



OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

HEALTH AND PUBLIC SAFETY

JULY 24, 2023, 4:05 P.M.

Committee Members Present:

Eli Wax, Karen White, Rachel Tomas Morgan, Troy Warner*, Canneth Lee, Desmond Upchurch

Presenters:

Kylie Connell*

Agenda:

Bill No. 47-23 – An Ordinance to Amend Human Rights Homeless Classification

Bill No. 43-23 – An Ordinance Adding Chapter 14, Article 10, Sections 14-61 Through and Including 14-63 Addressing Extermination Pest Control in Residential Units

Bill No 23-51 – A Resolution Approving an Interlocal Agreement Between the City of South Bend and St. Joseph County for the Housing and Operations of the Special Victims Unit

Bill No. 23-52 – A Resolution Approving an Interlocal Agreement Between the City of South Bend, the City of Mishawaka, and the Board of Commissioners of St. Joseph County, for the Mutual Investigation of Officer-Involved Shootings in St. Joseph County

Members marked with an asterisk (*) are present digitally

Please note the attached link for the meeting recording:

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=369532>

Committee Chair Eli Wax called to order the Health and Public Safety Committee meeting at 4:05 p.m.

Bill 47-23 – An Ordinance Adding the State of “Homeless” to the Protected Classes of Persons

Lori Hamann, Common Councilmember, with offices on the fourth (4th) floor on the County-City building, noted that some of the criticism of the Bill is that not enough work has been done. She reviewed the work that has been completed, which was extensive. She noted that there is hatred and bigotry towards homeless people and they do not deserve this. There is a myth that homeless individuals do not want to work. Using a shelter address on a job application is an indicator of homelessness and this allows for bias with job applications. She noted another critique of this Bill is that homelessness can change, while most protected classifications are items that cannot be

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changed. This classification is one small piece to reduce challenges for the homeless population. It was noted that the only other city that has this is Washington, DC. There was concern from the Department of Community Investment due to disruptions, complaints, liability, etc. There are various reasons why businesses would ask people to leave such as disruption, bags, hygiene. This is not because they are homeless but because of things that are impacted by housing status. There was discussion regarding what the City is doing for housing challenges. The Committee discussed the myth that individuals will move to cities that are more amenable to homelessness.

Bob King, 1412 E South Street, South Bend, IN 46615, noted that the homeless issue is getting worse. He indicated that there is amnesty given in the winter but not the summer. This is a small step forward in a larger issue.

Rick Hearst, 702 Phillipa Street, South Bend, IN 46619, noted that there is a lack of awareness about homelessness and human rights. It is important to support individuals who have less support.

Sheila McCarthy, 744 South Main Street, South Bend, IN 46601, noted that allowing gaps in housing history will decrease challenges to access housing. Vouchers were used for housing but this program has ended. She supported this Bill, as it would reduce homelessness.

Jenny Piontek, 2201 Westside Drive, South Bend, IN 46616 voiced supports for this Bill, as it gives people tools to overcome these obstacles.

Margaret Vile, 511 S St. Joseph Street, South Bend, IN 46601 supported the Bill to support the vulnerable population. She thanked the City for this initiative. She noted there is a difference between legal and moral. This Bill addresses both. She questioned who the City is if they do not address this moral issue.

Hari Rau-Murthy, *address was not given*, noted that this Bill is a good first step. It removes one barrier for the homeless population. He noted that not having an ID is also a barrier.

Charity Stowe, 614 S St. Joseph Street, South Bend, IN 46601, noted that she sees many challenges with the homeless community and is in support of this Bill.

Jorden Giger, 302 S Kaley Street, South Bend, IN 46619, spoke in support of the Bill.

Council Vice-Chair Karen White made comments, including ones regarding the classification and that homelessness is a changeable attribute. There are also concerns regarding capacity of the Human Right Commission. Recently, a homelessness coordinator was hired and started a month ago.

Committee member Warner motioned to table Bill No. 47-23, seconded by Citizen member Desmont Upchurch, and carried by a vote of four (4) ayes and two (2) nays.

Committee Chair Eli Wax - Aye	Committee Vice-Chair Karen White - Nay
Committee member Troy Warner - Aye	Committee member Rachel Tomas Morgan - Aye
Committee member Canneth Lee - Nay	Citizen member Desmont Upchurch - Aye

Bill 43-23 – An Ordinance Adding Chapter 14, Article 10, Sections 14-61 Through and Including 14-63 Addressing Extermination Pest Control in Residential Rental Units

Council member Davis Jr. noted that there is concern that this Bill would cause more work, which it would. However, it is important that bed bugs are addressed.

