

Michigan City, Indiana

Analysis of Impediments to Fair Housing Choice

January 21, 2010

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**ANALYSIS OF IMPEDIMENTS
To Fair Housing Choice**

January 21, 2010

Prepared by:

McKenna Associates, Inc.

235 East Main Street, Suite 105

Northville, MI 48167

(248) 596-0920

www.mcka.com

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APPENDIX

Federal Fair Housing Act
Michigan City Fair Housing Ordinance
Michigan City Human Rights Ordinance

I. Introduction and Executive Summary of the Analysis

Equal and free access to residential housing (housing choice) is fundamental to meeting essential needs and pursuing personal, educational, employment, or other goals. Because housing choice is so critical, fair housing is a goal that Government, public officials, and private citizens must achieve if equality of opportunity is to become a reality.

Entitlement jurisdictions, including the City of Michigan City, must become fully aware of the existence, nature, extent, and causes of all fair housing problems and the resources available to solve them. Without this information, the City's Fair Housing Planning (FHP) will fall short of measurable results. The City may waste energy and resources that they could have used more effectively with careful planning and execution. A properly completed Analysis of Impediments to Fair Housing Choice (AI) provides this information.

The scope of the AI is broad. It covers the full array of public and private policies, practices, and procedures affecting housing choice. The AI:

- Serves as the substantive, logical basis for FHP
- Provides essential and detailed information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates
- Assists in building public support for fair housing efforts both within a Entitlement jurisdiction's boundaries and beyond

A. Who conducted

The 2009/10 Analysis of Impediments to Fair Housing Choice (AI) was prepared by the City of Michigan City with assistance from McKenna Associates in accordance with the Fair Housing Planning Guide, U.S. Department of Housing and Urban Development (HUD).

B. Participants

Participants in developing the AI included: the City of Michigan City elected officials, department heads and staff: Michigan City Housing Authority; Michigan City (MC) Transit; many public service agencies and organizations; the private sector and McKenna Associates (consultants).

C. Methodology Used

The Analysis of Impediments involves the following process:

- A comprehensive review of the City's laws, regulations, and administrative procedures, policies, and practices
- An assessment of how those laws, etc. affect the location, availability, and accessibility of housing
- An assessment of conditions, both public and private, affecting fair housing choice for all protected classes

- An assessment of the availability of affordable, accessible housing in a range of unit sizes
- A review of the City's current Consolidated Plan

The information needed for conducting an AI includes the following:

- Public policies, practices, and procedures involving housing and housing-related activities
- Zoning and Land use policies, tax assessment/abatement practices
- The nature and extent of fair housing complaints/suits or other data that may evidence the City's achievement of fair housing choice
- Demographic patterns and information provided in the City's Consolidated Plan
- Home Mortgage Disclosure Act (HMDA) data
- Results of testing
- Results of Fair Housing Initiative Program (FHIP) grants
- Patterns of occupancy in Section 8, Public and Assisted Housing, and private rental housing.

Impediments to fair housing choice are:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

D. How Funded

The AI was funded with CDBG administration funds.

E. Conclusions

1. Impediments Found

Barriers to Affordable Housing

Equal and free access to residential housing (housing choice) is fundamental to meeting essential needs and pursuing personal, educational, employment, or other goals. Because housing choice is so critical, affordable housing is a goal the City and the private market must achieve if equality of opportunity is to become a reality.

Barriers to new housing development over which the City has the greatest degree of control include:

- Allowable densities and location of multiple family units
- Minimum lot and building sizes, which can affect price and rent
- Location of grocery stores and other essential services

General barriers to the development and provision of affordable housing include:

- Deposits, utility connection/reconnection fees, utility costs, and rent fees
- Affordability/Income bracket cut off levels/Rent ratio to income
- For borrowers with lower incomes, marginal credit and little cash for down-payments
- Lack of good credit and debt problems
- Racial steering or blockbusting by real estate brokers
- Number of bedrooms per unit available
- Lack of quality housing units available for lower-income
- Foreclosures
- The stigma associated with “affordable” housing
- Availability of safe and decent quality housing
- Lack of and access to funding for new construction of affordable housing units.
- Loan policies and procedures
- Weatherization needs
- Lack of funding for new rental housing
- Lack of housing for young adults and the elderly
- Historic Preservation requirements

Other barriers preventing the disadvantaged from accessing services include:

- Transportation from housing areas to employment centers and social services
- Quality education, higher level education, and technological training
- The current economic downturn
- A lack of awareness within the community of all services available
- Access to jobs
- Lack of supportive services
- NIMBYism-“Not In My Back Yard” attitude of some members of the community to discourage affordable housing in their neighborhood

2. Actions to Address Impediments

Strategies to Eliminate Barriers to Affordable Housing

The following strategies are proposed to address the barriers listed above:

- The City will convene regular focus group meetings, including, but not limited to: health providers, landlords, homebuilders, banks and financial institutions, neighborhood organizations, and service providers to gather feedback on current barriers and to discuss strategies to eliminate barriers
- The Mayor should require regular reports on the implementation of fair housing actions and take responsibility for resolving any problems identified as quickly as possible so that the fair housing efforts may proceed smoothly.
- Update the Comprehensive Land Use Plan to focus on housing and housing-related issues and problems from a metropolitan or regional perspective.
- Review existing transportation routes to link transportation and job employment centers to where lower-income persons and families reside.
- The City should pay close attention to the diversity in representation of citizens in the community, including lower-income racial and ethnic groups, gender categories, persons with disabilities, and families with children, on the City's boards and commissions.
- Review and update the Zoning Ordinance on a regular basis to foster inclusion of lower-income housing, including housing accessible to persons with disabilities and families with children in developments intended for households with higher incomes.
- Provide exclusionary zoning to promote the development of affordable housing.
- Encourage mixed-use zoning that allows low income residents to obtain groceries, education, jobs, and other basic services without a vehicle.
- Identify specific steps that will be taken to strengthen the fair housing aspect of community revitalization activities in poorer neighborhoods through equalizing services, revising displacement policies and procedures, initiating or strengthening agreements with banks and other lending institutions subject to CRE, creating job-housing and education-housing linkages in and outside neighborhoods.
- Regularly monitor tenant characteristics data for the HUD-assisted and HUD-insured housing developments as one means of evaluating policies, procedures and practices.
- Provide support to Michigan City Housing Authority in their desegregation efforts.
- Encourage Michigan City Housing Authority to utilize scattered-site, low-density housing acquisition as a means to de-concentrate racially impacted public housing.
- Michigan City Housing Authority could help with transportation costs or provide transportation services for those individuals interested in housing in non-traditional neighborhoods.

- MHCA should take steps to identify funding resources and develop programs, in partnership with other public or private agencies and with private landlords participating in Section 8 certificate and voucher program, to provide funds and incentives for the removal of architectural barriers to make privately-owned housing units accessible to persons with disabilities.
- MCHA should develop a written visitability policy and transition plan to make all or a significant percentage of its units visitable.
- Consider initiating or broadening property tax relief provisions as a means of preserving lower-income home-ownership opportunities, especially if such provisions would be beneficial to minority households, elderly households, or households with one or more members who are disabled.
- Identify specific steps that the City should take based on an examination of sales and rental practices including real estate broker practices such as adoption and dissemination of anti-redlining or anti-blockbusting policies, establishing reporting requirements for housing providers in the City, establishing a stronger public education effort regarding the protection under fair housing laws, or other actions.
- Offer a first-time homebuyer classes and education program about loan requirements and budgeting to assist applicants in understanding how to improve their probability of receiving a mortgage loan.
- Provide credit counseling and education about good credit.
- Publicize the availability of government guaranteed loans to potential borrowers.
- Community groups and government officials should take an active role in encouraging increased CRA compliance activities by local financial institutions.
- Implement the non-motorized Trails Master Plan to connect all neighborhoods with destinations such as jobs, schools, social service agencies and parks.
- The City should undertake specific programs to educate its officials and employees and the general public regarding the provisions of a particular court determination or HUD finding and the actions that are or will be underway to address the problems found.
- The City should develop new outreach, education, or information programs and activities to promote housing opportunities for particular segments of the community (such as racial or ethnic minority groups or persons with disabilities). This should be done in cooperation with fair housing organizations and organizations working on this common goal.
- The City should promote contextual planning of new affordable housing with relationship to scale, size, density, and architectural character of the neighborhoods where it will be located.

- Michigan City and the private sector should develop programs and identify funding opportunities to support job incubators and start up companies.
- The City should strive to secure good services and facilities in neighborhoods where economic development efforts for creating jobs and enhancing small business opportunities are under way.
- The City is encouraged to establish a nonprofit clearinghouse mechanism to provide counseling and other services, if possible, to encourage participants to look for and select housing in a wide variety of locations, including those outside low-income and minority areas.
- If any displacement of current minority or disabled low-income families occurs, the objective then should be to provide other housing opportunities to displaced households by giving them a real choice to relocate inside and outside minority neighborhoods or in buildings that are predominately occupied by minorities or persons with disabilities.
- Michigan City should review lending and appraisal practices through formal surveys or informal means to examine their policies, procedures, and practices for possible differential treatment of home mortgage loans, home insurance, or home improvement loans based on race, ethnicity, gender, disability status, and familial status.

II. Michigan City's Background Data

The City of Michigan City is situated in the northwestern portion of Indiana at the mouth of Trail Creek on Lake Michigan, located forty-six miles southeast of Chicago and twelve miles northwest of La Porte.

A. Demographic Data

In 2000, the U.S. Census reported the population of Michigan City at 32,900, a decrease of 2.73% from 1990. The American Community Survey estimated the population at 31,553 for the period 2005-07. Smaller household sizes, the location of employment opportunities, the lack of variety in types of housing, and the lack of affordability, all contribute to this downward trend.

Sex and Age	2000	2000 Percent	2005-07 Estimate	2005-07 Percent
Total Population	32,900	100.0%	31,553	100%
Male	16,594	50.4%	15,805	50.10%
Female	16,306	49.6%	15,748	49.9
Under 5 years	2,484	7.6%	2,199	7.0%
5 to 9 years	2,352	7.1%	2,175	6.90%
10 to 14 years	2,145	6.5%	1,844	5.80%
15 to 19 years	2,063	6.3%	2,011	6.40%
20 to 24 years	2,337	7.1%	2,023	6.40%
25 to 34 years	4,982	15.1%	5,007	15.90%
35 to 44 years	5,136	15.6%	4,205	13.30%
45 to 54 years	4,141	12.6%	4,312	13.70%
55 to 59 years	1,446	4.4%	1,898	6%
60 to 64 years	1,180	3.6%	1,458	4.60%
65 to 74 years	2,263	6.9%	1,972	6.20%
75 to 84 years	1,769	5.4%	1,848	5.90%
85 years and over	602	1.8%	601	1.90%
Median age (years)	35.2	(X)	35.8	(X)
18 years and over	24,679	75.0%	24,114	76.40%
21 years and over	23,406	71.1%	23,043	73%
62 years and over	5,321	16.2%	5,205	16.50%
65 years and over	4,634	14.1%	4,421	14%
18 years and over	24,679	75.0%	24,114	100%
Male	12,396	37.7%	12,037	38.10%
Female	12,283	37.3%	12,077	38.30%
65 years and over	4,634	14.1%	4,421	100%
Male	1,774	5.4%	1,681	5.30%
Female	2,860	8.7%	2,740	8.70%

Source: U.S. Census

The largest minority group in the City is Black/African American at approximately 26%. “Hispanic or Latino” represents approximately 3.7%.

Table 2: Race				
Race	2000	2000 Percent	2005-07 Estimate	2005-07 Percent
Total Population	32,900	100.0%	31,553	100%
One race	32,125	97.6%	30,756	100%
Two or more races			797	100%
One race			30,756	97.5%
White	22,848	69.4%	21,698	70.5%
Black or African American	8,657	26.3%	8,189	26.6%
American Indian and Alaska Native	86	0.3%	67	0.2%
Cherokee tribal grouping			N	N
Chippewa tribal grouping			N	N
Navajo tribal grouping			N	N
Sioux tribal grouping			N	N
Asian	167	0.5%	148	0.5%
Asian Indian	31	0.1%	N	N
Chinese	27	0.1%	N	N
Filipino	22	0.1%	N	N
Japanese	10	0.0%	N	N
Korean	19	0.1%	N	N
Other Asian	36	0.1%	N	N
Native Hawaiian and Other Pacific Islander	6	0.0%	0	0.0%
Native Hawaiian	3	0.0%	N	N
Guamanian or Chamorro	0	0.0%	N	N
Samoan	1	0.0%	N	N
Other Pacific Islander	2	0.0%	N	N
Some other race	361	1.1%	654	2.1%
Two or more races	775	2.4%	797	2.5%

Source: U.S. Census

Table 2a: Race Alone or in Combination				
Race alone or in combination with one or more other races	2000	2000 Percent	2005-07 Estimate	2005-07 Percent
Total Population			31,553	100%
White	23,495	71.4%	22,381	70.9%
Black or African American	9,122	27.7%	8,746	27.7%
American Indian and Alaska Native	294	0.9%	302	1.0%
Asian	246	0.7%	164	0.5%
Native Hawaiian and Other Pacific Islander	18	0.1%	N	N
Some other race	564	1.7%	824	2.6%

Source: U.S. Census

Table 3: Hispanic or Latino and Race				
	2000	2000 Percent	2005-07 Estimate	2005-07 Percent
Total Population	32,900	100.0%	31,553	100.0%
Hispanic or Latino (of any race)	1,035	3.1%	1,180	3.7%
Mexican	695	2.1%	679	2.2%
Puerto Rican	143	0.4%	257	0.8%
Cuban	18	0.1%	36	0.1%
Other Hispanic or Latino	179	0.5%	208	0.7%
Not Hispanic or Latino	31,865	96.9%	30,373	96.3%
White alone	22,309	67.8%	21,150	67.0%
Black or African American alone			8,189	26.0%
American Indian and Alaska Native alone			67	0.2%
Asian alone			148	0.5%
Native Hawaiian and Other Pacific Islander alone			0	0.0%
Some other race alone			112	0.4%
Two or more races			707	2.2%
Two races including some other races			78	0.2%
Two races excluding some other rate, and Three or more races			629	2.0%
Total housing units			14,642	100%

Source: U.S. Census

B. Income Data

Household income is strongly affected by the number of unemployed individuals in the households who are unable to contribute to the household income. The median household income in 2005-07 (estimate) was \$35,345. This figure does not reflect the recent economic downturn in the economy over the last 2-3 years.

Table 4: Income				
Income and Benefits (in 2007 Inflation-Adjusted Dollars)	1999	1999 Percent	2005-07 Estimate	2005-07 Percent
Total Households	12,610	100.0%	12,182	100%
Less than \$10,000	1,249	9.9%	1,149	9.40%
\$10,000 to \$14,999	1,048	8.3%	880	7.20%
\$15,000 to \$24,999	1,048	8.3%	2,174	17.80%
\$25,000 to \$34,999	2,262	17.9%	1,831	15.00%
\$35,000 to \$49,999	1,921	15.2%	2,587	21.20%
\$50,000 to \$74,999	2,365	18.8%	1,748	14.30%
\$75,000 to \$99,999	2,251	17.9%	898	7.40%
\$100,000 to \$149,999	983	7.8%	718	5.90%
\$150,000 to \$199,999	390	3.1%	178	1.50%
\$200,000 or more	56	0.4%	19	0.20%
Median household income (dollars)	85	0.7%	35,345	(X)
Mean household income (dollars)	33,732	(X)	44,251	(X)
With earnings	10,107	80.2%	9,446	77.50%

Table 4: Income				
Income and Benefits (in 2007 Inflation-Adjusted Dollars)	1999	1999 Percent	2005-07 Estimate	2005-07 Percent
Mean earnings (dollars)	41,372	(X)	43,300	(X)
With Social Security	3,648	28.9%	3,858	31.70%
Mean Social Security income (dollars)	11,867	(X)	14,601	(X)
With retirement income	2,064	16.4%	2,394	19.70%
Mean retirement income (dollars)	13,292	(X)	12,196	(X)
With Supplemental Security Income	782	6.2%	538	4.40%
Mean Supplemental Security Income (dollars)	6,159	(X)	8,213	(X)
With cash public assistance income	588	4.7%	398	3.30%
Mean cash public assistance income (dollars)	1,784	(X)	2,059	(X)
With Food Stamp benefits in the past 12 months			2,105	17.30%
Families	8,009	100.0%	7,595	100%
Less than \$10,000	545	6.8%	485	6.40%
\$10,000 to \$14,999	433	5.4%	475	6.30%
\$15,000 to \$24,999	1,323	16.5%	1,188	15.60%
\$25,000 to \$34,999	1,149	14.3%	1,183	15.60%
\$35,000 to \$49,999	1,526	19.1%	1,710	22.50%
\$50,000 to \$74,999	1,744	21.8%	1,214	16.00%
\$75,000 to \$99,999	849	10.6%	690	9.10%
\$100,000 to \$149,999	336	4.2%	453	6.00%
\$150,000 to \$199,999	50	0.6%	178	2.30%
\$200,000 or more	54	0.7%	19	0.30%
Median family income (dollars)	39,520	(X)	39,860	(X)
Mean family income (dollars)			48,640	(X)
Per capita income (dollars)	16,995	(X)	17,675	(X)
Nonfamily households			4,587	100%
Median nonfamily income (dollars)			24,873	(X)
Mean nonfamily income (dollars)			33,249	(X)
Median earnings for workers (dollars)			22,142	(X)
Median earnings for male full-time, year-round workers (dollars)	32,194	(X)	40,188	(X)
Median earnings for female full-time, year-round workers (dollars)	23,125	(X)	25,305	(X)
PERCENTAGE OF FAMILIES AND PEOPLE WHOSE INCOME IN THE PAST 12 MONTHS IS BELOW THE POVERTY LEVEL				
All families	830	10.4%	15.10%	(X)
With related children under 18 years	689	15.5%	25.20%	(X)
With related children under 5 years only	439	23.3%	11.00%	(X)
Married couple families	x	x	3.50%	(X)
With related children under 18 years	x	x	6.70%	(X)
With related children under 5 years only	x	x	10.40%	(X)
Families with female householder, no husband present	528	23.8%	32.10%	(X)
With related children under 18 years	485	29.0%	41.70%	(X)
With related children under 5 years only	325	45.1%	28.90%	(X)
All people	4,010	13.3%	19.80%	(X)
Under 18 years	x	x	32.30%	(X)

Table 4: Income				
Income and Benefits (in 2007 Inflation-Adjusted Dollars)	1999	1999 Percent	2005-07 Estimate	2005-07 Percent
Related children under 18 years	1,600	20.2%	31.30%	(X)
Related children under 5 years	x	x	34.90%	(X)
Related children 5 to 17 years	974	17.3%	29.70%	(X)
18 years and over	2,377	10.8%	15.50%	(X)
18 to 64 years	x	x	16.80%	(X)
65 years and over	415	9.5%	10.00%	(X)
People in families	x	x	17.40%	(X)
Unrelated individuals 15 years and over	1,160	19.0%	28.20%	(X)

Source: U.S. Census

Areas of Low-Income Concentration

Areas of poverty concentration were determined by mapping out which census tracts had a large percentage of families below the federal poverty level living in them. “Poverty” thresholds are set nationally, and are generally lower than the local “low and moderate income” thresholds. For example, the 2008 poverty thresholds from the Census Bureau for people under 65 were:

Table 5: Poverty Thresholds				
Household Size	No Children	One Child	Two Children	Three Children
Single Person	\$11,201			
Two People	\$14,417	\$14,840		
Three People	\$16,841	417,330	\$17,346	
Four People	\$22,207	\$22,570	\$21,834	\$21,910

Source: U.S. Census

The following table provides Low/Mod data estimates from HUD’s Comprehensive Housing Affordability Strategy (CHAS). Low/Mod data estimates are calculated at three income levels: Moderate Income (80%) level, Low Income (50%), and Very Low Income (30%) level. Information is not available for the Middle Income (greater than 80%) level.

Table 6: HUD Low/Mod Data						
Michigan City	Low/Mod Residents	Low/Mod Universe	% Low/Mod	Moderate Income Families	Low-Income Families	Very Low-Income Families
City Total	15,196	30,159	50.4%	3,752	2,159	937

Source: HUD

Table 7: HUD Income Limits								
	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8+ Person
30% Limits	\$12,800	\$14,650	\$16,450	\$18,300	\$19,750	\$21,250	\$22,700	\$24,150
Very Low Income	\$21,350	\$24,400	\$27,450	\$30,500	\$32,950	\$35,400	\$37,800	\$40,250
Low-Income	\$34,150	\$39,050	\$43,900	\$48,800	\$52,700	\$56,600	\$60,500	\$64,400

Source: HUD 2009

Community Development Block Grant dollars are available only in areas where 51% or more of the area residents are Low to Moderate Income.

Figure 1 on the next page illustrates the percent of households in poverty by census tract.

Census Tract 401 and parts of Census Tracts 402, 403, and 409 have the highest concentrations of persons living in poverty.

Figure 1a shows CDBG eligible block groups with concentrations of persons, which contain 51% or more Low-Moderate Income.

Figure 1: Poverty Status by Census Tract and Block Group 2000

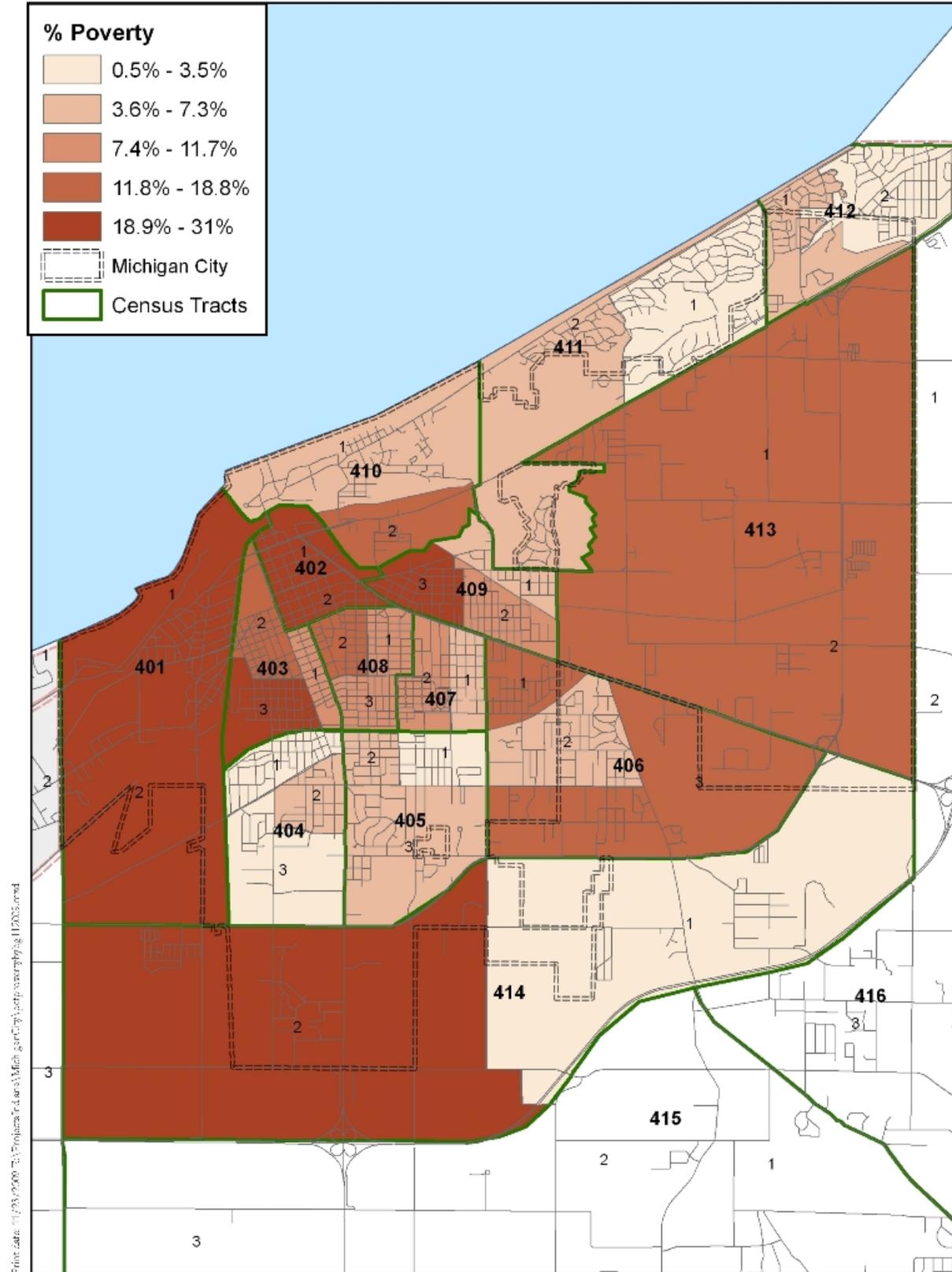
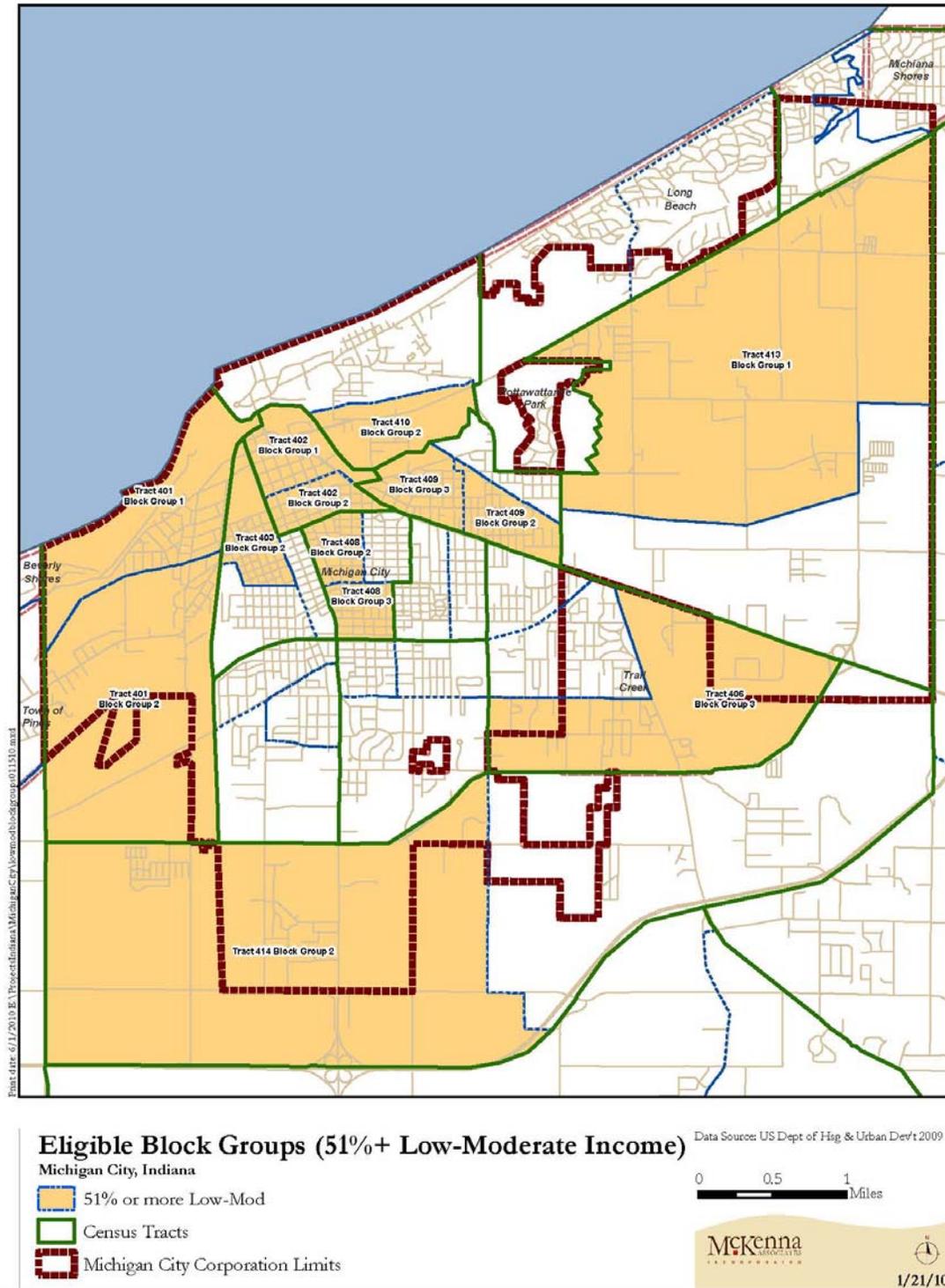


Figure 1a: Eligible Block Groups (51% + Low-Moderate Income)



C. Employment Data

Employment and unemployment figures have changed significantly since the last Census estimate. Michigan City has experienced a recent rise in unemployment up to 12% in 2009, according to the Michigan City Economic Development Corporation. However, the City saw more than \$36,306,625 in business investment and the creation of over 282 new jobs between 2006 and 2008.

Table 8: Employment				
Selected Economic Characteristics	2000	2000 Percent	2005-07 Estimate	2005-07 Percent
Population 16 years and over	25,508	100.0%	24,926	100%
In labor force	15,108	59.2%	14,331	57.50%
Civilian labor force	15,100	59.2%	14,331	57.50%
Employed	14,254	55.9%	13,059	52.40%
Unemployed	846	3.3%	1,272	5.10%
Armed Forces	8	0.0%	0	0.00%
Not in labor force	10,400	40.8%	10,595	42.50%
Civilian labor force			14,331	100%
Unemployed			8.90%	(X)
Females 16 years and over	12,697	100.0%	12,434	100%
In labor force	7,494	59.0%	7,475	60.10%
Civilian labor force	7,486	59.0%	7,475	60.10%
Employed	7,037	55.4%	6,809	54.80%
Own children under 6 years	2,741	100.0%	2,438	100%
All parents in family in labor force	1,954	71.3%	1,971	80.80%
Own children 6 to 17 years			4,405	100%
All parents in family in labor force			3,450	78.30%
COMMUTING TO WORK				
Workers 16 years and over	13,926	100.0%	12,818	100%
Car, truck, or van -- drove alone	11,134	80.0%	10,080	78.60%
Car, truck, or van -- carpooled	1,843	13.2%	1,403	10.90%
Public transportation (excluding taxicab)	254	1.8%	505	3.90%
Walked	362	2.6%	347	2.70%
Other means	143	1.0%	187	1.50%
Worked at home	190	1.4%	296	2.30%
Mean travel time to work (minutes)	18.7	(X)	17.8	(X)
Civilian employed population 16 years and over				
OCCUPATION	14,254	100.0%	13,059	100%
Management, professional, and related occupations	3,031	21.3%	3,080	23.60%
Service occupations	3,035	21.3%	2,988	22.90%
Sales and office occupations	3,667	25.7%	3,274	25.10%
Farming, fishing, and forestry occupations	28	0.2%	70	0.50%
Construction, extraction, maintenance and repair occupations	1,330	9.3%	951	7.30%
Production, transportation, and material moving occupations	3,163	22.2%	2,696	20.60%

Table 8: Employment				
Selected Economic Characteristics	2000	2000 Percent	2005-07 Estimate	2005-07 Percent
INDUSTRY				
Civilian employed population 16 years and over			13,059	100%
Agriculture, forestry, fishing and hunting, and mining	52	0.4%	15	0.10%
Construction	831	5.8%	643	4.90%
Manufacturing	3,192	22.4%	2,734	20.90%
Wholesale trade	325	2.3%	163	1.20%
Retail trade	1,847	13.0%	1,944	14.90%
Transportation and warehousing, and utilities	612	4.3%	696	5.30%
Information	227	1.6%	219	1.70%
Finance and insurance, and real estate and rental and leasing	671	4.7%	461	3.50%
Professional, scientific, and management, and administrative and waste management services	908	6.4%	1,018	7.80%
Educational services, and health care and social assistance	2,450	17.2%	2,564	19.60%
Arts, entertainment, and recreation, and accommodation, and food services	1,709	12.0%	1,663	12.70%
Other services, except public administration	615	4.3%	416	3.20%
Public administration	815	5.7%	523	4.00%
CLASS OF WORKER				
Civilian employed population 16 years and over			13,059	100%
Private wage and salary workers	12,068	84.7%	10,836	83.00%
Government workers	1,674	11.7%	1,582	12.10%
Self-employed workers in own not incorporated business	460	3.2%	641	4.90%
Unpaid family workers	52	0.4%	0	0.00%

The largest employment sector in the Michigan City economy is “Manufacturing” (20.9%) followed by “Educational services, health care and social assistance” (19.6%) and “Retail Trade” (14.9%). The manufacturing sector has been especially hard hit in the recent economic downturn.

