



January 20, 2026

HOUSE BILL No. 1105

DIGEST OF HB 1105 (Updated January 15, 2026 8:53 am - DI 140)

Citations Affected: IC 6-1.1; IC 15-11; IC 32-24.

Synopsis: Condemnation of Hoosier homestead property. Establishes the Hoosier homestead program administered by the Indiana state department of agriculture to commemorate and maintain a registry of farms owned by the same family for at least 100 years. Provides that only the portion of a farm that satisfies the familial ownership and other requirements receives the Hoosier homestead designation and is subject to the provisions regarding eminent domain. Requires all property taxes to be paid up to date to be registered as a Hoosier homestead property or to renew registration as a Hoosier homestead property. Provides with certain exceptions, that if a county, city, town, or school corporation (unit) exercises eminent domain to take a fee simple interest in a Hoosier homestead, the property owner is entitled to: (1) testify at a public meeting of the condemning unit's legislative body; and (2) compensation that is the greater of: (A) 200% of the fair market value of the parcel; or (2) 200% of the value of the land and replacement cost of the improvements to the land minus depreciation. Requires the owner to also be compensated for relocation costs, other damages, and business losses resulting from the condemnation of the property.

Effective: July 1, 2026.

Greene, Culp, Smith H, Commons

January 5, 2026, read first time and referred to Committee on Agriculture and Rural Development.

January 20, 2026, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 126.3.

HB 1105—LS 6451/DI 87



January 20, 2026

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1105

A BILL FOR AN ACT to amend the Indiana Code concerning property.

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

1 SECTION 1. IC 6-1.1-5.5-3, AS AMENDED BY P.L.26-2022,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 3. (a) For purposes of this section, "party"
4 includes:

5 (1) a seller of property that is exempt under the seller's ownership;
6 or

7 (2) a purchaser of property that is exempt under the purchaser's
8 ownership;

9 from property taxes under IC 6-1.1-10.

10 (b) Subject to subsections ~~(g) and (h)~~, **(h) and (i)**, before filing a
11 conveyance document with the county auditor under IC 6-1.1-5-4, all
12 the parties to the conveyance must do the following:

13 (1) Complete and sign a sales disclosure form as prescribed by the
14 department of local government finance under section 5 of this
15 chapter. All the parties may sign one (1) form, or if all the parties
16 do not agree on the information to be included on the completed
17 form, each party may sign and file a separate form. For

HB 1105—LS 6451/DI 87



conveyance transactions involving more than two (2) parties, one (1) transferor and one (1) transferee signing the sales disclosure form is sufficient.

(2) Before filing a sales disclosure form with the county auditor, submit the sales disclosure form to the county assessor. The county assessor must review the accuracy and completeness of each sales disclosure form submitted immediately upon receipt of the form and, if the form is accurate and complete, stamp or otherwise approve the form as eligible for filing with the county auditor and return the form to the appropriate party for filing with the county auditor. If multiple forms are filed in a short period, the county assessor shall process the forms as quickly as possible. For purposes of this subdivision, a sales disclosure form is considered to be accurate and complete if:

(A) the county assessor does not have substantial evidence when the form is reviewed under this subdivision that information in the form is inaccurate; and

(B) both of the following conditions are satisfied:

(i) The form contains the information required by section 5(a)(1) through ~~5(a)(16)~~ **5(a)(17)** of this chapter as that section applies to the conveyance transaction, subject to the obligation of a party to furnish or correct that information in the manner required by and subject to the penalty provisions of section 12 of this chapter. The form may not be rejected for failure to contain information other than that required by section 5(a)(1) through ~~5(a)(16)~~ **5(a)(17)** of this chapter.

(ii) The form is submitted to the county assessor in a format usable to the county assessor.

(3) File the sales disclosure form with the county auditor.

(4) After December 31, 2023, a county assessor or county auditor may not refuse to accept a sales disclosure form for filing because the sales disclosure form is an electronic document.

