

IC 36-7-35

Chapter 35. Property Maintenance Areas

IC 36-7-35-1

"Landlord" defined

Sec. 1. As used in this chapter, "landlord" has the meaning set forth in IC 32-31-3-3.

As added by P.L.144-2008, SEC.47.

IC 36-7-35-2

"Maintenance activity" defined

Sec. 2. As used in this chapter, "maintenance activity" means the remodeling, repair, or improvement of property as defined by a municipality in a PMA ordinance adopted under section 9 of this chapter.

As added by P.L.144-2008, SEC.47.

IC 36-7-35-3

"PMA certification" defined

Sec. 3. As used in this chapter, "PMA certification" means a certification provided under section 9 of this chapter for qualified expenditures made on property in a property maintenance area.

As added by P.L.144-2008, SEC.47.

IC 36-7-35-4

"PMA ordinance" defined

Sec. 4. As used in this chapter, "PMA ordinance" means an ordinance adopted by the fiscal body of a municipality under section 9 of this chapter.

As added by P.L.144-2008, SEC.47.

IC 36-7-35-5

"Property" defined

Sec. 5. (a) As used in this chapter, "property" means a building or structure:

- (1) assessed as real property under IC 6-1.1-4; and
- (2) listed in a PMA ordinance.

(b) The term does not include land.

As added by P.L.144-2008, SEC.47.

IC 36-7-35-6

"Property maintenance area" defined

Sec. 6. As used in this chapter, "property maintenance area" means an area established by a municipality under section 9 of this chapter.

As added by P.L.144-2008, SEC.47.

IC 36-7-35-7

"Qualified expenditure" defined

Sec. 7. As used in this chapter, "qualified expenditure" means an expenditure made by a taxpayer for maintenance activities that

qualify the taxpayer for a credit under IC 6-3.1-32.5 as determined under a PMA ordinance.

As added by P.L.144-2008, SEC.47.

IC 36-7-35-8

"Residentially distressed area" defined

Sec. 8. As used in this chapter, "residentially distressed area" means an area:

- (1) that has a significant number of:
 - (A) dwellings (as defined in IC 6-1.1-12-37) within the area that are:
 - (i) not permanently occupied;
 - (ii) subject to an order issued under IC 36-7-9; or
 - (iii) evidencing significant building deficiencies; or
 - (B) vacant parcels of real property (as defined by IC 6-1.1-1-15); or
- (2) that has experienced a net loss in the number of dwellings (as defined in IC 6-1.1-12-37).

As added by P.L.144-2008, SEC.47. Amended by P.L.1-2009, SEC.168.

IC 36-7-35-9

PMA ordinance; limitations on area; certification of qualified expenditures; grants to individuals

Sec. 9. (a) The fiscal body of a municipality located in a county may adopt an ordinance establishing a property maintenance area to provide certification of qualified expenditures on property in the property maintenance area. The ordinance shall be referred to as a PMA ordinance. The boundaries of a property maintenance area may not exceed five percent (5%) of the total land area of the municipality. The property maintenance area established under this section must be either:

- (1) a residentially distressed area; or
- (2) an area:
 - (A) that contains the types of property listed or defined in the PMA ordinance; and
 - (B) where the median assessed value of each type of property under clause (A) within the property maintenance area does not exceed the median assessed value for that type of property throughout the municipality.

(b) A municipality that adopts a PMA ordinance may provide grants to individuals who receive a PMA certification under this chapter. The amount of a grant provided under this subsection may not exceed the lesser of:

- (1) fifty percent (50%) of the qualified expenditures certified in the PMA certification; or
- (2) one thousand five hundred dollars (\$1,500).

As added by P.L.144-2008, SEC.47.

IC 36-7-35-10

Period PMA ordinance is effective; required information in PMA ordinance

Sec. 10. A PMA ordinance adopted under section 9 of this chapter must be in effect for at least one (1) year and not more than ten (10) years and must include the following:

- (1) The geographic boundaries of the property maintenance area.
- (2) A list or definition of:
 - (A) the types of property; and
 - (B) the maintenance activities;that may entitle a taxpayer to a credit under IC 6-3.1-32.5.
- (3) The eligibility qualifications for a contractor to perform maintenance activities within the property maintenance area.
- (4) The criteria for a landlord to be eligible for a PMA certification.
- (5) The amount of the qualified expenditures that may be certified under this chapter.

As added by P.L.144-2008, SEC.47.

IC 36-7-35-11

Permissible inclusions in list or definition of maintenance activities

Sec. 11. The list or definition of maintenance activities determined by the municipality under section 10(2) of this chapter may include installing, repairing, or upgrading:

- (1) roofing;
- (2) siding;
- (3) a furnace;
- (4) a window or windows;
- (5) paint;
- (6) a foundation;
- (7) electrical wiring; or
- (8) plumbing.

As added by P.L.144-2008, SEC.47.

IC 36-7-35-12

Requirements for eligibility qualifications

Sec. 12. The eligibility qualifications established under section 10(3) of this chapter:

- (1) may not prohibit or disallow certification of qualified expenditures made by the owner of property for maintenance activities performed by the owner on the property if all other requirements and qualifications are satisfied for obtaining a PMA certification under this chapter; and
- (2) may require a contractor to submit to the fiscal body of the municipality:
 - (A) proof that the contractor holds a valid contractor's license;
 - (B) any complaints filed against the contractor with a better business bureau or a federal, state, or local unit of government; and

(C) financial statements or business plans of the contractor.
As added by P.L.144-2008, SEC.47.

IC 36-7-35-13

Requirements for landlord eligibility for PMA certification

Sec. 13. The criteria established under section 10(4) of this chapter must require a landlord to:

- (1) report any violations relating to any health or housing codes applicable to any property in which the landlord has an interest;
- (2) submit a plan, before receiving a PMA certification under this chapter, to correct all violations reported under subdivision (1); and
- (3) repay to the municipality the amount of any grants awarded under this chapter, if the landlord does not correct all violations reported under subdivision (1) within a reasonable time, as determined by the municipality.

As added by P.L.144-2008, SEC.47.

IC 36-7-35-14

Eligibility requirements for PMA certification

Sec. 14. If a person:

- (1) makes a qualified expenditure on the person's property in a property maintenance area; and
- (2) meets all the other requirements set forth in the PMA ordinance adopted by the municipality where the person's property is located;

the person is entitled to a PMA certification under this chapter.

As added by P.L.144-2008, SEC.47.