

Indiana General Assembly Challenges

National Fair Housing Alliance Annual Conference

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#FHAct50
#FairHousingInIndiana

**CELEBRATING 50
YEARS OF FAIR
HOUSING LAW**



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The information today is not legal advice. For legal advice, please consult an attorney.



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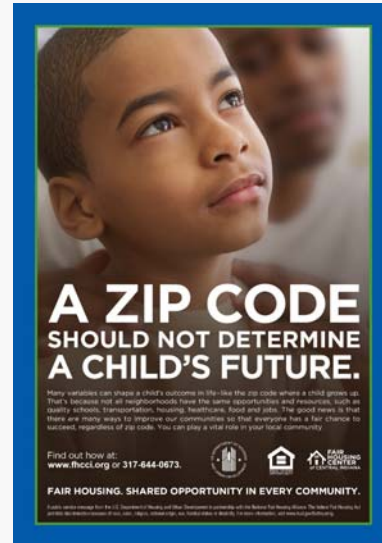
Fair Housing Center of Central Indiana

- Nonprofit fair housing advocacy organization
- Incorporated in 2011 – Opened in January 2012
- Based in Indianapolis
 - 5 full-time staff
 - Service area of 24 Central Indiana counties, although we will go outside this area, if resources allow, due to lack of other nonprofit fair housing organizations in Indiana
- Have four program areas: Advocacy, Education, Inclusive Communities, Public Policy
 - Indiana Alliance Against Hate

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FHCCI Mission

- The mission of the Fair Housing Center of Central Indiana (FHCCI) is ensure equal housing opportunities by eliminating housing discrimination through advocacy, enforcement, education and outreach.



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Indiana General Assembly Make Up

- Indiana General Assembly meets between January-March/April of each year with alternating short and long sessions and alternating budget year sessions
- 2015-2016 Sessions:
 - 50 Senators (40 Republicans, 10 Democrats)
 - 100 Representatives (71 Republicans, 29 Democrats)
- 2017-2018 Sessions:
 - 50 Senators (41 Republicans, 9 Democrats)
 - 100 Representatives (70 Republicans, 30 Democrats)

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2015 Indiana General Assembly

- **HB 1300** (McMillin-R): “A unit may not adopt or enforce an ordinance that requires or would have the effect of requiring a landlord to participate in: (1) a Section 8 program of the federal Housing Act of 1937; or (2) a similar program concerning housing.”
- Passed Senate (38-11) and House (70-17) on party-line vote – Signed by Governor
- Contained Emergency Clause
- Bill pushed by Indiana Apartment Association
- Bill was passed shortly after Texas had passed similar law – some other states have followed suit
- Total LOSS on fair housing

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- This bill was filed in response to the City of Indianapolis considering passage of local ordinance to add Receipt of Public Assistance as additional protected class under its Human Relations Ordinance.

Housing vouchers could be accepted throughout county

Story Comments Share Print Font Size

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Posted: Thursday, January 22, 2015 3:28 pm
By VICTORIA T. BAVIS | 8 comments

Sabrina Wright is a mother of six whom has been receiving the Housing Choice Voucher for the past 10 years. She currently lives with four of her six children on the southeast side of Indianapolis and like most parents, wants her children to receive a top-notch education, one reason for her move to the area.

Wright successfully found housing, but many other voucher holders in Marion County struggle each day to secure housing. Currently, all property owners are not legally required to accept the voucher. The freedom to choose to accept the voucher could come to an end very soon if the City-County Council succeeds in their efforts to mandate all property owners accept the Housing Choice Voucher, previously known as Section 8. The City-County Council will discuss Proposal 215 once again at its Jan. 27 committee hearing.

Wright believes once one tenant leaves a bad

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2016 Hate Crime (Anti-bias) Bills

Six Total Bills Filed – One Received Hearing

- HB 1268 – Rep Truitt (R)
- HB 1286 – Rep Porter (D)
- SB 202 – Sen Rogers (D)
- SB 261 – Sen Taylor (D)
- SB 263 – Sen Taylor (D)
- SB 220 – Sen Glick (R): Passed Corrections & Criminal Law Committee 9-0. Passed Senate 34-16. No house hearing (Courts & Criminal Code). Died in Committee.

