

TITLE 910 IAC 1 - Indiana Civil Rights Commission
LSA Document #XX-XXX

I. Description of Rule

a. History and Background of the Rule

The Indiana Civil Rights Commission (“ICRC”) enforces provisions of the Indiana Civil Rights Act codified at IC 22-9 and has rule making authority under IC 22-9-1-6. Pursuant to that authority, ICRC enacted 910 IAC 1 to establish practice and procedures before the commission for addressing complaints of discrimination. These rules provide the necessary guidance for navigating the discrimination complaint process through ICRC as described in IC 22-9-1, IC 22-9-5, and IC 22-9.5.

These rules were initially adopted prior to any requirement of a regulatory analysis. Not only do these rules provide parties with guidance on navigating the complaint process, they also ensure that ICRC remains compliant with workshare agreements with our two federal funding partners, the Equal Employment Opportunity Commission (“EEOC”) and the U.S. Department of Housing and Urban Development (“HUD”). In fact, Indiana’s Fair Housing laws are required to be substantially equivalent to Federal fair housing law for ICRC to maintain its eligibility for federal funding through HUD as a Fair Housing Assistance Program. Likewise, Indiana’s civil rights laws related to employment must be similar in nature to federal rules so ICRC can receive complaint processing funds for those complaints dual-filed with ICRC and the EEOC.

b. Scope of the Rule

910 IAC 1 established practices and procedures before ICRC for addressing complaints of discrimination in employment, housing, and other areas.

c. Statement of Need

These rules provide parties with guidance on navigating the complaint process and ensure that ICRC remains compliant with its workshare agreements with HUD and EEOC. Based on legislative changes under HEA 1003 (2024), coupled with the directives contained in Executive Order 25-17, ICRC has identified several changes for these rules in Article 1, as well as in Articles 2 and 3, that combined will ultimately reduce the regulatory footprint by over 45%. ICRC is therefore seeking to amend the current version of the rules to comply with those directives while also ensuring that it remains compliant with its federal funding partners.

d. Statutory Authority for the Proposed Rule

ICRC has rule making authority under IC 22-9-1-6.

e. Fees, Fines, and Civil Penalties

The proposed rule does not add or increase any fines, fees, or civil penalties.

II. Fiscal Impact Analysis

a. Anticipated Effective Date of the Rule

The pre-amended rules are currently in effect. The proposed amendments are anticipated to take effect no later than January 1, 2027.

b. Estimated Fiscal Impact on State and Local Government

Because the amendments are not substantive but intended only to reduce the regulatory footprint by reducing verbiage, ICRC does not anticipate a meaningful fiscal impact on State and local government finances. However, the rules themselves are needed to maintain compliance with ICRC's EEOC and HUD workshare agreements. Revenue from these agreements provides funding that covers approximately one-third of ICRC's annual expenses.

c. Sources of Expenditures or Revenues Affected by the Rule

As noted above, ICRC does not expect the proposed rule to affect any sources of revenue or expenses.

III. Impacted Parties

These rules impact all citizens¹ and businesses in Indiana; however, amending these rules will not create any new or increase any impact or burden on those parties. Further, these rules do not create any additional regulatory burdens not contained in the Indiana Civil Rights Law or Fair Housing Act but merely provide the guidance and procedures for effectuating those laws.

These rules impact all businesses within Indiana with 6 or more employees. As of July 2025, there were just over 685,000 "active" businesses registered with the Indiana Secretary of State.² These entities will likely be subject to civil rights laws in the employment (if 6 or more employees) and public accommodation enforcement areas. Further, there are numerous parties who could also be subject to fair housing laws based on their involvement in housing-related activities. These include parties such as realtors (over 18,000 licensed realtors in Indiana³), landlords and property owners/managers⁴, homeowners associations (HOAs)⁵, banks who provide lending for housing⁶, and hotels who provide long-term housing. There are also over 2,500 public and private schools throughout Indiana, along with 143 colleges and universities, subject to education civil rights laws.⁷ The vast majority of these parties already comply with Indiana's civil rights and fair housing laws; in 2024, there were only 1,191 complaints filed (which equates to less than 0.2% of all "active" businesses).

