

Preserving Habitability: Examining Tenant Protections and Policy Alternatives

Prepared By
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For
Greater Indianapolis Multifaith Alliance (GIMA)

April 26, 2024

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Introduction

The Student Policy Network (SPN) is a student-run initiative at the University of Notre Dame that provides undergraduate students with opportunities to pursue policy research and advocacy projects in real-world settings. This semester, the SPN Housing Law team, in collaboration with the Greater Indianapolis Multifaith Alliance (GIMA), has undertaken a comprehensive examination of the eviction landscape in Indiana. Throughout this semester, our team has conducted rigorous analysis to shed light on the pressing challenges faced by Indiana tenants, focusing on three key areas of research: the dynamics of eviction proceedings, the impact of external investment from out-of-state hedge funds, and habitability enforcement measures. Drawing upon this research, our white paper aims to illuminate the complexities of evictions in Indiana, identify areas for improvement, and propose evidence-based solutions. We endeavor to address the existing gaps in Indiana's housing laws and advocate for meaningful reforms that prioritize the well-being and rights of tenants across the state.

Acknowledgments

We would like to thank the following community members and housing advocates for their insights and guidance as we conducted our research. Their generous time and support were invaluable to the project.

Rabbi Aaron Spiegel, Executive Director, Greater Indianapolis Multifaith Alliance (GIMA)

Dr. Fran Quigley, Clinical Professor & Director of Health and Human Rights Clinic, IU Robert H. McKinney School of Law

Dr. Judith Fox, Clinical Professor Emerita of Law & Director of Economic Justice Clinic, Notre Dame Law School

Executive Summary

Strong eviction laws are critical to protect tenants across America. As such, the American Bar Association published a list of ten guidelines that they suggest all states follow.¹ Indiana's eviction laws do not make the grade, failing almost every recommendation. Eviction laws are biased towards landlords, creating an imbalance of power in eviction proceedings. Fort Wayne, Indianapolis, and South Bend all rank in the top 20 cities in the United States in terms of eviction rates.² Marion County, the home of Indianapolis, faces particularly troubling problems in comparison to the state as a whole. **In Marion County, Indiana, every 14 minutes a renter loses their home³ after an eviction trial, which on average, lasts only a third of that time, 5.5 minutes.**⁴

High eviction rates are not new to the city of Indianapolis, as it has been a looming crisis for years. According to research done by students at Indiana University-Bloomington, one of the main reasons that Indianapolis is facing an eviction crisis is the lack of affordable housing.⁵ Wages are low and stagnant, therefore tenants are unable to respond to unexpected rent increases. **Using Indiana's minimum wage, a slim \$7.25 an hour, it takes a tenant 105 hours a week to afford a two-bedroom rental, and 86 hours to afford a one-bedroom rental.**⁶

This report will detail the unfair nature of eviction proceedings, the effect of out-of-state hedge fund companies, and the lack of enforcement of habitability statutes. Through a description of the current status of eviction laws in Indiana, an examination of the law's effects on different populations, and an analysis of other issues regarding the practices of laws, we make four evidenced policy recommendations: **slowing court proceedings, establishing good cause eviction laws, empowering tenant unions, and ensuring funding and maintenance of public housing.**

¹ "ABA Ten Guidelines for Residential Eviction Laws," *American Bar Association*, accessed April 03, 2024. https://www.americanbar.org/groups/legal_aid_indigent_defense/sclaid-task-force-on-eviction--housing-stability--and-equity/guidelines-eviction/

² "Indiana," Eviction Map, accessed April 08, 2024.

<https://evictionlab.org/map/?m=modeled&c=p&b=efr&s=all&r=counties&y=2018&lang=en>

³ Ibid.

⁴ "Eviction Court Watchers Resource," *Greater Indianapolis Multifaith Alliance*, accessed April 02, 2024.

<https://www.indymultifaith.org/court-watching-resources>

⁵ Patricia Basile, "Op/Ed: I learned why Indianapolis' eviction rate is so high and what we can do to fix it," *Indy Star*, February 25, 2023.

<https://www.indystar.com/story/opinion/2023/02/25/indianapolis-high-eviction-rate-shows-landlords-are-the-clear-winners/69933693007/>

⁶ "Indiana." *National Low Income Housing Coalition*, accessed April 17, 2024. nlihc.org/oor/state/in

Eviction Court Proceedings

Eviction Demographics

When addressing the eviction crisis in Indianapolis, it is essential to consider the wider state-level challenges regarding evictions in Indiana. This broader perspective provides a foundation for better understanding the specific challenges faced in Indianapolis. Indiana's eviction process presents numerous systemic challenges for tenants, including vague eviction notices, limited legal representation, and swift possession orders, emphasizing the need for reform to protect tenants' rights and ensure fair and equitable outcomes in eviction proceedings.⁷ These issues are evident in places such as St. Joseph County, which was highlighted in “Coding Evictions: St. Joseph County Eviction Court Watch Study” conducted by Judith Fox and Katherine Wines in February 2024. With a population of approximately 273,000 residents—13% of which are renters, St. Joseph County exhibits a median household income of \$61,877; however, the per capita income is notably lower at \$34,266, underscoring the presence of wealth disparity within the community. Around 14% of the population lives in poverty, while the county's demographic is 70% white, 14% Black, and 10% Hispanic residents.⁸

Indiana’s eviction rates vary wildly between jurisdictions. Within St. Joseph County, eviction filings show tremendous variation by zip code, with 46628, notably known for its concentration of minority residents, standing out with the highest number at 131, from a total of 651.⁹ In Mishawaka's 46545 area, there were 81 filings, indicative of slightly wealthier individuals with fewer minority residents.¹⁰ The average rent in analyzed cases is \$905.47, slightly below the HUD's Fair Market Rent of \$1,099 for a two-bedroom apartment in South Bend.¹¹ Furthermore, over a quarter of renters experience rent burden, spending more than 30% of their income on housing costs. Yet, despite eviction rates seeing a decrease from pre-COVID levels, they still remain notably high, driven primarily by the ongoing rise in rent costs.¹²

⁷ “Indiana Had One of the Highest Eviction Rates in the Country Before and During the Pandemic, According to Report,” *WBAA*, October 14, 2022.

<https://www.wbaa.org/business-economy-and-consumer-affairs/2022-10-14/indiana-had-one-of-the-highest-eviction-rates-in-the-country-before-and-during-the-pandemic-according-to-report>

⁸ Judith Fox and Katherine Wines, “Coding Evictions: St. Joseph County Eviction Court Watch Study” February, 2024. https://law.nd.edu/assets/559046/coding_evictions_st_joseph_county_court_watch_eviction_study.pdf

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² “Evicted in Indiana,” *Housing4Hoosiers*, December 7, 2020. <https://housing4hoosiers.org/evicted-in-indiana/>

The regression analysis conducted by Fox and Wines shows a statistically significant relationship, with p-values of 0.01, between eviction rates and specific demographic factors.¹³ Particularly, Black tenants and households led by single mothers with children are significantly more likely to face eviction.¹⁴ These findings highlight systemic biases within eviction practices, underscoring the urgent need for targeted interventions to address housing inequalities.