Economic Growth/Job Creation

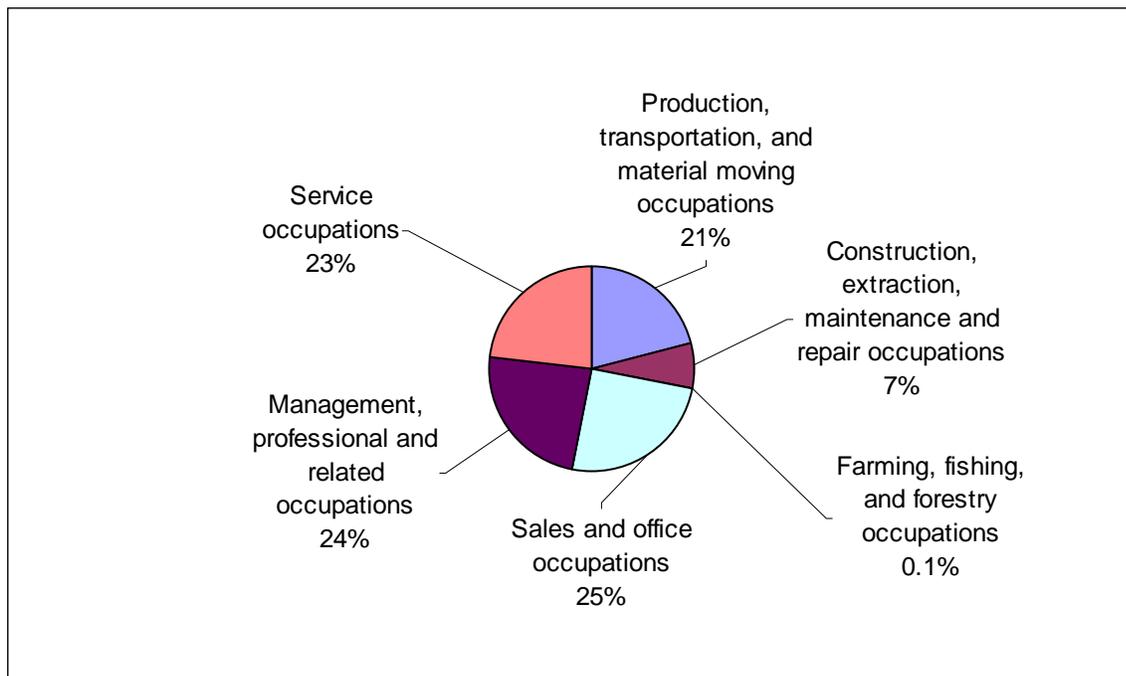
Michigan City’s industry is as diverse as its population. As listed in Table 9, in Michigan City, manufacturing was the largest sector of employment; followed by educational, health and social sciences and related services as the second largest sector; and retail trade as the third largest sector. These three leading sectors account for approximately 55.4% of the employment in Michigan City.

Table 9: Jobs by Selected Industry	
Industry	Percent
Manufacturing	20.9%
Educational, health, and social sciences	19.6%
Retail trade	14.9%
Arts, entertainment, recreation, accommodations, and food services	12.7%
Professional, scientific, management, administrative, and waste management services	7.8%
Transportation and warehousing, utilities	5.3%
Construction	4.9%
Public Administration	4.0%
Finance, insurance, real estate, and rental and leasing	3.5%
Other services (except public administration)	3.2%
Information	1.7%
Wholesale trade	1.2%
Agriculture, forestry, fishing and hunting, and mining	0.1%

Source: U.S. Census Bureau, 2007

As illustrated in Figure 2, “Sales and Office occupations” and Management, professional and related occupations” were the largest occupations by type.

Figure 2: Occupation by Type



The following table lists major employers in Michigan City. As more businesses expand and relocate to Michigan City, the demand for more housing choices will increase.

Employer	Type of Business	# of Employers
Blue Chip Hotel and Casino	Gaming/Hotel	1,210
Michigan City Area Schools	Education	1,200
St. Anthony Memorial	Healthcare	940
Sullair Corp.	Air Compressor Manufacturer	750
Indiana State Prison	Correctional facility	450
Michigan City Baking	Michigan City Baking	440
City of Michigan City	Municipal Government	446
Lakeshore Foods Corp.	Grocery and food products	416
Tonn & Blank	Construction	360
Meijer	Retail	346

Source: Michigan City's Area Chamber of Commerce, 2009

D. Housing Profile

Housing may be the single most important element in any community. Housing stock is the largest long-term asset in most towns, cities, and counties. Since residential development is usually the predominant user of urban land, taxes on housing constitute a principal source of local government revenue. Housing can also be a major expenditure for local government entities and housing definitely represents their largest monthly expenditure. As an industry, housing represents a major portion of the economic life of any community.

As Figure 3 and Table 11 listed below illustrates, 16.8% of housing units in Michigan City are vacant, which is above La Porte County's average of 13% and the state's average of 11.1%.

Figure 3: Housing Occupancy, Michigan City

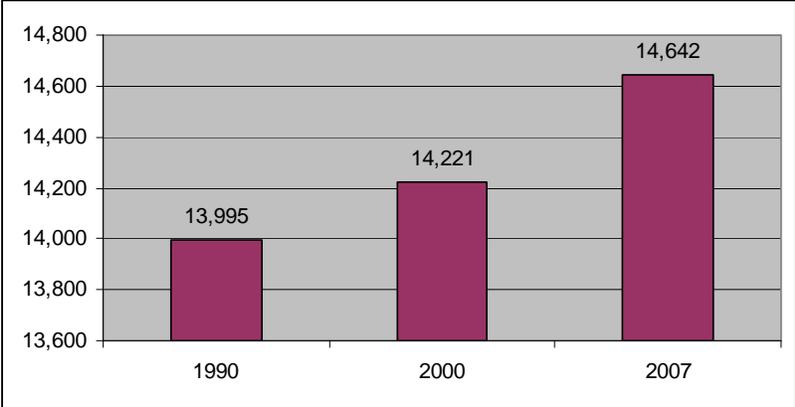


Location	Occupied	Vacant
Michigan City	87.2%	16.8%
LaPorte County	87.0%	13.0%
Indiana	88.9%	11.1%

Source: U.S. Census Bureau, 2000

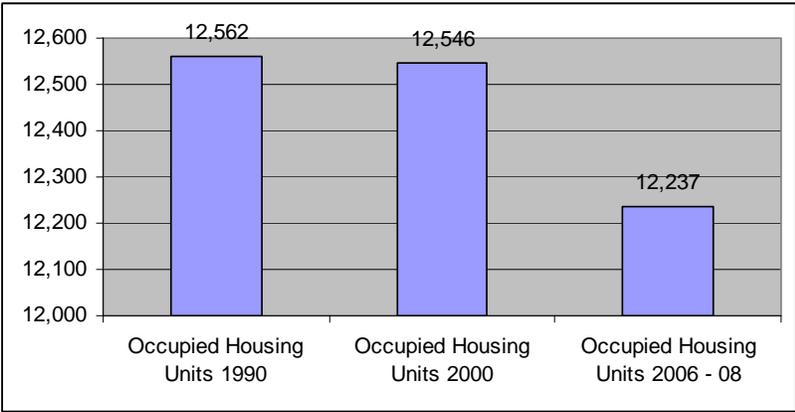
From 1990 to 2000, Michigan City’s total housing stock increased from 13,995 to 14,221, an increase of 1.6%, and by 2007 it increased again to 14,642 units, an increase of 2.9%. Between 2000 and 2007, occupied housing units continued in a downward trend and decreased by 2.9% while vacant housing units increased by 46.9%.

Figure 4: Growth in Housing Units



Source: U.S. Census Bureau: 2000 & 2007

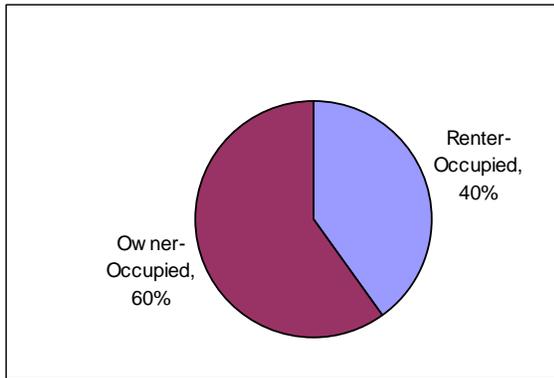
Figure 5: Occupied Housing Trends



Source: U.S. Census Bureau: 2000 & 2007

As Figure 6 illustrates, 60% of housing units in Michigan City are owner-occupied, which is below La Porte County’s average of 75.5% and the state’s average of 72.1%.

Figure 6: Housing Tenure, Michigan City

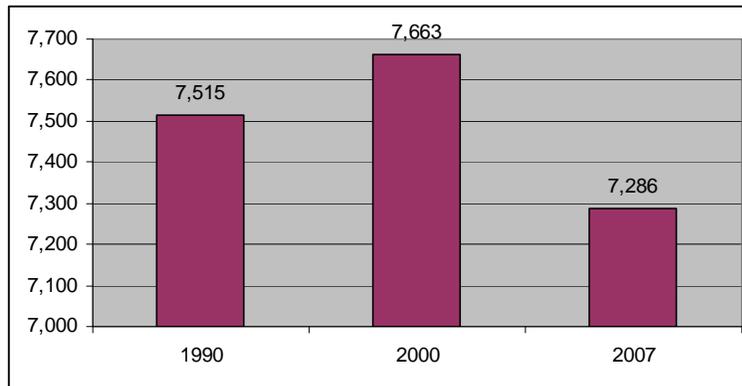


Location	Owner - Occupied	Renter - Occupied
Michigan City	59.8%	40.2%
LaPorte County	75.5%	24.5%
Indiana	72.1%	27.9%

Source: U.S. Census Bureau

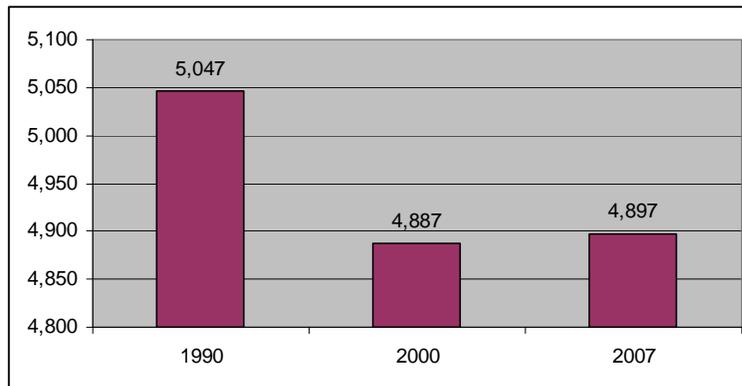
From 1990 to 2000, Michigan City’s total owner-occupied housing units increased from 7,515 to 7,663 which is a 2% increase. However, in 2007 the total number of owner-occupied housing units decreased by 4.9% to 7,286. Renter-occupied housing units decreased between 1990 and 2000 from 5,047 to 4,887, and increased only .2% in 2007 to 4,897.

Figure 7: Owner-Occupied Housing Trends



Source: U.S. Census Bureau: 2000 & 2007

Figure 8: Renter-Occupied Housing Trends



Source: U.S. Census Bureau: 2000 & 2007

The decline in the number of occupied housing units is in keeping with the decline in the city’s population in recent years. Also, as city residents continue to age and children move out of their parent’s home, household sizes tend to become smaller. As Table 13 demonstrates, the average household size of both owner-occupied and renter-occupied housing units declined from 1990 to 2000 and again from 2000 to 2007. This trend is expected to continue as family sizes continue to decline.

Table 13: Persons Per Household		
Year	Persons per owner-occupied unit	Persons per renter-occupied unit
1990	2.71	2.39
2000	2.49	2.28
2007	2.41	2.28

Source: U.S. Census Bureau

Figure 9: Households by Type

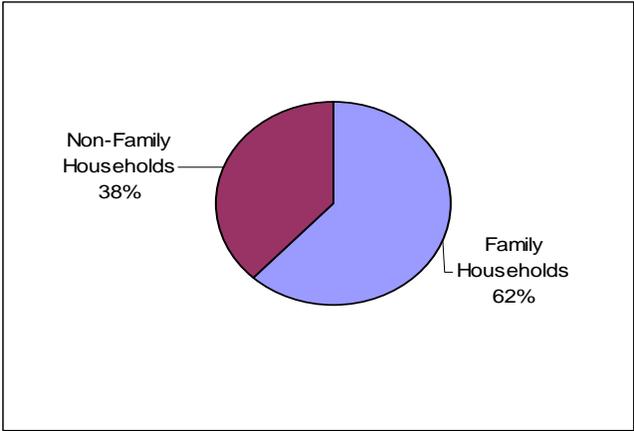


Figure 9 above and Table 14, and Figures 10 and 11 below provide information on Michigan City Households by Type. From 1990 to 2000, Family Households decreased from 8,275 to 7,903, and again in 2007 to 7,575 which is a 4.5% decrease from 2000 to 2007. Non-Family Households increased from 4,287 to 4,647 between 1990 and 2000, but decreased between 2000 and 2007 from 4,647 to 4,587, a 1.2% decrease. Also, it’s important to note the large increases of all categories except for Married Couple Families, which experienced steady decline, and Other Non-Family Household Types, which saw an increase between 1990 and 2000 but decreased between 2000 and 2007.

Table 14: Changes in Household Type from 1990 to 2007							
Households	1990	2000	2007	Numeric Change		Percent Change	
Family Households	8,275	7,903	7,595	-372	-308	-4.50%	-3.90%
- Married-couple family	5,824	5,018	4,318	-806	-700	-13.84%	-13.94%
- Female householder, no husband present	1,997	2,271	2,633	274	362	13.72%	15.94
- Male householder, no wife present	454	614	644	160	30	35.24%	4.89
Non-Family Households	4,287	4,647	4,587	360	-60	8.40%	-1.29
- Householder living alone	3,675	3,884	3,964	209	80	5.69%	2.06
- Other non-family household types	612	763	623	151	-140	24.67%	-18.35
Total Households	12,562	12,550	12,182	-12	-368	-0.10%	-2.93

Source: U.S. Census Bureau: 2000 & 2007

Figure 10: Family Households by Type

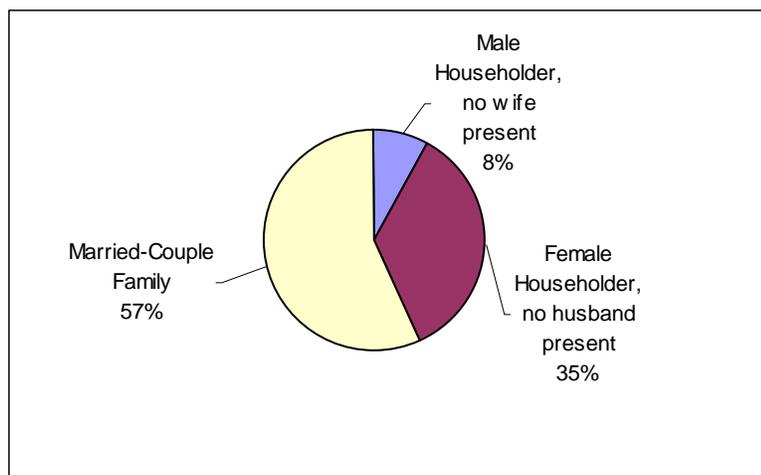
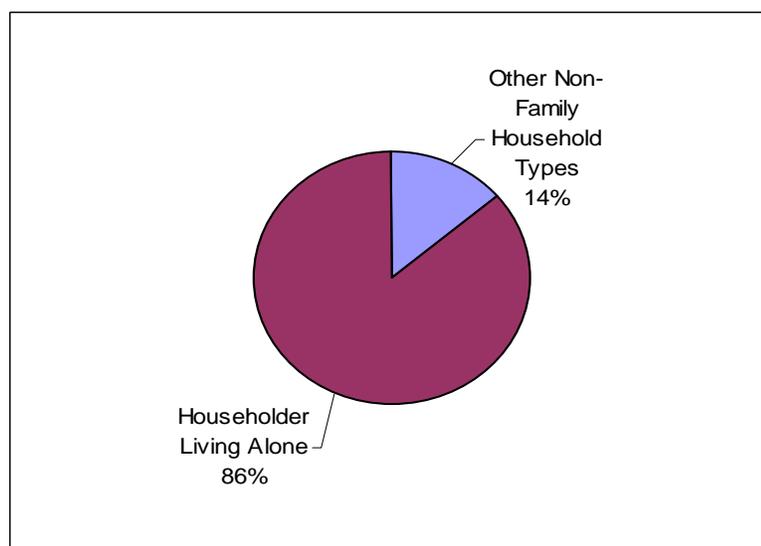


Figure 11: Non-Family Households by Type



Housing Demand and Condition

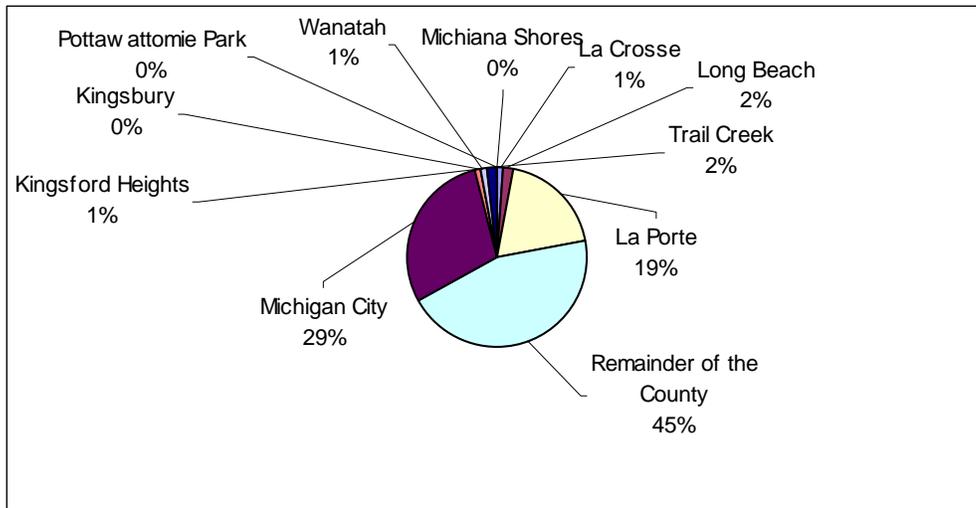
Generally, the demand for housing originates from four sources:

- Population Growth
- Aging Community
- Rehabilitation/Replacement Housing
- Economic Growth/Job Creation

Population Growth

As shown in Figure 12, Michigan City's population makes up approximately 29% of La Porte County's total population. With a 2007 estimated population of approximately 31,851, Michigan City is the largest city in the county and is a regional hub for government, commerce, and social services.

Figure 12*: La Porte County Population by City or Town



* Indicates data that was not updated in the 2005 – 2007 American Community Survey

According to Table 15, Michigan City has been experiencing a decline in population since the late 1970's. This trend does not appear to be changing, as recent population trends show that Michigan City's population decreased by 2.73% from 1990 to 2000 and 4.09% from 2000 to 2007. This continual decline in population can indicate a need for more housing opportunities, job opportunities, and economic growth incentives.

Table 15: Population Trends			
Year	Population	Numerical Change	Percent Change
1900	14,850		
1910	19,027	4,177	28.13%
1920	19,457	430	2.26%
1930	26,735	7,278	37.41%
1940	26,476	-259	-0.97%
1950	28,395	1,919	7.25%
1960	36,653	8,258	29.08%

Table 15: Population Trends			
Year	Population	Numerical Change	Percent Change
1970	39,369	2,716	7.41%
1980	36,850	-2,519	-6.40%
1990	33,822	-3,028	-8.22%
2000	32,900	-922	-2.73%
2007	31,553	-1,347	-4.09%

Source: U.S. Census Bureau

Aging Community

Age estimates in Table 16 reveal that approximately 26.1% of the population is under the age of 19. As this group continues to age, they may create future housing demand (e.g. condos, lofts, and townhouses). It is also important to pay attention to the 18.6% of persons in the 60 years and older category, which has increased from 17.7% in 2000, because this group often requires assistance in maintaining homes or requires special living accommodations.

Table 16: Community Age Distribution	
Population by Age	Percentage of Total Population
Under 5 Years	7.0%
5 to 9 years	6.9%
10 to 14 years	5.8%
15 to 19 years	6.4%
20 to 24 years	6.4%
25 to 34 years	15.9%
35 to 44 years	13.3%
45 to 54 years	13.7%
55 to 59 years	6.0%
60 to 64 years	4.6%
65 to 74 years	6.2%
75 to 84 years	5.9%
85 years and older	1.9%
Median Age	
35.8 Years	

Rehabilitation/Replacement Housing

While housing stock increased from 1990 to 2007, the number of residential building permits issued in the last few years has declined. A high vacancy rate and information in Table 18 below illustrate an aging housing stock that may be in need of rehabilitation. Generally structures older than 40 years that have never been renovated are in need of rehabilitation. Also, as determined by the Indiana Department of Natural Resources, Archaeological and Historical Division, a home 50 years old and older could be considered for inclusion in the National Historic Register, pending its historical significance. Approximately 45% of homes in Michigan City are 40 years old or older. It is essential that the city update and rehabilitate its housing stock to maintain safe, decent, and quality housing. Table 19 further demonstrates how housing units in Michigan City are aging, as about 48% of householders have lived in their homes for more than 10 years.

Family Size	2004	2005	2006	2007
Single Family	77	74	55	40
Two Family	0	0	0	0
Three and Four Family	13	10	7	9
Five or More Family	0	0	0	0
Total	90	84	62	49

Source: U.S. Census Bureau

Years Structure Built	Percent
2005 or later	0.1%
2000 to 2004	4.6%
1990 to 1999	8.9%
1980 to 1989	7.2%
1970 to 1979	14.7%
1960 to 1969	11.6%
1940 to 1959	9.0%
1939 or earlier	24.8%
Total Housing Units	14,642

Source: U.S. Census Bureau, 2007

Years Household Moved In	Percent
2005 or later	21.9%
2000 to 2004	29.8%
1990 to 1999	21.6%
1980 to 1989	8.6%
1970 to 1979	8.5%
1969 or earlier	9.6%
Total Occupied Housing Units	12,550

Source: U.S. Census Bureau, 2007

The following tables and charts show unit, room, bedroom, and home value characteristics for housing units in Michigan City. More than half (65.1%) of the total number of units are one unit or less.

Units in Structure	Percent
1 unit, detached	60.9%
1 unit, attached	4.2%
2 units	9.1%
3 or 4 units	5.0%
5 to 9 units	5.9%
10 to 19 units	5.9%
20 or more units	6.5%
Mobile Home	2.6%
Boat, RV, van, etc.	0.0%

Source: U.S. Census Bureau, 2007

Number of Rooms	Percent of Total
1	0.3%
2	2.3%
3	10.1%
4	20.0%
5	29.7%
6	16.6%
7	8.7%
8	6.8%
9	5.6%
Median	5.1

Source: U.S. Census Bureau, 2007

Figure 13: Rooms in Owner-Occupied Housing Units

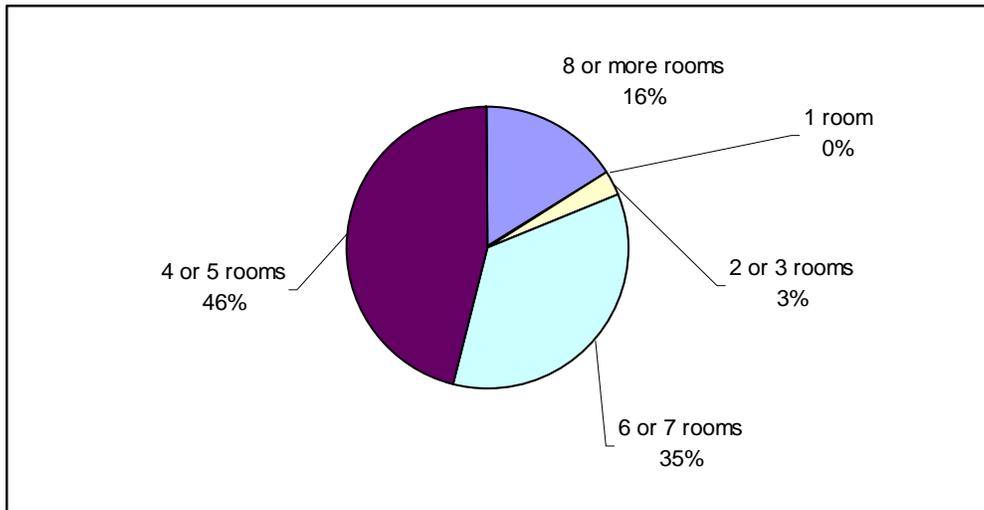


Figure 14: Rooms in Renter-Occupied Housing Units

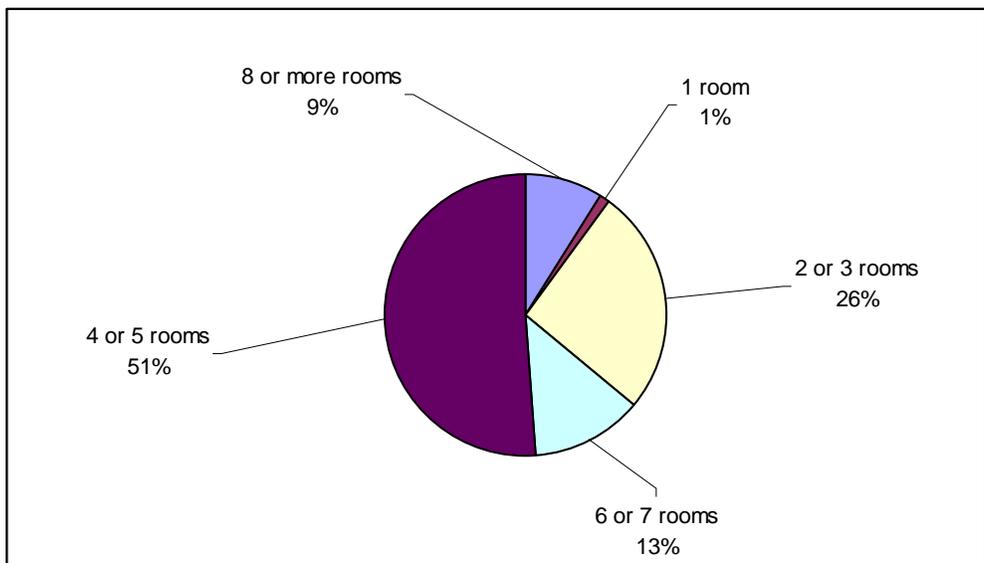


Table 22: Home Values			
Value	Percent	Value	Percent
Less than \$50,000	8.9%	\$30,000 to \$499,999	1.0%
\$50,000 to \$99,999	57.1%	\$500,000 to \$999,999	1.4%
\$100,000 to 149,999	20.9%	\$1,000,000 or more	0.0%
\$150,000 to \$199,999	7.0%	Median (dollars)	\$87,700
\$200,000 to \$299,999	3.6%		

Source: U.S. Census Bureau, 2007

Housing Costs

Housing costs in general are a primary determinant of the need for housing assistance. The two main factors affecting housing cost are household income and housing condition. Household income levels directly impact the level of housing costs families can afford. The conditions of housing units largely determine the actual costs of those units. As a result, housing quality usually correlates with household income. As household income increases, families can afford higher quality, more expansive housing. Higher priced housing is typically characterized by newer components (with a longer life expectancy because of advanced technology and less wear and tear), large living spaces that help prevent overcrowding, and basic amenities that ensure adequate plumbing, heating and kitchen facilities as required by more recent building codes. Substandard housing units typically have lower rents and purchase prices because of reduced marketability.

Tables 23 - 26 provide valuable statistical data about Maximum Affordable Housing Costs, Fair Market Rents and the income needed to be able to afford them. The following information is from “Out of Reach” and annual analysis of the affordability of rental units based on a comparison of affordable rents and minimum wages prepared by The National Low-Income Housing Coalition (NLIHC).

Location	30%	50%	80%	100%
Indiana	\$440	\$734	\$1,174	\$1,467
LaPorte County	\$436	\$726	\$1,162	\$1,453

Source: National Low Income Housing Coalition, Out of Reach, 2008

Location	Zero	One	Two	Three	Four
Indiana	\$487	\$553	\$674	\$863	\$921
LaPorte County	\$443	\$511	\$649	\$862	\$887

Source: National Low Income Housing Coalition, Out of Reach, 2008

Location	Amount per Number of Bedrooms					Percent of Family AMI per Number of Bedrooms				
	Zero	One	Two	Three	Four	Zero	One	Two	Three	Four
Indiana	\$19,487	\$22,123	\$26,942	\$34,523	\$36,842	33%	38%	46%	59%	63%
LaPorte	\$17,720	\$20,440	\$25,960	\$34,480	\$35,480	30%	35%	45%	59%	61%

Source: National Low Income Housing Coalition, Out of Reach, 2008

Location	Hourly Wage Needed to Afford FMR per Number of Bedrooms (@ 40 hrs/week)					As % of Minimum Wage (IN = \$6.55 in 2008)				
	Zero	One	Two	Three	Four	Zero	One	Two	Three	Four
Indiana	\$9.37	\$10.64	\$12.95	\$16.60	\$17.71	160%	182%	221%	284%	303%
LaPorte	\$8.52	\$9.83	\$12.48	\$16.58	\$17.06	146%	168%	213%	283%	292%

Source: National Low Income Housing Coalition, Out of Reach, 2008

Location	Zero Bedroom FMR	One Bedroom FMR	Two Bedroom FMR	Three Bedroom FMR	Four Bedroom FMR
Indiana	64	73	89	113	121
LaPorte County	58	67	85	113	117

Source: National Low Income Housing Coalition, Out of Reach, 2008

Location	Zero	One	Two	Three	Four	Zero	One	Two	Three	Four
Indiana	\$19,487	\$22,123	\$26,942	\$34,523	\$36,842	33%	38%	46%	59%	63%
LaPorte	\$17,720	\$20,440	\$25,960	\$34,480	\$35,480	30%	35%	45%	59%	61%

Source: National Low Income Housing Coalition, Out of Reach, 2008

Public and Assisted Housing

Table 29 provides a list of Subsidized and/or Below Market Rate Housing units in Michigan City. Section 8 Housing Voucher and Public Housing programs in Michigan City are administered by the Michigan City Housing Authority (MCHA).

Property	# of Units	# of Bedrooms	Population Served	Waiting List
Section 8				
Garden Estates West 909 Pinetree Ct. Michigan City, IN 46360 Phone: 219-879-5331	171	1,2,3	General Income Eligible, Elderly	6 Months
Parkwood Green II 227 Barker Rd. Michigan City, IN 46360 Phone: 219-872-2200	10	12	General Income Eligible	No waiting list – not accepting more Sec. 8 tenants
Shorewood Place (half-way house) 975 S. Carroll Street Michigan City, IN 46360 Phone: 219-872-2002	12	1	Chronically and Mentally ill, handicapped	2-4 Months
Tall Timbers Apartment 3065 Springland Ave. Michigan City, IN 46360 Phone: 219-872-7401	16	3,4	General Income Eligible	3BR: 4-6 Months 4BR: 1.5 Years
Tall Timbers Apartment 3065 Springland Ave. Michigan City, IN 46360 Phone: 219-872-7401	56	1,2,3,4	General Income Eligible	1BR: 1-2 Years 2BR: 1-2 Years 3BR: 4-6 Months 4BR: 1-2 Years
Woodland East Apartments 3401 Salem Ct. Michigan City, IN 46360 Phone: 219-872-1321	224	1,2,3	General Income Eligible	Section 8 (136 Units) 1BR, 3BR – 2 Years 2 BR – 1 Year 88 Section 236 (136 Units) – N/A
Public Housing				
Michigan City Housing Authority			Phone: 219-872-7287	
Lakeland Estates	50	2,3,4,5	General Income Eligible	2-3 Years
Boulevard Gardens	100	0.1	Elderly, Disabled,	1-3 Months

Table 29: Subsidized and/or Below Market Rate Housing Units				
Property	# of Units	# of Bedrooms	Population Served	Waiting List
			Handicapped	
Scattered Site Rentals	27	1,2,3,4,5	General Income Eligible	4-5 Years
RHTC				
Woodland Crossing II 300 Wood's Edge Drive Michigan City, IN 46360 Phone: 219-878-1140	80	1,2,3	General Income Eligible	3-6 Months
Woodland Crossing, I, LLC 334/336 Wood's Edge Dr. Michigan City, IN 46131 Phone: 219-878-1140	64	1,2,3	General Income Eligible	3-6 Months

Source: Michigan City Consolidated Plan 2009

The Michigan City Housing Authority currently provides affordable rental housing opportunities through 176 public housing rental units and 261 Housing Choice Vouchers. The MCHA also provides affordable homeownership opportunities through 37 scattered site lease-to purchase homes. MCHA units are all in good condition and 100% occupied with the exception of one unit used as office space. MCHA also has plans in place to construct or acquire four additional public housing units.

Homeless Facilities

Tables 30 - 32 provide a list of organizations that provide emergency shelter, transitional housing, permanent supportive housing and permanent housing services to homeless individuals in Michigan City.

Table 30: Emergency Shelter Providers		
Organization/Provider	# of Beds	General Information
Sand Castle Shelter for Children and Families 1005 W. 8 th Street Michigan City, IN 46360 Phone: 219-879-2552	19	30 Day Emergency Shelter for families with children and single women. Provides breakfast and dinner, case management, assistance with finding housing and jobs, and match dollars for a security deposit. Bright Beginnings – provides cleaning supplies, bedding, etc. when families move out of the shelter. Provides showers and laundry facilities
Stepping Stone P.O. Box 1045 Michigan City, IN 46360 Phone: 219-879-4615	33	45 Day Emergency Shelter for victims of domestic violence and their minor children. Provides referrals to transitional housing, case management, supportive services, and advocacy
Salvation Army 1201 S. Franklin Street Michigan City, IN 46360 Phone: 219-874-6885	20	<u>Homeless Men's Shelter Program</u> Have approximately 30 beds, but will try to accommodate overflow with the use of sleeping bags. Physical shelter is provided by different area churches on different nights of the week. Salvation Army manages the summer program. Faith Based Men's Shelter group manages the winter program.
La Porte County Juvenile Services Center (Crowley Juvenile Center) 0364 S. Ziglar Road LaPorte, IN 46350 Phone: 219-324-5130, Ext. 12	24	Juvenile Center provides emergency services for youth, which have been reported or notified as homeless. Also acts as transitional housing, while foster care or some other alternative living situation such as a relative is being searched for. Provides substance abuse and self esteem counseling, education services, recreation, daily living skills classes, pregnancy and STD prevention groups, and individual and family counseling.

Source: Michigan City Consolidated Plan 2009

Table 31: Transitional Housing Providers		
Organization/Provider	# of Beds	General Information
Stepping Stone P.O. Box 1045 Michigan City, IN 46360 Phone: 219-879-4615	15	Can accommodate 15 families. Referrals come from the Emergency Shelter. Can stay up to two years. Must be victims of domestic violence.
Michigan City Housing Authority 621 E. Michigan Blvd. Michigan City, IN 46430 Phone: 219-872-7287	6	6 transitional housing units for men. Must stay at least 12 months, can stay no longer than 24 months. Funded through section 8 vouchers. Constructed with IHFA funds.
North Central Community Action Agency 301 E. 8 th Street Michigan City, IN 46430 Phone: 219-872-0351	3	Three Transitional Housing units for families with children
Pact, Inc. 1005 W 8 th Street Michigan City, IN 46430 Phone: 219-879-2552	59	Federal Half-Way House for those leaving federal penitentiary, or sentenced out of local courts. Currently serve 59 people in their facility. Provide transition services: life skills, parenting classes, employment readiness, case management, and family reunification.

