

2240/23-8160.NJP/db

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

| | | |
|---------------------------------|---|-------------------------|
| SOJOURN HOUSE, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Cause No.: 1:23-cv-1555 |
| |) | |
| BOARD OF ZONING APPEALS, MONROE |) | |
| COUNTY, INDIANA, and MONROE |) | |
| COUNTY, INDIANA, |) | |
| |) | |
| Defendants. |) | |

NOTICE OF REMOVAL

COME NOW Defendants, BOARD OF ZONING APPEALS, MONROE COUNTY, INDIANA, and MONROE COUNTY, INDIANA, by and through one of their attorneys, EMILY CUROSH (#35194-45) of KNIGHT, HOPPE, KURNIK & KNIGHT, LTD., and, pursuant to 28 U.S.C. § 1441 and § 1446, hereby serve their Notice of Removal of the cause entitled *Sojourn House, Inc. v. Board of Zoning Appeals, Monroe County, Indiana, and Monroe County, Indiana*, filed in the Monroe County Circuit Court, Cause No. 53C06-2307-MI-0001710. As their statement of grounds for removal, Defendants state as follows:

1. Plaintiff filed an action against Defendants which was commenced on or about July 27, 2023, and which is presently pending in Monroe Circuit Court in the State of Indiana under Cause No. 53C06-2307-MI-0001710. A true and accurate copy of “Plaintiff’s Verified Petition for Judicial Review and Complaint for Damages under the Fair Housing Act, the Americans with Disabilities Act, and Violations of the Equal Protection Clause of the Fourteenth Amendment of the United States Under 42 U.S.C. § 1983” (“Complaint”) is attached and made a part of this Notice as Exhibit A.

2. Service of process was made on Defendants on or about July 31, 2023.

3. The Complaint includes claims of constitutional violations against Defendants. The claims for constitutional violations are brought pursuant to federal law and enable Defendants to file this Notice of Removal.

4. The State Court proceeding is an action for civil damages, which among these claims alleges that Defendants deprived Plaintiff of rights secured to it by the Constitution of the United States.

5. The State Court Complaint raises federal questions, and the United States District Court has original jurisdiction over these federal questions pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343 and pendant jurisdiction over state claims pursuant to 28 U.S.C. § 1367.

6. The removal of the State Court action to the United States District Court is proper pursuant to 28 U.S.C. § 1441. By virtue of the provisions of 28 U.S.C. § 1441, this case is one that may be removed to the District Court pursuant to 28 U.S.C. § 1441, and the action brought is one of which the District Court has original jurisdiction as the claim is founded on a claim or right arising under the Constitution, treaties, or laws of the United States.

7. A Notice of Removal has contemporaneously been filed with the Monroe Circuit Court sitting in Bloomington, Indiana.

8. Removal is sought by Defendants to remove the above-described matter from the Monroe Circuit Court to the United States District Court for the Southern District of Indiana, Indianapolis Division.

9. All properly joined and served Defendants have consented to this removal.

10. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b), as it is filed within thirty (30) days of service upon Defendants, which occurred on or about July 31, 2023.

11. Removal should be permitted in the interest of justice because Defendants properly seek to invoke their right to defend these Constitutional and federal claims in the federal forum.

Respectfully Submitted,

/s/ Emily Curosh

Emily Curosh (#29663-64) of
KNIGHT, HOPPE, KURNIK & KNIGHT, LTD.
Attorney for Defendants Board of Zoning Appeals,
Monroe County, Indiana, and Monroe County,
Indiana

KNIGHT, HOPPE, KURNIK & KNIGHT, LTD.
Attorneys for BOARD OF ZONING APPEALS,
MONROE COUNTY, INDIANA, and MONROE
COUNTY, INDIANA
233 East 84th Drive, Suite 301
Merrillville, IN 46410
219/322-0830; FAX: 219/322-0834
EMAIL: Ecurosh@kkklaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of August, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

- Lonnie Dale Johnson
ljohnson@lawcbj.com
- Cheyenne Riker
criker@lawcbj.com
- John Michael Stringfield
jstringfield@lawcbj.com
- Emily Curosh
Ecurosh@khkklaw.com

- Matthew S. Clark
Mclark@khkklaw.com
- Pamela Schneeman
Pscheenman@khkklaw.com

MANUAL NOTICE:

None.

/s/ Emily Curosh _____

23-08-29 Notice of Removal (Federal) 8160

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Sojourn House, Inc. v. Monroe County, Monroe County Board of Zoning Appeals

| | |
|-------------|-------------------------------|
| Case Number | 53C06-2307-MI-001710 |
| Court | Monroe Circuit Court 6 |
| Type | MI - Miscellaneous Civil |
| Filed | 07/27/2023 |
| Status | 07/27/2023 , Pending (active) |

Parties to the Case

Defendant Monroe County

Address

c/o David Schilling, County Attorney
100 W. Kirkwood Avenue
Bloomington, IN 47404

Attorney

Emily Curosh
#3519445, Lead, Retained

223 E 84th DR
STE 301
Merrillville, IN 46410
219-322-0830(W)

Attorney

David Brian Schilling
#225512, Retained

100 W Kirkwood Ave
Room 220
Bloomington, IN 47404
812-349-2525(W)

Defendant Monroe County Board of Zoning Appeals

Address

c/o Margaret Clements, Board Chair
100 West Kirkwood Avenue
Bloomington, IN 47404

Attorney

Emily Curosh
#3519445, Lead, Retained

223 E 84th DR
STE 301
Merrillville, IN 46410
219-322-0830(W)

Attorney

David Brian Schilling
#225512, Retained

100 W Kirkwood Ave
Room 220
Bloomington, IN 47404
812-349-2525(W)

Plaintiff Sojourn House, Inc.

Address

409 W. Patterson Drive
 Suite 205
 Bloomington, IN 47403

Attorney

Lonnie Dale Johnson
 #1675853, Lead, Retained

Clendening Johnson & Bohrer, P.C.
 409 West Patterson Drive, Suite 205
 Bloomington, IN 47402
 812-332-1000(W)

Attorney

Cheyenne Riker
 #3148253, Retained

Clendening Johnson & Bohrer, P.C.
 409 West Patterson Drive, Suite 205
 Bloomington, IN 47402
 812-332-1000(W)

Attorney

John Michael Stringfield
 #3543649, Retained

201 N. Illinois St. 16th Floor- South Tower
 Indianapolis, IN 46204
 317-269-3409(W)

Chronological Case Summary

| | |
|------------|--|
| 07/27/2023 | Case Opened as a New Filing |
| 07/31/2023 | Case Filed Electronically |
| 07/31/2023 | Complaint/Equivalent Pleading Filed Complaint for Damages filed. BMC Filed By: Sojourn House, Inc. File Stamp: 07/27/2023 |
| 07/31/2023 | Appearance Filed Appearance LDJ CNR JMS filed. BMC For Party: Sojourn House, Inc. File Stamp: 07/27/2023 |
| 07/31/2023 | Subpoena/Summons Filed Summons-Summons Filed. Clerk notes a signed, dated, sealed Summons is forwarded to Plaintiff/Plaintiff's Counsel via e-notice for service upon parties of record. Plaintiff/Plaintiff's Counsel to perfect service and file proof of service with the Court. For Sheriff Service requests, applicable copies are to be supplied to the Sheriff's office directly by counsel. BMC Filed By: Sojourn House, Inc. File Stamp: 07/27/2023 |
| 07/31/2023 | Subpoena/Summons Filed Summons-Summons Filed. Clerk notes a signed, dated, sealed Summons is forwarded to Plaintiff/Plaintiff's Counsel via e-notice for service upon parties of record. Plaintiff/Plaintiff's Counsel to perfect service and file proof of service with the Court. For Sheriff Service requests, applicable copies are to be supplied to the Sheriff's office directly by counsel. BMC Filed By: Sojourn House, Inc. File Stamp: 07/27/2023 |
| 08/02/2023 | Certificate of Issuance of Summons Certificate of Issuance of Summons da Filed By: Sojourn House, Inc. File Stamp: 08/02/2023 |

- 08/15/2023 **Appearance Filed**
David Schilling files Appearance for Defendants. az
For Party: Monroe County
For Party: Monroe County Board of Zoning Appeals
File Stamp: 08/15/2023

- 08/15/2023 **Motion for Enlargement of Time Filed**
Initial Motion for Enlargement of Time to Respond filed. az
Filed By: Monroe County
Filed By: Monroe County Board of Zoning Appeals
File Stamp: 08/15/2023

- 08/17/2023 **Order Granting Motion for Enlargement of Time**
Order on Motion for Enlargement of Time issued. Parties e-noticed. da
Judicial Officer: Krothe, Kara E.
Movant: Schilling, David Brian
Noticed: Stringfield, John Michael
Noticed: Riker, Cheyenne
Noticed: Johnson, Lonnie Dale
Noticed: Schilling, David Brian
Order Signed: 08/17/2023

- 08/17/2023 **Motion Filed**
Petitioner's First Motion for Extension of Time to Submit Hearing Transcript Pursuant to Indiana Code 36-7-4-1613 filed. az
Filed By: Sojourn House, Inc.
File Stamp: 08/17/2023

- 08/18/2023 **Automated ENotice Issued to Parties**
Order Granting Motion for Enlargement of Time — 8/17/2023 : Cheyenne Riker;David Brian Schilling;John Michael Stringfield;Lonnie Dale Johnson

- 08/22/2023 **Order Granting**
The Court GRANTS the Petitioner's First Motion for Extension of Time to Submit Hearing Transcript Pursuant to Indiana Code 36-7-4-1613; order issued. E-notice to counsel. az
Judicial Officer: Krothe, Kara E.
Noticed: Stringfield, John Michael
Noticed: Riker, Cheyenne
Noticed: Johnson, Lonnie Dale
Noticed: Schilling, David Brian
Order Signed: 08/22/2023

- 08/23/2023 **Automated ENotice Issued to Parties**
Order Granting — 8/22/2023 : Cheyenne Riker;David Brian Schilling;John Michael Stringfield;Lonnie Dale Johnson

- 08/29/2023 **Appearance Filed**
Appearance filed by Emily Curosh on behalf of the Defendants. kl
For Party: Monroe County
For Party: Monroe County Board of Zoning Appeals
File Stamp: 08/29/2023

- 08/29/2023 **Notice of Removal to Federal Court Filed**
Notice To State Court Of Removal To Federal Court. kl
Filed By: Monroe County
Filed By: Monroe County Board of Zoning Appeals
File Stamp: 08/29/2023

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Sojourn House, Inc.

Plaintiff

Balance Due (as of 08/29/2023)

0.00

Charge Summary

| Description | Amount | Credit | Payment |
|-----------------------------|--------|--------|---------|
| Court Costs and Filing Fees | 157.00 | 0.00 | 157.00 |

Transaction Summary

| Date | Description | Amount |
|------------|------------------------|----------|
| 07/31/2023 | Transaction Assessment | 157.00 |
| 07/31/2023 | Electronic Payment | (157.00) |

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT

CAUSE NO.: 53C06-2307-MI-001710

SOJOURN HOUSE, INC.)
)
) Petitioner/Plaintiff,
)
) vs.)
)
) BOARD OF ZONING APPEALS,
)
) MONROE COUNTY, INDIANA, and
)
) MONROE COUNTY, INDIANA
)
) Respondents/Defendants.)

VERIFIED PETITION FOR JUDICIAL REVIEW AND COMPLAINT FOR DAMAGES UNDER THE FAIR HOUSING ACT, THE AMERICANS WITH DISABILITIES ACT, AND VIOLATIONS OF THE EQUAL PROTECTIONS CLAUSE OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES UNDER 42 U.S.C. §1983

Comes now the Plaintiff, Sojourn House, Inc. (“Sojourn House”, or “Petitioner”), by counsel, **Clendening Johnson & Bohrer, P.C.**, and for its *Verified Petition for Judicial Review and Complaint for Damages under the Fair Housing Act, the Americans with Disabilities Act, and Violations of the Equal Protections Clause of the Fourteenth Amendment to the United States Constitution under 42 U.S.C. §1983* states:

Introduction

The Monroe County Board of Zoning Appeals (“the BZA,” or “the Board”) unlawfully discriminated against Sojourn House, Inc. and its residents, who are victims of human trafficking and myriad mental and behavioral health diagnoses, by refusing to hear their request for a reasonable accommodation as required by the Americans with Disabilities Act and the Fair Housing Act. Further, Monroe County, Indiana (“the County”) has enacted ordinances that are in direct conflict with state and federal law, which ordinances were used as a basis for discrimination against Sojourn House.

Specifically, Sojourn House filed an amended petition requesting a zoning variance along with, as an alternative, a reasonable accommodation. Federal law *requires* a reasonable accommodation request be heard by the Board, but the Board wholly refused to even hear the request.

When Sojourn House filed an amended petition for variance, not only was it forced to wait months for the amended petition to be heard, when the Board finally convened, with Sojourn House, its attorneys, and its several supporters present, the Board refused to hear the amended petition altogether – a petition that was filed as a matter of right under the Monroe County Zoning Code (“the Ordinance”). There is no non-discriminatory reason for the Board’s decision. Rather, the Board appears to have been catering to a select few neighbors who previously remonstrated against Sojourn House’s original petition in such a discriminatory fashion as to create an apparent bias within the members of the Board.

As a result of the Board’s refusal to acknowledge the rights granted to Sojourn House under state and federal law, the County’s discriminatory enactment of unlawful zoning ordinances, and the Board’s selective enforcement thereof, Sojourn House has suffered, and continues to suffer, monetary damages, costs, and fees. The Board and the County are responsible for compensating Sojourn House for its losses, and Sojourn House hereby demands the same.

Statement of Issues, Jurisdiction, and Venue

1. Petitioner Sojourn House is an Indiana nonprofit corporation whose principal office is located at 7505 E. Kerr Creek Road, Bloomington, Indiana. Petitioner’s mailing address is PO Box 95 Stinesville, Indiana 47464.

2. The Monroe County Board of Zoning Appeals (“BZA”) is a quasi-judicial body of Monroe County, Indiana whose mailing address is Judge Nat U. Hill III Meeting Room, 100 West Kirkwood Avenue, Bloomington, Indiana 47404.

3. Monroe County, Indiana is an Indiana municipality having legislative authority over residents and property located in Monroe County, Indiana.

4. The issues in this case involve the inappropriate denial of Sojourn House's amended petition for variance submitted to the BZA on April 5, 2023 and denied on June 28, 2023, discrimination against Sojourn House by the BZA and the County under the Fair Housing Act and the American's with Disabilities Act, and disparate treatment of Sojourn House in violation of the Sojourn House's rights under the Fourteenth Amendment to the United States Constitution.

5. This *Petition* is to request this Court to review the BZA's decision, and is filed pursuant to Indiana Code §36-7-4-1600, *et seq.*

6. This Court is an appropriate venue for this *Petition for Judicial Review* because it is in the same judicial district as the Property. *See*, Ind. Code §36-7-4-1606.

7. Identification of persons who participated in any hearing as described in Ind. Code § 36-7-4-1607(b)(4) that led to the BZA's erroneous and discriminatory decision:

- a. Betsy Wadsworth Mandell;
- b. Mary Weeks;
- c. Peter Gould;
- d. Terry Gould;
- e. W. William Weeks;
- f. Jerry Mandell.

8. Sojourn House has standing for filing this claim because it is a "person to whom the zoning decision is specifically directed." Ind. Code §§36-7-4-1602, 1603.

9. Sojourn House has exhausted its administrative remedies because it filed an original petition for variance, which was denied, and an amended petition, which was also denied through the BZA's removal of the amended petition from its agenda. *See*, Ind. Code §§36-7-4-1602, 1604.

10. This *Petition* is timely filed because the BZA's decision was rendered on June 28, 2023, within thirty (30) days of the date on which the BZA's decision was rendered. Ind. Code §36-7-4-1605.

11. Sojourn House also asserts claims under the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* ("ADA"), the Fair Housing Act, 42 U.S.C. §3601, *et seq.*, and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

FACTUAL BACKGROUND

Sojourn House's Acquisition of the Property

12. Sojourn House was formed August 30, 2019, and provides support and case management services for women who are trafficked and exploited.

13. In the Fall of 2022, Sojourn House requested zoning information regarding the property located at 7505 E. Kerr Creek Road, Bloomington, Indiana ("the Property") for purposes of evaluating whether to acquire the Property for use as a residence for the individuals it serves. The Property would be used to house victims of human trafficking, who suffer from myriad mental and behavioral diagnoses ranging from, without limitation, post-traumatic stress disorder to substance use disorder. Sojourn House would occupy the Property under one common household, and under a single housekeeping unit, and up to eight (8) individuals would occupy the Property at any given time.

14. The Property had previously been occupied by a family of seven (7) related individuals, some of whom were teenagers who regularly travelled to and from the Property via motor vehicle at travel hours typical of teenagers.

15. The Property itself is located in the Agriculture/Rural Reserve ("AG/RR"), which is "primarily intended for agricultural uses... [and] rural non-farm related single family uses and not in (major) subdivisions." Monroe County Ord. 802-1(D). A single family is defined as "one or more

persons each related to the other by blood, marriage, or adoption...,” but “may also be composed of not to exceed three (3) persons not so related, provided that such unrelated person live in a single dwelling and maintain a common household and a single housekeeping unit.” Monroe County Ord. 801-2(“Family”). As such, the Ordinance’s definition of family specifically prohibits the use of the Property to the extent it will house more than three (3) *unrelated* individuals.

16. As part of its request, Sojourn House explained to the Monroe County Planning Department (“Planning”) that the Property would be used as a dwelling with the supervision of trained, paid staff members. The policies governing the Property would include curfews, a sober-living requirement, and a requirement to participate in programming to assist the residents in transitioning comfortably back into society.

17. Further, Sojourn House explained to Planning that the Property would be used in a manner consistent with Indiana Code §12-28-4-7 (“the State Statute”), as a residential facility for individuals with a mental illness. The State Statute prohibits a zoning ordinance from excluding a “residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related.” I.C. §12-28-4-7(a).

18. During those discussions, Planning staff stated to Sojourn House representatives that a zoning application was not necessary (*see*, Exhibit H). Planning staff also provided confirmation, in writing, that a use determination was not required.

19. Based on Planning’s representation that no zoning application was necessary, Sojourn House acquired the Property in exchange for \$425,000 on December 22, 2022.

The County's Reversal of its Original Zoning Determination

20. After Sojourn House acquired the Property, expending nearly half a million dollars of grants, neighbors surrounding the Property¹ began complaining to representatives of Monroe County Government that the Property was not properly zoned for the use to which Sojourn House had put the Property.

21. Concerned about the political backlash resulting from the County's initial representation that the Property was properly zoned, Planning was unlawfully directed by someone in the Monroe County Government to send a letter ("the Variance Demand Letter") to Sojourn House to submit to a variance application process. *See* Exhibit A.

22. The Variance Demand Letter totally reversed the County's initial position that Sojourn House's use was protected by the State Statute – rather, the County posited that Sojourn House's use was as a "Group Home Class II" under the Monroe County Zoning Ordinance, which required Sojourn House to appear before the BZA for approval of its use of the Property as a Group Home Class II.

23. Reluctantly, but in the interest of civility and desire to remain in good standing in the community, Sojourn House filed an application for variance on January 27, 2023 ("the Original Application"). *See*, Exhibit B.

24. Upon receipt of the Original Application, Planning prepared its staff report to the BZA (*see*, Exhibit C), which explained the details behind Sojourn House's acquisition of the Property. Specifically, Planning pointed out to the BZA that it had already told Sojourn House that the use was permitted based on the State Statute. Planning further recommended that, based on the requirements for a variance, even if the State Statute is inapplicable, the use was appropriate for a

¹ Neighbors of the Property are all a good distance from the Property's residential structure, with the nearest neighbor at least 100 yards away through wooded terrain.

variance. Ultimately, Planning recommended that the BZA approve Sojourn House's use of the Property as a "Group Home Class II."

25. During the interim period between the filing of the Original Application and the March 1, 2023 hearing before the BZA, the individual neighbors, despite living miles (in some instances) from the Property, wrote a barrage of letters to the BZA complaining that Sojourn House's use and the individuals they served were not appropriate for the area. *See* Exhibit D. They ignorantly complained that the area was not suited to use as a business, that the residents could not take care of themselves being so far away from the city, and that the victims of human trafficking might draw their abusers to their neighborhood.

26. The BZA bought the neighbors' unfounded fears surrounding Sojourn House's proposed use of the Property, and they denied the Original Application.

The Amended Application for Variance

27. Sojourn House, having had the Original Application denied, contacted Planning again to determine next steps.

28. Planning directed Sojourn House to Monroe County Ordinance 812-3(K), which reads:

If the Board of Zoning Appeals denies the application for variance approval, the applicant may file an amended application. If the amended application is filed within six (6) months of the Board's denial of the original application, the applicant shall not be charged an application fee.

29. Based on Ordinance 812-3(K), Sojourn House, by counsel, filed an Amended Application on April 5, 2023 ("the Amended Application"). *See* Exhibit E. The Amended Application included additional arguments for a variance, along with a request for a reasonable accommodation under the FHA and the ADA.

30. Specifically, the Amended Application was different in two very important respects: (1) it included a restriction on the use of the Property from fifteen (15) individuals, which is

permitted under the standards for Group Home Class II, to eight (8) individuals, and (2) it made an alternative request for reasonable accommodation. As well, Sojourn House signed a written commitment (“the Commitment”) under which, upon approval of the variance, it would only house up to eight (8) individuals. *See* Exhibit F.

31. The Original Application did not include the Commitment, nor did it request a reasonable accommodation from the zoning requirements. Understandably, it did not include a request for reasonable accommodation because the BZA had not yet denied a request under the strict language of the zoning code – that is, there was no reason at the time of the filing of the Original Application to request a reasonable accommodation.

32. However, having been denied the request for variance, Sojourn House, in the Amended Application, requested a reasonable accommodation to allow the use despite the denial.

33. Again, seeing the Amended Application, the neighbors surrounding the Property sent another barrage of letters (with some neighbors sending more than one letter) (*see* Exhibit G) objecting to Sojourn House’s use of the Property. Seemingly unaware of the fact that the use of the Property would change very little from its prior use as a family of seven (7), the neighbors again insisted that the use was inappropriate. Many of the neighbors simply reiterated their prior comments, with others writing matrixes of case law with inaccurate and straw-man summaries claiming that the cases cited in the Amended Application did not apply to the facts of the case.

34. A second hearing was held before the BZA on June 28, 2023 (“the Hearing”). At the Hearing, the BZA cited a procedural rule that it was not required to hear any application unless it had been at least a year since its last ruling thereon. The procedural rule runs afoul of Ordinance 812-3(K), which grants the right to file an amended application – in fact, Ordinance 812-3(K) specifically provides for the instance in which an amended application could be filed within six (6) months, authorizing such a filing without the payment of additional fees.

35. At the Hearing, Margaret Clements, the Chair of the BZA, with an apparently hostile attitude (which promptly changed after Sojourn House had departed the Hearing²) refused to comply with Ordinance 812-3(K), stating that “Having been filed, the Board of Zoning Appeals has determined not to hear [the Amended Application] for the twelve-month period. And so we’ve made that motion, it’s been seconded, and please call the role.” She engaged in an argumentative exchange with Planning in an effort to avoid listening to Sojourn House’s plea for a reasonable accommodation, and insisted that a vote be taken to confirm that the Amended Application would not be heard, despite its substantive changes and obvious appropriateness in light of Ordinance 812-3(K).

36. Indiana Code specifically prohibits a board of zoning appeals procedural rule that conflicts with an ordinance. Under Indiana Code §36-7-4-916, a board of zoning appeals “shall adopt rules, which *may not* conflict with the zoning ordinance...”. The procedural rule cited by Clements violates the state statute because it runs directly contrary to the substantive right to file an amended application, yet she insisted that the Amended Application be removed from the BZA’s agenda.

37. Ultimately, the BZA removed the Amended Application from the agenda for the meeting, and refused altogether to hear Sojourn House’s request for reasonable accommodation, in direct violation of Sojourn House’s rights under the FHA, the ADA, and the Fourteenth Amendment to the United States Constitution.

COUNT I
Petition for Judicial Review

Comes now the Plaintiff, Sojourn House, Inc., by counsel, **Clendening Johnson & Bohrer, P.C.**, and for Count I of its *Complaint* states:

² Video of the Hearing can be found here: <https://www.youtube.com/watch?v=g4jLNPO IEA>

38. Sojourn House incorporates herein by reference the allegations set forth in rhetorical paragraphs 1-37 as if fully set forth herein.

39. Under Indiana Code §36-7-4-1615, the Court may either return a zoning matter to the BZA or compel a decision that has been unreasonably delayed or unlawfully withheld.

40. In evaluating whether a decision should be reversed or remanded, Indiana Code §36-7-4-1614 requires the Court to grant relief under Section 1615 only if the Court determines that the petitioner (here, Sojourn House) has been prejudiced by a zoning decision that is:

- (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;
- (2) contrary to constitutional right, power, privilege, or immunity;
- (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;
- (4) without observance of procedure required by law; or
- (5) unsupported by substantial evidence.

41. Sojourn House has been prejudiced by the BZA's decision, because its decision violates all of the above-referenced standards. That is, the ruling was arbitrary, capricious, and an abuse of discretion; contrary to constitutional right, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; without observance of procedure required by law; and the decision was unsupported by substantial evidence.

A. The BZA's decision to apply a procedural rule that conflicts with a substantive right was arbitrary, capricious, and not in accordance with the law; as well, it is without observance of procedure required by law.

42. At the Hearing, the BZA removed the Amended Application from the agenda in its entirety, and refused to hear it, effectively denying Sojourn House's requested relief.

43. Ms. Clements read into the record at the Hearing a procedural rule that, as read, states:

An appeal or a petition which has been decided against the petitioner shall not again be placed on the docket for consideration by the Board within a period of twelve months from the date of decision previously rendered, except upon the motion of a

member and adopted by unanimous vote of all members present at a regular or special meeting thereof.

44. In response, Planning staff explained to the BZA that Sojourn House has a right to an appeal, which is specifically guaranteed in the Monroe County Zoning Code under Section 812-3(K), and read the language of the rule into the record.

45. In response, Ms. Clements responded that the BZA had decided not to hear the Amended Application.

46. After Sojourn House and its representatives had already departed the meeting, and after all other petitions had been heard for the night of the Hearing, the BZA engaged in further discussion of the Amended Application on the record.

47. Leaving the impression that they had not even read the Amended Application, they declared that the Amended Application was not any different from the Original Application.

48. Their after-the-fact explanations appear to have been nothing more than an effort to explain themselves for doing what they suspected was procedurally erroneous.

49. Their after-the-fact explanations had no basis in fact, as the Amended Application was vastly different in two material respects: (1) it included a restriction on the use of the Property from fifteen (15) individuals, which is permitted under the standards for Group Home Class II, to eight (8) individuals, and (2) it made an alternative request for reasonable accommodation. As well, Sojourn House signed a written commitment (“the Commitment”) under which, upon approval of the variance, it would only house up to eight (8) individuals. *See* Exhibit F.

50. The BZA’s reasoning was not based on facts, but was merely an after the fact effort to cover up the arbitrariness of their actions.

51. The BZA should have heard the petition, but effectively denied it by removing it from the agenda.

52. Even if the BZA's reasoning had been based in fact, it was unlawful because it chose a procedural rule over a substantive right granted in the Monroe County Zoning Ordinance. Under Indiana Code §36-7-4-916, the BZA's procedural rules cannot conflict with the language of the Ordinance.

53. Here, the Ordinance specifically grants the right to an appeal in the absence of approval of an original petition. The procedural rule adopted by the BZA, and read into the record by Ms. Clements, runs directly in conflict with the Ordinance's guarantee of a right to an appeal – in fact, the ordinance itself specifically anticipates a right to an appeal within six (6) months.

54. These rules cannot be read to be consistent with one another, because if, in fact, a petitioner is forced to wait at least a year, then the petitioner would be forced, under the Ordinance, to pay an additional filing fee. Effectively, the BZA has taken the law into its own hands by reading their procedural rules in a way that supersedes the Ordinance – a duly enacted law of the Commissioners of Monroe County.

55. For these reasons, the BZA's decision was arbitrary, capricious, and contrary to local and state law.

56. For the same reasons, the BZA's decision is without observance of the procedure required by law. Specifically, the Ordinance sets forth the procedure for an appeal, but the BZA's elevation of its own procedural rules above that of the Ordinance led them to disregard the legal procedure permitted under the Ordinance.

WHEREFORE, this Court should reverse the BZA's effective denial of Sojourn House's Amended Application, authorize the use of the Property for up to eight (8) unrelated individuals, and award attorney fees and costs to Sojourn House for the filing of this action, along with all other just and proper relief.

B. The BZA's decision was also contrary to law to the extent that it deprived Sojourn House of its rights under the Fair Housing Act and the Americans with Disabilities Act.

57. The Fair Housing Act prohibits coercion, intimidation, threats, or *interference with* “any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section [3604] of this title.” 42 U.S.C. § 3617.

58. Title II of the ADA, as amended by the ADA Amendments Act of 2008 (“ADAAA”)(42 U.S.C.§§12101-12213) prohibits discrimination against individuals with disabilities by public entities. See, 42 U.S.C.A. §12132. The intent of the ADA was to reverse widespread discrimination that had prevailed at the time against disabled Americans in public spaces, as well as in private spaces open to the general public. See, 42 U.S.C.A. §12101.

59. A municipality is *required* under both the Fair Housing Act (42 U.S.C. §3604) and the Americans with Disabilities Act (28 C.F.R. § 35.130(b)(7)) to grant a reasonable accommodation, where they have issued an adverse zoning decision.

1. The BZA's removal of the Amended Application constitutes unreasonable interference of Sojourn House's rights under the FHA.

60. A municipality is *required* under both the Fair Housing Act (42 U.S.C. § 3604) and the Americans with Disabilities Act (28 C.F.R. § 35.130(b)(7)) to grant a reasonable accommodation to those protected by their provisions.

61. The Fair Housing Act (FHA) was enacted “to provide, within constitutional limitations, for fair housing throughout the United States.” The original 1968 act prohibited discrimination on the basis of “race, color, religion, or national origin” in the sale or rental of housing, the financing of housing, or the provision of brokerage services. In 1974, the act was explicitly amended to add sex discrimination to the list of prohibited activities. Section 3604(a) of the Fair Housing Act makes it unlawful, inter alia, “[t]o refuse to sell or rent after the making of a

bona fide offer, or to otherwise refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin." 42 U.S.C. § 3604(a); *See also Bonley v. Young-Sabourin*, 394 F. Supp. 2d 675, 677-78 (D. Vt. 2005).

62. FHA discrimination under Section 3604(a) claims fall into two broad categories: intentional, also referred to as disparate treatment discrimination, and disparate impact discrimination. Courts apply different legal tests to assess the validity of intentional versus disparate impact discrimination claims. Disparate treatment claims allege that a defendant made a covered housing decision based on "a discriminatory intent or motive." Disparate impact claims, on the other hand, involve allegations that a covered practice has "a disproportionately adverse effect on [a protected class] and [is] otherwise unjustified by a legitimate rationale." As well, even where one of the foregoing two broad categories do not offer relief, local municipalities are to make reasonable accommodations in zoning decisions, where the accommodations are "both efficacious and proportional to the cost to implement it." *Valencia v. City of Springfield, Illinois*, 883 F.3d 959, 967 (7th Cir. 2018).

63. Under the FHA, 42 U.S.C. §3617 prohibits coercion, intimidation, threats, or *interference with* "any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section [3604] of this title." 42 U.S.C. § 3617. Both § 3604(a) and § 3617 reach post-acquisition conduct, not just the initial sale or rental of housing. *Bloch v. Frischholz*, 587 F.3d 771, 782 (7th Cir. 2009) (en banc). The rights under § 3604(a) that § 3617 protects from interference include post-sale activity "that makes a dwelling unavailable to the owner or tenant, somewhat like a constructive eviction." *Id.* at 776.

64. The Fair Housing Act also applies to individuals with disabilities who seek reasonable accommodations from local municipal zoning boards. *Valencia*, 883 F.3d at 967-968. Effectively, therefore, where a municipality determines, with non-discriminatory intent, that a specific use is not permitted, the municipality is *required* to grant a reasonable accommodation favoring such use.

