

# 2016 STATE OF INDIANA FAIR HOUSING CONFERENCE



## BECAUSE OF FAIR HOUSING LAWS...

APRIL 13 & 14  
INDIANAPOLIS

[WWW.IN.GOV/ICRC](http://WWW.IN.GOV/ICRC)



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# Conference Overview

The Indiana Civil Rights Commission (ICRC), the Indiana Housing and Community Development Authority (IHCDA), and the U.S. Department of Housing and Urban Development (HUD), hope to bring greater awareness and understanding regarding rights and responsibilities under fair housing laws with their 2016 State of Indiana Fair Housing Conference. The Federal Fair Housing Act, originally signed on April 11, 1968, protects individuals from housing discrimination. Despite being in federal law for 48 years, individuals are still being treated unfairly due to their race, color, national origin, disability, religion, gender and for having children under the age of 18. Indiana also has a state fair housing law which provides the same protections as well as the addition of ancestry.

## **Conference highlights include:**

- A detailed review of state and federal fair housing laws and the protected groups
- An examination of efforts to eliminate housing discrimination across the United States
- A thorough analysis of guidance, regulations and case law
- The release and presentation of the 2015 results of ICRC's Statewide Fair Housing Testing Program

## **Credits**

7.0 hours (pending) of CLE credits will be available. Other accreditation may be available upon request.

## **Cost**

The cost is \$75 to attend the program if you wish to receive CLE credits. For those not seeking credits there is no cost to attend.

## **Location**

Indiana Government Center South Conference Center  
302 W. Washington Street  
Indianapolis, IN 46204

## **Accommodations for People with Disabilities**

Please contact us if any accommodations are needed. Alternate formats of materials will be available when requested.

## **Conference Location**

Indiana Government Conference Center  
Conference Rooms A-C, 1 & 2  
302 W. Washington St.  
Indianapolis, IN 46204



# Parking Information

**Washington and Senate Indoor**  
325 W. Washington St. (317)  
255-7275

**Senate Avenue Garage**  
220 N. Senate Avenue (317)  
233-4635

**Capitol and Indiana Lot**  
300 N. Capitol Avenue  
(317) 475-9384

**Sun Garage**  
48 W. Maryland St. (317)  
681-5670

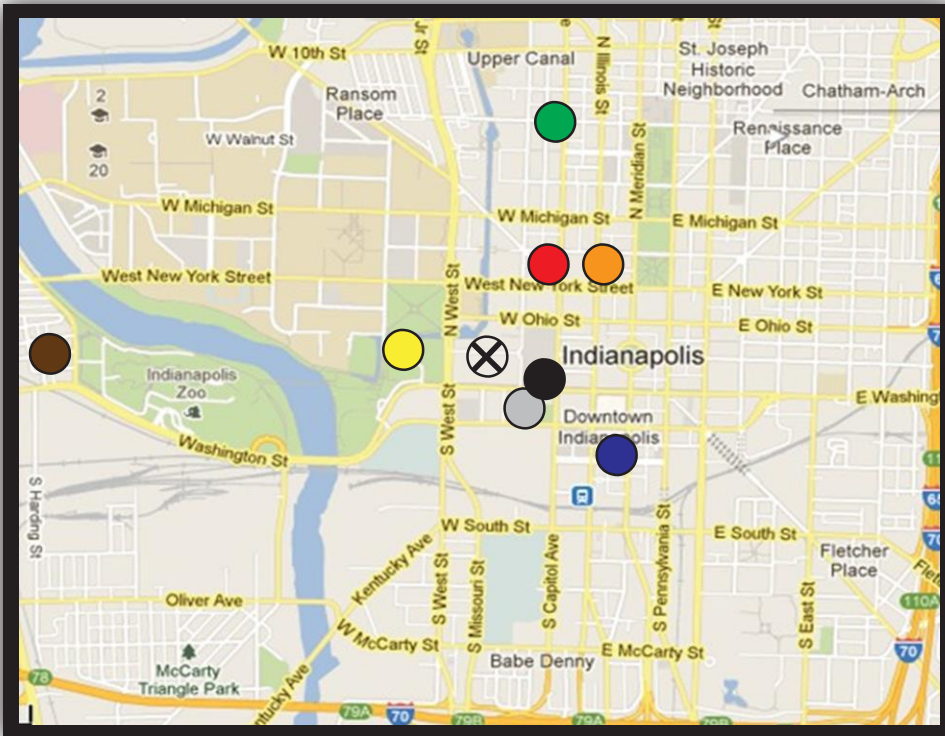
**World Wonders Garage**  
100 S. Illinois St. (317)  
681-5670

**White River State Park-South Lot**  
801 W. Washington St. (317)  
234-0231

**Westin Indianapolis Hotel**  
50 S. Capitol  
(317) 262-8100

**White River State Park Garage**  
650 W. Washington St. (317)  
234-023

## Map



- You will need to enter the Indiana Government Center South (Conference Center) from the Washington Street public entrance. There you will go through security and be directed to the conference. Please be aware that parking prices will vary.

