

South Bend Tribune

OPINION *This piece expresses the views of its author(s), separate from those of this publication.*

Viewpoint: Miami Hills issues demonstrate South Bend needs safe, affordable housing

Judith Fox South Bend Tribune

June 3, 2019, 5:00 p.m. ET

The community has been riveted in recent days with the stories and pictures from Miami Hills Apartments. It is a tragedy that members of our community should be forced to live in these conditions; but it is not a new situation. I have been representing renters in this community for more than 20 years and, in that time, more than a few of them lived in Miami Hills.

I had a conversation with HUD in Indianapolis more than 10 years ago. I asked how this apartment complex could be passing inspections. He was honest. It did not, but they passed it anyway because there was nowhere else to house the many families that live there.

Do not be fooled. The residents of Miami Hills are not the only Hoosiers living in deplorable conditions due to our lax landlord tenant laws. While it is contrary to Indiana law to rent an apartment that fails to meet the housing codes, there is no practical means for a tenant to enforce those rules. Nothing happens to a landlord who rents such a unit.

South Bend should be congratulated for being one of only a handful of Indiana communities that has taken steps to change that. The Rental Safety Verification Program puts some teeth into the law. While Miami Hills may be the first complex to gain the attention of the program, I have met with and assisted five families whose apartments were condemned since the inception of the program.

An apartment is only condemned if it is completely uninhabitable. Step back a moment and think about that. An apartment or home was rented that was so bad as to be condemned by the city. A landlord collected rent for that apartment, rent that in all but one of the situations the landlord is refusing to return. No one in our community should ever be forced to live in such conditions.

Looking for a free mini puzzle? Play the USA TODAY Quick Cross now.

During the last legislative session, community activists attempted to convince our Indiana legislature that our landlord tenant laws needed to be reformed. We failed. Citizens need to band together next session and demand that our legislators begin to care as much about the health and safety of our community members as they do about out of state property investors like those that own Miami Hills.

But that is only half the problem. I often hear people ask when they hear these horror stories, “why don’t they just move? Why would someone move into homes in such deplorable conditions?” The problem is that there is nowhere else to go. Contrary to popular belief, there is very little subsidized housing in our area and those we have, have few vacancies. Most days, the Center for the Homeless is full.

The most recent census data tells us that the median income in South Bend is \$37,000 per year. For African Americans in our community, the number is far less, \$21,000. Median income means that for half of the residents, their income is less. Rents in South Bend are high, with the median being about \$700 per month.

More than 44% of our community is what we refer to as “rent burdened.” They are paying too much of their income in rent, causing them to be unable to sustain both the rent and other living expenses. These renters are one illness or one flat tire away from being unable to pay rent. As a result, we have some of the highest eviction rates in the country.

We can do better. The problem is not just with negligent landlords who take advantage of tenants by renting substandard units because they know that people are

desperate for places to live. We also have many more good landlords who simply cannot make a profit renting units at affordable prices.

We need a community-wide strategy that assists those good landlords in maintaining their properties at affordable rental rates, we need more safe, affordable housing units and we need landlord tenant laws that hold landlords accountable for renting units in the kind of conditions we are now seeing in Miami Hills.

Judith Fox is a clinical professor of law at the University of Notre Dame Law School, where she teaches and practices consumer law.