Similarly, Marion County and Hamilton County, also suffer from discrimination within their eviction processes. The Greater Indianapolis Multifaith Alliance carried out a court-watching program in which observers documented 311 eviction trials in Marion and Hamilton counties. According to the program, the combined total of people being evicted that were Latino, White, or Black was approximately 199. The percentage of Latino evictions stood at roughly 8.54%, while White evictions accounted for approximately 24.62%. Notably, Black individuals experienced eviction at a significantly higher rate, comprising roughly 66.33% of all eviction cases.¹⁵

Percentage of Evictions by Race

Based on Court Watching Data from Marion County and Hamilton County, Indiana

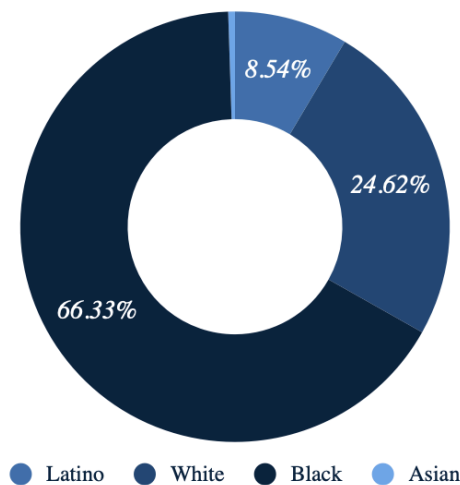


Figure 1. *Percentage of Evictions by Race based on court watching data from Marion County and Hamilton County.*

¹³ Judith Fox and Katherine Wines, “Coding Evictions: St. Joseph County Eviction Court Watch Study” February, 2024. https://law.nd.edu/assets/559046/coding_evictions_st_joseph_county_court_watch_eviction_study.pdf

¹⁴ “Black Renters Far More Likely to Face Eviction in the U.S., Indiana,” *Indiana Public Radio*, October 10, 2023. <https://indianapublicradio.org/news/2023/10/black-renters-far-more-likely-to-face-eviction-in-the-u-s-indiana/>

¹⁵ “Eviction Court Watchers Resource,” *Greater Indianapolis Multifaith Alliance*, accessed April 2, 2024. <https://www.indymultifaith.org/court-watching-resources>

The clear racial disparities within evictions is critically important due to the lasting impact of eviction records, which create a stigma akin to a “Scarlet E.”¹⁶ These records hinder tenants' housing prospects, as landlords frequently conduct background checks that may result in housing rejections, perpetuating instability. In Indiana, the law permits the sealing of certain eviction records if no money judgment is entered against the tenant.¹⁷ Sealing is mandated under specific conditions, particularly if the action is dismissed or a judgment favors the tenant. Despite this legal provision, many pending cases could potentially qualify for sealing under the law, yet tenants often remain unaware of their rights, leaving them with a “Scarlet E” and unable to find new, stable housing.¹⁸

Eviction Process

The eviction process in Indiana commences with the filing of a Notice of Claim with the Small Claims Court, which often lists generic reasons for eviction and asserts a jurisdictional limit of \$10,000, placing considerable stress on tenants.¹⁹ Predominantly, cases involve nonpayment of rent, with an average back rent owed of \$3,264.02 over 3.2 months.²⁰ Service of notices typically occurs through a copy service by the sheriff's office, yet some cases lack proper service records.²¹ Defendants must attend their hearings to avoid default judgment, usually receiving notice 20 days in advance.²² However in Marion County, bypassing Small Claims Court, landlords can file in Superior courts, where advanced notice does not apply and tenants can be evicted within two weeks of filing date. Furthermore, compliance with Small Claims Rule 8(c), requires proper documentation for designated representatives of property owners, and while

¹⁶ Judith Fox and Katherine Wines, “Coding Evictions: St. Joseph County Eviction Court Watch Study” February, 2024. https://law.nd.edu/assets/559046/coding_evictions_st_joseph_county_court_watch_eviction_study.pdf

¹⁷ “Indiana Passed a New Law Allowing for Some Eviction Filings to be Sealed, Some Experts Say That Law Is Helping Residents,” *WBAA*, December 2, 2022. <https://www.wbaa.org/government/2022-12-02/indiana-passed-a-new-law-allowing-for-some-eviction-filings-to-be-sealed-some-experts-say-that-law-is-helping-residents>

¹⁸ *Ibid.*

¹⁹ “Indiana Eviction Process: What Landlords and Tenants Need to Know,” *DoorLoop*, accessed February 27, 2024. <https://www.doorloop.com/laws/indiana-eviction-process#:~:text=Indiana%20eviction%20laws%20vary%20from%20county%20to%20county%2C,the%20tenant%20Attend%20the%20trial%20Wait%20for%20judgment>

²⁰ Judith Fox and Katherine Wines, “Coding Evictions: St. Joseph County Eviction Court Watch Study” February, 2024.

²¹ *Ibid.*

²² “Indiana Eviction Process: What Landlords and Tenants Need to Know,” *DoorLoop*, accessed February 27, 2024. <https://www.doorloop.com/laws/indiana-eviction-process#:~:text=Indiana%20eviction%20laws%20vary%20from%20county%20to%20county%2C,the%20tenant%20Attend%20the%20trial%20Wait%20for%20judgment>

many cases fail to comply, court penalties for non-compliance are rare, affecting only 12% of cases.²³

During possession hearings in St. Joseph's County, 49% of tenants make appearances, with the number of days' notice before the hearing influencing tenant attendance.²⁴ Legal representation for tenants is approximately 1%, contrasting with the 71% representation rate among landlords who often use designated representatives. Possession decisions vary, with landlords commonly regaining possession through immediate and emergency requests, and the court frequently granting final possession regardless of initial requests. Tenants typically have approximately two weeks to vacate after a possession order. About 25% of cases conclude with judgments for damages totaling over \$723,000, accumulated through court and attorney fees and not necessarily rent owed, yet discrepancies exist between reported judgment amounts and court orders, with concerns raised about jurisdictional limits, such as the largest damages award observed, \$10,309.91. Cases pending final resolution, including some in limbo awaiting procedural actions, significantly impede tenants' future housing opportunities.

During eviction hearings, based on the evaluation of over 311 trials, the average length of trial is 5.50 minutes on average, with a median length of trial at 4 minutes.²⁵ The range varies between a minimum of 1 minute and a maximum of 28 minutes.²⁶ With less than 2 minutes to plead for their right to avoid eviction, a decision that could profoundly impact their future, these statistics underscore the swift pace of trials within Indiana's eviction process; thus, highlighting the considerable challenge tenants encounter in effectively presenting their defenses within such a restricted time frame.²⁷ Dr. Judith Fox, Professor Emerita at Notre Dame Law School, describes that tenants are unable to present adequate defenses in the limited time allotted, compounded by many of them having little knowledge of exactly what they were being brought to the hearing for.

²³ Judith Fox and Katherine Wines, "Coding Evictions: St. Joseph County Eviction Court Watch Study," February, 2024. https://law.nd.edu/assets/559046/coding_evictions_st_joseph_county_court_watch_eviction_study.pdf

²⁴ Ibid.

²⁵ "Eviction Court Watchers Resource," *Greater Indianapolis Multifaith Alliance*, accessed April 02, 2024. <https://www.indymultifaith.org/court-watching-resource>

²⁶ Ibid.

²⁷ Ibid.

