

Department of Local Government Finance

2024 Legislative Overview

Emily Crisler
General Counsel

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Disclaimer

• This presentation and other Department of Local Government Finance materials are not a substitute for the law. The following is not legal advice, just an informative presentation. The Indiana Code always governs.



Agenda

- Assessment Matters Legislation
- Deductions & Exemptions Legislation
- Local Budgeting Matters Legislation
- Local Income Tax Legislation
- School Funding Legislation
- Fire Funding Legislation
- Economic Development Legislation



Assessment Matters Legislation



- SEA 246 WETLANDS CLASSIFIED AS WILDLANDS
 - Provides that a parcel of land may be classified as wildlands for purposes of property assessments if the following requirements are met:
 - (1) Parcel is at least $\frac{1}{2}$ of an acre in size;
 - (2) Parcel contains wetlands; and
 - (3) Parcel otherwise meets the requirements for classification as wildlands under Ind. Code § 6-1.1-6.



- SEA 246 Wetlands Classified as Wildlands
 - Specifies that qualifying parcels classified as wildlands must post two (2) signs on different sides of the parcel at points that are most conspicuous to the public or at the property corners.
 - The Department of Natural Resources will furnish these signs.



- HEA 1090 Sales Disclosure Forms
 - Exemptions property conveyances to the State from the Sales Disclosure requirements.
 - Does not exempt property conveyances from the State.



- HEA 1090 Sales Disclosure Forms
 - With the amended language under HEA 1090, the conveyances that do not require a Sales Disclosure Form are:
 - (1) Security interest documents.
 - (2) Leases for a term of less than 90 years.
 - (3) Mergers, consolidations, and incorporation involving solely non-listed stock.
 - (4) Quitclaim deeds not serving as a source of title.
 - (5) Public utility or governmental easements or rights-of-way.
 - (6) Conveyances to the state.



Apartment Assessments

• As adopted during the 2023 Legislative Session under House Enrolled Act 1454 ("HEA 1454"), Ind. Code § 6-1.1-4-39 was amended to specify that for purposes of assessing apartment property, assessors were required to use the cost schedules issued by the Department without modifiers, adjustments, or other trending factors.



- HEA 1328 Apartment Assessments
 - Specifies that for apartment assessments under the cost approach, assessors are only allowed to use modifiers or adjustments approved by the DLGF or included in the real property assessment guidelines.
 - Specifically prohibits the use of locally developed LCMs, cost schedules, or market and trending adjustments.



Apartment Assessments

• During the 2023 Legislative Session under House Enrolled Act 1454 ("HEA 1454"), Ind. Code § 6-1.1-4-39 was also amended to specify that the assessing official has the burden of proof to establish that the assessment is correct and that the assessed value is the lowest of the three (3) appraisal approaches.



- HEA 1328 Apartment Assessments
 - Section 6 of HEA 1328 removes the burden for assessor to establish that
 the assessment "is correct" and clarifies that the assessing official only
 has the burden of proof to establish that the assessed value is the lowest
 value of the three (3) appraisal approaches.



HEA 1328 – PTABOA Member Terms

- Under current law, Ind. Code § 6-1.1-28-1(h) specifies that the term of a member of the county property tax assessment board of appeals is one
 (1) year and begins on January 1.
- Section 18 of HEA 1328 amends Ind. Code § 6-1.1-28-1(h) to provide that the term of a member of the county property tax assessment board of appeals must be staggered to ensure that the appointment of a majority of the board does not expire in any single year.



- HEA 1328 Business Personal Property Penalty
 - Caps the penalty for late BPP return filings at the lesser of 10% or \$10,000 if more than 30 days late, and the lesser of 20% or \$50,000 if the return is filed after November 15.
 - Repeals statute (IC 6-1.1-37-7.5) authorizing county to impose 10% penalty when a BPP filing isn't received but the taxpayer can show proof of filing.



