



FOR IMMEDIATE RELEASE – JANUARY 28, 2017

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**FHCCI OPPOSES SB 558
BILL DENIES HOUSING TO QUALIFIED FAMILIES WITH CHILDREN**

INDIANAPOLIS – On Monday, January 30, 2017, the Senate Civil Law Committee will hear SB 558. The Fair Housing Center of Central Indiana (FHCCI) urges a “Do Not Pass” on SB 558 due to its language which would allow housing landlords in Indiana to limit occupancy to two persons per bedroom *regardless* of the size of the rental unit, size of the bedrooms, presence of any office or den, age of the children, or any local safety code allowing additional occupants. This language is in direct conflict with guidance from the U.S. Department of Housing & Urban Development (HUD) and court rulings. The passage of SB 558 would increase discrimination against families with children and decrease their housing opportunities.

Over the past two decades, dwelling units have increasingly been built with more square footage to accommodate changing housing needs. These units have more habitable space, often with larger master suites, larger family rooms, and the additions of dens and offices. Developers have overwhelmingly targeted so-called “young professionals” with large one- and two-bedroom units and a decreasing emphasis on three and four bedroom units. This change in design has unfairly impacted families with children, who are protected under fair housing laws, due to their larger family sizes. Families with three, four, or more children already face extreme difficulties in finding affordable housing options. Strict two person per bedroom policies unfairly limit the housing opportunities for families with three or more children. Essentially, what is available to these families costs more because there is less of it available.

“Housing providers who enforce occupancy policies without regard to any of the factors that HUD has instructed housing providers to consider—such as the size of the unit, the configuration of the unit, or any limitations imposed by the local occupancy code—have a predictable and disparate impact on families with children,” states Amy Nelson, Executive Director of the FHCCI. “This is due to families with children being significantly more likely to be affected by policies that limit the number of people who can live in an apartment unit.”

Our state is already challenged with an affordable housing crisis for most Hoosier families. The United Way ALICE report rated many counties in Indiana with “poor” ratings due to the lack of affordable housing options.¹ The National Low Income Housing Coalition ranks Indiana 38th in the country for housing

¹ http://www.unitedwayalice.org/documents/14UW%20ALICE%20Report_IND_Lowres_10.24.15.pdf

affordability.² The head of household of a family needing a three-bedroom unit would need to work, on average, 108 hours *per week* at minimum wage to afford the average three-bedroom in Indiana. A head of household needing the average four-bedroom unit in Indiana would need to work 122 hours per week. In Marion County, the hours increase to 115 hours for a three-bedroom and 131 hours for a four-bedroom unit.

According to the FHCCI, there is simply no legitimate business necessity for strict two-person per bedroom policies which would be allowed under this legislation. While preventing overcrowding is a legitimate concern for a housing provider, local occupancy codes are similarly enacted to prevent overcrowding and protect the health and safety of occupants of a dwelling and, in some situations, a housing provider's policy is more restrictive than local occupancy codes. Certainly, a housing provider conforming their policy to the limitations imposed by the local occupancy code would be a less discriminatory alternative to a two-person per bedroom policy, as it would increase the number of families with children eligible to rent units in its communities. Further, as tenants at most properties are responsible for paying their own utilities, housing providers with restrictive occupancy policies cannot argue that any additional costs associated with tenants' use of water or other utilities justifies its restrictive policy. Absent any legitimate business necessity for its practices, a rigid two person per bedroom occupancy policy violates federal and Indiana state fair housing laws.

The Fair Housing Center of Central Indiana (FHCCI) urges Do Not Pass on SB 558. Let's make sure families with children have access to safe, affordable housing that meets the needs of their families.

SB 558: <https://iga.in.gov/legislative/2017/bills/senate/558>

HUD Guidance: <https://www.hud.gov/offices/fheo/library/occupancystds.pdf>

The Fair Housing Center of Central Indiana (FHCCI) is a private, nonprofit fair housing organization founded in 2011 and based in Indianapolis, Indiana. Its mission is to ensure equal housing opportunities by eliminating housing discrimination through advocacy, enforcement, education and outreach. More information on the FHCCI is at: www.fhcci.org

² <http://nlihc.org/oor/indiana>