Source: Michigan City Consolidated Plan 2009

Table 32: Permanent Supportive Housing and Permanent Housing Providers		
Organization/Provider	# of Beds	General Information
Michigan City Housing Authority 621 E. Michigan Blvd. Michigan City, IN 46430 Phone: 219-872-7287	190	Provides adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

Source: Michigan City Consolidated Plan 2009

Special Needs Facilities and Services

The following table provides a list of Michigan City organizations/service providers who provide mental health, disability, and aging services and the services they provide.

Table 33: Mental Health, Disability, and Aging Services	
Real Services, Inc. Area II Agency on Aging 2626 N. State Road 39 La Porte, IN 46350 Phone: 219-324-4199	Provide in-home supportive services which allow elderly and/or disabled to remain in their homes as long as possible thus providing maximum independence. Overall services include: Case Management, Adaptive Aides and devices, adult day services, attendant care, homemaker, home delivered meals, home modifications, pest control, and respite.
LaPorte County Council on Aging/Parents and Friends 800 Michigan Avenue LaPorte, IN 46350 Phone: 219-326-7889	Provide older adult services, planning and coordination, transportation, rural meals on wheels, assistance to the homebound elderly, guardianship and protective services. Parents and Friends provide group home services and a waiver program for 34 individuals.
Swanson Center 450 St. John Road, Suite 601 Michigan City, IN 46430 Phone: 219-879-4621	Provides housing programs and supportive services to mentally ill and/or substance abusers. Provide intake evaluation, face-to-face counseling sessions, telephone consultations, and assessment for hospitalization. All programs assist clients who are returning to the community from mental health institutions and require a structured living setting. Community Support Services is a system of community-based case management services for persons who have been identified as seriously mentally ill. This service can be provided in Supervised Group Living (SGL) homes, Alternative Families for Adults (AF/A) homes, Semi-Independent Living Program (SILP) apartments (3 Total; two 1-bed, one 2-bed), or for individuals living independently in the community.
Dungarvin Indiana, Inc. 400 Legacy Plaza West LaPorte, IN 46350 Phone: 219-326-6277	Provides supported living services: habilitation, personal assistance, respite, case management, and environmental modifications services. Services available for individuals in group homes or living with family. Utilities and food provided for group homes.
Michigan Resources 4315 E. Michigan Boulevard Michigan City, IN 46430 Phone: 219-874-4288	Provides vocational/developmental rehabilitation services, respite, and adult day care for those with early stages of Alzheimer's and dementia.
Barker Woods Enrichment Center 3200 S. Cleveland Ave. Michigan City, IN 46360 Phone: 219-872-6996	Provides speech, hearing and physical therapy to infants and toddlers from birth to 3 years old. Pediatric clinic that services children from birth to age 18 speech, physical therapy, and occupational therapy. Also provides day care, after school care, and pre-school. Specializes in serving children with disabilities.
First Steps 11045 Broadway, Suite F Crown Pointe, IN 46037 Phone: 219-662-7790	Early intervention for families which have infants and toddlers with developmental delays or who show signs of being at-risk to have certain delays in the future. Speech therapy, developmental, occupational, physical. Psychologists and nutritionists are available.
Goodwill Industries 1209 Franklin Street Michigan City, IN 46360 Phone: 219-878-1935	Provides vocational rehabilitation programs for physically, mentally, and emotionally disabled adults.
VNA Home Care Services 901 S. Woodland Ave. Michigan City, IN 46360 Phone: 219-871-8100	Serve homebound individuals referred by a physician. Teach health care, offer skilled nursing, physical therapy, occupational therapy, and speech therapy. Social workers and bath aids are also available.
Aliveness Project 301 W. 8 th Street, Suite 122 Michigan City, IN 46360	Provides comprehensive case management and supportive services to persons with HIV/AIDS. Supportive services include: medication assistance, food assistance, shelter, psychiatric care, child care, financial

Table 33: Mental Health, Disability, and Aging Services	
Phone: 219-873-1250	assistance, psycho-social counseling, assistance obtaining Medicare/Medicaid/SSI, etc. In terms of housing services; they receive shelter, transitional housing, and assistance in obtaining affordable housing.
Franciscan Home Care 1225 E. Cool Spring, Suite 1E Michigan City, IN 46360 Phone: 219-877-1605	Provide out patient care/in-home care for the elderly. Occupational therapy, home healthy aids, skilled nursing, and physical therapy.
St. Anthony's Hospice 1225 E. Cool Spring, Suite 1E Michigan City, IN 46360 Phone: 219-877-1605	Provide services for the terminally ill with a life expectancy of 6 months or less. Nursing, pastoral care, volunteers, home help aids, and social services.

Source: Michigan City Consolidated Plan 2009

The following table provides a list of residential facilities for people with special needs.

Table 34: Mental Health, Disability, and Aging Residential Facilities		
Organization/Provider	# of Beds or Units	General Information
Dunes Fellowship Housing 211 E 6 th Street Michigan City, IN 46430 Phone: 219-879-5663	10	Provide residence for men who are recovering alcoholics and substance abusers.
Swanson Center 450 St. John Road, Suite 601 Michigan City, IN 46360 Phone: 219-879-0676	11	Southways program which is a housing program for people with chronic mental illness that can house up to 11 adults. Pathways program which is a residential program woman who are recovering alcoholics and substance abusers. Program can house approximately 6 women and their children.
The Arbors 1101 East Coolspring Avenue Michigan City, IN 46360 Phone: 219-874-5211	180	Assisted living facility for the elderly that provides Alzheimer services. Provides Transition to Home Therapy to help the elderly return home self-sufficient. About 50% are low-income and Medicaid. Most patients are referred by the hospital.

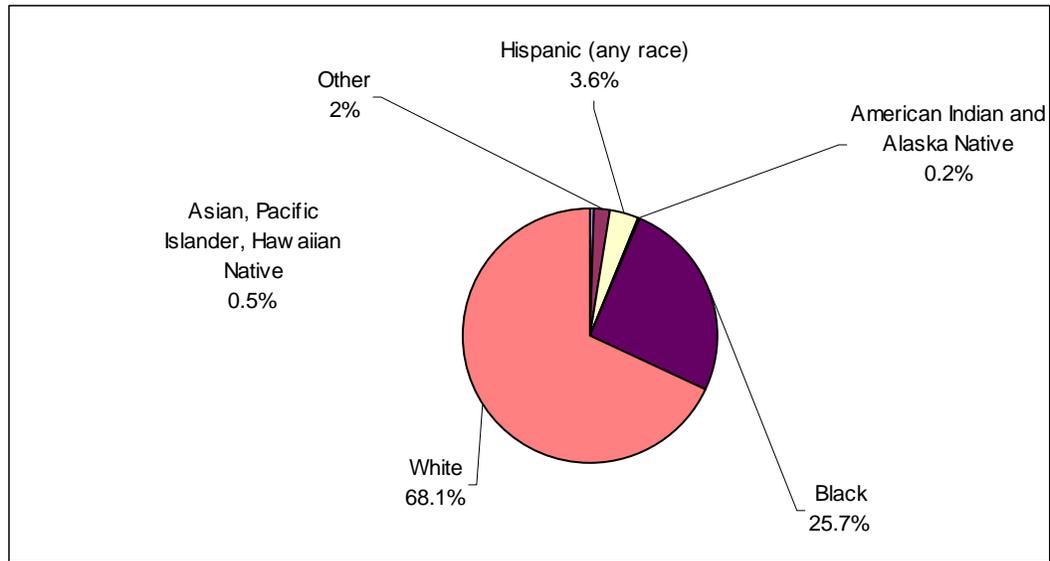
Source: Michigan City Consolidated Plan 2009

E. Maps

Areas of Minority Concentration

“Areas of Minority Concentration” were determined by mapping the percentage of minorities in each census tract. According to the U.S. Census Bureau, approximately, 32% of Michigan City’s population identified themselves as something other than White. The largest minority group in the City is Black/African American at 25.7%.

Figure 15: Population by Race



As Table 35 demonstrates from 1990 to 2000, Michigan City’s Black and Hispanic populations grew at a steady pace, while the White population decreased. However, from 2000 to 2007, the Black population has decreased by 5.41%.

Race	1990	2000	2007	Numeric Change 2000 to 2007	Percent Change 2000 to 2007
White	25,628	22,848	21,969	-1,150	-5.03%
Black/African American	7,625	8,657	8,189	-468	-5.41%
American Indian and Alaskan Native	112	86	67	-19	-22.09%
Asian, Pacific Islander, Hawaiian Native	228	173	148	-25	-14.45%
Other	229	361	654	293	81.16%
Hispanic Origin (any race)	596	1,035	1,180	145	14.01%

The following figures illustrate the concentrations of Michigan City’s largest minority groups, Black/African Americans and Hispanics, in each census tract.

Figure 16: Areas of racial/ethnic integration and segregation

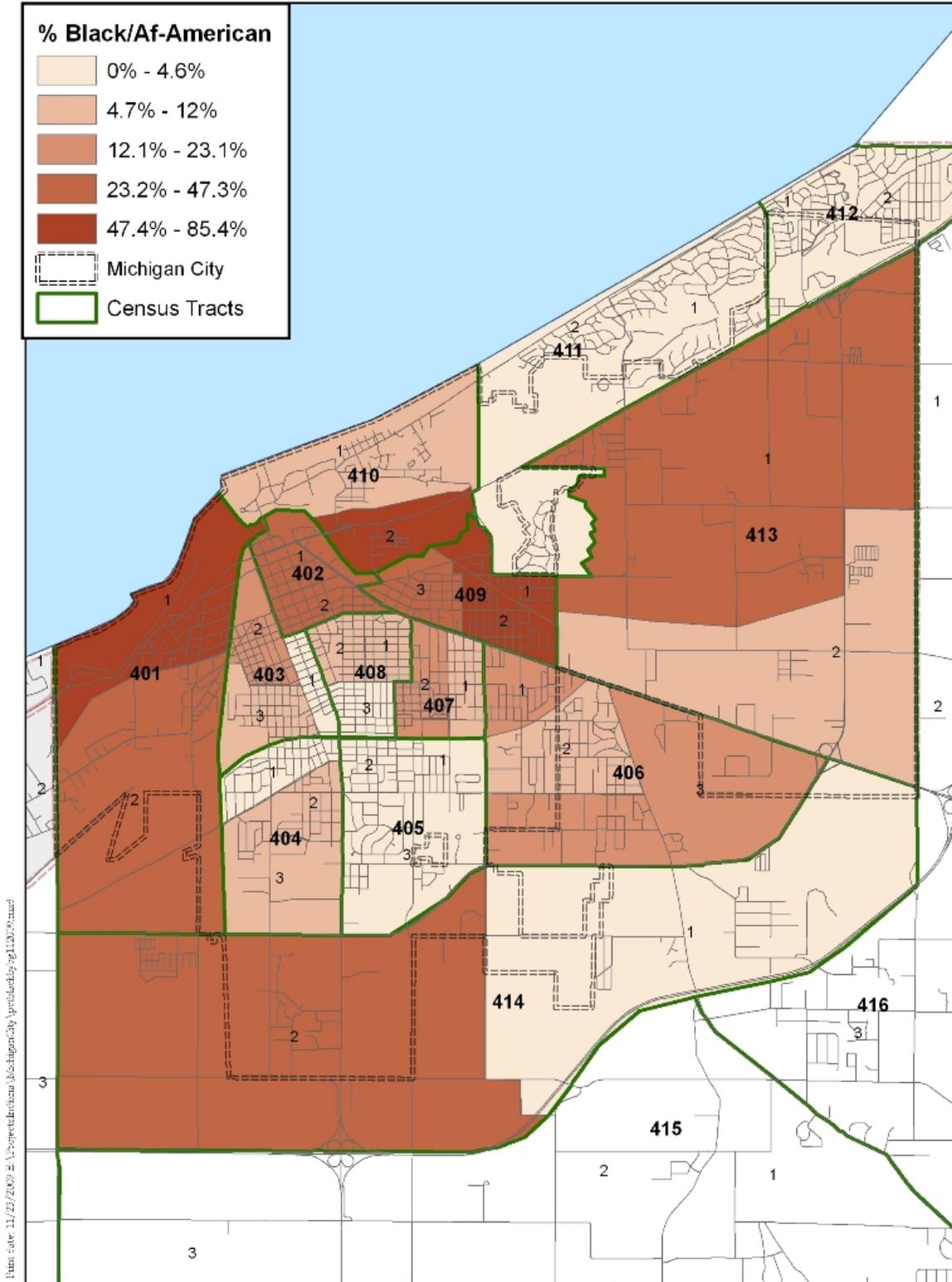
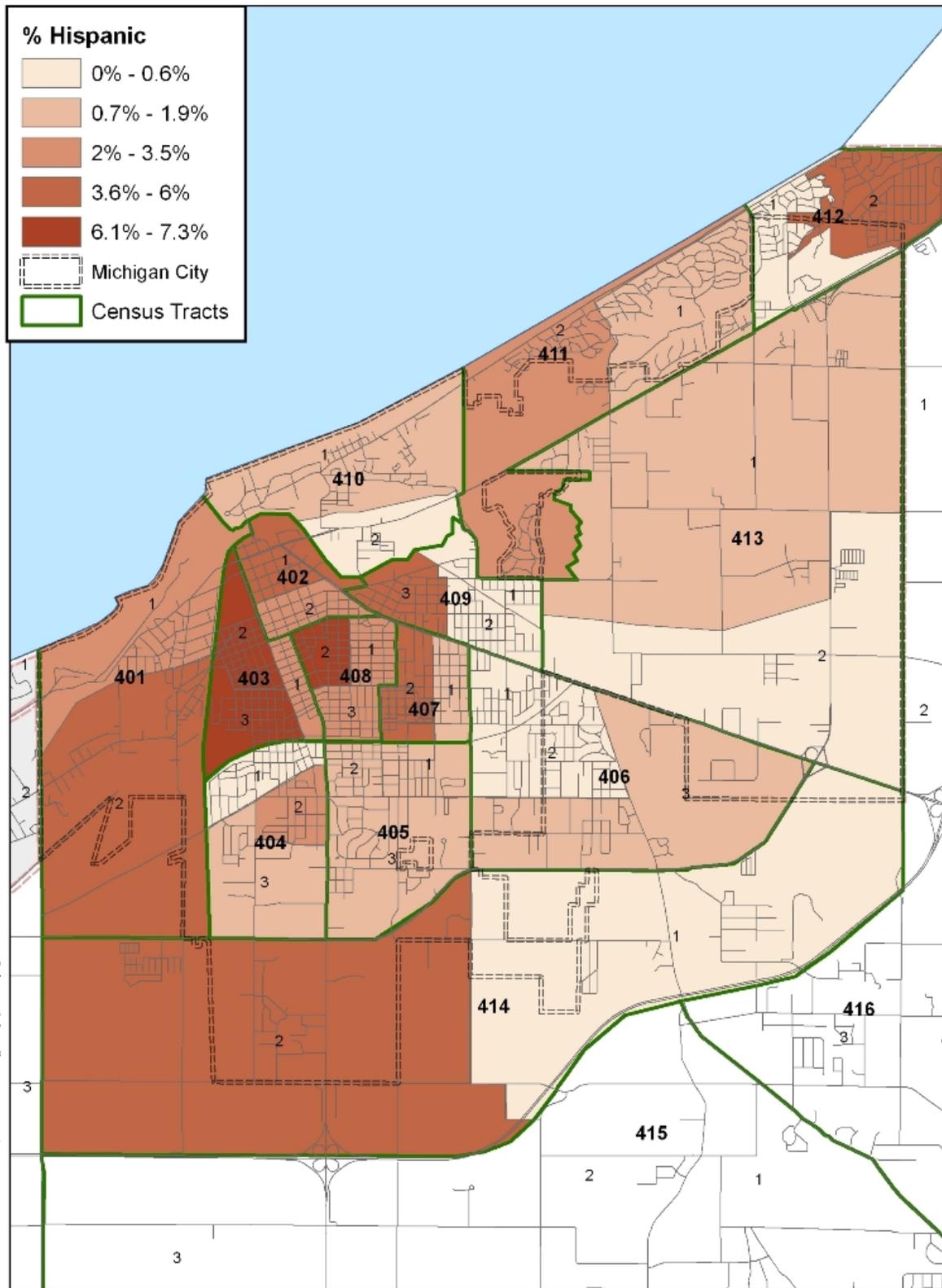


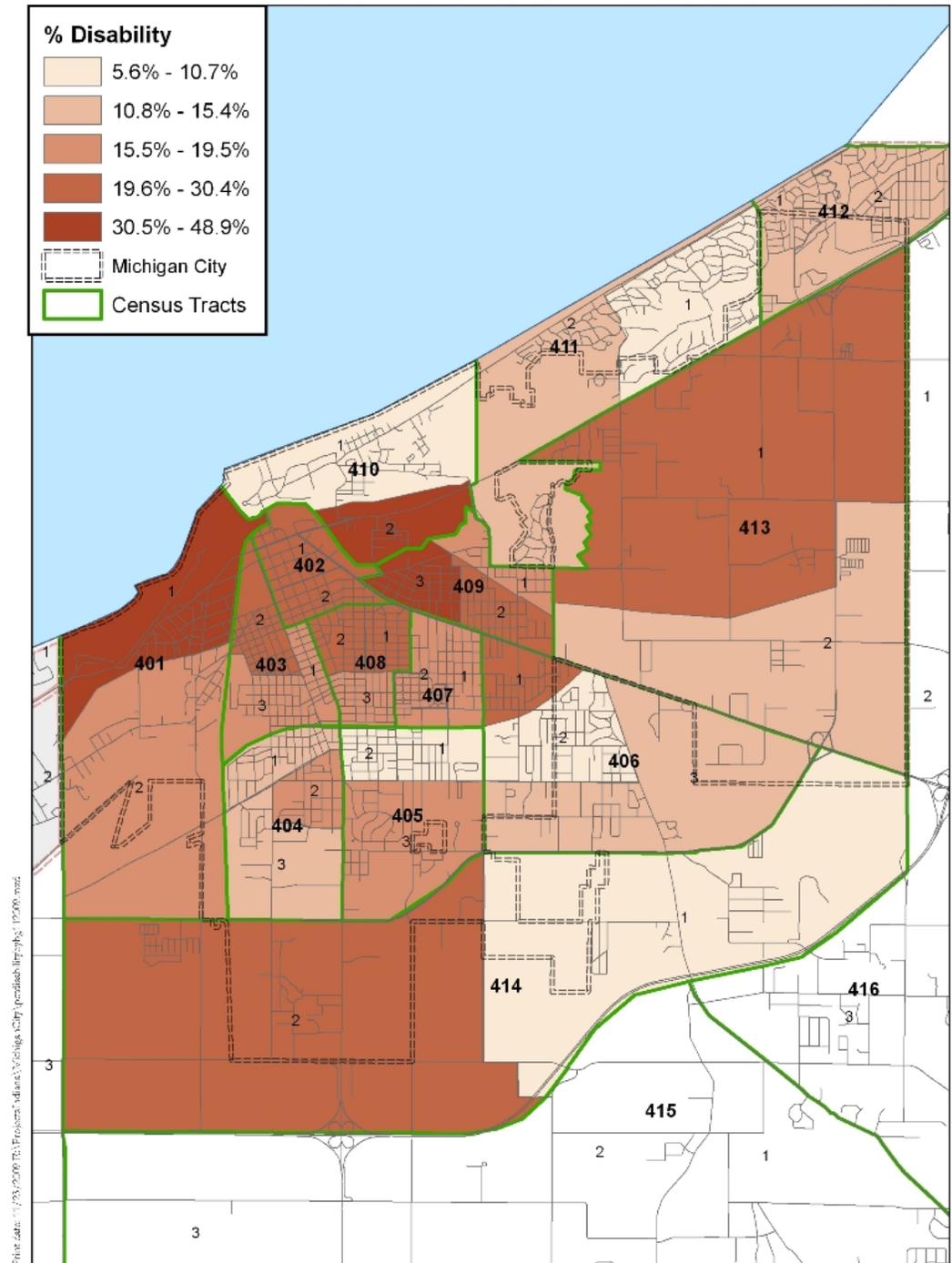
Figure 17: Hispanic



- Locations of choices, publicly assisted housing, and, where housing (other than assisted housing) for families with children or persons with disabilities is in short supply, the location of multifamily complexes providing housing for such families and persons.

The greatest concentration of persons with disabilities is located in the northwest-central portion of the City (Census Tracts 401, 409 & 410).

Figure 18: Disability



F. Other Relevant Data

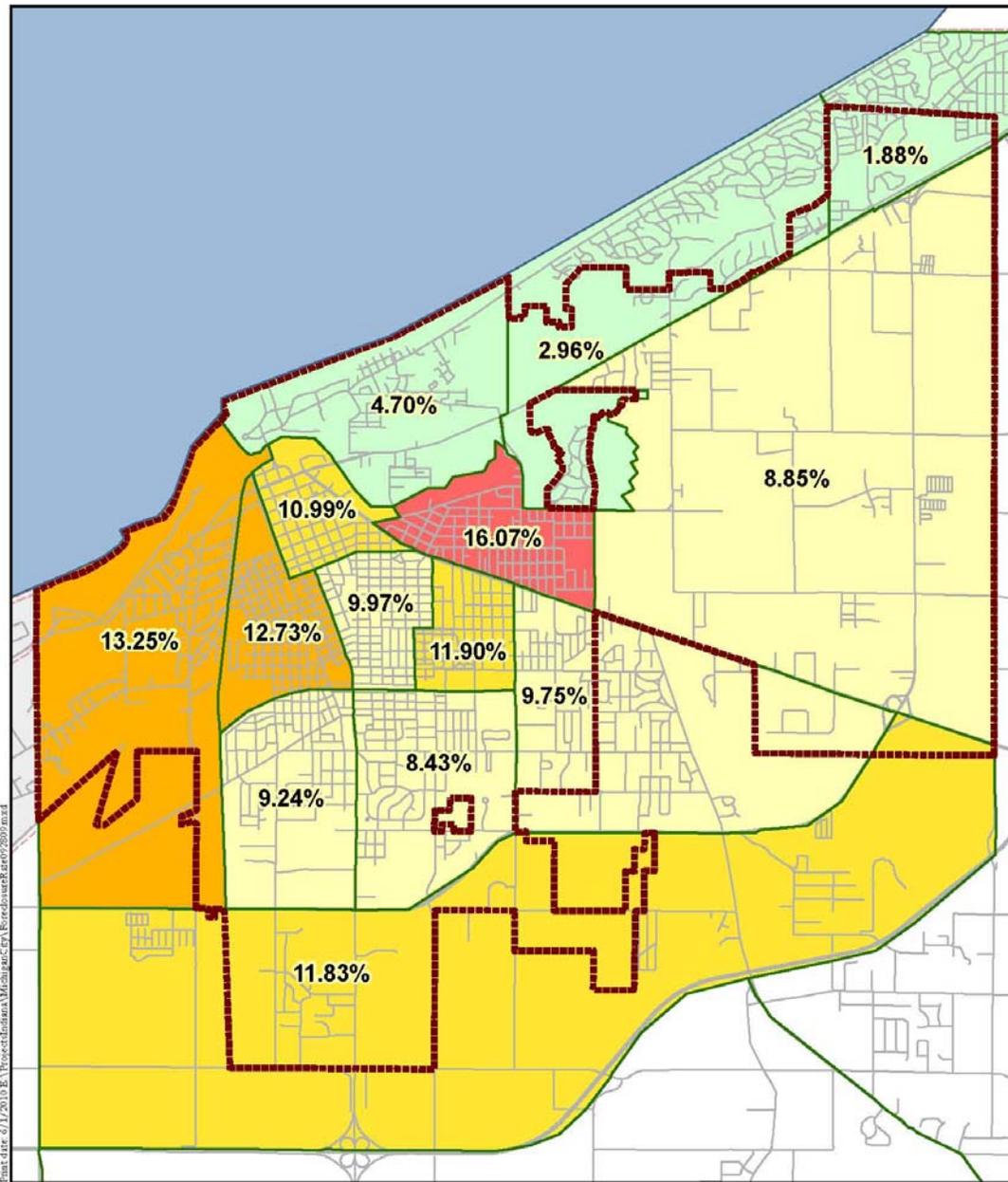
The Neighborhood Stabilization Program (NSP) was established for the purpose of stabilizing communities that have suffered from foreclosures and abandonment.

The following pages include maps from the NSP:

- Figure 19: Foreclosure Rate by Census Tract
- Figure 20: Estimated Foreclosure and Abandonment Risk
- Figure 21: 90-Day Residential Vacancy Rate by Census Tract
- Figure 22: Households below 120% of Area Median Income
- Figure 23: High Cost Loan Rate by Census Tract

Census Tracts 401 and 409 appear to have the highest rate of foreclosures in the City. The estimated foreclosure abandonment risk is greatest in the northwestern, central, and eastern portions of the City. Census Tracts 401, portions of 402 and 403, and 412 all have the highest 90-day residential vacancy rates. The majority of households in Census Tracts 401, 402, 403, 407, 408, 409, 410, 411 and 413 are below 120% of area median income. Census Tract 409 has the highest percentage of high-cost loan rates.

Figure 19: Foreclosure Rate by Census Tract



Foreclosure Rate by Census Tract

Michigan City, Indiana

- 1.88% - 7.5%
- 7.51% - 10%
- 10.01% - 12.5%
- 12.51% - 15%
- 15.01% - 16.07%
- Michigan City Corporation Limits

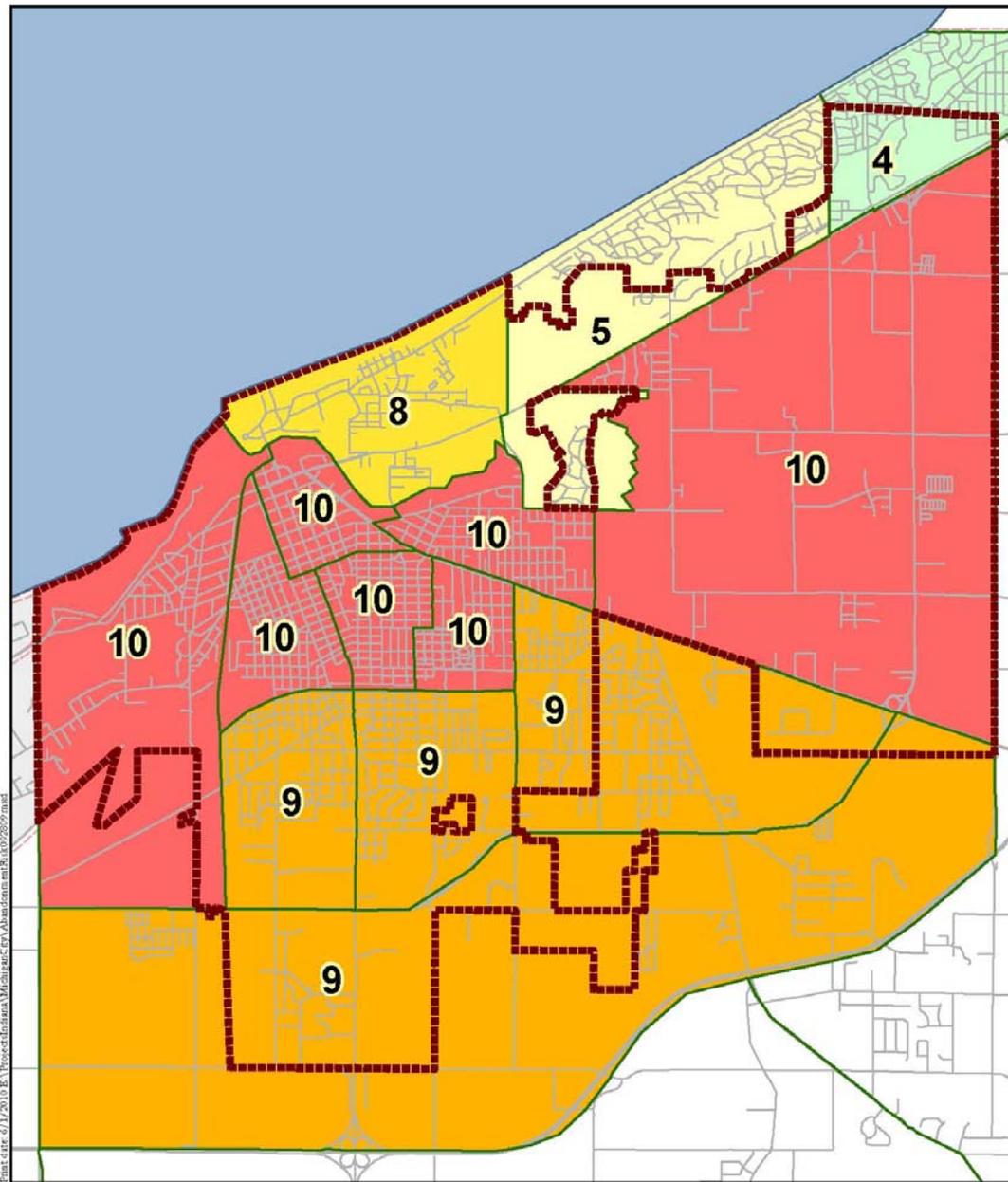
Data Source: US Dept of Hsg & Urban Dev't 2009

0 0.5 1 Miles

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Figure 20: Estimated Foreclosure and Abandonment Risk



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Estimated Foreclosure Abandonment Risk

Michigan City, Indiana

- | | |
|---|--|
| 0 - 4 | 9 |
| 5 - 7 | 10 |
| 8 | Michigan City Corporation Limits |

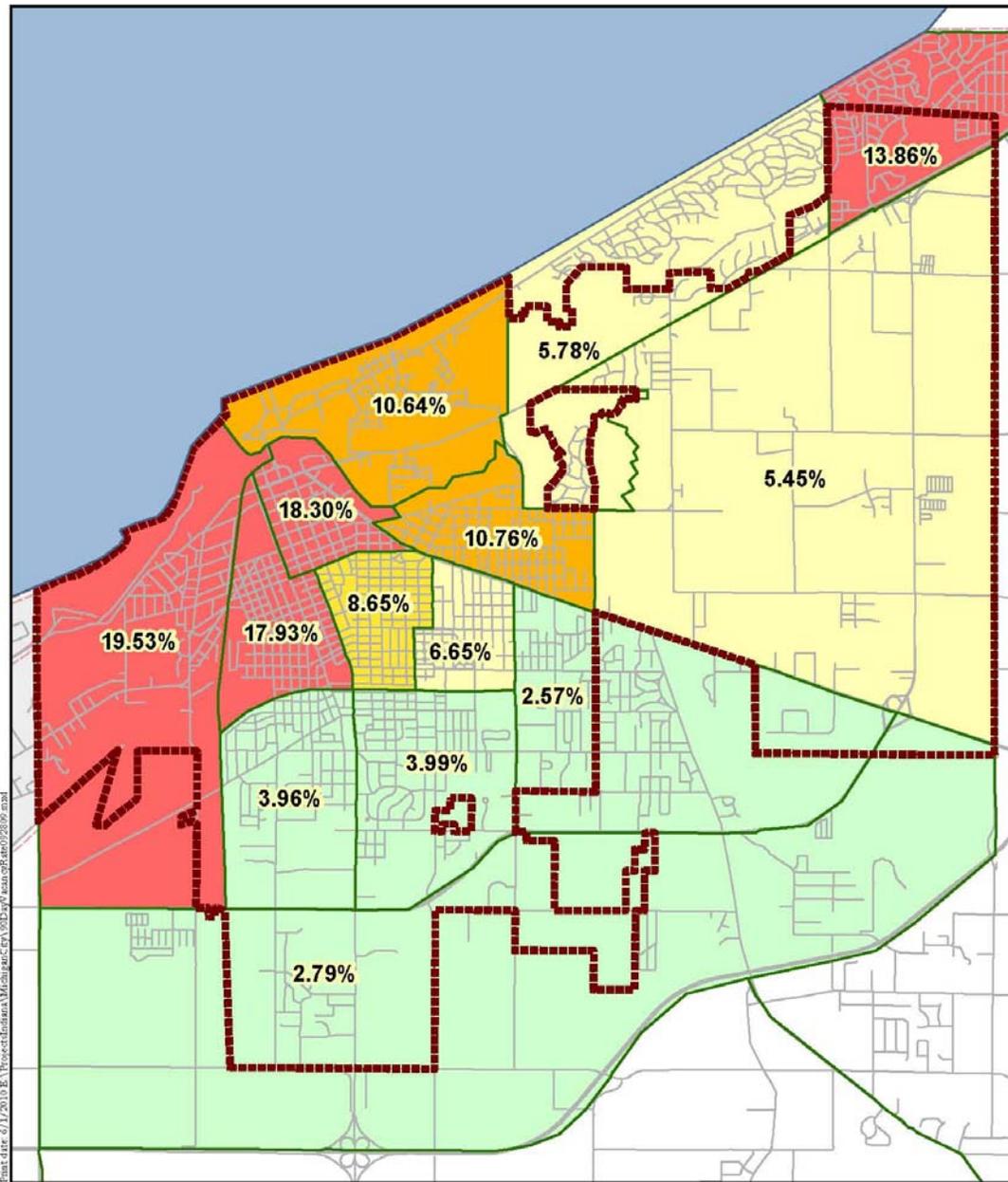
Data Source: US Dept of Hsg & Urban Dev't 2009

0 0.5 1 Miles



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Figure 21: 90-Day Residential Vacancy Rate by Census Tract