¹ Indiana's population as of the 2020 U.S. Census was 6,785,528.

² <https://inbiz.in.gov/Inbiz/BusinessStatistics/Index>

³ According to Indiana Association of Realtors.

⁴ The Indiana Apartment Association, a statewide trade association for professionally managed multifamily housing indicates representation of over 285,000 homes.

⁵ According to ipropertymanagement.com, there are 5,150 HOAs in Indiana.

⁶ According to bankbranchlocator.com, there are 132 local and national banks in Indiana.

⁷ According to Indiana Department of Education and www.univstats.com.

IV. Changes in Proposed Rule

The current rules provide guidance and procedures for parties to navigate the discrimination complaint process as created under the Indiana Civil Rights Laws and Fair Housing Act, and they help ensure compliance with ICRC's EEOC and HUD workshare agreements. The proposed amendments to 910 IAC 1 are non-substantive in nature and designed to reduce the regulatory footprint of the rules based on the legislative changes under HEA 1003 (2024) and the directives contained in Executive Order 25-17.

The proposed changes to 910 IAC 1 are as follows:

- 910 IAC 1-1.5-1 Applicability. Amend to reduce language by replacing "Indiana Civil Rights" law with reference to statute.
- 910 IAC 1-1.5-2 "Administrative law judge" defined. Amend to add language to clarify definition to conform with Office of Administrative Law Proceedings.
- 910 IAC 1-1.5-3 "Administrative Orders and Procedures Act" defined. Amend to reduce language by shortening statutory citation.
- 910 IAC 1-1.5-4 "Chair" defined. Amend definition by clarifying that Chair is a commissioner and reduce language by replacing "Indiana Civil Rights Law" with reference to statute.
- 910 IAC 1-1.5-5 "Commission" defined. Amend to add clarifying language to reference additional statute.
- 910 IAC 1-1.5-6 "Commissioner" defined. Amend to reduce language by reference to statute.
- 910 IAC 1-1.5-7 "Day" defined. Amend to remove unwieldy and unnecessary language to simplify definition.
- 910 IAC 1-1.5-7.5 "Deputy Director" defined. Amend to add omitted definition to clarify language.
- 910 IAC 1-1.5-8 "Finding of no probable cause" defined. Amend to remove unnecessary language.
- 910 IAC 1-1.5-9 "Finding of probable cause" defined. Amend to remove unnecessary language.
- 910 IAC 1-1.5-10 "Indiana Civil Rights Law" defined. Amend to add additional statutory reference and update references.
- 910 IAC 1-1.5-11 "Order by default" defined. Amend to reduce language and add the phrase "or a presiding officer" to clarify the scope and effect of an order by default.
- 910 IAC 1-1.5-12 "Party" defined. Amend pronouns to reduce language.
- 910 IAC 1-1.5-13 "Presiding officer" defined. Amend to reduce unnecessary language.
- 910 IAC 1-1.5-14 "Probable cause" defined. Amend to reduce unnecessary language.
- 910 IAC 1-1.5-15 "Respondent" defined. Amend to add statutory reference to clarify definition.
- 910 IAC 1-1.5-16 "Vice chair" defined. Amend definition by clarifying that Vice chair is a commissioner and reduce language by replacing "Indiana Civil Rights Law" with reference to statute.
- 910 IAC 1-2-3 Complaints; amendments. Amend to change pronouns and remove unnecessary words to reduce language.
- 910 IAC 1-2-4 Complaints filed with other agencies; federal and local filings. Amend to remove unnecessary language and add "or no reasonable" to update rule to conform with both state and federal standards.
- 910 IAC 1-2-5 Filing complaints. Amend to update filing procedures consistent with modern practices to allow for fax and online filing.