- HEA 1328 Business Personal Property Penalty
 - Although the changes to Ind. Code § 6-1.1-37-7 under Section 22 of HEA 1328 are retroactively effective on May 1, 2024, Section 39 of HEA 1328 specifies that the new graduated penalty structure for late personal property tax return filings would also apply to any taxpayer that was subject to a late filing penalty for taxes first due and payable in 2023.



HEA 1328 – Business Personal Property Penalty

SECTION 39. [EFFECTIVE JANUARY 1, 2024 (RETROACTIVE)] (a) As used in this SECTION, "eligible taxpayer" means a taxpayer that:

- (1) did not timely file a personal property return within thirty
- (30) days of the filing deadline; and
- (2) made two (2) installment payments for the 2022 assessment date by the dates payable in 2023.
- (b) Notwithstanding the penalty amounts provided in IC 6-1.1-37-7, as amended by this act, a penalty assessed under IC 6-1.1-37-7 against an eligible taxpayer for the 2022 assessment year, for which taxes were first due and payable in 2023, may not exceed fifty thousand dollars (\$50,000).
 - (c) This SECTION expires June 30, 2027.

SEC. 39 - NONCODE - Effective January 1, 2024



- HEA 1328 Tentative Utility Assessments
 - Specifies that the DLGF must provide information related to tentative assessment changes to the assessors by no later than June 1.
 - Will first apply to 2025 assessments.



- SEA 183 Mobile Home Assessments
 - Allows a county fiscal body to adopt an ordinance exempting mobile homes and manufactured homes in the county from property taxation.
 - If the county fiscal body adopts the exemption ordinance, the bill specifies that the county assessor shall not assess mobile homes or manufactured homes.



- SEA 183 Mobile Home Assessments
 - Also specifies that the county fiscal body may repeal or amend an exemption ordinance.
 - Given the option for a county fiscal body to repeal an exemption ordinance, the Department would encourage assessors in any county that adopts an exemption ordinance to maintain the parcel and assessment data for mobile homes and manufactured homes.



SEA 183 – Mobile Home Assessments

As of June 2024, the record retention schedule (Record Series AS 12-12) issued by the Indiana Archives and Records Administration for Assessing Officials specifies that property record cards and any supporting documents may only be destroyed after ten (10) years and after receipt of the State Board of Accounts Audit Report and satisfaction of unsettled charges.





- HEA 1120 Disabled Veteran Deduction
 - Increases the assessed value limit for the Veteran with Non-Service-Connected Disability Deduction from \$200,000 to \$240,000.
 - Will first apply for 2024 Pay 2025.



HEA 1120 – Disabled Veteran Deduction

- With the language included in Section 8 of HEA 1120, the Over 65 Deduction (IC 6-1.1-12-9; 10.1), the Over 65 Circuit Breaker Credit (IC 6-1.1-20.6-8.5), and the Veteran with a Non-Service-Connected Disability Deduction (IC 6-1.1-12-14) will all have an assessed value limitation of \$240,000 for 2024 Pay 2025.
 - However, unlike the Over 65 Deduction and the Veteran with a Non-Service-Connected Disability Deduction, for individuals first applying for the Over 65 Circuit Breaker Credit after December 31, 2022, the assessed valuation limitation applies to all real property owned in Indiana.

SEC. 8 – Ind. Code § 6-1.1-12-14 – Effective January 1, 2024



- HEA 1328 Homestead Deduction & LLCs
 - Reinstates provision that was repealed in SEA 325-2023, which specified that homestead property includes an individual's principal place of residence and is owned by a business entity, if the individual is a shareholder, partner, or member of the entity that owns the property AND the individual was eligible for the deduction on March 1, 2009.



- House Enrolled Act 1120 Deduction Application Deadline
 - Moves the deadline for submitting the application for various deductions from January 5 to January 15.