90-Day Residential Vacancy Rate by Census Tract

Michigan City, Indiana

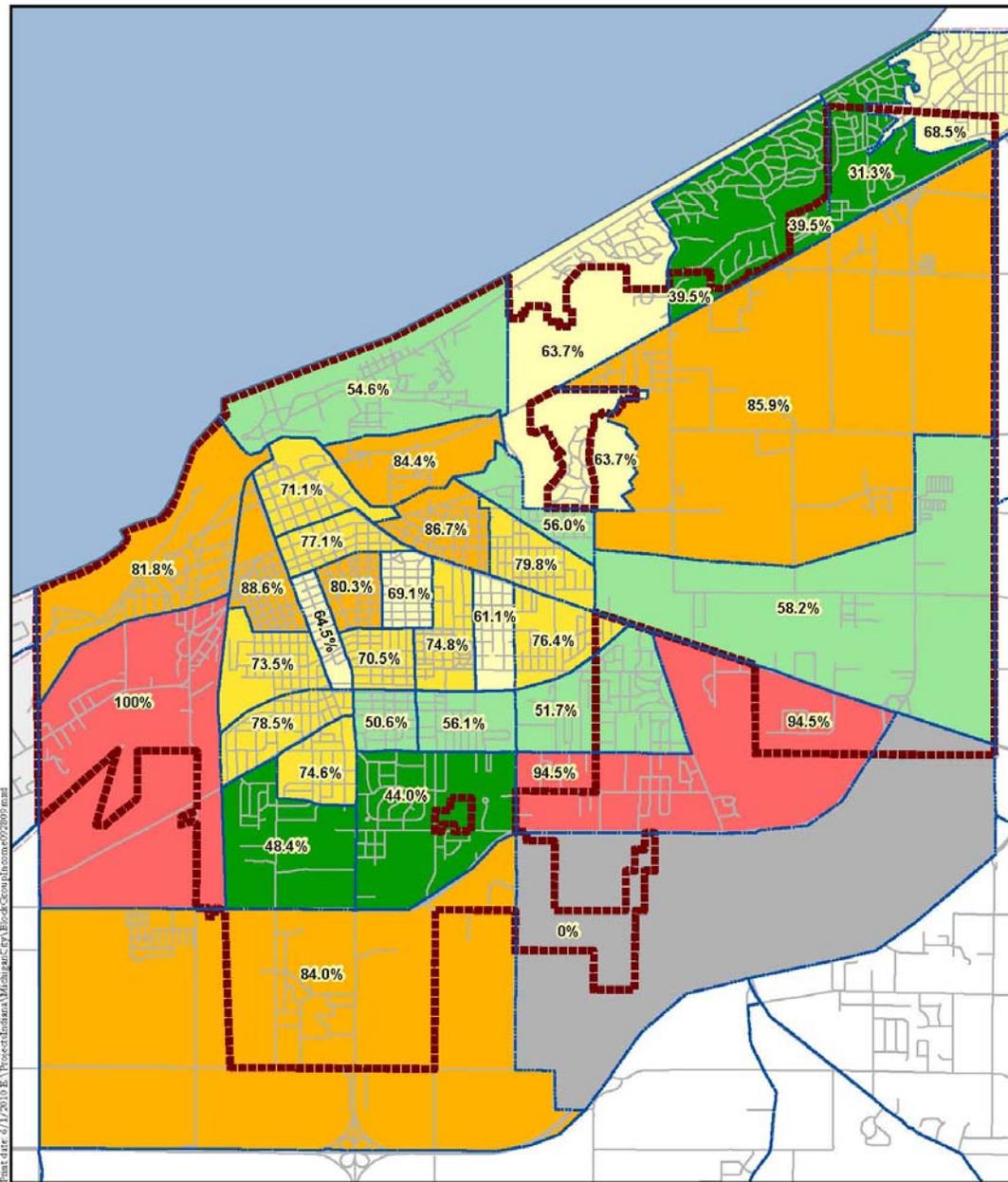
- 2.57% - 5%
- 5.01% - 7.5%
- 7.51% - 10%
- 10.01% - 12.5%
- 12.51% - 19.53%
- Michigan City Corporation Limits

Data Source: US Dept of Hsg & Urban Dev't 2009

0 0.5 1 Miles

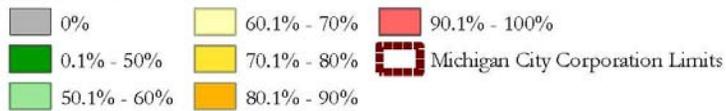


Figure 22: Households below 120% of Area Median Income



Households Below 120% of Area Median Income

Michigan City, Indiana



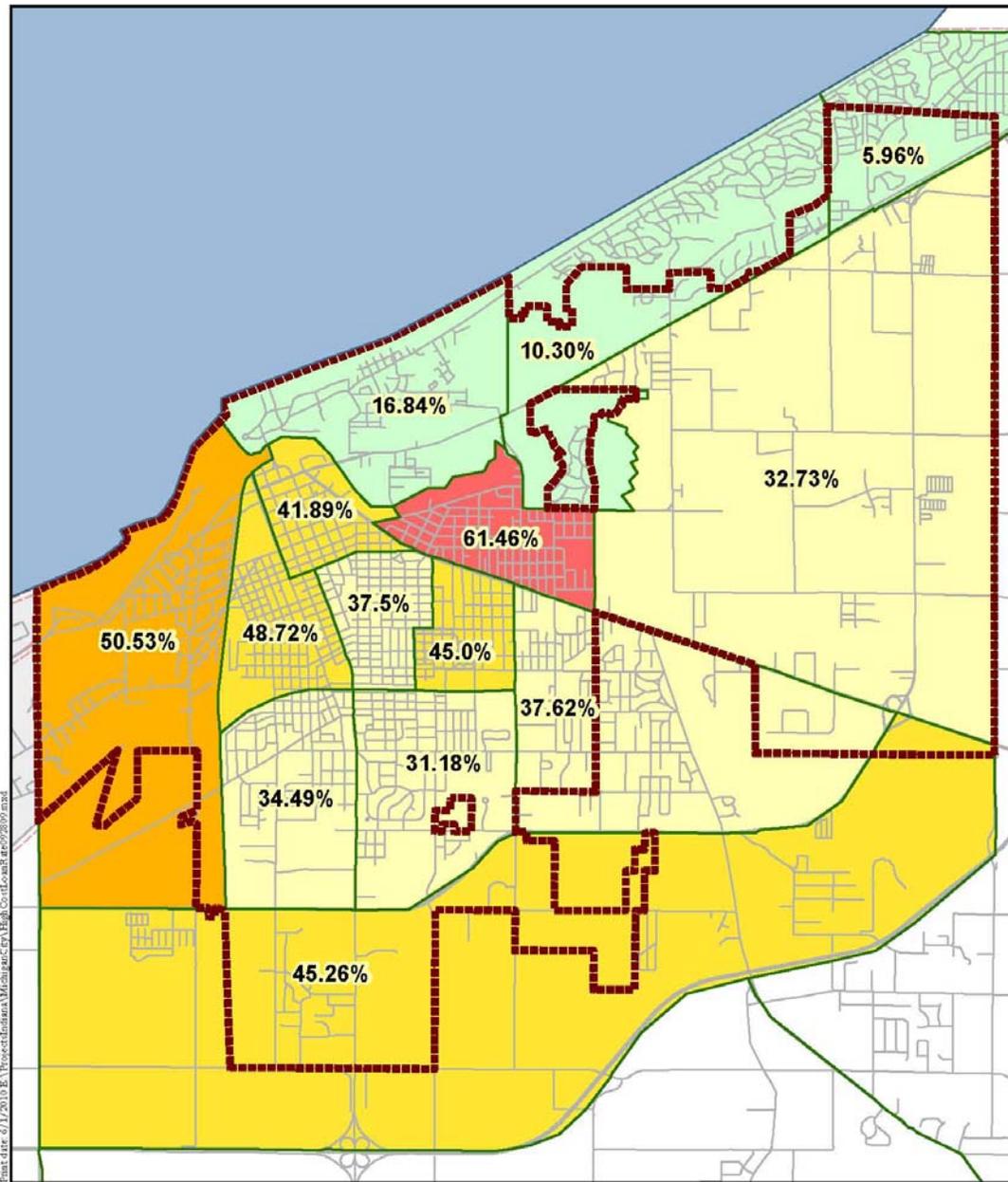
Data Source: US Dept of Hsg & Urban Dev't 2009



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Figure 23: High Cost Loan Rate by Census Tract



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High-Cost Loan Rate by Census Tract

Michigan City, Indiana

- | | |
|---|---|
| 5.96% - 30% | 50.01% - 60% |
| 30.01% - 40% | 60.01% - 100% |
| 40.01% - 50% | Michigan City Corporation Limits |

Data Source: US Dept of Hsg & Urban Dev't 2009

0 0.5 1 Miles



III. Evaluation of Michigan City’s Current Fair Housing Legal Status

A. Fair housing complaints or compliance reviews where the Secretary has issued a charge of or made a finding of discrimination

HUD Date Filed	Basis	Description	Why Closed
3/2/06	<i>Disability</i>	<i>Gail Halpin vs. Michigan City Housing Authority</i>	<i>Failure to cooperate</i>
8/1/06	<i>Disability</i>	<i>Enola Boyd-Radford vs. Garden Estates West</i>	<i>No reasonable cause</i>
7/25/07	<i>Race</i>	<i>Kenyatha Williams vs. Comfort Inn</i>	<i>Lack of jurisdiction</i>
2/23/09	<i>Religion</i>	<i>Tashawn Richardson vs. Sue and Lonie Almanza</i>	<i>Failure to locate complainant</i>
9/10/09	<i>Sex</i>	<i>Krista Anderson vs. Garden Estates West</i>	<i>Pending</i>

Source: State of Indiana, Civil Rights Commission (ICRC)

The preceding Table 36, Housing Discrimination Complaints, 2006-2009, indicates the number of housing discrimination complaints filed with the State of Indiana, Civil Rights Commission (ICRC) since January 2006. There were no discrimination complaints filed with the City’s Human Rights Commission in the last five years.

Michigan City Fair Housing Ordinance

Michigan City’s Fair Housing Ordinance was passed in 1969 and generally provides protection from discrimination in the sale, rental, leasing, and financing of housing because of race, color, religion, ancestry or national origin. The ordinance also established a Commission on Human Relations, which has the power to investigate complaints of discriminatory practices and enforce necessary actions when practices are deemed unlawful.

Michigan City Human Rights Ordinance

Michigan City’s Human Rights Ordinance provides protection from discrimination and segregation in not only housing, but in education, employment, and access to public accommodations as well. Housing related practices are similar to those outlined in the Federal Fair Housing Act and the Indiana Fair Housing Act. All protected classes are included in this ordinance including persons with disabilities and familial status. A Human Rights Commission was also established to investigate and enforce penalties relating to unlawful discriminatory practices.

B. Fair housing discrimination suit filed by the Department of Justice or private plaintiffs

None known of at this time.

C. Reasons for any trends or patterns

There does not appear to be any trends or patterns in discrimination complaints.

D. Discussion of other fair housing concerns or problems

The two organizations dedicated to mitigating fair housing impediments, investigating fair housing complaints and increasing awareness of fair housing in Michigan City are: Michigan City Human Rights Commission and the Indiana Civil Rights Commission.

Neighborhood opposition to the development of affordable rental housing is a serious impediment, not unique to Michigan City alone. The City needs to work with neighborhood groups and organizations to help remove the stigma associated with affordable housing and promote integration and diversity. At the same time, the City and Michigan Housing Authority need to develop and maintain quality housing that is integrated into the existing housing stock in terms of scale, density, and historic character.

MCHA should increase its public information and education activities to highlight its affordable housing accomplishments, and to publicize research on the positive impact of affordable housing.

The City can encourage integration and diversity by promoting mixed-use and mixed-income developments, which permit both residential and commercial uses.

IV. Identification of Impediments of Fair Housing Choice

A. Public Sector

1. Zoning and Site Selection

A review of the Comprehensive Zoning Ordinance of Michigan City, Indiana (adopted in 1998, with amendments) was conducted to determine if City policies limit or exclude housing facilities for persons with disabilities or other housing for homeless people from certain residential areas.

On the next page is a summary of existing residential districts (Table 38) located within the City:

After review of the minimum street frontage, front yard setbacks, side yard dimensions and amenities (e.g. landscaping), there does not appear to be restrictions that may limit new housing development for lower-income residents.

The lack of access to grocery stores and fresh foods has been a common complaint nationwide among residents of low income neighborhoods. Ultimately, the location of grocery stores or lack thereof may have an impact on where people chose to live.

USE	R1 District			R2 District			R3 District			R4 District			RE District			B-4 District			B-5 District			
	P	SU	SC	P	SU	SC	P	SU	SC													
(A) Res. uses:																						
(1) Single-family detached dwelling	P	-		P	-		-	S	3	-	S	3	P	-		-	S	SC	-	-		
(2) Single-family attached dwelling	-	-		-	S	2	P	-		P	-		-	-		-	S	SC	-	-		
(3) Single-family semi-detached	-	-		-	S	2	P	-		P	-		-	-		-	S	SC	-	-		
(4) Two-family detached dwelling	-	S	1	-	S	2	P	-		P	-		-	-		-			-	-		
(5) Multiple-family dwelling	-	-		-	S	2	P	-		P	-		-	-		-	S	SC	-	S	SC	

After review of the table of uses in the City’s Zoning Ordinance, we find the following:

- “Food Stores” are permitted in the B-1, B-2, and B-5 districts;
- “Meat Markets” are permitted in the B-1 and B-2 districts

TABLE 38: SCHEDULE OF REGULATIONS

District	Lot** Minimum		Maximum Building Height*	Maximum Floor Area Ratio	Minimum Setback Measurement (In Feet) Side Yard		
	Area 1 (Sq.Ft.)	Width (Feet)	In Feet		Front Yard	Interior Side	Rear Yard
R-1							
SF detached	7,200	60	30		30	9	35
SF attached	(per 160.044)						
SF semi-detached	(per 160.044)						
TF	7,200	60					
MF	(per 160.044)				30	20	50
R-2							
SF detached	5,000	50	30		25	7	30
SF attached	(per 160.044)	18			25	0	30
SF semi-detached	(per 160.044)	26			25	8	35
TF	5,000	50					
MF	(per 160.044)	100		0.50 (3 stories or less)	25	20*	40*
R-3							
SF detached	7.2		none		25	9	30
SF attached	(per 160.044)				25	0	30
SF semi-detached	(per 160.044)				25	5*	30*
TF	7,200						
MF	(per 160.044)			0.60 - 1.60	25	5 per story*	30 plus 5 per story*
R-4							
SF detached	5,000	50	none		25	7	30
SF attached	(per 160.044)	16					
SF semi-detached	(per 160.044)	20					
TF		50					
MF	(per 160.044)	60		1.0 - 2.0			
RE							
SF detached	30,000	150	30		50	25	65
SF attached	(per 160.044)				15	0	20
SF semi-detached	(per 160.044)				15	5*	20*
TF							
MF	(per 160.044)				20	3 per story*	15 plus 3 per story over 2 stories*

*Where yards designated with an asterisk adjoin a lot in an R1 or R2 district, the required yard depth shall be increased by 25 percent and a solid six-foot-high fence or six-foot-high dense landscape hedge shall be provided parallel and along the lot line, but not within any required yard adjoining a street. This requirement shall not be applicable along any lot line which adjoins a public park of five acres or more in area. Furthermore, the standards for yards designated with an asterisk may be reduced by one-third along any lot line which adjoins a public park of five acres or more in area.

1. Refer to Section 160.044 of the Zoning Ordinance for minimum square feet required per number of bedrooms per dwelling.

- “Drug Stores” are permitted in the B-1 and B-2 districts and as a Special Use in the B-4 districts.

Review of existing zoning districts that allow for “food stores” show that there appears to be a good distribution of districts adjacent to low income neighborhoods that permit “food stores”, “meat markets”, and “drug stores”.

Zoning Interview with John Pugh, Director of Planning:

Site selection for construction of public (e.g. assisted) and private housing is subject to the City’s site plan review procedures.

When asked about the concentrations of low-and moderate- income housing in one or more localities within the City, Mr. Pugh identified the following neighborhoods: Westside, Elston Grove, Central Historic, and East Point. Current zoning and other City policies are not promoting this pattern, but this pattern can be explained by the age and cost of housing in these areas.

When asked if the City is aware of and has it evaluated the management policies and procedures of assisted housing providers (those providing housing to persons with disabilities and homeless persons) to determine if problems exist that have led or could lead to general public, specific neighborhood, or other types of opposition to such housing, the City stated that it only reviews housing type based upon zoning, site plan review, and building permits. Further, the City has a positive impact on the provision of lower-income housing through zoning and code enforcement.

Medium and high density residential developments are permitted in R-2 through R-4 residential districts. If there is large vacant land available for multi-family development in areas outside the R-2 through R-4 districts, then a zoning district amendment can be requested and approved if supported by the Master Land Use plan.

The Zoning Ordinance does provide a Planned Development District (PDD) option for tracts of land of 40 acres or greater for multi-family and cluster development.

The Zoning Ordinance defines “Family” in the following terms:

One person or two or more persons each related to the other by blood, marriage, or legal adoption, of a group of not more than four persons not all so related, together with his or their domestic servants, maintaining a common household in a dwelling unit. A family may include, in addition thereto, not more than two roomers, boarders, or permanent guests, whether or not gratuitous.

Thus, the City permits unrelated individuals in sharing the same home.

Do zoning, subdivision, or occupancy regulations include provisions that permit housing facilities for persons with disabilities in a wide array of locations to prevent their concentrations? Yes.

Should zoning, occupancy or building ordinances, codes or regulations be changed to provide for more inclusive development of housing for lower-income people and families, including persons with disabilities? Mr. Pugh stated that these regulations are currently under review by the City.

Should the City adopt incentives to promote mixed-income housing development, such as increasing the number of new units that can be built in a given development in exchange for dedication of a certain percent of the units for low and moderate-income households? The State of Indiana allows for tax credits in the R-3 districts.

Are there court decisions or settlements that affect the jurisdiction's zoning, building, occupancy, or other policies and regulations relating to the provision of housing for lower-income households and persons with disabilities? Not currently.

The City participates in the Northern Indiana Planning Commission Council of Governments.

Do these organizations focus on housing and housing related issues and problems from a metropolitan or regional perspective? The Commission traditionally focuses on transportation, environmental, greenways and federal grant issues.

Strategies:

- *Review and update the Zoning Ordinance on a regular basis to foster inclusion of lower-income housing, including housing accessible to persons with disabilities and families with children in developments intended for households with higher incomes.*
- *Provide inclusionary zoning to promote the development of affordable housing.*
- *Encourage mixed-use zoning that allows low income residents to obtain groceries, education, jobs, and other basic services without a vehicle.*

Comprehensive Plan

The Countywide Land Development Plan (adopted January 2008) for Michigan City, City of La Porte and all LaPorte County Communities was reviewed for housing policies and recommendations. The following is a summary of selected Zoning Recommendations:

Table 39: Zoning Regulations from Land Development Plan

Encourage Infill and Redevelopment	
1.	Ensure infill standards that promote neighborhood-compatible, pedestrian friendly commercial development in infill locations.
3.	Eliminate unintended regulatory impediments to redevelopment and infill.
5.	Plan for a variety of housing types, so that it is possible for the private sector and interested nonprofit and public groups to provide housing that is affordable for groups in the population who have limited choices.
6.	Limit multifamily development to areas within the cities and towns served by sewer.
Encourage Greater Residential Densities	
1.	Increase residential zoning densities where sewer is planned to provide for a fiscally sound pattern of development <ul style="list-style-type: none"> • Residential zoning ranging from low-density (2 units per acre) up to six or more units per acre in small towns and <i>up to 12 or more units per acre in Michigan City and La Porte.</i>
2.	In areas planned for public sewer systems, establish minimum development densities.
5.	Consider annexing multifamily and intense commercial development into cities that are better able to provide urban services-specifically the area between Michigan City and Interstate 94.
Create New Lakeshore Zoning District	
3.	In communities along the lakeshore, faced with tear-downs and intense infill, implement neighborhood preservation zoning in selected areas, to preserve traditional neighborhoods.
4.	Adopt zoning and subdivision standards that encourage neighborhood-compatible, pedestrian-friendly development.
Update Downtown Zoning Districts	
3.	Allow residential and office uses above street level, subject to applicable building codes.
4.	Ensure that ordinances provide opportunities for other mixed-use development in appropriate areas, with consideration of such design factors as shared parking.

Source: Countywide Land Development Plan (1/08)

Conclusions: It should be commended that Michigan City in partnership with the City of LaPorte and La Porte County joined together to prepare a comprehensive Land Development Plan. However, the next plan should also focus on housing and housing-related issues and problems from a regional perspective.

Strategies:

- *Update the Comprehensive Land Use Plan to focus on housing and housing-related issues and problems from a metropolitan or regional perspective.*

- *Design and implement a region-wide Fair Housing Planning (FHP) process.*

2. **Neighborhood Revitalization, Municipal and Other Services Employment-Housing-Transportation Linkage**

One aspect of fair housing choice is neighborhood revitalization and the provision of good services to areas in which low and moderate income families live. Blacks, Hispanics, and other urban minorities and persons with disabilities who are most concentrated in such neighborhoods will benefit from better neighborhood environments so critical to good housing.

Frequently, the quality or extent of public services and facilities varies dramatically among residential neighborhoods. Public services and facilities included schools, recreational facilities and programs, social service programs, parks, roads, transportation, street lighting, trash collection, street cleaning, crime prevention, and police protection activities. Lower-income, densely populated residential areas too often lack the level and array of services that are provided in less impacted, more affluent neighborhoods. Michigan City should strive to equalize services as part of FHP.

Job Training: WorkOne Centers are conveniently located in northwest Indiana to provide a wide range of employer, job seeker, and youth services.

The WorkOne Center in Michigan City is located at:

WorkOne Express Michigan City
344 Dunes Plaza
Michigan City, IN 46350
219-872-5575

The hours of operation: Monday, Tuesday, Thursday & Friday: 8:00 AM-4:30 PM; and Wednesdays: 10:00 AM-4:30 PM.

The WorkOne centers provide a single point of contact for businesses looking for the right people, and people seeking the right job or career.

For job seekers, considering a change in employment, or developing a career plans, WorkOne offers information, referrals, placement assistance and other services. In addition, WorkOne offers an innovative website, IndianaCareerConnect.com to post resumes, conduct comprehensive job searches, explore career options, and research the job market.

For employers, they offer businesses cost-effective, convenient access to thousands of job seekers, plus candidate screening, job fairs and other recruiting services. In addition, WorkOne offers valuable labor market information, and tips on how to qualify for grants and tax credits.

Housing: Mayor Oberle is the chair of the *2040 Master Plan* process.

In an effort to promote interdepartmental cooperation, communication, and coordination in planning and executing housing, community development, community services, and transportation programs, the Mayor holds monthly staff meetings, with “show and tell” segments, with all City departments. The City’s Human Rights Commission is responsible for the City’s EEO and Affirmative Action enforcement.

On March 4, 2008, the City adopted Ordinance # 4020, which regulates smoke detectors for rental properties. The Ordinance requires all residential rental dwelling units to be equipped with smoke detectors in accordance with Indiana Code 22-11-18 and the Michigan City Building Code.

The Ordinance states that “Every owner of any rental dwelling unit shall be responsible for the installation, maintenance and repair of all smoke detectors excluding the batteries of such smoke detectors, and the installation, repair and maintenance of all smoke detectors in common areas. Every tenant of any rental dwelling unit shall be responsible for the maintenance of batteries of such smoke detectors in the unit the tenant occupies.”

The Inspection Department and the Fire Department of the City shall be authorized at any time to inspect any rental dwelling unit in order to enforce the terms of the Ordinance with the consent of the tenant of a leased dwelling unit, the consent of the owner of a vacant dwelling unit or by order of the Court.

The City does not have a *rental occupancy inspection/permit* program. Code enforcement is limited to complaints by legal tenants who make an official complaint to the City. Many tenants are hesitant to complain due to fear of eviction.

Strategies:

- *The City will convene regular focus group meetings, including, but not limited to: health providers, landlords, homebuilders, banks and financial institutions, neighborhood organizations, and service providers to gather feedback on current barriers and to discuss strategies to eliminate barriers.*
- *The City should adopt a rental inspection policy.*

Transportation Linkage: Local bus transportation is provided by Michigan City (MC) Transit. MC Transit provides four routes Mondays through Fridays (5:30 AM- 9:00 PM) and Saturdays (7:30 AM-9:00PM).

Walter Gibson, Director, MC Transit stated that they conduct on-going assessments of their route locations with regard to where people live and linkages to employment centers within the City.

The following table describes the Fee schedule as of 10/2009:

Table 40: MC Transit Fee Schedule	
Description	Fares
Age 5 & Under	Free
Regular Fare	\$1.00
Senior Citizens with ID	\$0.50
Handicapped	\$0.50
Students (5-18 years old)	\$1.00

The Michigan City Transit is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964.

In July 2005, the City hired a consultant (Nelson/Nygaard) to conduct a transportation analysis (Municipal Coach Transit Service Evaluation) of its existing routes and services. One of the goals of the study was “To identify alternatives that will better address the needs of people with disabilities.

As a result of this study, the City expanded the hours of bus service from 12 hours a day to 14 hours (5:30 AM to 9:30 PM) a day during the week and eight hours of service was added to Sundays.

According to the American Community Survey (2005-2007), 9% of the households in the City did not have access to a car, truck, or van for private use. Thus, as part of the current Analysis of Impediments, existing local bus routes were plotted and analyzed to determine access from residential neighborhoods to ten major employers (listed in section II C.). A quarter mile radius was used, which is a typical 5-minute walking distance for the average person (See Map 1).

Map 1 Transit Routes & Major Employers

Michigan City, Indiana

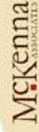
Michigan City Transit Lines

- Local Bus Routes
- Commuter Rail
- Intercity Passenger Rail
- Roads and Highways
- 1/4 Mile Walk to Bus Routes
- Train / Commuter Stations

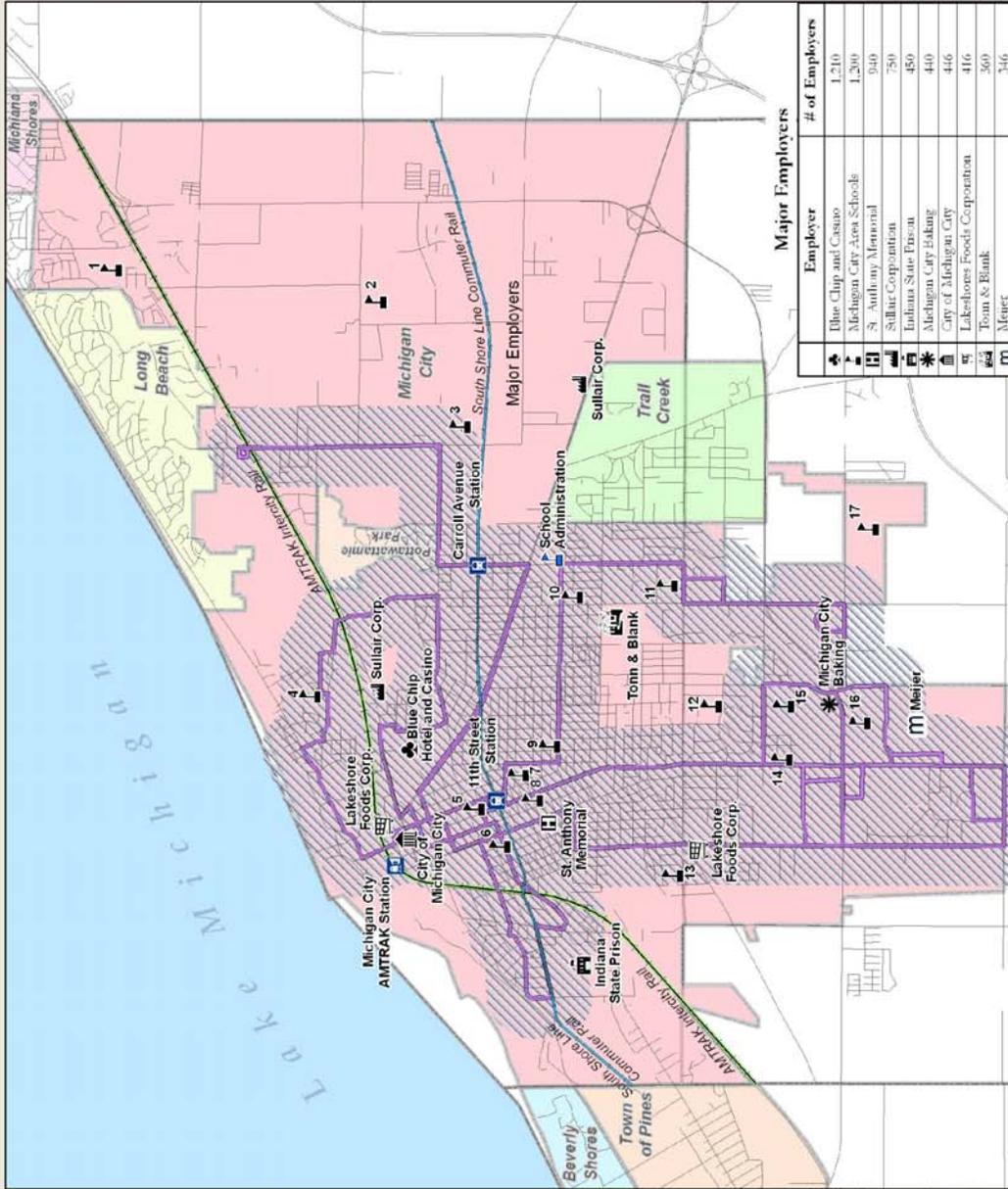
Schools

1. Notre Dame School
2. Newman School
3. Martin T Krueger Middk School
4. Mullen Elementary School
5. St Paul Lutheran School
6. Maquette High School
7. Elston Middle School
8. St Stanislaus Elem School
9. Marsh Elementary School
10. Queen Of All Saints Elem School
11. Joy Elementary School
12. Edgewood Elementary School
13. Knapp Elementary School
14. Ivy Tech State College
15. Barker Middle School
16. Brown Mackie College
17. Michigan City High School

Data Source: McKenna Associates, 9/09
Base Map Source: State of Indiana, 2009



1/21/10



Tonn & Blank Construction headquarters (360 employees) appears to be located more than ¼ mile from an existing bus route. In addition, Notre Dame, Nieman, and Michigan City High Schools are all located more than ¼ mile outside of a major bus route. Residential areas located on the eastern, western, and south-central portions of the City do not have bus service within a ¼ mile of homes. The lack of convenient access to public access from residential areas to major employers could be an impediment to housing choice for some individuals.

Commuter rail service is also provided by the South Shore line to and from Chicago and Amtrak.

Strategies:

- *Review existing transportation routes to link transportation and job employment centers to where lower-income persons and families reside.*

Non-Motorized Transportation: Michigan City adopted a Trails Master Plan in 2005. The plan calls for routes throughout the City that will connect neighborhoods with destinations such as schools, parks, and the YMCA. The new trail system will have seven trails that will combine for a total of 27 miles.

There will be five spurs to connect the trail system to the County's bikeway system and to greenways located within Michigan City. Most of the trails are located along Lake Michigan lake front and Washington Park; however the trails also go as far west as U.S. 12, south to U.S. 20, and east to almost IN 12.

- *Implement the non-motorized Trails Master Plan to connect all neighborhoods with destinations such as jobs, schools, social service agencies and parks.*

3. PHA and Other Assisted/Insured Housing Provider Tenant Selection Procedures; Housing Choices for Certificate and Voucher Holders

The following questions and answers are a result of an interview with Lenda J. Wilson, Executive Director, Michigan City Housing Authority held on November 5, 2009.

- 1) What are the application and tenant selection and assignment policies of the Housing Authority?

The Housing Authority follows HUD's Admission Policies.

It is the policy of the Michigan City Housing Authority (MCHA) to provide fair housing to all citizens, regardless of race, color, religion, national origin, gender, age, familial status or disability. To that end, the policy prohibits discriminatory practices with respect to residential housing by any person or group of persons, so that the peace, health, safety, prosperity and general welfare of all citizens may be protected and assured.

- 2) Is there a pattern in one or more assisted housing developments of concentration of tenants by race or ethnicity?

No, currently, the MCHA has approximately a 50-50% ratio of black to white.

- 3) Do the tenant selection policies and procedures of HUD-assisted multifamily housing providers, including PHA's, exclude-or limit the participation of –persons with disabilities in housing developments they manage?

No.

- 4) If the answer to either of the two preceding questions is yes, how do these policies and procedures specifically affect the manner in which applications for housing are treated and applicants rejected or selected as tenants? *NA*

- 5) Are the policies and procedures consistent with the requirements of Federal, State, and local law and HUD regulations and guidelines?

Yes.

- 6) If a HUD-assisted (including PHAs) or HUD-insured housing provider has been found in non-compliance with one or more civil rights laws or regulations, has the provider initiated appropriate corrective actions?

Yes.

- 7) Are there any court suits involving the tenant application, selection, and assignment policies and procedures of any of these providers?

No.

- 8) If court orders relate to any of these policies or practices, what is the status of actions to comply with the orders, and what are the results?
NA.

- 9) If there are concentrations of racial or ethnic groups in one or more public housing developments, has the Housing Authority undertaken any efforts designed specifically to desegregate these developments, such as make changes to its tenant selection and assignment plan (TSAP)?

Previously, Lakeland Estates had a higher concentration of minorities in its development. However, the MCHA has taken steps to correct this issue over the last two-four years.

- 10) If there are racial or ethnic concentrations does the Housing Authority policy permit applicants or transfers to state a preference for one or more projects or developments?

No.

- 11) Does Housing Authority policy permit applicants to reject several unit offers without losing their place on the waiting list? What are the bases for rejecting an offer of a public housing unit? Are they narrowly construed, or so broad that an applicant could easily reject a unit in a project in which his or her race does not predominate?

Applicants can decline up to three units before they are moved to the bottom of the waiting list. An applicant can reject based upon concentration of housing units or lease agreement. However, the MCHA policies are not narrowly or broadly construed that an applicant can easily reject a unit in a project in which his or her race does not predominate.

- 12) What is the pattern, by location and family type, of minority and non-minority certificate and voucher holders who rent units under the Section 8 certificate and voucher housing assistance program?

There is no pattern because Section 8 certificate and voucher holders are found throughout the City.