## IGC-South public entrance closing temporarily for building maintenance

The 302 W. Washington Street entrance to the Indiana Government Center South (IGCS) building will be closed for maintenance on April 13 & 14. Temporary access for both employees and the general public will be directed to the 10 North Senate Avenue entrance. Instructional signs will be posted near both entrances to provide additional assistance.

We apologize for the temporary inconvenience

# Conference Sponsors



## **Indiana Civil Rights Commission**

The Indiana Civil Rights Commission (ICRC) enforces the civil rights laws of the State of Indiana. They investigate complaints of discrimination and educate organizations, companies, landlords, associations, and individuals on their rights and responsibilities under Indiana Civil Rights Laws.



## **Indiana Housing & Community Development Authority**

### **Indiana Housing and Community Development Authority**

The Indiana Housing and Community Development Authority (IHCD) creates housing opportunity, generates and preserves assets, and revitalizes neighborhoods by investing financial and technical resources in the development efforts of qualified partners throughout Indiana. Our charge is to help communities build upon their strengths to create places with ready access to opportunity, goods, and services.



**EQUAL HOUSING  
OPPORTUNITY**

### **U.S. Department of Housing and Urban Development**

HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination; and transform the way HUD does business.

# Conference Schedule

## Wednesday, April 13, 2016

**1:30 pm - 2:15 pm**  
*Registration - **Atrium***

**2:30 pm - 3:30 pm**  
*General Session - **Auditorium***  
***Mortgage Foreclosure Trial Court Assistance Program***  
Tamara Brown, J.D., President, Absolute Title Services, LLC

**3:30 pm - 5:00 pm**  
*Networking Reception - **Atrium***

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## Thursday, April 14, 2016

**8:30 am - 8:45 am**  
*Opening Remarks - **Auditorium***

Dr. David A Hampton  
Deputy Mayor for Neighborhoods  
City of Indianapolis

Richard A. Hite  
Executive Director  
Indiana Civil Rights Commission

**9:00 am - 10:00 am**  
*A Dialogue with Fair Housing Experts - **Auditorium***  
History, Evolution, and the Impact of Fair Housing Laws  
*Moderated by: Michael P. Seng, J.D.*

*Panelists:*

Kimberly R. Simmons – Program Director, Indiana Civil Rights Commission  
Michael D. Mitchell, J.D. – Patricia Robert Harris National Fair Housing Training Academy  
Susan Scovill, J.D. – Patricia Robert Harris National Fair Housing Training Academy  
Allison Bethel, J.D. – Professor, The John Marshall School of Law  
Devyn Smith – Director Real Estate Compliance, Indiana Housing and Community Development Authority

# Conference Schedule

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**10:15 am – 11:15 am**

*Concurrent Workshop Sessions*

*Updates on Fair Housing Lending Practices and Predatory Lending - **Conference Room A***

Steve Tomkowiak, J.D.

NFHTA Fair Housing Consultant

*Domestic Violence and Eviction Laws – **Conference Room C***

Michael D. Mitchell, J.D.

NFHTA Fair Housing Consultant

*Occupancy Standards and Familial Status– **Conference Room 1***

Allison Bethel, J.D.

The John Marshall Law School

*No is NEVER the First Response:*

*How to respond to Reasonable Accommodations and Modification Requests - **Conference Room 2***

Susan Scovill, J.D.

NFHTA Fair Housing Consultant

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**11:30 am – 12:45 am**

*Keynote Luncheon – **Conference Room B***

*Special Remarks*

Eric Holcomb

Lieutenant Governor

State of Indiana

*Keynote Address*

Jeannine Bell, J.D., Ph.D.

Richard S. Melvin Professor of Law

Indiana University Maurer School of Law

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**1:00 pm – 2:00 pm**

*Indiana Statewide Testing Results – **Auditorium***

Ja'Neane Minor, Engaging Solutions

Tammy Butler Robinson, Engaging Solutions

Kimberly Simmons, Indiana Civil Rights Commission

Melissa Deering, Indiana Civil Rights Commission

with

ActOut Ensemble: Social Issue Theatre

Sara Reiman, Director

# Conference Schedule

**2:15 pm – 3:15 pm**

*Concurrent Workshop Sessions*

*Updates on Fair Housing Lending Practices and Predatory Lending - **Conference Room A***

Steve Tomkowiak, J.D.