Homestead Deduction Application (SF 05743)	Fertilizer Storage Deduction Application (SF 45651)
Over 65 Deduction & Over 65 CB Credit (SF 43708)	Model Residence Deduction Application (SF 53812)
Blind/Disabled Deduction Application (SF 43710)	Residence in Inventory Deduction Application (SF 54861)
Disabled Veteran Deductions Application (SF 12662)	Building Constructed of Coal Combustion Products Deduction Application (SF 52500)
Environmental Deductions Application (SF 18865)	



Local Budgeting Matters Legislation



Local Budgeting Matters Legislation

HEA 1120 – Controlled Projects

- Extends the period by which a project is subject to either a petition and remonstrance or a referendum based on the unit's total debt service tax rate through December 31, 2025.
- Clarifies that the total debt service tax rate does not include a tax rate imposed in a referendum debt service tax levy approved by voters.



Local Budgeting Matters Legislation

- HEA 1120 Controlled Projects Change in Scope
 - Provides that a project is subject to a petition and remonstrance or a referendum, as applicable, if the scope of the project changes from what was initially advertised to taxpayers.
 - If the proper officers of the political subdivision determine at a public hearing that the scope of the controlled project subsequently changed beyond what was initially presented, the political subdivision must complete the petition and remonstrance process or a referendum.



- HEA 1120 Controlled Projects Change in Scope
 - If a majority of property owners or registered voters signed a remonstrance against the controlled project, the political subdivision may not proceed with the changed scope of the controlled project. In that case, the political subdivision may either:
 - (1) proceed with the controlled project as it was initially presented; or
 - (2) terminate the controlled project as it was initially presented and initiate procedures for the controlled project that changes the change in scope.

SEC. 26-27 – Ind. Code § 6-1.1-20-3.1; 3.5; 4.2; 4.3 – Effective Upon Passage



- HEA 1328 Amended CNAV Submissions
 - Specifies that the deadline for amended CNAV submissions to the DLGF is the later of:
 - September 1; or
 - 15 days after the original CNAV submission is made.



- HEA 1328 Additional Appropriations
 - Beginning January 1, 2026, political subdivisions will no longer post public notice of public hearings on additional appropriations in newspapers.
 - These public notices will instead be submitted to Gateway and made available through Budget Notices.



HEA 1328 – Additional Appropriations

- Section 14 of HEA 1328 amends Ind. Code § 6-1.1-18-5 to provide that a
 political subdivision proposing an additional appropriation must hold a
 public hearing after submitting the following information on Gateway:
 - (1) The amount of the additional appropriation.
 - (2) The name of the affected fund.
 - (3) The name and account number of the affected account.
 - (4) The date, time, and place at which the political subdivision or appropriate fiscal body will hold a public hearing on the proposed additional appropriation.

SEC. 14 - Ind. Code § 6-1.1-18-5 - Effective January 1, 2026



- HEA 1328 Additional Appropriations
 - The political subdivision must post the required information on Gateway at least fourteen (14) days prior to the public hearing, and the Department must make this information publicly available on Gateway at least ten (10) days prior to the public hearing.



- HEA 1328 Excess Levy Appeals & Binding Units
 - Specifies that units subject to binding review must receive approval from the appropriate fiscal body before submitting an excess levy appeal to the DLGF.
 - Specifies that a participating unit of a FPT may not submit an excess levy appeal unless each participating unit of the FPT has adopted a resolution approving submission of the appeal.



HEA 1328 – DLGF Referendum Review

 Clarifies that the ten (10) day period that the Department has to review a submitted ballot question for purposes of a property tax referendum begins after the Department receives both the resolution (or certification, in the case of a controlled project referendum) to place the question on the ballot and the county auditor's certification of the estimated average tax impact.



Local Income Tax Legislation



- HEA 1121 Unit Consolidation Revenue Adjustments
 - For the purpose of distributing the LIT, if two or more units merge or consolidate to form a single unit, the unit is entitled to the combined pro rata distribution of the LIT revenue allocated to each applicable unit in existence on January 1 of the immediately preceding calendar year prior to the merger or consolidation.
 - Requires the DLGF to make these adjustments.



