

PUBLIC COMMENT AND RESPONSE LOG

LSA Document #26-271

During the public comment window, the agency received written comments to the proposed rule changes from the Indiana Apartment Association on August 31, 2026. Those written comments were subsequently rescinded and withdrawn on September 8, 2026, rendering them moot. No verbal comments were received at the public hearing.

The comments received, ICRC's response, and rescission and withdrawal are as follows:

<u>Rule citation</u>	<u>Public Comment</u>	<u>Response</u>	<u>Final Rule Text Action</u>
910 IAC 2-6-4	Request to reconsider the removal of 100-day framework Comment was formally rescinded and withdrawn	The 100-day framework remains in governing statutes	No changes to rule
910 IAC 2-6-4(g)	Request to reconsider the removal of language on final investigation report Comment was formally rescinded and withdrawn	Final reports are still required by other rule provisions, workshare agreement with HUD, and federal standards	No changes to rule



August 31, 2026

To Scott Kreider
Deputy Director and General Counsel
Civil Rights Commission
100 North Senate Avenue, Room N300
Indianapolis, IN 46240

RE: LSA Document #26-271 Indiana Civil Rights Law

On behalf of the Indiana Apartment Association (IAA), thank you for the opportunity to comment on LSA Document #26-271 and the Indiana Civil Rights Commission's proposed amendments to 910 IAC 2. IAA represents nearly 300,000 professionally managed apartment homes across Indiana and works on behalf of the state's multifamily housing industry. Because IAA members regularly operate under both the Indiana Fair Housing Act and the federal Fair Housing Act, these rules have a direct impact on housing providers throughout the state.

IAA generally supports the Commission's effort to modernize and streamline these regulations. In particular, IAA does not object to the proposed incorporation by reference of applicable federal Fair Housing regulations. To the extent Indiana's existing regulations substantially duplicate the corresponding federal requirements, incorporation by reference can reduce unnecessary duplication while maintaining consistency between state and federal fair housing requirements.

IAA does, however, have concerns regarding proposed changes to the Commission's investigative procedures.

First, IAA respectfully requests that the Commission reconsider the removal of (910 IAC 2-6-4) the existing 100-day framework for completing fair housing investigations. IAA recognizes that the complexity of an investigation may make completion within 100 days impracticable in some cases. The existing rule accounts for that possibility by permitting investigations to extend beyond 100 days while requiring the Commission to notify the parties of the reasons for the delay.

Removing both the 100-day benchmark and the accompanying notice requirement would leave respondents without a meaningful expectation regarding the duration of an investigation. Fair housing investigations can impose significant uncertainty and administrative burdens on housing providers, particularly when a matter remains

unresolved for an extended period. Additionally, without any framework for a timeline or deadline of an investigation, the commission has complete discretion to extend a case under investigation in perpetuity. IAA therefore encourages the Commission to retain the existing framework or establish another reasonable benchmark accompanied by written notice to the parties when an investigation exceeds that period. At a minimum, respondents should receive notice regarding the status of an investigation that remains pending beyond the Commission's anticipated timeframe.

Second, IAA requests that the Commission reconsider the proposed deletion of 910 IAC 2-6-4(g), which currently requires the preparation of a final investigative report and identifies the information that report must contain. A written investigative report provides an important record of the evidence considered during an investigation and promotes consistency, transparency, and confidence in the Commission's ultimate determination.

The proposed deletion also appears to create uncertainty within the rule itself. Other provisions of the proposed regulations continue to reference the "final investigative report," including language providing that information derived from an investigation, including the final investigative report, will be made available to the parties upon request. If the Commission intends to continue preparing final investigative reports, IAA believes the requirement should remain clearly stated in the rule. If the Commission intends to discontinue those reports, the remaining references should be reconciled, and the Commission should consider what alternative mechanism will provide the parties with a clear record of the investigation supporting the Commission's determination.

IAA appreciates the Commission's work to update Indiana's fair housing regulations and supports efforts to align state requirements with applicable federal standards. We respectfully ask the Commission to preserve reasonable procedural safeguards that provide housing providers, residents, and other parties with transparency and certainty throughout the investigative process.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "B. P. Spaulding".

Brian Spaulding, J.D.
President
Indiana Apartment Association

Follow up on ICRC's proposed rule amendments

From Kreider, Scott <SKreider@icrc.IN.gov>

Date Wed 9/2/2026 3:35 PM

To Brian@iaaonline.net <brian@iaaonline.net>

Cc Clay, John P <JClay@icrc.IN.gov>

Brian,

Thank you for the discussion yesterday regarding the Indiana Apartment Association's concerns related to the proposed amendments to ICRC's rules set forth in LSA Documents #26-270 and 26-271 that were expressed in your letters dated August 31, 2026. As noted, the changes to ICRC's rules are not being made with the intention of eliminating processes or services. Instead, the primary motivation for those changes is to comply with the Governor's mandate in Executive Order 25-17 to reduce unnecessary wording in our administrative rules.