(c) The auditor shall review each sales disclosure form and process any deduction for which the form serves as an application under IC 6-1.1-12-44. The auditor shall forward each sales disclosure form to the county assessor. The county assessor shall verify the assessed valuation of the property for the assessment date to which the application applies and transmit that assessed valuation to the auditor. The county assessor shall retain the forms for five (5) years. The county assessor shall forward the sales disclosure form data to the department of local government finance in an electronic format specified by the department of local government finance on or before April 1 in a year



ending before January 1, 2016, and on or before February 1 in a year beginning after December 31, 2015. The county assessor shall forward a copy of the sales disclosure forms to the township assessors in the county. The department of local government finance shall make sales disclosure form data received from a county assessor available to the legislative services agency. The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(d) In a county containing a consolidated city, the auditor shall review each sales disclosure form and process any deduction for which the form serves as an application under IC 6-1.1-12-44. The auditor shall forward the sales disclosure form to the appropriate township assessor (if any). The township assessor shall verify the assessed valuation of the property for the assessment date to which the application applies and transmit that assessed valuation to the auditor. The township or county assessor shall forward the sales disclosure form to the department of local government finance in an electronic format specified by the department of local government finance. The department of local government finance shall make sales disclosure form data received from a township or county assessor available to the legislative services agency. The forms may be used by the county assessing officials, the county auditor, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(e) This subsection applies if a sales disclosure form indicates that the conveyance involves property that is registered under IC 15-11-16 as a Hoosier homestead. The county assessor or township assessor (if any) shall forward the sales disclosure form to the Indiana state department of agriculture not later than ten (10) days after receipt of the form. The Indiana state department of agriculture may use the forms to maintain the information in the Hoosier homestead registry.

(f) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.

(g) County assessing officials, county auditors, and other local officials may not establish procedures or requirements concerning sales



disclosure forms that substantially differ from the procedures and requirements of this chapter.

~~(g)~~ **(h)** Except as provided in subsection ~~(h)~~, **(i)**, a separate sales disclosure form is required for each parcel conveyed, regardless of whether more than one (1) parcel is conveyed under a single conveyance document.

~~(h)~~ **(i)** Only one (1) sales disclosure form is required for the conveyance under a single conveyance document of two (2) or more contiguous parcels located entirely within a single taxing district.

SECTION 2. IC 6-1.1-5.5-5, AS AMENDED BY P.L.192-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The department of local government finance shall prescribe a sales disclosure form for use under this chapter. The form prescribed by the department of local government finance must include at least the following information:

- (1) The key number (as defined in IC 6-1.1-1-8.5) of each parcel.
- (2) With respect to each parcel, whether the entire parcel is being conveyed.
- (3) The address of each improved parcel.
- (4) The date of the execution of the form.
- (5) The date the property was transferred.
- (6) Whether the transfer includes an interest in land or improvements, or both.
- (7) Whether the transfer includes personal property.
- (8) An estimate of the value of any personal property included in the transfer.
- (9) The name, address, and telephone number of:
 - (A) each transferor and transferee; and
 - (B) the person that prepared the form.
- (10) The mailing address to which the property tax bills or other official correspondence should be sent.
- (11) The ownership interest transferred.
- (12) The classification of the property (as residential, commercial, industrial, agricultural, vacant land, or other).
- (13) Subject to subsection (c), the total price actually paid or required to be paid in exchange for the conveyance, whether in terms of money, property, a service, an agreement, or other consideration, but excluding tax payments and payments for legal and other services that are incidental to the conveyance.
- (14) The terms of seller provided financing.
- (15) Any family or business relationship existing between the transferor and the transferee.



(16) If the property being conveyed is registered as a Hoosier homestead (as defined in IC 15-11-16-3) the following information:

(A) The familial relationship (if any) between the transferor and transferee (parent, spouse, sibling, cousin, nephew, niece, aunt, or uncle).

(B) The number of acres of the parcel (if any) that were owned by the transferor's first family member (as defined in IC 15-11-16-2).

~~(16)~~ **(17)** A legal description of each parcel subject to the conveyance.

~~(17)~~ **(18)** Whether the transferee is using the form to claim one (1) or more deductions under IC 6-1.1-12-44 for property taxes first due and payable in a calendar year after 2008.

~~(18)~~ **(19)** If the transferee uses the form to claim the standard deduction under IC 6-1.1-12-37, the information required for a standard deduction under IC 6-1.1-12-37.