Trial Duration (minutes) vs. Number of Trials (#)

Based on Court Watching Data from Marion County and Hamilton County, Indiana

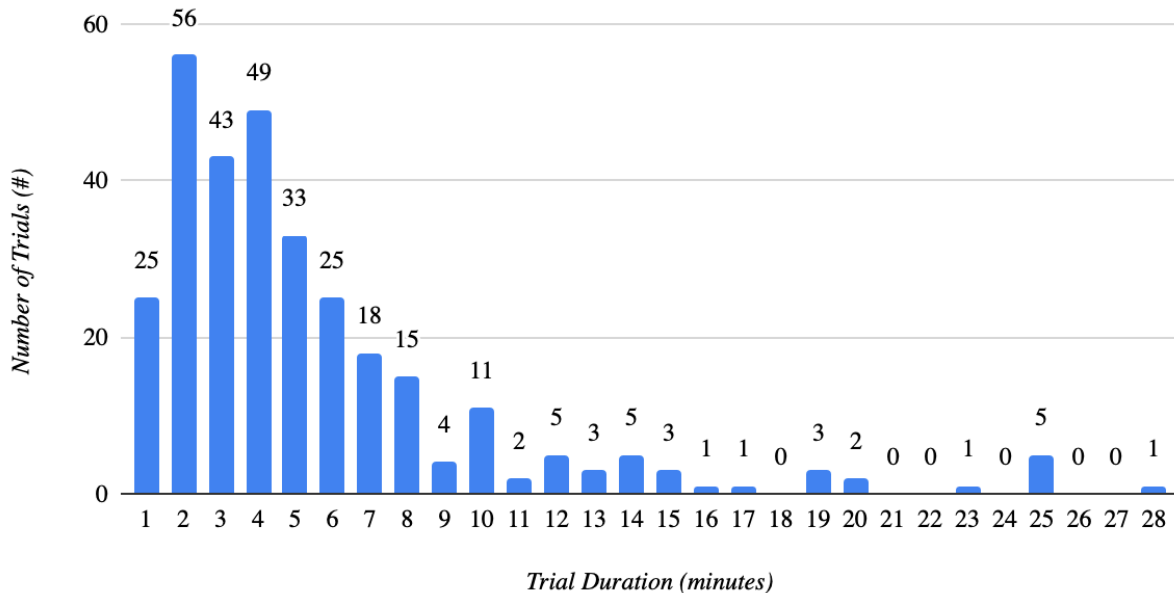


Figure 2. Trial Duration (minute) vs. Number of Trials (#) based on court watching data from Marion County and Hamilton County

Comparison with ABA Eviction Guidelines

Indiana laws are notoriously poor at upholding basic tenant rights. To address such deficiencies on the national scale, in February 2022, the American Bar Association published a list of ten guidelines that the organization urges lawmakers to adopt. The guidelines include, but are not limited to, the right to appeal an eviction, the right to legal representation for tenants in eviction hearings, providing tenants a recourse for retaliatory actions perpetrated by landlords, and improving a tenant’s ability to prepare for an eviction hearing.²⁸ Indiana fails to meet most of the guidelines. Indiana law allows many exceptions to the requirement to provide ten-day notice for eviction, which may hurt tenants' abilities to build a defense or hire a lawyer (if they can even afford one). In terms of the hearing itself, they are normally abbreviated and occur on short notice. Indiana courts limit defenses renters can present, and those defenses are rarely created by counsel as most tenants go unrepresented. Despite these hearings being preliminary, courts often

²⁸ “ABA Ten Guidelines for Residential Evictions Laws,” *American Bar Association*, March 14, 2022. https://www.americanbar.org/groups/legal_aid_indigent_defense/sclaid-task-force-on-eviction--housing-stability--and-equity/guidelines-eviction/

issue binding eviction orders. If the tenant is ruled to vacate the home in that hearing, Indiana does not have an emergency procedure to help renters who are locked out of homes, which leaves them with no recourse against tenant abuse. Several other states and counties guarantee the right to counsel in eviction cases, however, nowhere in Indiana is that the case. Appeals are very uncommon seeing as tenants are rarely represented by lawyers.

Out-of-State Hedge Fund Landlords

In recent years, Indianapolis has experienced significant involvement from hedge fund companies in the housing market. These hedge funds often target distressed properties, particularly those in low-income neighborhoods, to flip them for a profit or convert them into rental properties, capitalizing on increased demand for affordable housing. This trend has significant consequences and raised questions about the broader housing circumstances in the city. Specifically, it has been found that both evictions and housing code violations in Indiana are disproportionately caused by these institutional, out-of-state landlords.

Investment in Rental Properties

Hedge fund companies and other investors have been active in purchasing homes in Indianapolis for the purpose of flipping them.²⁹ This practice involves buying properties at a low price, making renovations or improvements, and then selling them at a higher price. Additionally, these investors may opt to convert these properties into rental units to generate ongoing income. This influx of investment can revitalize neighborhoods but also raise concerns about affordability and the impact on existing residents.

With regard to out-of-state actors, both evictions and code violations are disproportionately caused by institutional, out-of-state landlords owning large numbers of units. In fact, Indiana is on track for more than 30% of all residential property purchases to be by out-of-state investors, with upwards of \$15 to \$20 million in rent payments leaving Indiana each month.³⁰ While a last resort for mom-and-pop landlords, eviction is increasingly being used as a profit strategy for corporate owners. The cost and complexities of navigating the local courts are worth it for them: the profit model forces tenants to pay rent, plus late fees, at a minimal cost. The process can begin again every month if a tenant is continually struggling to pay.

These out-of-state hedge funds mainly purchase large apartment complexes or single-family homes. When analyzing large apartment complexes, apparent harm can be observed in their disproportionately high eviction rates. In fact, most evictions are filed against

²⁹ Jill Sheridan, “Companies Buying up Single-Family Homes in Indianapolis Impacting Affordable Housing,” *WFYI Public Media*, August 17, 2023. <https://www.wfyi.org/news/articles/companies-buying-up-single-family-homes-in-indianapolis-impacting-affordable-housing>

³⁰ “Who Owns Indy’s Houses: A Review of the Largest Single-Family Home Investors,” *Fair Housing Center of Central Indiana*, accessed April 1, 2024. <https://www.fhcci.org/wp-content/uploads/2023/08/Who-Owns-Indy-Homes-8-9-23-3.pdf>

residents of large apartment buildings or complexes – in the first six months of 2022, 65% of evictions came from large apartment complexes.³¹ This high eviction rate stands out when considering that only 14% of renters live in large apartment complexes.

When it comes to single-family rentals (SFR), approximately 45% of properties are owned by out-of-state investors.³² Figure 3 visualizes the impact of out-of-state investors in the Marion County SFR market.

Two examples of major out-of-state owners of large apartment complexes in Indianapolis are New York-based equity firm Aion Partners and Nashville-based Covenant Capital Group. Aion Partners will own properties for three to five years before flipping their property for a profit. They own three developments in Pike Township on the northwest side, with eviction rates ranging from 14.4% to 35.7%. This differs from the average eviction rate of 9% in Indiana.³³ Covenant Capital Group owns four developments in Washington Township and Wayne Township, with eviction rates ranging from 6.5% to over 29%.³⁴

³¹ Erik Steiner and Polis Center, “Follow the Money: Indianapolis Evictions in 2022,” *SAVI*, August 5, 2022. [https://www.savi.org/follow-the-money-indianapolis-evictions-in-2022/#:~:text=Small%20number%20of%20owners%20account,evictions%20\(6%2C338%20eviction%20filings\)](https://www.savi.org/follow-the-money-indianapolis-evictions-in-2022/#:~:text=Small%20number%20of%20owners%20account,evictions%20(6%2C338%20eviction%20filings))

³² “Who Owns Indy’s Houses: A Review of the Largest Single-Family Home Investors,” *Fair Housing Center of Central Indiana*, accessed April 1, 2024. <https://www.fhcci.org/wp-content/uploads/2023/08/Who-Owns-Indy-Homes-8-9-23-3.pdf>.

