
- (b) The petition for reassessment of destroyed property, the reassessment order, and the tax adjustment order may not be made after December 31 of the year in which the taxes which would first be affected by the reassessment are payable.
- (Formerly: Acts 1975, P.L.47, SEC.1.)
- As amended by P.L.2-1995, SEC.22; P.L.90-2002, SEC.34; P.L.219-2007, SEC.12. SEC.12; P.L.38-2021, SEC.6.



# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

## Ind. Code § 6-1.1-4-11.5

- Reassessment of parcels affected by flooding; petition; applicable dates; refund; publication of notice
- Sec. 11.5. (a) This section applies to one (1) or more parcels of real property in a county that:
  - (1) are permanently flooded or to which access over land is permanently prevented by flooding; and
  - (2) are not being used for agricultural purposes.



# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

(b) The owner of one (1) or more parcels referred to in subsection (a) may petition the county assessor for a reassessment of the parcel or parcels. Upon receipt of the petition, the county assessor shall:

- (1) cause a survey to be made of the parcel or parcels; and
- (2) if the parcel or parcels meet the description of subsection (a), order a reassessment of the parcel or parcels.



# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

(c) If the flooding referred to in subsection (a) occurs before May 11 of a calendar year (the "current year") and after the immediately preceding November 10 and a petition under subsection (b) is filed not later than December 31 of the current year:



# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

- (1) the reassessment ordered under subsection (b):
  - (A) takes effect for:
    - (i) the assessment date in the current year; and
    - (ii) the assessment date in the calendar year that immediately precedes the current year; and
  - (B) treats the parcel or parcels for those assessment dates as:
    - (i) being permanently flooded; or
    - (ii) having overland access permanently prevented by flooding;





# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

(2) the property taxes first due and payable in the current year with respect to the parcel or parcels are determined based on the reassessment; and  
(3) the property taxes first due and payable in the calendar year that immediately succeeds the current year concerning the parcel or parcels are determined based on the reassessment.



# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

- (d) If the flooding referred to in subsection (a) occurs after May 10 of the current year and before November 11 of the current year and the petition under subsection (b) is filed not later than December 31 of the current year:
- (1) subsection (c)(1) and (c)(3) apply; and
  - (2) only:
    - (a) the second installment of property taxes under Ind. Code § 6-1.1-22-9(a) first due and payable in the current year with respect to the parcel or parcels; or
    - (b) if property taxes are payable by a method other than two (2) annual installments, one-half ( $1/2$ ) of the property tax liability for property taxes first due and payable in the current year with respect to the parcel or parcels; is determined based on the reassessment.



# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

(e) This subsection applies only if:

- (1) the county assessor orders a reassessment under subsection (b); and
- (2) the property owner pays property taxes in the current year with respect to the parcel or parcels based on the assessment that applied before the ordered reassessment.



# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

- The property owner is entitled to a refund of property taxes based on the difference in the amount of property taxes paid and the amount of property taxes determined based on the ordered reassessment. A property owner is not required to apply for a refund due under this section. The county auditor shall, without an appropriation being required, issue a warrant to the property owner payable from the county general fund for the amount of the refund, if any, due the property owner.



# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

(f) If:

- (1) the county assessor orders a reassessment under subsection(b); and
- (2) when the reassessment is completed, the property owner has not paid property taxes in the current year with respect to the parcel or parcels based on the assessment that applied before the ordered reassessment; the county treasurer shall issue to the property owner tax statements that reflect property taxes determined based on the reassessment.



# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

(g) The county assessor shall specify in an order under subsection (b) the time within which the reassessment must be completed and the date on which the reassessment takes effect.



# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

- (h) A reassessment under this section for an assessment date continues to apply for subsequent assessment dates until the assessor:
- (1) determines that circumstances have changed sufficiently to warrant another reassessment of the property; and
  - (2) reassesses the property based on the determination under subdivision (1).
- (i) The county auditor and county treasurer shall publish notice of the availability of a reassessment under this section in accordance with Ind. Code § 5-3-1.
- As added by P.L.90-2009, SEC.1.*



# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

- SEA 190-2024 (Ind. Code § 10-14-4): This legislation made changes to the permissible uses for the State Disaster Relief Fund. It made changes to the requirements for an eligible entity to receive financial assistance from the fund. It also made changes to the calculations used to determine the amount of financial assistance an eligible entity may receive from the fund. It increased, from \$10,000 to \$25,000, the amount of loss that may be compensated for damages to an individual's property.