~~(19)~~ **(20)** Sufficient instructions and information to permit a party to terminate a standard deduction under IC 6-1.1-12-37 on any parcel of property on which the party or the spouse of the party will no longer be eligible for the standard deduction under IC 6-1.1-12-37 after the party or the party's spouse begins to reside at the property that is the subject of the sales disclosure form, including an explanation of the tax consequences and applicable penalties if a party unlawfully claims a standard deduction under IC 6-1.1-12-37.

~~(20)~~ **(21)** Other information as required by the department of local government finance to carry out this chapter.

~~(21)~~ **(22)** For transactions occurring after December 31, 2021, information required under IC 6-1.1-10-21(e) demonstrating proof of nonprofit status.

If a form under this section includes the telephone number or part or all of the Social Security number of a party, the telephone number or the Social Security number is confidential.

(b) The instructions for completing the form described in subsection

(a) must include the information described in IC 6-1.1-12-43(c)(1).

(c) If the conveyance includes more than one (1) parcel as described in section ~~3(h)~~ **3(i)** of this chapter, the form:

(1) is not required to include the price referred to in subsection

(a)(13) for each of the parcels subject to the conveyance; and

(2) may state a single combined price for all of those parcels.

SECTION 3. IC 6-1.1-5.5-6, AS AMENDED BY P.L.144-2008,



SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The county auditor may not accept a conveyance document if:

(1) the sales disclosure form signed by all the parties and attested as required under section 9 of this chapter is not included with the document; or

(2) the sales disclosure form does not contain the information required by section 5(a)(1) through ~~5(a)(16)~~ **5(a)(17)** of this chapter as that section applies to the conveyance, subject to the obligation of a party to furnish or correct the information in the manner required by and subject to the penalty provisions of section 12 of this chapter.

(b) The county recorder shall not record a conveyance document without evidence that the parties have filed with the county auditor a sales disclosure form approved by the county assessor as eligible for filing under section 3(b)(2) of this chapter.

SECTION 4. IC 15-11-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 16. Hoosier Homesteads

Sec. 1. As used in this chapter, "farm" means an area of real property that:

(1) is assessed as agricultural property under rules adopted by the department of local government finance; and

(2) may also include adjoining real property upon which is located a dwelling and any closely associated buildings and structures.

Sec. 2. As used in this chapter, "first family member" means the original member of the owner's family who owned property that is part of a Hoosier homestead.

Sec. 3. As used in this chapter, "Hoosier homestead" means any portion of a farm:

(1) that the department determines meets the requirements under section 8 of this chapter;

(2) that is entered into the registry under section 11 of this chapter; and

(3) for which the registration is not expired or revoked under this chapter.

Sec. 4. As used in this chapter, "owner" means a person:

(1) listed on the tax assessment rolls as being responsible for the payment of real estate taxes imposed on the property; and

(2) in whose name title to real estate is shown in the records



1 of the recorder of the county in which the real estate is
2 located.

3 Sec. 5. As used in this chapter, "program" means the Hoosier
4 homestead program established by this chapter.

5 Sec. 6. As used in this chapter, "registry" means the Hoosier
6 homestead registry established under this chapter.

7 Sec. 7. (a) The Hoosier homestead program is established for the
8 following purposes:

9 (1) To honor Indiana's rich agricultural heritage by
10 recognizing:

11 (A) family farms that have been owned continuously by the
12 same family for at least one hundred (100) years; and

13 (B) the contributions these family farms have made to the
14 economic, cultural, and social advancements of Indiana.

15 (2) To promote preservation of Indiana's historic family
16 farms by maintaining a registry that provides notice to an
17 entity with eminent domain authority that:

18 (A) a property proposed for acquisition is a Hoosier
19 homestead; and

20 (B) the entity must comply with IC 32-24-1.5 before
21 proceeding with condemnation.

22 (b) The department shall administer the program.

23 Sec. 8. (a) Any portion of a farm may be eligible for a Hoosier
24 homestead designation, if the property meets the following
25 requirements:

26 (1) The property has been under the continuous ownership of
27 the same family for at least one hundred (100) years. The line
28 of ownership from the first family member that owned the
29 property to the current owner may only be through spouses,
30 children, siblings, nephews, nieces, aunts, uncles, or cousins.
31 Legally adopted family members are recognized equally with
32 blood relatives.

