

REPRESENTATIVE FOR PETITIONER: Andrew Yu, pro se

REPRESENTATIVE FOR RESPONDENT: Marilyn Meighen, Attorney at Law

**BEFORE THE
INDIANA BOARD OF TAX REVIEW**

ANDREW YU,)	Petition No.:	29-013-23-1-5-00143-25
)		
Petitioner,)	Parcel No.:	29-06-21-206-023.000-013
)		
v.)	County:	Hamilton
)		
HAMILTON COUNTY ASSESSOR,)	Assessment Year:	2023
)		
Respondent.)		

FINAL DETERMINATION

The Indiana Board of Tax Review (“Board”), having reviewed the facts and evidence, and having considered the issues, now finds and concludes the following:

INTRODUCTION

1. Andrew Yu contested the removal of his standard homestead deduction for the 2023 assessment year and sought to have the 10% civil penalty he paid due to its removal refunded to him. Because Yu did not demonstrate that his property served as his principal place of residence during 2023, it was ineligible for a standard homestead deduction under Indiana Code section 6-1.1-12-37. We therefore conclude that the Hamilton County Auditor properly removed Yu’s standard homestead deduction for 2023. And because we lack the authority to review the penalty Yu paid due to its removal, we deny his claim for relief on that issue as well.

PROCEDURAL HISTORY

2. On October 1, 2024, Yu filed a Form 130 notice challenging the Auditor's removal of his standard homestead deduction from his property located at 5439 Angel Way in Noblesville, Indiana. On January 30, 2025, the Hamilton County Property Tax Assessment Board of Appeals ("PTABOA") issued a Form 115 final determination valuing the subject property at \$275,200¹ as of January 1, 2023, and denying Yu's request to reinstate his standard homestead deduction.²
3. On February 15, 2025, Yu filed a Form 131 petition with the Board seeking to have his standard homestead deduction reinstated. On December 2, 2025, our designated administrative law judge, David Smith ("ALJ"), held a telephonic hearing on the petition. Neither he nor the Board inspected Yu's property.
4. Yu appeared pro se and the Assessor appeared by counsel Marilyn Meighen. Yu and Sadie Eldridge, a Real Property Manager in the Hamilton County Auditor's Office, testified under oath.
5. Yu submitted the following exhibits:

Petitioner Ex. 0:	List of exhibits
Petitioner Ex. 1:	Spreadsheet detailing contested assessment and payment
Petitioner Ex. 2:	Bill and online payment receipt for 2023 pay 2024 taxes
Petitioner Ex. 3:	Payment receipt from Hamilton County
Petitioner Ex. 4:	Notice of deduction removal and penalty assessment
Petitioner Ex. 5:	Hamilton County Auditor statement of tax and penalty due
Petitioner Ex. 6:	Copy of cashier's check for payment of additional tax and penalty
Petitioner Ex. 7:	Summary of 2024 pay 2025 taxes and payment
Petitioner Ex. 8:	Hamilton County payment receipt for 2024 pay 2025 Spring taxes and penalty

¹ Yu is not challenging the assessed value of his property.

² While the Auditor was the county official who originally removed the deduction, the Assessor is the county official tasked with defending the PTABOA's determination before us. Ind. Code § 6-1.1-15-3(b).

6. The Assessor submitted the following exhibits:

- Respondent Ex. A: Lease of subject property
- Respondent Ex. B: Notice of Removal of Property Tax Standard Homestead Deduction and Additional Taxes plus 10% penalty
- Respondent Ex. C: United States Postal Service proof of delivery

7. The record also includes the following: (1) all pleadings, briefs, motions, and documents filed in this appeal; (2) all notices and orders issued by the Board or our ALJ; and (3) an audio recording of the hearing.

OBJECTIONS

8. The Assessor objected to the admission of Petitioner's Exhibits 7 and 8 on relevance grounds. Specifically, the Assessor argued that the two exhibits are not relevant because they relate to the subject property's taxes for 2024 pay 2025 while the current appeal only involves its taxes for 2023 pay 2024. Yu argued that the documents provide evidence that he paid the additional taxes and penalties he was assessed following the removal of his standard homestead deduction. Because the documents provide information regarding the additional taxes and penalties Yu is challenging, we find that they satisfy the low threshold for relevance. We therefore overrule the Assessor's objection and admit both exhibits.