65. Federal courts have addressed the issue of discrimination against women's shelters under the FHA. *Cooper v. Western Southern Financial Group* is especially informative and directly analogous to the matter referenced above. 847 F. Supp. 2d 1031, 1033 (S.D. Ohio 2012). In *Cooper*, female residents of a women's shelter called Anna Louise Inn brought an action against a real estate company under the FHA, alleging that the real estate company and its agents had undertaken a campaign to drive the women's residence out of the neighborhood in which it was located in order to force a sale of the property to the real estate company. *Id.* The defendants publicly argued that the female residents of the Inn *were not compatible with the character of the area*, that the Inn should be sold to their company, and that the female residents must be moved elsewhere. *Id.* A Western & Southern agent went so far to publicly state: "I just want [the female residents of Anna Louise Inn] out of there."

66. Plaintiffs brought four claims for relief, two of which are relevant to the instant issue: (1) defendant's conduct constituted discrimination in the terms, conditions or privileges of the rental of a dwelling on the basis of sex or familial status in violation of 42 U.S.C. § 3604(b), and coercion, intimidation and threats against persons in the exercise or enjoyment of their rights under the FHA in violation of 42 U.S.C. § 3617; and (2) defendant's conduct constituted a pattern or practice of resistance to the full enjoyment of rights granted by the FHA, 42 U.S.C. §§ 3601–3619. The *Cooper* plaintiffs argued that they stated a cause of action under 42 U.S.C. §3617 by alleging that as female residents of the Inn, that they are protected individuals under the FHA against whom

Western & Southern waged a campaign, which included intimidating and threatening actions, designed to coerce plaintiffs to move out of their neighborhood premised on defendant's discriminatory belief that plaintiffs were not compatible with the neighborhood.

67. The court in *Cooper* stated that the FHA was intended “to reach a broad range of activities that have the effect of denying housing opportunities to a member of a protected class,” fair housing claims could be asserted against non-owners of a property where such persons “though not owners or agents, are in a position directly to deny a member of a protected group housing rights.” *Cooper v. W. & S. Fin. Grp., Inc.*, 847 F. Supp. 2d 1031, 1038 (S.D. Ohio 2012). Ultimately finding in favor of the Anna Louise Inn, the court made clear that the language of the FHA's anti-interference provision is to be read broadly to reach all practices that have the effect of interfering with a protected individual's rights under the fair housing laws. *Id.* at 1038.

68. Importantly, the *Cooper* court specifically singled out *illicit zoning practices* as violative of the Fair Housing Act. Those practices include zoning practices that are exclusionary in nature and disparately impact uses protected by the FHA.

69. In this case, the BZA's denial of Sojourn House's request for zoning approval for use of its own Property constitutes a violation of the Fair Housing Act's prohibition against interference with a use protected by the FHA. The courts have made clear that even in situations where subject properties have already been acquired, a governmental entity, in making zoning determinations, cannot interfere with “any person in the exercise or enjoyment of... any right granted or protected by section [3604] of this title.” 42 U.S.C. § 3617. Here, the BZA's denial of Sojourn House's use, which is a use granted and protected by 42 U.S.C. 3604, constitutes “interference with” Sojourn House's rights under the FHA.

70. The BZA has thereby violated the federal law. As such, the Board's refusal to hear the Amended Application is reversible error and contrary to law.

3. The BZA's removal of the Amended Application constitutes unreasonable interference of Sojourn House's rights under the ADA.

71. The ADA's language under Title II is broad: it protects individuals with disabilities from being “denied the benefits of the services, programs, or activities of a public entity, or [from] be[ing] subjected to discrimination by any such entity,” 42 U.S.C. § 12132. The last phrase of Title II's prohibition is even more expansive, stating simply that no individual with a disability may be “subjected to discrimination” by a public entity. *Innovative Health Sys., Inc. v. City of White Plains*, 931 F. Supp. 222, 232–33 (S.D.N.Y. 1996), *aff'd in part*, 117 F.3d 37 (2d Cir. 1997).

72. Consistent with Title II's broad language and its legislative history, the Department of Justice, in its Title II implementing regulations and other Title II analyses, has interpreted Title II to reach all actions by public entities, including zoning enforcement actions. (Emphasis added) *Innovative Health Sys., Inc. v. City of White Plains*, 931 F. Supp. 222, 234 (S.D.N.Y. 1996), *aff'd in part*, 117 F.3d 37 (2d Cir. 1997). The regulations enumerate several categories of specific activities that constitute discrimination by public entities. 28 C.F.R. § 35.130. One of these specific provisions requires public entities to make reasonable modifications to their policies, practices, and procedures, where such modifications are necessary to avoid discrimination on the basis of disability. 28 C.F.R. § 35.130(b)(7). Zoning enforcement actions, including the enactment of ordinances, and any administrative processes, hearings, and decisions by zoning boards, fall squarely within the category of “policies, practices, or procedures” mentioned in the regulations. *Innovative Health Sys., Inc. v. City of White Plains*, 931 F. Supp. 222, 232–33 (S.D.N.Y. 1996), *aff'd in part*, 117 F.3d 37 (2d Cir. 1997).

73. It is well-settled that federal courts may exercise jurisdiction in zoning matters when local zoning decisions infringe national interests protected by statute or the constitution. *See Sullivan v. Town of Salem*, 805 F.2d 81, 82 (2d Cir.1986). Because federal law authorizes a claim, provides a remedy for discrimination against individuals with disabilities in zoning activities, and extends

express power to the courts to modify discriminatory practices, it is clear that this is a zoning dispute more properly relegated to federal authority and not local regulatory and administrative procedures. *Innovative Health Sys., Inc. v. City of White Plains*, 931 F. Supp. 222, 234 (S.D.N.Y. 1996), *aff'd in part*, 117 F.3d 37 (2d Cir. 1997); *See, e.g., LeBlanc–Sternberg*, 67 F.3d at 434.

74. To make a claim under Title II of the ADA, a plaintiff must show: (1) that she is a qualified individual with a disability (2) who was subjected to discrimination by a public entity (3) by reason of her disability. *St. Paul Sober Living, LLC v. Bd. of Cnty. Comm'rs*, 896 F. Supp. 2d 982, 986 (D. Colo. 2012).

75. In the instant case, Sojourn House was: (1) a qualified entity with individuals that have disabilities, as they were originally to be treated as a Residential Facility for Individuals with a Mental Illness (as already acknowledged by the County); (2) who were subjected to discrimination by Monroe County through disparate treatment (a re-characterization of its use that forces it to meet additional requirements to which others similarly situated are not required to meet); (3) on the basis that it is a women's treatment center housing individuals with disabilities. Denial of Sojourn House under the circumstances of this case constitutes discrimination under the ADA.

76. The BZA has thereby violated the federal law. As such, the Board's refusal to hear the Amended Application is reversible error and contrary to law.

4. The BZA's removal of the Amended Application violates Sojourn House's right to a reasonable accommodation, which is contrary to law.

77. Perhaps more compelling, however, is that the Fair Housing Act protects against discrimination against those with disabilities, and requires municipalities to offer *reasonable accommodations* in housing options for persons with disabilities. In *Valencia*, referenced above, the City of Springfield, Illinois, issued a zoning determination refusing to allow a reasonable accommodation

to a group home housing three disabled individuals, because it was too close to another group home (within 600 feet).

78. In *Valencia*, the 7th Circuit Court of Appeals clearly laid out the rules for evaluating whether a reasonable accommodation should be granted, along with the process by which to do so. First, it is the burden of the petitioner (here, Sojourn House) to establish that the requested accommodation is reasonable on its face. *Id.*, at 968. Then, the municipality (here, Monroe County) must demonstrate that the use is unreasonable, or the use would work an undue hardship under the circumstances. *Id.*

79. Accordingly, Sojourn House is required to show that the use of the Property as a Group Home Class II is a reasonable use under the circumstances. If the Board believes it is not a reasonable use, it must give a non-discriminatory reason why it is unreasonable, or show that the use would work an undue hardship under the circumstances.

80. Sojourn House can easily demonstrate the reasonableness of the use of the Property as a Group Home - in fact, the County Planning Department has already recommended the use of the Property for use as a Group Home Class II. The Property is located on nearly eight (8) acres, with the nearest neighboring residence being insulated by a substantially-wooded forest.

81. Further, Sojourn House was originally to be treated as a Residential Facility for Individuals with a Mental Illness. Monroe County Planning acknowledged this fact in its original recommendation for approval of Sojourn House's use at the Property. As such, the County has effectively admitted to Sojourn House's protected status under the FHA.

82. Rather than permit the use, as required by Indiana Code 12-28-4-7, however, the County pushed Sojourn House into a category within the Ordinance that required additional steps to be taken, and approvals to be made that would not otherwise have been required. Effectively, the County violated the anti-interference language of the FHA by interfering with a protected use of the

Property by protected individuals and by requiring Sojourn House to submit an application that it was not required to submit.

83. In doing so, the BZA was required to grant Sojourn House's reasonable accommodation.

84. Sojourn House's request was effectively a request for a waiver of the definition of family to allow up to eight (8), rather than three (3), unrelated individuals to reside at the Property.

85. Sojourn House even went so far as to offer to be classified as a Group Home Class II, which would add additional development standards beyond what would normally be required for a single-family dwelling³.

86. However, the BZA was unwilling to listen to Sojourn House's request for this reasonable accommodation. The BZA conveniently glazed over the arguments in the Amended Application, disregarded them, and incorrectly declared that the Amended Application was substantively the same as the Original Application.

87. The BZA's actions were intentionally discriminatory, as evidenced by the fact that not only did they not grant a reasonable accommodation, they refused to even hear evidence of Sojourn House's request. To follow, they failed to meet their obligation of showing how the proposed use, with the requested accommodation, was unreasonable or would work an undue hardship on the County.

88. In *Oconomowoc Residential Programs v. City of Milwaukee*, an ADA case, the court reiterated that the "requirements for a reasonable accommodation under the ADA are the same as those under" the Fair Housing Act. 300 F.3d 775, 783 (7th Cir. 2002).

³ As part of this lawsuit, Sojourn House demands that a reasonable accommodation means treatment as a single-family residence, without the need for compliance with additional development standards.

89. As such, even if the Board was not inclined to grant the Group Home Class II use to Sojourn House under the ADA to avoid claims of discrimination, the Board should have granted the requested reasonable accommodation.

90. Rather, the BZA blatantly and blindly disregarded Sojourn House's plea for a reasonable accommodation, stubbornly insisting that it had already done enough in denying the Original Application.

WHEREFORE, this Court should reverse the BZA's effective denial of Sojourn House's Amended Application, authorize the use of the Property for up to eight (8) unrelated individuals, and award attorney fees and costs to Sojourn House for the filing of this action, along with all other just and proper relief.

C. The BZA's denial of the Amended Application through Removal from the Agenda constitutes a violation of Sojourn House's Rights under the Fourteenth Amendment to the United States Constitution, and is therefore "contrary to constitutional right, power, privilege, or immunity."

91. The Fourteenth Amendment to the United States Constitution guarantees the equal protection of the laws, for which 42 U.S.C. § 1983 provides a remedy.

92. The BZA has singled out Sojourn House for disadvantageous treatment because of the identities of the individual residents it serves. Specifically, the BZA has denied Sojourn House's request because it serves individuals with disabilities who happen to be female.

93. Sojourn House has suffered economic loss as well as other burdens imposed upon it and identified above.

94. Sojourn House's interests and those of its prospective residents are sufficiently aligned to ensure that Sojourn House will properly represent its prospective residents' interests in this litigation.

95. In addition, because of the stigma associated with people suffering from mental health disorders, such as substance use disorder, PTSD and bipolar disorder, it is unlikely that prospective residents will seek to vindicate their own rights against the BZA.

96. Sojourn House and its residents have been deprived of their rights, privileges, and immunities secured by the Constitution and the laws of the United States, including, without limitation, the equal protection guarantee of the Fourteenth Amendment to the United States Constitution, for which 42 U.S.C. § 1983 provides a remedy.

97. In depriving Sojourn House and its residents of their rights, privileges, and immunities secured by the Constitution and the laws of the United States, including, without limitation, the equal protection guarantee of the Fourteenth Amendment to the United States Constitution, the BZA's decision is "contrary to constitutional right, power, privilege, or immunity" and should be reversed. *See*, I.C. §36-7-4-1614.

WHEREFORE, this Court should reverse the BZA's effective denial of Sojourn House's Amended Application, authorize the use of the Property for up to eight (8) unrelated individuals, and award attorney fees and costs to Sojourn House for the filing of this action, along with all other just and proper relief.

D. The BZA's denial of the Amended Application through Removal from the Agenda was in excess of statutory authority because its procedural rules do not supersede the Ordinance.

98. The BZA removed the Amended Application from the agenda based on a procedural rule that conflicted with the Ordinance itself.

99. Specifically, the BZA's decision was, according to their own words at the Hearing, based on their own procedural rule, which permits them to decline to hear an application more than once in the same twelve (12) month period.

100. However, the Ordinance itself provides the right to file an amended application.

101. Under Indiana Code §36-7-4-916, the BZA was required to enact procedural rules that *do not* conflict with the Ordinance.

102. The procedural rule cited by the BZA to discriminatorily remove the Amended Application from the agenda was in direct conflict with the Ordinance to the extent it denies the substantive right to file an amended application.

WHEREFORE, this Court should reverse the BZA's effective denial of Sojourn House's Amended Application, authorize the use of the Property for up to eight (8) unrelated individuals, and award attorney fees and costs to Sojourn House for the filing of this action, along with all other just and proper relief.

E. The BZA's denial of the Amended Application through Removal from the Agenda was not supported by substantial evidence.

103. The BZA based its decision to remove the Amended Application from the agenda on the basis that the Amended Application was effectively the same as the Original Application.

104. The evidence before the BZA shows that the Amended Application contains a specific request for reasonable accommodation, as well as a written, signed commitment to reduce the use of the Property from fifteen (15) unrelated individuals to eight (8).

105. The BZA, while citing the letter, misstated its contents, and on that misstatement, they concluded that it was substantively the same.

106. The BZA's decision to remove the Amended Application from the BZA's decision, and to not listen to evidence regarding Sojourn House's request was not supported by substantial evidence, or any evidence whatsoever, and should therefore be reversed.

WHEREFORE, this Court should reverse the BZA's effective denial of Sojourn House's Amended Application, authorize the use of the Property for up to eight (8) unrelated individuals, and award attorney fees and costs to Sojourn House for the filing of this action, along with all other just and proper relief.

COUNT II
Declaratory Judgment – Board of Zoning Appeals

Comes now the Plaintiff, Sojourn House, Inc., by counsel, **Clendening Johnson & Bohrer, P.C.**, and for Count II of its *Complaint* against the Board states:

107. Sojourn House incorporates herein by reference the allegations set forth in rhetorical paragraphs 1-106 as if fully set forth herein.

108. Local ordinances are presumptively valid and the party challenging an ordinance bears the burden of proving invalidity. *Hobble By and Through Hobble v. Basbam*, 575 N.E.2d 693 (Ind. Ct. app. 1991), *citing City of Indianapolis v. Clint's Wrecker Service, Inc.*, 440 N.E.2d 737 (Ind. Ct. App 1982).

109. In construing a statute or ordinance, all doubts are to be resolved against the challenger and, where possible, the ordinance should be construed as valid; however, an impermissible conflict with state law will be found if the ordinance seeks to prohibit that which a statute expressly permits. *Id.*

110. In this case, the definition of “family” as applied to the State Statute, Indiana Code §12-28-4-7, constitutes an impermissible conflict because it forces those to whom the State Statute applies out of specific residential areas protected by the State Statute.

111. For clarification, the State Statute prohibits a local ordinance from excluding a specific use if the use would involve residential uses for individuals who are unrelated, so long as the use is for individuals suffering from mental disabilities.

112. In this case, the Property is located in the AG/RR zone, which permits single family uses.

113. The definition of “family” under the Monroe County Zoning Ordinance §801-2, is as follows:

A "family" consists of one or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relative or the representatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with the family; such servants shall be included in the unrelated person limitation of this definition, and shall not be in addition thereto.

114. Under the State Statute, a zoning ordinance that prohibits a use on the basis that the individuals who reside in a residential facility for the mentally ill are unrelated is an unlawful ordinance.

115. The definition of family in the Ordinance prohibits more than three (3) unrelated individuals from residing in the same property in a single-family setting. Sojourn House *may* operate as a single-family residence, so long as there are no more than three (3) unrelated individuals.

116. The County has already conceded that the use will be for use as a residential facility for the mentally ill.

117. The definition of family, as applied in the context of the use of the Property in the AG/RR zoning district, necessarily prohibits the use based purely on the fact that the individuals are unrelated.

118. This fact is best demonstrated by the fact that Sojourn House would never have been requested to apply to the BZA for a variance if its residents had all been related. This is because so long as all the residents are related, the use is permitted as a single-family residence.

119. The County used the fact that the residents of Sojourn House are unrelated to force Sojourn House into a category that requires a variance.

120. Accordingly, the definition of "family," as applied to the use of the Property in the AG/RR zone, violates the State Statute.

121. Sojourn House is entitled to a declaration that the use of the Property is permitted as a single-family residence, since the only reason it is not a permitted use in the AG/RR zone is that Sojourn House wishes to house more than three (3) unrelated individuals.

122. Furthermore, the definition of family violates the State Statute. Specifically, it prohibits the use of a property from being used by more than three (3) unrelated individuals, even if such property is used as a residential facility for the treatment of the mentally ill. The State Statute specifically prohibits such a restriction, and is therefore invalid.

WHEREFORE, Sojourn House respectfully requests of this Order a declaration that the definition of “family” conflicts with the State Statute, and that Sojourn House may operate the Property with up to eight (8) unrelated individuals, along with all other just and proper relief.

COUNT III
Declaratory Judgment – Monroe County

Comes now the Plaintiff, Sojourn House, Inc., by counsel, **Clendening Johnson & Bohrer, P.C.**, and for Count III of its *Complaint* against the County states:

123. Sojourn House incorporates herein by reference the allegations set forth in rhetorical paragraphs 1-122 as if fully set forth herein.

124. In the Fall of 2022, Sojourn House requested zoning information regarding the property located at 7505 E. Kerr Creek Road, Bloomington, Indiana (“the Property”) for purposes of evaluating whether to acquire the Property for use as a residence for the individuals it serves.

125. As part of its request, Sojourn House explained to the Monroe County, through its Planning Department, that the Property would be used as a dwelling with the supervision of trained, paid staff members. The policies governing the Property would include curfews, a sober-living requirement, and a requirement to participate in programming to assist the residents in transitioning comfortably back into society.

126. Further, Sojourn House explained to Planning that the Property would be used in a manner consistent with Indiana Code §12-28-4-7 (“the State Statute”), as a residential facility for individuals with a mental illness. The State Statute prohibits a zoning ordinance from excluding a “residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related.” I.C. §12-28-4-7(a).

127. During those discussions, Planning staff stated to Sojourn House representatives that a zoning application was not necessary. Planning staff also provided confirmation, in writing, that a use determination was not required. *See*, Exhibit H.

128. Based on Planning’s representation that no zoning application was required, Sojourn House acquired the Property in exchange for \$425,000 on December 27, 2022.

129. After Sojourn House acquired the Property, expending nearly half a million dollars of grants, neighbors surrounding the Property began complaining to representatives of Monroe County Government that the Property was not properly zoned for the use to which Sojourn House had put the Property.

130. Concerned about the political backlash resulting from the County’s initial representation that the Property was properly zoned, Planning’s staff was unlawfully directed by someone in the Monroe County Government to send the Variance Demand Letter to Sojourn House to submit to a variance application process. *See* Exhibit A.

131. The Variance Demand Letter entirely reversed the County’s initial position that Sojourn House’s use was protected by the State Statute – rather, the County posited that Sojourn House’s use was as a “Group Home Class II” under the Monroe County Zoning Ordinance, which required Sojourn House to appear before the BZA for approval of its use of the Property as a Group Home Class II.

132. The County made a specific representation to Sojourn House, namely, that Sojourn House was not required to seek a zoning variance.

133. Sojourn House reasonably and detrimentally relied on the County's representation and moved forward with the purchase of the Property.

134. Sojourn House has experienced a significant detriment due to the County's representations, and its ultimate reliance thereon in purchasing the Property.

135. It was unjust and inequitable for the County to reverse its representation, especially given that Sojourn House relied on the representation to their detriment.

136. Sojourn House is entitled to a declaration that the County is estopped from reversing its position, and that the County is prohibited from forcing Sojourn House to request zoning approval for a use the County already represented was permitted on the Property.

WHEREFORE, Sojourn House respectfully requests of this Court an Order declaring that the County is estopped from reversing its original position, and that Sojourn House may operate the Property with up to eight (8) unrelated individuals, along with all other just and proper relief.

COUNT IV
VIOLATION OF THE FAIR HOUSING ACT AS TO INTERFERENCE WITH
PROTECTED RIGHTS

Comes now the Plaintiff, Sojourn House, Inc., by counsel, **Clendening Johnson & Bohrer, P.C.**, and for Count IV of its *Complaint* against the Board and the County states:

137. Sojourn House incorporates herein by reference rhetorical paragraphs 1-136 as if fully set forth herein.

138. A municipality is *required* under both the Fair Housing Act (42 U.S.C. § 3604) and the Americans with Disabilities Act (28 C.F.R. § 35.130(b)(7)) to grant a reasonable accommodation to those protected by their provisions.

139. The Fair Housing Act (FHA) was enacted “to provide, within constitutional limitations, for fair housing throughout the United States.” The original 1968 act prohibited discrimination on the basis of “race, color, religion, or national origin” in the sale or rental of housing, the financing of housing, or the provision of brokerage services. In 1974, the act was explicitly amended to add sex discrimination to the list of prohibited activities. Section 3604(a) of the Fair Housing Act makes it unlawful, inter alia, “[t]o refuse to sell or rent after the making of a bona fide offer, or to otherwise refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.” 42 U.S.C. § 3604(a); *See also Bouley v. Young-Sabourin*, 394 F. Supp. 2d 675, 677-78 (D. Vt. 2005).

140. FHA discrimination under Section 3604(a) claims fall into two broad categories: intentional, also referred to as disparate treatment discrimination, and disparate impact discrimination. Courts apply different legal tests to assess the validity of intentional versus disparate impact discrimination claims. Disparate treatment claims allege that a defendant made a covered housing decision based on “a discriminatory intent or motive.” Disparate impact claims, on the other hand, involve allegations that a covered practice has “a disproportionately adverse effect on [a protected class] and [is] otherwise unjustified by a legitimate rationale.” As well, even where one of the foregoing two broad categories do not offer relief, local municipalities are to make reasonable accommodations in zoning decisions, where the accommodations are “both efficacious and proportional to the cost to implement it.” *Valencia v. City of Springfield, Illinois*, 883 F.3d 959, 967 (7th Cir. 2018).

141. Under the FHA, 42 U.S.C. §3617 prohibits coercion, intimidation, threats, or *interference with* “any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or

enjoyment of, any right granted or protected by section [3604] of this title.” 42 U.S.C. § 3617. Both § 3604(a) and § 3617 reach post-acquisition conduct, not just the initial sale or rental of housing. *Bloch v. Frischholz*, 587 F.3d 771, 782 (7th Cir. 2009) (en banc). The rights under § 3604(a) that § 3617 protects from interference include post-sale activity “that makes a dwelling unavailable to the owner or tenant, somewhat like a constructive eviction.” *Id.* at 776.

142. The Fair Housing Act also applies to individuals with disabilities who seek reasonable accommodations from local municipal zoning boards. *Valencia*, 883 F.3d at 967-968. Effectively, therefore, where a municipality determines, with non-discriminatory intent, that a specific use is not permitted, the municipality is *required* to grant a reasonable accommodation favoring such use.

143. Federal Courts have addressed the issue of discrimination against women’s shelters under the FHA. *Cooper v. Western Southern Financial Group* is especially informative and directly analogous to the matter referenced above. 847 F. Supp. 2d 1031, 1033 (S.D. Ohio 2012). In *Cooper*, female residents of a women’s shelter called Anna Louise Inn brought an action against a real estate company under the FHA, alleging that the real estate company and its agents had undertaken a campaign to drive the women's residence out of the neighborhood in which it was located in order to force a sale of the property to the real estate company. *Id.* The defendants publicly argued that the female residents of the Inn *were not compatible with the character of the area*, that the Inn should be sold to their company, and that the female residents must be moved elsewhere. *Id.* A Western & Southern agent went so far to publicly state: “I just want them [the female residents of Anna Louise Inn] out of there.”

144. Plaintiffs brought four claims for relief, two of which are relevant to the instant issue: (1) defendant's conduct constituted discrimination in the terms, conditions or privileges of the rental of a dwelling on the basis of sex or familial status in violation of 42 U.S.C. § 3604(b), and

coercion, intimidation and threats against persons in the exercise or enjoyment of their rights under the FHA in violation of 42 U.S.C. § 3617; and (2) defendant's conduct constituted a pattern or practice of resistance to the full enjoyment of rights granted by the FHA, 42 U.S.C. §§ 3601–3619. The *Cooper* plaintiffs argued that they stated a cause of action under 42 U.S.C. §3617 by alleging that as female residents of the Inn, that they are protected individuals under the FHA against whom Western & Southern waged a campaign, which included intimidating and threatening actions, designed to coerce plaintiffs to move out of their neighborhood premised on defendant's discriminatory belief that plaintiffs were not compatible with the neighborhood.

145. The court in *Cooper* stated that the FHA was intended “to reach a broad range of activities that have the effect of denying housing opportunities to a member of a protected class,” fair housing claims could be asserted against non-owners of a property where such persons “though not owners or agents, are in a position directly to deny a member of a protected group housing rights.” *Cooper v. W. & S. Fin. Grp., Inc.*, 847 F. Supp. 2d 1031, 1038 (S.D. Ohio 2012). Ultimately finding in favor of the Anna Louise Inn, the court made clear that the language of the FHA's anti-interference provision is to be read broadly to reach all practices that have the effect of interfering with a protected individual's rights under the fair housing laws. *Id.* at 1038.

146. Importantly, the *Cooper* court specifically singled out *illicit zoning practices* as violative of the Fair Housing Act. Those practices include zoning practices that are exclusionary in nature and disparately impact uses protected by the FHA.

147. In this case, the BZA's denial of Sojourn House's request for zoning approval for use of its own Property constitutes a violation of the Fair Housing Act's prohibition against interference with a use protected by the FHA. The courts have made clear that even in situations where subject properties have already been acquired, a governmental entity, in making zoning determinations, cannot interfere with “any person in the exercise or enjoyment of... any right

granted or protected by section [3604] of this title.” 42 U.S.C. § 3617. Here, the BZA’s denial of Sojourn House’s use, which is a use granted and protected by 42 U.S.C. 3604, constitutes “interference with” Sojourn House’s rights under the FHA.

WHEREFORE, Sojourn House, Inc., by counsel, respectfully requests of this Court an Order: 1) declaring the BZA’s actions violate the FHA; 2) awarding damages; 3) awarding attorneys’ fees and costs; and 4) granting all other proper relief.

COUNT V
VIOLATION OF SOJOURN HOUSE’S RIGHTS UNDER TITLE II OF THE ADA

Comes now the Plaintiff, Sojourn House, Inc., by counsel, **Clendening Johnson & Bohrer, P.C.**, and for Count V of its *Complaint* against the Board and the County states:

148. Sojourn House incorporates herein by reference the allegations set forth in rhetorical paragraphs 1-147 as if fully set forth herein.

149. The ADA’s language under Title II is broad: it protects individuals with disabilities from being “denied the benefits of the services, programs, or activities of a public entity, or [from] be[ing] subjected to discrimination by any such entity,” 42 U.S.C. § 12132. The last phrase of Title II’s prohibition is even more expansive, stating simply that no individual with a disability may be “subjected to discrimination” by a public entity. *Innovative Health Sys., Inc. v. City of White Plains*, 931 F. Supp. 222, 232–33 (S.D.N.Y. 1996), *aff’d in part*, 117 F.3d 37 (2d Cir. 1997).

150. Consistent with Title II’s broad language and its legislative history, the Department of Justice, in its Title II implementing regulations and other Title II analyses, has interpreted Title II to reach all actions by public entities, including zoning enforcement actions. (Emphasis added) *Innovative Health Sys., Inc. v. City of White Plains*, 931 F. Supp. 222, 234 (S.D.N.Y. 1996), *aff’d in part*, 117 F.3d 37 (2d Cir. 1997). The regulations enumerate several categories of specific activities that constitute discrimination by public entities. 28 C.F.R. § 35.130. One of these specific provisions requires public entities to make reasonable modifications to their policies, practices, and procedures,

where such modifications are necessary to avoid discrimination on the basis of disability. 28 C.F.R. § 35.130(b)(7).

151. Sojourn House is a person “alleging discrimination on basis of disability” under the ADA, 42 U.S.C. § 12133, and 28 C.F.R. § 35.130(g), which has been injured, and continues to be injured, by the BZA’s discriminatory conduct and has suffered damages, and continues to suffer, for lost or delayed revenues, lost opportunity, frustration of mission, diminution of market share, and a loss of civil rights as a direct result of the BZA’s conduct.

152. The County is a qualifying public entity within the meaning of the ADA. 42 U.S.C. § 12131(1) (A). As well, the County is responsible for the acts of its agents and employees and for the enforcement of its zoning code.

153. The County’s application of its zoning code to prevent use of ICFR by Plaintiff’s patients constitutes discrimination under Title II of the ADA.

154. Zoning enforcement actions, including the enactment of ordinances, and any administrative processes, hearings, and decisions by zoning boards, fall squarely within the category of “policies, practices, or procedures” mentioned in the regulations. *Innovative Health Sys., Inc. v. City of White Plains*, 931 F. Supp. 222, 232–33 (S.D.N.Y. 1996), *aff’d in part*, 117 F.3d 37 (2d Cir. 1997).

155. It is well-settled that federal courts may exercise jurisdiction in zoning matters when local zoning decisions infringe national interests protected by statute or the constitution. See *Sullivan v. Town of Salem*, 805 F.2d 81, 82 (2d Cir.1986). Because federal law authorizes a claim, provides a remedy for discrimination against individuals with disabilities in zoning activities, and extends express power to the courts to modify discriminatory practices, it is clear that this is a zoning dispute more properly relegated to federal authority and not local regulatory and administrative procedures.

Innovative Health Sys., Inc. v. City of White Plains, 931 F. Supp. 222, 234 (S.D.N.Y. 1996), *aff'd in part*, 117 F.3d 37 (2d Cir. 1997); See, e.g., LeBlanc–Sternberg, 67 F.3d at 434.

156. To make a claim under Title II of the ADA, a plaintiff must show: (1) that she is a qualified individual with a disability (2) who was subjected to discrimination by a public entity (3) by reason of her disability. *St. Paul Sober Living, LLC v. Bd. of Cnty. Comm'rs*, 896 F. Supp. 2d 982, 986 (D. Colo. 2012).

157. Sojourn House has hired the undersigned and agreed to pay them reasonable attorneys' fees.

158. Sojourn House's current and prospective residents are considered people with disabilities under the ADA, and therefore a protected class.

159. Under the ADA, zoning ordinances that apply only to individuals with disabilities are facially discriminatory. Thus, it is unlawful for a local government, such as the County, to treat a treatment program for people with mental health or substance use disorders differently from other health or medical care services.

160. Congress's stated broad goal in enacting the ADA was to provide "a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." 42 U.S.C. § 12101(b)(1).

161. The ADA requires that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. 42 U.S.C. §12132. Section 12132 constitutes a general prohibition against discrimination based on disability by public entities.

162. Zoning is an activity covered under Title II of the ADA.

163. In the preamble to the regulations implementing 42 U.S.C. § 12132, the Department of Justice notes that “[T]itle II applies to anything a public entity does,” 28 C.F.R. pt. 35, app. A at 438 (1998), and, in the Technical Assistance Manual compiled to interpret the ADA, expressly uses zoning as an example of a public entity’s obligation to avoid discrimination.

164. The federal regulations implementing the ADA prohibit a public entity from discriminating against a qualified individual with a disability by administering a licensing program in a manner that subjects qualified individuals with disabilities to discrimination based on disability.

165. A public entity is further prohibited from establishing requirements for the programs or activities of licensees that subject qualified individuals with disabilities to discrimination based on disability. 35 C.F.R. § 35.130(6).