To be eligible for a Section 8 voucher, a prospective tenant must meet income requirements and pass a background check. Prospective tenants who have been evicted are not eligible for Section 8 until three years after eviction.

After a tenant receives a voucher, MCHA gives them a list of landlords in the City who accept Section 8. The tenant then has 60 days to locate a property.

- 13) Are minorities located primarily in minority neighborhoods and Whites in predominately White neighborhoods regardless of family type (large, small, or elderly family)?

No.

- 14) If the answer to the previous question is yes, what specific steps does the Housing Authority take to promote housing choice for certificate and voucher holders? *NA.*

- 15) Are certificate and voucher holders using the certificates and vouchers they receive from the Housing Authority (local PHA) outside its geographic jurisdiction?

Yes.

- 16) Are Section 8 certificates and vouchers transportable across PHA (and other administering agency) boundaries? Does the PHA (or other agency) that administers these programs in the jurisdiction's area actively promote mobility through cooperative efforts with other agencies in the metropolitan area? What are the results of these efforts?

Yes, the Section 8 certificates and vouchers are transportable. MCHA is cooperating with other agencies in the metropolitan area. Currently, the results include six outside the City and 26 transports to within the City.

- 17) Does the City actively support any of the efforts enumerated above?

Yes.

- 18) If so, in what ways? Do they include cooperative efforts with surrounding jurisdictions?

The City has good working relationships with adjacent communities and maintains regular communication with surrounding jurisdictions.

- 19) Do the policies and procedures of the Housing Authority (or other administering agency) in the City's jurisdiction, or PHAs or agencies administering one or more assisted housing programs in neighboring jurisdictions, discourage or reject applications from lower income households that do not reside in their jurisdiction by imposing residency or other local preferences?

No.

- 20) Does the Housing Authority assist certificate or voucher holders who have received their certificates or vouchers from PHAs in other jurisdictions? In what ways?

Yes, the MCHA provides information and access to supportive services and agencies within the City.

- 21) Does the Housing Authority assist certificate or voucher holders who are persons with disabilities?

Yes.

- 22) Does the Housing Authority help all certificate and voucher holders find suitable housing?

Yes.

- 23) Does this help include providing up-to-date information to minority homeseekers in particular about the various facilities and services that are available in all neighborhoods in which housing suitable to the needs of certificate or voucher holders is available?

Yes, facilities and services include schools, day care, health and welfare and other social service agencies, employment centers, and public transportation.

- 24) Does the Housing Authority encourage certificate and voucher holders, particularly minorities, to look for housing in neighborhoods that are not traditional residential areas for the holder in question?

MCHA works with approved landlords throughout the City.

- 25) Does the Housing Authority assist the search process in other ways, such as:

- Calling to confirm the availability of units located in nontraditional neighborhoods? *Yes.*
- Helping with transportation costs or providing transportation services for those interested in housing in nontraditional neighborhoods? *No.*
- Providing a master list of the names and addresses, number of units, and other data on multifamily developments in a metropolitan or other regional area that makes units available to Section 8 participants? *Yes.*

- Providing clear information to all participants concerning their housing rights and the steps they should take, including requesting assistance from the Housing Authority in the housing search, if they believe they have encountered housing discrimination? *Yes.*

26) Has the City evaluated the performance of the agency that administers the Section 8 certificate and voucher programs in its area to determine what results have been achieved under the equal housing opportunity component of the Administrative Plan?

Both HUD and the City have evaluated the performance of MCHA.

27) What steps does the Housing Authority take to promote the availability of accessible housing resources for Section 8 participant families in which one or more persons are mobility impaired?

People with disabilities may need a reasonable accommodation in order to take full advantage of the MCHA housing programs and related services. When such accommodations are granted they do not confer special treatment or advantage for the person with a disability; rather, they make the program fully accessible to them in a way that would otherwise not be possible due to their disability.

MCHA's policy clarifies how people can request accommodations and the guidelines the MCHA will follow in determining whether it is reasonable to provide a requested accommodation.

28) What steps does the Housing Authority take to help certificate or voucher holders with other types of disabilities find housing and to promote housing choice for such persons?

Because disabilities are not always apparent, the MCHA will ensure that all applicants/participants are aware of the opportunity to request reasonable accommodations.

29) What are the Housing Authority and other assisted/insured housing provider policies for admitting persons with mental or other nonphysical disabilities? Are these persons restricted to certain projects? Are the policies consistent with HUD guidance and requirements: Does the City actively support these steps? In what ways?

The MCHA does not discriminate on the basis of mental or other nonphysical disabilities? The MCHA policies are consistent with HUD guidance and requirements.

- 30) Has the Housing Authority completed its Section 504 (of the Rehabilitation Act of 1973) assessments of need for housing or other assistance among households with members who are disabled and the plans for meeting these needs?

Yes.

- 31) Has the City completed its self-evaluation consistent with Section 504 of the Rehabilitation Act of 1973?

Yes.

- 32) Has the Housing Authority (or HUD assisted housing provider) completed a self-evaluation of its policies, procedures and practices to determine whether they may adversely impact persons with disabilities during the application or tenanting process? If so, has the recipient corrected all identified deficiencies, pursuant to 24 CRG 8.51?

Yes.

- 33) Has the Housing Authority conducted a needs assessment to identify need for accessible units and does it have a transition plan to assure access?

Yes, a needs assessment was completed in April 2005. MCHA is currently building four new public housing units, including one accessible unit.

- 34) Have HUD-assisted housing providers reviewed their housing program as required by Section 504 and has it carried out the steps in its transition plan to assure full accessibility of the program?

Yes.

- 35) What steps has the Housing Authority taken to assure that persons with disabilities have access to the same range of housing choices and types as are offered to persons without disabilities?

The MCHA policies are the same for persons with and without disabilities.

- 36) What steps has the Housing Authority taken to identify funding resources and develop programs, in partnership with other public or private agencies and with private landlords participating in Section 8 certificate and voucher program, to provide funds and incentives for making privately-owned housing units accessible to persons with disabilities?

No steps have been taken at this time.

- 37) Has the Housing Authority implemented policies and procedures for assuring that Fair Market Rents are adjusted, as permitted by HUD regulations, to allow persons with disabilities to use certificates and vouchers in order to rent accessible, private sector housing units?

Yes.

Strategies:

- *Provide support to Michigan City Housing Authority in their desegregation efforts.*
- *Encourage Michigan City Housing Authority to utilize scattered-site, low-density housing acquisition as a means to de-concentrate racially impacted public housing.*
- *Michigan City Housing Authority should help with transportation costs or provide transportation services for those individuals interested in housing in non-traditional neighborhoods.*
- *MHCA should take steps to identify funding resources and develop programs, in partnership with other public or private agencies and with private landlords participating in Section 8 certificate and voucher program, to provide funds and incentives for making privately-owned housing units accessible to persons with disabilities.*

4. Sale of Subsidized Housing and Possible Displacement

If displacement occurs due to a Housing and Urban Development (HUD) or Indiana Housing Community Development Authority (IHCDA) assisted project, then the City of Michigan City shall provide relocation assistance to displaced persons in accordance with the federal Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended.

5. Property Tax Policies

Recently, the State of Indiana made a statutory change to allow the County of La Porte to transfer tax delinquent property from the County to the City (Housing Authority).

Strategies:

- *Consider initiating or broadening property tax relief provisions as a means of preserving lower-income home-ownership opportunities, especially if such provisions would be beneficial to minority households, elderly households, or households with one or more members who are disabled.*

6. Planning and Zoning Boards

Diversity in representation of citizens in the community, including lower-income racial and ethnic groups, gender categories, persons with disabilities,

and families with children should be a basic element of the City's efforts to AFFH.

What is the makeup of the planning and zoning boards by race, ethnicity, gender, disability, and familial status?

The Planning Commission is made up of nine members, appointed to four-year terms. The Mayor appoints five members, with one appointment by the Board of Public Works and Safety. One member is of the Park Board and one of the City Council; the City Engineer serves by virtue of his position. The existing Planning Commission is comprised of two African-American males, five white males, and two white females.

Planning Commission meetings are held at 7:00 PM on the fourth Tuesday of each month in the Council Chambers at City Hall.

The Board of Zoning Appeals (BZA) is comprised of five members, each serving four-year terms. One member is appointed by the Planning Commission, one by the City Council, and three by the Mayor. The Zoning Board of Appeals is comprised of one African-American and four white males.

BZA meetings are held at 7:00 PM on the second Tuesday of each month in the Council Chambers at City Hall.

Strategies:

- *The City should pay close attention to the diversity in representation of citizens in the community, including lower-income racial and ethnic groups, gender categories, persons with disabilities, and families with children, on the City's boards and commissions.*

7. Building Codes (Accessibility)

Michigan City adheres to the Uniform Building Code and the Indiana One and Two Family Code, which are legislated and administered by the State of Indiana. The State of Indiana has also adopted the best practices and recommendations made by national builders' associations and trade organizations. The State Code has adopted the Americans with Disabilities Act (ADA) requirements that all new construction of multifamily units include units that are easily convertible to accessible units for persons with disabilities. The Michigan City Planning and Inspection Department is the main entities that work to identify substandard housing conditions that could be hazardous to health and safety. Code enforcement is approached comprehensively with assistance from zoning inspectors, the City's Forester, community policing, vector control, and the Department of Public Works.

Strategies: The City should establish a rental inspection program for all rental units and have landlords register with the City.

B. Private Sector

Government policies and procedures that regulate, monitor, or otherwise impact rental, sales, and property insurance practices can play a significant role in promoting fair housing choice. The City should consider reviewing their current policies and procedures in light of private sector practices to determine what, if any, changes might be made to strengthen their role where private sector practices appear to discriminate or otherwise contribute to restrict housing choice.

Until the recent past, many mortgage lending and real estate appraisal policies and practices were openly discriminatory. Decisions as to property values, lending criteria, and related factors frequently rested on the race or ethnicity of the applicant and the racial or ethnic identity of the neighborhood in which the subject property was located. Lending policies and practices also treated applicants differently based on gender. Because of the close relationship between mortgage lending and appraisal activities, the policies and practices in one area significantly impact those in the other area.

Studies show the need for affirmative action by lenders themselves to look at their policies and practices and change the manner in which judgments are made by every person who plays a role in lending process.

The following interview was conducted on November 20, 2009, with Horizon Bank representatives: Daryl L. Crockett, VP Community Development Officer, Jim Neff, Executive Vice President, and Dan Thomas, Senior Vice President. Horizon Bank is located at 515 Franklin Street, Michigan City. The following answers given represent the policies and practices of Horizon Bank only.

- 1) Is there evidence of discrimination in mortgage lending, property appraisal, home improvement loans or other housing-related policies, standards, and procedures used by lenders and appraisers in the City?
No.
- 2) What is the evidence and what specific types of problems does it indicate? *NA.*
- 3) Has the City reviewed lending and appraisal practices through formal surveys or informal means to address the following questions: *No.*
 - a. Have lenders, appraisers, and private mortgage insurers operating in the City examined their policies, procedures, and practices for possible differential treatment of applicants for home mortgage loans, home insurance, or home

improvement loans based on race, ethnicity, gender, disability status, and families with children?

Yes, Horizon Bank examines their policies, procedures and practices on a quarterly basis to determine if there was a drop in minority applications. The bank is also audited by federal regulators.

- b. Have lenders, appraisers, and private mortgage insurers removed old policies, standards, and procedures because of their association with discriminatory antecedents, and have they adopted new policies, procedures, and standards for loan origination and processing, assessing borrower credit-worthiness, appraising the value of the collateral and selecting appraisers, underwriting decisions, and providing private mortgage insurance and selecting a private mortgage insurer?

Horizon Bank is in full compliance with the regulations and spirit of the Fair Housing Practice and Home Mortgage Disclosure Act.

- c. Are loan officers, other lending personnel, appraisers, and private insurer staff fully trained in how to apply the new policies and standards, and are they aware of the reasons they have been developed?

Yes. They are also aware of the reasons they have been developed.

- d. Do lenders, appraisers, and private mortgage insurers regularly monitor the application of these new policies and standards to determine if they are followed as intended?

Yes.

- e. Do lenders hire **fee appraisers** or refer customers to an approved list of appraisers and set clear requirements regarding the standards that are acceptable for appraisers to use? Do lenders do so for private mortgage insurers as well?

Yes, they follow the Uniform Standards for Professional Appraisal Practice (USPAP) and Equal Housing Opportunity guidelines.

- f. Do lenders disclose the full appraisal report to the borrower or the determination made by the private mortgage insurer regarding the lender's request for insurance from the borrower?

Yes.

- g. Do lenders examine their conventional mortgage and home improvement loan profiles to determine whether there are neighborhoods that are underrepresented or not represented in these profiles?

Yes, through their quarterly review of policies, procedures and practices. Recently, Horizon Bank identified Census Tract 401.01 as an area with high poverty and lower income. They developed a special program to market a below market interest rate to lower income households through local churches & service organizations and a direct mailing to the targeted zip code.

- h. Do lenders use the population and housing characteristics data that is available from the Federal financial regulatory agencies and their own Home Mortgage Disclosure Act (HMDA) data to determine whether there are neighborhoods that are underrepresented or not represented in these profiles?

Yes, Horizon Bank also uses the audit prepared by the Office of the Controller of Currency (OCC) and Federal Financial Institutions Examination Council (FFIEC) reporting (e.g. purchases, refinances, and home improvement loans).

- i. Do lenders compare the home improvement loan profile to the mortgage loan profile to determine if the former, which is usually a short-term consumer loan, is made more frequently to minorities in minority neighborhoods and to homeowners in mixed neighborhoods than mortgage loans?

Yes, on a quarterly basis, including review of Real Estate Loans and Loan application register for 1-4 family residential.

- j. Are any lending institutions aggressively marketing the availability of mortgage and home improvement loans in minority neighborhoods and encouraging minorities to apply?

Yes, on-going for the last 1 1/2 years. Horizon Bank formed a Minority Business Council made up of representatives from bank employees and community leaders to offer advice and guidance.

- k. Do lending institutions that market loans to minorities provide such loans in all areas of the community, or only in minority neighborhoods?

Loans are marketed to minorities in all areas of the community.

1. Are loans aggressively marketed to women and persons with disabilities?

Horizon Bank markets enthusiastically to women and sponsored a grant application in the amount of \$360,000 through the Federal Home Loan Bank's Affordable Housing Program to support the Parents and Friends Program and Disabled Adult Living Facility in La Porte, IN (13 miles from Michigan City).

- 4). Is there evidence of restrictive covenants, trusts, or lease provisions in use in the community that would exclude sale to or occupancy by a particular group or potential buyers or renters based on race, color, religion, sex, disability status, or familial status? Are covenants that contain such restrictions recorded in deeds on file in the City's records office?

None in use.

- 5). Have the real estate firms in the City carefully examined their business relationships with mortgage lending institutions to assure that these institutions do not restrict their lending activities to certain areas of the City (such as neighborhoods in which minorities do not reside)?

Not aware of.

- 6). Do lenders use statistical profiles and credit scores, when making loans without looking at financial circumstances of the individual family?

No, reviewing financial circumstances of individual families is part of the equation.

In conclusion, Horizon Bank partners with the Section 8 Homeownership Program and Neighborhood Improvement Program in areas of low-moderate income. Currently, Horizon Bank is working with the City to develop a "Teaching component for Minority Businesses".

Strategies:

- *Identify specific steps that the City should take based on an examination of sales and rental practices including real estate broker practices such as adoption and dissemination of anti-redlining or anti-blockbusting policies, establishing reporting requirements for housing providers in the City, establishing a stronger public education effort regarding the protection under fair housing laws, or other actions.*

C. Public and Private Sector

1. Fair Housing Enforcement

Effective fair housing enforcement lies at the heart of a comprehensive program to affirmatively further fair housing.

To assure good standing for HUD's Community Planning and Development (CPD) programs, the City should address any and all concerns expressed by HUD in contract conditions that relate to fair housing and equal opportunity performance as required by the laws and regulations governing these programs. These concerns include any and all court decisions relating to fair housing and other civil rights laws to which the City or MCHA is subject.

- 1) What is the structure and process in the City's fair housing enforcement program?

Chapter 66, Article II of the Michigan City Code addresses unlawful housing practices (See Appendix).

- 2) Is it the most appropriate structure and process for the City and does it conform fully to HUD requirements (e.g. enforce a substantially equivalent fair housing law)?

Yes.

- 3) Is the enforcement program efficient and effective in providing complainants and respondents with an objective and fair process for pursuing and settling housing complaints?

Yes.

- 4) Does the City require reports regarding fair housing complaints from the enforcement agency and use them in fair housing enforcement-related activities such as audits or Government-supported education and outreach activities?

Each month, a report is given at the Michigan City Human Rights Commission meeting regarding housing complaints. Information is also included in a yearly report the Human Rights Department provides to the City administrators (including the Mayor and City Council).

- 5) Has a court determined that housing discrimination has occurred in any aspect of the City's Community Development or housing programs, or the programs administered by the Public Housing Authority (PHA) in the City?

No.

- 6) What have the CDBG grantee and sub-recipients done to bring their programs into compliance with Section 504 of the Rehabilitation Act of 1973, as amended?

All sub-recipients have policies/posters against discriminating against persons due to a disability in their programs. Any organization receiving CDBG funds must comply with Section 504 of the Rehabilitation Act. The Owner Occupied Rehabilitation Program gives priority to disabled adults and provides funds to make a house handicapped accessible. In addition, there is a smaller rehabilitation program that provides wheelchair ramps for the elderly and persons with disabilities population.

- 7) Has HUD made a finding of violations of the Fair Housing Act, Title VI, or Section 504, or regulations implementing these laws, in any federally funded housing or housing related activities in the City? If so, please explain?

No.

- 8) If so, has the City designed and implemented appropriate actions to address the court determination or HUD finding? *NA*

- 9) Has the City ensured that all appropriate officials and employees, including sub-grantee and PHA officials and employees, are fully aware of the required actions and their responsibilities? How?

Yes, Individuals attend HUD training. Yearly submissions of goals and objectives and periodic reviews of job performances are also done.

- 10) If HUD has placed contract conditions on grants or loans awarded to the City, or denied funding because of evidence of a violation of one or more applicable civil rights laws, has the City taken all the steps required to meet the stipulations in these contract conditions or to remove the basis for funding denial? *NA*

Michigan City Human Rights Commission

The Michigan City Human Rights Commission strives to provide all citizens of the Michigan City with equal opportunity in the areas of employment, housing, education or public accommodation on the basis of race, color, religion, national origin, sex (including sexual harassment and pregnancy), handicap, ancestry and familial status (housing complaints only). The Commission also strives to protect its citizens from unfounded charges of discrimination.

Michigan City Human Rights Commission can be reached at:

Michigan City Human Rights Department
100 East Michigan Boulevard
Michigan City, Indiana 46360
Phone: (219) 873-1429

Indiana Civil Rights Commission (ICRC)

Complaints that are reported to Michigan City Human Rights Commission are sent to ICRC for investigation. ICRC is the state agency that enforces Civil Rights Law and the Fair Housing Act.

ICRC also houses the state's Fair Housing Task Force, which provides education and outreach activities to fair housing choice to communities and citizens statewide and administers a new testing program to detect housing discrimination.

Any person who feels they have been discriminated against under the Fair Housing Act and/or Indiana Fair Housing Act may file a complaint with ICRC. ICRC is equipped to take complaints in person at their office in Indianapolis or through the mail or fax. The complaints must be in writing. ICRC staff can provide assistance to those who need assistance in drafting and filing their complaints. After complaints are filed, they are investigated by ICRC on both the part of the complainant and the respondent.

A complaint may be resolved in a number of ways. The ICRC Alternative Dispute Resolution (ADR) Team can attempt to resolve the dispute through mediation, if all parties agree. If mediation is not agreed upon or a resolution cannot be found, the complaint proceeds through the investigative process and is then reviewed by the executive director or ICRC. The executive director makes the final determination of probable cause that an illegal act of discrimination occurred. (If no probable cause is found, the complainant may ask for reconsideration of the complaint within 15 days). If probable cause is found, the complaint proceeds through the resolution process. A complaint may be resolved through a settlement between the parties. If a settlement cannot be reached, a public hearing takes place with an Administrative Law Judge (ALJ). In a trial, the complainant may be represented by an ICRC staff attorney. After the trial, the ALJ issues proposed findings, which are submitted to ICRC. The complainant and respondent have 15 days to file objections to the recommended findings.

If, during the investigative, review, and legal process, ICRC finds that discrimination has occurred, the ICRC may issue an order to stop the discrimination and eliminate further discrimination.

The Indiana Civil Rights Commission can be reached at:

100 North Senate Ave.
Indiana Government Center North, Room N103
Indianapolis, Indiana 46204
Phone: (317) 232-2600 or 1-800-628-2909
TTY: 1-800-743-3333

HUD Office of Fair Housing and Equal Opportunity (FHEO)

The mission of the HUD Office of Fair Housing and Equal Opportunity is to enforce the Fair Housing Act and other civil rights laws. HUD and ICRC jointly work in carrying out investigative and enforcement functions. If a right to fair housing is being violated, a complaint can be submitted to the nearest HUD office in Chicago, IL. HUD's Chicago office is responsible for fair housing oversight in the Midwest region, including Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. Indiana's field office is located in Indianapolis.

Complaints based upon alleged violations of fair housing law are filed directly with HUD in Denver or brought to HUD's attention by Michigan City Human Rights Commission or ICRC. HUD's Chicago office then investigates the allegations.

HUD's Chicago office can be reached at:

U.S. Department of Housing and Urban Development
Ralph H. Metcalfe Federal Building
77 West Jackson Boulevard, Room 2101
Chicago, Illinois 60604-3507
Phone: (312) 353-7776 or 1-800-765-9372
Fax: (312) 886-2837
TTY: (312) 353-7143

Fair Housing Testing

ICRC recently developed a testing program to identify cases of housing discrimination. Testing programs "match" persons in protected classes with white individuals having the same characteristics (e.g., income levels, credit histories, rental records). These individuals independently engage in identical transactions – applying for a mortgage loan, refinancing a current loan, previewing an apartment and completing the application – and report the results of the transaction. The transactions are then compared to identify evidence of disparate treatment. ICRC does not yet have data on the housing discrimination component of the testing program.

2. Informational Programs

The City, regardless of whether they have completed an AI, should be conducting education and outreach activities. FHP is not comprehensive if it fails to address the lack of knowledge in the general public and among Government and other community officials and leaders about actions constituting discriminatory behavior, fair housing laws, and fair housing objectives.

MCHA utilizes the following marketing materials to market all segments of the eligible population for its programs and services.

- Brochures: Provide a range of information (e.g. rent, transportation, schools, shopping, employment, medical services and accommodations for persons with disabilities). In addition, they communicate equal housing opportunity policies and provide information on policies toward families with children.
- Logos, Signs, and Posters: The Equal Housing Opportunity Logo and slogan will be incorporated into all marketing materials and wherever sales/rentals take place.
- Information Sharing with all social service organizations in the counties that are served by MCHA.

- 1) What specific types of activities have been undertaken by the City, and other entities in the City- such as human relations commission and other fair housing organizations- to provide information to the general public, Government officials and staff, community leaders, and others regarding fair housing laws and objectives?

CDBG has supplied funding to the Human Rights office to inform the general public of the fair housing laws. There have been billboards used to inform the public of their rights.

- 2) Are these activities confined largely to National Fair Housing Month (April), or is there a comprehensive set of activities going on throughout the calendar year? If throughout the year, please list activities?

It is ongoing and is not restricted to the National Fair Housing Month. See question 1) above for activities.

- 3) How effective is each of these activities in increasing knowledge of the laws, reducing discriminatory behavior, or achieving other worthy results?

Although difficult to measure, information is key to increasing knowledge and the City is doing that through billboards, etc.

- 4) Has the City implemented specific fair housing information programs for officials and employees having duties that impact on fair housing such as developing zoning policies, planning assisted housing, and community and economic development activities? If so, please explain?

The City is involved in developing zoning policies, housing and community development and implements fair housing information with those programs when appropriate.

- 5) Are there areas in the City where conflict between different racial or ethnic groups is evident? Between persons with and without a disability? If so, please explain?

Different neighborhoods do have different composite of racial or ethnic groups and the City whenever possible encourages ethnic diversity. Disability is not limited to a specific neighborhood.

- 6) Are there effective outreach, education, and information programs in the City designed to create a good understanding among civic leaders, educators, and other citizens of all ages to reduce the adverse effects and force of negative attitudes among segments of the community concerning people who are different racially, ethnically, and culturally or who are disabled? If so, please give examples?

Outreach is through the homeless prevention program and the City is working on NIMBYism.

Conclusions: The City should regularly assess the effectiveness of such activities in informing people of their rights and responsibilities and in reducing the kinds of prejudices and intolerance that lead to discriminatory actions.

- *The City should undertake specific programs to educate its officials and employees and the general public regarding the provisions of a particular court determination or HUD finding and the actions that are or will be underway to address the problems found.*
- *The City should develop new outreach, education, or information programs and activities to promote housing opportunities for particular segments of the community (such as racial or ethnic minority groups or persons with disabilities). This should be done in cooperation with fair housing organizations and organizations working on this common goal.*

3. **Visitability in Housing**

“Visitability” means that: (1) at least one entrance is at grade (no step), approached by an accessible route, such as a sidewalk and (2) the entrance

door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space.

Visitability allows mobility impaired residents to visit families and friends where this would not otherwise be possible. A visitable home also serves persons without disabilities (e.g. a mother pushing a stroller, a person delivering large appliances, a person using a walker, etc.). One difference between “visitability” and “accessibility” is that accessibility requires that all features of a dwelling unit be made accessible for mobility impaired persons. A visitable home provides less accessibility than an accessible home, and is meant to be those units not required to be accessible.

- 1) Has the Housing Authority/City incorporated the concept of visitability in a homeownership or rental project recently built?

No projects have been built recently in the City.

- 2) Has the Housing Authority/City incorporated the concept of visitability into rehabilitation projects which has resulted in visitability units throughout the project?

Yes, at Boulevard Gardens.

- 3) Has the entity developed a written visitability policy and/or a visitability transition plan in place to make all or a significant percentage of its units visitable?

No.

Strategies:

- *MCHA should develop a written visitability policy and transition plan to make all or a significant percentage of its units visitable.*

D. Where there is a determination of unlawful segregation or other housing discrimination by a court or a finding of noncompliance by HUD under Title VI of the Civil Rights Act of 1964 or Section 504 of the Rehabilitation Act of 1973, or where the Secretary has issued a charge under the Fair Housing Act regarding assisted housing within a recipient’s jurisdiction, an analysis of the actions which could be taken by the recipient to help remedy the discriminatory condition, including actions involving the expenditure of funds by the jurisdiction.

There has been no determination of unlawful segregation or other housing discrimination.

V. Assessment of Current Public and Private Fair Housing Programs And Activities in the Jurisdiction

Effective fair housing enforcement lies at the heart of a comprehensive program to affirmatively further fair housing.

CRA Compliance

Passed by Congress in 1977, the Community Reinvestment Act (CRA) states that “regulated financial institutions have continuing and affirmative obligations to help meet the credit needs of the local communities in which they are chartered.” The act then establishes a regulatory regime for monitoring the level of lending, investments, and services in low- and moderate-income neighborhoods. According to the National Community Reinvestment Coalition:

“Approximately once every two years examiners from four federal agencies assess and ‘grade’ lending institutions activities in low- and moderate-income neighborhoods. If a regulatory agency finds that a lending institution is not serving these neighborhoods, it can delay or deny that institution’s request to merge with another lender or to open a branch or expand any of its other services. The financial institution regulatory agency can also approve the merger application subject to specific movements in a bank’s lending or investment record in low and moderate-income neighborhoods.”

While denials of bank applications are rare, federal agencies can make approvals conditional upon specific improvements in a bank’s CRA performance. Also, dialogue between banks and community organizations often result in bank commitments to increase lending and/or start affordable housing and small business lending programs.

The CRA requires that financial institutions progressively seek to enhance community development within the area they serve. On a regular basis, financial institutions submit information about mortgage loan applications as well as materials documenting their community development activity. The records are reviewed to determine if the institution satisfied CRA requirements. The assessment includes a review of records as related to the following:

- Commitment to evaluating and servicing community credit needs;
- Offering and marketing various credit programs;
- Record of opening and closing offices;
- Discrimination and other illegal credit practices; and
- Community development initiatives

The data is evaluated and a rating for each institution is determined. Ratings for institutions range from substantial noncompliance in meeting credit needs to an outstanding record of meeting community needs. Table 41 represents CRA Compliance for the 6 financial institutions subject to CRA in Michigan City as of 2007.

Table 41: Most Recent CRA Rating of Examined Michigan City Banks, 2007		
Rating	Examined Banks	
	Number	Percent
Outstanding	1	17%
Satisfactory	5	83%
Needs to Improve	0	0%
Substantial Noncompliance	0	0%

Source: FFIEC Interagency CRA Rating, 2007

As shown in the table above, all institutions identified in Michigan City currently have a rating of “satisfactory” or “outstanding”. This compares well with the national average, as does the fact that not a single financial institution reviewed in Michigan City was found to need improvement or was substantially noncompliant with the CRA.

HMDA Data Analysis

HMDA data consists of information about mortgage loan applications for financial institutions, savings and loans, savings banks, credit unions and some mortgage companies. The data contains information about the location, dollar amount, and types of loans made, as well as racial and ethnic information, income, and credit characteristics of all loan applicants. The data are available for government loans, home purchases, loan refinances, and home improvement loans.

HMDA data can provide a picture of how different applicant types fare in the mortgage lending process. These data can be used to identify areas of potential concern that may warrant further investigations. For example, by comparing loan approval rates of minority applicants with non minorities that have similar income and credit characteristics, areas of potential discrimination may be detected. HMDA was also enacted by Congress to provide investors and public agencies with information to guide investments in housing. Likewise, HMDA analysis can be used to forge partnerships among banks and community organizations in under served minority or low-income neighborhoods.

The Federal Reserve is the primary regulator of compliance with fair lending regulations. When federal regulators examine financial institutions, they use HMDA data to determine if applicants of a certain gender, race or ethnicity are rejected at statistically significant higher rates than applicants with other characteristics. The Federal Reserve uses a combination of sophisticated modeling and loan file sampling and review to detect lending discrimination.

The HMDA data tables in this section present summary HMDA data by Metropolitan Statistical Areas/Metropolitan Divisions (MSA/MD). Examinations of denial rates and general applicant characteristics can suggest areas for further examination.

Table 42: Loan Applications Received, by Loan Type Michigan City – LaPorte, IN MSA/MD 2008				
	Government Guaranteed Home Purchase	Conventional Home Purchase	Refinance	Home Improvement
Loan originated	106	178	501	76
Approved, not accepted	9	27	68	11
Denied	31	57	332	90
Withdrawn	1	13	129	7
Determined incomplete	6	10	40	6

Loans on 1-4 Family and MHD, FFIEC HMDA Aggregate Reports, 2008

Denial rates by race and ethnicity

Table 43: Disposition of Applications for FHA, FSA/RHS and VA Home Purchase Loans By Race and Ethnicity Michigan City – LaPorte, IN MSA/MD 2008							
Government Guaranteed Home Purchases							
Race	Apps. Received	Apps. Denied	Percentage Denied	Ethnicity	Apps. Received	Apps. Denied	Percentage Denied
American Indian/Alaskan Native	0	0	0%	Hispanic or Latino	19	4	21%
Asian	0	0	0%	Not Hispanic or Latino	451	67	15%
Black or African American	26	8	31%	Joint (Hispanic or Latino/Not Hispanic or Latino)	2	0	0%
Native Hawaiian/Other Pacific Islander	1	0	0%	Ethnicity Not Available	12	3	25%
White	437	62	14%				
2 or More Minority Races	0	0	0%				
Joint (White/Minority Race)	2	1	50%				
Race Not Available	18	3	17%				

Source: FFIEC HMDA Aggregate Reports, 2008

**Table 44: Disposition of Applications for Conventional Home-Purchase Loans
By Race and Ethnicity
Michigan City – LaPorte, IN MSA/MD 2008**

Government Guaranteed Home Purchases							
Race	Apps. Received	Apps. Denied	Percentage Denied	Ethnicity	Apps. Received	Apps. Denied	Percentage Denied
American Indian/Alaskan Native	4	1	25%	Hispanic or Latino	18	7	39%
Asian	9	4	44%	Not Hispanic or Latino	857	157	18%
Black or African American	25	12	48%	Joint (Hispanic or Latino/Not Hispanic or Latino)	2	0	0%
Native Hawaiian/Other Pacific Islander	1	0	0%	Ethnicity Not Available	69	17	25%
White	836	144	17%				
2 or More Minority Races	0	0	0%				
Joint (White/Minority Race)	6	3	50%				
Race Not Available	65	17	26%				

Source: FFIEC HMDA Aggregate Reports, 2008

**Table 45: Disposition of Applications on Refinance Loans
By Race and Ethnicity
Michigan City – LaPorte, IN MSA/MD 2008**

Government Guaranteed Home Purchases							
Race	Apps. Received	Apps. Denied	Percentage Denied	Ethnicity	Apps. Received	Apps. Denied	Percentage Denied
American Indian/Alaskan Native	24	13	54%	Hispanic or Latino	67	28	42%
Asian	8	6	75%	Not Hispanic or Latino	2,838	851	30%
Black or African American	151	76	50%	Joint (Hispanic or Latino/Not Hispanic or Latino)	36	17	47%
Native Hawaiian/Other Pacific Islander	6	6	100%	Ethnicity Not Available	375	145	0%
White	2,721	786	29%				
2 or More Minority Races	4	1	25%				
Joint (White/Minority Race)	24	11	46%				
Race Not Available	378	142	28%				

Source: FFIEC HMDA Aggregate Reports, 2008

**Table 46: Disposition of Applications for Home Improvement Loans
By Race and Ethnicity
Michigan City – LaPorte, IN MSA/MD 2008**

Government Guaranteed Home Purchases							
Race	Apps. Received	Apps. Denied	Percentage Denied	Ethnicity	Apps. Received	Apps. Denied	Percentage Denied
American Indian/Alaskan Native	5	2	40%	Hispanic or Latino	16	13	81%
Asian	1	1	100%	Not Hispanic or Latino	481	184	38%
Black or African American	46	26	57%	Joint (Hispanic or Latino/Not Hispanic or Latino)	7	6	86%
Native Hawaiian/Other Pacific Islander	2	1	50%	Ethnicity Not Available	83	42	51%
White	447	169	29%				
2 or More Minority Races	0	0	0%				
Joint (White/Minority Race)	4	3	75%				
Race Not Available	82	43	52%				

Source: FFIEC HMDA Aggregate Reports, 2008

Approval rates by race and income

Table 47 presents denial rates by race and ethnicity, categorized by income level and loan type. It is important to note that for all groups other than African American and White, the number of loan applications were relatively small. As such, caution should be used in interpreting data about racial and ethnic groups.