FINDINGS OF FACT

9. The subject property is a residential home located at 5439 Angel Way in Noblesville, Indiana. Yu owns the subject property, and he resided there until 2022. In September 2022, Yu moved to Michigan for a contractor job and he rented a one-bedroom apartment to live in while working there. Yu does not own any property in Michigan. Nor does he receive a homestead deduction in Michigan. *Yu testimony.*

10. To help cover the rent for his apartment in Michigan, Yu decided to rent out the subject property. He engaged a property management company and entered into a one-year lease

for the subject property with unidentified tenants that ran from September 1, 2022, through August 31, 2023 (the “Lease”). After the initial term of the Lease expired, Yu continued to rent the subject property on a month-to-month basis, and he was still renting it out as of the date of our hearing on December 2, 2025. *Yu testimony; Resp’t Ex. A.*

11. The Hamilton County Auditor originally applied a standard homestead deduction to the subject property for the 2023 pay 2024 tax year. In September 2024, the Auditor sent Yu a request seeking to verify his residency. In response, Yu provided them with a copy of the Lease. On October 2, 2024, the Auditor sent Yu a “Notice of Removal of Property Tax Standard Homestead Deduction and Additional Taxes plus 10% Penalty.” The Notice informed Yu that the Auditor had removed the standard homestead deduction because he was no longer using the subject property as his principal place of residence. It also explained that the Auditor was billing him for the additional taxes and the 10% civil penalty that he owed because of the removal of the standard homestead deduction, and that he needed to pay the bill by November 1, 2024. The Auditor also attached an itemized bill to the Notice documenting the Auditor’s calculation of the additional taxes (\$3,380.48) and the 10% civil penalty (\$338.05) Yu owed for the 2023 pay 2024 tax year. *Yu testimony; Eldridge testimony; Pet’r Exs. 4, 5; Resp’t Exs. B, C.*

12. On October 29, 2024, Yu submitted a payment of \$3,380.48 to the Auditor for the additional taxes he owed for the 2023 pay 2024 tax year due to the removal of the standard homestead deduction. And on May 9, 2025, Yu submitted a payment for the subject property’s Spring 2024 pay 2025 tax bill that included an additional \$338.05 to satisfy the 10% civil penalty he still owed for the 2023 pay 2024 tax year. *Yu testimony; Pet’r Exs. 6, 7, 8.*

CONCLUSIONS OF LAW AND ANALYSIS

13. Yu is contesting the Auditor's removal of his standard homestead deduction for the 2023 assessment year and seeking to have the 10% civil penalty he paid due to its removal refunded to him. Indiana Code section 6-1.1-12-37 provides a standard homestead deduction from the assessed value of a homestead, which the statute defines as a dwelling and up to one acre of surrounding land that an individual owns and *uses as their principal place of residence*. Ind. Code § 6-1.1-12-37(a)-(c) (emphasis added).³ To receive the deduction, taxpayers need to apply with the county auditor.⁴ However, once the county auditor grants the deduction, taxpayers do not need to reapply to have it carried forward into subsequent years. Ind. Code § 6-1.1-12-17.8(a).
14. In this case, the Auditor carried Yu's standard homestead deduction forward and applied it to the subject property for 2023. However, unbeknownst to the Auditor, Yu had moved to Michigan in September 2022 and leased the subject property for a one-year term that began on September 1, 2022. After the initial term of the Lease expired, Yu continued to lease the subject property on a month-to-month basis all the way through the date of our hearing on December 2, 2025. By moving out and leasing it to tenants, we conclude Yu converted the subject property's use from his principal place of residence into a residential rental property. Consequently, the subject property ceased to be a homestead and no longer qualified for the standard homestead deduction as of September 1, 2022.
15. Because the subject property no longer qualified for the standard homestead deduction upon commencement of the Lease, Yu was required to file a certified statement notifying the county auditor of his ineligibility for the deduction within 60 days of September 1,

³A person entitled to the standard homestead deduction is also entitled to a supplemental homestead deduction under Indiana Code section 6-1.1-12-37.5 and a credit commonly referred to as a "tax cap" under Indiana Code section 6-1.1-20.6-7.5.

⁴Taxpayers may apply for the standard homestead deduction in one of two ways. First, they can claim the deduction by filing a certified statement on forms prescribed by the Department of Local Government Finance with the county auditor on or before January 15 of the calendar year in which the property taxes are first due and payable. I.C. § 6-1.1-12-37(e)-(f). Alternatively, taxpayers may apply for the deduction by submitting the sales disclosure form that is completed when they purchase the homestead to the county auditor on or before January 15 of the calendar year in which the property taxes are first due and payable. Ind. Code § 6-1.1-12-44.