166. The federal regulations also make it unlawful for a public entity to make determinations about the site or location of a facility where such determinations have the purpose or effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to, discrimination with respect to those facilities. 35 C.F.R. § 35.130(4)(i).

167. In the instant case, Sojourn House was: (1) a qualified entity with individuals that have disabilities, as they were originally to be treated as a Residential Facility for Individuals with a Mental Illness (as already acknowledged by the County); (2) who were subjected to discrimination by Monroe County through disparate treatment (a re-characterization of its use that forces it to meet additional requirements to which others similarly situated are not required to meet); (3) on the basis that it is a women’s treatment center housing individuals with disabilities. Denial of Sojourn House under the circumstances of this case constitutes discrimination under the ADA.

WHEREFORE, Sojourn House, Inc., by counsel, respectfully requests of this Court an Order: 1) declaring the BZA’s actions violate the ADA; 2) awarding damages; 3) awarding attorneys’ fees and costs; and 4) granting all other proper relief.

COUNT VI
VIOLATION OF THE FAIR HOUSING ACT AND THE ADA⁴ AS TO FAILURE TO
PERMIT A REASONABLE ACCOMMODATION

Comes now the Plaintiff, Sojourn House, Inc., by counsel, **Clendening Johnson & Bohrer, P.C.**, and for Count VI of its *Complaint* against the Board and the County states:

168. Sojourn House incorporates herein by reference the allegations set forth in rhetorical paragraphs 1-167 as if fully set forth herein.

169. Perhaps more compelling, however, is that the Fair Housing Act protects against discrimination against those with disabilities, and requires municipalities to offer reasonable accommodations in housing options for persons with disabilities. In Valencia, referenced above, the City of Springfield, Illinois, issued a zoning determination refusing to allow a reasonable accommodation to a group home housing three disabled individuals, because it was too close to another group home (within 600 feet).

170. In Valencia, the 7th Circuit Court of Appeals clearly laid out the rules for evaluating whether a reasonable accommodation should be granted, along with the process by which to do so. First, it is the burden of the petitioner (here, Sojourn House) to establish that the requested accommodation is reasonable on its face. *Id.*, at 968. Then, the municipality (here, Monroe County) must demonstrate that the use is unreasonable, or the use would work an undue hardship under the circumstances. *Id.*

171. Sojourn House is required to show that the use of the Property as a Group Home Class II is a reasonable use under the circumstances. If the Board believes it is not a reasonable use, it must give a non-discriminatory reason why it is unreasonable, or show that the use would work an undue hardship under the circumstances.

⁴ The standards for reasonable accommodations are the same under the FHA and ADA. *Oconomowoc Residential Programs v. City of Milwaukee*, 300 F.3d 775, 783 (7th Cir. 2002).

172. Sojourn House can easily demonstrate the reasonableness of the use of the Property as a Group Home - in fact, the County Planning Department has already recommended the use of the Property for use as a Group Home Class II. The Property is located on nearly eight (8) acres, with the nearest neighboring residence being insulated by a substantially-wooded forest.

173. Further, Sojourn House was originally to be treated as a Residential Facility for Individuals with a Mental Illness. Monroe County Planning acknowledged this fact in its original recommendation for approval of Sojourn House's use at the Property. As such, the County has effectively admitted to Sojourn House's protected status under the FHA.

174. Rather than permit the use, as required by Indiana Code 12-28-4-7, however, the County pushed Sojourn House into a category within the Ordinance that required additional steps to be taken, and approvals to be made that would not otherwise have been required. Effectively, the County violated the anti-interference language of the FHA by interfering with a protected use of the Property by protected individuals and by requiring Sojourn House to submit an application that it was not required to submit.

175. In doing so, the BZA was required to grant Sojourn House's reasonable accommodation.

176. Sojourn House's request was effectively a request for a waiver of the definition of family to allow up to eight (8), rather than three (3), unrelated individuals to reside at the Property.

177. Sojourn House even went so far as to offer to be classified as a Group Home Class II, which would add additional development standards beyond what would normally be required for a single-family dwelling⁵.

⁵ As part of this lawsuit, Sojourn House demands that a reasonable accommodation means treatment as a single-family residence, without the need for compliance with additional development standards.

178. However, the BZA did not even listen to Sojourn House's request for this reasonable accommodation. The BZA glazed conveniently over the arguments in the Amended Application, disregarded them, and said the Amended Application was substantively the same as the Original Application.

179. The BZA's actions were intentionally discriminatory, as evidenced by the fact that not only did they not grant a reasonable accommodation, they refused to even hear evidence of Sojourn House's request. To follow, they failed to meet their obligation of showing how the proposed use, with the requested accommodation, was unreasonable or would work an undue hardship on the County.

180. Rather, the BZA blatantly and blindly disregarded Sojourn House's plea for a reasonable accommodation, stubbornly insisting that it had already done enough in denying the Original Application.

181. As a result of the BZA's failure to offer or entertain a reasonable accommodation for use of the Property for Sojourn House's intended use, Sojourn House has suffered damages in the form of a reduction in value of the Property, attorney fees, and costs.

WHEREFORE, Sojourn House, Inc., by counsel, respectfully requests of this Court an Order: 1) declaring the BZA's actions violate the ADA and the FHA; 2) awarding damages; 3) awarding attorneys' fees and costs; and 4) granting all other proper relief.

COUNT VII
VIOLATION OF SOJOURN HOUSE'S RIGHTS UNDER THE FOURTEENTH
AMENDMENT TO THE UNITED STATES CONSTITUTION AND REQUEST FOR
RELIEF UNDER 42 U.S.C. §1983

Comes now the Plaintiff, Sojourn House, Inc., by counsel, **Clendening Johnson & Bohrer, P.C.**, and for Count VII of its *Complaint* against the Board and the County states:

182. Sojourn House incorporates herein by reference the allegations set forth in rhetorical paragraphs 1-181 as if fully set forth herein.

183. The Fourteenth Amendment to the United States Constitution guarantees the equal protection of the laws, for which 42 U.S.C. § 1983 provides a remedy.

184. The BZA has singled out Sojourn House for disadvantageous treatment because of the identities of the individual residents it serves. Specifically, the BZA has denied Sojourn House's request because it serves individuals with disabilities who happen to be female.

185. Sojourn House has suffered economic loss as well as other burdens imposed upon it and identified above.

186. Sojourn House's interests and those of its prospective residents are sufficiently aligned to ensure that Sojourn House will properly represent its prospective residents' interests in this litigation.

187. In addition, because of the stigma associated with people suffering from mental health disorders, such as substance use disorder, PTSD and bipolar disorder, it is unlikely that prospective residents will seek to vindicate their own rights against the BZA.

188. Sojourn House and its residents have been deprived of their rights, privileges, and immunities secured by the Constitution and the laws of the United States, including, without limitation, the equal protection guarantee of the Fourteenth Amendment to the United States Constitution, for which 42 U.S.C. § 1983 provides a remedy.

WHEREFORE, Sojourn House, Inc., by counsel, respectfully requests of this Court an Order: 1) declaring the BZA's actions violate Sojourn House's rights under the Fourteenth Amendment to the United States Constitution; 2) awarding damages; 3) awarding attorneys' fees and costs; and 4) granting all other proper relief.

182. Sojourn House incorporates herein by reference the allegations set forth in rhetorical paragraphs 1-181 as if fully set forth herein.

183. The Fourteenth Amendment to the United States Constitution guarantees the equal protection of the laws, for which 42 U.S.C. § 1983 provides a remedy.

184. The BZA has singled out Sojourn House for disadvantageous treatment because of the identities of the individual residents it serves. Specifically, the BZA has denied Sojourn House's request because it serves individuals with disabilities who happen to be female.

185. Sojourn House has suffered economic loss as well as other burdens imposed upon it and identified above.

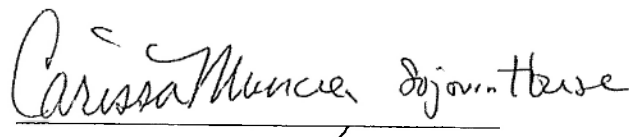
186. Sojourn House's interests and those of its prospective residents are sufficiently aligned to ensure that Sojourn House will properly represent its prospective residents' interests in this litigation.

187. In addition, because of the stigma associated with people suffering from mental health disorders, such as substance use disorder, PTSD and bipolar disorder, it is unlikely that prospective residents will seek to vindicate their own rights against the BZA.

188. Sojourn House and its residents have been deprived of their rights, privileges, and immunities secured by the Constitution and the laws of the United States, including, without limitation, the equal protection guarantee of the Fourteenth Amendment to the United States Constitution, for which 42 U.S.C. § 1983 provides a remedy.

WHEREFORE, Sojourn House, Inc., by counsel, respectfully requests of this Court an Order: 1) declaring the BZA's actions violate Sojourn House's rights under the Fourteenth Amendment to the United States Constitution; 2) awarding damages; 3) awarding attorneys' fees and costs; and 4) granting all other proper relief.

I affirm under penalties of perjury that the foregoing representations are true and correct to the best of my knowledge and belief.

Carissa Muncie, Sojourn House

Carissa Muncie, Sojourn House

Respectfully submitted,

/s/Lonnie D. Johnson _____

Lonnie D. Johnson, #16758-53

Cheyenne N. Riker, #31482-53

John Stringfield, #35436-49

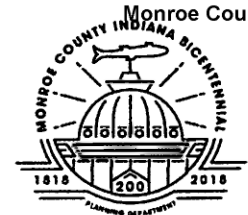
CLENDENING JOHNSON & BOHRER, P.C.

409 W. Patterson Dr., Suite 205

Bloomington, Indiana 47403

Council for Sojourn House, Inc.

MONROE COUNTY PLAN COMMISSION
and office of the
MONROE COUNTY BOARD OF ZONING APPEALS
501 N. Morton Street, Suite 224
Bloomington, IN 47404
Telephone: (812) 349-2560 / Fax: (812) 349-2967
www.co.monroe.in.us



Sojourn House, Inc
7505 E Kerr Creek Rd
Bloomington, In 47408

Dear Sojourn House, Inc:

Based on the information provided below, the use proposed at 7505 E Kerr Creek Rd falls under the "Group Home Class II" under our local Zoning Ordinance, and a "Residential Facility for Individuals with a Mental Illness" (IC 12-28-4-7) under the Indiana Code, which states:

"Sec. 7. (a) A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws.

(b) A zoning ordinance may exclude a residential facility for individuals with a mental illness from a residential area if the residential facility will be located within three thousand (3,000) feet of another residential facility for individuals with a mental illness, as measured between lot lines."

The state further defines "Mentally III" as:

"(2) For purposes of IC 12-28-4 and IC 12-28-5, a psychiatric disorder that:

- (A) substantially disturbs an individual's thinking, feeling, or behavior; and
- (B) impairs the individual's ability to function.

The term does not include developmental disability."

Due to Sojourn Houses' screening process (see information provided below), all clients would qualify as being "mentally ill" and therefore would fall under the "Residential Facility for Individuals with a Mental Illness." The State Statute IC 12-28-4-7 says that a Zoning Ordinance "may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related."

Based on the state's definition of the "Residential Facility for Individuals with a Mental Illness", it also states that the "The residential facility may be required to meet all other zoning requirements, ordinances, and laws." Therefore, the regulation of the Sojourn House, Inc use must not be based solely on the fact that it cannot meet the Monroe County Zoning Ordinance's definition of a "Family", and/or that it meets the definition of a "Business." Here are the local Monroe County Zoning Ordinance (Chapter 801 and 802) definitions for each use:

Family. A "family" consists of one or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relative or the representatives of the respective spouses who are living with the family in a single dwelling and maintaining a common

household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with the family; such servants shall be included in the unrelated person limitation of this definition, and shall not be in addition thereto.

Business. Any occupation, employment, or enterprise which occupies time, attention, labor and/or materials for compensation whether or not merchandise is exhibited or sold, or services are offered.

The County's definition of "Family" includes "three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit." According to the information provided below, Sojourn House Inc plans to have four (4) women reside in the home full-time, and would not ever exceed eight (8) women. The state's definition of a "Residential facility for individuals with a mental illness" does not include a limitation on the number of allowable residents. Though the Sojourn House Inc does provide information regarding maintaining a common single family household, there will also be other services provided to residents within the home that are outside of the scope of the definition of "Family".

The County's definition of a "Business" is fairly broad and can encompass many uses under the County's Use Table. The County defines the use "Group Home Class II" under Public and Semi-Public category as:

"Group Home. A housing unit classified further as one of the following:

(b) Group Home, Class II. A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals."

Based on the County's definition for "Group Home" and "Group Home Class II", it states that it is classified as a "housing unit" that provides care for victims of "residential rehabilitation for alcohol and chemical dependence." Similar to how a "Home Based Business" or "Home Occupation" can encompass both a residential use and business use, so does "Group Home Class II". Therefore, Sojourn House is not being excluded due to business activity, but rather there is another use that encompasses the residential environment in which a business use like Sojourn House Inc will take place.

Based on the information provided below by Sojourn House Inc, they will be applying for a state license to become a "Recovery Residence" at this location, which according to the Indiana State's Family Social Services Administration (FSSA) website is: "...an umbrella term that includes a range of alcohol and drug free living environments, including recovery homes and sober living homes, that use peer support and other supportive services, to promote addiction recovery." The classification of Sojourn House Inc as a "Group Home Class II" is from the basis that it is treating people needing "...residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals."

| PUBLIC AND SEMIPUBLIC | I | AG | FR | CR | ER | LR | SR | MR | HR | UR | LB | GB | LI | HI | IP | ME | REC | Condition |
|----------------------------------|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|------------------|
| Accessory Use | | P | P | P | P | P | P | P | P | P | P | P | P | P | | | | 13 |
| Airport | H | | | | | | | | | | | | | P | | | | 15 |
| Cemetery | H | P | P | P | P | | | P | P | | | | | | | | | |
| Central Garbage/Rubbish | H | | | | | | | | | | | | | C | C | C | | 33 |
| Charitable, Fraternal, or Social | L | | | | | | | | | | | P | | | | | | |
| Community Center | L | | | | | | | | | | P | P | | | | | | 28 |
| Cultural Facility | L | | | | | | | | | | | | | | | | P | |
| Daycare Facility | M | | | | | | | | | P | P | P | P | | | | | 22.30.42 |
| Funeral Home | M | | | | | | | | | | | P | | | | | | |
| Governmental Facility | H | P | P | P | P | | | P | P | P | P | | | P | P | | | 7.40 |
| Group Home Class I | L | | | | | | P | P | P | P | P | P | | | | | | |
| Group Home Class II | L | | | | | | | | | P | P | P | | | | | | |

The use of "Group Home Class II" is not listed as a permitted use in the Agriculture/Rural Reserve zoning district, which is the zoning district for 7505 E Kerr Creek Rd. Based on the information provided herein, the use is described as both "Residential facility for individuals with a mental illness" from the State Statute and "Group Home Class II" from the Monroe County Zoning Ordinance.

The next step is for the Sojourn House, Inc to apply for a "Use Variance" to allow "Group Home Class II" to be permitted in the AG/RR zoning district.

Summary of Sojourn House use:

1. Statement of Sojourn’s House use:

Residential program for women exiting trafficking. Four women will live in the house at a time for 24 months while they complete therapy, education, life-skills, and career building programs. During the day, staff members and volunteers will conduct these programs. The program is voluntary.

Property will be used for living space and storage of some office equipment.

2. Number of Vehicles involved in operation of the business

3 vehicles.

3. Number of Employees (on-site, both full and part-time)

3 employees.

4. Number of people receiving care

4 people.

5. Do you have a screening process or a way that women qualify to live in the Sojourn House?

Yes. We use an interview process and a screen that is specific to human trafficking experiences. In addition, we will use a series of established screens universally recognized by mental health clinicians:

- PHQ9 Assessment baseline
[\(https://www.google.com/url?sa=t&rct=i&a=&esrc=s&source=web&cd=&ved=2ahUKewih4bPr0\)](https://www.google.com/url?sa=t&rct=i&a=&esrc=s&source=web&cd=&ved=2ahUKewih4bPr0)

[LD8AhWiKX0KHa2dCaUQFnoECA4OAO&url=https%3A%2F%2Fwww.uspreventiveservicestaskforce.org%2FHome%2FGetFileBvID%2F218&use=AOvVaw2vZ9TqORR-INR_A1Fdw8-M](https://www.uspreventiveservicestaskforce.org/2FHome%2FGetFileBvID%2F218&use=AOvVaw2vZ9TqORR-INR_A1Fdw8-M)

- GAD7 Baseline assessment (<https://patient.info/doctor/generalised-anxiety-disorder-assessment-gad-7>)
- ACE Screening Form (<https://www.acesaware.org/wp-content/uploads/2022/07/ACE-Questionnaire-for-Adults-Identified-English-rev.7.26.22.pdf>)
- Mental Health/suicide assessment (https://www.nimh.nih.gov/sites/default/files/documents/research/research-conducted-at-nimh/asq-toolkit-materials/asq-tool/screening_tool_asq_nimh_toolkit.pdf)

Each woman admitted into the residential program (this home) must:

1. qualify under one of the above assessments
2. be under the care of a mental health practitioner/clinician

6. Are you planning on doing any type of remodel to the home, such as an increase in the number of bedrooms?

We will not be doing any remodeling to the home. Nothing will be added, such as bedrooms or bathrooms that would change the footprint of the house or require a permit.

7. Which agencies oversee your organization and its services

- IDOH requires oversight we report on monthly
- Thistle Farms National Network
- We will complete the certification process with DMHA (DMHA requires 60 days of operation prior to cert. process)

8. What licensing does Sojourn House have?

The license we will obtain from DMHA is the Recovery Residence Certification

9. What state reporting are you required to do?

Our IDOH reporting goes through Division of Health Innovation Partnerships & Programs (HIPP)--Health Issues and Challenges (in relation to grant funding).

Applicable Local Planning and Zoning Laws:

| PUBLIC AND SEMIPUBLIC | I | AG | FR | CR | ER | LR | SR | MR | HR | UR | LB | GB | LJ | HI | IP | ME | REC | Condition |
|----------------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----------|
| Accessory Use | | P | P | P | P | P | P | P | P | P | P | P | P | P | | | | 13 |
| Airport | H | | | | | | | | | | | | | P | | | | 15 |
| Cemetery | H | P | P | P | P | P | | P | P | | | | | | | | | |
| Central Garbage/Rubbish | H | | | | | | | | | | | | | C | C | C | | 33 |
| Charitable, Fraternal, or Social | L | | | | | | | | | | | P | | | | | | |
| Community Center | L | | | | | | | | | | P | P | | | | | | 28 |
| Cultural Facility | L | | | | | | | | | | | | | | | | P | |
| Daycare Facility | M | | | | | | | | | P | P | P | P | | | | | 22:30:42 |
| Funeral Home | M | | | | | | | | | | | P | | | | | | |
| Governmental Facility | H | P | P | P | P | P | | P | P | P | P | | | P | P | | | 7:40 |
| Group Home Class I | L | | | | | | P | P | P | P | P | P | | | | | | |
| Group Home Class II | L | | | | | | | | | P | P | P | | | | | | |

| RESIDENTIAL USES | I | AG | FR | CR | ER | LR | SR | MR | HR | UR | LB | GB | LJ | HI | IP | ME | REC | Condition |
|------------------------|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----------|
| Single Family Dwelling | n/a | P | P | P | P | P | P | P | P | P | P | | | | | | | 1 |

Condition #1. Permitted on existing lots of record after the issuance of a building permit by the Building Department.

Family. A "family" consists of one or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relative or the representatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with the family; such servants shall be included in the unrelated person limitation of this definition, and shall not be in addition thereto.

Group Home. A housing unit classified further as one of the following:

- (a) **Group Home, Class I.** A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age and older, and maternity homes.
- (b) **Group Home, Class II.** A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals.

Applicable State Laws:

Indiana is a Home Rule state. Local governments have all powers they need for effective government, except do not have the powers listed in Indiana Code 36-1-3-8(7). **One of the big carve outs is that local governments cannot regulate conduct already regulated by the state.**

The State defines "Mental Illness" as –

"IC 12-28-4-7 Zoning ordinances; residential facilities for individuals with a mental illness Sec. 7.

- (a) A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws."**

"IC 12-7-2-130" Mental illness"

Sec. 130. "Mental illness" means the following:

- (1) For purposes of IC 12-23-5, IC 12-24, and IC 12-26, a psychiatric disorder that:
- (A) substantially disturbs an individual's thinking, feeling, or behavior; and
 - (B) impairs the individual's ability to function.

The term includes intellectual disability, alcoholism, and addiction to narcotics or dangerous drugs.

- (2) For purposes of IC 12-28-4 and IC 12-28-5, a psychiatric disorder that:
- (A) substantially disturbs an individual's thinking, feeling, or behavior; and
 - (B) impairs the individual's ability to function.

The term does not include developmental disability."

IC 36-1-3-8 Powers specifically withheld

(7) The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.

Applicable Federal Laws:

Americans with Disabilities Act

The ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress.

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. ***An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.*** The ADA does not specifically name all of the impairments that are covered.

Title II covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).

Fair Housing Act

The Fair Housing Act, as amended in 1988, prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. Its coverage includes private housing, housing that receives Federal financial assistance, and State and local government housing. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence. Other covered activities include, for example, financing, zoning practices, new construction design, and advertising.

The Fair Housing Act requires owners of housing facilities to make reasonable exceptions in their policies and operations to afford people with disabilities equal housing opportunities. For example, a landlord with a "no pets" policy may be required to grant an exception to this rule and allow an individual who is blind to keep a guide dog in the residence. The Fair Housing Act also requires landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces. (The landlord is not required to pay for the changes.) The Act further requires that new multifamily housing with four or more units be designed and built to allow access for persons with disabilities. This includes accessible common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units.

EXHIBIT 4:

53006-2387-ME-001710
EXHIBIT B

January 27, 2023

Sojourn House
7505 E. Kerr Creek Rd.
Bloomington, IN 47408



Location:

7505 E Kerr Creek Rd, Bloomington, IN
003-19120-01 PT SE NW 33-9-1E 7.73A; PLAT 68

Sojourn House, Inc board of directors respectfully requests that the above stated, AG/RR zoned property be allowed for use as a Group Home Class II.

We wish to note how we will meet the Standards for Use and will not interfere with the Monroe County Comprehensive Plan:

The approval will not be injurious to the public health, safety, and general welfare of the community. The house will be used as a dwelling with the supervision of trained, paid staff members. Sojourn House policy includes dismissal procedures for residents who do not comply with the curfews, sober-living, and participation in programming that each resident agrees by written contract upon intake to the program. The maximum occupancy for this residential program is 8 women. The size of the house, itself, is self-limiting due to the 4 bedrooms existing and the septic sizing compatible with that number of bedrooms.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. It may be noted that views of adjacent homes are obstructed by trees even in seasons of low foliage. In addition, this property is located at the far East end of Kerr Creek and is (by Sojourn House staff) primarily reached by way of Gettys Creek Rd, and rarely accesses the remainder of Kerr Creek Rd. Traffic patterns can be predicted by calculating the number of employees, their respective shifts, and the average number of trained and vetted volunteers who may visit the property and is predicted to be similar to that of a typical, working, family. Morning traffic, defined as hours between 7am and 9am, will include 2-3 employees/volunteers during arrival. Trips during the day will be usual per any single-family residence and would include doctor appointments, shopping trips, etc. Afternoon and evening traffic (between 4pm and 7pm) would include a shift change for the volunteer position and the departure of paid staff. Evening traffic may sometimes include the arrival and departure of one additional volunteer.

The need for the variance arises from some condition peculiar to the property involved. The purchase and planned use of the property was predicated on IC 12-28-4-7 and the previous county Use Determination request. Current local zoning ordinances are not yet reflective of IC 12-28-4-7 provisions.

The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. The housing and recovery model Sojourn House follows prioritizes family-style, community living as part of the continuum of healing and growth. Use of single-family homes as small-scale recovery homes is not yet represented in county ordinances. The result is a critical lack of available properties that are usable for the purpose of recovery for victims of sex-trafficking. A denial of Use Variance for this property would not only require the sale of this property but would be a strong indicator for future denial of use for other houses in the county. *In short, Sojourn House would be forced to look in other counties to continue providing this unique service.*

Sojourn House currently serves over 60 survivors of sex trafficking and collaborates with many Monroe County systems of care, including the City of Bloomington DTO program. Currently, Sojourn House is the only organization in the county whose sole focus is to serve and house victims of sex trafficking.

The approval does not interfere substantially with the Comprehensive Plan. Especially, the five (5) principles set forth in the Monroe County Comprehensive Plan. This use will not increase the current (2.5) density of the area. No subdividing will occur. This property is not in one of the 5 Designated Communities. The property use will have no added impact on the environment as it is already built out and no expansion or development will occur. No natural or property boundaries will be affected.

Other notable details.

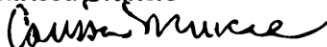
The model of care used by Sojourn House places high priority on the conduct of the participants (residents) and how their conduct affects the community they live in (immediately and more widely.) Each woman who chooses to live at Sojourn House must agree to the standards set forth in the Residential Handbook. This handbook includes curfews, visitation policy, program progress, and maintaining sobriety. No substances, including alcohol, are allowed on the premises. Failure to adhere to the policies listed in the Residential Handbook will be met with disciplinary action and possible dismissal from the program. Most importantly, behavior that endangers the residents of Sojourn House and its neighbors will not be tolerated.

An alarm system and security cameras will be installed in order to monitor the property and intercept misconduct from inside or outside the house. Consultation with a security company who has experience in group home settings will continue throughout installation.

We thank you for your time and service to the people of Monroe County.

Sincerely,

Carissa Muncie



President

Sojourn House



MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: March 1, 2023

| CASE NUMBER | DETAIL | RECOMMENDED MOTION |
|-------------|---|--------------------|
| VAR-23-5 | Use Variance to Chapter 802 for Group Home Class II | Approval |

812-6 Standards for Use Variance Approval: In order to approve an application for a Use Variance, the Board must find favorable findings for all five (5) criteria, A, B, C, D & E below.

Recommended Motion Conditions or Reasoning:

Staff recommends approval of the Use Variance for a “Group Home Class II” with the following condition:

1. The petitioner apply for a Site Plan review to ensure the site is meeting the requirements of the Zoning Ordinance (i.e. parking, landscaping, septic capacity, etc).

Reasoning:

- If approved, the petitioner must comply with the requirements under the Group Home Class II use.
- State and Federal provisions require that those with disabilities and/or mental illness be provided the same accommodations as those living without disability/mental illness. In this light, the use should be considered to be in line with a Single Family Residential use and therefore the use variance shall be granted.

| | |
|--|---------------------------------|
| Variance Type: <input type="checkbox"/> Design <input checked="" type="checkbox"/> Use <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial | Planner: Jackie N. Jelen |
|--|---------------------------------|

The variance type is based upon the Permitted Land Use Table classifying this use as “Public and Semipublic” rather than “Residential”.

| | | |
|---------------------------|---|------------------------------------|
| PETITIONER | Sojourn House Inc, C/o Carissa Muncie | |
| ADDRESS | 7505 E Kerr Creek Rd | |
| TOWNSHIP + SECTION | Benton South, 33 | |
| PLATS | <input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted: | |
| ACREAGE +/- | 7.73 | |
| | PETITION SITE | ADJACENT |
| ZONING | AG/RR, ECO3 | FR, AG/RR, ECO3 |
| COMP. PLAN | Farm and Forest | Farm and Forest, Rural Residential |
| USE | Residential | Residential |

812-5. Standards for Use Variance Approval

In order to approve a use variance, the Board must find that:

- (A) the approval will not be injurious to the public health, safety, and general welfare of the community;
- (B) the use and value of the area adjacent to the property included in the variance will not be affected in a

substantially adverse manner;

(C) the need for the variance arises from some condition peculiar to the property involved;

(D) the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought;

Hardship or Unnecessary Hardship. Significant economic injury that:

(A) Arises from the strict application of this ordinance to the conditions of a particular, existing parcel of property;

(B) Effectively deprived the parcel owner of all reasonable economic use of the parcel;

And

(A) Is clearly more significant than compliance cost or practical difficulties.

(E) the approval does not interfere substantially with the Comprehensive Plan. Especially, the five (5) principles set forth in the Monroe County Comprehensive Plan:

- (1) Residential Choices
- (2) Focused Development in Designated Communities
- (3) Environmental Protection
- (3) Planned Infrastructure Improvements
- (5) Distinguish Land from Property

SUMMARY

The petitioner, Sojourn House, Inc, is requesting use of an existing Single Family Residence as a “Group Home Class II”. Due to the zoning of the property as Agriculture/Rural Reserve (AG/RR), the use as a “Group Home Class II” is not permitted under the Monroe County Zoning Ordinance and therefore the petitioner is seeking a Use Variance.

Group Home. A housing unit classified further as one of the following:

Group Home, Class II. A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals.

BACKGROUND

Sojourn House Inc requested information regarding two properties located in the County jurisdiction beginning in the Fall of 2022. Originally, staff gave the petitioner the information under the State Code, which classifies the type of use they are seeking as a “Residential Facility for Individuals with Mental Illness” (see Use Determination below). One property that we received questions for by the Sojourn House Inc for its use was 7505 E Kerr Creek Road. The petitioner submitted a use determination form on Dec 2, 2022, for 7505 E Kerr Creek and subsequently purchased the property on December 27, 2022. On December 14, 2022, staff mentioned that we believed the State Statute superceded the Monroe County Zoning Ordinance. It was based upon this information that the Sojourn House Inc purchased the property.

It was later determined that there were portions of the Monroe County Zoning Ordinance that were not superceded by the State's classification of this property as a "Residential Facility for Individuals with Mental Illness" and that a Use variance must be sought. A formal letter (Exhibit 1) was issued on January 13, 2022, which is after the petitioner purchased the property. In summary, staff determined that the use could be defined as both a "Group Home Class II" and a "Residential Facility for Individuals with Mental Illness". The Use Variance request before the BZA is only for the "Group Home Class II" use.

EXHIBITS - *Immediately following report*

1. Use Determination
2. Discussion based on Use Determination
3. Location Map & Site Conditions Map
4. Petitioner's Letter to the BZA
5. Petitioner's Site Plan
6. Site Photos
7. Architectural Plans
8. Remonstrance Letters

MONROE COUNTY PLAN COMMISSION
and office of the
MONROE COUNTY BOARD OF ZONING APPEALS
501 N. Morton Street, Suite 224
Bloomington, IN 47404
Telephone: (812) 349-2560 / Fax: (812) 349-2967
www.co.monroe.in.us



Sojourn House, Inc
7505 E Kerr Creek Rd
Bloomington, In 47408

Dear Sojourn House, Inc:

Based on the information provided below, the use proposed at 7505 E Kerr Creek Rd falls under the “Group Home Class II” under our local Zoning Ordinance, and a “Residential Facility for Individuals with a Mental Illness” (IC 12-28-4-7) under the Indiana Code, which states:

“Sec. 7. (a) A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws.

(b) A zoning ordinance may exclude a residential facility for individuals with a mental illness from a residential area if the residential facility will be located within three thousand (3,000) feet of another residential facility for individuals with a mental illness, as measured between lot lines.”

The state further defines “**Mentally Ill**” as:

“(2) For purposes of IC 12-28-4 and IC 12-28-5, a psychiatric disorder that:

- (A) substantially disturbs an individual's thinking, feeling, or behavior; and
- (B) impairs the individual's ability to function.

The term does not include developmental disability.”

Due to Sojourn Houses’ screening process (see information provided below), all clients would qualify as being “mentally ill” and therefore would fall under the “Residential Facility for Individuals with a Mental Illness.” The State Statute IC 12-28-4-7 says that a Zoning Ordinance “**may not exclude** a residential facility for individuals with a mental illness from a residential area **solely because the residential facility is a business or because the individuals residing in the residential facility are not related.**”

Based on the state’s definition of the “Residential Facility for Individuals with a Mental Illness”, it also states that the “The residential facility **may be required to meet all other zoning requirements, ordinances, and laws.**” Therefore, the regulation of the Sojourn House, Inc use **must not** be based solely on the fact that it cannot meet the Monroe County Zoning Ordinance’s definition of a “Family”, and/or that it meets the definition of a “Business.” Here are the local Monroe County Zoning Ordinance (Chapter 801 and 802) definitions for each use:

Family. A “family” consists of one or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relative or the representatives of the respective spouses who are living with the family in a single dwelling and maintaining a common

household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with the family; such servants shall be included in the unrelated person limitation of this definition, and shall not be in addition thereto.