³³ “Indiana: Eviction Tracking System,” *Eviction Lab*, accessed April 1, 2024. <https://evictionlab.org/eviction-tracking/indiana/>

³⁴ Erik Steiner and Polis Center, “Follow the Money: Indianapolis Evictions in 2022,” *SAVI*, August 5, 2022. [https://www.savi.org/follow-the-money-indianapolis-evictions-in-2022/#:~:text=Small%20number%20of%20owners%20account,evictions%20\(6%2C338%20eviction%20filings\)](https://www.savi.org/follow-the-money-indianapolis-evictions-in-2022/#:~:text=Small%20number%20of%20owners%20account,evictions%20(6%2C338%20eviction%20filings))

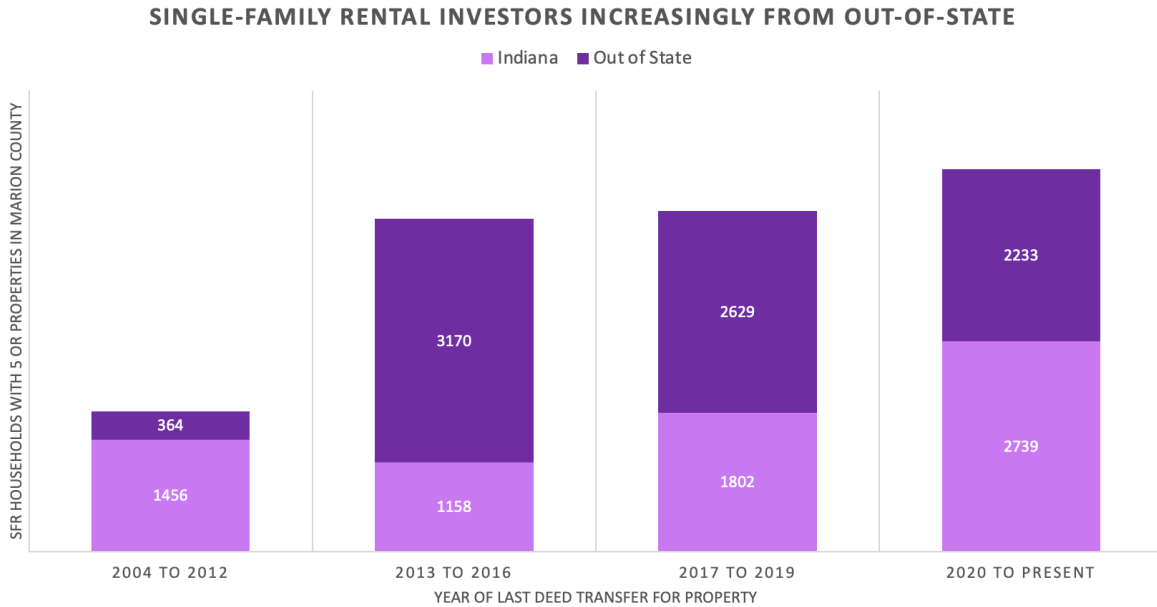


Figure 3. *Single Family Rentals (SFR) with 5 or Properties in Marion County by Date of Last Deed Transfer (Source: Marion County Assessor’s Office)³⁵*

Habitability Issues

The biggest injustice perpetuated by hedge fund companies and other investors is their failure to ensure the habitability of their properties. While some investors may prioritize renovating properties to meet certain standards, others may cut corners to maximize profits. This can lead to issues such as inadequate maintenance, substandard living conditions, and violations of housing codes. It's worth noting that not all investors engage in such practices,³⁶ and there are regulations in place to address habitability concerns.³⁷ However, the few regulations that exist are weak and rarely enforced, especially upon *hedge-fund landlords* who *never* make needed repairs.

It is clear there are many stories of tenant experiences where these individuals and families live in substandard housing.³⁸ Many of these housing options are extremely aged. According to the Census Bureau, almost one-third of all Indiana’s counties consist of housing

³⁵ “Who Owns Indy’s Houses: A Review of the Largest Single-Family Home Investors,” *Fair Housing Center of Central Indiana*, accessed April 1, 2024.

<https://www.fhcci.org/wp-content/uploads/2023/08/Who-Owns-Indy-Homes-8-9-23-3.pdf>

³⁶ “Indiana Code § 32-31-8 (2022),” *Indiana General Assembly*, accessed April 9, 2024.

<https://iga.in.gov/laws/2022/ic/titles/32#32-31-8>

³⁷ “What are Tenant Rights in Indiana?” *Housing4Hoosiers*, accessed April 1, 2024.

<https://housing4hoosiers.org/know-your-rights/your-rental-rights/what-are-tenant-rights-in-indiana/>

³⁸ Jacob Purcell, “A Decent Place to Live: Improving Indiana’s Public and Private Habitability Enforcement Mechanisms,” *Health and Human Rights Clinic: Robert H. McKinney School of Law*, 2023.

https://mckinneylaw.iu.edu/practice/clinics/_docs/DecentPlacetoLive-20123.pdf

units constructed before 1970. The age of Indiana’s housing has begun to reflect in the degree of its habitability. For example, in a survey conducted of the Indianapolis Metro area, 13,100 units over 5 years had mold, 27,000 units had signs of rodents, and about 12,000 had signs of cockroaches.³⁹

Countless tragic stories can be told of families and individuals harmed by this negligence. One story is the tragedy at the Lakeside Pointe at Nora apartment complex. In 2021, a massive fire ensued in this housing complex displacing 25 people and 11 households. This had been the eighth fire at the property within a little over a year.⁴⁰ This complex had also accumulated over 3,000 code violations in 6 years according to Marion County Health Department Data.⁴¹ Its owner, Fox Lake AHF, is based in New Jersey—an out-of-state actor.

The issue of sub-standard housing is particularly apparent with outside ownership of single-family homes, as approximately 45% of single-family rentals are owned by out-of-state investors. This development leads to a lack of attention to property upkeep by corporate investor owners. Certain studies have “linked LLC ownership to property disinvestment, tax abandonment, and even completely walking away from properties.”⁴² Furthermore, investor owners of single-family rentals have the highest rate of code violations being issued by property owners. According to data reported from the Marion County Public Health Department, from 2021 to 2022, there was a 6% decrease in the number of code violations for SFR properties. However, for large SFR investors – those with more than 100 SFR properties owned in Marion County – there was a 6.2% increase in code violations.⁴³

Legislation and Special Interest Groups

The Indiana Apartment Association is a powerful interest group that represents many of the largest landlords in Indianapolis and across the state. The groups represented include several out-of-state companies that have notably high eviction rates. According to Senator Fady

³⁹ Ibid.

⁴⁰ Holly V. Lange, "Indianapolis apartments Lakeside Pointe: Tenants suffered neglect before fire," *IndyStar*, November 24, 2021, www.indystar.com/story/news/local/marion-county/2021/11/24/indianapolis-apartments-lakeside-pointe-tenants-suffered-neglect-before-fire/8725147002/

⁴¹ Ibid.

⁴² Tobias Burns, “How landlords are evading taxes and fueling the housing crisis,” *The Hill*, August 03, 2022, <https://thehill.com/policy/3585336-how-landlords-are-evading-taxes-and-fueling-the-housing-crisis/#:~:text=Studies%20have%20%E2%80%9Clinked%20LLC%20ownership,Urban%20Affairs%20Committee%20on%20Tuesday>

⁴³ “Who Owns Indy’s Houses: A Review of the Largest Single-Family Home Investors,” *Fair Housing Center of Central Indiana*, accessed April 1, 2024.

Qaddoura (D-Indianapolis), the Indiana Apartment Association was among the groups that strongly opposed the bipartisan habitability bill: SB 277.⁴⁴ The group has a well-funded political action committee, the Indiana Multi-Family Housing PAC, that has made several large donations, including a donation close to \$1 million, to specific campaigns that have demonstrated landlord-friendly agendas.⁴⁵ For instance, Senator Qaddoura who sponsored housing bill SB 202, revealed he was asked by fellow Senator Liz Brown to remove language in the bill that requires landlords to keep a physical presence in Indiana.⁴⁶ Senator Brown has received payments from the political action committee connected to the Indiana Apartment Association.⁴⁷ *Transparency USA* further reveals the influential political power of the Indiana Multi-Family Housing PAC in determining the end of another bill, SB202, which is a bill that would have allowed tenants to create rent escrow accounts with a court in cases of extreme negligence. Similarly, Republican senators who served in the 2023 Senate Judiciary Committee blocked the bill precisely because of the campaign contributions they received from the PAC. The following is a selected list of these senators and the contributions they received during their campaigns: Liz Brown (Committee Chair), \$3,500 (5th largest PAC contributor), James Buck, \$8,500 (3rd largest PAC contributor), Aaron Freeman, \$6,000 (3rd largest PAC contributor).⁴⁸ Representative Cherrish Pryor (D-Indianapolis) comments, “I think that the apartment association has far too much power over in the General Assembly and so anything that is done to try to improve the accommodations for people who are tenants, are opposed.”⁴⁹

⁴⁴ “Senate Bill 277 - 2024 Regular Session,” *Indiana General Assembly*, accessed April 9, 2024.