- 910 IAC 1-2-6 Withdrawal of compliant; notice. Amend to reduce unnecessary language and simplify withdrawal process.
- 910 IAC 1-2-7 Answers; relief; time limits; default; replies. Amend to reduce unnecessary language and reference state trial rules on the form of an answer.
- 910 IAC 1-2-8 Amendments to pleadings. Amend to change pronouns and remove unnecessary words to reduce language.
- 910 IAC 1-2-9 Ruling on prehearing motions and petitions. Repeal/delete in entirety as unnecessary.
- 910 IAC 1-2-10 Motions for more definite statement. Amend to remove unnecessary language.
- 910 IAC 1-3-1 Docketing; notice. Amend to remove unnecessary language.
- 910 IAC 1-3-2 Investigation and finding; appeal; dismissal. Amend to remove unnecessary language and add additional language including “no reasonable cause” to conform with current standards and practices
- 910 IAC 1-3-3 Conciliation conference. Amend to remove unnecessary language.
- 910 IAC 1-3-4 Consent agreements. Repeal/delete in entirety as unnecessary.
- 910 IAC 1-3-5 Mediation appointments by presiding officer. Amend to remove reference to appointment of administrative law judge as language is inconsistent with current law and update language to reference “mediator” consistent with current practice.
- 910 IAC 1-3-6 Election of forum. Repeal/delete in entirety as unnecessary as election is already provided by statute.
- 910 IAC 1-4-1 Discovery. Amend to remove unnecessary language by referencing existing discovery practices in Trial Rules and including citation to statute.
- 910 IAC 1-5-1 Filing. Amend to remove unnecessary language, update language on filing procedures consistent with modern practices to allow for fax and email, and add language on “presiding officer” to clarify practice for issuing orders.
- 910 IAC 1-5-2 Subpoenas. Amend to remove unnecessary language and update to recognize electronic issuance via email and “presiding officer.”
- 910 IAC 1-6-1 Failures constituting default; default orders. Amend to remove unnecessary language, reference statute, and add “presiding officer.”
- 910 IAC 1-6-3 Vacation of default order. Amend to add language consistent with practice for authorized individuals who may set aside default orders.
- 910 IAC 1-6-4 Default by governmental organization. Repeal/delete in entirety as unnecessary.
- 910 IAC 1-7-1 Substitution of parties; relation back. Amend to remove unnecessary language by referencing related Trial Rule.
- 910 IAC 1-7-2 Intervention. Amend to reduce unnecessary language and conform to statute by removing reference to deputy director.
- 910 IAC 1-7-3 Joinder of parties; indispensable parties. Amend to remove unnecessary language by referencing Trial Rules.
- 910 IAC 1-8-1 Representation of parties. Amend pronouns to reduce language and add language to confirm confidentiality of communications.
- 910 IAC 1-8-2 Venue. Amend to add language consistent with modern practice of allowing virtual hearings and including “presiding officer.”
- 910 IAC 1-9-1 Prehearing conference; report; continuing duty to make discovery. Amend to reduce unnecessary language and conform wording to include parties that may not have counsel.
- 910 IAC 1-10-1 Notice of hearing. Amend to reduce unnecessary language.
- 910 IAC 1-10-2 Continuances. Amend to remove unnecessary language.

- 910 IAC 1-11-1 Rules of practice governing hearings. Amend pronouns to reduce language and reference statute.
- 910 IAC 1-11-2 Reopening hearings. Amend to update and allow for “presiding officer” to reopen and remove unnecessary section description.
- 910 IAC 1-11-3 Briefs; proposed findings, conclusions, and order. Amend to remove unnecessary section description and words and replace capitalized terms with lowercase.
- 910 IAC 1-14-1 License suspension or revocation; notice; hearing. Repeal/delete in entirety.
- 910 IAC 1-15-1 Construction of rules; severability. Amend to remove unnecessary section descriptions and language and provide more clarity.
- 910 IAC 1-16-1 Duties. Amend pronouns to reduce language and add “email address” to conform with modern practice.
- 910 IAC 1-17-1 Telephonic hearings. Repeal/delete in entirety.
- 910 IAC 1-17-2 Procedures. Repeal/delete in entirety.