- HEA 1121 Unit Consolidation Revenue Adjustments
 - For the purpose of calculating FIT distributions, if two or more units merge or consolidate to form a single unit, bill outlines adjustments for AOS to incorporate.
 - For the purpose of calculating CVET distributions, if two or more units merge or consolidate to form a single unit, the base revenue used to calculate the CVET distribution percentage to the merged or consolidated taxing unit is the combined base revenue distributed in 2001 to each taxing unit that merged or consolidated.



- HEA 1121 Acute Care Hospital LIT
 - Section 7 of HEA 1121 adds a LIT rate for expenses related to acute care hospitals.
 - Specifically, HEA 1121 adds Ind. Code § 6-3.6-6-2.6 as a new section providing that the county fiscal body may adopt an ordinance to impose a tax rate for acute care hospitals located in the county.



HEA 1121 – Acute Care Hospital LIT

- The LIT rate that may be adopted by the county fiscal body must be in increments of one-hundredth of one percent (0.01%) and may not exceed one-tenth of one percent (0.1%).
- Revenue generated by this tax rate must be distributed directly to the county before the remainder of the expenditure rate revenue is distributed.



- HEA 1328 LIT Levy Freeze Rate Reductions
 - Allows the DLGF to consider the balance of the levy freeze stabilization fund during the review of county's request to reduce LIT levy freeze tax rate.
 - The county adopting body shall provide the Department with a determination of the amount in the stabilization fund for purposes of the Department's review.



- HEA 1121 LIT Councils with Single Voting Bloc
 - Sections 1, 3, and 6 of HEA 1121 amend various provisions of the Indiana Code to extend certain requirements regarding counties with a single voting bloc (defined by Ind. Code § 6-3.6-2-7.4) through May 31, 2025.





- HEA 1120 School Corporation Levy Limitations
 - Specifies that the limitation period is extended to apply to property taxes first due and payable in 2025; however, limitation does not apply to:
 - (1) Operating referendum imposed by a unit designated as a distressed political subdivision at the time the referendum was approved.
 - (2) Operating referendum approved by voters after December 31, 2022, and before January 1, 2025, and first imposed for taxes first due and payable in 2024 or 2025.



- HEA 1120 School Corporation Levy Limitations
 - For taxes first due and payable in 2024, the operating referendum levy may not exceed the lesser of the amount that could have been levied by the school corporation, if the maximum referendum rate was imposed, multiplied by 1.03.
 - For taxes first due and payable in 2025, the operating levy limitation will be based on a calculation including ADM.



- SEA 270 Levy Distributions to Charter Schools
 - Section 10 of SEA 270 amends Ind. Code § 20-46-1-8 to provide that a distribution to a charter school of proceeds from a referendum held before May 10, 2023, does not provide an exemption from the provisions of Ind. Code 20-46-1.



- SEA 270 Levy Distributions to Charter Schools
 - Section 11 of SEA 270 amends Ind. Code § 20-46-8-11.2 to clarify that
 the distributions to charter schools from a school corporation's operating
 fund levy revenue must be based on the amount collected (rather than
 imposed) by the school corporation.



- HEA 1380 Levy Distributions to Charter Schools
- Makes the following changes to the process for school corporations seeking an operating referendum levy or school safety referendum levy, respectively:
 - (1) The school corporation's notice to charter schools to determine whether the charter school will participate in a referendum must include the following information:
 - The total amount of the school corporation's expected need.
 - The per student estimate for that amount, using the number of students enrolled in the school corporation.
 - The date on which the school board will vote on the resolution

SEC. 25-26 – Ind. Code §§ 20-46-1-8; 20-46-9-6 – Effective Upon Passage



- HEA 1380 Levy Distributions to Charter Schools [Continued]
 - The school corporation must include in its referendum disclosure statement the following:
 - The salaries of each position within the school corporation or charter school, listed from highest salary to lowest salary
 - A link to Gateway for access to individual salaries.
 - This statement must be posted at least thirty (30) days before the referendum is held in a primary or general election (rather than thirty (30) days before the resolution to hold a referendum is adopted).