<https://iga.in.gov/legislative/2024/bills/senate/277/details>

⁴⁵ Ryan Martin, “Indianapolis renters bill stumbles in Statehouse amid lawmaker landlord ties,” *IndyStar*, February 28, 2020.

<https://www.indystar.com/story/news/politics/2020/02/28/indianapolis-renters-landlord-bill-lawmakers-have-real-estate-ties/4881756002/>

⁴⁶ Benjamin Thorp, “There Is No Landlord Accountability,” *WFYI*, accessed April 9, 2024.

<https://www.wfyi.org/news/articles/there-is-no-landlord-accountability-tenants-call-on-lawmakers-for-better-protections>

⁴⁷ “Liz Brown - Indiana State Senate District 15,” *Transparency USA*, accessed April 9, 2024.

<https://www.transparencyusa.org/in/candidate/liz-brown>

⁴⁸ Transparency USA. “Indiana Multi-Family Housing Political Action Committee - 776 Political Action,” *Transparency USA*, accessed April 22, 2024.

<https://www.transparencyusa.org/in/committee/indiana-multi-family-housing-political-action-committee-776-political-action/>

⁴⁹ “Tenant Setback,” *Indiana Citizen*, accessed April 9, 2024.

<https://indianacitizen.org/tenant-setbacks-failures-in-legislation-at-statehouse-lead-to-calls-for-a-housing-commission/>

An investigation by *IndyStar* has determined that many Indiana lawmakers are landlords themselves or have strong connections to rental properties.⁵⁰ Thus, there are incentives to create housing policy that benefits their connections. Furthermore, there is a high potential that the shared housing market relation can lead lawmakers to be sympathetic to the interests of landlords which includes out-of-state hedge fund companies.

⁵⁰ Ryan Martin, "Indianapolis renters bill stumbles in Statehouse amid lawmaker landlord ties," *IndyStar*, February 28, 2020.
<https://www.indystar.com/story/news/politics/2020/02/28/indianapolis-renters-landlord-bill-lawmakers-have-real-estate-ties/4881756002/>

Enforcement of Habitability Statutes

Habitability Statutes

Landlords are responsible for providing certain living spaces that are safe and suitable. According to Indiana Code 32-31-8-5, landlords must provide sanitary systems, electrical systems, compliance with all housing and health codes, and plumbing systems.⁵¹ In turn, a tenant's responsibility is to comply with housing and health codes and not to damage the unit. These requirements are basic necessities in order to live a comfortable life. However, there are consistent patterns of some landlords failing to provide these needs, and it is then on the tenant to fix this problem.

Barriers to Enforcement

According to IC 32-31-8-6, if the landlord fails to take action after a tenant notifies them of a problem and allows them onto the premises, then the tenant can speak to an attorney, sue the landlord and possibly report the conditions to the local code enforcement office.⁵² This puts the burden of habitability on the tenant when it is the landlord who has violated the lease. As a result of this, there are many people suffering from distinct landlord negligence who cannot afford to hire a lawyer. If tenants lose their cases, they are left with significant attorney fees that many cannot risk paying.⁵³ Furthermore, Public Law 92-2002 made it virtually necessary to have an expert witness in court verify the damages, which creates another barrier for low-income tenants who are suffering from mistreatment.⁵⁴ Withholding rent is another way for tenants to protest living conditions that their landlord neglects to improve. However, Indiana is one of only six states that requires tenants to pay rent even if the landlord is not following their requirements under their rental agreement.⁵⁵ Most states set rental conditions known as an implied warranty of habitability. Indiana was a late adopter of the implied warranty of habitability and lags behind other states in its implementation of it. Some states also have rent abatement jurisdictions, which return rent to tenants automatically when conditions are non-compliant, and repair-and-deduct laws, which allow tenants to make repairs and deduct the cost of those repairs from their rent.

⁵¹ Landlord Obligations, Indiana Code § 32-31-8-5 (2022).

⁵² Tenant's Cause of Action to Enforce Landlord Obligations, Indiana Code § 32-31-8-6 (2021).

⁵³ Ibid.

⁵⁴ Jacob Purcell, "A Decent Place to Live: Improving Indiana's Public and Private Habitability Enforcement Mechanisms," *Health and Human Rights Clinic: Robert H. McKinney School of Law*, 2023.

https://mckinneylaw.iu.edu/practice/clinics/_docs/DecentPlacetoLive-20123.pdf.

⁵⁵ Ibid.

Indiana has neither of these provisions.⁵⁶ Similarly, Indiana, along with Georgia, Idaho, Utah, and North Dakota, are the only states that have no provision for rent escrow, wherein tenants pay their rent to courts and landlords only get the money when needed are made.⁵⁷ Persistent efforts by housing advocates over the past two years to implement a rent escrow have unfortunately yielded no results. The state must begin to make changes to its housing laws in order to be on par with other states and protect its tenants. Ultimately, it is vital that they strive to give tenants more options on how to combat negligence from their landlords.

Response to Code Violations

In Indiana, code enforcement schemes differ by municipality, so there is no guarantee that legislation would bring change across all counties unless there is comprehensive statewide standardization. Even *within* municipalities, it is often dysfunctional. In Indianapolis, there are four sources of law that allow local municipalities to enforce housing code, and code enforcement is primarily ad hoc.⁵⁸ The Marion County Public Health Department is a subsidiary of the Health and Hospital Corporation. Indianapolis is unique because its city government is consolidated within its county government, so the Health and Hospital Corporation (HHC) enforces the housing code for both Indianapolis and Marion County. The Unsafe Building Law is an expansive code enforcement law that applies automatically to all first-class cities in Indiana. The Health and Hospital Corporation does not have jurisdiction under the Unsafe Building Law, so they do not possess receivership powers and cannot recover costs of code enforcement fees through special tax assessments. **This limits their ability to effectively remedy code violations.** They only have jurisdiction over buildings that pose a threat to citizen's health, so they have no authority over the conditions of vacant buildings. If a tenant moves out of a building that violates the code and proves a health risk, the Health and Hospital Corporation is forced to drop the case, which occurred 126 times in 2021.⁵⁹ Code violations also don't stay when ownership of the property changes, which means that as soon as the current tenants leave, the case evaporates.⁶⁰

⁵⁶ Jacob Purcell, "A Decent Place to Live: Improving Indiana's Public and Private Habitability Enforcement Mechanisms," *Health and Human Rights Clinic: Robert H. McKinney School of Law*, 2023. https://mckinneylaw.iu.edu/practice/clinics/_docs/DecentPlacetoLive-20123.pdf

⁵⁷ Aaron Spiegel, "Housing is not a human right in Indiana," *Indiana Capital Chronicle*, March 02, 2023, <https://indianacapitalchronicle.com/2023/03/02/housing-is-not-a-human-right-in-indiana/>

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ Benjamin Thorp, "Housing advocates gather at statehouse to push for tenant protections," *WYFI*, January 29, 2024. <https://www.wfyi.org/news/articles/housing-advocates-gather-at-statehouse-to-push-for-tenant-protections>