V. Benefit Analysis

a. Estimate of Primary and Direct Benefits.

Because the proposed amendments to the rules are non-substantive, the benefits underlying the existing rules are maintained. Those benefits are numerous but difficult to monetize. The primary, direct benefit from these rules is the implementation of the State’s public policy of providing all citizens equal opportunity and access in the areas of employment, housing, education, public accommodation, and credit. This protects citizens and provides a level playing field for all who wish to engage in these areas. This ensures citizens can get employed, obtain housing, get an education, get credit, and enjoy places of public accommodation without being discriminated against based on a protected characteristic. The value of this benefit cannot be easily monetized or quantified as it has both economic and non-economic considerations; however, there is no doubt the benefit from equal access and opportunity is significant.

b. Estimate of Secondary and Indirect Benefits.

These rules also provide the processes that serve the state’s public policy of protecting regulated entities from unfounded charges of discrimination. When regulated entities have complaints filed against them, these rules provide the process ICRC uses to review the cases and determine if a discriminatory act occurred. This includes initial jurisdictional determinations, which often result in the regulated entity not having a complaint against them filed; this saves the regulated entity the time and resources it would have needed to otherwise defend against and respond to the complaint.

All parties benefit from these rules as they provide the necessary guidance and procedures for parties to navigate the discrimination complaint process. This benefits members of the general public by informing them on how to file discrimination complaints if they believe a discriminatory act has occurred. The regulated community also benefits from the rules so they can understand how to maintain compliance with civil rights and fair housing laws; many of these laws also have federal counterparts these regulated entities are required to follow, so there is often no additional action or training needed for compliance.

c. Cost Savings to Regulated Industries.

These rules also provide the process to follow, along with applicable deadlines, if the need arises for a regulated entity to respond to a complaint filed against them. For discrimination cases in the employment and housing areas, parties filing cases with ICRC will benefit from quicker resolution times than if they

were filed with the applicable federal agency (i.e., EEOC or HUD). This can result in lower costs associated with defending these actions for regulated entities.

VI. Cost Analysis

a. Estimate of Compliance Costs for Regulated Entities

Because the rules are currently in place, there is no additional cost associated with the non-substantive amendments. Further, all of these civil rights and fair housing laws have comparable laws on the federal level. As such, the proposed amendments do not require parties to engage in any new behavior or procedures. Moreover, the proposed amendments will not add any new costs to ICRC or other agencies.

b. Estimate of Administrative Expenses Imposed by the Rules

These proposed amendments do not add any new administrative expenses.

c. The fees, fines, and civil penalties analysis required by IC 4-22-2-19.6

These proposed amendments do not add any new fees, fines, or civil penalties.

d. If the implementation costs of the proposed rule are expected to exceed the threshold set in IC 4-22-2-22.7(c)(6)

The implementation costs for these rules do not exceed the threshold set in IC 4-22-2-22.7(c)(6).

VII. Sources of Information

a. Independent Verification or Studies

As indicated in footnotes above, ICRC obtained information from various sources to identify potential impacted parties to help with the cost-benefit analysis.

b. Sources Relied Upon in Determining and Calculating Costs and Benefits

In addition to the foregoing, ICRC reviewed internal reports and metrics. Because the proposed amendments do not result in any new costs, other sources were not consulted.

VIII. Regulatory Analysis

These rules provide guidance and procedures for parties to navigate the discrimination complaint process as created under the Indiana Civil Rights Laws and Fair Housing Act. It is public policy of the State to provide all citizens equal opportunity and access in the areas of employment, housing, education, public accommodation, and credit. The benefits derived from equal opportunity and access for all citizens outweigh the minimal costs associated with amending the existing rules to reduce the regulatory footprint.

IX. Contact Information of Staff to Answer Substantive Questions

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Additional Information for OMB and SBA Review

The following information is required for OMB and State Budget Agency (SBA) review but will not be published along with the regulatory analysis.

X. Redline Draft of Proposed Rules

The Proposed Rule is attached separately.