

Hate Crimes, Religious Discrimination, and Fair Housing

Fact Sheet #14



The nation's first hate crime law was passed in 1968, making it a crime to use force, or threaten to use force, to willfully interfere with any person because of race, color, religion, or national origin, or because the person was participating in a federally protected activity (such as public education, employment, jury service, travel, or the enjoyment of public accommodations), or helping another person to do so.

In 1996, Congress passed the Church Arson Prevention Act, 18 U.S.C. § 247. Under this Act, it is a crime to deface, damage, or destroy religious real property, or interfere with a person's religious practice, in situations affecting interstate commerce. The Act also bars defacing, damaging, or destroying religious property because of the race, color, or ethnicity of persons associated with the property.

Then, in 2009, the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, was passed which expanded the federal definition of hate crimes to also include disability, gender, gender identity, and sexual orientation.

What is a hate crime?

A "hate crime" is a criminal act against a person or property in which the perpetrator chooses the victim because of the victim's real or perceived race, color, religion, national origin or ethnicity, sex/gender, disability, gender identity, or sexual orientation. These criminal activities could include incidents such as vandalism, assault, arson, murder, or threats to commit such crimes. Conspiring or asking another person to commit such crimes, even if the crime was never carried out, may also qualify.

Thought or speech would not qualify as a hate crime *unless* accompanied by criminal action.

What makes hate crimes different from other criminal acts is that, often, the victim's entire community is left feeling victimized, vulnerable, fearful, isolated, and unprotected by laws. Such crimes can also lead to reprisals and a dangerous spiral of escalating inter-group tension and violence. Thus, the impact of this type of bias-motivated crime is far greater than the already terrible impact on the individual harmed or targeted.

Indiana's Hate Crime "Law"

In the 2019 Indiana General Assembly, SB 12, a bill supported by businesses and advocates, was introduced and heard before the Senate Public Policy Committee. This comprehensive and inclusive bias crimes bill was passed by the Committee in a 9-1 vote with bipartisan support. Unfortunately, SB 12 was amended prior to the Senate's vote, removing key language. When SB 12 moved to the House, its language was amended into SB 198, an unrelated sentencing bill, and then passed by both chambers. However, SB 198 did not include gender, gender identity, age, or ancestry in its list of personal characteristics and included language noting that offenses also included "bias due to the victim's or the group's real or perceived characteristic, trait, belief, practice, association, or other attribute the court chooses to consider." This broad language likely makes the passed law unenforceable and, possibly, unconstitutional, due to rulings and actions in other states with similar language. **Because of this, as of 2025, advocates identify Indiana as one of just four states without a comprehensive hate crime law.**

Why do we need a state bias crimes statute?

Federal authorities may not have the capacity of local enforcement, who are active in the community of the incident, to timely investigate when a hate crime occurs. There also may be jurisdictional barriers because the types of crimes which would qualify as a hate crime very often are violations that fall under state law jurisdiction instead of federal law.

Hate Crimes + Fair Housing

Any time a hate crime is conducted in or around the home of the victim, their property is damaged at the home, or the conduct is meant to impact the victim or targeted group's ability to live in a neighborhood or community, that could violate fair housing laws.

The federal Fair Housing Act protects housing consumers from discrimination in their housing transactions and services (rental, sales, lending, insurance, zoning) based on race, color, national origin, religion, sex, familial status, and disability.

Specifically, the federal Fair Housing Act makes it unlawful to "threaten, intimidate, or interfere with persons in their enjoyment of a dwelling because of their protected class" or that of their visitors/associates. As a result, speech, such as verbal statements, may violate fair housing laws, unlike hate crime laws.

For more information, check out the FHCCI's education page on this topic:

<https://www.fhcci.org/programs/education/hatecrime/>

Or scan the QR code:





Examples of hate crimes & fair housing overlapping

- A neighbor yelling racial slurs and burning a cross on or near the property of a Black neighbor.
- A maintenance person vandalizing a Jewish tenant's property with Nazi propaganda and swastika symbols.
- A tenant threatening physical harm to another tenant because they are dating a person with a disability.
- Someone threatening to harm a Latino family at a community meeting for not speaking English.
- A neighbor spray painting slurs on the vehicle of a gay resident.
- A real estate agent purposely damaging the door of a Muslim homeowner during a showing.
- A person threatening bodily harm to a white homeowner because they have Asian guests and telling the guests, "Go back to your country."

What should I do if I believe I'm a victim of a hate crime?

If you experience harassment, threats, or a hate-oriented crime:

- Contact your local law enforcement.
- Contact your area's FBI field office.
- If housing-related, contact the FHCCI to learn about your rights.

FHCCI Mission Statement

The mission of the Fair Housing Center of Central Indiana (FHCCI) is to facilitate open housing for all people by ensuring the availability of affordable and accessible housing; promoting housing choice and homeownership; advocating for an inclusive housing market; working toward stable and equitable communities; and eradicating discrimination within Central Indiana, the State of Indiana, and nationally.

Hate crimes in Indiana

Each year, the FBI/DOJ releases annual data on U.S. hate crimes documented by local law enforcement agencies. This data is considered to be significantly underreported due to the concerns by victims in reporting and challenges in how local law enforcement agencies may track or collect such data.

In 2023, there were 184 hate crimes reported in Indiana, up 30% from 2021. Race/ethnicity/ancestry were the most common protected characteristic impacted (58%), followed by sexual orientation (18%), and religion (11%). Religion-based hate crime reports have fluctuated slightly over the last decade between 11-14%, while hate crimes based on sexual orientation doubled in 2023 when compared to 2021. **In Indiana's reported hate crimes, the most common location for the crimes was a residence or home (35%)** which is of specific interest for potential overlap with fair housing laws. Less common areas were on a highway/road/alley/sidewalk (14%), at schools (7%) or office buildings (4%).

To date, Indiana hate crimes have been charged under federal law, likely due to challenges in action under Indiana's alleged law. Some reports include:

- An 18-year-old woman of Chinese descent, enrolled at Indiana University-Bloomington, was riding a Bloomington Transit bus. As the student was exiting the bus, a woman reached for a folding knife from inside her pocket and stabbed the student in the head approximately seven to ten times. The woman used racial and gender-based slurs, later stating she attacked the victim because she was of Chinese descent and so that there was "one less enemy." The woman was sentenced to six years in federal prison (2024).
- A Jewish family found a large swastika and Star of David stomped into the snow outside of their home in Carmel, Indiana (2024).
- A Lawrence, Indiana man burned a cross above the fence line facing his Black neighbor's property; created and displayed a swastika on the outer side of his fence facing his neighbor's property; created and displayed a large sign containing a variety of anti-Black racial slurs next to the swastika; visibly displayed a machete near the sign with the racial slurs; loudly played the song "Dixie" on repeat; and threw eggs at his neighbor's house, in an attempt to harass his neighbor. He pleaded guilty and was eventually sentenced to jail (2021).
- A Muslim woman in Bloomington, Indiana was sitting at a restaurant table with her 9-year-old daughter when a man emerged from a nearby alley shouting "white power," anti-black racial slurs, and "kill the police." The man grabbed the woman by the neck and forced her head forward, restricting her breathing as he tried to remove her headscarf (2015).

What can I do if I witness a hate crime or harassment?

Please support your neighbors when they are targeted—it may be easier for you to speak up than it is for them. You can also help by advocating that the Indiana General Assembly pass an inclusive and comprehensive hate crime law. As of this publication, Indiana was one of only four remaining states without such a law.

Contact us!

If you are experiencing barriers to housing, including questions about hate crimes, please reach out to the FHCCI:



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