

SENATE BILL No. 185

DIGEST OF INTRODUCED BILL

Citations Affected: None (noncode).

Synopsis: Rental unit assessment appeals. Allows an owner to appeal before May 1, 2004, the assessment of residential rental property determined for the 2002 general reassessment.

Effective: Upon passage.

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January 6, 2004, read first time and referred to Committee on Finance.

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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 2003 Regular Session of the General Assembly.

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SENATE BILL No. 185

A BILL FOR AN ACT concerning taxation.

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

- 1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **The definitions**
- 2 **in IC 6-1.1-1 apply throughout this SECTION.**
- 3 (b) **For purposes of this SECTION, "rental property" means**
- 4 **real property:**
 - 5 (1) **that consists of:**
 - 6 (A) **improvements assessed as residential property under**
 - 7 **rules of the department of local government finance; or**
 - 8 (B) **improvements described in clause (A) and the land on**
 - 9 **which the improvements are located; and**
 - 10 (2) **that was, during more than one-half (1/2) of the year**
 - 11 **beginning on March 2, 2001, and ending March 1, 2002:**
 - 12 (A) **leased to or partially leased to another entity by the**
 - 13 **owner; or**
 - 14 (B) **vacant and:**
 - 15 (i) **available for lease; or**
 - 16 (ii) **under construction or renovation to make the**
 - 17 **property available for lease.**
- 18 (c) **For purposes of this SECTION, "rental property" does not**



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include:

- (1) a single family dwelling; or**
- (2) a single family dwelling and the land on which the dwelling is located.**

(d) Notwithstanding IC 6-1.1-15-1, a taxpayer may obtain a review under that section by the county property tax assessment board of appeals of the township assessor's assessment of the taxpayer's rental property for the March 1, 2002, assessment date.

(e) Notwithstanding IC 6-1.1-4-34, a taxpayer may appeal to the Indiana board of tax review under IC 6-1.1-4-34 the assessment by the department of local government finance of the taxpayer's rental property for the March 1, 2002, assessment date.

(f) To obtain the review under subsection (d), the taxpayer must, in the manner provided by IC 6-1.1-15-1, file a petition with the assessor of the county in which the rental property is located not later than:

- (1) forty-five (45) days after notice of the assessment is given to the taxpayer;**
- (2) forty-five (45) days after the taxpayer receives a tax statement for the property taxes that are based on the assessment date for 2002; or**
- (3) May 1, 2004;**

whichever is the latest.

(g) To appeal under subsection (e), the taxpayer must file a petition with the assessor of the county in which the rental property is located not later than:

- (1) thirty (30) days after notice of the assessment is given to the taxpayer; or**
- (2) May 1, 2004;**

whichever is later.

(h) An assessment determination by:

- (1) the county property tax assessment board of appeals that results from a review under subsection (d) is subject to appeal to the Indiana board of tax review; or**
- (2) the Indiana board of tax review that results from an appeal under subsection (e) is subject to appeal to the tax court;**

under IC 6-1.1-15.

(i) An assessment change that results from a review under subsection (d) or an appeal under subsection (e) applies for property taxes first due and payable in:

- (1) 2003; and**

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1 **(2) each subsequent year in which property taxes are not**
2 **based on a new assessment determined under IC 6-1.1.**
3 **(j) This SECTION expires January 1, 2006.**
4 **SECTION 2. An emergency is declared for this act.**

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