NFHTA Fair Housing Consultant

*Fair Housing and Gender Bias – **Conference Room C***

Michael D. Mitchell, J.D.

NFHTA Fair Housing Consultant

*Occupancy Standards and Familial Status– **Conference Room 1***

Allison Bethel, J.D.

The John Marshall Law School

*No is NEVER the First Response:*

*How to respond to Reasonable Accommodations and Modification Requests - **Conference Room 2***

Susan Scovill, J.D.

NFHTA Fair Housing Consultant

**3:30 pm – 4:30 pm**

*Closing Session– **Auditorium***

*Affirmatively Furthering Fair Housing... What's the Latest?*

Michael P Seng, J.D.

The John Marshall Law School

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# Session Descriptions

## KEYNOTE LUNCHEON

### ***Anti-integrationist Violence: America's Hidden Barrier to Full Housing Rights - 1 CLE credit***

Jeannine Bell, J.D., Ph.D. is the Richard S. Melvin Professor of Law at Indiana University Maurer School of Law.

In contemporary America it is easy to assume that battles over whether individuals can occupy the same neighborhood are a thing of the past. Racial tolerance scores and other measures of racial progress, like interracial marriage, are at their highest levels, the most powerful person in the world, the president of the United States is African-American, and the current and previous Attorney Generals have been African-American. These markers of progress aside, housing in this country remains stubbornly racially segregated. This presentation will address a particular form of housing violence – anti-integrationist violence that remains largely hidden and serves as a barrier to full housing rights.

## GENERAL SESSIONS

### ***Mortgage Foreclosure Trial Court Assistance Program - 1 CLE credit***

Tamara Brown, J.D., President, Absolute Title Service, LLC

This presentation will focus on Ms. Brown's knowledge and experience as a Facilitator for the Indiana Supreme Court Mortgage Foreclosure Trial Court Assistance Program. She mediates mortgage foreclosure settlement conferences for Marion County Courts, in accordance with the federal Home Affordable Modification Program (HAMP) and Indiana Code §32-30-10.5 et seq. Ms. Brown will discuss the process of the program that sometimes leads to telephone settlement conferences in order to help the parties reach an agreement. She will answer questions and discuss concerns relating to foreclosure proceeding.

### ***A Dialogue with Fair Housing Experts: History, Evolution, and the Impact of Fair Housing Laws - 1 CLE credit***

Kimberly Simmons, - Program Director, Indiana Civil Rights Commission  
Michael Mitchell, J.D.. – Patricia Robert Harris National Fair Housing Training Academy  
Susan Scovill, J.D. – Patricia Robert Harris National Fair Housing Training Academy  
Allison Bethel, J.D. – Professor, The John Marshall School of Law  
Devyn Smith – Director Real Estate Compliance, Indiana Housing and Community Development Authority

This discussion will focus on the history and evolution of fair housing laws and how they have impacted our communities and the true access to fair and equal housing. Experts will provide insights into what's happening in Indiana and throughout the country.

### ***Rollout of Statewide Testing Results in Indiana - 1.0 CLE credit***

Ja'Neane Minor and Tammy Butler Robinson from Engaging Solutions and Kimberly Simmons and Melissa Deering from the Indiana Civil Rights Commission will present the results of the 2015 testing program. The Indiana Civil Rights Commission launched the country's first statewide testing program in 2014. This program, designed to identify and assess instances of housing discrimination experienced by various communities, concluded its initial audit in December 2014. 2015 was spent re-testing some locations as well as expanding the testing to cover more protected classes. This session will discuss the results of the 2015 testing program.

### ***Affirmatively Furthering Fair Housing...What's the Latest? - 1.0 CLE credit***

Michael P Seng, J.D., The John Marshall Law School

Professor Seng will bring us up to date with the newest developments, discussion, and research regarding Fair Housing Laws, and Affirmatively Furthering Fair Housing

# Session Descriptions

## CONCURRENT WORKSHOP SESSIONS

### ***Updates on Fair Housing Lending Practices and Predatory Lending - 1.0 CLE credit***

Steve Tomkowiak, J.D., NFHTA Fair Housing Consultant - Lending discrimination claims, like other fair housing, employment and civil rights claims, can be established by direct (or overt) evidence of discriminatory intent, or by indirect, circumstantial evidence under a disparate treatment or disparate impact theory of liability. Lending discrimination claims have been successfully prosecuted in cases involving direct evidence of discriminatory intent, such as by HUD in recent maternity discrimination cases, and by the DOJ, HUD and private litigants in disparate impact cases using overall statistical analysis of a lender's lending practices. On the other hand, very few cases have been successfully filed and litigated under a disparate treatment theory of liability, comparing a lender's treatment of protected class borrowers with non-protected class borrowers.