As discussed, most of the concerns expressed in your letter are covered by existing statutes and practices. We believe that the following explanation and citations should alleviate all of the concerns that have been raised:

1. Subpoenas and email addresses provided to the Commission. While the concern about someone using a random email appearing on any filing or document is understandable, there is no risk of that practice emerging. The intent is that only an email address that has been designated for service may be used. That intention is reinforced by current AOPA statutes and proceedings. Further, 910 IAC 1-4-1 as it currently exists and in the proposed amendments makes clear that enforcement of subpoenas shall be done in the manner set forth in Indiana Code section 4-21.5 (AOPA). The provisions of AOPA ultimately point to the Trial Rules on this issue. Indiana Code section 4-21.5-3-1 provides for service by electronic mail. Indiana Code section 4-21.5-3-22 explains that subpoenas shall be issued in accordance with the rules of procedures for civil actions in the trial courts. Ultimately, Trial Rule 5 reinforces that service may be made by email where a person has consented to such service. Moreover, pursuant to current practices, when the Commission signs a subpoena, it includes the address information for service. As such, there is oversight to ensure that proper service involves only the use of a designated email that a person intends to be used and not some random email that might appear on a document.
2. Incorporation by reference of the Trial Rules and possible amendments. Indiana Code section 4-22-9-5 addresses this issue, as well as LSA's drafting manual. Incorporations by reference are "frozen in time." As such, possible later amendments to an incorporated matter do not automatically make those amendments apply to an administrative rule. The only exceptions where this is not true are for statutes and administrative rules that are incorporated by reference. The Trial Rules promulgated by the Indiana Supreme Court do not fall within the two exceptions. As such, the reference in the proposed amendments is "frozen in time" and any subsequent changes to the Trial Rules will not automatically impact the proposed changes in the language of the administrative rules.

3. Proposed language denoting communications as "attorney-client privileges". Thank you for bringing this concern to our attention. The original intention that was envisioned was to denote the confidentiality of certain information received or exchanged. Upon further review, we agree that is not accurate to designate those communications as "attorney-client privileges." While some of the underlying rationale for protecting the communications is similar, we agree that it would be confusing to use the language that is being added. We will be taking steps to have this sentence removed from the amendments and it will not appear in the final published version.
4. Removal of administrative rule language regarding investigation within 100-days. This requirement is already mandated by statute pursuant to Indiana Code section 22-9-5-6-3. It is further reinforced by Indiana Code section 22-9-5-6-8 which has a 100-day period for making the final determination. The existing administrative rule language is therefore duplicative and unnecessary. The requirement will still remain in the absence of the administrative rule.
5. Removal of language regarding contents of final investigation report. I can assure that the proposed removal of the language regarding the contents of a final investigative report does not mean that the reports are being eliminated or that issues of transparency will arise. Again, language in the rules that is not necessary is being removed. Reports are not being eliminated and will continue to be utilized. The other remaining references actually make that point clear. The determination or notice of finding issued by ICRC must still be based on the report pursuant to proposed 910 IAC 3-6-6(e). Moreover, as proposed, pursuant to 910 IAC 2-6-4(g) the report may still be disclosed to an aggrieved person upon request. These requirements already exist under current practices and will continue to remain after amendment. Moreover, ICRC's practices must mirror or be substantially equivalent to federal standards pursuant to its workshare agreements with HUD. Federal standards under 24 CFR 103.230 regarding investigation reports maintain similar language on the contents for such reports, and arguably include information not specified in the current administrative rule. Accordingly, the proposed removal is not going to result in the elimination of investigation reports, which ICRC must continue to utilize.

I hope that our discussion yesterday and this further explanation with citations will alleviate the concerns that your members shared. Please let us know if we can provide any further information.

Best wishes,

Scott

Scott A. Kreider
Deputy Director and General Counsel
Indiana Civil Rights Commission
100 North Senate Avenue, Room N300
Indianapolis, IN 46204

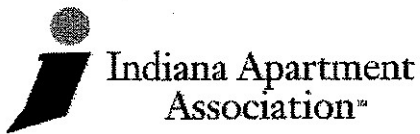
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September 8, 2026

To Scott Kreider
Deputy Director and General Counsel
Civil Rights Commission
100 North Senate Avenue, Room N300
Indianapolis, IN 46240

RE: Rescission of Comments on LSA Documents #26-270 and #26-271

On behalf of the Indiana Apartment Association (IAA), I am writing regarding the comment letters submitted by IAA on August 31, 2026, concerning LSA Document #26-270 and LSA Document #26-271.

IAA appreciates the clarification and explanation provided by ICRC's leadership after submission of our original comments. IAA respectfully rescinds and withdraws both comment letters in their entirety.

We appreciate the Commission's consideration and its continued work on these proposed rules. Please let us know if any additional information is needed regarding this withdrawal.

Sincerely,

A handwritten signature in black ink, appearing to read "B. P. Spaulding", is written over a light blue horizontal line.

Brian Spaulding, J.D.
President
Indiana Apartment Association