**Table 47: Mortgage Loan Denial Rates by Race/Ethnicity and Income
Michigan City – LaPorte, IN MSA/MD 2008**

Race/Ethnicity	Government Guaranteed Home Purchases		Apps. Denied	Conventional Home Purchases		
	Low Income Applicants (<50% of Median)	Moderate, Middle and Upper Income Applicants (50-79% if Median or Greater)		Low Income Applicants (<50% of Median)	Moderate, Middle and upper Income Applicants (50-79% if Median or Greater)	Apps. Denied
American Indian/Alaskan Native	0	0	NA	2	0	0%
Asian	0	0	NA	4	0	75%
Black or African American	4	12	37.5%	5	4	67%
Native Hawaiian/Other Pacific Islander	1	0	0%	0	0	0%
White	69	141	17%	122	188	23.5%
Ethnicity						
Hispanic or Latino	7	7	14%	1	10	55%
Not Hispanic or Latino	67	149	18.5%	128	181	24%
Joint (Hispanic or Latino/Not Hispanic or Latino)	1	0	0%	1	0	0%

Source: FFIEC HMDA Aggregate Reports, 2008

Race/Ethnicity	Refinances			Home Improvement Loans		
	Low Income Applicants (<50% of Median)	Moderate, Middle and Upper Income Applicants (50-79% if Median or Greater)	Apps. Denied	Low Income Applicants (<50% of Median)	Moderate, Middle and upper Income Applicants (50-79% if Median or Greater)	Apps. Denied
American Indian/Alaskan Native	3	11	64%	0	1	100%
Asian	1	0	0%	1	0	100%
Black or African American	22	54	42%	13	18	39%
Native Hawaiian/Other Pacific Islander	2	0	100%	1	1	50%
White	284	572	35%	62	114	44%
Ethnicity						
Hispanic or Latino	10	24	50%	1	6	86%
Not Hispanic or Latino	303	621	35%	77	129	47%
Joint (Hispanic or Latino/Not Hispanic or Latino)	3	1	75%	0	1	100%

Source: FFIEC HMDA Aggregate Reports, 2008

For government guaranteed home purchase loans, Blacks or African Americans had considerably higher denial rates than Whites. Hispanics or Latinos had a similar denial rate to Whites.

A better picture is provided by analysis of refinance loan denial rates during 2008 because there are more applications for most racial and ethnic groups. Among low-income applicants, Whites, African Americans, Hispanics, and joint applicants had similar denial rates, ranging from 35 percent for Whites to 50 percent for Hispanics.

Asian and Hispanic or Latino had the highest denial rates for conventional loans among applicants for whom race was available. For home improvement loans, American Indian/Alaskan Native and Asian had the highest denial rates, however the sample was relatively small.

A higher denial rate for minorities does not necessarily indicate fair housing problems. It can be explained, in part, by minorities having lower incomes than non-minorities. It is also possible that credit histories vary among applicants with different racial/ethnic characteristics. Without a detailed analysis of each applicant (such data are unavailable in the HMDA records due to confidentiality), it is unclear if the reason for the difference is due to variables other than income that are considered in making the lending decision (e.g., credit history, debt to income ratios) or if discrimination in lending could be occurring.

As would be expected, denial rates tend to decline as incomes rise. Among higher income applicants, joint applicants have lower denial rates than males or females.

There are many reasons that loan approval rates may vary for applicants in the same income brackets: credit ratings, net worth, and loan to debt ratios play a large role in the decision to deny or approve a loan. Without individual data about the applications analyzed, it is difficult to assess the presence of discrimination by race, ethnicity, or gender. Disparities in approval rates between racial and ethnic groups or genders are not definitive proof of housing discrimination; rather, the presence of disparities suggests the need for further inquiry.

The data are also useful in determining what government sponsored programs might be needed to fill the gaps between what the private market is willing to provide and what is needed.

Strategies:

- *Offer a first-time homebuyer classes and education program about loan requirements and budgeting to assist applicants in understanding how to improve their probability of receiving a mortgage loan.*
- *Provide credit counseling and education about good credit.*
- *Publicize the availability of government guaranteed loans to potential borrowers.*
- *Community groups and government officials should take an active role in encouraging increased CRA compliance activities by local financial institutions.*
- *Identify specific steps that will be taken to strengthen the fair housing aspect of community revitalization activities in poorer neighborhoods through equalizing services, revising displacement policies and procedures, initiating or strengthening agreements with banks and other lending institutions subject to CRE, creating job-housing and education-housing linkages in and outside neighborhoods.*
- *Regularly monitor tenant characteristics data for the HUD-assisted and HUD-insured housing developments as one means of evaluating policies, procedures and practices.*

VI. Conclusions and Recommendations

Placement of new or rehabilitated housing for lower-income people is one of the most controversial issues communities face. If fair housing objectives are to be achieved, the goal must be to avoid high concentrations of low-income housing. “NIMBYism” seriously affects the availability of housing for low-income families, persons with disabilities, homeless persons, or lower-income minorities and is one of the most difficult challenges jurisdictions encounter in promoting fair housing objectives. The attitude of local government officials, public pronouncements of general policy, and careful planning and implementation of individual housing efforts by providers are key aspects for overcoming resistance of this kind. In addition, contextual planning of new affordable housing with relationship to scale, size, density, and architectural character of the neighborhoods where it will be located is vital to integration and success.

The City should convene regular focus group meetings, including, but not limited to: health providers, landlords, homebuilders, banks and financial institutions, neighborhood organizations, and service providers to gather feedback on current barriers and to discuss strategies to eliminate barriers. The La Porte County HOME Team is a good model. The HOME Team examines how mental health/disability providers, housing developers (non-profit and for profit), health providers, homeless services providers, and the City can work together to eliminate gaps, prevent overlapping services, and examine potential methods to increase the range of housing options and related services for persons with special needs. In addition, the City should develop new outreach, education, or information programs and activities to promote housing opportunities for particular segments of the community (such as racial or ethnic minority groups or persons with disabilities). This should be done in cooperation with fair housing organizations and organizations working on this common goal.

One aspect of fair housing choice is neighborhood revitalization and the provision of good services to areas in which low and moderate income families live. Blacks, Hispanics, other urban minorities and persons with disabilities who are most concentrated in such neighborhoods will benefit from better neighborhood environments so critical to good housing. Public services and facilities include schools, parks and recreational facilities & programs, social service programs, transportation, public safety, street lighting, good maintenance and code enforcement. Lower income, densely populated residential areas often lack the level and array of services that are provided in more affluent neighborhoods. The City should strive to equalize services as part of FHP.

In a recent study “Where will the jobs come from?” by Dane Stangler and Robert E. Litan, sponsored by the Ewing Marion Kauffman Foundation, the data shows that from 1980-2005, nearly all net job creation in the US occurred in firms less than five years old (e.g start up firms and young firms, ages one to five). Thus, it is clear that new and young companies and the entrepreneurs that create them are the engines of job creation and eventual economic recovery. In conclusion, Michigan City and the private sector should develop programs and identify funding opportunities to support job incubators and start up companies.

Linking strategies to expand lower income housing opportunities in nontraditional areas with activities to create new or expanded job opportunities not only helps lower-income families, but may help control local labor shortages. On a regular basis, the City and MC Transit should review existing transportation routes to link transportation and job employment centers to where lower income persons and families reside. The City should also strive to secure good services and facilities in neighborhoods where economic development efforts for creating jobs and enhancing small business opportunities are under way.

The City should work closely with adjacent communities and La Porte County to update the Comprehensive Land Use Plan to focus on housing and housing related issues and problems from a metropolitan and regional perspective. Mixed-use zoning should be encouraged, which allows low income residents to obtain groceries, education, jobs and other basic services without a vehicle.

MCHA currently provides Section 8 eligible persons with a list of approved landlords throughout the City. To make the program more effective, the City is encouraged to establish a nonprofit clearinghouse mechanism to provide counseling and other services, if possible, to encourage participants to look for and select housing in a wide variety of locations, including those outside low-income and minority areas. In addition, MCHA could help with transportation costs or providing transportation service for those interested in housing in nontraditional neighborhoods.

HUD encourages cities to adopt initiatives that will expand housing choices for persons with disabilities so that persons with disabilities will have the same ranges of housing choices as persons without disabilities. For example, the City, MCHA, and private landlords that participate in the Section 8 Certificate and Voucher program, and the Indiana and City CDBG programs, could join resources to provide funds for the removal of architectural barriers in housing operated by private landlords to make these projects accessible to people with disabilities.

In the sale of subsidized housing, the objective should be to preserve lower-income housing opportunities to the maximum extent feasible. However, if any displacement of current minority or disabled low-income families occurs, the objective then should be to provide other housing opportunities to displaced households by giving them a real choice to relocate inside and outside minority neighborhoods or in buildings that are predominately occupied by minorities or persons with disabilities. Because a relocation plan often places sole reliance on the provision of certificates or vouchers to displaced households, a good program to promote real choice in the use of certificates and vouchers is essential.

The concept of “visitability” allows mobility impaired residents to visit families and friends where this would not otherwise be possible. A visitability home also make it easier on mothers pushing strollers, a person delivering large appliances, a person using a walker, etc. The City and MCHA should encourage the concept of visitability in future homeownership and rental projects.

Tax forgiveness, delay, or other tax relief policies can help lower-income homeowners keep their homes. Programs of this kind can be part of an overall, much larger strategy to promote fair housing because they help to preserve homeownership opportunities for

groups like minority families and elderly homeowners who otherwise would have only rental options.

Tax relief can take the form of delayed payments. Property taxes become, in effect, a lien on the property to be paid at the time of sale or inheritance. Alternatively, interest-free payments can be spread over months, permitting smaller monthly payments for those who qualify. Michigan City should explore these various options.

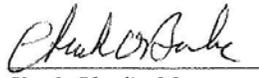
The City should pay closer attention to the importance of the relationship between the membership of planning and zoning boards and the decisions they make regarding neighborhood revitalization activities and lower-income housing site selection. Diversity in representation of citizens in the community, including lower-income racial and ethnic groups, gender categories, persons with disabilities, and families with children should be a basic element of the City's efforts to AFFH. A more conscious and dedicated effort to include representation of these groups on City boards and commissions is paramount.

The City needs to do more in reviewing their current policies and procedures in light of private sector (e.g. banking, financial institutions, real estate brokers, and insurance companies) practices to determine what, if any, changes might be made to strengthen their role where private sector practices appear to discriminate or otherwise contribute to restricted housing choice. Thus, Michigan City should review lending and appraisal practices through formal surveys or informal means to examine their policies, procedures, and practices for possible differential treatment of home mortgage loans, home insurance, or home improvement loans based on race, ethnicity, gender, disability status, and familial status.

Ultimately, providing adequate housing and improving existing neighborhoods are vital functions and should always be encouraged. When steps are taken to assure that the housing is fully available to all residents of the community regardless of race, color, national origin, gender, disability, or familial status, those are the actions that affirmatively further fair housing.

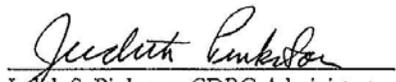
VII. Signature Page

The City of Michigan City, Indiana, as a recipient of CDBG funds and in order to comply with its certification to Affirmatively Further Fair Housing (AFFH), has conducted an Analysis of Impediments to Fair Housing Choice update to assess the availability of fair housing choice within the City of Michigan City. We affirm that the City of Michigan City, Indiana will support the activities to assure nondiscrimination in the provision of housing and its accompanying transactions.



Chuck Oberlie, Mayor
City of Michigan City

June 14, 2010
Date



Judith S. Pinkston, CDBG Administrator
City of Michigan City

June 14, 2010
Date

Appendix

Federal Fair Housing Act

FAIR HOUSING ACT

Sec. 800. [42 U.S.C. 3601 note] Short Title

This title may be cited as the "Fair Housing Act".

Sec. 801. [42 U.S.C. 3601] Declaration of Policy

It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

Sec. 802. [42 U.S.C. 3602] Definitions

As used in this subchapter--

- (a) "Secretary" means the Secretary of Housing and Urban Development.
- (b) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (c) "Family" includes a single individual.
- (d) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11 [of the United States Code], receivers, and fiduciaries.
- (e) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
- (f) "Discriminatory housing practice" means an act that is unlawful under section 804, 805, 806, or 818 of this title.
- (g) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.
- (h) "Handicap" means, with respect to a person--
 - (1) a physical or mental impairment which substantially limits one or more of such person's major life activities,
 - (2) a record of having such an impairment, or
 - (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).
- (i) "Aggrieved person" includes any person who--

(1) claims to have been injured by a discriminatory housing practice; or

(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

(j) "Complainant" means the person (including the Secretary) who files a complaint under section 810.

(k) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with--

(1) a parent or another person having legal custody of such individual or individuals; or

(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

(l) "Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the Secretary.

(m) "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

(n) "Respondent" means--

(1) the person or other entity accused in a complaint of an unfair housing practice; and

(2) any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under section 810(a).

(o) "Prevailing party" has the same meaning as such term has in section 722 of the Revised Statutes of the United States (42 U.S.C. 1988).

[42 U.S.C. 3602 note] Neither the term "individual with handicaps" nor the term "handicap" shall apply to an individual solely because that individual is a transvestite.

Sec. 803. [42 U.S.C. 3603] Effective dates of certain prohibitions

(a) Subject to the provisions of subsection (b) of this section and section 807 of this title, the prohibitions against discrimination in the sale or rental of housing set forth in section 804 of this title shall apply:

(1) Upon enactment of this subchapter, to--

(A) dwellings owned or operated by the Federal Government;

(B) dwellings provided in whole or in part with the aid of loans, advances, grants, or contributions made by the Federal Government, under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to April 11, 1968;

(C) dwellings provided in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government, under agreements entered into after November 20, 1962, unless payment thereon has been made in full prior to April 11, 1968: **Provided**, That nothing contained in subparagraphs (B) and (C) of this subsection shall be applicable to dwellings solely by virtue of the fact that they are subject to mortgages held by an FDIC or FSLIC institution; and

(D) dwellings provided by the development or the redevelopment of real property purchased, rented, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

(2) After December 31, 1968, to all dwellings covered by paragraph (1) and to all other dwellings except as exempted by subsection (b) of this section.

(b) Nothing in section 804 of this title (other than subsection (c)) shall apply to--

(1) any single-family house sold or rented by an owner: **Provided**, That such private individual owner does not own more than three such single-family houses at any one time: **Provided further**, That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: **Provided further**, That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: **Provided further**, That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this subchapter only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 804(c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) For the purposes of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if--

- (1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
- (2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
- (3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

Sec. 804. [42 U.S.C. 3604] Discrimination in sale or rental of housing and other prohibited practices

As made applicable by section 803 of this title and except as exempted by sections 803(b) and 807 of this title, it shall be unlawful--

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.
- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.
- (c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- (d) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.
- (f)
 - (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of--
 - (A) that buyer or renter,
 - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (C) any person associated with that buyer or renter.
 - (2) To discriminate against any person in the terms, conditions, or privileges of sale or

rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of--

- (A) that person; or
- (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
- (C) any person associated with that person.

(3) For purposes of this subsection, discrimination includes--

(A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(C) in connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is 30 months after the date of enactment of the Fair Housing Amendments Act of 1988, a failure to design and construct those dwelling in such a manner that--

(i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

(ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(iii) all premises within such dwellings contain the following features of adaptive design:

(I) an accessible route into and through the dwelling;

(II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(III) reinforcements in bathroom walls to allow later installation of grab bars; and

(IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph (3)(C)(iii).

(5)

(A) If a State or unit of general local government has incorporated into its laws the requirements set forth in paragraph (3)(C), compliance with such laws shall be deemed to satisfy the requirements of that paragraph.

(B) A State or unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of paragraph (3)(C) are met.

(C) The Secretary shall encourage, but may not require, States and units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with paragraph (3)(C), and shall provide technical assistance to States and units of local government and other persons to implement the requirements of paragraph (3)(C).

(D) Nothing in this title shall be construed to require the Secretary to review or approve the plans, designs or construction of all covered multifamily dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of paragraph 3(C).

(6)

(A) Nothing in paragraph (5) shall be construed to affect the authority and responsibility of the Secretary or a State or local public agency certified pursuant to section 810(f)(3) of this Act to receive and process complaints or otherwise engage in enforcement activities under this title.

(B) Determinations by a State or a unit of general local government under paragraphs (5)(A) and (B) shall not be conclusive in enforcement proceedings under this title.

(7) As used in this subsection, the term "covered multifamily dwellings" means--

(A) buildings consisting of 4 or more units if such buildings have one or more elevators; and

(B) ground floor units in other buildings consisting of 4 or more units.

(8) Nothing in this title shall be construed to invalidate or limit any law of a State or political subdivision of a State, or other jurisdiction in which this title shall be effective, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this title.

(9) Nothing in this subsection requires that a dwelling be made available to an individual

whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Sec. 805. [42 U.S.C. 3605] Discrimination in Residential Real Estate-Related Transactions

(a) In General.--It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(b) Definition.--As used in this section, the term "residential real estate-related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance--

(A) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(B) secured by residential real estate.

(2) The selling, brokering, or appraising of residential real property.

(c) Appraisal Exemption.--Nothing in this title prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

Sec. 806. [42 U.S.C. 3606] Discrimination in provision of brokerage services

After December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status, or national origin.

Sec. 807. [42 U.S.C. 3607] Religious organization or private club exemption

(a) Nothing in this subchapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this subchapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(b)

(1) Nothing in this title limits the applicability of any reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this title regarding familial status apply with respect to housing

for older persons.

(2) As used in this section "housing for older persons" means housing --

(A) provided under any State or Federal program that the Secretary determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or

(B) intended for, and solely occupied by, persons 62 years of age or older; or

(C) intended and operated for occupancy by persons 55 years of age or older, and--

(i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;

(ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and

(iii) the housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall--

(I) provide for verification by reliable surveys and affidavits; and

(II) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

(3) Housing shall not fail to meet the requirements for housing for older persons by reason of:

(A) persons residing in such housing as of the date of enactment of this Act who do not meet the age requirements of subsections (2)(B) or (C): **Provided**, That new occupants of such housing meet the age requirements of sections (2)(B) or (C); or

(B) unoccupied units: **Provided**, That such units are reserved for occupancy by persons who meet the age requirements of subsections (2)(B) or (C).

(4) Nothing in this title prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(5)

(A) A person shall not be held personally liable for monetary damages for a violation of this title if such person reasonably relied, in good faith, on the application of the exemption under this subsection relating to housing for older persons.

(B) For the purposes of this paragraph, a person may only show good faith reliance on the application of the exemption by showing that--

- (i) such person has no actual knowledge that the facility or community is not, or will not be, eligible for such exemption; and
- (ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for such exemption.

Sec. 808. [42 U.S.C. 3608] Administration**(a) Authority and responsibility**

The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development.

(b) Assistant Secretary

The Department of Housing and Urban Development shall be provided an additional Assistant Secretary.

(c) Delegation of authority; appointment of administrative law judges; location of conciliation meetings; administrative review

The Secretary may delegate any of his functions, duties and power to employees of the Department of Housing and Urban Development or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this subchapter. The person to whom such delegations are made with respect to hearing functions, duties, and powers shall be appointed and shall serve in the Department of Housing and Urban Development in compliance with sections 3105, 3344, 5372, and 7521 of title 5 [of the United States Code]. Insofar as possible, conciliation meetings shall be held in the cities or other localities where the discriminatory housing practices allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his administrative law judges to other administrative law judges or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(d) Cooperation of Secretary and executive departments and agencies in administration of housing and urban development programs and activities to further fair housing purposes

All executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) in a manner affirmatively to further the purposes of this subchapter and shall cooperate with the Secretary to further such purposes.

(e) Functions of Secretary

The Secretary of Housing and Urban Development shall--

- (1) make studies with respect to the nature and extent of discriminatory housing practices in representative communities, urban, suburban, and rural, throughout the United States;
- (2) publish and disseminate reports, recommendations, and information derived from such

studies, including an annual report to the Congress--

(A) specifying the nature and extent of progress made nationally in eliminating discriminatory housing practices and furthering the purposes of this title, obstacles remaining to achieving equal housing opportunity, and recommendations for further legislative or executive action; and

(B) containing tabulations of the number of instances (and the reasons therefor) in the preceding year in which--

(i) investigations are not completed as required by section 810(a)(1)(B);

(ii) determinations are not made within the time specified in section 810(g); and

(iii) hearings are not commenced or findings and conclusions are not made as required by section 812(g);

(3) cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

(4) cooperate with and render such technical and other assistance to the Community Relations Service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices;

(5) administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this subchapter; and

(6) annually report to the Congress, and make available to the public, data on the race, color, religion, sex, national origin, age, handicap, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of, programs administered by the Department to the extent such characteristics are within the coverage of the provisions of law and Executive orders referred to in subsection (f) which apply to such programs (and in order to develop the data to be included and made available to the public under this subsection, the Secretary shall, without regard to any other provision of law, collect such information relating to those characteristics as the Secretary determines to be necessary or appropriate).

(f) The provisions of law and Executive orders to which subsection (e)(6) applies are--

(1) title VI of the Civil Rights Act of 1964;

(2) title VIII of the Civil Rights Act of 1968;

(3) section 504 of the Rehabilitation Act of 1973;

(4) the Age Discrimination Act of 1975;

(5) the Equal Credit Opportunity Act;

- (6) section 1978 of the Revised Statutes (42 U.S.C. 1982);
- (7) section 8(a) of the Small Business Act;
- (8) section 527 of the National Housing Act;
- (9) section 109 of the Housing and Community Development Act of 1974;
- (10) section 3 of the Housing and Urban Development Act of 1968;
- (11) Executive Orders 11063, 11246, 11625, 12250, 12259, and 12432; and
- (12) any other provision of law which the Secretary specifies by publication in the Federal Register for the purpose of this subsection.

Sec. 808a. [42 U.S.C. 3608a] Collection of certain data

(a) In general

To assess the extent of compliance with Federal fair housing requirements (including the requirements established under title VI of Public Law 88-352 [42 U.S.C.A. {2000d et seq.}] and title VIII of Public Law 90-284 [42 U.S.C.A. {3601 et seq.}], the Secretary of Housing and Urban Development and the Secretary of Agriculture shall each collect, not less than annually, data on the racial and ethnic characteristics of persons eligible for, assisted, or otherwise benefiting under each community development, housing assistance, and mortgage and loan insurance and guarantee program administered by such Secretary. Such data shall be collected on a building by building basis if the Secretary involved determines such collection to be appropriate.

(b) Reports to Congress

The Secretary of Housing and Urban Development and the Secretary of Agriculture shall each include in the annual report of such Secretary to the Congress a summary and evaluation of the data collected by such Secretary under subsection (a) of this section during the preceding year.

Sec. 809. [42 U.S.C. 3609] Education and conciliation; conferences and consultations; reports

Immediately after April 11, 1968, the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this subchapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this subchapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. He may pay per diem, travel, and transportation expenses for persons attending such conferences as provided in section 5703 of Title 5. He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Secretary's enforcement of this subchapter. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

Sec. 810. [42 U.S.C. 3610] Administrative Enforcement; Preliminary Matters

(a) Complaints and Answers. --

(1)

(A)

(i) An aggrieved person may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, file a complaint with the Secretary alleging such discriminatory housing practice. The Secretary, on the Secretary's own initiative, may also file such a complaint.

(ii) Such complaints shall be in writing and shall contain such information and be in such form as the Secretary requires.

(iii) The Secretary may also investigate housing practices to determine whether a complaint should be brought under this section.

(B) Upon the filing of such a complaint--

(i) the Secretary shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under this title;

(ii) the Secretary shall, not later than 10 days after such filing or the identification of an additional respondent under paragraph (2), serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this title, together with a copy of the original complaint;

(iii) each respondent may file, not later than 10 days after receipt of notice from the Secretary, an answer to such complaint; and

(iv) the Secretary shall make an investigation of the alleged discriminatory housing practice and complete such investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), unless it is impracticable to do so.

(C) If the Secretary is unable to complete the investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

(D) Complaints and answers shall be under oath or affirmation, and may be reasonably and fairly amended at any time.

(2)

(A) A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under paragraph (1), to such person, from the Secretary.

(B) Such notice, in addition to meeting the requirements of paragraph (1), shall explain the basis for the Secretary's belief that the person to whom the notice is addressed is properly joined as a respondent.

(b) Investigative Report and Conciliation. --

(1) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Secretary, the Secretary shall, to the extent feasible, engage in conciliation with respect to such complaint.

(2) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the Secretary.

(3) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

(4) Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Secretary determines that disclosure is not required to further the purposes of this title.

(5)

(A) At the end of each investigation under this section, the Secretary shall prepare a final investigative report containing--

(i) the names and dates of contacts with witnesses;

(ii) a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;

(iii) a summary description of other pertinent records;

(iv) a summary of witness statements; and

(v) answers to interrogatories.

(B) A final report under this paragraph may be amended if additional evidence is later discovered.

(c) Failure to Comply With Conciliation Agreement. -- Whenever the Secretary has reasonable cause to believe that a respondent has breached a conciliation agreement, the Secretary shall refer the matter to the Attorney General with a recommendation that a civil action be filed under section 814 for the enforcement of such agreement.

(d) Prohibitions and Requirements With Respect to Disclosure of Information. --

(1) Nothing said or done in the course of conciliation under this title may be made public or used as evidence in a subsequent proceeding under this title without the written consent of the persons concerned.

(2) Notwithstanding paragraph (1), the Secretary shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the

Secretary's investigation, information derived from an investigation and any final investigative report relating to that investigation.

(e) Prompt Judicial Action. --

(1) If the Secretary concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this title, the Secretary may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Upon receipt of such authorization, the Attorney General shall promptly commence and maintain such an action. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the Federal Rules of Civil Procedure. The commencement of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this section and section 812 of this title.

(2) Whenever the Secretary has reason to believe that a basis may exist for the commencement of proceedings against any respondent under section 814(a) and 814(c) or for proceedings by any governmental licensing or supervisory authorities, the Secretary shall transmit the information upon which such belief is based to the Attorney General, or to such authorities, as the case may be.

(f) Referral for State or Local Proceedings. --

(1) Whenever a complaint alleges a discriminatory housing practice--

(A) within the jurisdiction of a State or local public agency; and

(B) as to which such agency has been certified by the Secretary under this subsection; the Secretary shall refer such complaint to that certified agency before taking any action with respect to such complaint.

(2) Except with the consent of such certified agency, the Secretary, after that referral is made, shall take no further action with respect to such complaint unless--

(A) the certified agency has failed to commence proceedings with respect to the complaint before the end of the 30th day after the date of such referral;

(B) the certified agency, having so commenced such proceedings, fails to carry forward such proceedings with reasonable promptness; or

(C) the Secretary determines that the certified agency no longer qualifies for certification under this subsection with respect to the relevant jurisdiction.

(3)

(A) The Secretary may certify an agency under this subsection only if the Secretary determines that--

(i) the substantive rights protected by such agency in the jurisdiction with respect to which certification is to be made;

(ii) the procedures followed by such agency;

(iii) the remedies available to such agency; and

(iv) the availability of judicial review of such agency's action;

are substantially equivalent to those created by and under this title.

(B) Before making such certification, the Secretary shall take into account the current practices and past performance, if any, of such agency.

(4) During the period which begins on the date of the enactment of the Fair Housing Amendments Act of 1988 and ends 40 months after such date, each agency certified (including an agency certified for interim referrals pursuant to 24 CFR 115.11, unless such agency is subsequently denied recognition under 24 CFR 115.7) for the purposes of this title on the day before such date shall for the purposes of this subsection be considered certified under this subsection with respect to those matters for which such agency was certified on that date. If the Secretary determines in an individual case that an agency has not been able to meet the certification requirements within this 40-month period due to exceptional circumstances, such as the infrequency of legislative sessions in that jurisdiction, the Secretary may extend such period by not more than 8 months.

(5) Not less frequently than every 5 years, the Secretary shall determine whether each agency certified under this subsection continues to qualify for certification. The Secretary shall take appropriate action with respect to any agency not so qualifying.

(g) Reasonable Cause Determination and Effect. --

(1) The Secretary shall, within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, unless it is impracticable to do so, or unless the Secretary has approved a conciliation agreement with respect to the complaint. If the Secretary is unable to make the determination within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

(2)

(A) If the Secretary determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall, except as provided in subparagraph (C), immediately issue a charge on behalf of the aggrieved person, for further proceedings under section 812.

(B) Such charge--

(i) shall consist of a short and plain statement of the facts upon which the Secretary has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;

(ii) shall be based on the final investigative report; and

(iii) need not be limited to the facts or grounds alleged in the complaint filed under section 810(a).

(C) If the Secretary determines that the matter involves the legality of any State or local zoning or other land use law or ordinance, the Secretary shall immediately refer the matter to the Attorney General for appropriate action under section 814, instead of issuing such charge.

(3) If the Secretary determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall promptly dismiss the complaint. The Secretary shall make public disclosure of each such dismissal.

(4) The Secretary may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

(h) Service of Copies of Charge. -- After the Secretary issues a charge under this section, the Secretary shall cause a copy thereof, together with information as to how to make an election under section 812(a) and the effect of such an election, to be served--

(1) on each respondent named in such charge, together with a notice of opportunity for a hearing at a time and place specified in the notice, unless that election is made; and

(2) on each aggrieved person on whose behalf the complaint was filed.

Sec. 811. [42 U.S.C. 3611] Subpoenas; Giving of Evidence

(a) In General. -- The Secretary may, in accordance with this subsection, issue subpoenas and order discovery in aid of investigations and hearings under this title. Such subpoenas and discovery may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or discovery were ordered or served in aid of a civil action in the United States district court for the district in which the investigation is taking place.

(b) Witness Fees. -- Witnesses summoned by a subpoena under this title shall be entitled to same witness and mileage fees as witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a party shall be paid by that party or, where a party is unable to pay the fees, by the Secretary.

(c) Criminal Penalties. --

(1) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if it is in such person's power to do so, in obedience to the subpoena or other lawful order under subsection (a), shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

(2) Any person who, with intent thereby to mislead another person in any proceeding under

this title--

(A) makes or causes to be made any false entry or statement of fact in any report, account, record, or other document produced pursuant to subpoena or other lawful order under subsection (a);

(B) willfully neglects or fails to make or to cause to be made full, true, and correct entries in such reports, accounts, records, or other documents; or

(C) willfully mutilates, alters, or by any other means falsifies any documentary evidence;

shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

Sec. 812. [42 U.S.C. 3612] Enforcement by Secretary

(a) Election of Judicial Determination. -- When a charge is filed under section 810, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed, may elect to have the claims asserted in that charge decided in a civil action under subsection (c) in lieu of a hearing under subsection (b). The election must be made not later than 20 days after the receipt by the electing person of service under section 810(h) or, in the case of the Secretary, not later than 20 days after such service. The person making such election shall give notice of doing so to the Secretary and to all other complainants and respondents to whom the charge relates.

(b) Administrative Law Judge Hearing in Absence of Election. -- If an election is not made under subsection (a) with respect to a charge filed under section 810, the Secretary shall provide an opportunity for a hearing on the record with respect to a charge issued under section 810. The Secretary shall delegate the conduct of a hearing under this section to an administrative law judge appointed under section 3105 of title 5, United States Code. The administrative law judge shall conduct the hearing at a place in the vicinity in which the discriminatory housing practice is alleged to have occurred or to be about to occur.

(c) Rights of Parties. -- At a hearing under this section, each party may appear in person, be represented by counsel, present evidence, cross-examine witnesses, and obtain the issuance of subpoenas under section 811. Any aggrieved person may intervene as a party in the proceeding. The Federal Rules of Evidence apply to the presentation of evidence in such hearing as they would in a civil action in a United States district court.

(d) Expedited Discovery and Hearing. --

(1) Discovery in administrative proceedings under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence.

(2) A hearing under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record.

(3) The Secretary shall, not later than 180 days after the date of enactment of this

subsection, issue rules to implement this subsection.

(e) Resolution of Charge. -- Any resolution of a charge before a final order under this section shall require the consent of the aggrieved person on whose behalf the charge is issued.

(f) Effect of Trial of Civil Action on Administrative Proceedings. -- An administrative law judge may not continue administrative proceedings under this section regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

(g) Hearings, Findings and Conclusions, and Order. -- (

(1) The administrative law judge shall commence the hearing under this section no later than 120 days following the issuance of the charge, unless it is impracticable to do so. If the administrative law judge is unable to commence the hearing within 120 days after the issuance of the charge, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

(2) The administrative law judge shall make findings of fact and conclusions of law within 60 days after the end of the hearing under this section, unless it is impracticable to do so. If the administrative law judge is unable to make findings of fact and conclusions of law within such period, or any succeeding 60-day period thereafter, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

(3) If the administrative law judge finds that a respondent has engaged or is about to engage in a discriminatory housing practice, such administrative law judge shall promptly issue an order for such relief as may be appropriate, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent--

(A) in an amount not exceeding \$11,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;

(B) in an amount not exceeding \$27,500 if the respondent has been adjudged to have committed one other discriminatory housing practice during the 5-year period ending on the date of the filing of this charge; and

(C) in an amount not exceeding \$55,000 if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this charge;

except that if the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in subparagraphs (B) and (C) may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

(4) No such order shall affect any contract, sale, encumbrance, or lease consummated before the issuance of such order and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the charge filed under this title.