33 (2) The property is used for agricultural purposes, which
34 includes contracting with a nonfamily member to farm the
35 land.

36 (3) At least:

37 (A) twenty (20) acres of property used for agricultural
38 purposes was owned by the first family member; or

39 (B) one (1) acre of property used for agricultural purposes
40 was owned by the first family member and produces a
41 gross of at least one thousand dollars (\$1,000) of
42 agricultural products (as defined in IC 15-12-1-3) a year.



(4) All property taxes under IC 6-1.1 have been paid up to date.

(b) Only the portion of the farm that meets the requirements under subsection (a):

(1) constitutes a Hoosier homestead; and

(2) is subject to the provisions of IC 32-24-1.5, if condemned.

Sec. 9. An owner must submit an application for registration to the department on a form established by the department. The application must include the following:

(1) Information and documentation of the unbroken familial line of ownership of the farm, from the first family member and through all successive family member owners to the current owner. Copies of any of the following may be submitted with the application to document the transfer of ownership and the familial relationship of the owners:

(A) An original deed, land patent, or other instrument.

(B) Records maintained in a courthouse.

(C) An abstract of title covering the real estate.

(2) Information regarding the familial relationship of each previous owner to the current owner.

(3) If the property is in a trust or in the name of a corporation, proof must be submitted that the farm remains in the family by submitting a copy of:

(A) the articles of incorporation showing that only family members are members of the corporation; or

(B) the trust document showing that only family members are trust beneficiaries.

(4) Documentation required by the department showing that the property taxes are paid up to date.

(5) Any other information or documentation required by the department.

Sec. 10. An owner shall certify on an application to the accuracy of the information provided.

Sec. 11. (a) If the department determines that the property satisfies the requirements for registration as a Hoosier homestead, the department shall do the following:

(1) Enter the property on the registry as a Hoosier homestead.

(2) Issue to the applicant a certificate and yard sign commemorating the farm as a Hoosier homestead.

(3) Provide the applicant with a notice under section 18 of this chapter.

(b) The certificate and yard sign issued by the department may



commemorate different categories of continuous familial ownership as follows:

(1) A centennial designation, if the family has owned a farm for at least one hundred (100) years and less than one hundred fifty (150) years.

(2) A sesquicentennial designation, if the family has owned a farm for at least one hundred fifty (150) years and less than two hundred (200) years.

(3) A bicentennial designation, if the family has owned a farm for at least two hundred (200) years.

Sec. 12. The department shall establish a registry not later than January 1, 2027.

Sec. 13. The registry must:

(1) be maintained in an electronic format;

(2) permit electronic submission of registration renewals;

(3) include the registration's expiration date; and

(4) be accessible to the public through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

Sec. 14. (a) To maintain a farm's registration as a Hoosier homestead:

(1) the requirements under section 8 of this chapter for eligibility must continue to be met; and

(2) the farm's registration must be renewed biennially by submitting a renewal application to the department.

(b) If a farm's registration is expired or revoked, the provisions of IC 32-24-1.5 do not apply to the farm.

Sec. 15. (a) If any part of a Hoosier homestead is transferred, including a transfer to a family member, the registration must be renewed and the registry updated.

(b) The department shall receive from a county assessor or township assessor (if any) a sales disclosure form for each conveyance of all or part of a Hoosier homestead under IC 6-1.1-5.5-5. The department shall send a notice to the transferee that for the farm to remain in good standing and maintain designation as a Hoosier homestead, the registration must be renewed by submitting a renewal form to the department not later than sixty (60) days after the date of the notice. The department may require further documentation as proof that the property still satisfies the requirements for a Hoosier homestead.

(c) The registry must be updated to reflect that a registration is:

(1) revoked, if the department determines that a property



1 transfer results in the farm no longer meeting the eligibility
2 requirements of section 8 of this chapter; or

3 (2) expired because the registration was not renewed and
4 updated.