### ***Domestic Violence and Eviction Laws – 1.0 CLE credit***

Michael D. Mitchell, J.D., NFHTA Fair Housing Consultant – Domestic Violence against women continues to be a major societal issue. Women are disproportionately evicted from housing as a result of domestic violence. This session will explore the protections that exist under the fair housing laws, and the Violence Against Women Act (VAWA) for victims of domestic violence, as well as the resources that exist to combat discriminatory practices that lead to eviction.

### ***Occupancy Standards and Familial Status– 1.0 CLE credit***

Allison Bethel, J.D., The John Marshall Law School –

### ***No is NEVER the First Response: How to respond to Reasonable Accommodations and Modification Requests - 1.0 CLE credit***

Susan Scovill, J.D., NFHTA Fair Housing Consultant – Ms. Scovill will discuss the difficulties faced by disabled populations when obtaining and retaining housing. As "no is never the first response" this session will educate on best practices when addressing and responding to a request for a reasonable accommodation or modification.

### ***Fair housing and Gender Bias - 1.0 CLE credit***

Guest Speaker: Michael Mitchell, J.D. - This session will examine housing discrimination related to gender, and fair housing issues related to sexual orientation and gender identity. Topics that will be explored include: the nature and extent of sex discrimination in housing; gender protections under the Fair Housing Act; HUD's proposed rule regarding sexual harassment in housing; combatting housing discrimination against the LGBT community; and how to advocate for gender equality in housing

# Speaker Biographies

## **Jeanine Bell, J.D., Ph.D.**

*Richard S. Melvin Professor, U.S. Indiana University Maurer School of Law*

A nationally-recognized scholar in the area of policing and hate crime, Bell has written extensively on hate crime and criminal justice issues. Her first book, *Policing Hatred: Law Enforcement, Civil Rights, and Hate Crime* (New York University Press 2002) is an ethnography of a police hate crime unit. Her book titled *Police and Policing Law* (Ashgate 2006) is an edited collection that explores law and society scholarship on the police. Her newest book is *Hate Thy Neighbor: Move-in Violence and the Persistence of Racial Segregation in American Housing* (NYU Press, 2013).

Bell's research is broadly interdisciplinary, touching on both political science and law. In that regard, she has written in the area of qualitative methodology and she is co-author of *Gaining Access: A Practical and Theoretical Guide for Qualitative Researchers* (AltaMira Press 2003). Her scholarship has appeared in the *Harvard Civil Rights-Civil Liberties Law Review*, *Rutgers Race & the Law Review*, *Punishment and Society*, and the *Michigan Journal of Race and Law*. An associate editor of the *Law and Society Review*, Bell has served a trustee of the Law and Society Association and as a member of the American Political Association's Presidential Taskforce on Political Violence and Terrorism.

She was appointed Richard S. Melvin Professor of Law in 2015.

## **Allison Bethel, J.D.**

*Professor, The John Marshall Law School*

Allison Bethel joined John Marshall Law School in April 2008 as a Clinical Professor and Director of its Fair Housing Legal Clinic. She is a Chicago native and graduate of Northwestern University. She received her law degree from the University of Florida. While in law school, she received numerous awards for advocacy including Best Oral Advocate, Best Brief Award and the Presidential Recognition Award.

## **Tamara Brown, J.D.**

*President, Absolute Title Services, LLC*

TAMARA BROWN is a Facilitator for the Indiana Supreme Court Mortgage Foreclosure Trial Court Assistance Program and mediates mortgage foreclosure settlement conferences for Marion County Courts, in accordance with the federal Home Affordable Modification Program (HAMP) and Indiana Code §32-30-10.5 et seq. Ms. Brown conducts telephone and settlement conferences in order to help the parties reach a work out agreement, and she answers questions and concerns relating to the foreclosure proceeding.

## **Engaging Solutions**

Engaging Solutions is using the talents of ActOut: Social Issue Theatre Ensemble to provide reactionary representations of the testing results.

## **Melissa Deering**

*REPACE Program Director, Indiana Civil Rights Commission*

## **Dr. David Hampton**

*Deputy Mayor of Neighborhood Engagement, City of Indianapolis*

Dr. David Hampton has worked as a tireless community advocate and leader in his role as senior pastor at Light of the World Church. As Deputy Mayor of Neighborhood Engagement, Hampton will spearhead an effort to improve community outreach and communication, helping to connect neighborhoods with key services and city initiatives. Hampton will continue to perform church services in addition to his full public work schedule.