Business. Any occupation, employment, or enterprise which occupies time, attention, labor and/or materials for compensation whether or not merchandise is exhibited or sold, or services are offered.

The County's definition of "Family" includes "three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit." According to the information provided below, Sojourn House Inc plans to have four (4) women reside in the home full-time, and would not ever exceed eight (8) women. The state's definition of a "Residential facility for individuals with a mental illness" does not include a limitation on the number of allowable residents. Though the Sojourn House Inc does provide information regarding maintaining a common single family household, there will also be other services provided to residents within the home that are outside of the scope of the definition of "Family".

The County's definition of a "Business" is fairly broad and can encompass many uses under the County's Use Table. The County defines the use "Group Home Class II" under Public and Semi-Public category as:

"Group Home. A housing unit classified further as one of the following:

(b) Group Home, Class II. A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals."

Based on the County's definition for "Group Home" and "Group Home Class II", it states that it is classified as a "housing unit" that provides care for victims of "residential rehabilitation for alcohol and chemical dependence." Similar to how a "Home Based Business" or "Home Occupation" can encompass both a residential use and business use, so does "Group Home Class II". Therefore, Sojourn House is not being excluded due to business activity, but rather there is another use that encompasses the residential environment in which a business use like Sojourn House Inc will take place.

Based on the information provided below by Sojourn House Inc, they will be applying for a state license to become a "Recovery Residence" at this location, which according to the Indiana State's Family Social Services Administration (FSSA) website is: "...an umbrella term that includes a range of alcohol and drug free living environments, including recovery homes and sober living homes, that use peer support and other supportive services, to promote addiction recovery." The classification of Sojourn House Inc as a "Group Home Class II" is from the basis that it is treating people needing "...residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals."

| PUBLIC AND SEMIPUBLIC | I | AG | FR | CR | ER | LR | SR | MR | HR | UR | LB | GB | LI | HI | IP | ME | REC | Condition |
|----------------------------------|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|------------------|
| Accessory Use | | P | P | P | P | P | P | P | P | P | P | P | P | P | | | | 13 |
| Airport | H | | | | | | | | | | | | | P | | | | 15 |
| Cemetery | H | P | P | P | P | P | | P | P | | | | | | | | | |
| Central Garbage/Rubbish | H | | | | | | | | | | | | | C | C | C | | 33 |
| Charitable, Fraternal, or Social | L | | | | | | | | | | | P | | | | | | |
| Community Center | L | | | | | | | | | | P | P | | | | | | 28 |
| Cultural Facility | L | | | | | | | | | | | | | | | | P | |
| Daycare Facility | M | | | | | | | | | P | P | P | P | | | | | 22,30,42 |
| Funeral Home | M | | | | | | | | | | | P | | | | | | |
| Governmental Facility | H | P | P | P | P | P | | P | P | P | P | | | P | P | | | 7,40 |
| Group Home Class I | L | | | | | | P | P | P | P | P | P | | | | | | |
| Group Home Class II | L | | | | | | | | | P | P | P | | | | | | |

The use of “Group Home Class II” is not listed as a permitted use in the Agriculture/Rural Reserve zoning district, which is the zoning district for 7505 E Kerr Creek Rd. Based on the information provided herein, the use is described as both “Residential facility for individuals with a mental illness” from the State Statute and “Group Home Class II” from the Monroe County Zoning Ordinance.

The next step is for the Sojourn House, Inc to apply for a “Use Variance” to allow “Group Home Class II” to be permitted in the AG/RR zoning district.

Summary of Sojourn House use:

1. Statement of Sojourn’s House use:

Residential program for women exiting trafficking. Four women will live in the house at a time for 24 months while they complete therapy, education, life-skills, and career building programs. During the day, staff members and volunteers will conduct these programs. The program is voluntary.

Property will be used for living space and storage of some office equipment.

2. Number of Vehicles involved in operation of the business

3 vehicles.

3. Number of Employees (on-site, both full and part-time)

3 employees.

4. Number of people receiving care

4 people.

5. Do you have a screening process or a way that women qualify to live in the Sojourn House?

Yes. We use an interview process and a screen that is specific to human trafficking experiences. In addition, we will use a series of established screens universally recognized by mental health clinicians:

- PHQ9 Assessment baseline
<https://www.google.com/url?sa=t&rct=i&q=&src=s&source=web&cd=&ved=2ahUKewih4bPr0>

[LD8AhWjKX0KHa2dCaUQFnoECA4QAQ&url=https%3A%2F%2Fwww.uspreventiveservicestaskforce.org%2FHome%2FGetFileByID%2F218&usg=AOvVaw2vZ9TqORR-INR_A1Fdw8-M](https://www.uspreventiveservicestaskforce.org/2FHome/2FGetFileByID/2F218&usg=AOvVaw2vZ9TqORR-INR_A1Fdw8-M)

- GAD7 Baseline assessment (<https://patient.info/doctor/generalised-anxiety-disorder-assessment-gad-7>)
- ACE Screening Form (<https://www.acesaware.org/wp-content/uploads/2022/07/ACE-Questionnaire-for-Adults-Identified-English-rev.7.26.22.pdf>)
- Mental Health/suicide assessment (https://www.nimh.nih.gov/sites/default/files/documents/research/research-conducted-at-nimh/asq-toolkit-materials/asq-tool/screening_tool_asq_nimh_toolkit.pdf)

Each woman admitted into the residential program (this home) must:

1. qualify under one of the above assessments
2. be under the care of a mental health practitioner/clinician

6. Are you planning on doing any type of remodel to the home, such as an increase in the number of bedrooms?

We will not be doing any remodeling to the home. Nothing will be added, such as bedrooms or bathrooms that would change the footprint of the house or require a permit.

7. Which agencies oversee your organization and its services

- IDOH requires oversight we report on monthly
- Thistle Farms National Network
- We will complete the certification process with DMHA (DMHA requires 60 days of operation prior to cert. process)

8. What licensing does Sojourn House have?

The license we will obtain from DMHA is the Recovery Residence Certification

9. What state reporting are you required to do?

Our IDOH reporting goes through Division of Health Innovation Partnerships & Programs (HIPP)--Health Issues and Challenges (in relation to grant funding).

Applicable Local Planning and Zoning Laws:

| PUBLIC AND SEMIPUBLIC | i | AG | FR | CR | ER | LR | SR | MR | HR | UR | LB | GB | LI | HI | IP | ME | REC | Condition |
|----------------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----------|
| Accessory Use | | P | P | P | P | P | P | P | P | P | P | P | P | P | | | | 13 |
| Airport | H | | | | | | | | | | | | | P | | | | 15 |
| Cemetery | H | P | P | P | P | P | | P | P | | | | | | | | | |
| Central Garbage/Rubbish | H | | | | | | | | | | | | | C | C | C | | 33 |
| Charitable, Fraternal, or Social | L | | | | | | | | | | | P | | | | | | |
| Community Center | L | | | | | | | | | | P | P | | | | | | 28 |
| Cultural Facility | L | | | | | | | | | | | | | | | | P | |
| Daycare Facility | M | | | | | | | | | P | P | P | P | | | | | 22:30:42 |
| Funeral Home | M | | | | | | | | | | | P | | | | | | |
| Governmental Facility | H | P | P | P | P | P | | P | P | P | P | | | P | P | | | 7:40 |
| Group Home Class I | L | | | | | | P | P | P | P | P | P | | | | | | |
| Group Home Class II | L | | | | | | | | | P | P | P | | | | | | |

| RESIDENTIAL USES | | | | | | | | | | | | | | | | | | | |
|------------------------|-----|---|---|---|---|---|---|---|---|---|---|--|--|--|--|--|--|--|---|
| Single Family Dwelling | n/a | P | P | P | P | P | P | P | P | P | P | | | | | | | | 1 |

Condition #1. Permitted on existing lots of record after the issuance of a building permit by the Building Department.

Family. A "family" consists of one or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relative or the representatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with the family; such servants shall be included in the unrelated person limitation of this definition, and shall not be in addition thereto.

Group Home. A housing unit classified further as one of the following:

- (a) **Group Home, Class I.** A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age and older, and maternity homes.
- (b) **Group Home, Class II.** A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals.

Applicable State Laws:

Indiana is a Home Rule state. Local governments have all powers they need for effective government, except do not have the powers listed in Indiana Code 36-1-3-8(7). **One of the big carve outs is that local governments cannot regulate conduct already regulated by the state.**

The State defines "Mental Illness" as –

"IC 12-28-4-7 Zoning ordinances; residential facilities for individuals with a mental illness Sec. 7.

- (a) A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws."**

"IC 12-7-2-130" Mental illness"

Sec. 130. "Mental illness" means the following:

- (1) For purposes of IC 12-23-5, IC 12-24, and IC 12-26, a psychiatric disorder that:
- (A) substantially disturbs an individual's thinking, feeling, or behavior; and
 - (B) impairs the individual's ability to function.

The term includes intellectual disability, alcoholism, and addiction to narcotics or dangerous drugs.

- (2) For purposes of IC 12-28-4 and IC 12-28-5, a psychiatric disorder that:**

- (A) substantially disturbs an individual's thinking, feeling, or behavior; and**
- (B) impairs the individual's ability to function.**

The term does not include developmental disability."

IC 36-1-3-8 Powers specifically withheld

- (7) The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.

Applicable Federal Laws:

Americans with Disabilities Act

The ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress.

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. ***An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.*** The ADA does not specifically name all of the impairments that are covered.

Title II covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).

Fair Housing Act

The Fair Housing Act, as amended in 1988, prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. Its coverage includes private housing, housing that receives Federal financial assistance, and State and local government housing. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence. Other covered activities include, for example, financing, zoning practices, new construction design, and advertising.

The Fair Housing Act requires owners of housing facilities to make reasonable exceptions in their policies and operations to afford people with disabilities equal housing opportunities. For example, a landlord with a "no pets" policy may be required to grant an exception to this rule and allow an individual who is blind to keep a guide dog in the residence. The Fair Housing Act also requires landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces. (The landlord is not required to pay for the changes.) The Act further requires that new multifamily housing with four or more units be designed and built to allow access for persons with disabilities. This includes accessible common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units.

EXHIBIT 2:**DISCUSSION BASED ON USE DETERMINATION**

The petitioner, Sojourn House Inc, has proven under Exhibit 1 that their screening process would only allow individuals that could be classified as “Mentally Ill” under the State’s definition, as well as those defined as having a “Disability” under the Americans with Disability Act. Therefore, staff is reviewing this request in light of all applicable State and Federal provisions around requiring accommodations for people with disabilities and housing arrangements.

Federal Law prohibits discrimination based on disability under the Americans with Disabilities Act and the Fair Housing Act:

Under the Americans with Disabilities Act, “An individual with a disability is defined by the ADA as **a person who has a physical or mental impairment that substantially limits one or more major life activities**, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.” As we see above from the screening process of Sojourn House Inc, it includes only individuals that would fall under this protection, as well as the State’s definition for “Mentally Ill”.

In addition, the Fair Housing Act, “as amended in 1988, **prohibits housing discrimination** on the basis of race, color, religion, sex, **disability, familial status**, and national origin. **Its coverage includes private housing**, housing that receives Federal financial assistance, and State and local government housing. **It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual**, an individual associated with the buyer or renter, or an individual who intends to live in the residence. **Other covered activities include**, for example, financing, **zoning practices**, new construction design, and advertising.”

Under the Indiana Home Rule, local governments cannot regulate conduct already regulated by the State. For example, the state administers a license for a “Recovery Residence” which the Sojourn House Inc does plan to apply for and meet the requirements for a Level III-Supervised residence (links: https://narronline.org/wp-content/uploads/2016/12/NARR_levels_summary.pdf & <https://www.in.gov/fssa/dmha/recovery-residence-certification/>). The Planning Department, then, cannot implement more stringent requirements for the “Recovery Residence” than what the state provides in our ordinance. The portion of the “Recovery Residence” would be permitted under the “Group Home Class II” use, and accordingly, staff has not supplied recommended conditions to the BZA around this use in part since it will be administered and regulated by the State.

The Planning Department recognizes our ordinances are outdated and this section of the ordinance in regards to the definition of Group Home Class II and its permission under which zones it is permitted has not changed since it’s adoption in 1997. Our administration of the Monroe County Zoning Ordinance requires adaptation to applicable Federal and State law provisions. As such, we recognize that the use of Group Home Class II should be permitted in all residential districts in order to comply with “Residential Facility for Individuals with Mental Illness”, the Americans with Disabilities Act, and the Fair Housing Act. This is why the County Development Ordinance draft does include the use to be permitted in all residential districts.

Other towns and cities in Indiana do have this type of use either conditionally permitted, permitted, or permitted by special exception in every residential district. These include, but are not limited to

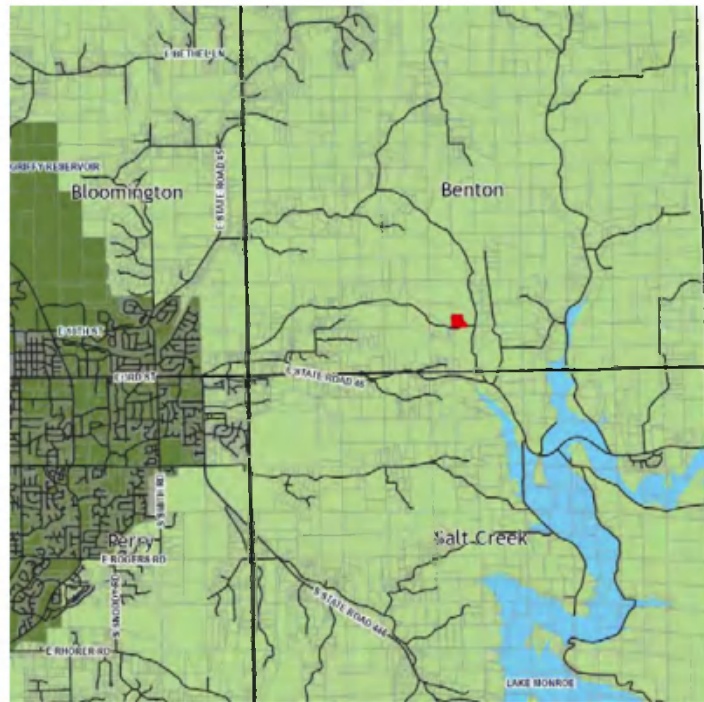
Bartholomew County Zoning Ordinance (defined as “Shared Housing Facility” and is a conditional use in the Agricultural Zones and Residential Zones), Brown County (use is permitted as in the way it defines “Family”), Plainfield, IN (Allows “Residential facility for the developmentally disabled” and “Residential facility for the mentally ill” as permitted in every residential zone), Carmel, IN (allows “Group Home” as a Special Exception in every residential zone), Westfield, IN (permits “Residential Facility” in all residential zones and the agricultural zone), Bloomington IN (allows “Group Care Home, FHAA Small” for 9 residents in every residential zone).

By having a provision for the use as a “Permitted use”, “Conditional Use”, or “Special Exception”, the ordinances in other communities set out standards that are clear and do not require a “Use Variance” for the use in residential districts. The proposed use of the 7505 E Kerr Creek property under “Group Home Class II” does meet the requirements of the definition. Staff has conditioned the use variance on application of a site plan review to ensure compliance with landscaping, parking, and other requirements of the Zoning Ordinance are being met; if some standards cannot be met, a design standards variance would be required at that time. Under Chapter 802, Group Home Class II is only permitted in the Urban Residential (UR), Limited Business (LB), and General Business (GB). The State Statute says that “a zoning ordinance may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related.” There are only 12 acres of property throughout the entire County zoned Urban Residential (UR), which comprises of far less than 1% of the County jurisdiction area; in addition, by allowing the use in two larger business zones (LB and GB) it is treating the facility as more of a commercial use, despite the definition stating a Group Home is a “housing unit”. The use is also in the Zoning Ordinance under the Areas that were in the Former City of Bloomington Jurisdictional Area (Administered by Ch 833 and called a “Residential care facility for mentally ill”) as permitted in every residential zone, which gives further support for the Zoning Change under the Chapter 802 table to provide accommodations for this type of use under our new County Development Ordinance.

In reviewing other ordinances throughout Indiana, it is clear that the way that this type of use is regulated has changed over time with other towns updating their ordinances. The term “Group Home” under the Indiana Administrative Code (465 Ind. Admin. Code 2-12-13) states that “As used in this rule, “group home” means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation.” The term “Group Home” then is not consistently used in other zoning ordinances to include adult facilities, and therefore makes the terminology in need of change. As seen from the review above, communities define our Group Home Class II as several other terms. One consistency, however, is that these facilities are routinely accommodated for in every residential district with clear standards. By requiring a “Use Variance”, the question then becomes is this request a undue barrier to those with disabilities to live together that would be enjoyed by others living together without disability or mental illness. Staff recognizes that this use has an impact similar to that of a Single Family Residence and should be treated as such.

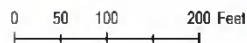
EXHIBIT 3:

LOCATION AND SITE CONDITIONS MAP



Site Conditions Map

- Petitioner
- 2-Foot Contours
- Percent Slopes**
- 0 - 12%
- 13 - 15%
- 16 - 18%
- 19 - 21%
- 22 - 24%
- > 25%
- Local Roads [50']
- Hydrologic Features
- DNR Best Available Data**
- Flood Zone**
- A
- A, APPROXIMATE FLOODWAY
- Parcels
- Critical Watersheds**
- Kerr Creek



Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 2/15/2023

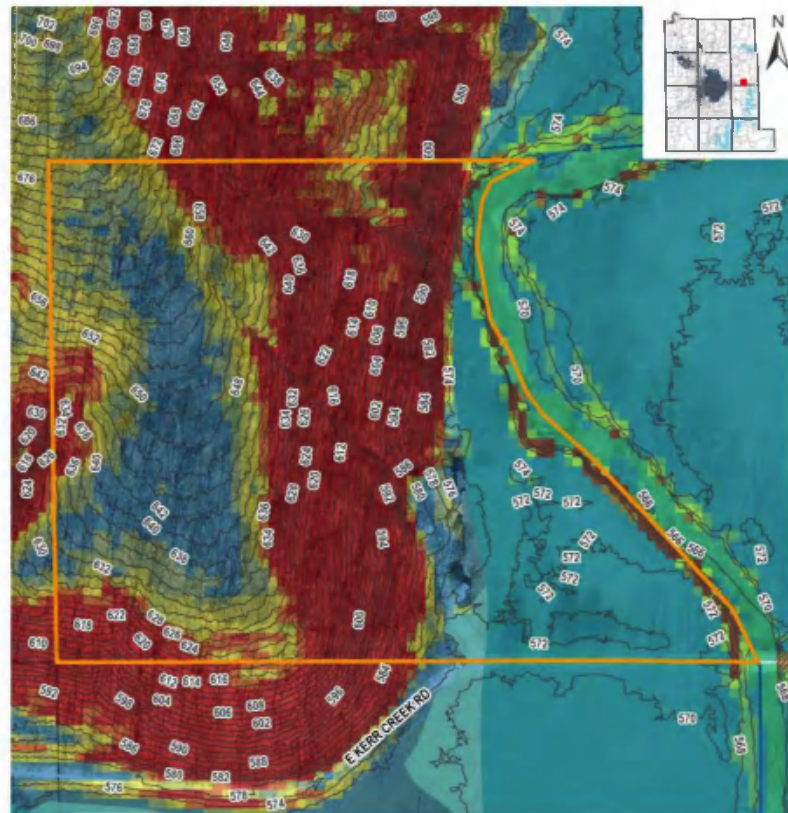


EXHIBIT 4:

January 27, 2023

Sojourn House
7505 E. Kerr Creek Rd.
Bloomington, IN 47408



Location:

7505 E Kerr Creek Rd, Bloomington, IN

003-19120-01 PT SE NW 33-9-1E 7.73A; PLAT 68

Sojourn House, Inc board of directors respectfully requests that the above stated, AG/RR zoned property be allowed for use as a Group Home Class II.

We wish to note how we will meet the Standards for Use and will not interfere with the Monroe County Comprehensive Plan:

The approval will not be injurious to the public health, safety, and general welfare of the community. The house will be used as a dwelling with the supervision of trained, paid staff members. Sojourn House policy includes dismissal procedures for residents who do not comply with the curfews, sober-living, and participation in programming that each resident agrees by written contract upon intake to the program. The maximum occupancy for this residential program is 8 women. The size of the house, itself, is self-limiting due to the 4 bedrooms existing and the septic sizing compatible with that number of bedrooms.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. It may be noted that views of adjacent homes are obstructed by trees even in seasons of low foliage. In addition, this property is located at the far East end of Kerr Creek and is (by Sojourn House staff) primarily reached by way of Gettys Creek Rd, and rarely accesses the remainder of Kerr Creek Rd. Traffic patterns can be predicted by calculating the number of employees, their respective shifts, and the average number of trained and vetted volunteers who may visit the property and is predicted to be similar to that of a typical, working, family. Morning traffic, defined as hours between 7am and 9am, will include 2-3 employees/volunteers during arrival. Trips during the day will be usual per any single-family residence and would include doctor appointments, shopping trips, etc. Afternoon and evening traffic (between 4pm and 7pm) would include a shift change for the volunteer position and the departure of paid staff. Evening traffic may sometimes include the arrival and departure of one additional volunteer.

The need for the variance arises from some condition peculiar to the property involved. The purchase and planned use of the property was predicated on IC 12-28-4-7 and the previous county Use Determination request. Current local zoning ordinances are not yet reflective of IC 12-28-4-7 provisions.

The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. The housing and recovery model Sojourn House follows prioritizes family-style, community living as part of the continuum of healing and growth. Use of single-family homes as small-scale recovery homes is not yet represented in county ordinances. The result is a critical lack of available properties that are usable for the purpose of recovery for victims of sex-trafficking. A denial of Use Variance for this property would not only require the sale of this property but would be a strong indicator for future denial of use for other houses in the county. *In short, Sojourn House would be forced to look in other counties to continue providing this unique service.*

Sojourn House currently serves over 60 survivors of sex trafficking and collaborates with many Monroe County systems of care, including the City of Bloomington DTO program. Currently, Sojourn House is the only organization in the county whose sole focus is to serve and house victims of sex trafficking.

The approval does not interfere substantially with the Comprehensive Plan. Especially, the five (5) principles set forth in the Monroe County Comprehensive Plan. This use will not increase the current (2.5) density of the area. No subdividing will occur. This property is not in one of the 5 Designated Communities. The property use will have no added impact on the environment as it is already built out and no expansion or development will occur. No natural or property boundaries will be affected.

Other notable details.

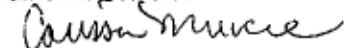
The model of care used by Sojourn House places high priority on the conduct of the participants (residents) and how their conduct affects the community they live in (immediately and more widely.) Each woman who chooses to live at Sojourn House must agree to the standards set forth in the Residential Handbook. This handbook includes curfews, visitation policy, program progress, and maintaining sobriety. No substances, including alcohol, are allowed on the premises. Failure to adhere to the policies listed in the Residential Handbook will be met with disciplinary action and possible dismissal from the program. Most importantly, behavior that endangers the residents of Sojourn House and its neighbors will not be tolerated.

An alarm system and security cameras will be installed in order to monitor the property and intercept misconduct from inside or outside the house. Consultation with a security company who has experience in group home settings will continue throughout installation.

We thank you for your time and service to the people of Monroe County.

Sincerely,

Carissa Muncie



President

Sojourn House





EXHIBIT 6:



Photo 1. Pictometry of property, 2022



Photo 2. View of the home, facing northwest.



Photo 3. View of the home facing north



Photo 4. View of the front yard, facing south



Photo 5. View of the back of the home, facing SW



Photo 6. View of the creek, facing east



Photo 7. View of E Kerr Creek facing east



Photo 8. View west of the home showing lots of preserved trees, facing north



Photo 9. Intersection of the driveway and E Kerr Creek, facing west

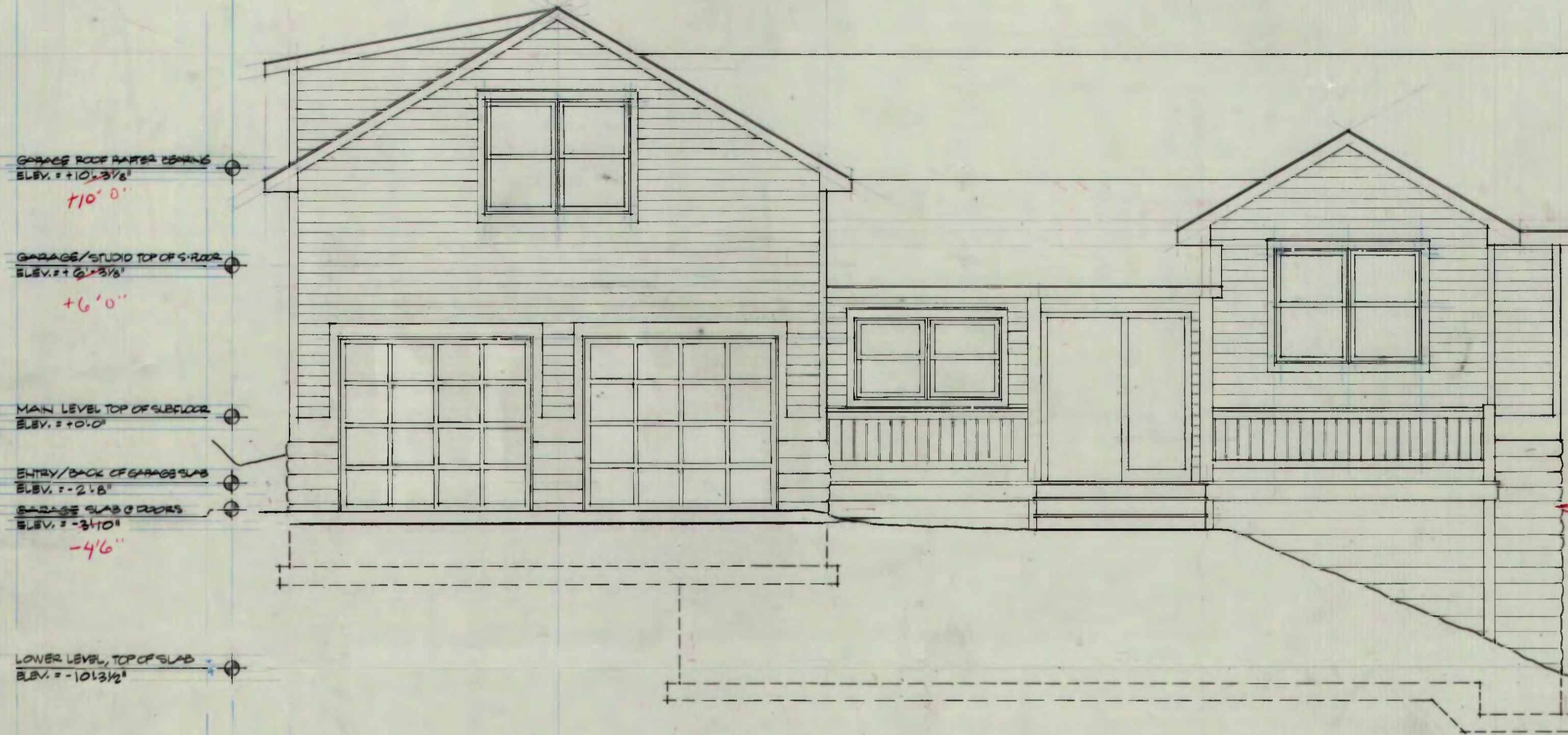


Photo 10. Additional parking spaces provided under an existing carport, facing NE

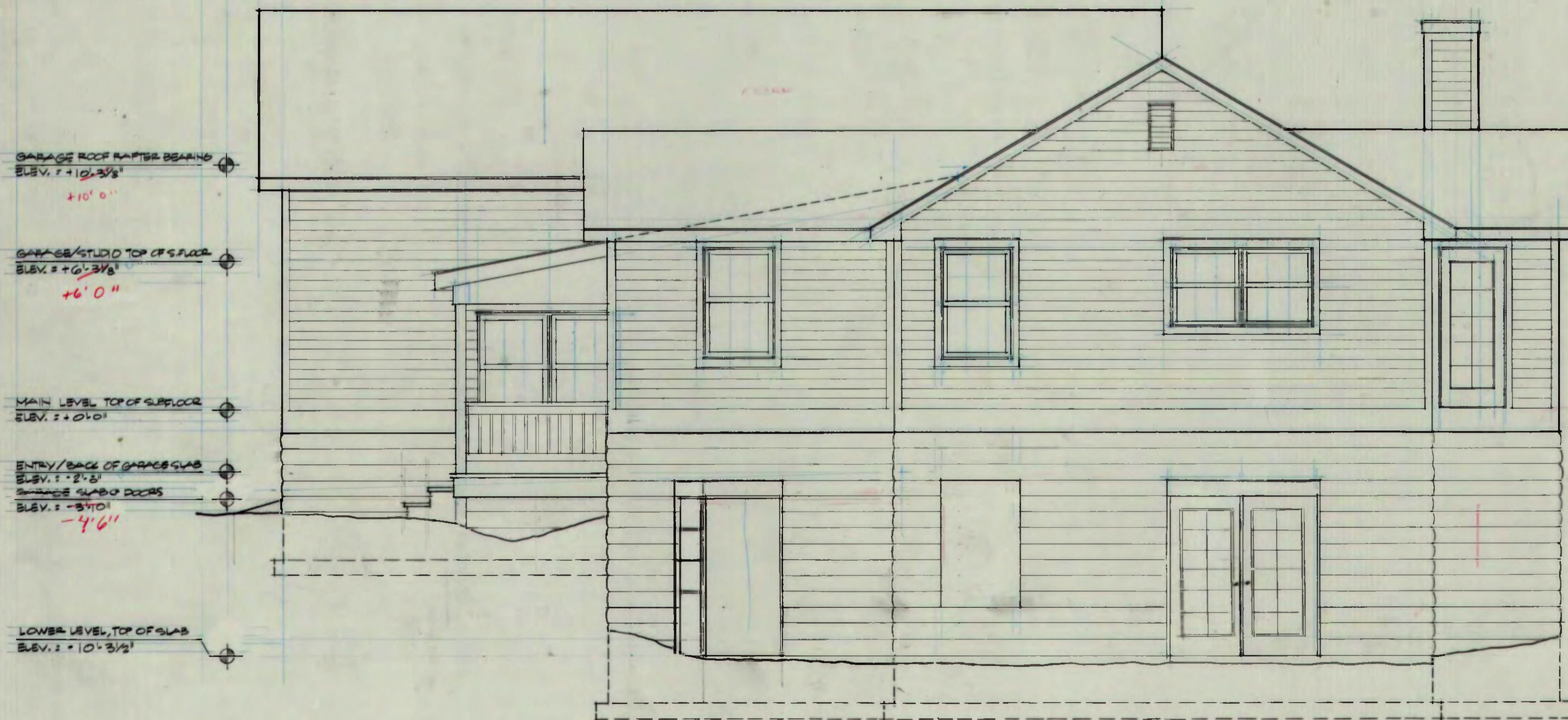


Photo 11. Additional parking space on the property, facing E

EXHIBIT 7:

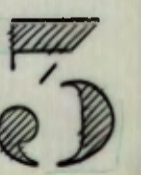


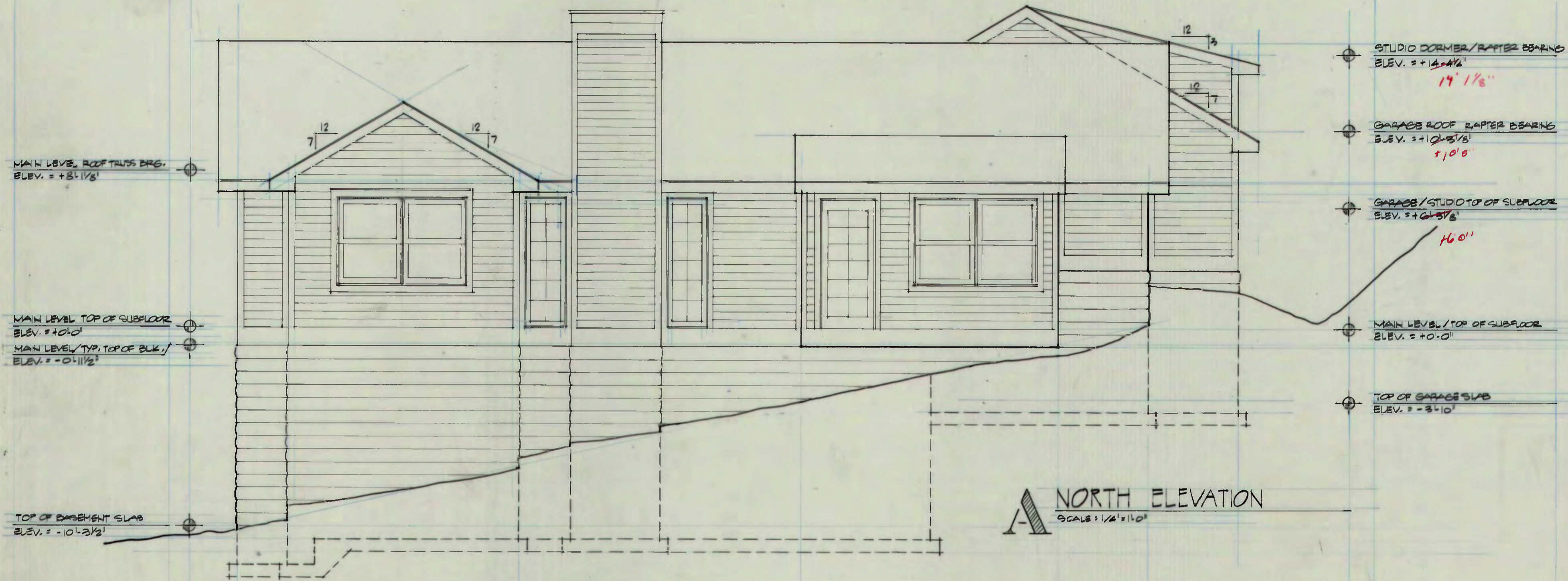
• SOUTH ELEVATION •



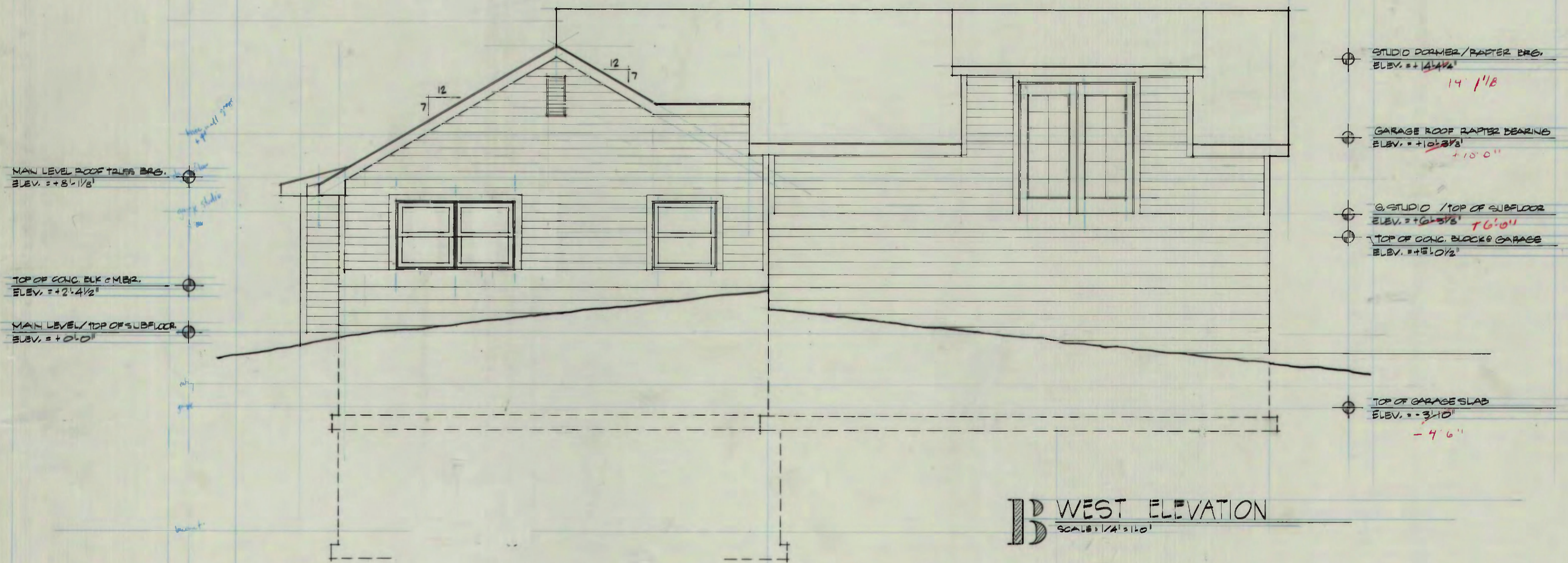
• EAST ELEVATION •

36" w/ SIDELITE

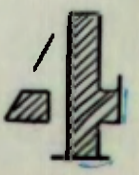


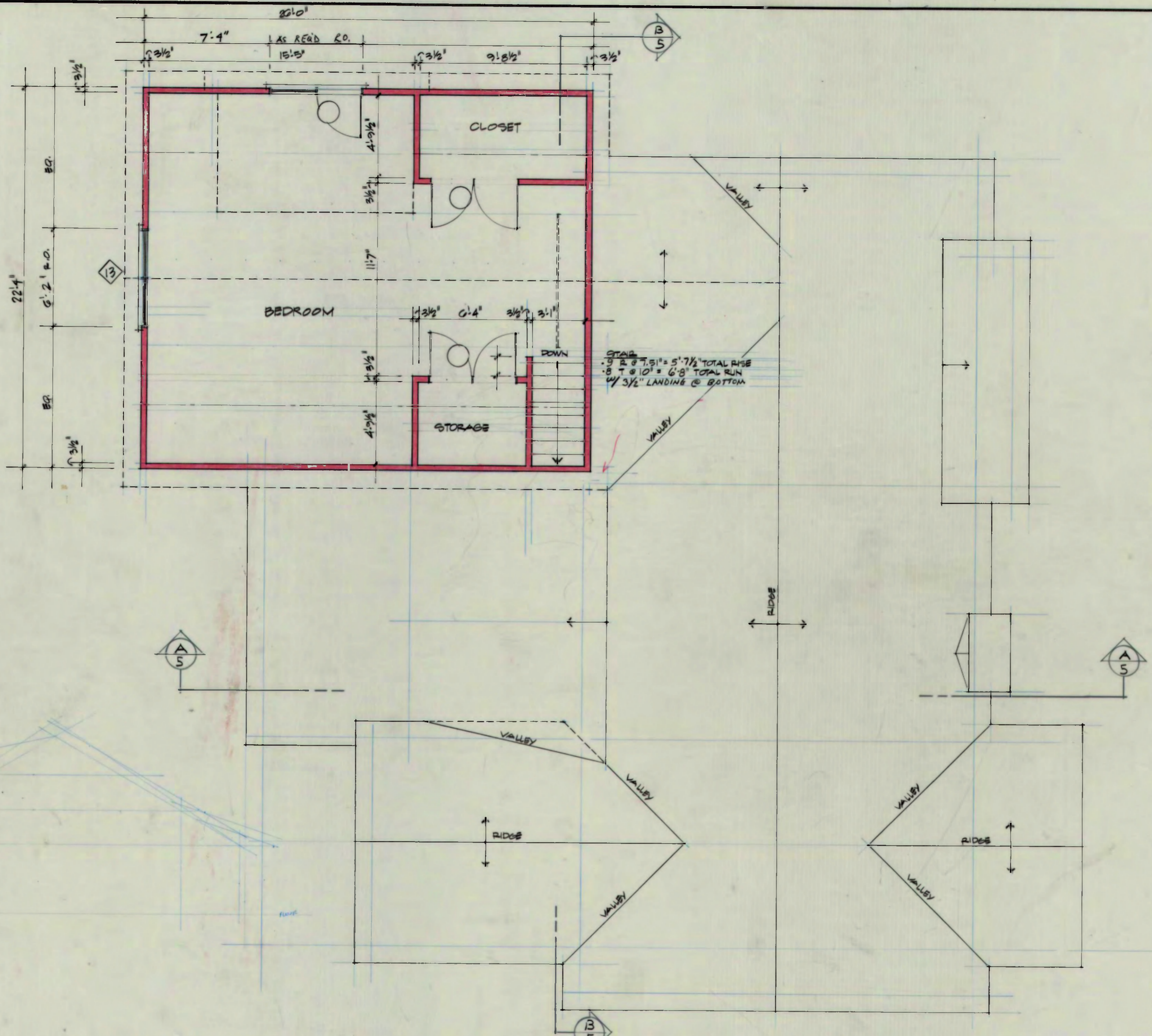


A NORTH ELEVATION
SCALE: 1/4" = 1'-0"



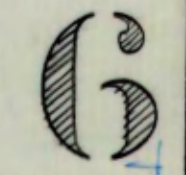
B WEST ELEVATION
SCALE: 1/4" = 1'-0"

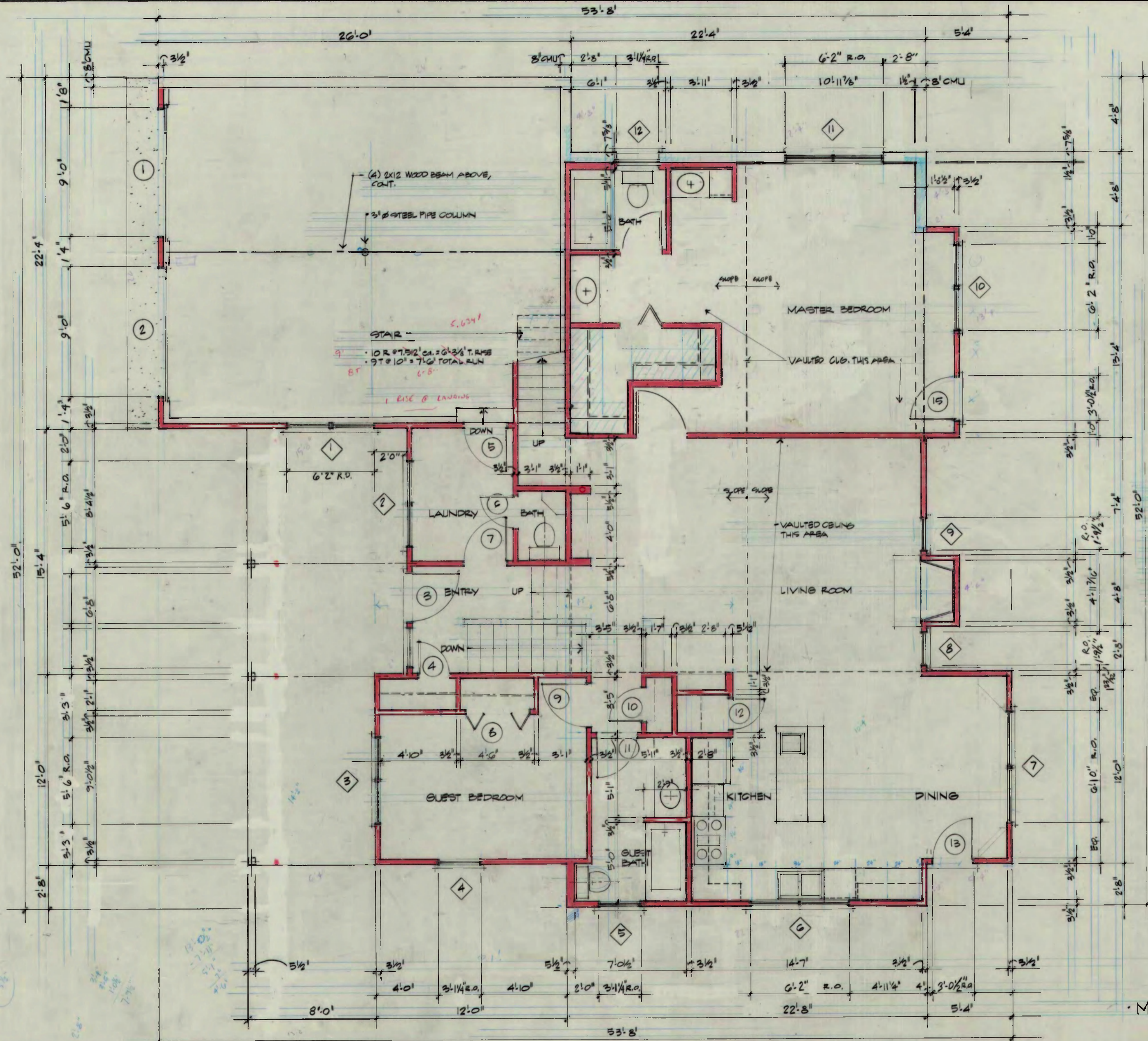




10 x 7.412 = 74.125
 3 - 10 1/2"
 - 2' 8"
 6' 2 1/2" = 74.125
 8' 1 1/2"
 3' 15"

SECOND LEVEL - ROOF - PLAN
 SCALE: 1/4" = 1'-0"



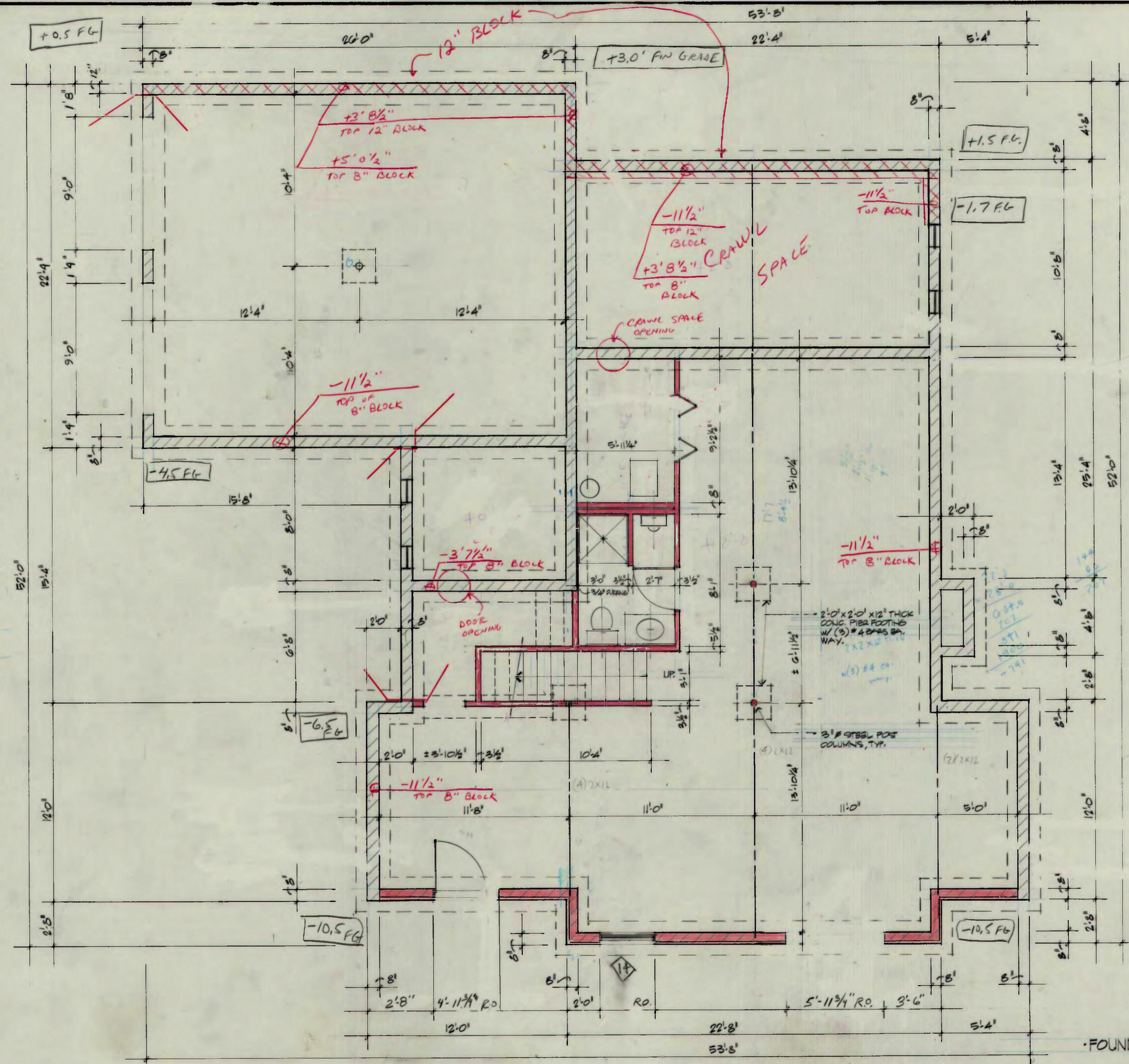


TYPICAL WALL CONSTRUCTION

- INSIDE
- 1/2" GWB
- 2x4 STUDS @ 16" o.c. w/
- 3/8" BATT INSUL. TYP.
- 1" RIGID INSUL. SHEATHING
- VINYL SIDING
- OUTSIDE

NOTE: BRACE OUTSIDE CORNERS W/ 1/2" PLYWOOD BRING FLUSH W/ 1" RIGID (ADJACENT) W/ 1/2" RIGID INSUL.

MAIN FLOOR PLAN



34'
27' 3/8"

70'
13' 3/8"
7' 0"
6' 5/8"

22'
11' 3/8"
+ 8'
38' 3/8"

FOUNDATION - LOWER FLOOR PLAN

508907

revisions:

drawn by:

| | | | |
|-------------------|-------------------------------|-------------------------|---------------------|
| ARCHITECTURE | BYNUM FANYO & ASSOCIATES, INC | 70D north walnut street | Bloomington Indiana |
| CIVIL ENGINEERING | | | |
| PLANNING | | | |

certified by:

2-1-89, 78' 6"

2-1-89, 86' 6"

title:

75
80
85
90
95

(A)

(B)

(C)

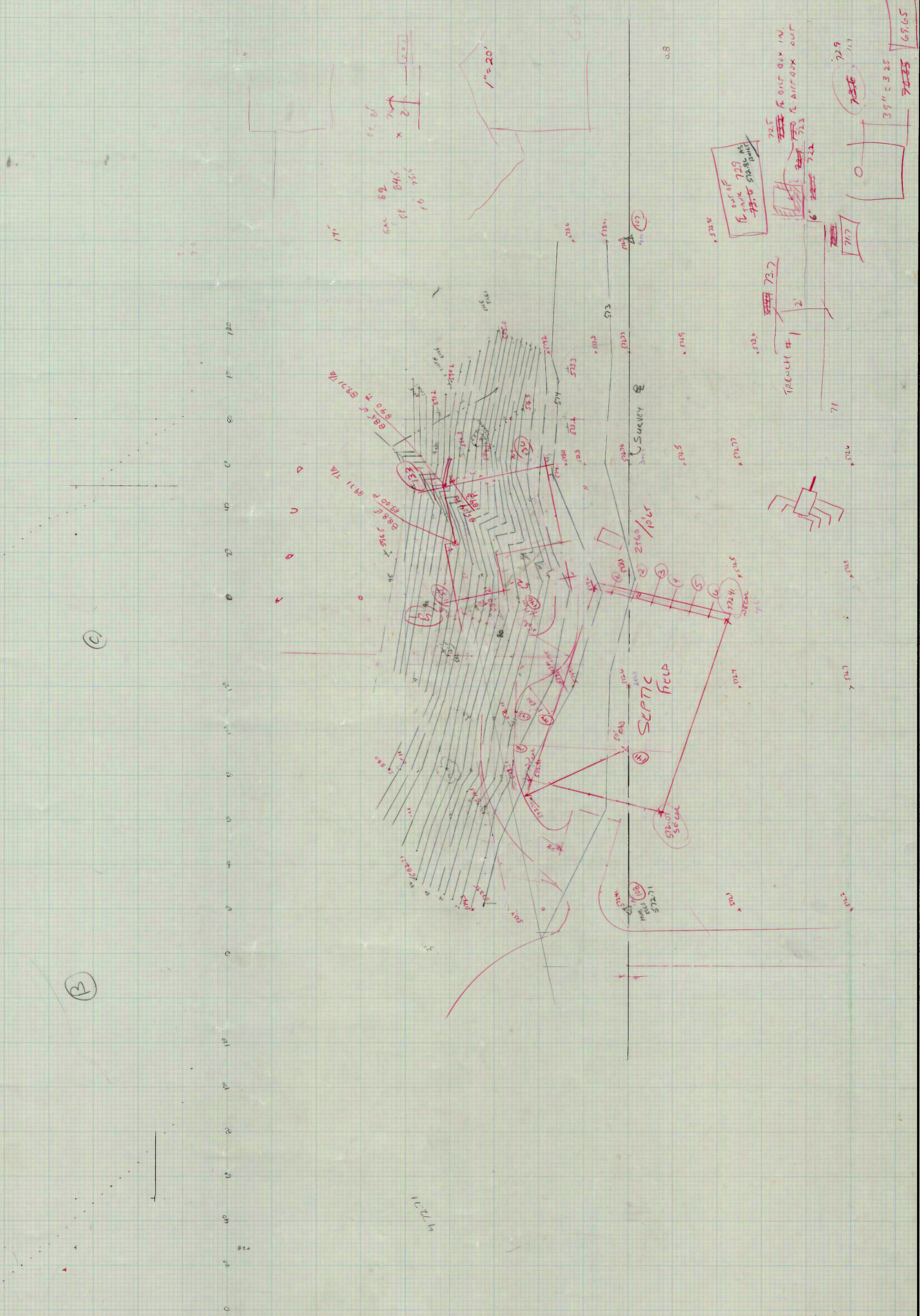


EXHIBIT 8:

EXHIBIT D
Monroe Circuit Court 6

Filed: 7/27/2023 6:36 PM
Clerk
Monroe County, Indiana

PETER GOULD

February 11, 2023

Monroe County Board of Zoning Appeals
c/o Jackie Jelen
Planning Department
Showers Building North
501 N Morton St
Suite 224
Bloomington, IN 47404

Re: VAR-23-5 - Sojourn House - 7505 E. Kerr Creek Rd. - Use Variance for Group Home Class II

Dear Members of the Board of Zoning Appeals:

I reside at 7165 E. Kerr Creek Road - the second property to the west of 7505 E. Kerr Creek Road (hereinafter referred to as "7505"). I am writing to oppose the variance to permit a Group Home Class II use of 7505. Please note that my opposition is not about the applicant's mission or their program, it is about the use of 7505 as a Group Home Class II.

The house at 7505 was built in the 1990's as a single family residence. Until the sale to Sojourn House, Inc., it had only been used as a single family residence - consistent with the surrounding area and with the permitted uses allowed in AG/RR.

As described on their website, Sojourn's residential program includes:

"Education - Tailored to each resident, an education plan will be developed to support her as she moves forward. Whether it's a GED, vocational training, a diploma, or degree, we look forward to seeing her confidence grow. Relationship skills, problem solving, life skills, and everything in between are important parts of the whole picture.

Employment - Finding a career that fits can be challenging and exciting. We'll help her explore the possibilities and create a plan that will get her there. When she's ready, she'll begin working in the field she chooses and gaining experience.

Sustainability - This is when the training wheels will start to come off. While still living at Sojourn House, she will combine all the skills she's been working on and put them to the test. The speedbumps of a new career, her own transportation, and growing relationships will be met with support and coaching in the Sojourn House community.

7505 is not an appropriate location for a program that is supposed to foster education, provide employment, encourage sustainability and help the residents become part of a community. 7505 is situated in a rural area. Kerr Creek Road is a narrow winding 2-lane road that floods periodically.

February 11, 2023
Monroe County Board of Zoning Appeals
Page 2

7505 has no access to public transportation, so vehicles are the only option for travel. The residents will need services, such as shopping, medical care, social services, legal services, training and employment, that are not available nearby. In fact, the nearest convenience store is 3 miles away.

Per Chapter 812-5 of our zoning ordinance, to approve a use variance, the Board must find that certain criteria are satisfied, as follows:

1. The approval will not be injurious to the public health, safety, and general welfare of the community.

7505 residents who don't comply with sober living and other Sojourn rules would jeopardize the public health, safety and general welfare of the community. Dismissal of a resident for violating these rules would only occur after the violations have occurred.

The Monroe County Sheriff's Department confirmed that there are normally 4 to 7 deputy's cars patrolling the entire county (depending on shift). The average response time for a 911 (Priority 1) call for law enforcement at 7505 is approximately 6 minutes. The Monroe Fire Protection District confirmed that the response time for fire or EMT is approximately 11 minutes. These response times could be affected if units are responding to other 911 calls already in progress.

Alarm system and security cameras are useful for monitoring a property and providing an alert. However, given the response times for law enforcement, fire and EMT services, it's likely that these systems will merely document damage after it's occurred.

Use of 7505 as a Group Home Class II will result in increased traffic on Kerr Creek Road. The majority of residents on Kerr Creek Road, as well as many residents on Gettys Creek Road use Kerr Creek Road for westbound travel to Bloomington, because it's faster than taking Gettys Creek Road south to SR 46 west to town. Despite Sojourn's statement that their staff will not be using Kerr Creek Road for westbound travel to town, that's just not realistic.

In addition to staff members and volunteers coming and going to 7505, there will be additional traffic since the residents of 7505 will need transportation to and from town for (among other things) education, training, shopping, medical services, social services and employment.

Per Sojourn's residential program description, as well as their presentation at the 5/1/2022 Monroe County Council meeting, [a] Sojourn resident could expect to obtain "her own transportation" [vehicle] as part of the program. This will add even more traffic to Kerr Creek Road.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Use of 7505 as a Group Home Class II would insert a business use into an area that has always been exclusively residential. This could negatively affect property values in the area.

February 11, 2023
Monroe County Board of Zoning Appeals
Page 3

3. The need for the variance arises from some condition peculiar to the property involved.

The Plan Department Use Determination concluded that "[...] the regulation of the Sojourn House, Inc use must not be based **solely** [my emphasis added] on the fact that it cannot meet the Monroe County Zoning Ordinance's definition of a "Family", and/or that it meets the definition of a "Business."

Accordingly, the above factors should be used in making the variance decision - they just can't be the only factors used in arriving at the decision. Other factors to consider include: putting a Group Home Class II where services essential to the residents aren't nearby, public health and safety issues, the effect on property values in the area and the absence of "unnecessary hardship".

4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. Unnecessary hardship is further defined as economic injury that:
- A. Arises from the strict application of this ordinance to the conditions of a particular, existing parcel of property;
 - B. Effectively deprived the parcel owner of all reasonable economic use of the parcel; and
 - C. Is clearly more significant than compliance cost or practical difficulties.

In their variance application letter, Sojourn stated that "the purchase and planned use of the property was predicated on IC 12-28-4-7 and the previous county Use Determination request".

Planning staff have confirmed that:

- 1) Sojourn communicated with planning on 9/21/2022 about the use of another property in the county for a group home, so they were aware of zoning rules.
- 2) Sojourn requested a Use Determination for 7505 from the Monroe County Planning Department on 12/2/2022.
- 3) Sojourn purchased 7505 on 12/22/2022, without having received a Use Determination.
- 4) Sojourn received the Use Determination for 7505 on 1/13/2023, noting that a Use Variance would be required for operating a Group Home Class II at 7505.
- 5) Sojourn applied for a Use Variance on 1/27/2023.

February 11, 2023
Monroe County Board of Zoning Appeals
Page 4

It is unfortunate that Sojourn decided to purchase 7505 before receiving the Use Determination and without securing the required Use Variance. Before Sojourns' purchase, 7505 had been used as a single family residence, in compliance with AG/RR permitted uses. At the time of Sojourn's purchase, 7505 was being marketed as a single family residence.

If the variance is denied, 7505 could be used as a single family residence - a reasonable economic use of the parcel.

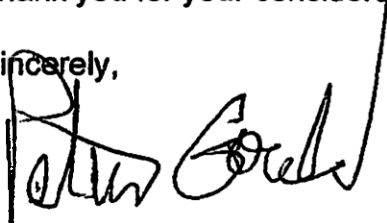
The denial of this variance would not predict denial of this use for other locations in the county, since a variance decision is based on the application of rules and regulations to the facts and circumstances of a specific parcel. It should also be noted that a Group Home Class II is a permitted use in zones UR, LB and GB in the county (without a Use Variance).

5. The approval does not interfere substantially with the Comprehensive Plan. Especially, the five (5) principles set forth in the Monroe County Comprehensive Plan:
1. Residential Choices
 2. Focused Development in Designated Communities
 3. Environmental Protection
 4. Planned Infrastructure Improvements
 5. Distinguish Land from Property

Per the Comprehensive Plan, 7505 is located in an area considered "Rural Development for areas lacking public infrastructure and services". The lack of public infrastructure and services reinforces why 7505 is not an appropriate location for a Group Home Class II.

Thank you for your consideration. Please deny this variance application.

Sincerely,



Peter Gould

February 20, 2023

Dear Members of the Board of Zoning Appeals,

I am writing to voice my opposition to the granting of a zoning variance for the residence at 7505 E. Kerr Creek Road. I have owned and resided at 7165 E. Kerr Creek Road since 1990.

The house at 7505 is not a good location for a home for the mentally ill who are trying to re-integrate into the community, for several reasons:

1. A home for the mentally ill will definitely have an adverse affect on the property values in this area. This effect was documented in a study by Colwell, Dehring and Lash. All of us who own property on E. Kerr Creek Road within a mile from 7505 are retirees who have been here for at least 30 years. If or when our health declines to the point of necessitating tapping the equity in our homes for living expenses or relocation to a care facility, our property values will have declined because, to be frank, no one wants to live near a home for the mentally ill. This situation will be detrimental to our pocketbooks and therefore to the quality of health care we can afford near the end of our lives.
2. Sojourn House received an ARPA grant of \$164,000 from Monroe County to remodel the old elementary school building in Stinesville for this use. The money has not been used for that purpose. What happened to the funds, and will they be used to pay for rezoning this single family residence for group home use rather than for the original purpose of the grant?
3. A neighbor called the president of Sojourn House, before the closing on the sale of 7505, to inform her that it would be necessary to get a use variance. Thus she had the opportunity to postpone the closing in order to look into this issue before comitting to the financial obligation . She claimed that she did not need a variance and told the neighbor to tell other neighbors not to call her.
4. Sojourn House has built a fire pit with seating very close to a highly combustible wooded area. Stray sparks or fire could easily ignite the woods, endangering not only 7505, but neighbors' properties and the state forest.
5. 7505 is located in an area with no services available. There is no public transportation, no shopping, and there are no medical facilities. Response times for ambulances, the sheriff and fire departments are hampered due to distance. There are no businesses nearby that could provide jobs for the clients of this group home.
6. The property is too isolated for the clients to acclimate to living among a neighborhood community, which, as I understand it, is one of their rehab goals.
7. Personal safety is a concern because it is adjacent to state forest, with hunting and trapping season 8 months of the year. This means there are men in the woods with firearms and/or archery weapons during the hunting seasons. While walking in those woods, residents often encounter hunters, hunting dogs, tree stands, traps and cameras. It is not at all unusual for residents to encounter hunters trespassing on our own properties. In fact, DNR officers have staged stake-outs on my property in an effort to apprehend poachers, who shoot at game from their vehicles on the road at night, towards homes. We have found stray arrows and shell casings on our property.

February 20, 2023

BZA Letter

Page 2

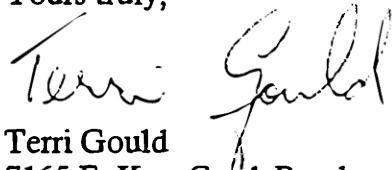
8. Another safety issue in this area is flooding. Kerr Creek floods over the road and onto our properties during wet weather. 7505 is traversed by Stephens Creek (near to the east side of the house), another flood-prone waterway. There are times when residents cannot get home from town, and cannot leave home in an emergency.

9. Power outages are common here. Power is provided to us by SCI REMC in Martinsville. We are located near the end of their line. When there are many trees down on the lines between Martinsville and our homes, it can and does take hours before our power is restored.