5 Sec. 16. The department may not charge a fee for the
6 registration of a farm as a Hoosier homestead or the renewal of a
7 registration.

8 Sec. 17. The department shall post information on its website
9 concerning the necessity of maintaining a Hoosier homestead
10 registration in good standing for the provisions of IC 32-24-1.5 to
11 apply.

12 Sec. 18. (a) The department shall issue to an owner that receives
13 a Hoosier homestead designation a notice, certified by the
14 department, that provides the following information:

15 (1) The name of the property owner.

16 (2) The address or description of the property that received
17 the Hoosier homestead designation.

18 (3) The statement that the owner's property or a portion of
19 the property was designated a Hoosier homestead by the
20 department on the specified date.

21 (b) The notice shall also provide the following information:

22 (1) A Hoosier homestead designation may expire or be
23 revoked. The department and the department's online
24 registry can provide information regarding the current status
25 of the Hoosier homestead designation.

26 (2) The contact information for the department and address
27 for the registry website.

28 (c) The recorder shall charge a fee for recording the document
29 in accordance with IC 36-2-7-10.

30 (d) Nothing in this chapter requires an owner to record a notice
31 to:

32 (1) maintain Hoosier homestead status; or

33 (2) be subject to the provisions set forth in IC 32-24-1.5.

34 SECTION 5. IC 32-24-1-3, AS AMENDED BY P.L.84-2016,
35 SECTION 143, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Any person that may exercise
37 the power of eminent domain for any public use under any statute may
38 exercise the power only in the manner provided in this article, except
39 as otherwise provided by law.

40 (b) Except as provided in subsection (g), before proceeding to
41 condemn, the person:

42 (1) may enter upon any land to examine and survey the property



sought to be acquired; ~~and~~

(2) must make an effort to purchase for the use intended the land, right-of-way, easement, or other interest, in the property; **and**

(3) must first comply with IC 32-24-1.5 before making an effort to purchase a fee simple interest in the property under subdivision (2), if the condemnor is a county, city, town, or school corporation and the property is a registered Hoosier homestead under IC 15-11-16.

(c) The effort to purchase under subsection (b)(2) must include the following:

(1) Establishing a proposed purchase price for the property.

(2) Providing the owner of the property with an appraisal or other evidence used to establish the proposed purchase price.

(3) Conducting good faith negotiations with the owner of the property.

(d) If the land or interest in the land, or property or right is owned by a person who is an incapacitated person (as defined in IC 29-3-1-7.5) or less than eighteen (18) years of age, the person seeking to acquire the property may purchase the property from the guardian of the incapacitated person or person less than eighteen (18) years of age. If the purchase is approved by the court appointing the guardian and the approval is written upon the face of the deed, the conveyance of the property purchased and the deed made and approved by the court are valid and binding upon the incapacitated person or persons less than eighteen (18) years of age.

(e) The deed given, when executed instead of condemnation, conveys only the interest stated in the deed.

(f) If property is taken by proceedings under this article, the entire fee simple title may be taken and acquired.

(g) This subsection applies to a public utility (as defined in ~~IC 32-24-1-5.9(a)~~ **section 5.9(a) of this chapter**) or a pipeline company (as defined in IC 8-1-22.6-7). If a public utility or a pipeline company seeks to acquire land or an interest in land under this article, the public utility or pipeline company may not enter upon the land to examine or survey the property sought to be acquired unless either of the following occur:

(1) The public utility or the pipeline company sends notice by certified mail to the affected landowner (as defined in IC 8-1-22.6-2) of the public utility's or the pipeline company's intention to enter upon the landowner's property for survey purposes. The notice required by this subdivision must be mailed not later than fourteen (14) days before the date of the public



1 utility's or the pipeline company's proposed examination or
2 survey.

3 (2) The public utility or the pipeline company receives the
4 landowner's signed consent to enter the property to perform the
5 proposed examination or survey.

6 An affected landowner may bring an action to enforce this subsection
7 in the circuit court, superior court, or probate court of the county in
8 which the landowner's property is located. A prevailing landowner is
9 entitled to the landowner's actual damages as a result of the public
10 utility's or the pipeline company's violation. In addition, the court may
11 award a prevailing landowner reasonable costs of the action and
12 attorney's fees.