For instance, the house that caught fire in South Bend which took the lives of six children had a record of noncompliance and the new residents were not warned about the issues.⁶¹ This underscores the need for stronger responses to violations through empowering the HHC with greater jurisdictional reach. The Health Department is only allowed to act in accordance with IC 16-20-1-25, which states that, “a person shall not institute, permit, or maintain any conditions that may transmit, generate, or promote disease.”⁶² Their ability to enforce housing code is outlined in IC 16-20-1-26, which says, “A local department of health or local health officer may enforce the department’s or officer’s orders by an action in the circuit or superior court.”⁶³ The health department has enforcement abilities with code violations; they can only act where there is a threat to the health of tenants, and they cannot utilize receivership powers to enforce code. Notably, cities with low eviction rates are associated with having strong code enforcement.⁶⁴

⁶¹ Joshua Short, “Investigators return to scene of deadly South Bend house fire as community seeks answers,” *WNDU*, March 05, 2024, <https://www.wndu.com/2024/03/06/investigators-return-scene-deadly-south-bend-house-fire-community-seeks-answers/>

⁶² Unlawful conditions; abatement order; enforcement, Indiana Code § 16-20-1-25 (2021).

⁶³ Enforcement; approval of legislative body before filling certain actions; court action; recipient of enforcement action, Indiana Code § 16-20-1-26 (2021).

⁶⁴ Jacob Purcell, “A Decent Place to Live: Improving Indiana’s Public and Private Habitability Enforcement Mechanisms,” *Health and Human Rights Clinic: Robert H. McKinney School of Law*, 2023.

Policy Recommendations

In response to the issues described in this paper, we recommend the State of Indiana to implement the following:

Slowing Court Proceedings

Slowing down court proceedings in Indiana presents a multifaceted approach aimed at rectifying system injustices entrenched in the current eviction environment. At present, the absence of clear guidelines governing the temporal distance between the issuance of summons and scheduled hearings created a precarious situation.⁶⁵ **Tenants may be served summons with an unjustifiably short notice period, leaving them insufficient time to adequately prepare defenses or even appear in court.**⁶⁶ This disparity particularly disadvantages hourly workers and caregivers, who may find it arduous to navigate work commitments or secure childcare arrangements at such short notice.

In light of these challenges, instituting a mandated minimum duration for notice issuance and hearing and the establishment of an initial informational hearing could serve as pivotal interventions, as both would allow tenants the opportunity to seek outside counsel, to comprehend the complexities of their situation, to understand their rights, or to prepare a defense. Moreover, a deliberate deceleration of the eviction process would reduce the strain on already overwhelmed courts, with heavy caseloads and few judges.^{67; 68} This pacing would ensure that cases that have legitimate defenses receive the appropriate attention and scrutiny, which would ultimately lead to a more just process.

Unfortunately, there exists a discrepancy in Indiana regarding the consistency of the application of laws across counties.⁶⁹ In courts where adherence to legal mandates appears inconsistent, more concerted efforts may be required. Such efforts could include comprehensive judicial education initiatives or the establishment of task forces to assess deficiencies. The

⁶⁵Judith Fox and Katherine Wines, “Coding Evictions: St. Joseph County Eviction Court Watch Study,” February, 2024. https://law.nd.edu/assets/559046/coding_evictions_st_joseph_county_court_watch_eviction_study.pdf

⁶⁶ Ibid.

⁶⁷ Todd Young, “Op-ed: Indiana's federal courts, some of the most overworked in the U.S., need more judges,” *IndyStar*, July 9, 2020.

<https://www.indystar.com/story/opinion/2020/07/09/op-ed-indianas-federal-courts-some-most-overworked-u-s-need-more-judges/5389256002/>

⁶⁸ “What’s the deal with evictions in Indiana?” *Buildium*, April 3, 2023.

<https://www.buildium.com/laws/indiana-eviction-process/#:~:text=Indiana%20has%20one%20of%20the,to%207%20days%20before%20filing>

⁶⁹ “County Government Overview: Indiana,” *National Association of Counties*, January, 2022.

https://www.naco.org/sites/default/files/event_attachments/DRAFT_Indiana_012022.pdf

overarching goal, largely supported by the deceleration of eviction proceedings, is to cultivate a paradigm shift within eviction courts, away from the notion that tenants face insurmountable odds and are destined for defeat.

While procedural reforms would hopefully allow tenants to remain in their homes, seeking to better the system for tenants post-eviction is also significant. Requiring landlords to require bonds for immediate possession, eventually delaying final possession, would allow tenants more opportunity to access legal representation or prepare to vacate the residence.

Persistent resistance from landlord associations within Indiana makes legislative change less feasible, but the promulgation of court rules, and grassroots mobilization efforts show the potential for change. States like Alabama, which have implemented stringent filing requirements for evictions, exemplify the impact of erecting procedural barriers for landlords, slowing and reducing incidence of evictions and affording tenants stability and security.⁷⁰

In summation, the imperative to slow down court proceedings in Indiana transcends mere procedural expedience; **it represents a necessary reevaluation of an entrenched system that perpetuates housing insecurity.** By educating and empowering tenants, observing judicial consistency, and creating just legal frameworks, **tenants can access an eviction landscape wherein access to housing is not contingent upon one's socioeconomic status or legal acumen.**

Good Cause Eviction Laws

We recommend that the city of Indianapolis also adopt “good cause” eviction legislation. These laws vary by location, but essentially specify which reasons are permissible for landlords to legally evict a tenant or opt not to renew their lease.⁷¹ A tenant can then challenge an eviction in court if they feel as though it was ordered without legitimate cause.

The American Bar Association defines “good cause” as “a serious or repeated violation of material terms of the lease.”⁷² Non-payment of rent, violation of lease terms, creation of a

⁷⁰ Ann O’Connell, “The Eviction Process in Alabama: Rules for Landlords and Property Managers,” *NOLO*, 2023. <https://www.nolo.com/legal-encyclopedia/the-eviction-process-alabama-rules-landlords-property-managers.html>.

⁷¹ Rachel Cohen, “The Fight to Make It Harder for Landlords to Evict Their Tenants,” *Vox*, May 1, 2023. <https://www.vox.com/policy/2023/5/1/23697209/landlords-tenants-good-cause-just-cause-eviction-housing>.

⁷² “ABA Ten Guidelines for Residential Eviction Laws,” *American Bar Association*, accessed April 3, 2024. https://www.americanbar.org/groups/legal_aid_indigent_defense/sclaid-task-force-on-eviction--housing-stability--an-d-equity/guidelines-eviction/

nuisance, and an owner's intent to occupy a unit are just causes for eviction found in many policies.⁷³

Current Indiana law does not provide renters "good cause" protection on month-to-month or expiring term leases. These renters can be evicted without cause on as little notice as thirty days.⁷⁴ Without good cause requirements, renters and their families lack the basic security of tenure.⁷⁵ Forced relocation can cause significant disruption and potential hardship on the tenant and, when done without legitimate reason, can enable a discriminatory, retaliatory, or otherwise illegitimate motive for terminating a lease easily concealed behind a "no cause" eviction.⁷⁶

Good cause legislation enacted by state and local jurisdictions usually includes three core components: (1) the definition of the legal grounds for eviction, (2) the placing of limits on rent increases, and (3) the enhancement of written notice requirements.⁷⁷ Such jurisdictions recognize and allow non-renewal or termination for a range of permissible reasons other than tenant lease violations, such as a landlord's intent to sell, substantially rehabilitate, or change the use of the property or to move in a family member.⁷⁸

Overall, we believe the tenants of Indianapolis would benefit if lease termination, including non-renewal, was limited to circumstances where good cause exists. The protections extended through this legislation can make the lease renewal process more predictable, protect renters from excessive hikes in rent, and empower tenants to advocate for improved living conditions without fear of retaliation.⁷⁹

⁷³ "Just Cause Eviction Policies," *Local Housing Solutions*, accessed April 3, 2024.