In summary, this is a poor location for a group home for the mentally ill due to: it's isolation, adverse natural conditions, several safety issues for the clients, the detrimental effect to property values in the area, and questions about the use of Monroe County grant funds.

Thank you for considering these concerns.

Yours truly,

A handwritten signature in cursive script that reads "Terri Gould". The signature is written in black ink and is positioned above the typed name and address.

Terri Gould
7165 E. Kerr Creek Road
Bloomington, IN 47408

February 15, 2023

Jerry Mandell and Elizabeth W Mandell
7405 E Kerr Creek Rd
Bloomington, IN 47408

Monroe County Board of Zoning Appeals
c/o Jackie Jelen
Planning Department
Showers Building North
501 N Morton St
Suite 224
Bloomington, IN 47404

Re: VAR-23-5 - Sojourn House - 7505 E. Kerr Creek Rd. - Use Variance
for Group Home Class II

Dear Members of the Board of Zoning Appeals:

We are writing to you to oppose VAR-23-5. We do not oppose the worthwhile mission of Sojourn House, their team, or their volunteers, but instead oppose their choice of 7505 Kerr Creek Road as the location of their human trafficking rescue center.

We find it puzzling that the Variance Request Letter that we finally received on February 2, 2023 begins with these words:

"Date: January 27, 2023

To: Current Resident

This is to advise you that HUSTON, JEFF & KRISTI is requesting 1 Use Variance, including:"

The return address was from Stinesville but the name Sojourn House is not found in this request despite the fact they are the owners of the property. The date, January 27, 2023, is one month and five days after the closing on the sale of this property by the Hustons to Sojourn House.

Their Facebook page had this posting on December 22, 2022:
Sojourn House Women

December 22, 2022
We did it! YOU did it!
Sojourn House is housed!

They had just closed on December 22, 2022 and had not requested a use variance.

We are next door neighbors to the Sojourn House property, hereafter referred to as "7505".

We share a 475' common border with them. We bought our home and nearly four acres of land 43 years ago when Kerr Creek Road was a quiet gravel road in an idyllic setting - quiet, low population density, rural single family homes, low traffic, and abundant wildlife. The private residence home at 7505 was not built until about twelve years later. We are concerned about many issues including increased vehicle traffic on the road.

OUTREACH

On December 19, 2022 I called Jeff Huston to learn what was happening with the sale of their home. He told me about the imminent closing about to occur on December 22. I expressed my objections to the sale of the Huston home to Sojourn House group. He said he would put me in touch with the director of the ministry to discuss my concerns. She called the next day and explained their general plan to help women rescued from trafficking. She said no variance was required for them to open their facility.

The Sojourn House managers never reached out to the homeowners on this road. This surprises us especially because the land use changes radically from a single family home to a commercial group rescue center. They must have read the literature for people in their own field about the need to reach out the the neighbors and how important it is to have the support of the local community. Are we to think they have been hiding behind the Indiana State IC 12-28-4-7 Zoning ordinance? Expecting to set up shop without having to comply with any local ordinances?

PROPERTY VALUES

Proximity to certain facilities and businesses can lower property values. Being close to a homeless shelter or even a hospital will lower the value of nearby properties. In this situation, values for surrounding properties are expected to drop due to the change in property use at 7505 from AG/RR single family home to a commercial Group Home rescue center. There will probably be fewer prospective home buyers interested in living next door to a commercial rescue center than living next door to a private home.

FLOODING

Over the years we have experienced numerous flooding events. During flood events, travel along certain sections of the road becomes dangerous with flood water rushing from the creek over its banks and onto the pavement or rain water from hills crossing the road. During these flood events we have seen the driveway at 7505 sit under water for a few days.

During one flooding event, in the 1990's, Stephens Creek rose way over its banks and surged across the Stephens Creek bridge that lies 270' east of the driveway at 7505. The water was so high that debris was left to dry on the bridge railings. During that storm, large portions of the fencing owned by the Conard family was washed away along Kerr Creek Road east and west of the bridge. The yard at 7505 was flooded.

Frank Alogna, who built the house at 7505 around 1992, told us that the flood waters from Stephens Creek rose within six feet from his basement door.

THE SOJOURN HOUSE PLAN

We sense that there are many shortcomings and unresolved questions in the details of Sojourn Houses's plan. They have not taken into account the conditions of living on this road. There is little public infrastructure available for the women to use. No regular bus service, no shopping, no restaurants, no pharmacies, no grocery stores, no

library or other services. The women (up to eight) will need transportation to go anywhere. This statement is from their website on February 16, 2023:

A beautiful home for up to 8 women at a time will offer:

- spacious bedrooms
- large outdoor setting
- an inviting kitchen and living room
- education and therapeutic spaces.

Earlier they said there would be three or four women. Now they are planning for eight women at 7505. We have heard that there is a requirement for each woman to supply her own vehicle. We were told that they will have three staff members working there most of the day. How many vehicles will be required to support all the women and staff?

There are many limitations to overcome in their choice of 7505 as a home base. Other locations around the Bloomington area would be more suitable for a group recovery home. On the west side, Ivy Tech Community College is one of the most helpful resources for education. They also offer counseling and job placement services for students. There are bus services there. However, like most other resources, Ivy Tech is far from 7505.

The 7505 location may help with healing but for a group recovery home it is poorly located if Sojourn House also wants to help people with education, job training, employment, and reengaging with society.

We do not know what to expect from a group that has changed their story several times, acted in a calculating way and appears to have found an expedient solution for a business venture.

If VAR-23-5 is approved, it should not be allowed to transfer to the next owner. This is one of our concerns. Please consider the damage the presence of this group will do to our lives.

HUMAN TRAFFICKING

The women are witnesses to traffickers and abusers.
Are we really safe from retaliation by abusers of the women who will be living at 7505? Are we safe from stalkers who come to our neighborhood looking for trafficked women?

Sincerely,

Jerome Mandell
Elizabeth W Mandell

Jerome Mandell
Elizabeth W Mandell

Monroe County Board of Zoning Appeals c/o Jackie Jelen

Re: Sojourn House - 7505 E. Kerr Creek Rd. - Use Variance for Group Home Class II

February 20,2023

Members of the Board of Zoning Appeals:

Sojourn House's stated intent to provide services to women in need is commendable. There are many places in Monroe County where the project they envision can be pursued consistent with the County's Zoning Ordinance.

However, Sojourn House should not be granted the variance it seeks for its property at 7505 Kerr Creek Road, because the Board of Zoning Appeals cannot properly make all five of the Chapter 812-5 findings required as a predicate to approval.

First, nearby residents reasonably believe that the new use will have a substantially negative affect on both their use and enjoyment of and the value of their properties. This has been communicated to the Board of Zoning Appeals in several letters from property owner in the area adjacent to 7505 Kerr Creek. Sojourn House, on the other hand, has not shown that its proposed use will be positive or have no effect on the use and value of the properties in the area adjacent to the affected property.

Second, Sojourn House has not shown and cannot show that the need for the variance arises from some "condition peculiar" to the property. The property has no unusual features; indeed, it is arguably poorly located logistically for the proposed use. And an argument that Sojourn owns this property but not others may be answered several ways: (1) an applicant for a zoning variance cannot bootstrap its way into "condition peculiar" compliance by purchasing an ordinary property and then claiming that the peculiar condition is that they bought the property to devote to a non-conforming use; and (2) the property has, over many years, been used as a single family residence and is indisputably well-suited to that use; and (3) Sojourn House can recover its investment by selling the property and using the sale proceeds for its purposes.

Third, the application of the terms of the Zoning Ordinance for our neighborhood will not constitute an unnecessary hardship if applied to the property. On the contrary, enforcing the Ordinance will provide the area with the stability and predictability intended by a zoning ordinance, will maintain the uses many property owners want and expected when they purchased

property in the area. Application of the restrictions associated with the zoning will not in any way leave Sojourn with no economic use for the property nor prevent Sojourn House from finding a suitable site for their project. Indeed, before they purchased this property, they had apparently expected to invest in adapting a Stinesville site for their purposes.

Fourth, granting the variance has environmental implications. The site is quite close to Lake Monroe. The septic system that served a family is unlikely to be suitable for daily needs of “up to eight” live-in clients (the staff assessment of the application says four clients, but the Sojourn application says “four” up to “eight” clients) one paid staff person and several volunteers.

These specific legal considerations demand that the application be denied. But in addition, it seems clear that Sojourn House’s planning and preparation for the project is insufficient. As best as can be understood from their application, there will be no trained security personnel at the site. Given the population they intend to serve, that is a serious concern, and the concern is magnified because—again, as it appears, Sojourn House does not plan to have any paid staff at all the property overnight. Second, contrary to the best practices recommended in the state Division of Mental Health “how to” manual for recovery residences, Sojourn House has shown indifference to “building strong relationships” with neighbors and made no effort to identify and address concerns. Their position initially seems to have been that neither neighbors nor Monroe County have any cognizable stake in what happens at the site; they claimed, incorrectly, that state law overrides local zoning in this matter.

Further, one would expect the planning of a residence recovery facility to begin with a careful identification of the need to be served. While Sojourn’s application cites several sources it says will guide them in identifying clients, their public face has emphasized a legally ambiguous target population of “trafficked” individuals, while for purposes of the application the emphasis is on addicted or recovering individuals. The needs and risks associated with those groups overlap but are not coincident; the differences are important for neighbors who understandably want to be assured that the risks are well-mitigated with Sojourn procedures.

If Middle Way House and other existing facilities cannot fully serve the population in need, the residents of this area would undoubtedly support the development of such options. But any such new facilities ought to be located where the zoning contemplates such a use.

Sincerely,

W. William Weeks
6573 E. Kerr Creek Road



Cheyenne N. Riker
Attorney at Law

chevenneriker@gmail.com

April 5, 2023

Monroe County Board of Zoning Appeals
501 N. Morton St., Suite 224
Bloomington, Indiana 47404

RE: *Amended Application for Variance*
7505 E. Kerr Creek Road, Bloomington, Indiana

Dear Monroe County Board of Zoning Appeals,

Clendening, Johnson & Bohrer, P.C. represents Sojourn House, Inc. (“Sojourn House”) in support of its amended application for variance to use the property located at 7505 E. Kerr Creek Road, Bloomington, Indiana (“the Property”) as a Residential Facility for Individuals with a Mental Illness, as defined under Indiana Code 12-28-4-7, or, in the alternative, as a Group Home Class II, as defined in the Monroe County Zoning Code (“the Code”).

While the Board has previously denied Sojourn House’s use, this application contains a commitment to limit the use of the Property (as defined below) to eight (8) unrelated individuals, which addresses at least one of the concerns of the surrounding neighbors. For the reasons that follow, (1) the variance is not required, and (2) even if it were required, the Board cannot deny the petition without also violating the Fair Housing Act of 1988, as amended, or the Americans with Disabilities Act of 1990, as amended.

Background

The Property is located amongst rolling hills of eastern Monroe County, and consists of approximately 7.75 acres of almost entirely-forested land. To the immediate east of the Property is a meandering creek, across which is a large swath of agricultural land used for crops during the summer months, and barren during the winter. The adjacent property to the east is vacant with the exception of farm activity during the Spring, Summer, and Fall. The nearest residence to the Property is Southwest of the Property, and is insulated from the residence on the Property by at least two (2) acres of thick forested hills. No other residences are nearby.

Sojourn House is a 501(c)(3) nonprofit organization whose dedicated staff devote themselves to improving the lives of women who suffer from abuse-related mental illness (including trauma

associated with abuse and human trafficking). Sojourn House's residents are victims of psychological and physical abuse, the remedy for which can only be found in proper treatment by qualified professionals. Part and parcel of obtaining appropriate treatment is to ensure a safe, stable living environment for Sojourn House's residents.

In or around November, 2022, Sojourn House approached the Monroe County Plan Commission ("Planning") to request confirmation that the use of the Property was a permitted use within the zone in which it was located AG/RR, EC03 ("AG"). The Comprehensive Plan characterizes the area as "Farm and Forest," for residential use. To no surprise, Planning issued a letter confirming that use of the property as a women's shelter for residential purposes was permitted, without need to request any variance or other permit from this Board.

Over the course of the ensuing weeks, in reliance on Planning's written representation that no additional approvals were required from Planning or this Board, Sojourn House proceeded to acquire the Property. Sojourn House paid \$425,000 for the Property, in reliance on Planning's representation, only to find out later that Planning had reversed its position in response to complaining neighbors. The neighbors' complaints were illegitimate, lacking in factual basis, and discriminatory in nature based on the sex and disabilities of the individuals proposed to be housed at the Property.

Legal Standards and Application to Existing Facts

There are at least four (4) separate legal standards applicable to the Board's decision regarding whether the proposed use should be permitted at the Property: (1) the Fair Housing Act (42 U.S.C.A. 3601, *et seq.* ("FHA")); (2) the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008 (42 U.S.C.A. 12101-12213) ("ADA"); (3) Indiana Code 12-28-4-7; and, less significantly, (4) the Monroe County Zoning Code. Importantly, the FHA and ADA supersede any conflicting state or local laws or ordinances, and state statutes supersede any local laws or ordinances, where those local laws or ordinances offer less (but not more) protection for individuals protected by such federal laws. *See, e.g., Galusha v. New York State Dept. of Environmental Conservation*, 27 F.Supp.2d 117, 124 (N.D.N.Y. 1998); *see also*, U.S. Const., Art. IV, cl. 2.

Notwithstanding the applicability of state and federal law, as set forth below, Sojourn House has demonstrated, and the County has acknowledged, its interest in being a partner, and not a burden, to the community of Monroe County. As such, while the state and federal laws at issue provide overwhelming support to Sojourn House and its mission, Sojourn House petitions this Board under local law to permit a variance to operate the Property as a Group Home Class II, with the commitment to use the Property for only up to eight (8) individuals. For the reasons cited herein, the Board should permit the variance pursuant to local ordinance 812-5. *Standards for Use Variance Approval*; however, Sojourn House hereby notifies the Board of its obligations, as described herein, under state and federal law, and alternatively requests a reasonable accommodation under the FHA and the ADA.

Local Standards for Use Variance Approval

While federal law protects Sojourn House and its intended use, it is not the goal of Sojourn House to resort to federal protections to attain its goal of using the Property. Rather, Sojourn House believes that by committing to limiting the use of the Property to eight (8) individuals, the

Board should find that the use is reasonable in all respects and should find that its use meets the requirements for a variance under the Zoning Code.

Under County Ordinance 812-5. *Standards for Use Variance Approval*, the Board must find as follows to approve the requested variance:

- A. the approval will not be injurious to the public health, safety, and general welfare of the community;
- B. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- C. the need for the variance arises from some condition peculiar to the property involved;
- D. the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.
- E. the approval does not interfere substantially with the Monroe County Comprehensive Plan, especially:
 - a. Residential Choices;
 - b. Focused Development in Designated Communities;
 - c. Environmental Protection;
 - d. Planned Infrastructure Improvements; and
 - e. Distinguish Land from Property.

As has already been acknowledged by the County in its initial use determination, Sojourn House's use is as a Residential Facility for Treatment of Individuals with Mental Illness. The County has further acknowledged that Sojourn House relied to its detriment on the County's representation that the use was permitted because it was protected by state statute. However, even if it is not protected by statute, the variance should be granted for the reasons that follow.

Public health, safety, or general welfare

Sojourn House's use will not be injurious to the public health, safety, or general welfare of the community. The Property will be used as a residential dwelling, not as a busy place of commerce where numerous customers could be expected to visit and cause increases to traffic and noise. The Property will be staffed by trained, paid staff members. Each resident who will live at the Property will be contractually bound to meet certain codes of conduct, and there will be only eight (8) female residents at any given time.

Use and value of adjacent property

The Property, as described above, sits in the midst of a large forested parcel bound on all sides by woods and farmland. The residence on the Property sits just southeast of center within the parcel, and will present no additional noise to any neighboring parcel owners. In fact, the nearest residence is acres through thick forested hills, and will never be disturbed by the residents. Further, the Property is located at the far east end of Kerr Creek Road, and the vast majority of traffic (which is limited to Sojourn House staff) will come from the east (seldom passing residents to the west of the Property). Traffic patterns can be predicted by calculating the number of employees, their respective shifts, and the average number of trained and vetted volunteers who may visit the property and is predicted to be similar to that of a typical working family. Morning traffic (7am-9am) will include 2-3 employees and/or volunteers during their arrival at the Property. Trips during the day will be consistent with any other single-family residential use - *i.e.* there should be no traffic out of the ordinary. Afternoon traffic will involve a shift change of

2-3 employees and/or volunteers, but would not cause a substantial increase whatsoever in the amount of traffic. In addition to the small number of staff who will come and go by car, the residents may own and drive a car in the later stages of the program. Based on similar residential programs, approx 2-3 women (at any given time) will have their own car to operate. However, this number has many variables, unlike the number of staff who will operate a car (which is 100%.)

The opponents of Sojourn House expressed concern that the proposed use would “insert a business” into the area. While technically true, the fact is that the “business” is residential in nature, and the use of the Property will be consistent with a typical family unit. Another neighbor issued a discriminatory rebuke of the Property based on the fact that neighboring property values would not fare well because of their proximity to a “commercial rescue center.” The same writer went so far as to suggest that safety may be an issue because of potential third parties who may find themselves in the area - a concern of fear-driven conjecture without basis in fact.

In light of the foregoing, there will be no adverse effect on the value of adjacent properties. While one neighbor claimed in response to Sojourn House’s initial petition that “there would probably be fewer prospective home buyers interested in living next door to a commercial rescue center than living next door to a private home,” such a characterization is without basis in fact. Actually, this use will be purely residential - from the perspective of individuals who may pass by the Property, the Property will be no different from its current presence.

Peculiarity to the Property

The need for a variance *is* peculiar to the Property. The Property is very conveniently located for individuals who seek relief from the “hustle and bustle” of daily life. It offers a serene, quiet, and secluded setting in which its residents can comfortably recover. A less rural location in other zones would be inadequate to permit the therapeutic environment sought after by victims of trauma, abuse, and mental illness.

Further, the use of the Property was predicated on the County’s use determination that the Property would be a Residential Facility for Individuals with a Mental Illness. The Monroe County Zoning Code does not define such a use, and as such cannot prohibit it in this location. Sojourn House acquired the Property for this use, and, while the County may try to redefine this use, such a redefinition of the use would be unlawful.

Strict Application of the Zoning Code

If the Board insists on strict application of the Zoning Code, Sojourn House will have effectively lost its entire investment in the Property, thereby working a substantial hardship on the non-profit organization. Currently, this type of use is not described in the Zoning Code - as such, Sojourn House was entitled to rely on state statute, and the absence of a properly defining term, to conclude that it was permitted to use the Property as described above. This is a single-family residence that will be used as just that: a single-family residence - the only difference is that there is a severe lack of properties in Monroe County that are suited to house victims of trafficking and abuse, as well as victims of trauma and mental illness. Denial of this use of the Property at this location *would* work a substantial hardship on Sojourn House.

Interference with the Comprehensive Plan

The use of the Property will not increase the density of the area, and there will be no subdividing. The Property is not in one of the five (5) Designated Communities as defined in the Comprehensive Plan. The Property's use will have no added impact on the environment, and there will be no expansion or development. There will be no effect on the natural boundaries.

Other Factors regarding the Use

The model of care used by Sojourn House places high priority on the conduct of the participants (residents) and how their conduct affects the community they live in (immediately and more widely.) Each woman who chooses to live at Sojourn House must agree to the standards set forth in the Residential Handbook. This handbook includes curfews, visitation policy, program progress, and maintaining sobriety. No substances, including alcohol, are allowed on the premises. Failure to adhere to the policies listed in the Residential Handbook will be met with disciplinary action and possible dismissal from the program. Most importantly, behavior that endangers the residents of Sojourn House and its neighbors will not be tolerated. An alarm system and security cameras will be installed in order to monitor the property and intercept misconduct from inside or outside the house. Consultation with a security company who has experience in group home settings will continue throughout installation.

Overall, the use of the Property as a Group Home Class II, with only eight (8) individuals residing there, will have no adverse effect on the Property whatsoever. Nothing will change except the individuals who are permitted to reside there, and to deny zoning based on the fact that women with disabilities are residing on the Property would be unlawful.

Addressing Neighbors' Concerns

Generally, the remonstrators contend that the Property is not safe, and is not suited to Sojourn House's proposed use. Sojourn House selected the Property specifically *because* it is suited to their proposed use. Effectively, the remonstrators contend that the women who will reside on the Property aren't capable of caring for themselves, and obtaining basic services that the neighboring residents themselves are able to obtain. Neighbors' complaints about a lack of access to services, such as medical care, shopping, groceries, etc., should be disregarded as moot and at best, discriminatory. There is no reason to believe these services cannot be obtained by the residents of Sojourn House merely because they are not nearby. As described above, there will be adequate transportation available to and from the Property, and will be available to ensure residents have access to all applicable products and services.

There seems to be a general concern about the safety of the residents of Sojourn House. Specifically, one remonstrator pointed out that there could be flooding, as if to suggest that a home of women cannot fend for themselves in such an event. Another neighbor commented that the Department of Natural Resources arrests poachers in the area, as if to suggest the existing neighbors are more safe than Sojourn House residents. These concerns are of no consequence to the Board's decision, and should be disregarded.

Residential Facility for Individuals with a Mental Illness

Under Indiana Code 12-28-4-7(a), a “zoning ordinance [] may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws.” Individuals with a mental illness include psychiatric disorders that substantially disturbs an individual's thinking, feeling, or behavior; and impairs the individual's ability to function. Ind. Code 12-7-2-130(b).

Sojourn House houses individuals who suffer from psychiatric disorders that, because they substantially disturb their thinking and feeling, causes an impairment in their ability to function. As such, the statute applies to protect Sojourn House’s use of the Property. A large portion of the neighbors’ concerns have been that there will now be a “business” located nearby, which will ultimately devalue the property. Not only would this “business” not devalue the Property, but the fact of its existence as a business cannot be a basis for the board’s determination. Specifically, the statute states that the ordinance may not exclude a residential facility “because the residential facility is a business.”

The Fair Housing Act

The Fair Housing Act (FHA) was enacted “to provide, within constitutional limitations, for fair housing throughout the United States.”¹ The original 1968 act prohibited discrimination on the basis of “race, color, religion, or national origin” in the sale or rental of housing, the financing of housing, or the provision of brokerage services.² In 1974, the act was explicitly amended to add sex discrimination to the list of prohibited activities.³ Section 3604(a) of the Fair Housing Act makes it unlawful, inter alia, “[t]o refuse to sell or rent after the making of a bona fide offer, or to otherwise refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.” 42 U.S.C. § 3604(a); *See also Bouley v. Young-Sabourin*, 394 F. Supp. 2d 675, 677-78 (D. Vt. 2005).

FHA discrimination under Section 3604(a) claims fall into two broad categories: intentional, also referred to as disparate treatment discrimination, and disparate impact discrimination. Courts apply different legal tests to assess the validity of intentional versus disparate impact discrimination claims. Disparate treatment claims allege that a defendant made a covered housing decision based on “a discriminatory intent or motive.”⁴ Disparate impact claims, on the other hand, involve allegations that a covered practice has “a disproportionately adverse effect on [a protected class] and [is] otherwise unjustified by a legitimate rationale.”⁵ As well, even where one of the foregoing two broad categories do not offer relief, local municipalities are to make

¹ 42 U.S.C. §3601. The FHA, 42 U.S.C. §§3601 et seq., was originally enacted as Title VIII of the Civil Rights Act of 1968.

² 42 U.S.C. §§3604-06.

³ P.L. 93-383.

⁴ *Texas Dept. of Hous. & Cmnty Affairs v. Inclusive Communities Project*, 135 S. Ct. 2507, 2513 (2015) (internal quotations omitted).

⁵ *Id.* (internal quotations omitted).

reasonable accommodations in zoning decisions, where the accommodations are “both efficacious and proportional to the cost to implement it.” *Valencia v. City of Springfield, Illinois*, 883 F.3d 959, 967 (7th Cir. 2018).

Under the FHA, 42 U.S.C. §3617 prohibits coercion, intimidation, threats, or *interference with* “any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section [3604] of this title.” 42 U.S.C. § 3617. Both § 3604(a) and § 3617 reach post-acquisition conduct, not just the initial sale or rental of housing. *Bloch v. Frischholz*, 587 F.3d 771, 782 (7th Cir. 2009) (en banc). The rights under § 3604(a) that § 3617 protects from interference include post-sale activity “that makes a dwelling unavailable to the owner or tenant, somewhat like a constructive eviction.” *Id.* at 776.

The Fair Housing Act also applies to individuals with disabilities who seek reasonable accommodations from local municipal zoning boards. *Valencia*, 883 F.3d at 967-968. Effectively, therefore, where a municipality determines, with non-discriminatory intent, that a specific use is not permitted, the municipality is required to grant a reasonable accommodation favoring such use.

A. The FHA as Applied to Women’s Shelters

Federal Courts have addressed the issue of discrimination against women’s shelters under the FHA. *Cooper v. Western Southern Financial Group* is especially informative and directly analogous to the matter referenced above. 847 F. Supp. 2d 1031, 1033 (S.D. Ohio 2012). In *Cooper*, female residents of a women’s shelter called Anna Louise Inn brought an action against a real estate company under the FHA, alleging that the real estate company and its agents had undertaken a campaign to drive the women's residence out of the neighborhood in which it was located in order to force a sale of the property to the real estate company. *Id.* The defendants publicly argued that the female residents of the Inn **were not compatible with the character of the area**, that the Inn should be sold to their company, and that the female residents must be moved elsewhere. *Id.* A Western & Southern agent went so far to publicly state: “I just want them [the female residents of Anna Louise Inn] out of there.”

Plaintiffs brought four claims for relief, two of which are relevant to the instant issue: (1) defendant's conduct constituted discrimination in the terms, conditions or privileges of the rental of a dwelling on the basis of sex or familial status in violation of 42 U.S.C. § 3604(b), and coercion, intimidation and threats against persons in the exercise or enjoyment of their rights under the FHA in violation of 42 U.S.C. § 3617; and (2) defendant's conduct constituted a pattern or practice of resistance to the full enjoyment of rights granted by the FHA, 42 U.S.C. §§ 3601–3619.

The *Cooper* plaintiffs argued that they stated a cause of action under 42 U.S.C. §3617 by alleging that as female residents of the Inn, that they are protected individuals under the FHA against whom Western & Southern waged a campaign, which included intimidating and threatening actions, designed to coerce plaintiffs to move out of their neighborhood premised on defendant’s discriminatory belief that plaintiffs were not compatible with the neighborhood.⁶

⁶ The Inn further contended that the protection against discriminatory practices offered by 42 U.S.C. §3604(b) extended to discriminatory acts such as those undertaken by Western & Southern which occur following the sale or rental of a property, and these protections encompass practices that limit the “use of privileges, services or facilities

The court in *Cooper* stated that the FHA was intended “to reach a broad range of activities that have the effect of denying housing opportunities to a member of a protected class,” fair housing claims could be asserted against non-owners of a property where such persons “though not owners or agents, are in a position directly to deny a member of a protected group housing rights.” *Cooper v. W. & S. Fin. Grp., Inc.*, 847 F. Supp. 2d 1031, 1038 (S.D. Ohio 2012). Ultimately finding in favor of the Anna Louise Inn, the court made clear that the language of the FHA's anti-interference provision is to be read broadly to reach all practices that have the effect of interfering with a protected individual's rights under the fair housing laws. *Id.* at 1038.

Importantly, the *Cooper* court specifically singled out illicit zoning practices as violative of the Fair Housing Act. Those practices include zoning practices that are exclusionary in nature and disparately impact uses protected by the FHA.

In this case, if the Board denies Sojourn House's request for zoning approval for use of its own Property, it will have violated the Fair Housing Act's prohibition against interference with a use protected by the FHA. The courts have made clear that even in situations where the property at issue has already been acquired, a governmental entity, in making zoning determinations, cannot interfere with “any person in the exercise or enjoyment of... any right granted or protected by section [3604] of this title.” 42 U.S.C. § 3617. Here, should the Board deny the use, which is a use granted and protected by 42 U.S.C. 3604, it will have “interfered with” Sojourn House's rights under the FHA and thereby violated the federal law. As such, the Board *cannot* lawfully deny this application.

B. The FHA as Applied to Residences for Individuals with Disabilities⁷ - Request for Reasonable Accommodations

Perhaps more compelling, however, is that the Fair Housing Act protects against discrimination against those with disabilities, and requires municipalities to offer reasonable accommodations in housing options for persons with disabilities. In *Valencia*, referenced above, the City of Springfield, Illinois, issued a zoning determination refusing to allow a reasonable accommodation to a group home housing three disabled individuals, because it was too close to another group home (within 600 feet).

In *Valencia*, the 7th Circuit Court of Appeals clearly laid out the rules for evaluating whether a reasonable accommodation should be granted, along with the process by which to do so. First, it is the burden of the petitioner (here, Sojourn House) to establish that the requested accommodation is reasonable on its face. *Id.*, at 968. Then, the municipality (here, Monroe County) must demonstrate that the use is unreasonable, or the use would work an undue hardship under the circumstances. *Id.*

Accordingly, Sojourn House is required to show that the use of the Property as a Group Home Class II is a reasonable use under the circumstances. If the Board believes it is not a reasonable use, it must give a non-discriminatory reason why it is unreasonable, or show that the use would work an undue hardship under the circumstances.

associated with a dwelling because of race [or] religion [or sex].” (Doc. 5 at 8), citing *Bloch v. Frischholz*, 587 F.3d 771, 781 (7th Cir.2009) (citing 24 C.F.R. § 100.65(b)(4)).

⁷ In addition to the Fair Housing Act prohibitions against discrimination against individuals with disabilities, the Americans with Disabilities Act offers similar protections.

Sojourn House can easily demonstrate the reasonableness of the use of the Property as a Group Home - in fact, the County Planning Department has already recommended the use of the Property for use as a Group Home Class II. The Property is located on nearly eight (8) acres, with the nearest neighboring residence being insulated by a substantially-wooded forest.

Further, Sojourn House was originally to be treated as a Residential Facility for Individuals with a Mental Illness. Monroe County Planning acknowledged this fact in its original recommendation for approval of Sojourn House's use at the Property. As such, the County has already admitted to Sojourn House's protected status under the FHA.

Rather than permit the use, as required by Indiana Code 12-28-4-7, however, the County pushed Sojourn House into a category within its local code that required additional steps to be taken, and approvals to be made that would not otherwise have been required. Effectively, the County violated the anti-interference language of the FHA by interfering with a protected use of the Property by protected individuals and by requiring Sojourn House to submit an application that it was not required to submit.

In doing so, if this Board now denies Sojourn House's reasonable accommodation request to use the Property as a Group Home Class II, with the limitation of eight (8) unrelated individuals, not only would a great injustice have been done, but there would lie a claim under the FHA.

The Americans with Disabilities Act

Title II of the ADA, as amended by the ADA Amendments Act of 2008 ("ADAAA") (42 U.S.C. §§ 12101-12213) prohibits discrimination against individuals with disabilities by public entities. *See*, 42 U.S.C.A. § 12132. The intent of the ADA was to reverse widespread discrimination that had prevailed at the time against disabled Americans in public spaces, as well as in private spaces open to the general public. *See*, 42 U.S.C.A. § 12101.

The ADA's language under Title II is broad: it protects individuals with disabilities from being "denied the benefits of the services, programs, or activities of a public entity, or [from] be[ing] subjected to discrimination by any such entity," 42 U.S.C. § 12132. The last phrase of Title II's prohibition is even more expansive, stating simply that no individual with a disability may be "subjected to discrimination" by a public entity. *Innovative Health Sys., Inc. v. City of White Plains*, 931 F. Supp. 222, 232–33 (S.D.N.Y. 1996), *aff'd in part*, 117 F.3d 37 (2d Cir. 1997). Consistent with Title II's broad language and its legislative history, the Department of Justice, in its Title II implementing regulations and other Title II analyses, has interpreted Title II to reach all actions by public entities, including zoning enforcement actions. (Emphasis added) *Innovative Health Sys., Inc. v. City of White Plains*, 931 F. Supp. 222, 234 (S.D.N.Y. 1996), *aff'd in part*, 117 F.3d 37 (2d Cir. 1997). The regulations enumerate several categories of specific activities that constitute discrimination by public entities. 28 C.F.R. § 35.130. One of these specific provisions requires public entities to make reasonable modifications to their policies, practices, and procedures, where such modifications are necessary to avoid discrimination on the basis of disability. 28 C.F.R. § 35.130(b)(7). Zoning enforcement actions, including the enactment of ordinances, and any administrative processes, hearings, and decisions by zoning boards, fall squarely within the category of "policies, practices, or procedures" mentioned in the regulations. *Innovative Health Sys., Inc. v. City of White Plains*, 931 F. Supp. 222, 232–33 (S.D.N.Y. 1996), *aff'd in part*, 117 F.3d 37 (2d Cir. 1997).