Caleb Bauer, Executive Director of Community Investment, with offices on the fourteenth (14th) floor of the County-City building, noted there is already a code that addresses this. There is the challenge that renters need to allow inspector access. He noted that the Bill does not clarify who issues citations.

Council member Tomas Morgan asked who has been consulted for this Bill.

Council member Davis Jr. noted that this question was asked previously. He noted that he has talked to renter groups, school groups, and landlords. There was discussion regarding the lack of clarity between who is responsible for the remediation.

Council member Davis Jr. noted he would be willing to amend the Bill. There was discussion regarding the RSVP ordinance in place, which covers infestations.

Liz Maradik, Director of Health and Safety, with offices on the fourteenth (14th) floor of the County-City building, noted that, within the RSVP, the landlord is responsible and there is a \$250 weekly fee until the landlord complies. It was noted that the RSVP is dependent on the City taking action, while this Bill puts the action on the landlord or tenant. The Bill addresses all infestations, not just bed bugs. Bed bugs infestations are causing issues in schools and Council member Davis noted that City code needs to be enforced.

David Nordstrom, 5363 New Life Road, Granger, IN 46530, noted that he is a housing provider and does not like bugs. He has concerns regarding the Bill. He noted that he has pest control confirming there are no infestations when someone moves into his single-family homes.

Council member Davis Jr. noted that the Bill clarifies that it becomes the tenant’s responsibility if the home was free of pests beforehand.

Council member Tomas Morgan noted that she has reached out to various groups and asked if they had seen the Bill and if they had reviewed it. Many of them had not. She voiced concern that there has not been enough community engagement with appropriate stake holders. She additionally had concern regarding who is responsible for infestation exterminations. She also voiced concern because bed bugs are not a result of neglect or dirt. They are also difficult to get rid of and difficult to attribute responsibility of who brought them into the space.

Committee member Tomas Morgan motioned to table Bill No. 43-23 indefinitely, seconded by Committee member Warner, and carried by a vote of four (4) ayes and two (2) nays.

Committee Chair Eli Wax - Aye	Committee Vice-Chair Karen White - Nay
Committee member Troy Warner - Aye	Committee member Rachel Tomas Morgan - Aye
Committee member Canneth Lee - Aye	Citizen member Desmond Upchurch - Nay

Bill 23-51 – A Resolution Approving an Interlocal Agreement between the City of South Bend and St. Joseph County for the Housing and Operations of the Special Victims Unit

Kylie Connell, 701 W. Sample Street, South Bend, IN 46601, asked that the interlocal agreement be renewed for the Casey Center. This was originally established in 2009. Thus far the collaboration has been effective in investigating these cases. It is in the public’s best interest to continue with this agreement.

Committee Citizen Desmond Upchurch asked how the \$40,000 is broken down between the parties.

Kylie Connell noted that the City provides \$40,000 and the County provides \$45,000. The officers are supervised by the attorney, who is part of St. Joseph’s County. There was a request for information regarding the City of Mishawaka’s contribution to this program.

Committee Chair Wax held the public hearing, and nobody spoke.

Council member White now entertains a motion to send Bill No. 23-51 to the full council with a favorable recommendation.

Committee member White motioned to send Bill No. 23-51 to the full council with a favorable recommendation., seconded by Committee member Tomas Morgan, and carried by a vote of six (6) ayes.

Committee Chair Eli Wax - Aye	Committee Vice-Chair Karen White - Aye
Committee member Troy Warner - Aye	Committee member Rachel Tomas Morgan - Aye
Committee member Canneth Lee - Aye	Citizen member Desmond Upchurch - Aye

Bill 23-52 – A Resolution Approving an Interlocal Agreement between the City of South Bend, the City of Mishawaka, and the Board of Commissioners of St. Joseph County for the Mutual Investigation of Officer-Involved Shootings in St. Joseph County

Council member Warner recognized a conflict of interest and noted that he would abstain from the vote.

Kylie Connell noted that it is agreed by all parties involved that this is in the best interest of the public. This is a formalization of a previous agreement.

Committee Chair Wax held the public hearing, and nobody spoke.

Committee member Tomas Morgan motioned to send Bill No. 23-52 to the full council with a favorable recommendation, seconded by Committee member White, and carried by a vote of five (5) ayes and one (1) committee member abstaining.

Committee Chair Eli Wax - Aye	Committee Vice-Chair Karen White - Aye
Committee member Troy Warner - Abstain	Committee member Rachel Tomas Morgan - Aye



Committee member Canneth Lee - Aye

Citizen member Desmont Upchurch - Aye

With no further business, Committee Chair Wax adjourned the Health and Public Safety Committee meeting at 5:50 p.m.

Respectfully Submitted,

Eli Wax, Committee Chair

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