<https://localhousingsolutions.org/housing-policy-library/just-cause-eviction-policies/>

⁷⁴ Robert Jones, "Eviction Protections for Renters: Does Indiana Make the Grade?" *Notre Dame Clinical Law Center*, February 1, 2023.

https://law.nd.edu/assets/504097/indiana_eviction_laws_report_card.pdfhttps://law.nd.edu/assets/504097/indiana_eviction_laws_report_card.pdf

⁷⁵ "ABA Ten Guidelines for Residential Eviction Laws," *American Bar Association*, accessed April 3, 2024.

https://www.americanbar.org/groups/legal_aid_indigent_defense/sclaid-task-force-on-eviction--housing-stability--and-equity/guidelines-eviction/

⁷⁶ Deena Greenberg, Carl Gershenson, and Matthew Desmond, "Discrimination in Evictions: Empirical Evidence and Legal Challenges," accessed April 9 2024. https://scholar.harvard.edu/files/mdesmond/files/hlc106_crop.pdf

⁷⁷ Rachel Cohen, "The Fight to Make It Harder for Landlords to Evict Their Tenants," *Vox*, May 1, 2023.

<https://www.vox.com/policy/2023/5/1/23697209/landlords-tenants-good-cause-just-cause-eviction-housing>

⁷⁸ "ABA Ten Guidelines for Residential Eviction Laws," *American Bar Association*, accessed April 3, 2024.

https://www.americanbar.org/groups/legal_aid_indigent_defense/sclaid-task-force-on-eviction--housing-stability--and-equity/guidelines-eviction/

⁷⁹ "Good Cause," *Housing Justice for All*, September 19, 2023.

<https://housingjusticeforall.org/our-platform/good-cause/>

Empowering Tenant Unions

Tenant-landlord relationships demonstrate a large imbalance of power. Although Indiana has attempted to increase the supply of rental properties, issuing almost 8,800 new multi-family developments in 2022, rent has continued to increase across the state.⁸⁰ According to a study conducted by Prosperity Indiana in March 2024, there is a shortage of 139,318 rental homes in Indiana for extremely low-income renters—the people who are most likely to be evicted for not paying their rent.⁸¹ The housing wage in Indiana, that is the wage necessary working 40 hours a week for 52 weeks a year to spend less than 30% of income on a one bedroom apartment is \$15.60 – more than double Indiana’s minimum wage.⁸² While the minimum wage has stayed stagnant, and the cost of a home remains exceedingly high, hoosiers are left with no other choice than to rent an expensive property. According to the National Law Center on Homelessness and Poverty, “This imbalance lowers tenants’ ability to demand decent affordable housing. It may be cheaper to simply evict a tenant complaining of faulty plumbing, for example, than to remedy the problem.”⁸³ With such little bargaining power, tenants are often forced out of their rental homes without good cause or reason, or face persistent negligence with no recourse.

Tenant unions have the potential to give tenants the power to hold landlords accountable. They have formed in recent years in cities such as Los Angeles, New York, and Miami. One of the most effective tenant unions is KC Tenants in Kansas City, Missouri. Over the last four years, the union has grown to almost 10,000 members and has won millions of dollars of city funding for long-term affordable housing. Prior to 2022, eviction proceedings in Kansas City looked very similar to those in Indianapolis, as there was very little legal representation for tenants in eviction courts. In 2022, the KC Tenants successfully negotiated for the implementation of a “right to counsel” program that ensures any tenant in Kansas City facing eviction is guaranteed free legal representation.⁸⁴

⁸⁰ Ibid.

⁸¹ Daniel Stroud, “Extremely Low-Income Hoosiers Face a Staggering Shortage of Affordable Homes; Indiana’s Rate of Supply and Cost Burden is Now Worse Than the National Average,” *Prosperity Indiana*, March 14, 2024. <https://www.prosperityindiana.org/Policy-News/13329495#:~:text=Analysis%20of%20The%20Gap%20data,housing%20than%20states%20such%20as>

⁸² “Indiana,” *National Low Income Housing Coalition*, accessed April 17, 2024. nlihc.org/oor/state/in

⁸³ Tristia Bauman and Michael Santos, “Protect Tenants, Prevent Homelessness,” *National Law Center on Homelessness & Poverty*, accessed 15 April 2024.

<https://homelesslaw.org/wp-content/uploads/2018/10/ProtectTenants2018.pdf>

⁸⁴ Charlotte Alter, “As Renters Revolt, Tenant Unions Are On the Rise,” *Time*, October 26, 2023. <https://time.com/6325516/kc-tenants-union-time-documentary/>

Indianapolis can effectively model its support of tenant unions off of Kansas City’s success. Both midwest cities have some of the highest rent growth nationally with promising financial markets.⁸⁵ Voters in Marion County, where Indianapolis is located, voted slightly (3.6%)⁸⁶ more Democrat in the 2020 presidential election than in Jackson County, Missouri, where Kansas City is located.⁸⁷ In a survey conducted by the *Pew Research Center*, Democrats are more than twice as likely as Republicans to say unions have a positive impact on the United States.⁸⁸ This makes pro-union legislation equally or more likely to be politically favorable in Indianapolis than Kansas City.

Tenant unions could be a powerful tool in Indianapolis for renters to hold their landlords accountable. One possible piece of legislation which would give tenant unions more power is a Wagner Act for tenant unions, proposed by Duncan Kennedy, Karl Klare, and Michael Turk. The Wagner Act of 1935 gave workers the right to form unions and established the National Labor Relations Board to oversee peaceful negotiations between management and union members.⁸⁹

Indiana already has a statute that protects the existence of tenant unions: Indiana Code § 32-31-8.5-2. Now, local, state, and federal governments can adopt a set of reforms that would empower tenants to form unions for collective bargaining. For example, a Housing Disputes Resolution Board could be created in Indianapolis. This organization would be tasked with the role of overseeing negotiations between landlords and tenants. The Board would directly oversee the negotiation process and have the power to go to court to ensure fair negotiations from both sides. It would be able to set a membership threshold for a tenant union in a specific housing community to ensure that a landlord negotiates in good faith with regard to habitability, evictions, and rent. Additionally, the Housing Disputes Resolution Board could ensure that housing communities without tenants have a “residential monitor” to ensure compliance with relevant laws and regulations.⁹⁰

⁸⁵ Alecia Pirulis, “Apartments.com Rent Report for March 2024: Stabilization Q1,” *Apartments.com*, April 9, 2024. <https://www.apartments.com/blog/apartments.com-national-rent-trends-report>

⁸⁶ “Indiana Presidential Election Results,” *The New York Times*, March 6, 2021.

<https://www.nytimes.com/interactive/2020/11/03/us/elections/results-indiana-president.html>

⁸⁷ “Missouri Presidential Election Result,” *The New York Times*, December 10, 2020.

<https://www.nytimes.com/interactive/2020/11/03/us/elections/results-missouri.html>

⁸⁸ “Labor unions,” *Pew Research Center*, February 1, 2024.

<https://www.pewresearch.org/politics/2024/02/01/labor-unions/>

⁸⁹ Duncan Kennedy, Karl Klare, and Michael Turk, “A Wagner Act for Tenant Unions,” *LPE Project*, June 15, 2023.

<https://lpeproject.org/blog/a-wagner-act-for-tenant-unions/>

⁹⁰ *Ibid.*

Ideally, the city government would pass legislation that would force landlords to maintain habitability, limit evictions, and protect all tenants, regardless of whether or not they were in a union. However, the Senate Enrolled Act 148 (SEA148), which was passed in 2020, is an Indiana law that prevents individual cities from passing ordinances that regulate the tenant-landlord relationship.⁹¹ Tenant unions have proven to be extremely successful in Kansas City. They allow tenants to gain power in negotiations, where they are almost always powerless. By providing the framework for strong tenant unions, Indianapolis would be able to create meaningful change and potentially limit evictions and increase habitability.