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Is Indiana too biased for hate crime law?

 [Stephanie Wang, stephanie.wang@indystar.com](mailto:stephanie.wang@indystar.com) 5:07 a.m. EST February 29, 2016



(Photo: Getty Images/ iStock photo)

One Indiana lawmaker says his colleagues are too biased to pass a law against hate crimes.

Another says perhaps they fancy themselves so free of bias that they think the state doesn't need such a law.

Lawmakers again shot down a [proposal to penalize crimes motivated by hatred](#) toward a person for who they are or what they believe, cementing for another year Indiana's status as one of only five states without a hate crime law.

Indiana's company in that distinction: three states in the deep South — Arkansas, Georgia and South Carolina — and one, Wyoming, that was home to the murder of Matthew Shepard, the nation's most infamous anti-gay hate crime.

Republican Rep. Tom Washburne of Inglesfield quashed the proposal, saying he doesn't think hate crimes should be considered more heinous than crimes committed for any other reason.

Instead, he framed it as "an achievement to say we don't judge the people" for their



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2017 Indiana General Assembly

- **SB 558** (Holdman-R): Leases and sales of real property. Restricts occupancy to two persons per bedroom. Changes application of nuisance laws and payment of fines. Bans inclusionary zoning at city level. Fine for no cause rulings.
- Passed Senate (29-19) and House (77-20) on mostly party-line vote – Signed by Governor (despite over 15 people and organizations speaking against the bill in hearings)
- Contained Emergency Clause
- Bill pushed by Indiana Apartment Association and Indiana Builder's Association
- Bill was passed shortly after Texas had passed similar law
- Mixed – LOSS on inclusionary zoning, WIN on restrictive occupancy due to addition of some Keating Memo language, federal guidance still applies, & deletion of fine.

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- This bill was introduced due to (1) FHCCI case filing challenging overly restrictive occupancy standards and (2) the City of Bloomington considering passage of an inclusionary zoning requirement to address affordable housing barriers.



Bill pits affordable housing against property rights

By [Hayleigh Colombo](#)
April 15, 2017

Affordable housing advocates are worried that a bill lawmakers sent to Gov. Eric Holcomb will exacerbate what they say is a shortage of inexpensive options for Hoosier families—and dampen the ability of local government to set occupancy and zoning rules.



Holdman

The bill would, among other tenets, restrict local governments from mandating that new private development include at least some affordable housing. And it would allow landlords to restrict the number of people who could live in their rentals—limits opponents say could be stricter than federal guidance and some local ordinances.

Federal conflict?

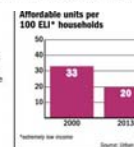
Nelson also said the bill conflicts with decades-old guidance from the U.S. Department of Housing and Urban Development, which states that, while a two-person-per-bedroom standard might be appropriate in some cases, landlords should also take into account more factors, including the unit's square footage.



Nelson

"There's going to be inconsistencies in how that gets applied," Nelson said.

An Indianapolis property management company, AMP Residential, filed a complaint in January filed with...



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2017 Hate Crime Bills

- [HB 1066](#) (Porter-D)
- [HB 1090](#) (Washburne-R)
- [SB 333](#) (Taylor-D)
- [SB 336](#) (Taylor-D)
- [SB 438](#) (Glick-R)
- [SB 439](#) (Glick-R) - Do Pass out of Senate Corrections & Criminal Law 6-3. Was not taken to floor vote – died in Committee.

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2018 Indiana General Assembly

- [SB 240](#) (Leising-R): **SERVICE ANIMAL RESTRICTIONS.**
Provides that a person who offers to rent or otherwise make available a dwelling to an individual with a disability that is not apparent may require that the individual certify in writing from a health service provider the individual's need for a service animal.
- Class A infraction for medical professional who:
 - verifies an individual's disability status and need for an emotional support animal without adequate professional knowledge of the individual's condition to provide a reliable verification; or
 - charges a fee for providing a written verification for an individual's disability status and need for an emotional support animal, and provides no other service to the individual

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- Passed Senate and House on mostly party-line vote – Signed by Governor
- Bill pushed by Indiana Apartment Association
- Bill was passed following other states passing similar laws and several other states having pending legislation
- LOSS on fair housing at state level although federal guidance still applies – question is whether substantial equivalency will be impacted with inclusion of penalty???