# Review of Ind. Code § 6-1.1-4-11, Ind. Code § 6-1.1-4-11.5, and Ind. Code § 10-14-4

- It also repealed provisions that:
  - (1) defined "public facility";
  - (2) provided limitations for an entity suffering multiple disaster emergencies; and
  - (3) provided requirements for an application of an eligible entity that is an individual, to obtain financial assistance from the fund.
- Note: The fund is administered through the Indiana Department of Homeland Security.



# Disaster Petitions

## Disaster Petitions

- Affidavit of Destroyed or Removed Property (Form 135)  
(<https://forms.in.gov/Download.aspx?id=6050>)



# Disaster Petitions

- Petition for Survey and Reassessment Real Property That Is Permanently Flooded Or Access Is Permanently Prevented By Flooding (Form 137PF) (<https://forms.in.gov/Download.aspx?id=6978>)
  - Note: Form 137PF cannot be used for real property being used for agricultural purposes.
  - It can be filed if one or more parcels of real property in a county are permanently flooded or to which access over land is permanently prevented by flooding.



# Disaster Petitions

- Petition for Survey and Reassessment Real and Personal Property Partially Or Permanently Destroyed by Disaster (Form 137R)
- (<https://forms.in.gov/Download.aspx?id=4773>)
- It is recommended that taxpayers file this petition within twelve (12) months of the disaster; however, it can be accepted at any time as long as compliance with Ind. Code § 6-1.1-4-11(b) can be achieved.



# Disaster Petitions



## PETITION FOR SURVEY AND REASSESSMENT - REAL AND PERSONAL PROPERTY PARTIALLY OR TOTALLY DESTROYED BY DISASTER

State Form 17592 (R7 / 12-10)

Prescribed by the Department of Local Government Finance

FORM 137R

FOR OFFICE USE ONLY

**INSTRUCTIONS:** *This form must be filed with the County Assessor. It is recommended that taxpayers file this petition within twelve (12) months of the disaster; however, petitions may be accepted by the County Assessor at any time, as long as compliance with IC 6-1.1-4-11(b) can be achieved.*

Pursuant to IC 6-1.1-4-11, the undersigned hereby petitions the County Assessor for a survey and reassessment of improvements and personal property described below. (Description must match legal description on Tax Bill Duplicate.)				
Name of taxpayer (first, middle, last)			Telephone number after disaster (      )	
Address of taxpayer after disaster (number and street, city, state, and ZIP code)				
Date of disaster (month, day, year)		Kind of disaster		
County		Township		Parcel number
Section	Range	Lot number	Block	Addition
Location of property destroyed (number and street or Rural Route, city, state and ZIP code)				



# Disaster Petitions

*Do not complete unless a reassessment is ordered.*

REAL PROPERTY REASSESSMENT				
TYPE OF STRUCTURE	ASSESSED VALUE OF IMPROVEMENTS	PERCENT OF DAMAGE	DATE (month, day, year)	REASSESSMENT (TOWNSHIP ASSESSOR)
	\$			\$
TOTAL				

*Do not complete unless a reassessment is ordered.*

BUSINESS PERSONAL PROPERTY REASSESSMENT				
TYPE OF PROPERTY	ASSESSED VALUE	PERCENT OF DAMAGE	DATE (month, day, year)	REASSESSMENT (TOWNSHIP ASSESSOR)
	\$			\$



# Disaster Petitions

AFFIDAVIT		
I, under oath, hereby declare that the statements contained in this petition are true and correct and constitute the basis for the survey and reassessment.		
Signature of taxpayer	Name of taxpayer <i>(please print or type)</i>	Date signed <i>(month, day, year)</i>
Signature of assessor	Name of assessor <i>(please print or type)</i>	Date signed <i>(month, day, year)</i>

COUNTY ASSESSOR ACTION			
Surveyor	Date of survey <i>(month, day, year)</i>	Ordered reassessed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date ordered reassessed <i>(month, day, year)</i>
Remarks			

**DISTRIBUTION:** Original - County Assessor; Copy - Township Assessor, if applicable; Copy - Taxpayer



# Case Law

## Case Law

- Before case law, the State Tax Board of Commissioners (STB)/Department of Local Government Finance (“Department”) determined that a substantial amount of property within a township was 1% of the total assessed value of all property within the township.
- The STB/Department determined that the “disaster” had to affect more than one property.