Public Housing Funding and Maintenance

In Indiana, the legal and political climate surrounding low-income public housing is complex. Budget constraints resulting from shifting political priorities, such as increased investment of the Low-Income Housing Tax Credit (LIHTC) program, have perpetuated chronic underfunding, exacerbating the deterioration of public housing infrastructure.⁹² This has resulted in substandard living conditions for many residents, manifesting in concerns regarding safety, sanitation, and overall quality of life.⁹³ To rectify the failure of low-income housing failure, immediate action must be taken by prioritizing the improvement of housing habitability. For instance, the Housing Authority of South Bend (HASB) has faced considerable challenges in addressing the extreme negligence in habitability, resulting in an exceptionally high vacancy rate for public housing properties. As of January 2024, 219 units, accounting for 37% of the total 594 units, remained vacant.⁹⁴ Yet, despite over one-third of housing authority properties sitting vacant, hundreds of individuals still remain on the waiting list.⁹⁵ This example highlights the inability for low-income individuals and families to properly utilize the resources available due to budget allocation issues for public housing. According to Andy Delaney, HASB's Chief Financial Officer, about \$20.7 million of the federally granted Indiana Housing and Community

⁹¹ Senate Enrolled Act No. 148, Indiana Code § 16-18-2-188.7 (2021), <https://legiscan.com/IN/text/SB0148/id/2169418>

⁹² Indy Multi-Faith Network. "Better Than Nothing, Or Not?" Indy Multi-Faith Network Blog, accessed April 16, 2024, <https://www.indymultifaith.org/blog/better-than-nothing-or-not>

⁹³ Lily Geismer, "Biden's Plan for Public Housing: A History," *Time*, March 25, 2024. <https://time.com/6900050/public-housing-biden-plan-history/>

⁹⁴ Jordan Smith, "New South Bend Housing Authority Director's Challenge: Poor Maintenance Causes 37% Vacancy," *South Bend Tribune*, January 19, 2024. <https://www.southbendtribune.com/story/news/local/2024/01/19/many-public-housing-properties-sit-empty-despite-long-waiting-list/72255037007/>

⁹⁵ Ibid.

Development Authority budget will go toward the Housing Choice Voucher program.⁹⁶ Of this amount, approximately \$3.1 million will be used for capital improvements and \$4.1 million utilized for public housing.⁹⁷ With the total budget amounting to \$23.6 million, only 17% is allocated to public housing.⁹⁸

Addressing the underlying causes of underfunding requires comprehensive policy interventions, such as lobbying for increased federal funding for affordable housing initiatives, amending systemic disparities in housing accessibility and affordability, and promoting economic development strategies that foster greater opportunities for low-income individuals and communities. In regards to public housing specifically, the deterioration of conditions stems from a lack of attention and funding for the program, emphasizing the need to refocus on reinstating investment in these programs.

To achieve these goals, prioritizing tenant involvement and protection, as previously discussed, is essential. The state must actively promote meaningful tenant participation in decision-making processes concerning public housing maintenance and rehabilitation. This could involve forging partnerships with tenant associations and unions. However, accomplishing this task proves challenging due to the apartment association's opposition to tenant empowerment, posing a significant challenge alongside the current lack of effective organization among tenants. Therefore, there must be an emphasis on strengthening tenant protections to ensure that the rights and needs of residents are prioritized in any housing initiatives or reforms. Thus, to tackle this issue, policy recommendations must address both short-term and long-term solutions.

In the short term, it is crucial to allocate increased funding, which could involve state or federal subsidies, grants, or tax incentives, to address immediate repair needs and ensure the health and safety of residents. Moreover, there should be a concerted effort to streamline bureaucratic processes and improve efficiency in the allocation and management of housing funds. This may involve reforms in procurement practices, administrative procedures, and oversight mechanisms to ensure the effective and transparent utilization of funds. The following is a model based on these recommendations: the state of Indiana can establish partnerships between public housing agencies (PHAs), local municipal governments, the Indiana Housing and Community Development Authority (IHCDA), and the Department of Housing and Urban

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Ibid.

Development (HUD).⁹⁹ The state can sponsor the establishment of an IHCD committee to oversee the implementation of a recovery fund specifically designed to address the repair needs of public housing. The committee would be responsible for reevaluating budget allocations to ensure that a larger portion of funds is directed toward public housing repairs and renovations. Additionally, it will create standards for budget allocations to prioritize maintenance and improvement projects of PHAs within public housing. Most importantly, it will spearhead the creation and implementation of the Index for Property Repair Priority; an index to measure the urgency of repairs needed for public housing properties. It will categorize properties based on severity (severe, moderate, mild) to determine locations that will receive immediate repair/renovation action. Through these changes, public housing in Indiana can be regenerated into a longer-standing operation.

In the long term, state policymakers should begin conversations regarding a national standard implementation of RAD practices within all PHA communities nationwide. In response to the significant repair needs at public housing properties, Congress enacted the Rental Assistance Demonstration (RAD) in 2011 to preserve and improve public housing buildings and other properties in need of preservation resources within PHAs nationwide.¹⁰⁰ However, not all PHAs have been accepted into the RAD program due to its application process, leading to disparities in conversion success among municipalities, with some benefiting from successful conversions while others are left behind with inadequate funding.¹⁰¹ For instance, only 5 out of 18 Indiana PHAs have been accepted and can participate.¹⁰² Therefore, we recommend a standardized model that is applied to all PHAs to bridge the unequal access to this resource.

Overall, addressing Indiana's public housing funding shortage requires a multifaceted approach, including increased financial support, administrative reforms, and broader policy initiatives to ensure all residents have access to safe, affordable, and dignified housing.

⁹⁹ David Gay, "City of Indianapolis Signs Agreement with HUD Surrounding Indianapolis Housing Agency Operations," *Fox59*, April 10, 2024. <https://fox59.com/indiana-news/city-of-indianapolis-signs-agreement-with-hud-surrounding-indianapolis-housing-agency-operations/>

¹⁰⁰ "Rental Assistance Demonstration (RAD)," *National Housing Law Project*, September 7, 2017. <https://www.nhlp.org/resources/rental-assistance-demonstration-rad/>

¹⁰¹ Kathie Soroka and Deborah VanAmerongen, "Congress Extends RAD Program, Updates RAD Section 18 Blends," *Nixon Peabody*, March 21, 2024.

<https://www.nixonpeabody.com/insights/alerts/2024/03/21/congress-extends-rad-program-updates-rad-section-18-blends>

¹⁰² "Factsheet." *Rad Resource Network*. <https://www.radresource.net/factsheet.cfm?RequestTimeout=3000>

Conclusion

Indiana's lack of strong eviction laws leaves more to be desired when it comes to protecting tenants. Legislation favoring landlords leads to high eviction rates and, when compared to other states, leaves Indianapolis' tenants in a vulnerable position when trying to fight an eviction case. As described in this report, discriminatory and rushed court proceedings, the prominence of out-of-state landlords, and the lack of options for tenants to enforce habitability standards are just a few of the issues contributing to housing instability for Hoosiers.

In order to prioritize the well-being and rights of tenants across the state, changes must be made to create a more equitable Indiana. **We strongly urge the Supreme Court of Indiana to institutionalize certain rules that would slow down court proceedings. Further, we encourage the Indiana General Assembly to consider passing legislation that would enforce "good cause" eviction rules, empower tenant unions in the state, and leverage the LIHTC program in Indianapolis.**