(5) In the case of an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the Secretary shall, not later than 30 days after the date of the issuance of such order (or, if such order is judicially reviewed, 30 days after such order is in substance affirmed upon such review)--

(A) send copies of the findings of fact, conclusions of law, and the order, to that governmental agency; and

(B) recommend to that governmental agency appropriate disciplinary action (including, where appropriate, the suspension or revocation of the license of the respondent).

(6) In the case of an order against a respondent against whom another order was issued within the preceding 5 years under this section, the Secretary shall send a copy of each such order to the Attorney General.

(7) If the administrative law judge finds that the respondent has not engaged or is not about to engage in a discriminatory housing practice, as the case may be, such administrative law judge shall enter an order dismissing the charge. The Secretary shall make public disclosure of each such dismissal.

(h) Review by Secretary; Service of Final Order. --

(1) The Secretary may review any finding, conclusion, or order issued under subsection (g). Such review shall be completed not later than 30 days after the finding, conclusion, or order is so issued; otherwise the finding, conclusion, or order becomes final.

(2) The Secretary shall cause the findings of fact and conclusions of law made with respect to any final order for relief under this section, together with a copy of such order, to be served on each aggrieved person and each respondent in the proceeding.

(i) Judicial Review. --

(1) Any party aggrieved by a final order for relief under this section granting or denying in whole or in part the relief sought may obtain a review of such order under chapter 158 of title 28, United States Code.

(2) Notwithstanding such chapter, venue of the proceeding shall be in the judicial circuit in which the discriminatory housing practice is alleged to have occurred, and filing of the petition for review shall be not later than 30 days after the order is entered.

(j) Court Enforcement of Administrative Order Upon Petition by Secretary. --

(1) The Secretary may petition any United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred or in which any respondent

resides or transacts business for the enforcement of the order of the administrative law judge and for appropriate temporary relief or restraining order, by filing in such court a written petition praying that such order be enforced and for appropriate temporary relief or restraining order.

(2) The Secretary shall file in court with the petition the record in the proceeding. A copy of such petition shall be forthwith transmitted by the clerk of the court to the parties to the proceeding before the administrative law judge.

(k) Relief Which May Be Granted. --

(1) Upon the filing of a petition under subsection (i) or (j), the court may--

(A) grant to the petitioner, or any other party, such temporary relief, restraining order, or other order as the court deems just and proper;

(B) affirm, modify, or set aside, in whole or in part, the order, or remand the order for further proceedings; and

(C) enforce such order to the extent that such order is affirmed or modified.

(2) Any party to the proceeding before the administrative law judge may intervene in the court of appeals.

(3) No objection not made before the administrative law judge shall be considered by the court, unless the failure or neglect to urge such objection is excused because of extraordinary circumstances.

(l) Enforcement Decree in Absence of Petition for Review. -- If no petition for review is filed under subsection (i) before the expiration of 45 days after the date the administrative law judge's order is entered, the administrative law judge's findings of fact and order shall be conclusive in connection with any petition for enforcement--

(1) which is filed by the Secretary under subsection (j) after the end of such day; or

(2) under subsection (m).

(m) Court Enforcement of Administrative Order Upon Petition of Any Person Entitled to Relief. -- If before the expiration of 60 days after the date the administrative law judge's order is entered, no petition for review has been filed under subsection (i), and the Secretary has not sought enforcement of the order under subsection (j), any person entitled to relief under the order may petition for a decree enforcing the order in the United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred.

(n) Entry of Decree. -- The clerk of the court of appeals in which a petition for enforcement is filed under subsection (l) or (m) shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary, the respondent named in the petition, and to any other parties to the proceeding before the administrative law judge.

(o) Civil Action for Enforcement When Election Is Made for Such Civil Action. --

(1) If an election is made under subsection (a), the Secretary shall authorize, and not later than 30 days after the election is made the Attorney General shall commence and maintain, a civil action on behalf of the aggrieved person in a United States district court seeking relief under this subsection. Venue for such civil action shall be determined under chapter 87 of title 28, United States Code.

(2) Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action.

(3) In a civil action under this subsection, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief which a court could grant with respect to such discriminatory housing practice in a civil action under section 813. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under section 813 shall also accrue to that aggrieved person in a civil action under this subsection. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court shall not award such relief if that aggrieved person has not complied with discovery orders entered by the court.

(p) Attorney's Fees. -- In any administrative proceeding brought under this section, or any court proceeding arising therefrom, or any civil action under section 812, the administrative law judge or the court, as the case may be, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 504 of title 5, United States Code, or by section 2412 of title 28, United States Code.

Sec. 813. [42 U.S.C. 3613] Enforcement by Private Persons

(a) Civil Action. --

(1)

(A) An aggrieved person may commence a civil action in an appropriate United States district court or State court not later than 2 years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this title, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.

(B) The computation of such 2-year period shall not include any time during which an administrative proceeding under this title was pending with respect to a complaint or charge under this title based upon such discriminatory housing practice. This subparagraph does not apply to actions arising from a breach of a conciliation agreement.

(2) An aggrieved person may commence a civil action under this subsection whether or not a complaint has been filed under section 810(a) and without regard to the status of any such complaint, but if the Secretary or a State or local agency has obtained a conciliation agreement with the consent of an aggrieved person, no action may be filed under this subsection by such aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the

terms of such an agreement.

(3) An aggrieved person may not commence a civil action under this subsection with respect to an alleged discriminatory housing practice which forms the basis of a charge issued by the Secretary if an administrative law judge has commenced a hearing on the record under this title with respect to such charge.

(b) Appointment of Attorney by Court. -- Upon application by a person alleging a discriminatory housing practice or a person against whom such a practice is alleged, the court may--

(1) appoint an attorney for such person; or

(2) authorize the commencement or continuation of a civil action under subsection (a) without the payment of fees, costs, or security, if in the opinion of the court such person is financially unable to bear the costs of such action.

(c) Relief Which May Be Granted. --

(1) In a civil action under subsection (a), if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, and subject to subsection (d), may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate).

(2) In a civil action under subsection (a), the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the same extent as a private person.

(d) Effect on Certain Sales, Encumbrances, and Rentals. -- Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a complaint with the Secretary or civil action under this title.

(e) Intervention by Attorney General. -- Upon timely application, the Attorney General may intervene in such civil action, if the Attorney General certifies that the case is of general public importance. Upon such intervention the Attorney General may obtain such relief as would be available to the Attorney General under section 814(e) in a civil action to which such section applies.

Sec. 814. [42 U.S.C. 3614] Enforcement by the Attorney General

(a) Pattern or Practice Cases. -- Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this title, or that any group of persons has been denied any of the rights granted by this title and such denial raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States district court.

(b) On Referral of Discriminatory Housing Practice or Conciliation Agreement for Enforcement. -

(1)

(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to a discriminatory housing practice referred to the Attorney General by the Secretary under section 810(g).

(B) A civil action under this paragraph may be commenced not later than the expiration of 18 months after the date of the occurrence or the termination of the alleged discriminatory housing practice.

(2)

(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to breach of a conciliation agreement referred to the Attorney General by the Secretary under section 810(c).

(B) A civil action may be commenced under this paragraph not later than the expiration of 90 days after the referral of the alleged breach under section 810(c).

(c) Enforcement of Subpoenas. -- The Attorney General, on behalf of the Secretary, or other party at whose request a subpoena is issued, under this title, may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(d) Relief Which May Be Granted in Civil Actions Under Subsections (a) and (b). --

(1) In a civil action under subsection (a) or (b), the court--

(A) may award such preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this title as is necessary to assure the full enjoyment of the rights granted by this title;

(B) may award such other relief as the court deems appropriate, including monetary damages to persons aggrieved; and

(C) may, to vindicate the public interest, assess a civil penalty against the respondent--

(i) in an amount not exceeding \$55,000, for a first violation; and

(ii) in an amount not exceeding \$110,000, for any subsequent violation.

(2) In a civil action under this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 2412 of title 28, United States Code.

(e) Intervention in Civil Actions. -- Upon timely application, any person may intervene in a civil action commenced by the Attorney General under subsection (a) or (b) which involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person or a

conciliation agreement to which such person is a party. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action under section 813.

Sec. 814a. Incentives for Self-Testing and Self-Correction

(a) Privileged Information. --

(1) Conditions For Privilege. -- A report or result of a self-test (as that term is defined by regulation of the Secretary) shall be considered to be privileged under paragraph (2) if any person-

(A) conducts, or authorizes an independent third party to conduct, a self-test of any aspect of a residential real estate related lending transaction of that person, or any part of that transaction, in order to determine the level or effectiveness of compliance with this title by that person; and

(B) has identified any possible violation of this title by that person and has taken, or is taking, appropriate corrective action to address any such possible violation.

(2) Privileged Self-Test. -- If a person meets the conditions specified in subparagraphs (A) and (B) of paragraph (1) with respect to a self-test described in that paragraph, any report or results of that self-test-

(A) shall be privileged; and

(B) may not be obtained or used by any applicant, department, or agency in any --

(i) proceeding or civil action in which one or more violations of this title are alleged; or

(ii) examination or investigation relating to compliance with this title.

(b) Results of Self-Testing. --

(1) In General. -- No provision of this section may be construed to prevent an aggrieved person, complainant, department, or agency from obtaining or using a report or results of any self-test in any proceeding or civil action in which a violation of this title is alleged, or in any examination or investigation of compliance with this title if --

(A) the person to whom the self-test relates or any person with lawful access to the report or the results --

(i) voluntarily releases or discloses all, or any part of, the report or results to the aggrieved person, complainant, department, or agency, or to the general public; or

(ii) refers to or describes the report or results as a defense to charges of violations of this title against the person to whom the self-test relates; or

(B) the report or results are sought in conjunction with an adjudication or admission of a violation of this title for the sole purpose of determining an appropriate penalty or remedy.

(2) Disclosure for Determination of Penalty or Remedy. -- Any report or results of a self-test that are disclosed for the purpose specified in paragraph (1)(B) --

(A) shall be used only for the particular proceeding in which the adjudication or admission referred to in paragraph (1)(B) is made; and

(B) may not be used in any other action or proceeding.

(c) Adjudication. -- An aggrieved person, complainant, department, or agency that challenges a privilege asserted under this section may seek a determination of the existence and application of that privilege in --

(1) a court of competent jurisdiction; or

(2) an administrative law proceeding with appropriate jurisdiction.

(2) Regulations. --

(A) In General. -- Not later than 6 months after the date of enactment of this Act, in consultation with the Board and after providing notice and an opportunity for public comment, the Secretary of Housing and Urban Development shall prescribe final regulations to implement section 814A of the Fair Housing Act, as added by this section.

(B) Self-Test. --

(i) Definition. -- The regulations prescribed by the Secretary under subparagraph (A) shall include a definition of the term "self-test" for purposes of section 814A of the Fair Housing Act, as added by this section.

(ii) Requirement for Self-Test. -- The regulations prescribed by the Secretary under subparagraph (A) shall specify that a self-test shall be sufficiently extensive to constitute a determination of the level and effectiveness of the compliance by a person engaged in residential real estate related lending activities with the Fair Housing Act.

(iii) Substantial Similarity to Certain Equal Credit Opportunity Act Regulations. -- The regulations prescribed under subparagraph (A) shall be substantially similar to the regulations prescribed by the Board to carry out section 704A of the Equal Credit Opportunity Act, as added by this section.

(C) Applicability. --

(1) In General. -- Except as provided in paragraph (2), the privilege provided for in section 704a of the Equal Credit Opportunity Act or section 814a of the Fair Housing Act (as those sections are added by this section) shall apply to a

self-test (as that term is defined pursuant to the regulations prescribed under subsection (a)(2) or (b)(2) of this section, as appropriate) conducted before, on, or after the effective date of the regulations prescribed under subsection (a)(2) or (b)(2), as appropriate.

(2) Exception. -- The privilege referred to in paragraph (1) does not apply to such a self-test conducted before the effective date of the regulations prescribed under subsection (a) or (b), as appropriate, if --

(A) before that effective date, a complaint against the creditor or person engaged in residential real estate related lending activities (as the case may be) was --

(i) formally filed in any court of competent jurisdiction; or

(ii) the subject of an ongoing administrative law proceeding;

(B) in the case of section 704a of the Equal Credit Opportunity Act, the creditor has waived the privilege pursuant to subsection (b)(1)(A)(i) of that section; or

(C) in the case of section 814a of the Fair Housing Act, the person engaged in residential real estate related lending activities has waived the privilege pursuant to subsection (b)(1)(A)(i) of that section.

Sec. 815. [42 U.S.C. 3614a] Rules to Implement Title

The Secretary may make rules (including rules for the collection, maintenance, and analysis of appropriate data) to carry out this title. The Secretary shall give public notice and opportunity for comment with respect to all rules made under this section.

Sec. 816. [42 U.S.C. 3615] Effect on State laws

Nothing in this subchapter shall be constructed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this subchapter shall be effective, that grants, guarantees, or protects the same rights as are granted by this subchapter; but any law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this subchapter shall to that extent be invalid.

Sec. 817. [42 U.S.C. 3616] Cooperation with State and local agencies administering fair housing laws; utilization of services and personnel; reimbursement; written agreements; publication in

Federal Register

The Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this subchapter. In furtherance of such cooperative efforts, the Secretary may enter into written agreements with such State or local agencies. All agreements and terminations thereof shall be published in the Federal Register.

Sec. 818. [42 U.S.C. 3617] Interference, coercion, or intimidation; enforcement by civil action

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 803, 804, 805, or 806 of this title.

Sec. 819. [42 U.S.C. 3618] Authorization of appropriations

There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this subchapter.

Sec. 820. [42 U.S.C. 3619] Separability of provisions

If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the remainder of the subchapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Sec. 12 of 1988 Act). [42 U.S.C. 3601 note] Disclaimer of Preemptive Effect on Other Acts

Nothing in the Fair Housing Act as amended by this Act limits any right, procedure, or remedy available under the Constitution or any other Act of the Congress not so amended.

(Sec. 13 of 1988 Act). [42 U.S.C. 3601 note] Effective Date and Initial Rulemaking

(a) Effective Date. -- This Act and the amendments made by this Act shall take effect on the 180th day beginning after the date of the enactment of this Act.

(b) Initial Rulemaking. -- In consultation with other appropriate Federal agencies, the Secretary shall, not later than the 180th day after the date of the enactment of this Act, issue rules to implement title VIII as amended by this Act. The Secretary shall give public notice and opportunity for comment with respect to such rules.

(Sec. 14 of 1988 Act). [42 U.S.C. 3601 note] Separability of Provisions

If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Section 901. (Title IX As Amended) [42 U.S.C. 3631] Violations; bodily injury; death; penalties

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with--

(a) any person because of his race, color, religion, sex, handicap (as such term is defined in section 802 of this Act), familial status (as such term is defined in section 802 of this Act), or national origin and because he is or has been selling, purchasing, renting, financing occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from--

(1) participating, without discrimination on account of race, color, religion, sex, handicap (as such term is defined in section 802 of this Act), familial status (as such term is defined in section 802 of this Act), or national origin, in any of the activities, services, organizations or facilities described in subsection(a) of this section; or

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap (as such term is defined in section 802 of this Act), familial status (as such term is defined in section 802 of this Act), or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate--

shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

TITLE 28, UNITED STATES CODE, AS AMENDED

Section 2341. Definitions

As used in this chapter --

(1) "clerk" means the clerk of the court in which the petition for the review of an order, reviewable under this chapter, is filed;

(2) "petitioner" means the party or parties by whom a petition to review an order, reviewable under this chapter, is filed; and

(3) "agency" means --

(A) the Commission, when the order sought to be reviewed was entered by the Federal Communications Commission, the Federal Maritime Commission, the Interstate Commerce Commission, or the Atomic Energy Commission, as the case may be;

(B) the Secretary, when the order was entered by the Secretary of Agriculture;

(C) the Administration, when the order was entered by the Maritime Administration; and

(D) the Secretary, when the order is under section 812 of the Fair Housing Act.

Section 2342. Jurisdiction of court of appeals

The court of appeals (other than the United States Court of Appeals for the Federal Circuit) has

exclusive jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of-

- (1) all final orders of the Federal Communications Commission made reviewable by section 402 (a) of title 47;
- (2) all final orders of the Secretary of Agriculture made under chapters 9 and 20A of title 7, except orders issued under section 210(e), 217a, and 499g(a) of title 7;
- (3) all rules, regulations, or final orders of-
 - (A) the Secretary of Transportation issued pursuant to section 2, 9, 37, 41, or 43 of the Shipping Act, 1916 (46 U.S.C.App. 802, 803, 808, 835, 839, and 841(a)); and
 - (B) the Federal Maritime Commission issued pursuant to--
 - (i) section 23, 25, or 43 of the Shipping Act, 1916 (46 U.S.C.App. 822, 824, or 841a);
 - (ii) section 19 of the Merchant Marine Act, 1920 (46 U.S.C.App. 876);
 - (iii) section 2, 3, 4, or 5 of the Intercoastal Shipping Act, 1933 (46 U.S.C.App. 844, 845, 845a, or 845b);
 - (iv) section 14 or 17 of the Shipping Act of 1984 (46 U.S.C.App. 1713 or 1716); or
 - (v) section 2(d) or 3(d) of the Act of November 6, 1966 (46 U.S.C.App. 817d(d) or 817e(d));
- (4) all final orders of the Atomic Energy Commission made reviewable by section 2239 of title 42;
- (5) all rules, regulations, or final orders of the Interstate Commerce Commission made reviewable by section 2321 of this title and all final orders of such Commission made reviewable under section 11901(j)(2) of Title 49, United States Code; and
- (6) all final orders under section 812 of the Fair Housing Act.

Jurisdiction is invoked by filing a petition as provided by section 2344 of this title.

Appendix

Michigan City Fair Housing Ordinance

1 of 2 copies
MICHIGAN CITY FAIR HOUSING ORDINANCE

FILED

ORDINANCE NO. 2085

OCT 3 1969

PHILIP J. SCHROEDER

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE STUDY OF DISCRIMINATION IN PUBLIC ACCOMMODATIONS AND FOR THE STUDY AND ELIMINATION OF DISCRIMINATION IN THE SALE, RENTAL, LEASING, AND FINANCING OF HOUSING BECAUSE OF RACE, COLOR, RELIGION, ANCESTRY, OR NATIONAL ORIGIN; PROVIDING FOR THE INVESTIGATION AND CONCILIATION OF COMPLAINTS THEREUNDER; PRESCRIBING THE POWERS AND DUTIES OF THE HUMAN RELATIONS COMMISSION; AND PROVIDING FOR CERTAIN EXEMPTIONS.

WHEREAS, It is hereby declared to be the policy of the City of Michigan City in the exercise of its police power for the protection of the public safety, the public health and the general welfare, for the maintenance of peace and good government, to promote and protect the right and opportunity of all persons to participate fully in the social, cultural, and economic life of the City, free from restrictions because of race, color, religion, ancestry, national origin or place of birth; and

WHEREAS, It is hereby declared to be the policy of the City of Michigan City, in the exercise of its police power for the protection of the public safety, public health and general welfare, for the maintenance of business and good government and for the promotion of the City's trade and commerce, to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, ancestry or national origin, and to that end to prohibit discrimination in housing by any person including real estate brokers, real estate salesmen and agents, owners of real property and lending institutions; and

WHEREAS, It is further hereby declared to be the policy of the City of Michigan City, in the exercise of its police power for the protection of the public safety, public health and general welfare, to study the effect of all presently existing federal, state and local anti-discrimination legislation, heretofore, or hereafter enacted, including

legislation prohibiting discrimination in public accommodations, employment opportunity and housing accommodations, with a view toward assisting the implementation and effectuation of such legislation.

BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, as follows:

SECTION 1. DEFINITIONS

As used in this ordinance, unless a different meaning clearly appears from the context:

A. The term "discrimination" means any difference in treatment based on race, color, religion, ancestry, national origin or place of birth and includes segregation, except that it shall not be discrimination for any religious or denominational institution to devote its facilities exclusively or primarily to or for members of such institution to promote the religious principles for which it is established or maintained.

B. The term "Commission" means the Commission on Human Relations established in the Office of the Mayor by this ordinance, under Ordinance No. 2033.

C. The term "person" includes an association, partnership or corporation, as well as a natural person. The term "person" as applied to partnerships or other associations includes their members and, as applied to corporations, includes their officers and directors. The term "person" also includes any individual acting in a fiduciary or representative capacity whether appointed by a court or otherwise.

D. The term "owner" includes the lessee, sublessee, assignee, managing agent, trustee, beneficiaries of a land trust or other person having the right of ownership or

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possession, or the right to sell, rent or lease any housing unit.

E. The term "financial institution" means any person, as defined herein, who regularly engaged in the business of lending money or guaranteeing loans.

F. The term "real estate broker" means any person, as defined herein, who for a fee or other valuable consideration, sells, purchases, exchanges, or rents, or negotiates, or offers or attempts to negotiate the sale, purchase, exchange, or rental of the real property of another, or holds himself out as engaged in the business of selling, purchasing, exchanging or renting the real property of another, or collects rental for the use of the real property of another.

G. The term "real estate salesman or agent" means any person employed by a real estate broker to perform, or to assist in the performance of, any or all of the functions of a real estate broker.

H. The term "housing accommodation" means:

1. Any parcel or parcels of real property or lot or lots, whether or not contiguous, in the City of Michigan City, available for the building of one or more housing units, owned or otherwise subject to the control of one or more owners, or,
2. Any single family dwelling, or multiple family dwelling, or portion thereof, which is used or occupied, or intended, arranged or designed to be used or occupied, as the home, homesite, residence or sleeping place of one or more human beings located in the City of Michigan City.
3. The term "housing accommodation" shall not include the following:
 - a. Any room or rooms within a single apartment, and
 - b. Any room or rooms within a single family private dwelling.

SECTION 2 COMMISSION ON HUMAN RELATIONS

A. There is hereby established in the Office of the Mayor a Commission on Human Relations to carry out the provisions of this Ordinance. The Commission shall consist of twelve (12) members. All members of the Human Relations Commission shall be appointed by the Mayor, subject to the advice and consent of the Common Council. In order to provide for continuity of service, the terms of the Commission members first appointed shall be as follows:

1. Four (4) members to serve an initial term of 3 years.
2. Four (4) members to serve an initial term of 2 years.
3. Four (4) members to serve an initial term of 1 year.

Thereafter the term of service shall be three (3) years. Each member of the Commission shall continue to serve after his term until his successor has been appointed and has qualified.

B. The Commission shall elect one of its members as Chairman and may elect such other officers as it may deem necessary. The Commission shall hold meetings at regular intervals but not less frequently than once each month. Seven (7) members of the Commission shall constitute a quorum for the transaction of business. The Commission may appoint such committees as may be necessary. In order to invoke the enforcement procedures contained in sub-paragraphs 1 and 2 of Paragraph F of Section 5 of this ordinance it shall be necessary to obtain the affirmative vote of an absolute majority of the members of the Commission.

C. The members of the Commission shall serve without compensation but they may be reimbursed for all expenses necessarily incurred in the performance of their duties in accordance with appropriations made by the Common Council.

D. The Commission may appoint an Executive Director and such other personnel as may be authorized by the Common Council to assist the Commission in carrying out the provisions of this ordinance.

SECTION 3 POWERS AND DUTIES OF THE COMMISSION

The Human Relations Commission shall have the following powers and duties:

A. To initiate or receive and investigate complaints charging unlawful discriminatory practices as defined herein.

B. To seek conciliation of such complaints, hold hearings, make findings of facts, issue orders and publish its findings of fact and orders in accordance with the provisions herein.

C. To render from time to time, but not less than once a year, a written report of its activities and recommendations with respect to discriminatory practices to the Mayor and the Common Council.

D. To adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this ordinance subject to the limitations specifically set forth herein.

E. To study and investigate any conditions having an adverse effect on intergroup relations, including alleged violations, of federal, state and local laws heretofore or hereafter enacted prohibiting discrimination against persons in public accommodations, employment opportunity, housing accommodations, or otherwise, because of race, color, religion, ancestry, national origin or place of birth.

F. To institute and conduct educational and other programs to promote the equal rights and opportunities of all persons, regardless of their race, color, religion, ancestry, national origin or place of birth; and to promote understanding among persons and groups of different race, color, religions, ancestries, national origin or place of birth, in the

performance of its duties, the Commission may cooperate with interested citizens and with public and private agencies.

SECTION 4 PROHIBITED ACTS

It shall be unlawful for any person to commit any one or more of the following acts:

A. For an owner, real estate broker, real estate salesman or real estate agent, or any other person having the right to sell, rent, lease, sublease, assign, transfer or otherwise dispose of a housing accommodation, or any agent of any of these, to refuse to sell, rent, sublease, assign, transfer or otherwise deny to or withhold from any person or group of persons such housing accommodations, or to refuse to negotiate for the sale, lease, sublease, rental, assignment or transfer of the title, leasehold, or other interest in any housing accommodation or to represent that such housing accommodation is not available for inspection when in fact it is so available, because of the race, color, religion, national origin or ancestry of such person or persons, or to discriminate against or to segregate any person because of his race, color, religion, national origin, or ancestry, in the terms, conditions, or privileges of the sale, rental, lease, sublease, assignment, transfer or other disposition of any housing accommodation or in the furnishing of facilities or services in connection therewith.

B. To publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication notice, advertisement or sign of any kind relating to the sale, lease, sublease, assignment, transfer or listing of a housing accommodation which indicates any preference limitation, specification or discrimination based on race, color, religion, national origin or ancestry.

C. To discriminate in lending money, guaranteeing loans, accepting mortgages

or otherwise making available funds, terms or conditions for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation because of race, color, religion, national origin or ancestry.

D. To engage in, or hire or conspire with others to commit acts or activities of any nature, the purpose of which is to harass, degrade, embarrass, or cause economic loss:

1. To an owner who shall offer to provide housing accommodations, facilities, or services to any purchaser, regardless of race, color, religion, ancestry, or national origin of the purchaser, or
2. To an owner because such owner has provided housing accommodations, facilities or services to a purchaser of a particular race, color, religion, ancestry, or national origin.

E. To aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful discriminatory act under this ordinance, or to obstruct or prevent enforcement or compliance with the provisions of this ordinance, or any rule, regulation or order of the Human Relations Commission.

F. To willfully, injure, intimidate or interfere with or attempt to injure, intimidate or interfere, whether or not acting under color of law, by force or threat of force, with any person because of his race, color, religion, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting, or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participation in any service, organization, or facility relating to the business of selling or renting dwellings;

G. To maliciously initiate or file a charge of discrimination against any other person without reasonable grounds, when such person is found to be innocent of such charge.

SECTION 5 ENFORCEMENT PROCEDURE

A. A complaint charging a violation of this ordinance may be made by the Commission itself or by an aggrieved individual.

B. The Commission shall make a prompt and full investigation of each complaint of an unlawful discriminatory practice as defined herein, except that a complaint must be filed within sixty (60) days of the commission of the alleged unlawful discriminatory act. The Commission may, by its rules and regulations, authorize such an investigation by an individual Commissioner, by any Committee or Subcommittee of the Commission, or by such staff members of the Commission as may be designated.

C. If the Commission determines after investigation that probable cause exists for the allegation made in the complaint, it may first attempt to eliminate the discriminatory practice by means of conciliation and persuasion. The Commission shall not make public details of any conciliation proceedings, but it may publish the terms of conciliation when a complaint has been satisfactorily adjusted.

D. In any case of failure to eliminate the discriminatory practice charged in the complaint by means of conciliation or persuasion the Commission shall hold a public hearing to determine whether or not an unlawful discriminatory practice has been committed. The Commission shall serve upon the person charged with having been engaged in or engaging in the unlawful discriminatory practice, hereinafter referred to as the respondent, a statement of the charges made in the complaint and notice of the

time and place of the hearing. The hearing shall be held not less than fifteen (15) days after the service of the statement of charges. The respondent shall have the right to file an answer to the statement of charges to appear at the hearing in person or to be represented by an attorney or any other person, and to examine and cross-examine witnesses.

E. If upon all the evidence presented, the Commission finds that the respondent has not engaged in any unlawful discriminatory practice, it shall state its findings of fact and dismiss the complaint.

F. If upon hearing all the evidence presented to the Commission, it finds that the respondent has engaged in an unlawful discriminatory practice, the Commission shall state its findings of fact and shall issue such order or orders as the facts may warrant, including but not limited to an order to cease and desist from such unlawful discriminatory practice and requiring such person to take such further affirmative action as will effectuate the purposes of this ordinance. If the Commission subsequently determines that there has been no compliance with its order or orders it may:

- 1) Certify the case and entire record of its proceedings to the Office of the City Attorney, who shall within 5 days initiate the prosecution of any violation of this ordinance; or
- 2) Certify the case and entire record of its proceedings to the Office of the City Attorney or to the office of an attorney of its own choosing to initiate an action within a period of 5 days to seek in a court of competent jurisdiction, by way of complaint setting forth the facts, such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order as may be necessary to effectuate compliance with the

orders of the Commission and to insure the full enjoyment of the rights granted by this ordinance.

G. The Commission shall have the power to subpoena witnesses, compel their attendance, administer oaths, and take the testimony of any such person under oath. A subpoena shall, upon request of the Commission, be issued by the Clerk of the City of Michigan City. The subpoena may command the person to whom it is directed to produce designated books, papers or documents which are relevant to any of the prohibited acts as set forth and defined herein in Section 4. The subpoena may not command the production of any books, papers, or documents which are not relevant to the subject matter, i.e., the prohibited acts as set forth and defined herein in Section 4. Contumacy or refusal to obey a subpoena issued pursuant to the authority granted shall constitute a contempt punishable, upon the application of the Commission, by a court having jurisdiction thereof.

H. Any person violating any of the provisions of the foregoing sections of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five (\$25.00) dollars and not more than three hundred (\$300.00) dollars, or imprisoned not more than sixty (60) days, or both.

I. The effective date of this ordinance shall be immediately; upon its passage and publication according to law.

J. Any ordinance or part of any ordinance conflicting with the provisions of this ordinance are hereby repealed so far as the same affects this ordinance.

SECTION 6 SEVERABILITY

The provisions of this ordinance are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any

person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clause, sections or parts of the ordinance in their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

INTRODUCED BY:

Russell Allen

Passed by the Common Council of the City of Michigan City, Indiana this 4th day of November, 1969.

James L. Kentz
President of the Council

Approved by me this 5th day of NOVEMBER 1969.

Conrad S. Kominick
Mayor

ATTEST: Philip J. Schroeder
City Clerk

PASSED BY
COMMON COUNCIL

NOV 4 1969

PHILIP J. SCHROEDER
CITY CLERK
CITY OF MICHIGAN CITY

Appendix

Michigan City Human Rights Ordinance

**ORDINANCE NO. 3283 MICHIGAN CITY HUMAN RIGHTS
ORDINANCE**

An ordinance creating a Human Rights Commission and extending to all of the residents of the City of Michigan City equal opportunity for education, employment, access to public accommodations and conveniences and acquisition through purchase or rental of real property.

WHEREAS, the present Ordinance should be re-enacted to comply with and as authorized by the requirements of the Indiana Civil Rights Act.

WHEREAS, the Common Council should be notified of the pendency of all public hearings; and

WHEREAS, discrimination in employment, housing, public accommodations, education and other areas of civil rights exist;

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY THAT ORDINANCE NUMBER 2266 is hereby repealed and following Human Rights Ordinance is hereby adopted:

SECTION 1. MICHIGAN CITY HUMAN RIGHTS ORDINANCE - TITLE #3283

This ordinance shall be known and may be cited and referred to as the "MICHIGAN CITY HUMAN RIGHTS ORDINANCE".

SECTION 2. PURPOSE

It is the public policy of the city of Michigan City, Indiana to provide all of its citizens equal opportunity for education, employment, access to public conveniences and accommodations and acquisition through purchase or rental of real property including but not limited to housing, and to eliminate segregation or separation based solely on race, religion, color, sex, national origin, ancestry, handicap, or familial status since such segregation is an impediment to equal opportunity; and

WHEREAS, equal educational and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property, to the extent that remedies for the prevention of their denial are herein provided are hereby declared to be civil rights. The practice of denying these rights to persons by reason of the race, religion, color, sex, national origin, ancestry, handicap, or familial status of such person is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of this city, and are hereby declared to be unlawful discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex, national origin, ancestry, handicap, or familial status through reasonable methods is the purpose of this Ordinance.

WHEREAS, it is also the public policy of the city of Michigan City to protect employers, labor organizations, employment agencies, property owners, real estate brokers, and lending institutions from unfounded charges of discrimination.

SECTION 3. DEFINITIONS

As used in this Ordinance unless the context clearly requires otherwise:

A. The term "COMMISSION" shall mean the Michigan City Human Rights Commission hereinafter created.

B. The term "DIRECTOR" shall mean the director of the Michigan City Human Rights Commission. The director shall be appointed by the Commission with the approval and consent of the Mayor.

C. The term "COMMISSION ATTORNEY" shall mean the city attorney, or such other attorneys as may be engaged for the Commission by Commission.

D. The term "PERSON" includes one or more individuals, the City and any subdivisions thereof, partnerships, associations, organizations, corporations, labor organizations, cooperatives, legal representatives, mutual companies, joint stock companies, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries, and other groups and persons. The foregoing includes members, representatives, officers, directors and agents.

E. The term "EMPLOYER" includes any person employing ten (10) or more employees within the city and includes the city and any subdivision thereof; except that the term "EMPLOYER" does not include any not-for-profit corporation or association organized exclusively for fraternal or religious purposes, or any school, educational or charitable religious institution owned or conducted by or affiliated with a church or religious institution, nor any exclusively social club, corporation or association that is not organized for profit, but shall include any governmental unit, agency or employee as to which the city has the power to legislate.

F. The term "EMPLOYEE" includes any person employed by another for wages or salary; provided, however, that it shall not include any person employed by his or her parents, spouse, or child.

G. The term "LABOR ORGANIZATION" includes any organization, which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms of conditions of employment, or for other mutual aid or protection in relation to employment.

H. The term "OWNER" includes the lessor, sub-lessor, assignor, managing agent, or other person having the right to sell, rent, or lease any real property.