# Case Law

- There were two (2) cases that substantially changed the STB/Department criteria for ordering a reassessment:
  - Beta Steel Corp. v Department, 780 N.E.2d 439 (Ind. Tax Ct. 2002)
  - Scheid v. State Bd. of Tax Commissioners, 560 N.E.2d 1283 (Ind. Tax Ct. 1990)



# Case Law

## *Beta Steel Corp. v. Department:*

- The Department (at the time the State Board of Tax Commissioners) denied the reassessment order because the assessed value of the destroyed property of Beta Steel Corp. was not 1% of the total assessed value of all property within the township.



# Case Law

- On December 20, 2002, the Indiana Tax Court published its decision that the determination of whether a “substantial amount” of property was destroyed cannot be made by comparison to the total assessed value in a township; the Court remanded the case for a determination of whether the 15% of real property and the 20% of personal property that was destroyed constituted a “substantial amount.”



# Case Law

- Because of this case law, the Department no longer uses 1% of the total assessed value within a township to determine whether or not the destruction was a “substantial amount.”



# Case Law

## *Scheid v. STB:*

- In this case, a fire destroyed a building and real estate assessed at \$187,950.
- The STB contended that the fire was not a disaster because it was not widespread.
- The Indiana Tax Court ruled that a fire could be a disaster even though it only damaged a single-family residence.



# Case Law

- Because of this ruling, the theory that there has to be multiple properties involved in order to have a disaster is invalid.
- For purposes of this statute, the destruction of a single residence can constitute a “disaster,” and a “disaster” does not have to be widespread.



# Case Law

- Note: Ind. Code § 10-14-3-1 (see below) did not exist when those court cases were decided.

## Ind. Code § 10-14-3-1 "Disaster"

- Sec. 1. (a) As used in this chapter, "disaster" means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural phenomenon or human act.



# Case Law

- (b) The term includes any of the following:
  - (1) Fire.
  - (2) Flood.
  - (3) Earthquake.
  - (4) Windstorm.
  - (5) Snowstorm.
  - (6) Ice storm.
  - (7) Tornado.
  - (8) Wave action.
  - (9) Oil spill.





# Case Law

- (10) Other water contamination requiring emergency action to avert danger or damage.
- (11) Air contamination.
- (12) Drought.
- (13) Explosion.
- (14) Technological emergency.
- (15) Utility failure.
- (16) Critical shortages of essential fuels or energy.
- (17) Major transportation accident.



# Case Law

- (18) Hazardous material or chemical incident.
- (19) Radiological incident.
- (20) Nuclear incident.
- (21) Biological incident.
- (22) Epidemic.
- (23) Public health emergency.
- (24) Animal disease event requiring emergency action.
- (25) Blight.



# Disasters

(26) Infestation.

(27) Riot.

(28) Hostile military or paramilitary action.

(29) Act of terrorism.

(30) Any other public calamity requiring emergency action.

[Pre-2003 Recodification Citation: 10-4-1-3(3).]

*As added by P.L.2-2003, SEC.5. Amended by P.L.22-2005, SEC.7.*



# Effective Date of Reassessment

## Effective Date of Reassessment

- The effective date of the reassessment is the assessment date that is prior to the occurrence of the disaster.
- For annually assessed mobile/manufactured homes, it is the January 1 before the date of the disaster.
- For all other real and personal property, it is the January 1 before the date of the disaster.



# Effective Date of Reassessment

- For example, if the disaster occurred today (July 9, 2025), the taxes affected would be the 2025 Pay 2026 taxes for real and personal property or the 2025 Pay 2025 taxes for annually assessed mobile/manufactured homes.



# Filing Deadline for the Petition

## Filing Deadline for the Petition

- The petition for reassessment of destroyed property, the reassessment order, and the tax adjustment order may not be made after December 31 of the year in which the taxes that would first be affected by the reassessment are payable.



# Filing Deadline for the Petition

- If the disaster occurred today (July 9, 2025), the petition would be for taxes payable in 2026. The petition filing, reassessment, and tax adjustment order must be made by December 31, 2026. (If for an annually assessed mobile/manufactured home, it must be made by December 31, 2025).



# Reassessing Damaged Property

## Reassessing Damaged Property

- Physical inspection of the property is required.
- Evidence such as photos, videos, repair bills, insurance claims, news articles, and appraisals should be reviewed.
- Documentation from local, state, and federal agencies may be helpful.





# Reassessing Damaged Property

- The final step is to determine the new assessed value of the property and notify the taxpayer of the change on the notice that is attached to the 137R petition.
- If the taxpayer disagrees, an appeal can be filed pursuant to Ind. Code § 6-1.1-15.
- If the county assessor contracts with a vendor to perform reassessments, the contract must be submitted to the Department for review, as with any contract for assessment functions.