# Speaker Biographies

## **Richard A. Hite**

*Executive Director, Indiana Civil Rights Commission*

Richard A Hite currently serves the State of Indiana as Executive Director of the Indiana Civil Rights Commission. Prior to his position with the State of Indiana Hite served as Chief of the Indianapolis Metropolitan Police Department (IMPD). He was appointed to the position by Mayor Greg Ballard, and previously worked as Deputy Director of Public Safety. Before moving to Indianapolis from Baltimore, Maryland, Hite served 32 years with the Baltimore City Police Department. He held all ranks from Police Cadet to Lt. Colonel and worked in a variety of assignments from patrol, special operations, Joint Federal Task Force, Mayor's Office, and Governor's Office. He oversaw gang intervention, re-entry and community/witness relocation and intimidation activities.

## **Eric Holcomb**

*Lieutenant Governor, State of Indiana*

Lt. Governor Holcomb was a trusted advisor to both Governor Mitch Daniels and Senator Dan Coats, and a former state chairman of the Indiana Republican Party. As Lt. Governor, Eric oversees a varied and diversified portfolio that includes the Indiana State Department of Agriculture, the Indiana Housing and Community Development Authority, the Office of Defense Development, the Office of Community and Rural Affairs, the Office of Tourism Development and the Office of Small Business and Entrepreneurship. He also serves as chairman of the Indiana Counter Terrorism and Security Council and President of the Indiana Senate, where he presides over the chamber during each year's legislative session.

## **Michael Mitchell, J.D.**

*Consultant - Patricia Robert Harris National Fair Housing Training Academy*

Michael D. Mitchell has a longtime commitment to civil rights, and economic justice, having worked in the field of civil rights law enforcement for over 25 years. He currently works for the Chickasaw Nation Industries where he serves as an Instructor for the Patricia Roberts Harris National Fair Housing Training Academy. He also serves as a consultant on fair housing and community development matters with International Development and Planning, LLC. Mr. Mitchell has served as an Adjunct Professor of Law at Howard University School of Law since 2007, and is a frequent speaker at national and regional conferences.

## **Susan Scovill, J.D.**

*Consultant - Patricia Robert Harris National Fair Housing Training Academy*

Susan Scovill is a fair housing consultant, based in Richmond, VA, providing fair housing consulting, technical assistance, project management services, education and training. She develops and conducts seminars, classes, and workshops on fair housing, fair lending, accessibility, and testing for consumers, housing providers, real estate and other professional and housing industry groups, attorneys, housing services and advocacy groups, and government agencies. She has developed courses, materials, and evaluation instruments for a range of fair housing and fair lending education programs. She also provides subject matter expertise for various HUD-funded research studies of housing discrimination.

## **Michael P. Seng, J.D.**

*Professor, The John Marshall School of Law*

Michael P. Seng has been a professor of law at The John Marshall Law School since 1976. Among other courses he has taught are Constitutional Law, Federal Jurisdiction, Fair Housing Law, Predatory Home Lending Law, and Restorative Justice. In the fall of 2011, he organized and began teaching a new course for area college and university students on fair housing law.

Professor Seng is the Co-Executive Director of The John Marshall Law School Fair Housing Legal Support Center & Clinic and Executive Director of The John Marshall Law School Fair Housing Legal Clinic. He has authored many articles on civil rights and fair housing law.

# Speaker Biographies

## **Kimberly Simmons**

*Intake Program Director, Indiana Civil Rights Commission*

Kimberly Simmons has been with the Indiana Civil Rights Commission for 12 years. She currently serves in the capacity of Program Director for the Intake and Case Management Unit. Civil Rights has always been a passion for Kimberly. This passion led her to devote the the past 23 years of her life to work in Civil Rights.

## **Steve Tomkowiak, J.D.**

*NFHTA Fair Housing Consultant*

Steve Tomkowiak has over twenty-five years' experience specializing in the litigation and trial of mortgage lending and fair housing cases, including residential and commercial mortgage lending and financing; residential underwriting, title and insurance issues; and foreclosure and post-foreclosure proceedings. He has handled fair housing and fair lending claims based on race, color, sex, marital status, source of income, disability and familial status.

Mr. Tomkowiak also serves as an instructor with HUD's National Fair Housing Training Academy (Academy) in Washington, D.C. He has drafted Academy training course materials, including courses on mortgage lending discrimination and predatory lending, litigating fair housing cases, and fair housing training for attorneys