I. The term "REAL ESTATE OPERATOR" includes any person partnership, association, or corporation who for a fee or other valuable consideration, sells, purchases, exchanges or rents, negotiates or offers or attempts to negotiate, the sale, purchase, exchange, or rental of the real property of another, or holds himself out as engaged in the business of selling purchasing, exchanging, or renting the real property to another, or collects rental for the use of real property of another.

J. The term "REAL PROPERTY" includes any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more persons, transient or non-transient, and includes improved and unimproved commercial real estate, office buildings, lands tenement apartments, single-family multi-family dwellings, mobile homes, facilities, corporeal and incorporeal and property owned, leased or managed by the city or any subdivision thereof, including but not limited to publicly assisted housing.

K. The term "FAMILIAL STATUS" includes one or more individuals (who have not attained the age of 18 years) being domiciled with -

1. A parent(s) or another person(s) having legal custody of such individual or individuals; or

2. The designee of such parent(s) or other person(s) having such custody, with the written permission of parent(s) or other person(s).

The protections afforded against housing discrimination on the basis of familial status shall apply to any person(s) who is pregnant or is in the process of securing legal custody of any individual(s) who has not attained the age of 18 years.

L. The term "EDUCATIONAL INSTITUTION" includes all public and private schools and training centers except those affiliated with religious institutions that may give preference to members of their religious group in selecting their students.

M. The term "EMPLOYMENT AGENCY" includes any person undertaking with or without compensation to procure, recruit, refer, or place employees.

N. The term "DISCRIMINATORY PRACTICE" shall mean the exclusion of a person by another person from equal opportunities because of race, religion, color, sex, national origin, ancestry, handicap, or familial status; or the promotion of racial segregation or separation in any manner, including but not limited to, the inducing or, or attempting to induce, for profit any person to sell or rent any dwelling by representations regarding the entry or prospective entry in the neighborhood of a person or persons of a particular race, religion, color, sex, national origin, ancestry, handicap, or familial status. Every discriminatory practice relating to the acquisition or sale of real property, education, public accommodations or employment shall be considered unlawful unless it is specifically exempted by this Ordinance.

O. The term "PUBLIC ACCOMMODATION" means any establishment that caters or offers its services or facilities or goods to the general public.

P. The term "COMPLAINANT" means any individual charging on his/her own behalf to have been personally aggrieved by a discriminatory practice, or the director, or staff member or a commissioner of the Michigan City Human Rights Commission charging that a discriminatory practice was committed against a person, other than himself, or a class of people, in order to vindicate the public policy of the city of Michigan City as defined in Section 2 of this Ordinance.

Q. The term "CONSENT AGREEMENT" shall mean a formal agreement entered into in lieu of adjudication.

R. The term "AFFIRMATIVE ACTION" shall mean those acts that the Commission deems necessary to assure compliance with the Michigan City Human Rights Ordinance.

S. The term "SEX" as it applies to segregation or separation shall apply to all types of employment, education, public accommodations, and housing; provided, however, that (1) it shall not be a discriminatory practice to maintain separate restrooms or dressing rooms; and that (2) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, or for an employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program on the basis of sex in those certain instances where sex is a bona fide occupational operation of that particular business or enterprise; and that (3) it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one sex only.

T. The term "HANDICAP" means (1) physical or mental impairment which substantially limits one or more of a person's major life activities, or (2) a record of such an impairment and includes (3) a person who is regarded as having such an impairment (4) this term does not apply to drug or alcohol abuse or addiction.

U. The term "FINANCIAL INSTITUTION" means banks, banking organizations; mortgage company, insurance company, or other lender to whom applications made for financial assistance for the purchase lease acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of any of these.

V. The term "COMPLAINT" means any written grievance filed by a complainant pursuant to the provisions of this Ordinance.

SECTION 4. COMMISSION CREATED - MEMBERSHIP TERMS

A. There is hereby created a Commission to be known as the Human Rights Commission (hereinafter referred to as the "COMMISSION"), which shall be composed of twelve (12) members each who shall be a resident of the City, who shall be appointed by the Mayor, by and with the advice and consent of the Common Council. Commissioners shall be appointed for terms of four (4) years each, except that any individual appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she shall succeed. Any member of the Commission may be removed by the Mayor upon notice and hearing for neglect of duty or malfeasance in office, but for no other reason.

B. A vacancy on the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and seven (7) members of the Commission shall at all times constitute a quorum.

C. The Commission shall establish a principal office in the City of Michigan City, but it may meet and exercise any or all of its powers at any other place in any part of the city.

D. The next meeting of the Commission shall be called within thirty (30) days after the effective date of this Ordinance, providing that at least seven (7) members have been duly qualified to serve on the Commission. At its next meeting and each annual meeting held thereafter the Commission shall organize by the election of a chairperson and vice-chairperson, each of whom, except those elected shall serve for a term of one year and until his successor is elected. E. The expenses for carrying on the Commission's activities maybe budgeted for and paid out of the funds in the city treasury and appropriated by the city council for such purposes pursuant to the laws of the State of Indiana; however, the Commission shall also have the authority to accept gifts or bequests, or other payments, public or private, to help finance its activities.

SECTION 5. UNLAWFUL DISCRIMINATORY PRACTICES

The exclusion of a person from or failure or refusal to extend to a person equal opportunities because of race, religion, color, sex, national origin, ancestry, handicap, or the promotions of racial segregation in any manner, are hereby declared to be unlawful discriminatory practices and are hereby declared to be illegal. Unlawful discriminatory practices shall include, but are not limited to the following:

A. Unlawful Housing Practices. It is an unlawful discriminatory practice for any owner or any real estate operator, or an individual employed by or acting on behalf of any real estate operator;

1. to refuse to sell, exchange, rent or lease or other- wise deny to or withhold real property including mobile homes from any individuals because of their race, religion, color, sex, national origin, ancestry, handicap, or familial status;

2. to discriminate against any individuals because of their race, religion, color, sex, national origin, ancestry, handicap, or familial status, in the terms, conditions, or

privileges of the sale, exchange, rental or lease of real property including mobile homes or in the furnishing of facilities or services in connection therewith;

3. to refuse to receive or transmit a bona fide offer to purchase, rent or lease real property including mobile homes from any individual because of their race, religion, color, sex, national origin, ancestry, handicap, or familial status;

4. to refuse to negotiate for the sale, rental, or lease of real property including mobile homes to any individuals because of their race, religion, color, sex, national origin, ancestry, handicap, or familial status;

5. to represent to any individuals that real property including mobile homes is not available for inspection, sale, rental, or lease when in fact it is so available, or to refuse to permit any individuals to inspect real property including mobile homes because of their race, religion, color, sex, national origin, ancestry, handicap, or familial status;

6. to print, circulate, post or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form or application for the purchase, rental or lease of real property, including mobile homes or to make a record of inquiry in connection with the prospective purchase, rental or lease of real property, including mobile homes which indicates directly a limitation, specification, or discrimination as to race, religion, color, sex, national origin, ancestry, handicap, or familial status, or an intent to make such a limitation, specification, or discrimination;

7. to offer, solicit, accept, use or retain a listing of real property including mobile homes for sale, rental or lease with the understanding that an individual may be discriminated against in the sale, rental or lease of the real property including mobile homes or in the furnishing of facilities or services in connection therewith because of his race, religion, color, sex, national origin, ancestry, handicap, or familial status;

8. to otherwise deny or withhold real property including mobile homes from any individuals because of their race, religion, color, sex, national origin, ancestry, handicap, or familial status;

9.

a. To discriminate because of a handicap by providing that it is a discriminatory housing practice for a person to discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of: that buyer or renter; a person residing, in or intending to reside in, that dwelling after it is sold, rented, or made available; or any person associated with that buyer or renter;

b. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services of facilities in connection with the dwelling because of a handicap of: that person; a person residing in or intending to reside

in that dwelling after it is sold, rented, or made available; or any person associated with that person.

c. Discrimination includes:

(1) refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises;

(2) a refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling;

(3) in connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:

(a) the public use and common use parts of the dwellings are readily accessible to and usable by handicapped persons;

(b) all the doors are designed to allow passage into and within all premises within the dwellings and are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(c) all premises within the dwellings contain the following features of adaptive design: an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; reinforcements in bathroom walls to allow later installation of grab bars; and usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space;

d. as used in subsection c, "covered multifamily dwellings" means: buildings consisting of four (4) or more units if the buildings have one (1) or more elevators and; ground floor units in other buildings consisting of four (4) or more units;

e. compliance with the rules of the fire prevention and building safety commission that incorporate by reference the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (ANSI A117.1) satisfies the requirements of subsection c (3)(c);

f. this section does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

B. Exemptions to Unlawful Housing Practices. Subsection "A" does not apply to the following:

1. The sale or rental of a single-family house sold or rented by an owner if: a. the owner does not own more than three (3) single-family houses at any one (1) time; or own any interest in, nor is there owned or reserved on the owner's behalf, under any express or voluntary agreement, title to, or any right to any part of the proceeds from the sale or rental of more than three (3) single-family houses at any one (1) time; and

b. the house was sold or rented without the use of the sales or rental facilities or services of a real estate broker, an agent, or a licensed salesman, or of an employee or agent of a licensed broker, an agent, or a salesman, or the facilities or services of the owner of a dwelling designed or intended for occupancy by five (5) or more families; or the publication, posting, or mailing of a notice, a statement, or an advertisement prohibited by subsection A-6.
2. The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner maintains and occupies one (1) of the living quarters as the owner's residence.
3. The exemption listed in subsection B-1 above applies to only one (1) sale or rental in a twenty-four (24) month period if the owner was not the most recent resident of the house at the time of the sale or rental.
4. Subsection A does not prohibit a religious organization, an association, or a society or a nonprofit institution or an organization operated, supervised, or controlled by or in conjunction with a religious organization, an association, or a society from: limiting the sale, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or giving preference to person of the same religion, unless membership in the religion is restricted because of race, color, or national origin.
5. Subsection A does not prohibit a private club not open to the public that, as an incident to the club's primary purpose, provides lodging that the club owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to the members or from giving preference to the members, unless membership in the club is restricted because of race, color, or national origin.
6. The Provisions relating to familial status do not apply to housing for older persons. "Housing for older persons" means housing: that the commission determines is specifically designed and operated to assist elderly persons under a federal or state program; intended and operated for occupancy by persons at least sixty-two (62) years of age; or intended and operated for occupancy by at least one (1) person at least fifty-five (55) years of age in each unit as determined by Commission rules.
7. Subsection A does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, religion, color, sex, national origin, ancestry, handicap, or familial status.

8. Subsection A does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or restriction relating to health or safety standards; nor does it affect a requirement of non-discrimination in any other state or federal law.

C. Unlawful Financial Practices. It is an unlawful discriminatory practice for a financial institution or an individual employed by or acting on behalf of a financial institution;

1. to discriminate against any individuals because of the race, religion, color, sex, national origin, ancestry, handicap, or familial status, of the individual or the prospective owner, tenant or occupant of the real property including mobile homes or of a member, stockholder, director, officer, employee, or representative of any of these, in the granting, withholding, extending, modifying or renewing, the rates, terms, conditions privileges, or other provisions of financial assistance or in the extension of financial assistance or in the extension of services in connection therewith; or

2. to use a form of application for financial assistance or to make or keep a record of inquiry in connection with applications for financial assistance which indicate directly a limitation, specification or discrimination as to race, religion, color, sex, national origin, ancestry, handicap, familial status, or an intent to make such a limitation, specification, or discrimination;

3. to discriminate because of race, color, religion, sex, national origin, ancestry, handicap or familial status against any applicant in the fixing of amount, interest rate, duration or other terms or conditions of a loan or other financial assistance, or to make a lower appraisal evaluation because of race, religion, color, sex, national origin, ancestry, handicap, or familial status of any applicant or of any person associated with any applicant in connection with such loan or other financial assistance.

D. Block Busting. It is an unlawful discriminatory practice for any owner or any real estate operator, a real estate salesman, a financial institution, an employee or any of these, for the purpose of inducing a real estate transaction from which he may benefit financially:

1. to represent that a change has occurred or will or any may occur in the composition with respect to race, religion, color, sex, national origin, ancestry, handicap, familial status, or of the owners or occupants in the block, neighborhood, or area in which the real property, including mobile homes is located; or

2. to represent that this change will or may result in the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property, including mobile homes is located.

E. Employers Discrimination. It is an unlawful discriminatory practice for an employer:

1. to fail or refuse to hire, promote, or upgrade, or to discharge any individuals, or otherwise to discriminate against any individuals with respect to their compensation, tenure, terms, conditions, or privileges of employment, because of such individuals' race, religion, color, sex, national origin, ancestry, handicap; or

2. to limit, segregate, or classify their employees in any way which would deprive or tend to deprive any individuals of employment opportunities or otherwise adversely affect their status as an employee, because of such individual's race, religion, color, sex, national origin, ancestry, handicap; or

3. to publish or cause to be published any notice or advertisement with respect to employment which indicates any specification, limitation, preference or discrimination based on race, religion, color, sex, national origin, ancestry or handicap; or

4. to fail to provide reasonable accommodation to a known physical or mental limitation of an otherwise qualified handicapped employee or prospective employee or to fail to make reasonable accommodation to the religious observance or practice of any employee or prospective employee unless an employer can demonstrate that the accommodation would impose an undue hardship on the conduct of an employer's business.

F. EXCEPTIONS UNDER HANDICAPPED PROVISIONS

1. The prohibition against discrimination in employment, because of handicap does not apply to failure of an employer to employ or to retain as an employee any person who because of a handicap is physically or otherwise unable to efficiently and safely perform, at the standards set by the employer, the duties required in that job.

2. After a handicapped individual is employed, the employer shall not be required under this Ordinance to promote or transfer such handicapped person to another job or occupation unless, prior to such transfer, such handicapped person by training or experience is qualified for such job or occupation.

G. Labor Organization Discrimination. It is unlawful discriminatory practice for labor organization:

1. to exclude or to expel from its membership, or otherwise to discriminate against, any members or applicants for membership because of their race, religion, color, sex, national origin, ancestry, or handicap;

2. to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individuals, in any way which would deprive or tend to deprive these individuals of employment opportunities or otherwise adversely affect their status as employees or as applicants for employment, because of such individual's race, religion, color, sex, national origin, ancestry, or handicap;

3. to cause or attempt to cause an employer to discriminate against an individual in violation of this action;

4. to discriminate against any individuals or to limit, segregate or qualify its membership in any way which would tend to deprive such individuals of employment opportunities, or would limit their employment opportunities or otherwise adversely affect their status as employees or as applicants for employment or would affect adversely their wages, hours of employment conditions because of such individual's race, religion, color, sex, national origin, ancestry, or handicap.

H. Apprenticeship or Training Discrimination. It is an unlawful discriminatory practice for an employer, labor organization or joint labor management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individuals because of their race, religion, color, sex, national origin, ancestry, or handicap, in admission to or employment in any program established to provide apprenticeship or other training.

I. Employment Agencies Discrimination. It is an unlawful discriminatory practice for an employment agency to fail or refuse to classify properly, refer for employment or otherwise to discriminate against any individual because of his race, religion, color, sex, national origin, ancestry, or handicap, or to conduct business under a name which directly expresses any limitation, specification or discrimination as to race, religion, color, sex, national origin, ancestry, or handicap.

J. Public Accommodations. It is an unlawful practice for any person who is the owner, lessor, proprietor, manager, superintendent, or employee of any place of public accommodation, or amusement:

1. to discriminate against any person because of such individuals race, religion, color, sex, national origin, ancestry, or handicap directly, by refusing, withholding or denying to such person any of the services, accommodations, or amusement, by setting different rates or charges therefore, or by placing or attempting to place any person in a separate section or area of the premises or facilities of the public accommodation, or amusement;

2. to publish, circulate, issue, display, post or mail, directly, any written or printed communication, notice or advertisement to the effect that any of the services, accommodations, advantages, facilities or privileges of any place of public accommodations, or amusement, will be refused, withheld, or denied to any person on account of race, religion, color, sex, national origin, ancestry, or handicap or that the patronage of any person of a particular race, religion, color, sex, national origin, ancestry, or handicap or is unwelcome, objectionable or not acceptable, desired, or solicited, or that any person is required or requested to use a separate section or area of the premises or facilities of the place of public accommodation, or amusement, because of race, religion, color, sex, national origin, ancestry, or handicap.

K. Educational Institutions. It is an unlawful discriminatory practice for any educational institution to deny admittance to any prospective student or enrollee, or to deny any service offered by such institution to any person, otherwise qualified for such service, on the ground of race, religion, color, sex, national origin, ancestry, or handicap.

L. Nothing contained in this section shall be construed to prevent the termination of the employment of any person who is unable to perform satisfactorily his duties.

M. It is an unlawful discriminatory practice for any person, including but not limited to any employer, employment agency, labor organization, educational institution, financial institution, or any owner or any real estate operator to discharge, expel or penalize any individuals in any manner because they have filed a complaint, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Ordinance.

N. Other Unlawful Practices:

1. It is an unlawful discriminatory practice for any person to aid, abet, incite, compel or coerce the doing of any act declared unlawful by this Ordinance;

2. It is an unlawful discriminatory practice for any person to knowingly obstruct the fair, equal and lawful enforcement of this Ordinance by coercing or intimidating any complainant or prospective complainant, or any witness to any act made unlawful herein, or by destroying or altering any records, documents or other evidence relevant to any alleged unlawful discriminatory practice as defined herein, after such person had received actual notice of a discrimination complaint or has been served notice of a complaint filed;

3. It is an unlawful discriminatory practice for any person, including but not limited to any employer, employment agency, labor organization, education institution, lending institution or real estate broker to discharge, expel or penalize any person in any manner because of filing a complaint, assisting or participating in any manner in an investigation, proceeding or hearing under this Ordinance.

SECTION 6. POWERS AND DUTIES

A. The Commission shall have the following powers and duties:

1. investigate, conciliate and hear complaints;

2. subpoena and compel the attendance of witnesses or production of pertinent documents and records;

3. administer oaths;

4. examine witnesses;

5. appoint hearing examiners or panels;
6. make findings and recommendations;
7. issue cease and desist orders or orders requiring remedial action;
8. order payment of actual damages, except these damages to be paid as a result of discriminatory practices relating to employment shall be limited to lost wages, salaries, commissions or fringe benefits;
9. institute actions for appropriate legal or equitable relief in a circuit or superior court;
10. adopt procedural rules and regulations;
11. initiate complaints, except that no person who initiates a complaint may participate as a member of the agency in the hearing or disposition of the complaint; and
12. conduct programs and activities to carry out the public policy of City of Michigan City, as provided, in Section 2 of this Ordinance, within the territorial boundaries of the City of Michigan City.

B. to administer this Ordinance. To establish and maintain a permanent office in the city of Michigan City. To create subcommittees and advisory committees as in its judgment will aid in effectuating the purposes of this Ordinance. To establish an adequate staff as authorized by the Commission and as approved for in the budget.

C. to adopt, promulgate, amend, and rescind rules and regulations to effectuate the purpose of this Ordinance and to make more specific the procedures deemed necessary for orderly and equitable disposition of complaints. Such rules and regulations shall be adopted by the Commission in accordance with the provisions of the Municipal Code of the City of Michigan City as may hereafter be amended. The rules and regulations of the Commission shall be available to the public at the office of the Commission.

D. to issue such publications and such results of investigation and research as in its judgment will tend to minimize or eliminate discrimination because of race, religion, color, sex, national origin, ancestry, handicap, or familial status.

E. to prepare and issue a report annually to the City Council and Mayor, describing in detail the investigations and conciliation proceedings it has conducted and their outcome, the progress made and any other work performed and achievements made towards the elimination of discrimination.

F. to formulate policies to effectuate the purposes of this ordinance and make recommendations to the city and its subdivisions to effectuate such policies. The several departments, commission, boards, authorities, divisions, bureaus, and officers of the city

and its subdivisions shall furnish the Commission, upon its requests, all records, papers, and information in their possession relating to any matter before the Commission.

G. if the respondent fails to comply with the request to attend a hearing or to produce the necessary records and documents, the Commission may subpoena such attendance or witnesses and production of pertinent records and documents. The Commission through the City Attorney or Commission Attorney shall have the power to institute actions for appropriate legal or equitable relief in a circuit or superior court to obtain enforcement of any Commission order or subpoena. All subpoenas and orders emanating from the Commission shall be served pursuant to the Indiana Rules of Civil Procedure applicable to service in civil actions. Provided that no Commissioner shall take part in a hearing on a complaint in which said Commissioner is the complainant.

H. to reduce the terms of conciliation agreed to by the parties to a writing to be called a Consent Agreement which the parties and a majority of the Commissioners shall sign. When so signed the Consent Agreement shall have the same effect as a cease and desist order. If the Commission determines that a party to a Consent Agreement is not complying with it. The Commission may obtain enforcement of the Consent Agreement in a Circuit or Superior Court upon showing that the party is not complying with the Consent Agreement and that the party is subject to the Commission's jurisdiction and resides or transacts business within the City of Michigan City.

I. at all appropriate times the confidentiality of the material collected by the Commission shall be respected by the Commission and staff.

J. after a complaint has been administratively closed by the Commission, the Commission shall be required to retain all material, papers, documents, reports and the like for at least two (2) years.

SECTION 7. PROCEDURE - ENFORCEMENT

A. No complaint may be accepted by the Commission unless it substantially complies with the following requirements:

1. The complaint must sufficiently show the full name and address of the complainant; the full name and address of the person, employer, employment agency, labor organization, real estate broker, financial institution or educational institution against whom the complaint is made; the alleged discriminatory practice and a statement of particulars thereof; the date or dates of the alleged discriminatory practice and if the alleged discriminatory practice is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred; and a statement as to any other action, civil or criminal, instituted in any other forum based upon the same grievance as is alleged in the complaint, together with a statement as to the status or disposition of such other action.

2. The original complaint must be signed and verified before a notary public or any other person duly authorized by law to administer oaths and take acknowledgements. Notice of the charge, including the date, place, and circumstances of the alleged unlawful discrimination, shall be served upon the respondent within ten (10) days of the filing with the Commission.

3. No employment or public accommodations complaint shall be valid unless filed within 90 days from the date of the occurrence of the alleged discriminatory practice.

4. No housing discrimination complaint shall be valid unless filed within one (1) year from the date of the occurrence of the alleged discriminatory practice.

B. The Commission shall make a prompt and full investigation of each complaint that is properly filed. The Commission may by its rules and regulations authorize such an investigation by an individual Commissioner, by any committee or subcommittee of the Commission, by the director of the Commission, or by such staff members of the Commission as may be designated.

C. If a subcommittee composed of three (3) Commissioners determines that probable cause exists for the allegations made in the complaint, it shall first attempt to resolve the alleged discriminatory practice by means of conciliation. The subcommittee shall not make public the details of any conciliation and/or consent agreement except when so authorized by the person against whom the complaint was made or when a party to the conciliation and/or consent agreement has not complied with the agreement. The members of this subcommittee will not later sit as members at any subsequent public hearing in the same case.

D. If the subcommittee shall determine, either on the face of the complaint or after investigation, that said complaint should be dismissed, the subcommittee shall dismiss the complaint and notify the parties by mail of its determination and of the complainant's rights to apply to the Commission for a reconsideration of such dismissal as provided in these rules.

E. In any case of failure to resolve the alleged discriminatory practice charged in the complaint by means of conciliation or persuasion, the Commission with at least five (5) members being present shall hold a public hearing to determine whether or not an unlawful discriminatory practice has been committed. The Commission shall serve upon the person charged of the discriminatory practice hereinafter referred to as the respondent, a statement of charges made in the complaint and a notice of the time and place of the hearing. At such time said notice shall also be served upon the Common Council of the city of Michigan City. The hearing shall be held not less than fifteen (15) days after the service of the statement of charges. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person or to be represented by an attorney or any other person and to examine and cross-examine witnesses.

F. Complaints may be amended at any time prior to hearing provided that no hearing may be held on an amended complaint within fifteen (15) days after the filing of such amended complaint and notice to the adverse party thereto, no less than five (5) days prior to said public hearing.

G. If upon all the evidence presented, the Commission finds that the respondent has not engaged in any unlawful discriminatory practice, shall state in writing its findings of fact, dismiss the complaint and so notify respondent.

H. If upon all the evidence presented the Commission finds that respondent has engaged in an unlawful discriminatory practice, it may cause to be served on such respondent a written order requiring such person to take such further affirmative action as will effectuate the purpose of this Ordinance including the awarding of damages. If the Commission subsequently determines that the respondent upon whom the order has been served is not complying with such order, or is making no effort to comply with such order, the Commission may certify the noncompliance, or lack of effort, to the City Attorney or Commission Attorney, who may seek and obtain a decree of court for the enforcement of its order in the Circuit or Superior Court provided that a failure to comply with a Consent Agreement shall be considered as a failure to comply with a cease and desist order.

I. Any evidence may be introduced at any hearing on a complaint provided that such evidence is relevant and material to the subject matter of said complaint. The Commission shall rule on all objections to the introduction of any evidence provided that the Commission may by motion or rule designate a member or members to so rule prior to the commencement of any hearing.

SECTION 9. PENALTIES

Any person who engages in an unlawful discriminatory practice as defined in this Ordinance, shall be ordered to pay actual damages, except these damages to be paid as a result of discriminatory practices relating to employment shall be limited to lost wages, salaries, commissions or fringe benefits. Any who engages in unlawful housing practices as defined in the Ordinance, shall be subject to a civil action in a circuit or superior court by the aggrieved person where the court may award to the prevailing party actual and punitive damages, reasonable attorney fees, court costs; any permanent or temporary injunction; temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action. In accord with IC 22-9.5-7.

Any person who engages in unlawful housing practice as defined in this Ordinance may also be guilty of a Class A misdemeanor in accord with IC 22-9.5-10.

SECTION 10. JUDICIAL REVIEW

Judicial review of such orders or other affirmative action or damages as referred to in this Ordinance shall be obtained in accordance with the provisions of Burns Indiana Statute Ann. SS.63-3001-63-3030 as may hereafter be amended. If no proceedings to obtain judicial review is instituted within thirty (30) days from receipt of notice by a respondent that such order has been made by the Commission, the Commission, it determines that the respondent upon whom the cease and desist order has been served is not complying or is not making effort to comply, may obtain a decree of a court for the enforcement of such order in the LaPorte County Court or any other court of competent jurisdiction upon showing that such respondent is subject to the Commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

SECTION 11. CITY EMPLOYMENT AND CITY CONTRACTS:

CONTRACTORS

The City shall not engage in any of the discriminatory practices set forth in this Ordinance in any of its departments, divisions, bureaus, or through any of its officials or employees. Every contract to which the City or any of its political or civil subdivisions is a party, including franchises granted to public utilities, shall contain a provision requiring the contractor and his sub-contractors not to discriminate against any employee or applicant for employment, or promotion who is to be employed in the performance of such contract with respect to hire, tenure, terms, conditions or privileges of employment because of his race, religion, color, sex, national origin, ancestry, or handicap. The contractor shall obligate himself and his subcontractors to comply with all provisions of this Ordinance. Breach of this covenant or provision may be considered a material breach of the contract.

SECTION 12. PENDING SUITS

This Ordinance shall not be construed or held to repeal a former Ordinance whether such former Ordinance is expressed repeal or not as to any offense committed against such former Ordinance, or as to any act done, any penalty forfeiture or punishment so incurred, or any right accrued or claim arising before the new Ordinance takes effect, save only that the proceedings thereafter shall conform to the Ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new Ordinance, such provision may be by the consent of the party affected, applied to any judgment announced after the new Ordinance takes effect. Nothing contained in this or the preceding section shall be construed as abating any action now pending under or by virtue of any general Ordinance of the city herein repealed or as discontinuing, abating, modifying or altering any penalty accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any Ordinance or provision thereof in forum at the time of passage of this Ordinance.

SECTION 13. SEVERABILITY

The provisions of this Ordinance are severable and, if any provision, sentence, clause, section or parts thereof is held illegal, invalid, unconstitutional or inapplicable, it shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or part of the Ordinance or their application to other person or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provisions, sentences, clause, section, or part had not been included therein.

SECTION 14.

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to the laws of the State of Indiana. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

INTRODUCED BY /s/ Shelia M. Bergerson, Councilwoman PRESIDING OFFICER

/s/ ATTEST:/s/ Thomas F. Fedder - CITY CLERK

SEAL

Presented by me to the Mayor of the City of Michigan City, Indiana, this

day , 19 /s/ Thomas F. Fedder - CITY CLERK

Approved and signed by me this 3rd day of March, 1992

/s/ Robert J. Behler Jr.

MAYOR OF MICHIGAN CITY, INDIANA

Human Right Department Requirements, Policies, and Procedures

Equal Employment and Affirmative Action

The Affirmative Action Ordinance #2297 prohibits discrimination in municipal government on the basis of race, religion, national origin, sex, and disability. It covers all employment practice, including hiring, working conditions, benefits and privileges of employment, compensation, training, and appointments for advancements. It also includes upgrading and promotions, transfers and terminations, lay-offs and recalls for all employees

This ordinance also created the EEO Officer's position and outlines duties of the same, along with the role of other city officials responsible for the plan's successful

implementation and indicates the city's active support of the principle of equal employment opportunity.

Policy

To effectuate a policy of employment of city personnel without discrimination, the city voluntarily resolves to assume a program of affirmative action. It is the city's policy to provide equal employment opportunity to all persons.

The equal employment opportunity objective of the city is to achieve, within a reasonable amount of time, an employee profile with respect to race and sex in every major job category. This objective calls for achieving full utilization of minorities and women at all levels of employment, including management.

In-House Complaint Procedure

If you feel that you have been a victim of discrimination as it applies to our policy, you should contact the EEO Coordinator of your department or the EEO office in the Human Rights Department at city hall. The EEO in-house complaint procedure was developed and implemented with the intent to resolve any in-house problems before they reach proportions warranting individuals to file formal charge which would bring about the involvement of a civil rights agency. You should also be aware that it is against the law for your employer to retaliate against you for having been involved in the complaint process in any way.

Complaint Process

The complaint of discrimination is not a lawsuit but an administrative procedure under Michigan City Human Rights Ordinance #3283. The Commission does not represent either side but represents the law and will investigate the complaint in a fair and impartial manner. All complaints are fully investigated and each side's position is given thorough consideration. At the close of the investigation, a finding will be made in favor of either the complainant or the respondent. At any time in the process, the two sides may reach a settlement.

I. The Complaint

A Commission staff member will hear the complaint and will determine whether it is within the Commission's jurisdiction.

The Commission will help draft the working of the complaint and prepare it in legal form for review, approval and notarized signature.

The complaint will receive a docket number and will be investigated by an assigned staff member, who will keep the complainant and the respondent advised of the progress of the case.

II. The Investigation

The commission's staff investigator will interview the respondent and other witnesses, and will review pertinent records and documents.

The staff investigator may ask to clarify some aspects of the complaint in the light of any new information. Any additional information should be reported to the staff investigator immediately.

The Commission's investigation may find:

1. No probable cause and move to dismiss the complaint; or
2. Probable cause and act to correct the discrimination and its effects.

III. The Conciliation

If the investigation substantiates the charges, then the respondent is required to:

1. Cease and desist from the specific discriminatory act or practice.
2. Implement whatever actions, and/or compensation the commission deems necessary to end the discrimination uncovered in the investigation.

The actual adjustment of the complaint will take place as soon as possible. The complainant and the respondent will be informed by mail of the Commission's official disposition of the case.

IV. The Public Hearing and Final Order

When there is no satisfactory conciliation, the Commission may convene a public hearing at which testimony under oath is heard, a decision rendered and an enforceable final order issued. Any party aggrieved by the final order made by the Commission shall have the right to appeal this order to the Courts for judicial review.

V. Penalties

Any respondent that engages in an unlawful discriminatory practice as defined by the Commission shall be ordered to pay actual damages.

Any person who engages in an unlawful housing practice may be subject to civil and/or criminal penalties in accordance with Indiana law.

VI. Judicial Review

If after 30 days from receipt of the Commission's findings and no request for judicial review has been requested by the respondent, and the Commission determines the respondent is not complying with its orders, the Commission may obtain a decree of a court for the enforcement of such order.

Rights and Responsibilities As A Complainant

YOU HAVE A RIGHT:

- To file and pursue a charge without being harassed, intimidated or retaliated against.
- To have a clear, coherent written statement of the charge.
- To know the status of your case.
- To have an attorney present at any stage of the process at your own expense.
- To have written notice of any hearing or final action related to your case.
- To appeal any Probably Cause Committee decision only if newly discoverable evidence is presented.
- To obtain a full remedy, if discrimination is found.
- In employment cases only, to request a Right to Sue from EEOC six months after the initial filing date. A Right To Sue can also be obtained after the issuance of the Commission's ruling.

YOU HAVE A RESPONSIBILITY:

- To keep all appointment with the Commission's staff.
- To supply and explain all relevant information, date, or papers to the investigator upon request.
- To answer all telephone or mail inquiries from the Commission. Your case may be dismissed if you don't. These will be as convenient and as infrequent as possible.
- To attend all meetings, hearings, or fact-finding conferences. The Commission will try to accommodate your schedule, if possible.
- To follow your case, keep in touch, leave us all new addresses or phone changes. Inquire if there are undue delays.

As A Respondent

YOU HAVE A RIGHT:

- To have a clear, coherent written statement of the charge.
- To know the status of the case and who is working on it.
- To have an attorney present at any stage of the process, at your own expense.
- To appeal any Probable Cause Committee final decision.

YOU HAVE A RESPONSIBILITY:

- To answer all Commission correspondence in the designated time frame.
- Make all requests for extension of time to respond to allegations in writing.
- To supply witnesses, produce and explain all relevant information, data or papers to the investigator upon request.
- Not to retaliate against any individual who files a complaint or assists in an investigation of a complaint.

McKENNA ASSOCIATES, INCORPORATED

Community Planners
235 East Main Street, Suite 105
Northville, Michigan 48167

Phillip C. McKenna, AICP, PCP President
Terry Croad, AICP Project Director
Sabah Aboody-Keer Graphic Production
Kacy Smith Text Production

Notes:

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