

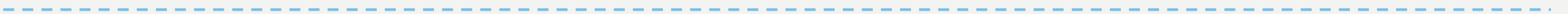


INDIANA LEGAL SERVICES, INC.

# Legal Supports for Healthy Housing

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# About Indiana Legal Services

- Statewide, free legal services provider for low-income individuals and families.
- Handle “civil” issues
- Work in collaboration with community stakeholders.
  - Medical-legal partnerships
  - Community Centers

# Sources of Rights/ Responsibilities

- Health Codes/Ordinances
- Property Code Governing Landlord-Tenant Obligations

# Local Health Code

- The Health Department
  - Oversee Public Health Functions of county/municipal area
  - Keep vital records
  - Food service inspection
  - Tattoo safety program
- Marion County has Health and Hospital Corporation

# The Purpose of Housing Specific Code Enforcement

- **protect**, preserve and promote the physical and mental health of the people,
- **reduce environmental hazards to health,**
- **protect the safety of the people,**
- **ventilation and thermal conditions,**
- establish minimum standards for the use and location and amount of space for human occupancy
- **establish minimum standards** for an adequate level of maintenance, and
- **determine the responsibilities of owners and occupants of dwellings.**

# Mechanics of Health Code Enforcement

- Inspection
- Issuance of Notice of Violation
- Take Emergency Action
- Abate and Recover Costs
- Fines
- Administrative Hearing
- Civil Lawsuits

# Benefits of Health Department Enforcement

- Expertise
- Independent: duty owed to the public health
- Can compel owner to abate or resolve health hazards

# Limits on Health Department Enforcement

- Do not represent the individual tenant/occupier
- Process of adjudication can take a while
- Tenants/Occupants are often ordered to leave housing with no viable alternative



# Landlord Tenant Code

- “Warranty of Habitability” (32-31-8-5)
- Landlord shall deliver a dwelling in a safe/habitable condition.
- Also, landlord must keep electrical, plumbing, heating systems in good working order.
- Tenant cannot be the cause of damage to the property (breach of lease)
- Unwaivable (I.C. 32-31-8-4)

# Enforcement of the Warranty of Habitability

- Tenant may file a lawsuit for “injunctive relief”
- Land lord must be given:
  - Notice of non-compliance
  - “Reasonable opportunity” to repair
- Land lord may be found responsible for “damages” including actual and consequential.
- Tenant may also receive attorneys fees.