



SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 183 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 6-1.1-4-47.1 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2024]: **Sec. 47.1. (a) This section applies to**
6 **assessment dates occurring after December 31, 2024.**
7 **(b) As used in this section, "affordability restrictions" means**
8 **restrictions set forth in a ground lease concerning the future sale**
9 **or transfer of the community land trust improvement owned by a**
10 **qualified owner intended to maintain the continued affordability**
11 **of the community land trust improvement, including at least the**
12 **following:**
13 **(1) The community land trust improvement may only be sold**
14 **to another qualified owner who intends to:**
15 **(A) use the community land trust improvement as the**
16 **qualified owner's primary place of residence; and**
17 **(B) enter into a ground lease with the community land**
18 **trust.**
19 **(2) A formula to be used to calculate the sale or transfer price**
20 **that preserves the continued affordability of the community**
21 **land trust improvement.**
22 **(3) A purchase option for the community land trust intended**
23 **to preserve the continued affordability of the community land**
24 **trust improvement.**
25 **(c) As used in this section, "community land trust" means a**
26 **nonprofit corporation that meets the following requirements:**
27 **(1) The nonprofit corporation is exempt from taxation under**
28 **Section 501(c)(3) of the Internal Revenue Code.**

- 1 **(2) The primary purpose of the nonprofit corporation is the**
- 2 **creation and maintenance of permanently affordable single**
- 3 **family or multi-family residences.**
- 4 **(3) The nonprofit corporation leases community land trust**
- 5 **land on which a community land trust improvement is located**
- 6 **to a qualified owner under a ground lease that provides for**
- 7 **the qualified owner's use of the community land trust**
- 8 **improvement as the qualified owner's primary place of**
- 9 **residence.**
- 10 **(d) As used in this section, "community land trust**
- 11 **improvement" means a dwelling unit and associated improvements**
- 12 **located on community land trust land that is occupied by a**
- 13 **qualified owner as the qualified owner's primary place of residence**
- 14 **according to the terms of a ground lease.**
- 15 **(e) As used in this section, "community land trust land" means**
- 16 **land owned by a community land trust for the purposes described**
- 17 **in subsection (c)(2) and (c)(3).**
- 18 **(f) As used in this section, "ground lease" means a lease entered**
- 19 **into between a community land trust as lessor and a qualified**
- 20 **owner as lessee that allows the qualified owner to occupy a**
- 21 **community land trust improvement located on community land**
- 22 **trust land and includes at least the following:**
- 23 **(1) Affordability restrictions.**
- 24 **(2) The initial appraised value of the community land trust**
- 25 **improvement at the time the lease is entered into, or at the**
- 26 **time otherwise specified.**
- 27 **(3) The monthly fee, if any, that the qualified owner must pay**
- 28 **to the community land trust for use of the community land**
- 29 **trust land. However, the fee considered under this subdivision**
- 30 **does not include property tax payments, inspection fees,**
- 31 **mortgages, or insurance escrow payments.**
- 32 **(4) A term of ninety-nine (99) years, with some provision for**
- 33 **renewal.**
- 34 **(g) As used in this section, "qualified owner" means an**
- 35 **individual who is a member of a household with annual household**
- 36 **income in an amount that is not more than one hundred percent**
- 37 **(100%) of the median household income in the community land**
- 38 **trust land's surrounding area, as determined according to the**
- 39 **median household income amounts published by the United States**
- 40 **Department of Housing and Urban Development at the time the**
- 41 **ground lease is entered into.**
- 42 **(h) The true tax value of community land trust land in an**
- 43 **assessment year is the present value of the long term revenue that**
- 44 **will be received from any fee described in subsection (f)(3).**
- 45 **(i) The true tax value of a community land trust improvement**
- 46 **in an assessment year that occurs in the first year of a ground lease**
- 47 **to which the community land trust improvement is subject is the**

1 purchase price of the community land trust improvement that was
2 paid by the owner of the community land trust improvement.
3 (j) For purposes of making a reassessment of a community land
4 trust improvement under section 4.2 of this chapter or an annual
5 adjustment under section 4.5 of this chapter, the true tax value of
6 a community land trust improvement after the initial assessment
7 under subsection (i) may not exceed an amount equal to the
8 amount of the resale price as determined under the resale formula
9 price amount for the community land trust improvement as set
10 forth in the affordability restrictions of the ground lease to which
11 the community land trust improvement is subject."
12 Renumber all SECTIONS consecutively.
(Reference is to SB 183 as printed January 31, 2024.)

Senator YODER