13 SECTION 6. IC 32-24-1-8, AS AMENDED BY P.L.80-2020,
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2026]: Sec. 8. (a) A defendant may object to the proceedings:

16 (1) because the court does not have jurisdiction either of the
17 subject matter or of the person;

18 (2) because the plaintiff does not have the right to exercise the
19 power of eminent domain for the use sought; ~~or~~

20 **(3) because the property is registered as a Hoosier homestead**
21 **under IC 15-11-16 and the requirements of IC 32-24-1.5 were**
22 **not satisfied; or**

23 ~~(3)~~ **(4)** for any other reason disclosed in the complaint or set up in
24 the objections.

25 (b) Objections under subsection (a) must be:

26 (1) in writing;

27 (2) separately stated and numbered; and

28 (3) filed not later than thirty (30) days after the date the notice
29 required in section 6 of this chapter is served on the defendant.
30 However, the court may extend the period for filing objections by
31 not more than thirty (30) days upon written motion of the
32 defendant.

33 (c) The court may not allow pleadings in the cause other than the
34 complaint, any objections, and the written exceptions provided for in
35 section 11 of this chapter. However, the court may permit amendments
36 to the pleadings.

37 (d) If an objection is sustained, the plaintiff may amend the
38 complaint or may appeal from the decision in the manner that appeals
39 are taken from final judgments in civil actions. All the parties shall take
40 notice and are bound by the judgment in an appeal.

41 (e) If the objections are overruled, the court shall appoint appraisers
42 as provided for in this chapter. Any defendant may appeal the



interlocutory order overruling the objections and appointing appraisers in the manner that appeals are taken from final judgments in civil actions.

(f) All the parties shall take notice of and be bound by the judgment in the appeal.

(g) The transcript must be filed in the office of the clerk of the supreme court not later than thirty (30) days after the notice of the defendant's appeal is filed. The appeal does not stay proceedings in the cause.

(h) This subsection does not apply to a condemnation action brought by a public utility (as defined in section 5.9(a) of this chapter) or by a pipeline company. Notwithstanding section 14 of this chapter, if an objection:

(1) is sustained, and no appeal is filed; or

(2) is sustained in the judgment in the appeal;

the court shall award the defendant the reasonable costs and attorney's fees incurred for the objection, in an amount not to exceed twenty-five thousand dollars (\$25,000).

SECTION 7. IC 32-24-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 1.5. Condemnation of a Hoosier Homestead

Sec. 1. This chapter only applies to a unit that exercises the unit's eminent domain authority to acquire a fee simple interest in Hoosier homestead property.

Sec. 2. This chapter does not apply to a unit that exercises the unit's eminent domain powers to acquire a fee simple interest in Hoosier homestead property, if the acquisition is part of a project administered by the Indiana department of transportation.

Sec. 3. This chapter only applies to an exercise of eminent domain under:

(1) any statute (excluding IC 32-24-2) for which a written acquisition offer for the property is rejected by the owner after June 30, 2026; or

(2) IC 32-24-2, for which the works board adopts a resolution under IC 32-24-2-6 after June 30, 2026.

Sec. 4. As used in this chapter, "farm" has the meaning set forth in IC 15-11-16-1.

Sec. 5. As used in this chapter, "governing body" means the:

(1) legislative body (as defined in IC 36-1-2-9) of a unit; or

(2) governing body of a school corporation (as defined in IC 20-18-2-5).



1 **Sec. 6. As used in this chapter, "Hoosier homestead" means any**
 2 **portion of a farm that satisfies both of the following:**

3 **(1) The property is registered as a Hoosier homestead under**
 4 **IC 15-11-16-11.**

5 **(2) The registration under subdivision (1) is not expired or**
 6 **revoked as provided in IC 15-11-16-14.**

7 **Sec. 7. As used in this chapter, "owner" means a person who**
 8 **owns property that is registered as a Hoosier homestead, as**
 9 **evidenced by both of the following:**

10 **(1) The person is listed on the tax assessment rolls as**
 11 **responsible for the payment of real estate taxes imposed on**
 12 **the property.**