It is well-settled that federal courts may exercise jurisdiction in zoning matters when local zoning decisions infringe national interests protected by statute or the constitution. *See Sullivan v. Town of Salem*, 805 F.2d 81, 82 (2d Cir.1986). Because federal law authorizes a claim, provides a remedy for discrimination against individuals with disabilities in zoning activities, and extends express power to the courts to modify discriminatory practices, it is clear that this is a zoning dispute more properly relegated to federal authority and not local regulatory and administrative procedures. *Innovative Health Sys., Inc. v. City of White Plains*, 931 F. Supp. 222, 234 (S.D.N.Y. 1996), *aff'd in part*, 117 F.3d 37 (2d Cir. 1997); *See, e.g., LeBlanc-Sternberg*, 67 F.3d at 434. To make a claim under Title II of the ADA, a plaintiff must show: (1) that she is a qualified individual with a disability (2) who was subjected to discrimination by a public entity (3) by reason of her disability. *St. Paul Sober Living, LLC v. Bd. of Cnty. Comm'rs*, 896 F. Supp. 2d 982, 986 (D. Colo. 2012).

In the instant case, Sojourn House was: (1) a qualified entity with individuals that have disabilities, as they were originally to be treated as a Residential Facility for Individuals with a Mental Illness (as already acknowledged by the County); (2) who were subjected to discrimination by Monroe County through disparate treatment (a re-characterization of its use that forces it to meet additional requirements to which others similarly situated are not required to meet); (3) on the basis that it is a women's treatment center housing individuals with disabilities. Denial of Sojourn House under the circumstances of this case constitutes discrimination under the ADA, and their use should be granted.

In *Oconomowoc Residential Programs v. City of Milwaukee*, the court reiterated that the "requirements for a reasonable accommodation under the ADA are the same as those under" the Fair Housing Act. 300 F.3d 775, 783 (7th Cir. 2002). As such, even if the Board is not inclined to grant the Group Home Class II use to Sojourn House under the ADA to avoid claims of discrimination, the Board should grant a reasonable accommodation to Sojourn House for the same reasons cited above.

Conclusion

In summary, the Board is bound by local, state, and federal law to permit the variance for use of the Property as a Group Home II, as defined in the Monroe County Code. Of particular importance is the need to ensure that individuals who suffer from, or are victims of, trauma and mental illness, have a safe place to reside while they undergo treatment. The Property is the perfect location for a variety of reasons, not the least of which is its geographic location. It is properly secluded from neighbors, and nothing about the Property will change, except those who can be found residing there. Sojourn House is committed to making the community a better place, and invites you to do the same by granting this variance request.

Best,



Cheyenne N. Riker

cc: Carissa Muncie

WRITTEN COMMITMENTS

Commitments concerning the use or development of real estate made in connection with the approval of the zoning variance of Sojourn House, Inc. at 7505 E. Kerr Creek Road, Bloomington, Indiana

In accordance with I.C. 36-7-4-1015 and Monroe County Code 800-10, Sojourn House, Inc. as the owner of the real estate 7505 E. Kerr Creek Road, Bloomington (‘Property’) located in Monroe County, Indiana, which is described in ‘Exhibit A’ attached hereto and made a part hereof, makes the following written commitments (‘Commitments’) concerning the use and development of the Property:

- A. Description of Property. See ‘Exhibit A.’
- B. Statement of Commitments. Sojourn House, Inc. is the owner of the Property, as granted in that certain Warranty Deed recorded in the office of the Recorder of Monroe County, Indiana, as Instrument No. 2022017838 WAR. Sojourn House, Inc. hereby commits to use of the Property as a residence for not more than eight (8) unrelated individuals for as long as it owns the Property. Sojourn House, Inc. will record these Commitments in the office of the Monroe County Recorder.
- C. Enforcement of Commitments. These commitments may be enforced under the provisions of Chapter 817 of the Monroe County Zoning Ordinance and Indiana Code 36-7-4-1015. If an action to enforce a commitment is successful, the respondent shall bear the costs of the action. A change of venue from the county may not be granted in such an action. The Developer acknowledges and agrees that County may revoke its approval of Case Number VAR 23-5 based on violations of these Commitments, after notice and a reasonable period to cure the same.
- D. Recording. Within fourteen days of the effective date, Sojourn House, Inc. shall record these Commitments, and upon failure to do so the Director of the Monroe County Planning Department is authorized to record these Commitments, in the Office of the Recorder of Monroe County, Indiana at the expense of Owner. A copy of the recorded Commitment bearing the recording stamp of the Recorder of Monroe County, Indiana shall be submitted to the Monroe County Planning Department within thirty (30) days of approval of the variance.
- E. Voluntary action. Sojourn House, Inc. makes these Commitments of its own free will and acknowledges that it, by its directors, has read and fully understands the Commitments.
- F. Approval Conditions. Sojourn House, Inc. acknowledges that the final approval of the Variance 23-5 is conditioned upon the making and recording of these Commitments.
- G. Binding on successors and assigns. These Commitments shall be binding on Sojourn House, Inc. for so long as it shall own the Property.
- H. Effective date. These Commitments shall be effective upon the final approval of Case Number VAR 23-5 by the Monroe County Board of Zoning Appeals. These commitments may be modified or terminated only by a decision of the County Commissioners, acting in accordance

with the regulations and procedures governing the amendment or termination of commitments (e.g., to the extent so required in the applicable regulations and procedures, notice to interested parties and Monroe County Plan Commission hearing, etc.).

IN WITNESS WHEREOF, Carissa Muncie has executed this instrument this ____ day of _____, 2023.

Sojourn House, Inc.

By: Carissa Muncie
Its: President

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Before me, a Notary Public in and for said County and State, personally appeared Carissa Muncie, who acknowledged the execution of the foregoing instrument and who, being first duly sworn, stated that any representations therein contained are true. Witness my hand and Notarial Seal this ____ day of _____, 2023.

Printed Name of Notary Public: _____
My Commission Expires: _____
My County of Residence: _____

I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

This instrument was prepared by _____,
_____ (note: name and address)

with the regulations and procedures governing the amendment or termination of commitments (e.g., to the extent so required in the applicable regulations and procedures, notice to interested parties and Monroe County Plan Commission hearing, etc.).

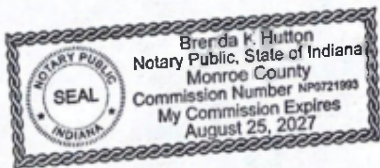
IN WITNESS WHEREOF, Sonya Leigh has executed this instrument this ____ day of _____, 2023.

Sojourn House, Inc.

Carissa Muncie
By: Carissa Muncie
Its: President

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Before me, a Notary Public in and for said County and State, personally appeared Carissa Muncie, who acknowledged the execution of the foregoing instrument and who, being first duly sworn, stated that any representations therein contained are true. Witness my hand and Notarial Seal this 6th day of April, 2023.



Brenda K. Hutton
Printed Name of Notary Public: BRENDA K. HUTTON
My Commission Expires: August 25, 2027
My County of Residence: Monroe

I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

This instrument was prepared by _____

(note: name and address)

Monroe County Board of Zoning Appeals
c/o Tammy Behrman
Planning Department
Re: VAR-23-5 –Sojourn House 7505 E. Kerr Creek Rd
Second Use Variance For Group Home Class II

Dear Members of the Board of Zoning Appeals,

I am opposed to the Sojourn House second variance request.
I have lived on E Kerr Creek Road since 1980.

It does not make sense to rush into changing the zoning laws in order to favor one situation without taking into consideration the long term effects on other communities. This would set a precedent of breaking zoning laws and allowing businesses to move onto small roads with single family homes, often neighborhoods with children and pets. I believe rushing into a change like this denies the planning board the possibility of taking the time to consider the effects of their actions. This is a country road.

Carissa Muncie of Sojourn House has shown hostility and aggression towards us as a small group some of whom understand the law. When Sojourn House lost it's first variance because it was not legal to have a group home here (it still isn't legal), she publically lied and blamed the loss on the neighbors using radio and newspaper interviews. We tried to begin conversations with her but she did not want to talk.

Will there be a board of health permit? Will the septic system be upgraded? This area is in the flood plain and drains directly into Lake Monroe. There is no infrastructure here to buffer the difficulty of what Carissa Muncie is trying to do. Because of the mistakes she made in buying this property without verifying whether it could be used as a group home and the few things we have learned of her plans I don't believe that Carissa Muncie has much experience with what she is so set on manifesting. The county should not have to change its laws for her.

Sojourn House will not suffer financial ruin if they sell the house they are in. It is worth a lot of money. They have been financed by fund raisers held at their church and I understand they have a large amount of money that they got from the county when they were planning to fix-up the Stinesville School.

Carissa continues to fix up the house and host fund raisers at the church. It suggests that she is totally confident that she will be successful in the end. I support the intention to help people who need help to recover from great difficulty. But I do not believe this is a legal, safe and appropriate place to set up a Sojourn House.

Betsy Wadsworth Mandell

April 25, 2023

Monroe County Board of Zoning Appeals
c/o Tammy Behrman
Planning Department
Showers Building North
501 N Morton St
Suite 224
Bloomington, IN 47404

Re: VAR-23-5 – Sojourn House – 7505 E. Kerr Creek Rd. – Use Variance for Group Home Class II

Dear Members of the Board of Zoning Appeals

I am writing to oppose the applicant's second effort to obtain a variance to permit a Group Home Class II use of 7505 Kerr Creek Road. As the Monroe County Zoning code states on its website, Kerr Creek Road is zoned as single-family AG/RR. I am aware that there is a motion to update the zoning code, but those possible changes should be presented, robustly discussed, and debated with Monroe's general citizenry and not enacted quietly ahead of the final zoning code product.

There has been much said about the Indiana State Code IC 12-28-4-7:

Sec. 7. (a) A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area **solely** because the residential facility is a business or because the individuals residing in the residential facility are not related. **The residential facility may be required to meet all other zoning requirements, ordinances, and laws.**

The word "solely" surely was included to help ensure the best possible zoning decisions for all concerned. An example of a condition that might require denial is the septic capabilities of the previously single-family residence now being considered for a Group Home Class II site.

There has been much discussion as to the 7505 septic capabilities. It has been mentioned that the 7505 house was built in 1991 with a three bedroom on-site septic permit - although clearly there is a fourth bedroom now. The septic permit for the home could not be found when requested from the Health Department.

When one researches Indiana On-Site Sewage System Codes and compares the Residential to Commercial categories listed, it is clear that the increased demands (design daily flow) on the septic system should be considered for the home at 7505 Kerr Creek.

Sojourn House did not address issues about the adequacy of the septic system at 7505 Kerr Creek (only stating that the home has 4 bedrooms) to its initial

application for a variance. And it has not addressed this in its amended application. When one looks at the Indiana State On-Site Sewage Codes, there is a difference between a Residential and Commercial septic systems. See:

RESIDENTIAL ON-SITE SEWAGE SYSTEMS RULE 410 IAC 6-8.3

https://www.in.gov/health/files/410_IAC_6-8_3.pdf

COMMERCIAL ON-SITE SEWAGE SYSTEMS RULE 410 IAC 6-10.1

https://www.in.gov/health/files/410_IAC_6-10-1.pdf

“Commercial” is broadly defined, and includes schools, campgrounds and health facilities, etc. Sojourn’s proposed use may require a commercial grade septic system or an upgraded residential system.

If Sojourn’s variance is approved, the septic system will have to accommodate the 8 residents, 3 fulltime staff, additional volunteers requested to help with the smooth running of the facility and the many visitors the 8 residents will want to entertain.

The capacity of the septic is an issue for the health department, of course. But it is also a zoning issue because the Monroe Zoning Code establishes a Lake Monroe Watershed Overlay to protect the source of drinking water that serves most of Monroe County. Kerr Creek Road is in the overlay district.

Sojourn’s application should not be approved until the septic system is inspected and certified adequate for the proper treatment of the larger design daily flow (DDF) that Sojourn’s residency home use will demand.

Thank you for your consideration of this important environmental issue.

Mary Weeks
Kerr Creek Road
Bloomington, IN

PETER GOULD

June 21, 2023

Monroe County Board of Zoning Appeals
c/o Tammy Behrman
Planning Department
Showers Building North
501 N Morton St
Suite 224
Bloomington, IN 47404

Re: VAR-23-5 - Sojourn House - 7505 E. Kerr Creek Rd. - Use Variance for Group Home Class II

Dear Members of the Board of Zoning Appeals:

As a considerable amount of time has passed since the original 3/1/2023 hearing on this variance request, I am writing to provide additional information and a recap of comments/remonstrance letters submitted for the cancelled 5/3/2023 BZA meeting.

On 4/5/2023, the applicant submitted an amended application for the variance. The facts and substance of the amended application are unchanged from the original application that you denied at the March 1, 2023 meeting. If the applicant disagreed with the result, they should have sought Judicial Review within the 30 day time frame (3/31/2023 deadline) - the process spelled out in Chapter 821-18 of the zoning ordinance. As the underlying facts have not changed, the request for a BZA rehearing (rather than a Judicial Review) is an abuse of the established process.

Although there were no changes to the facts and substance of the original application, I would like to direct you to my remonstrance letter of 4/25/2023 which included a point-by-point analysis of mis-statements contained in the amended application. I would also direct you to William Weeks' 6 page remonstrance letter (undated, but received by planning for the 5/3 meeting) - which contains a detailed analysis of the flawed legal arguments contained in the amended application.

Finally, in April, I and other neighbors had observed considerable activity at the property during normal business hours. A letter addressed to someone (unknown to neighbors) at 7505 was mistakenly delivered to another neighbor. Accordingly, I suspected that the applicant may be using the property for the intended purpose without having secured the use variance. I initiated a complaint about this with the plan department on 4/22 (#23-41). The plan department did not investigate on-site, nor did they contact the applicant about the possible violation - they dismissed my complaint with "there does not appear to be any evidence to support the intent of a zoning violation at the property 7505 E Kerr Creek Road based on the staff observations, communications and uploaded items to the property complaint. I will be directing the Zoning Inspector to close this complaint at this time."

Monroe County Board of Zoning Appeals

June 21, 2023

Page 2

Thank you for your consideration. This "amended" application doesn't merit a re-hearing, however if you feel that you must re-hear this matter, please deny this variance application again - nothing has changed since your 3/1/2023 denial decision.

Sincerely,

Peter Gould

Peter Gould

Monroe County Board of Zoning Appeals
c/o Tammy Behrman
Planning Department
Showers Building North
501 N Morton St
Suite 224
Bloomington, IN 47404
Via e-mail

Re: VAR-23-5 - Sojourn House - 7505 E. Kerr Creek Rd. - Use Variance for Group Home Class II

Dear Members of the Board of Zoning Appeals:

The Sojourn House application for a variance, denied in March, has been amended to make clear that the number of residents will be eight, rather than the original application's "4 no more than 8."

Otherwise, the new application is characterized by a new claim that no variance is required, and a renewed insistence that Monroe County's zoning, as applied to Sojourn, violates state and federal law. Sojourn suggests that if its demands are not met, it will bring the matter to the federal courts, a "forum this is more properly relegated to."

The application spends little time on **state law**. It acknowledges that state law only prohibits denial of Sojourn's variance request if the justification for the denial is solely that too many unrelated persons would reside there or that the proposed use is a business. Neither issue was a focus of the objections that supported the previous denial. Rather, the discussion focused on the applicant's failure to meet the Code's requirements for a variance. Comments and testimony included such reasons for denying the application as traffic, safety, failure to address septic concerns in the Lake Monroe overlay district, and inconsistency with the zoning purposes of the Agricultural Reserve zoning classification. Indiana Code 12-28-4-7 (a) specifically says that while it would be impermissible to deny zoning for no reason other than the unrelated persons and business issues, "[t]he residential facility may be required to meet all other zoning requirements, ordinances, and laws."

With respect to the **criteria for granting variances**, it should be emphasized that insisting on application of current zoning rules will not work a hardship on Sojourn House. Sojourn claims, again, that a denial would cause it to lose its entire \$425,000 investment, as well as its investment in improvements, many of which were completed *after* the initial zoning variance application was denied.

The claim is obviously untrue. Should the BZA deny the new application, Sojourn could rent or sell the house. Because it was purchased for more than \$100,000 less than the last posted asking price, and because a reasonably comparable nearby home with fewer bedrooms (on a larger lot) recently sold for over \$600,000, Sojourn is likely to be able to recover all of its investment and more if it sells.

As to **federal law**, Sojourn House insists that the County has violated the Fair Housing Act and the Americans with Disabilities Act.

In the end, the claim seems to amount to an assertion that the County has no right to impose any zoning requirements on those classes of people protected by those laws. That claim is obviously without merit.

Specifically, Sojourn claims that the County discriminated against Sojourn by classifying it a “Group Home Class 2.” Sojourn wishes to call itself a “Residential Facility for Individuals with Mental Illness.” It claims that the County, by honestly trying to assign Sojourn the zoning use classification that seems most applicable, is discriminating against it by “interfering” with its protected use.

The County Zoning Code features an extensive list of uses. “Residential Facility for Individuals with Mental Illness” is not one. Sojourn apparently believes every applicant for a variance ought to be able to create its own special classification for zoning purposes and in the absence of that right, cannot be made subject to the requirements of the existing classification that fits it most closely. This policy would create an unreasonable administrative burden that cannot be met.

The definition of Group Home Class 2 reads, in part: “halfway houses providing residence to those needing...shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals.” That seems a reasonable choice; others might be “hospital”, “nursing home”, “temporary care facility”, or “rehabilitation therapy facility.” But none of those alternative classifications to Group Home 2 would offer a larger choice of zones in which permitted or conditional uses are available. Monroe County classified Sojourn House fairly, and as generously as its choices permit. It would do the same for any proposed use. That is not discrimination. It is routine administration.

What is certain is that Sojourn House, a facility with a rotating roster of eight disabled persons under therapy and care, a staff of four to six, volunteers, and perhaps visitors is not comparable to a single family residence. And it assuredly is not well-aligned with the purposes of the Agricultural Rural Reserve Zone. A residential treatment center for mentally ill persons does not “encourage[e] the continuation of agricultural uses and discourage[e] non-farm related non-residential uses.” Nor does it protect “environmentally sensitive areas’ such as the floodplain and the Lake Monroe watershed.

Now for the specifics of applicable federal law. While Sojourn House has not been consistent nor clear with respect to the women it hopes to help, it seems clear enough that at least some of the temporary residents of the facility Sojourn House hopes to provide will have disabilities related to the effects of abuse or trafficking. As such, Monroe County may not illegally discriminate against those prospective residents by zoning or otherwise, under the Fair Housing Act and the Americans with Disabilities Act.

Specifically, as the United States Court of Appeals for our circuit, the Seventh, has said in *Wisconsin Community Services, Inc. v. City of Milwaukee* (found at 465 F. 3d. 737, at 747): under the Fair Housing Act “disabled individuals may not be prevented from buying or renting homes because of their disabilities.” With regard to the ADA, the same court in the same case (at 750) said: “no qualified individual shall, *by reason of the disability*, be excluded from participation in or denied the benefit of services, programs, or activities of a public entity [including zoning].” [Emphasis added.]

Sojourn House has not been denied a variance because of the disability of its clients. Rather, the BZA denied the requested variance on a record that included concerns about safety, septic performance, traffic, and the certainty that enforcing the zoning code provisions applicable to the Agricultural Reserve District would work no special hardship on Sojourn.

If, for example, a person of color (protected under the FHA) had sought a variance so as to open a ten-table restaurant at 7505 Kerr Creek Road, the denial of the application would surely have been based on concerns about traffic, parking, fire protection, and septic performance. It would be upheld if challenged under an FHA discrimination claim because the application of a restaurateur of any race would surely have been denied.

Similarly, the BZA would have denied an application for a variance filed by prospective operators, FHA/ADA protected or not, of other socially useful enterprises, such as a residence home for homeless persons not needing mental health services or residence home for recently paroled persons. The reason for the denial would be traffic, safety, septic and AGRR zoning objectives—the same issues that exist with Sojourn’s application. Protected status under the FHA and ADA does not require that legitimate, non-discriminatory zoning objectives be set aside.

Next, Sojourn House argues that the County’s failure to make a “reasonable accommodation” violates that FHA and ADA. In attempting to support this claim, Sojourn House cites the holding of the court in the *Wisconsin* case in a misleading way. While the words Sojourn quotes from the case are indeed in the opinion, when divorced from the words that follow they suggest a meaning that is far from what the court intended. Indeed, the Seventh Circuit in *Wisconsin* makes clear that reasonable accommodation is not a stand-alone requirement; the failure to make a

reasonable accommodation is only, in some instances, way in which discrimination may be shown. But reasonable accommodation is only required when the challenged action can be attributed to the specific protected status. The applicable standard announced in *Wisconsin*, and reaffirmed in the 2018 case *Valencia v. City of Springfield*, (found at 883 F. 3d. 959 (7th Cir. 2018)), was recently explained by the judge in *H.P. v. Naperville Community School District* 2018 WL 776538: “[*Wisconsin*] stands for the proposition that a Title II [ADA] claim based on a failure to provide a reasonable accommodation *cannot survive unless there is a “but for” causal connection between a plaintiff’s disability and the allegedly discriminatory exclusion or denial.* Plaintiff’s claim here fails because there is no causal connection.” [Emphasis added.]

Because (as has been established above) there is no causal connection between the disability of the prospective residents of the facility Sojourn House wants to establish and the denial of a variance in this matter, Sojourn House has no ADA or FHA claim. In the words of the *Wisconsin* Court itself, (465 F. 3d. at 752) the question is “whether the rule, if unmodified, ‘hurts handicapped people *by reason of their handicap*, rather than by virtue of what they have in common with other people.” [Emphasis in original.]

The *Valencia* case, which explicitly adopted the *Wisconsin* standard, is not to the contrary. Rather, the plaintiff there sought a preliminary injunction, in which the standard of decision is “likely to prevail in a trial on the merits.” The court considered a complaint from a group of disabled renters who had occupied a home together with no public issues or complaints for three years in a zone in which such occupancy was *permitted*. The renters’ only problem was that they had unknowingly rented a home across the street from another group home, which was a technical violation of the conditions of the permitted use: instead of being the required 600 feet from another group home, they were about 190 feet away. Under that extraordinary set of facts, the court could see no reason--other than a probable case of FHA/ADA prohibited discrimination--that the County was insisting on a what seemed to the Court to be an arbitrary and unsupportable detail of the zoning code.

In this matter, Sojourn’s proposed use is not a permitted use, and Sojourn not only has no record anywhere of operating a residence home at 7505 Kerr Creek Road with no complaints, it has never before operated any residence home anywhere.

The *Cooper* case (*Cooper v. Western & Southern Financial Group, Inc.*, 847 F. Supp. 2d. 1031 (S.D. Ohio 2012)) is likewise not of useful guidance here. It involved a suit against a private real estate developer that allegedly tried to manipulate public opinion against, and directly intimidate a women’s shelter so that it could acquire its property. No one could plausibly allege that Monroe County or anyone else has intimidated or could intimidate Sojourn House in this matter. Further, in *Cooper*, the plaintiff alleged that the defendant had lodged sham objections under Historic Preservation laws. No sham proceedings characterize this matter. Finally, the

Magistrate who decided not to dismiss the *Cooper* complaint explained that the case was not simply a zoning dispute. By contrast, the Sojourn application for a variance is emphatically simply a zoning dispute.

Because Sojourn has suggested with its amended application that the County is hostile to its use, it may be important to review the **evidence of the County's welcoming attitude.**

Monroe County, under no legal obligation to do so, has clearly tried to be of help to Sojourn House. Not long ago, Sojourn House was preparing to use the now empty Stinesville Elementary School for its facility, having been offered the school at the cost of one dollar, and having sought and received a substantial grant from the County to help adapt the school to Sojourn's purposes. The path from there to where we are isn't clear from the outside and does not matter. What matters is that the accommodation is clear evidence that the County supports Sojourn's mission.

In addition, The County's zoning ordinance itself makes Sojourn's use a permitted one in three of its zones, including "urban residential," a zone that would enable Sojourn to locate by right in a residential community if it desires to do that. The Planning Department, at the first variance hearing, made a rough estimate that 4-6% of the County –which must surely include hundreds and hundreds of buildings— would be available to Sojourn of right under current zoning. The rough estimate doesn't make clear whether state and federal land were included in the base from which the percentage was derived, nor does it include the obvious opportunities available to Sojourn in the City of Bloomington.

The plaintiff in *Wisconsin* had searched for three years without finding a suitable building and was still turned away in its FHA/ADA challenge with costs being awarded to the defendant City. The reason for that, to review, was that the denial of a variance was not attributable to the plaintiff's protected status. As Judge Easterbrook stated, concurring in the Court's opinion: "That an alteration of zoning rules would be convenient or of benefit to a plaintiff does make the change necessary."

Finally, Sojourn's seems to be putting forward a new claim that a rural setting for its mission work is not only desirable, but necessary. Other providers with similar missions do not seem to share that view. A quick search generated a U.S. Health and Human Services report on residential-based treatment for minors suffering the effects of abuse and trafficking. Three of the four facilities studied were in urban settings. In addition, the web site of an organization that describes itself as the nation's largest provider of housing for abused and trafficked women make it evident that many such facilities are located in large cities. Sojourn has itself cited a program called Thistle Farms, headquartered in Nashville, Tennessee. The Thistle Farms program apparently includes involving its residents in the

manufacturing and sale of products. Thistle Farms' facility seems to be located in a well-developed area of Nashville, not far from an Interstate highway

In conclusion, if the members of the BZA did and would deny Sojourn's application for **no reasons other than** the prospective presence in the facility of more than three unrelated persons and/or that Sojourn is a business, then the BZA did and would act in violation of state law and should change its mind. As stated above, that truly does not seem to be the case.

Similarly, assume the BZA would have approved an application for a variance in an AG RR zone by a provider that had four to six staff persons and an unknown number of volunteers and visitors ready to support a residence home that would serve eight residents **who suffer no disabilities. If, under that set of assumptions**, the BZA still did and would deny Sojourn's application **because Sojourn proposes to serve a protected class of persons with disabilities**, then federal law requires that BZA change its mind. However, the assumptions don't describe this matter. There is no evidence that BZA was acting or would act with in such a discriminatory manner.

Therefore, BZA and Monroe County should read the applicable laws and court decisions carefully, should not take Sojourn's assertions about law as presumptively accurate, and should forthrightly uphold its original decision and Monroe County's existing Zoning Code--and Monroe County should be prepared to defend the BZA, the Zoning Code and the County's dutiful efforts to fairly administer it.

Finally, if the BZA is unsure of its legal obligations, it should defer its decision until it secures an opinion from its own counsel.

Sincerely,

W. William Weeks

6573 E. Kerr Creek Road, Bloomington, IN

April 25, 2023

Monroe County Board of Zoning Appeals
c/o Tammy Behrman
Planning Department

Dear Members of the Board of Zoning Appeals,

I have lived on East Kerr Creek Road for 43 years. I am recommending that the BZA deny approval of the Clendening Johnson & Bohrer (CJB) Amended Application for Variance dated April 5, 2023 for Sojourn House, Inc. (Sojourn).

CJB's arguments have not satisfied all five criteria for approving the amended variance. For example, in spite of their claims, denying the amended variance would not violate the Fair Housing Act of 1988 (FHA) or the Americans with Disabilities Act of 1990 (ADA).

Regarding the FHA, Carissa Muncie was not denied the purchase of 7505 E Kerr Creek Rd because of race, color, religion, sex, familial status, or national origin. She was not discriminated against in the sale or rental of a dwelling because of a handicap. By her own definition, she is not renting to her clients. Sojourn House is not standard rental housing. It is a Rehabilitation Therapy Facility or Group Home, Class II.

Sojourn House is either a Rehabilitation Therapy Facility or a Group Home, Class II by definition in the Monroe County Zoning Ordinance.

Rehabilitation Therapy Facility

A place used to assist humans to achieve or to restore good health or useful life through therapy, treatment and education.

Group Home, Class II.

A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential

rehabilitation for alcohol and chemical dependence for 15 or fewer individuals.

Currently, neither classification is allowed to operate within the Ag/RR zones.

Regarding definitions used in the ADA, Sojourn is NOT:

- A public entity. It is private facility with no public services.
- An employer of trafficked women
- An employer of mentally ill women.
- A subsidiary of Monroe County.
- A state or local government.

The ADA does not cover strictly residential private apartments and homes. If, however, a place of public accommodation, such as a doctor's office or day care center, is located in a private residence, the portions of the residence used for that purpose are subject to the ADA's requirements. Again, requiring public services being rendered.

Monroe County residence are all subject to the rules and conditions within the current Monroe County Comprehensive Zoning Ordinance. There is an important statement in Chapter 800, Section 800-6. Interpretation, Conflict and Separability.

Here is what 800-6 (B) says (the underlines are mine):

(B) These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. Where the conditions imposed by, or pursuant to, these regulations are different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, statute or other provision of law, the provisions which are more restrictive and which impose the higher/greater standards shall control.

Sojourn House is asking for a variance so they can lawfully operate a Group Home Class II in a part of the county that does not allow that type of property use. And does not allow it even conditionally!

Excluding Group Homes Class II from the Ag/RR rural areas of the county is the more restrictive option by definition and therefore takes precedence over State statutes.

CJB has made numerous claims that even if true do not require the BZA to approve the amended variance.

Here's a typical example of one such argument put forth in the CJB amended variance:

"If the Board insists on strict application of the Zoning Code, Sojourn House will have effectively lost its entire investment in the Property, thereby working a substantial hardship on the non-profit organization."

This is a bizarre claim and not a valid reason for approving this variance because even after she discovered the zoning use limitation Carissa Muncie has continued to put resources into 7505, showing intentionality. Sojourn House, Inc. has its entire investments secured because it still owns the house and property. The self inflicted nature of this kind of "hardship" is not a reason to approve the variance.

There are other examples in their letter where they disregard the impact Sojourn will have on our neighborhood, the stress they have caused a number of neighbors, the risks to our quality of life and property values. They make the absurd statement that because an uninformed individual passing by Sojourn House would not know it is a Group Home, Class II, then therefore the homeowners living on the road should not consider it different from a regular home. CJB may be representing Sojourn but they do not live here.

So in closing, I am recommending that the BZA deny approval of the Amended Application for Variance dated April 5, 2023 for Sojourn House, Inc.

Thank you for your consideration.

Jerry Mandell

PETER GOULD

April 25, 2023

Monroe County Board of Zoning Appeals
c/o Tammy Behrman
Planning Department
Showers Building North
501 N Morton St
Suite 224
Bloomington, IN 47404

Re: VAR-23-5 - Sojourn House - 7505 E. Kerr Creek Rd. - Use Variance for Group Home Class II

Dear Members of the Board of Zoning Appeals:

I reside at 7165 E. Kerr Creek Road - the second property to the west of 7505 E. Kerr Creek Road (hereinafter referred to as "7505"). I am writing to oppose the the applicant's **second attempt** before you to obtain a variance to permit a Group Home Class II use of 7505. Please note that my opposition is not about the applicant's mission or their program, it is about **the land use** of 7505 as a Group Home Class II.

The facts and substance of the amended application are unchanged from the original application that you denied at the March 1, 2023 meeting. If the applicant disagreed with the result, they should have sought Judicial Review within the 30 day time frame (3/31/2023 deadline) - the process spelled out in Chapter 821-18 of the zoning ordinance. The "cosmetics" in the new application are that the petitioner has "lawyered-up", and the tone of the application has changed to demanding approval of the variance and threatening a lawsuit if the variance isn't approved. As the underlying facts have not changed, the request for a BZA rehearing (rather than a Judicial Review) is an abuse of the established process.