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2018 Hate Crime Bills

- Two bills to address anti-bias offenses (hate crime law) were introduced:
 - SB 271: Sponsor Senator Taylor (D)
 - SB 418: Sponsors Senators Glick (R) and Ruckelshaus (R) – Committee hearing held
- Following 2017 General Assembly, FHCCI launched the Central Indiana Alliance Against Hate (later re-named the Indiana Alliance Against Hate) to bring a more collaborated and organized effort around addressing hate and passage of a hate crime law

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10 WAYS TO HELP STOP HATE AND PROMOTE INCLUSION

- 1 ACT**
Do something. Take action to show the targets, public, and perpetrators that we will not tolerate hate. If we don't take action, hate will persist.
- 2 UNITE**
Come together. Call a friend, coworker, trusted ally, family member, or the Alliance. Organize groups from churches, schools, clubs, and other civic groups. Build your networks to respond. Include youth, police, and the media. Gather ideas from experts, and get creative involved.
- 3 SUPPORT THE TARGETS**
You are not alone. Hate crime and hate based incidents target us especially vulnerable, fearful, and feel alone. If you see a target report immediately to the police and contact the Alliance to ask for help and to report the incident. If you have observed a target of hate in your community show your support and let them/they know you care.
- 4 DO YOUR HOMEWORK**
Research is available. An informed response is an effective response. Gather information to be culturally involved. Research symbols, signs, and language used on the Alliance or Southern Poverty Law Center's websites. Know the difference between a hate crime and a hate-based incident.
- 5 CREATE AN ALTERNATIVE**
Date with another option. Do not attend a hate rally, nor even to protest. Find another outlet for anger and frustration and for people close to "do something." Hold a unity or peace rally to show media and community attention away from hate and toward unity.
- 6 SPEAK UP**
Hate must be exposed. Help news organizations achieve balance and depth. Do not believe hate-group members or officials who blame, harass, speak up in ways that draw attention away from hate and toward unity.

لا للكره حب فقط • Kein hass, nur liebe • 没有恨，只有爱 • 증오가 아니라 사랑 • Pas de haine, que de l'amour • нет ненависти, только любовь • Akukho uzondo, nje uthando • No odio, sólo amor • कोई नफरत नहीं सिर्फ प्यार • Nessun odio, solo amore •

NO HATE, JUST LOVE.

Não ódio, só amor • Nefret yok, sadece sevgi •
 ไม่มีความเกลียดซึ่งเพียงความรัก •
 Ni: ພູນບັງຄຸນກັນ, ປຸ່ນພູນ ບຸ່ນກຸນ • pa ray
 sêlman lanmou • Không có ghét, chỉ có tình yêu •
 အမုန်းမရှိ၊ မေတ္တာသာတည် •

I support...

ALL ages

ALL languages

ALL races & colors

ALL genders & identities

ALL abilities & disabilities

ALL sexual orientations

ALL religions or none

ALL nationalities

EVERYONE.

#NoHateJust LOVE

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Need of a Hate Crime Law

- Hosted November 21st Press Conference
- Hosted January 16th Statehouse Rally
- Promotional Materials, Action Alerts, Social Media, PSAs, Updates
- Recruited over 90+ organization and business members



- Although SB 418 did not get a vote in Committee due to Caucus refusal, we made significant progress in the statewide discussion:
 - Public polls put Hoosier support for passage
 - Legislative offices told us we met opposition call for call
 - For first time, had a Republican Mayor and several major businesses speak out on need of passage in addition to advocates and victims



DID YOU KNOW?

According to a very recent report titled, "Hoosier Survey 2017," a solid majority of Hoosiers (65%) favor passage of a hate crime law for the State of Indiana. Only 29% oppose passage in the latest poll.

#nohatejustLOVE



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