13 **(2) The person's name is shown on the title to the real estate**
 14 **in the records of the recorder of the county in which the real**
 15 **estate is located.**

16 **Sec. 8. As used in this chapter, "relocation costs" means**
 17 **relocation expenses payable in accordance with the federal**
 18 **Uniform Relocation Assistance Act (42 U.S.C. 4601 through 42**
 19 **U.S.C. 4655).**

20 **Sec. 9. As used in this chapter, "school corporation" means a**
 21 **school corporation (as defined in IC 20-18-2-16) that is expressly**
 22 **authorized by statute to exercise the power of eminent domain.**

23 **Sec. 10. As used in this chapter, "unit" means a county, city,**
 24 **town, or school corporation.**

25 **Sec. 11. Notwithstanding any other law, a condemnor may not**
 26 **file a complaint in condemnation or a works board may not hear**
 27 **remonstrances under IC 32-24-2-6 unless the requirements of this**
 28 **chapter are satisfied.**

29 **Sec. 12. (a) This section applies only to an acquisition of**
 30 **property under section 3(1) of this chapter.**

31 **(b) A condemnor shall send notice of an owner's rejection of a**
 32 **written acquisition offer for the property:**

33 **(1) not later than ten (10) days after the date the owner's**
 34 **rejection is received; and**

35 **(2) to the governing body of the unit that is condemning the**
 36 **property.**

37 **Sec. 13. (a) This section only applies to an acquisition of**
 38 **property by a unit under section 3(2) of this chapter.**

39 **(b) A works board of a unit condemning the property shall send**
 40 **notice of the adoption of the resolution under IC 32-24-2-6:**

41 **(1) not later than ten (10) days after the date the resolution is**
 42 **adopted; and**



1 (2) to the governing body of the unit condemning the
 2 property;
 3 at the same time notice of the resolution is sent to affected persons.

4 Sec. 14. After receiving notice under section 12 or 13 of this
 5 chapter, the governing body shall:

6 (1) place the condemnation of property that is the subject of
 7 the notice on the governing body's meeting agenda not earlier
 8 than thirty (30) days or later than sixty (60) days after
 9 receiving the notice regarding the property; and

10 (2) provide notice by first class mail:

11 (A) of the purpose, place, date, and time of the meeting;
 12 and

13 (B) at least thirty (30) days before the date of meeting;
 14 to each owner of property that is the subject of the notice
 15 received under section 12 or 13 of this chapter.

16 Sec. 15. Any owner receiving notice under section 13 of this
 17 chapter is entitled to provide oral or written testimony at the
 18 public meeting regarding any matter pertaining to:

19 (1) the proposed acquisition of the owner's property;

20 (2) the purpose for which condemnation of the owner's
 21 property is sought; or

22 (3) any other matter pertaining to the owner's property.

23 Sec. 16. Upon conclusion of the meeting of the governing body,
 24 the requirements of this chapter are satisfied and the
 25 condemnation may proceed.

26 Sec. 17. Notwithstanding IC 32-24-1, a condemnor that acquires
 27 a Hoosier homestead property through the exercise of eminent
 28 domain under this chapter shall compensate the owner for the
 29 greater of the following:

30 (1) An amount equal to:

31 (A) two hundred percent (200%) of the fair market value
 32 of the parcel as determined under IC 32-24-1;

33 (B) any other damages determined under IC 32-24-1 and
 34 any loss incurred in a trade or business that is attributable
 35 to the exercise of eminent domain; and

36 (C) the owner's relocation costs, if any.

37 (2) An amount equal to:

38 (A) two hundred percent (200%) of the estimated:

39 (i) value of the land; and

40 (ii) replacement cost of buildings and land improvements
 41 as of the date of valuation, minus the losses in value that
 42 have taken place due to wear and tear, design and plan,



- 1 or neighborhood influences;
- 2 **(B) any other damages determined under IC 32-24-1 and**
- 3 **any loss incurred in a trade or business that is attributable**
- 4 **to the exercise of eminent domain; and**
- 5 **(C) the owner's relocation costs, if any.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1105, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1105 as introduced.)

AYLESWORTH

Committee Vote: Yeas 11, Nays 0