- HEA 1120 Township Fire/EMS Fund Separation
 - Requires a township that separated its township firefighting and emergency services fund into a firefighting fund and emergency medical services fund to make a one-time transfer of the remaining cash balance into the two (2) separate funds.
 - Specifies that the township board shall determine the amount of the remaining cash balance to be transferred to each fund.



- HEA 1328 Contracts for Fire & EMS Services
 - Imposes a new requirement for political subdivisions that enter into a contract for fire services or emergency medical services or with entity that provides fire services or emergency medical services.
 - Political subdivisions that enter into these contracts must upload the contract to Gateway, regardless of the contract amount.



- HEA 1328 Contracts for Fire & EMS Services
 - Specifies that contract uploads must be completed within 60 days of the date the contract is executed.
 - If a participating unit of a fire protection territory submits the agreement to establish the territory, each of the other participating units will be considered to have complied with this upload requirement.



- HEA 1328 Contracts for Fire & EMS Services
 - The executive of the political subdivision is required to upload qualifying contracts; however, the executive body may, by ordinance or resolution, identify another individual that is required to upload qualifying contracts.
 - Any ordinance or resolution adopted must be submitted to the DLGF no later than 5 days after the ordinance or resolution is passed.



- HEA 1328 Contracts for Fire & EMS Services
 - Additionally, the executive of a political subdivision must submit a statement to the DLGF by no later than March 2 of each year attesting that the political subdivision has uploaded any qualifying contracts for the immediately preceding year.
 - The DLGF may not approve the budget or a supplemental appropriation of a political subdivision until the attestation is filed with the DLGF.



Economic Development Legislation



Economic Development Legislation

- SEA 256 Innovation Development Districts & TIF Overlap
 - Specifies that the IEDC may subsequently designate territory that is located in an existing TIF allocation area as an innovation development district; however, the allocation area may not be renewed or extended until the IDD expires.



- SEA 256 Innovation Development Districts & TIF Overlap
 - Specifies that if an IDD will include territory located in an existing allocation area, the TIF and the IEDC must enter into an agreement establishing the terms and conditions governing the IDD including: (1) provisions in IC 36-7-32.5-12(b)(1)-(9); (2) provision prohibiting the city, county, town, or other entity that established the TIF from incurring additional debt without first obtaining the consent of the IEDC; and (3) provision requiring the maintenance of all applicable property tax records for the parcels located within the IDD.



- SEA 256 Innovation Development Districts & TIF Overlap
 - Specifies that if an IDD includes territory located in an existing allocation area, the county auditor shall continue to allocate to the existing allocation area any incremental property tax revenues that would otherwise be allocated to the IDD, until the existing allocation area of the IDD expires.



- HEA 1120 "Residential" Property within TIF Districts
 - Pushes back the date for all new TIF districts established after June 30, 2025 (previously June 30, 2024) to identify "residential property".



• HEA 1120 – "Residential" Property within TIF Districts

Property Tax Credit Allocation Categories (IC 6-3.6-5-6) All Property Tax Allocation Categories	Existing Percent of Revenue	Proposed Percent of Revenue
1% Allocation Type Homesteads eligible for a credit under IC 6-1.1-20.6-7.5.	84%	5690
2% Allocation Type Residential property, agricultural land, long term care property, and other tangible property eligible for a credit under IC 6-1.1-20.6-7.5.	16%	10%
3% Allocation Type Nonresidential real property, personal property, and other tangible property eligible for a credit under IC 6-1.1-20.6-7.5.	0%	0%
Residential property, as defined in 6-1.1-20.6-4.	0%	34%
Qualified Residential Property Refers to any of the following, apartment complex, homestead, or residential rental property	0%	



Additional Information?

- Additional information related to the various legislative changes from the 2024 Legislative Session can be found at the Department's website at:
 - https://www.in.gov/dlgf/memos-and-presentations/memos/



Questions?

David Marusarz Deputy General Counsel

dmarusarz@dlgf.in.gov

Emily Crisler General Counsel

emcrisler@dlgf.in.gov