2022. I.C. § 6-1.1-12-37(g); I.C. § 6-1.1-12-17.8(b). However, there is no evidence in the record demonstrating that Yu ever filed such a statement with the Auditor. His failure to comply opened Yu up to liability under Indiana Code section 6-1.1-36-17 for any additional taxes that would have been due on the property if he had timely filed the statement, plus a civil penalty equal to 10% of the additional taxes due. I.C. § 6-1.1-12-37(g).

16. Since Yu failed to file the required affidavit with the Auditor, the Auditor did not discover that Yu was ineligible for the deduction until he sent Yu a request seeking to verify his residency in September 2024 and was able to review the Lease. Once the Auditor determined that Yu was no longer using the subject property as his principal place of residence, the Auditor complied with Indiana Code section 6-1.1-36-17(b) by timely sending Yu notice on October 2, 2024⁵ informing him that the deduction had been removed and billing him for the taxes and penalty he owed due to its removal. *See* Ind. Code § 6-1.1-36-17(b) (explaining that if a county auditor determines a property was not eligible for the standard homestead deduction within three years of when the taxes for a particular year are first due, the county auditor may issue a notice to the owner for the taxes, interest, and penalties that are due because the owner improperly received the deduction). We therefore conclude that the Auditor properly removed Yu's standard homestead deduction for 2023.
17. As for the 10% civil penalty imposed by the Auditor, we lack the authority to address Yu's claim. The Board is a creation of the legislature, and it has only those powers conferred by statute. *Matonovich v. State Bd. of Tax Comm'rs*, 705 N.E.2d 1093, 1096 (Ind Tax Ct. 1999), *review denied*. The Board's enabling statute reads:

(a) The Indiana board shall conduct an impartial review of all appeals

⁵ Taxes are normally due in two equal installments on May 10 and November 10 of the year following an assessment. Ind. Code § 6-1.1-22-9(a). Accordingly, taxes for the 2023 assessment year were first due on May 10, 2024, giving the Auditor until May 10, 2027, to issue Yu a notice under Indiana Code section 6-1.1-36-17(b) for the taxes, interest, and penalties he owed for improperly receiving the deduction.

concerning:

- (1) the assessed valuation of tangible property;
- (2) property tax deductions;
- (3) property tax exemptions; or
- (4) property tax credits;

that are made from a determination by an assessing official or county property tax assessment board of appeals to the Indiana board under any law.

Ind. Code § 6-1.5-4-1(a).

18. The Tax Court held that the enabling statute for the Board's predecessor agency, the State Board of Tax Commissioners, "did not grant any power to the State Board to review penalties imposed by the County for the late payment of property taxes," because it only contemplated a review of assessments, deductions, exemptions, and credits. *Whetzel v. Dep't of Loc. Gov't Fin.*, 761 N.E.2d 904 (Ind. Tax Ct. 2002). In *Whetzel*, the enabling statute the Tax Court cited was Indiana Code section 6-1.1-30-11, which the legislature repealed effective January 1, 2002. See Pub. L. No. 198-2001 § 122 (eff. January 1, 2002). However, our enabling statute, Indiana Code section 6-1.5-4-1(a), likewise limits our review to assessments, deductions, exemptions, and credits. Given the clear language of *Whetzel*, we conclude that we lack the authority to review the 10% civil penalty the Auditor imposed on Yu following the removal of the standard homestead deduction.

CONCLUSION

19. Yu failed to prove that the subject property qualified for a standard homestead deduction for the 2023 assessment year, and we lack the authority to review the 10% civil penalty he paid due to its removal. We therefore deny Yu's claims for relief.

Date: FEBRUARY 18, 2026

Jonathan R. Ely
Chairman, Indiana Board of Tax Review

Travis Ely
Commissioner, Indiana Board of Tax Review

Brandee A. Chanin
Commissioner, Indiana Board of Tax Review

- APPEAL RIGHTS -

You may petition for judicial review of this final determination under the provisions of Indiana Code § 6-1.1-15-5 and the Indiana Tax Court's rules. To initiate a proceeding for judicial review you must take the action required not later than forty-five (45) days after the date of this notice. The Indiana Code is available on the Internet at <http://www.in.gov/legislative/ic/code>. The Indiana Tax Court's rules are available at <http://www.in.gov/judiciary/rules/tax/index.html>.