# Frequently Asked Questions

## Frequently Asked Questions

- *Question: Could the decision to reassess or not be based solely on whether the President declared the area a disaster area and the homeowners qualified for federal disaster aid?*
- Answer: NO! The decision to reassess should never be made solely on the basis of a disaster declared by a Governor or President. Each petition stands on its own and must be reviewed independently.



# Frequently Asked Questions

- *Question: If a house burns down because of faulty wiring or if lightning hits a tree that falls onto the house, would a reassessment be ordered?*
- Answer: It is likely that these examples would qualify for reassessment. (The Scheid case addresses this point specifically.)



# Frequently Asked Questions

- *Question: When a house has a fire, do they fill out a 137R, or would they just file an appeal?*
- Answer: The Department would recommend that the taxpayer fill out a Form 137R instead of filing an appeal.



# Frequently Asked Questions

- *Question: We have a shop owner whose pizza shop was completely gutted by fire in September 2024, leaving the walls and roof intact, but the interior destroyed. It was the only property impacted by the fire. Can that property be revalued retroactively to January 1, 2024, using the 137R, or should it be revalued for the following valuation date of 1-1-2025?*
- Answer: Based on the information presented, the pizza shop can be reassessed back to the January 1, 2024, assessment date (assuming the Form 137R is filed by December 31, 2025).



# Frequently Asked Questions

- *Question: If a disaster occurs in July 2025, what assessment is affected if a reassessment is ordered?*
- Answer: The effective date would be the assessment date prior to the disaster. If it were an annually assessed mobile/manufactured home, the effective date would be 1/1/25 for taxes payable in 2025. If it were any other real or personal property, the assessment date affected would be 1/1/25 for taxes payable in 2026.



# Frequently Asked Questions

- *Question: Can a homeowner file a 137R if the disaster was caused by something illegal? For example, arson or a meth lab?*
- Answer: Who set the fire? Was it the property owner or someone else? Each disaster petition should be reviewed on a case-by-case basis. If you decide to deny the petition, the taxpayer would have the right to appeal.



# Frequently Asked Questions

- *Question: Could a home be reduced to zero if it is completely destroyed?*
- Answer: Yes. The true tax value for the home (improvement value) would be reduced to \$0, and the true tax value of the land would remain the same.





# Frequently Asked Questions

- *Question: Do we treat the damage by flooding the same way as we do if it is caused by a tornado?*
- Answer: The procedure is the same no matter what causes the disaster. It makes no difference whether the loss in value is caused by wind, flooding, or any other reason. Each case stands on its own.



# Frequently Asked Questions

- *Question: There has been a severe amount of flooding in our area. Should a taxpayer file Form 137R or Form 137PF?*
- Answer: The decision depends on the individual circumstances. However, Form 137PF should be used if one or more parcels of real property within a county are permanently flooded or to which access over land is permanently prevented because of flooding.



# Frequently Asked Questions

- *Question: Does everyone who files a disaster petition get reassessed?*
- Answer: No. Again, each case stands on its own. There could be some minor damage without any decline in value to the property. If this is the case, no reassessment would be ordered. However, if a substantial amount of property has been destroyed and there is damage severe enough to cause a loss in value to the property, a reassessment should be done.



# Frequently Asked Questions

- *Question: Do assessors have to physically inspect the damage done to improvements on every petition filed?*
- Answer: Physical inspections are mandatory and the only way to determine the true amount of damage. However, if the repairs have been made prior to the physical inspection, other evidence must be considered as well.



# Frequently Asked Questions

- *Question: What role does the taxpayer play in this process?*
- Answer: The taxpayer must initiate the petition and then provide any information that is helpful in determining whether or not a reassessment should be ordered. i.e., photographs, news articles, etc.



# Frequently Asked Questions

- *Question: What if the taxpayer files a petition but gives no supporting evidence?*
- Answer: The assessor must physically inspect the property and make the determination based on the best information available. Each case stands on its own.



# Frequently Asked Questions

- *Question: Should the assessor refuse to accept a Form 137R if the assessor does not think the property qualifies for reassessment?*
- Answer: No. A taxpayer should always be allowed to file a petition. The assessor then determines whether or not to reassess. If the decision is not to reassess, the taxpayer can appeal per Ind. Code § 6-1.1-15.



# Frequently Asked Questions

- *Question: So, does this process apply only to real property?*
- Answer: No. If personal property has been assessed on a Form 102 or 103, a reassessment could be ordered.





# Frequently Asked Questions

- *Question: Can the assessor file the petition for the taxpayer?*
- Answer: No. The taxpayer must file the petition and sign it.



