

Bond Case Briefs

Municipal Finance Law Since 1971

TAX INCREMENT FINANCING - INDIANA

Redevelopment Com'n of Town of Munster v. Indiana State Bd. of Accounts

Court of Appeals of Indiana - March 16, 2015 - N.E.3d - 2015 WL 1186102

Town redevelopment commission filed complaint against the State Board of Accounts, seeking declaratory relief allowing it to use tax increment financing funds to maintain redeveloped parks. The Circuit Court granted summary judgment in favor of the Board. Commission appealed and Board cross-appealed.

The Court of Appeals held that:

- Commission had standing to bring action for declaratory relief, and
- Statutes did not permit commission to use tax increment financing funds for the continued maintenance of completed, redeveloped parks.

Town redevelopment commission had standing to bring action against State Board of Accounts for declaratory relief to determine its authority to use tax increment financing funds to pay for the maintenance of completed, redeveloped parks, where the commission had already budgeted and utilized tax increment financing funds to pay for park maintenance, and the Board sent letter to commission stating such funds could not be used to maintain park land.

Statutes listing permissible uses of tax increment financing funds by redevelopment district, authorizing the use of tax increment financing funds for the maintenance of buildings before redevelopment is complete, and prohibiting fund allocation for redevelopment commissions' operating expenses, did not permit town redevelopment commission to use tax increment financing funds for the continued maintenance of completed, redeveloped parks.