# Frequently Asked Questions

- *Question: Can a taxpayer file multiple parcels on one petition?*
- Answer: Although a separate petition for each parcel is preferred, a taxpayer could file one petition for all of the parcels (a comprehensive list of each parcel number, property address, and legal description should be included). However, a physical inspection is mandatory for each parcel, and it is possible that some parcels may be reassessed and some are not.



# Frequently Asked Questions

- *Question: Is the petition good for one year only, or does the taxpayer need to file a petition each year?*
- Answer: This question would have to be answered on a case-by-case basis since each assessment date stands alone. However, since a disaster presumably does not occur repeatedly, the petition would be for the current event. There could be a situation where, due to the extent of the damage, repairs could take more than one year, in which case a petition should be filed each year.



# Frequently Asked Questions

- *Question: How is the taxpayer notified that their petition has been approved or denied?*
- Answer: At the bottom of both Form 137R and Form 137PF, the county assessor checks whether a reassessment was ordered. A copy should be sent to the taxpayer (the assessor keeps the original). If a reassessment is ordered, a Notice of Assessment indicating the revised assessed value should be sent to the taxpayer. Under Ind. Code § 6-1.1-15, the taxpayer would have the right to appeal the change in assessed value.



# Frequently Asked Questions

- *Question: Is there any guidance on how to fund a special reassessment due to disasters? We had a tornado come through the southern part of the county in mid-May that took out a lot of houses. I am following the guidelines and having the taxpayers sign the Form 137R, but this work would be outside our contract for reassessment.*
- Answer: Unfortunately, the Department is not aware of any specific guidance relating to funding a special reassessment. You may want to check with your county attorney and/or your county council.



# Frequently Asked Questions

- *Question: We have had multiple cases of bird flu in our county. One of the owners is a very big egg farm that had to get rid of millions of chickens. We are wondering if it is possible to consider this a disaster and have them file a Form 137R for the buildings, personal property, and land? They buried the chickens on their farmland and told us that they would not be putting chickens back in until October 2026. They will also not be farming the land until next year.*
- Answer: “An animal disease event requiring emergency action” is included in the terms defining a disaster.



# Frequently Asked Questions

- *Question: Are there any other helpful hints that could be offered?*
- Answer: When a taxpayer comes into your office and files this petition, review the form and make certain there is current contact information included. If a person is forced to relocate because of the disaster and the form lists a mailing address and phone number for the destroyed or damaged home, it will be difficult to contact the taxpayer for more information.



# GIS

## GIS

- The State of Indiana has a Geographic Information Office (<https://www.in.gov/gis/>). Their website contains information on:
  - The <https://www.indianamap.org/> portal and geospatial data viewer.





# GIS

- GIS is used at the state to (among other things):
  - Study flooding.
  - Prepare for and respond to emergencies.



# GIS

- IndianaMap (<http://www.indianamap.org/>)
  - The IndianaMap is many things. It is a diverse and flexible system that provides access to geographic information about Indiana. It is a modern map viewer for a large community of users. The IndianaMap is a trustworthy source of geospatial data and services that provides users with both documented and authoritative information. It is an investment in Indiana.



# GIS

- The IndianaMap is also the largest publicly available collection of Indiana geographic information system (GIS) map data. It is made possible by an alliance of partners, including the Indiana Geographic Information Office, and others from federal, state, local organizations and agencies, and universities.



# GIS

- The Indiana Geographic Office joined with other GIS partners to develop and publish four new statewide geographic data layers using existing county data: land parcels, address points that connect a street address with a geographic coordinate, street centerlines with street name and address ranges, and local administrative boundaries such as school and election districts.



# GIS

- Service to Citizens - Response to large natural disasters, like flooding, often takes coordinated response from local officials, responders, volunteers, Indiana National Guard, local and State Police, Federal agencies, the Red Cross, Animal Rescue, and many more - and that takes coordinated data. In a time when every second counts, the [IndianaMap](#) can help assure those who need it are reading from the same playbook - they'll have consistent, quality, timely information for decision making.



# GIS

- The IndianaMap helps coordinate information for response to help save the lives and property of those communities that participate.



# GIS

- So, how can GIS be used with disasters?
  - It can create maps for workers unfamiliar with the affected areas.
  - It can generate forms and maps for field crews to document the extent and value of property damage.
  - It can help local emergency management, public safety, public transit, public works, field inspectors, SEMA, and FEMA coordinate their efforts more effectively.



# Questions





# Contact Us

- Barry Wood, Assessment Division Director
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  - Website: [www.in.gov/dlgf](http://www.in.gov/dlgf)
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