This variance application is the direct result of the applicant's decision to purchase the subject property **before** receiving a Use Determination from the Planning Department. Like many cases that come before the BZA, you are being asked to remedy a problem that's the direct result of an applicant's failure to exercise proper due diligence before purchasing a property.

Planning staff has provided the following event timeline:

1. Sojourn communicated with planning on 9/21/2022 about the use of another property in the county for a group home, so they were aware of zoning rules.
2. Sojourn requested a Use Determination for 7505 from the Monroe County Planning Department on 12/2/2022.
3. Sojourn purchased 7505 on 12/22/2022, before receiving the Use Determination.

Monroe County Board of Zoning Appeals

April 25, 2023

Page 2

4. Sojourn received the Use Determination for 7505 on 1/13/2023, noting that a Use Variance would be required for operating a Group Home Class II at 7505.

The amended application letter contained numerous misstatements, as follow:

Applicant's statement: "Planning issued a letter confirming that use of the property as a women's shelter for residential purposes was permitted, without need to request any variance or other permit from this Board."

Actual fact: Applicant requested a Use Determination on 12/2/2022. Before issuing the official Use Determination, planning staff emailed applicant on 12/14/2022 and stated " Due to the following state statute interpretation, staff does not feel a use determination is necessarily required since the statute allows for a group home to be located outright in any zone." This was an informal communication to the applicant before the planning staff had gathered information or issued the Use Determination.

Applicant's statement: "The neighbors' complaints were illegitimate, lacking in factual basis, and discriminatory in nature based on the sex and disabilities of the individuals proposed to be housed at the Property."

Actual fact: The neighbors' objections to the variance were appropriate and relevant to the standards listed under Code 812-5 for variance approval.

Applicant's statement: "The County has further acknowledged that Sojourn House relied to its detriment on the County's representation that the use was permitted because it was protected by state statute."

Actual fact: The "letter" issued, was an informal email sent before planning staff research on the applicant's request for a Use Determination was completed. The email was not an official Use Determination. The applicant chose to proceed with the purchase of the property before receiving the official Use Determination. While the applicant may argue that the informal miscommunication received from the planning staff caused a hardship, applicant's decision to proceed with the purchase before receiving the Use Determination did not deprive them of all reasonable economic use of the parcel.

Applicant's statement: "The opponents of Sojourn House expressed concern that the proposed use would "insert a business" into the area. While technically true, the fact is that the "business" is residential in nature, and the use of the Property will be consistent with a typical family unit."

Actual fact: The proposed Group Home Class II is, in fact, a business - a residential treatment center for the mentally ill. The rotating population of occupants and the additional traffic resulting from 8 residents, plus numerous paid staff and volunteers will not be consistent with the typical single-family residences in the neighborhood.

Monroe County Board of Zoning Appeals
April 25, 2023
Page 3

Applicant's statement: "The Monroe County Zoning Code does not define such a use [Residential Facility for Individuals with a Mental Illness], and as such cannot prohibit it in this location."

Actual fact: Code Section 805-2(A) states " The chart and conditions, which may be generally referred to as the "County Land Use Schedule," identify the types of land uses that are permitted within the County Jurisdictional Area." Accordingly, a use that isn't listed in the table is not permitted.

Applicant's statement: "If the Board insists on strict application of the Zoning Code, Sojourn House will have effectively lost its entire investment in the Property, thereby working a substantial hardship on the non-profit organization."

Actual fact: If the variance is denied, the property can be resold, probably at a profit. It was the applicant's decision to purchase the property before receiving the Use Determination.

Applicant's statement: "A large portion of the neighbors' concerns have been that there will now be a "business" located nearby, which will ultimately devalue the property. Not only would this "business" not devalue the Property, but the fact of its existence as a business cannot be a basis for the board's determination. Specifically, the statute states that the ordinance may not exclude a residential facility "because the residential facility is a business.""

Actual fact: Indiana Code Section 12-28-4-7(a) states "A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area **solely because** the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws." This means that the proposed use (which is, in fact, a business) and number of unrelated individuals **can't be the only factors** in determining whether the use should be permitted - it means that the business use and number of unrelated individuals **may be considered** in arriving at a decision.

Applicant's statement: "the County pushed Sojourn House into a category within its local code that required additional steps to be taken, and approvals to be made that would not otherwise have been required."

Actual fact: The applicant requested a Use Determination from the planning department. The applicant provided information about the proposed use of the property and based upon that information, the planning department issued a Use Determination. The County did not push the applicant into a category. The 1/27/2023 (original) variance application letter (written by the applicant, not the County) specifically requested use of the property as a Group Home Class II.

Monroe County Board of Zoning Appeals
April 25, 2023
Page 4

Applicant's statement: "the Board is bound by local, state, and federal law to permit the variance for use of the Property as a Group Home II, as defined in the Monroe County Code."

Actual fact: The applicant's arguments are based on flawed interpretations of Federal, state and local laws and various court cases.

Local law: Group Home Class II is not a permitted use in the AG/RR zone. As a result, the applicant must obtain a variance for that use of the property. In order to secure a variance, the applicant must satisfy the 5 requirements in Chapter 812-5 of the ordinance.

State law: A zoning ordinance may not exclude a residential facility for individuals with a mental illness from a residential area **solely** because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws. This means that the fact proposed use (which is, in fact, a business) can't be the only factor in determining whether the use should be permitted - it means that the business use and number of unrelated individuals may be considered in arriving at a decision.

Federal law: The applicant argues that denial of the variance would violate the Fair Housing Act and the Americans with Disabilities Act. Under the Fair Housing Act "disabled individuals may not be prevented from buying or renting homes because of their disabilities." Under the ADA, "no qualified individual shall, by reason of the disability, be excluded from participation in or denied the benefit of services, programs, or activities of a public entity [including zoning]." The applicant has not been denied a variance because of the disability of its clients. The denial was based on the application of the standards for granting a variance to the facts of the case. Specifically, the record shows that the applicant failed to meet any of the standards, as well as noting the intensity of the proposed use as well as noting areas of the county where Group Home Class II is a permitted use.

For example, if a blind person (considered disabled under ADA & FHA rules) requested a variance to operate an asphalt general contracting business at 7505, it's likely that the request would be denied - not because the applicant was blind, but because the proposed use failed to satisfy the 5 standards of Chapter 812-5.

Court cases: The court cases cited by the applicant are impressive in their quantity, but all of them either are not-on-point and/or fail to support the demand for approval of this variance.

Monroe County Board of Zoning Appeals
April 25, 2023
Page 5

Per Chapter 812-5 of our zoning ordinance, to approve a use variance, the Board must find that certain criteria are satisfied, as follows:

1. The approval will not be injurious to the public health, safety, and general welfare of the community.

Use of 7505 as a Group Home Class II will result in increased traffic on Kerr Creek Road. The majority of residents on Kerr Creek Road, as well as many residents on Gettys Creek Road use Kerr Creek Road for westbound travel to Bloomington, because it's faster than taking Gettys Creek Road south to SR 46 west to town. Despite Sojourn's statement that their staff will not be using Kerr Creek Road for westbound travel to town, that's just not realistic.

As the applicant has never operated a Group Home Class II, their statement that traffic will be "similar to that of a typical working family" is incorrect. The reality will be that in addition to staff members, volunteers and other service providers coming and going to 7505, there will be considerable additional traffic since the 8 residents of 7505 will need transportation to and from town for (among other things) education, training, shopping, medical services, social services and employment requiring many trips per day. The nearest convenience store is over 3 miles away and there is no regular public transportation available at this address.

Per Sojourn's residential program description, as well as their presentation at the 5/1/2022 Monroe County Council meeting, [a] Sojourn resident could expect to obtain "her own transportation" [vehicle] as part of the program. This will add even more traffic to Kerr Creek Road.

The Monroe County Sheriff's Department confirmed that there are normally 4 to 7 deputy's cars patrolling the entire county (depending on shift). The average response time for a 911 (Priority 1) call for law enforcement at 7505 is approximately 6 minutes. The Monroe Fire Protection District confirmed that the response time for fire or EMT is approximately 11 minutes. These response times could be affected if units are responding to other 911 calls already in progress.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Use of 7505 as a Group Home Class II would insert a business use into an area that has always been exclusively residential. In the applicant's letter, they concede the fact that a Group Home Class II is a business ("technically true"). While the applicant and planning staff argue that Group Home Class II would be "in line with a single family residence", this is not true. This use will negatively affect both the character and property values in the area.

Monroe County Board of Zoning Appeals
April 25, 2023
Page 6

3. The need for the variance arises from some condition peculiar to the property involved.

The applicant has failed to show that there is any peculiar condition to the property.

In their letter, they state "[...] the use of the Property was predicated on the County's use determination that the Property would be a Residential Facility for Individuals with a Mental Illness. The Monroe County Zoning Code does not define such a use, and as such cannot prohibit it in this location." Section 802-5 (A) of our zoning ordinance clearly states "The chart and conditions, which may be generally referred to as the "County Land Use Schedule," identify the types of land uses that are permitted within the County Jurisdictional Area." This means that if a use is not listed in the chart, it is NOT a permitted use.

By the applicant's logic, since Gambling Casino, Outdoor Shooting Range and Hazardous Waste Dump are not listed in the chart, they cannot be prohibited.

4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

Unnecessary hardship is further defined as economic injury that:

- A. Arises from the strict application of this ordinance to the conditions of a particular, existing parcel of property;
- B. Effectively deprived the parcel owner of all reasonable economic use of the parcel; and
- C. Is clearly more significant than compliance cost or practical difficulties.

The variance application letter incorrectly states "If the Board insists on strict application of the Zoning Code, Sojourn House will have effectively lost its entire investment in the Property, thereby working a substantial hardship on the non-profit organization". Sojourn decided to purchase 7505 before receiving the Use Determination and without securing the required Use Variance. Before Sojourns' purchase, 7505 had been used as a single family residence, in compliance with AG/RR permitted uses. At the time of Sojourn's purchase, 7505 was being marketed as a single family residence. If the variance is denied, 7505 could be used as a single family residence - a reasonable economic use of the parcel. For reference, a recent search on Zillow showed the following estimated price:

Zillow Save Share

4 bd | 4 ba | 2,838 sqft

7505 E Kerr Creek Rd, Bloomington, IN 47408

● Sold: **\$425,000** | Sold on 12/22/22 **Zestimate®: \$499,200**

Est. refi payment: \$2,514/mo **\$** Refinance your loan

Monroe County Board of Zoning Appeals
April 25, 2023
Page 7

It should also be noted that a Group Home Class II is a permitted use in zones UR, LB and GB in the county (without a Use Variance). At the 3/1/2023 BZA hearing, planning staff noted that 4.8% of property in the county falls into these permitted use zones. This does not include areas zoned PUD, where such a use might also be permitted not does it include Federal and state owned parcels. I have attached a spreadsheet extracted from the county GIS system that shows 582 parcels within the county zoned LB and GB.

5. The approval does not interfere substantially with the Comprehensive Plan. Especially, the five (5) principles set forth in the Monroe County Comprehensive Plan:
1. Residential Choices
 2. Focused Development in Designated Communities
 3. Environmental Protection
 4. Planned Infrastructure Improvements
 5. Distinguish Land from Property

Per the Comprehensive Plan, 7505 is located in an area considered "Rural Development for areas lacking public infrastructure and services". The lack of public infrastructure and services reinforces why 7505 is not an appropriate location for a Group Home Class II.

The application letter makes numerous arguments and assertions, and cites various Federal, state and local laws as well as numerous court casts. To assist in evaluating these arguments and assertions, I've summarized them in the attached table.

Thank you for your consideration. Please deny this variance application again - nothing has changed since your 3/1/2023 denial decision.

Sincerely,

Peter Gould

Peter Gould

| Description | Citation | What it Says | What it Means | Application to BZA Case |
|---------------------------------|-------------------------|--|---|---|
| Fair Housing Act | 42 U.S.C. §3601, §3604 | <p>prohibits discrimination in housing (rental or sale) based on race, color, religion, national origin or sex</p> <p>prohibits housing providers from discriminating against applicants or residents because of their disability or the disability of anyone associated with them and from treating persons with disabilities less favorably than others because of their disability - also makes it unlawful for any person to refuse “to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford person(s) [with disabilities] equal opportunity to use and enjoy a dwelling.”</p> | discrimination (as described) is not permitted | <p>What is considered a permitted use for zones in our zoning ordinance is not discriminatory based on the FHA definitions - permitted uses are <u>applied uniformly</u> to all county residents - whether disabled or not.</p> <p>Reasonable accommodation is only required when the challenged action can be attributed to the specific protected status.</p> |
| Americans with Disabilities Act | 42 U.S.C. §§12101-12213 | protects individuals with disabilities from being “denied the benefits of the services, programs, or activities of a public entity, or [from] be[ing] subjected to discrimination by any such entity | People with disabilities must not be treated in a different or inferior manner than those without disabilities. | Variance decisions are based on 5 requirements. The applicant has not been denied a variance because of the disability of its clients. The BZA denial is based on a careful evaluation of the variance requirements. |

| Description | Citation | What it Says | What it Means | Application to BZA Case |
|---------------------------|-------------------|--|--|--|
| Indiana State Code | IC 12-28-4-7 | A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws. | group homes can't be excluded from a zone only because they're a business or house unrelated individuals | Group Home Class II is a business and houses unrelated individuals, this can be considered in making a variance decision - it cannot be the only reason that a variance is denied |
| Monroe County Zoning Code | Section 802-5 (A) | The chart and conditions, which may be generally referred to as the "County Land Use Schedule," identify the types of land uses that are permitted within the County Jurisdictional Area. | if a use is not listed in the chart, it is NOT a permitted use | Residential Facility for Individuals with a Mental Illness, Group Home Class I and Group Home Class II are not listed as permitted uses in the chart |
| Monroe County Zoning Code | Section 812-5 | Describes the 5 conditions that must be satisfied for the BZA to grant a variance | An applicant must satisfy all 5 conditions | The applicant does not satisfy any of the conditions |

| Description | Citation | What it Says | What it Means | Application to BZA Case |
|--|---|---|---|--|
| Court Case - Texas Dept. Of Housing And Community Affairs v. Inclusive Communities Project, Inc. | 135 S. Ct. 2507 (2015) - U.S. Supreme Court | <p>The Court held that the statutory language of the Fair Housing Act (FHA) focuses on the consequences of the actions in question rather than the actor's intent. This language is similar to that used in Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act, both of which were enacted around the same time as the FHA and encompass disparate-impact liability. Additionally, the 1988 amendments retained language that several appellate courts had already interpreted as imposing disparate-impact liability, which strongly indicates Congressional acquiescence to that reading of the statute. Disparate-impact liability is also consistent with the FHA's purpose of preventing discriminatory housing practices because it allows plaintiffs to counteract unconscious prejudices and disguised discrimination that may be harder to uncover than disparate treatment. However, a prima facie case for disparate-impact liability must meet a robust causality requirement, as evidence of racial disparity on its own is not sufficient.</p> <p>After a plaintiff does establish a prima facie showing of disparate impact, the burden shifts to the defendant to prove that the challenged practice is necessary to achieve one or more substantial, legitimate, nondiscriminatory interests. 24 C.F.R. § 100.500(c)(2).</p> | If a plaintiff establishes that an action results in discrimination by "disparate impact", then the burden of proof shifts to the defendant to prove that the action is necessary to achieve one or more substantial, legitimate, nondiscriminatory objectives. | The zoning ordinance and variance process in Monroe County are applied uniformly to disabled and non-disabled individuals. The applicant has not been subjected to disparate-impact. |

| Description | Citation | What it Says | What it Means | Application to BZA Case |
|----------------------|-----------------------------------|--|---|---|
| Bloch v. Frischholz, | 587 F.3d 771, 782 (7th Cir. 2009) | FHA non-discrimination rules (§ 3617) apply to post-acquisition discrimination - a Jewish family presented evidence suggesting that their condominium board changed the enforcement of its rules to bar the family's' mezuzah on their door was based on anti-Jewish animus. | Changing the enforcement of rules in a discriminatory manner after a property is acquired is not permitted. | <p>There have been no changes in the rules or their enforcement since the applicant purchased the property. The applicant chose to purchase the property before receiving a Use Determination.</p> <p>This court ruling was in the Seventh Circuit Court of Appeals. Indiana is under the jurisdiction of this court. Accordingly, this decision is binding in Indiana.</p> |

| Description | Citation | What it Says | What it Means | Application to BZA Case |
|--|-----------------------------------|---|---|---|
| Oconomowoc Residential Programs v. City of Milwaukee | 300 F.3d 775, 783 (7th Cir. 2002) | Decided before Wisconsin Community Services, Inc. v. City of Milwaukee (found at 465 F. 3d. 737) - a case not cited by the applicant. | Wisconsin said that under FHA “disabled individuals may not be prevented from buying or renting homes because of their disabilities.” Under ADA, the same court in the same case (at 750) said: “no qualified individual shall, by reason of the disability, be excluded from participation in or denied the benefit of services, programs, or activities of a public entity [including zoning] | Applicant has not been denied a variance because its clients are disabled. This court ruling was in the United States Court of Appeals for the Seventh Circuit. Indiana is under the jurisdiction of this court. Accordingly, this decision is binding in Indiana. |

| Description | Citation | What it Says | What it Means | Application to BZA Case |
|--|---------------------------------------|--|---|--|
| Court Case - Galusha v. New York State Dept. of Environmental Conservation | 27 F.Supp.2d 117, 124 (N.D.N.Y. 1998) | Disabled plaintiffs claim that current restrictions on motorized vehicle use in various areas of the New York State Parks (where park staff regularly use motorized vehicles for non-emergency purposes) violates ADA. | The court ruled that disabled citizens could use motorized vehicles in areas where park staff regularly used motorized vehicles for non-emergency purposes. It did not extend disabled motorized vehicle use to areas where motorized vehicles were only used for emergency purposes. | <p>he BZA case is about obtaining a variance to county permitted use rules - specifically locating a Group Home Class II business in the AG/RR zone. It is not about denying housing to a group of disabled individuals that would otherwise be available to non-disabled individuals.</p> <p>This court ruling was in the US District Court for the Northern District of New York. Indiana is not under the jurisdiction of this court. Accordingly, this decision is not binding in Indiana.</p> |

| Description | Citation | What it Says | What it Means | Application to BZA Case |
|---------------------------------------|---|---|--|---|
| Court Case - Bouley v. Young-Sabourin | Bouley v. Young-Sabourin, 394 F. Supp. 2d 675, 677-78 (D. Vt. 2005) | if an apartment lease was terminated because the plaintiff was a victim of domestic violence, and because she refused to listen to a landlord's attempt to talk to her about religion, it could constitute unlawful discrimination under the Fair Housing Act | If proven, plaintiff's claims -- that her lease was terminated because she was a victim of domestic violence, and because she refused to listen to a landlord's attempt to talk to her about religion -- "could constitute unlawful discrimination under the Fair Housing Act" | <p>In considering the applicant's variance request, the status of proposed residents as domestic violence survivors or their choice not to talk about religion are not factors in the decision-making process.</p> <p>This court ruling was in the United States District Court, D. Vermont. Indiana is not under the jurisdiction of this court. Accordingly, this decision is not binding in Indiana.</p> |

| Description | Citation | What it Says | What it Means | Application to BZA Case |
|---|-------------------------------------|--|---|---|
| <p>Court Case - Valencia et al v. City of Springfield, Illinois</p> | <p>883 F.3d 959 (7th Cir. 2018)</p> | <p>Plaintiffs allege the City of Springfield (“Springfield” or “the City”) unlawfully discriminated against three disabled individuals when it ruled they could no longer occupy a single-family residence located within 600 feet of an existing disabled group home.</p> | <p>The plaintiffs’ only problem was that they had unknowingly rented a home across the street from another group home, which was a technical violation of the conditions of the permitted use (instead of being the required 600 feet from another group home, they were about 190 feet away). Under that extraordinary set of facts, the court could see no reason--other than a probable case of FHA/ADA prohibited discrimination--that the County was insisting on a what seemed to the Court to be an arbitrary and unsupportable detail of the zoning code.</p> | <p>Applicant’s proposed use is not a permitted use, and has no record of operating a group home residence home at 7505 Kerr Creek Road with no complaints, it has never before operated any residence home anywhere.</p> <p>This court ruling was in the United States District Court for The Central District of Illinois Springfield Division. Indiana is not under the jurisdiction of this court. Accordingly, this decision is not binding in Indiana.</p> |

| Description | Citation | What it Says | What it Means | Application to BZA Case |
|---|---------------------------------------|--|--|--|
| Court Case - Cooper v. Western Southern Financial Group | 847 F. Supp. 2d 1031 (S.D. Ohio 2012) | Plaintiffs sued a private real estate developer that allegedly tried to manipulate public opinion against, and directly intimidate a women's shelter so that it could acquire its property. Further, the plaintiff alleged that the defendant had lodged sham objections under Historic Preservation laws. | The Magistrate who decided not to dismiss the complaint explained that the case was not simply a zoning dispute. | <p>Monroe County nor anyone else has tried to intimidate the applicant.</p> <p>There have been no sham proceedings in connection with this matter.</p> <p>This court ruling was in the US District Court for the Southern District of Ohio. Indiana is not under the jurisdiction of this court. Accordingly, this decision is not binding in Indiana.</p> |

| Description | Citation | What it Says | What it Means | Application to BZA Case |
|--|--|---|--|--|
| Innovative Health Sys., Inc. v. City of White Plains | 931 F. Supp. 222, 232–33 (S.D.N.Y. 1996) | Plaintiffs (IHS), an outpatient drug and alcohol-rehabilitation treatment center, began efforts to relocate to a building in downtown White Plains. After over a year of seeking permission from the city, IHS was ultimately denied the necessary building permit by the White Plains Zoning Board of Appeals ("ZBA"). Plaintiffs- initiated this action against the City of White Plains, alleging that the ZBA's zoning decision violated both Title II of the Americans with Disabilities Act, 42 U.S.C. §(s) 12131-12165 (1994), and section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §(s) 794 (1994). The plaintiffs moved for a preliminary injunction to prevent the City from interfering with IHS's occupation of the new site. The City cross-moved to dismiss the complaint. The court granted the preliminary injunction and denied the motion to dismiss. | Plaintiff requested a change of use to convert a commercial space from retail to office for use as downtown counseling offices which was approved by the local zoning commissioner. Opponents appealed saying the use was really a clinic (not a permitted use) and the approval was overturned. Plaintiff appealed and was granted the use. | The applicant's proposed use of the property is not and has never been a permitted use in the AG/RR zone. A variance is required for the proposed use. This court ruling was in the U.S. District Court for the Southern District of New York. Indiana is not under the jurisdiction of this court. Accordingly, this decision is not binding in Indiana. |

| Description | Citation | What it Says | What it Means | Application to BZA Case |
|---------------------------|-------------------------------|--|---|---|
| Sullivan v. Town of Salem | 805 F.2d 81, 82 (2d Cir.1986) | The plaintiff had received approval from Salem for a subdivision plan for a tract of land. Plaintiff installed part of the road system and the town accepted the road. Plaintiff built houses on the road and later began completion of the remaining road system. The town requested road upgrades (beyond original requirements) which the plaintiff completed. The town delayed accepting the new roads and refused to issue any certificates for occupancy for roads built on the new road section. The court granted summary judgment dismissing the complaint underagainst the Town of Salem, its officials, and its employees, because the appeals court found that Sullivan had no constitutionally protected right to have the roads in his real estate subdivision accepted by the town for dedication, but it disagreed, with the lower court's conclusion that plaintiffs right to receive a certificate of occupancy is not protected by the due process clause of the constitution and reversed on that issue. | "Federal courts should not become zoning boards of appeal to review non-constitutional land use determinations [because] [f]ederal judges lack the knowledge and sensitivity to local conditions necessary to a proper balancing of the complex factors that enter into local zoning decisions" | The due process clause of the Constitution has not been violated in connection with the proposed variance. This court ruling was in the United States Court of Appeals, Second Circuit. Indiana is not under the jurisdiction of this court. Accordingly, this decision is not binding in Indiana. |

| Description | Citation | What it Says | What it Means | Application to BZA Case |
|--|--|--|--|--|
| St. Paul Sober Living, LLC v. Bd. of Cnty. Comm'rs | 896 F. Supp. 2d 982, 986 (D. Colo. 2012) | Plaintiff purchased a house in a residential neighborhood and turned it into a "sober house. The house involved in this case has a maximum occupancy of 10, including one manager, and a historical average occupancy of between seven and eight individuals. It opened in November 2007 and has operated without incident since that time. The County's zoning personnel informed the plaintiffs, that they could not operate a "group home" in that neighborhood. The County denied plaintiffs' request for a zoning amendment. Instead, the Board of County Commissioners sought an injunction and abatement order (and later civil penalties) in state court. The court found for the plaintiff and ruled that the handicap of the residents of the sober house was a motivating factor for the Board of County Commissioners' application of the zoning code resulting in discrimination. | The plaintiff purchased and began operation of a group home in a single family residence in an area not zoned for a group home. After neighbor complaints, the town denied plaintiff's request for a zoning amendment to allow for the home. The town was enjoined from prohibiting the use. | The applicant's proposed use of the property is not and has never been a permitted use in the AG/RR zone. Applicant has not secured a variance or a certificate of occupancy for the proposed use. This court ruling was in the United States District Court for The District of Colorado. Indiana is not under the jurisdiction of this court. Accordingly, this decision is not binding in Indiana. |

| TAG | Parcel Number (18-digits) | Owner Name | Property Street | Property City, ST & ZIP | Political Township |
|-----|---------------------------|---------------------------------|--------------------------|----------------------------|----------------------|
| LB | 53-09-32-200-060.000-015 | Monroe Fire Protection District | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-32-201-002.000-015 | Monroe Fire Protection District | 6510 W Center ST | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-32-201-002.000-015 | Monroe Fire Protection District | 6510 W Center ST | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-32-201-046.000-015 | Monroe Fire Protection District | 9039 W Hinds RD | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| GB | 53-11-29-101-003.000-006 | Shubh Laxmi LLC | 9200 S Old State Road 37 | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-29-101-003.000-006 | Shubh Laxmi LLC | 9200 S Old State Road 37 | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-29-101-003.000-006 | Shubh Laxmi LLC | 9200 S Old State Road 37 | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-29-101-003.000-006 | Shubh Laxmi LLC | 9200 S Old State Road 37 | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-29-101-006.000-006 | May, Dwight R & Brandy J | 424 W Hobart RD | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-29-101-006.000-006 | May, Dwight R & Brandy J | 424 W Hobart RD | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-21-400-029.000-006 | LAKE MONROE STORAGE LLC | 9390 S Strain Ridge RD | Bloomington, IN 47401 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-21-400-029.000-006 | LAKE MONROE STORAGE LLC | 9390 S Strain Ridge RD | Bloomington, IN 47401 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-21-100-009.000-006 | HIDDEN FALLS LLC | 9290 S Strain Ridge RD | Bloomington, IN 47401-8457 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-21-100-009.000-006 | HIDDEN FALLS LLC | 9290 S Strain Ridge RD | Bloomington, IN 47401-8457 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-21-100-017.000-006 | Loucks, Todd L | S Strain Ridge RD | Bloomington, IN 47401 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-21-100-017.000-006 | Loucks, Todd L | S Strain Ridge RD | Bloomington, IN 47401 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-21-400-011.000-006 | Loucks, Todd L | 9394 S Strain Ridge RD | Bloomington, IN 47401-8418 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-21-400-011.000-006 | Loucks, Todd L | 9394 S Strain Ridge RD | Bloomington, IN 47401-8418 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-401-046.000-006 | Axsom, Byron Lee & Jacquelyn S | 7301 S Main ST | Smithville, IN 47458 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-401-046.000-006 | Axsom, Byron Lee & Jacquelyn S | 7301 S Main ST | Smithville, IN 47458 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-401-041.000-006 | Harmony Gardens LLC | 1882 E Smithville RD | Bloomington, IN 47401 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-401-041.000-006 | Harmony Gardens LLC | 1882 E Smithville RD | Bloomington, IN 47401 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-300-028.000-006 | Steinberg, Julie A | 7300 S Chestnut ST | Smithville, IN 47458 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-300-028.000-006 | Steinberg, Julie A | 7300 S Chestnut ST | Smithville, IN 47458 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-300-011.000-006 | Deckard, John R | 1802 E Smithville RD | Bloomington, IN 47401 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-300-011.000-006 | Deckard, John R | 1802 E Smithville RD | Bloomington, IN 47401 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-300-028.000-006 | Steinberg, Julie A | 7300 S Chestnut ST | Smithville, IN 47458 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-300-028.000-006 | Steinberg, Julie A | 7300 S Chestnut ST | Smithville, IN 47458 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-300-008.000-006 | Holmes, Cheryl | 7400 S Chestnut ST | Smithville, IN 47458 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-300-008.000-006 | Holmes, Cheryl | 7400 S Chestnut ST | Smithville, IN 47458 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-100-040.000-006 | COMPTON, LARRY F | 1897 E Smithville RD | BLOOMINGTON, IN 47401 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-100-040.000-006 | COMPTON, LARRY F | 1897 E Smithville RD | BLOOMINGTON, IN 47401 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-100-008.000-006 | Robertson, Robert E & Carolyn S | S Fairfax RD | Bloomington, IN 47401 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-100-008.000-006 | Robertson, Robert E & Carolyn S | S Fairfax RD | Bloomington, IN 47401 | CLEAR CREEK TOWNSHIP |
| GB | RDWY | | | | |
| GB | RDWY | | | | |
| GB | 53-11-03-101-006.000-006 | Robertson, Robert E & Carolyn S | 6977 S Fairfax RD | Bloomington, IN 47401-8946 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-101-006.000-006 | Robertson, Robert E & Carolyn S | 6977 S Fairfax RD | Bloomington, IN 47401-8946 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-101-008.000-006 | | | | |
| GB | 53-11-03-101-008.000-006 | | | | |
| GB | 53-11-03-101-014.000-006 | Robertson, Robert E & Carolyn S | 6816 S Fairfax RD | Bloomington, IN 47401 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-101-014.000-006 | Robertson, Robert E & Carolyn S | 6816 S Fairfax RD | Bloomington, IN 47401 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-101-002.000-006 | | | | |
| GB | 53-11-03-101-002.000-006 | | | | |
| GB | 53-11-03-101-005.000-006 | Robertson, Robert E & Carolyn S | 6977 S Fairfax RD | Bloomington, IN 47401-8946 | CLEAR CREEK TOWNSHIP |
| GB | 53-11-03-101-005.000-006 | Robertson, Robert E & Carolyn S | 6977 S Fairfax RD | Bloomington, IN 47401-8946 | CLEAR CREEK TOWNSHIP |
| GB | 53-08-32-400-015.000-008 | Fox Property Enterprises LLC | 6931 S Old State Road 37 | Bloomington, IN 47403 | PERRY TOWNSHIP |
| GB | 53-08-32-400-015.000-008 | Fox Property Enterprises LLC | 6931 S Old State Road 37 | Bloomington, IN 47403 | PERRY TOWNSHIP |
| GB | 53-08-32-400-014.000-008 | LLC, WEST GROUP | 6941 S Old State Road 37 | Bloomington, IN 47403-9426 | PERRY TOWNSHIP |
| GB | 53-08-32-400-014.000-008 | LLC, WEST GROUP | 6941 S Old State Road 37 | Bloomington, IN 47403-9426 | PERRY TOWNSHIP |
| GB | 53-08-32-400-003.000-008 | Strain, Douglas | 6105 S Old State Road 37 | Bloomington, IN 47401-7578 | PERRY TOWNSHIP |
| GB | 53-08-32-400-003.000-008 | Strain, Douglas | 6105 S Old State Road 37 | Bloomington, IN 47401-7578 | PERRY TOWNSHIP |
| GB | 53-08-32-400-008.000-008 | STATE OF INDIANA | S OLD STATE ROAD 37 | BLOOMINGTON, IN 47403 | PERRY TOWNSHIP |
| GB | 53-08-32-400-008.000-008 | STATE OF INDIANA | S OLD STATE ROAD 37 | BLOOMINGTON, IN 47403 | PERRY TOWNSHIP |
| GB | 53-08-32-400-001.000-008 | G&L Realty LLC | 6935 S Old State Road 37 | Bloomington, IN 47403 | PERRY TOWNSHIP |
| GB | 53-08-32-400-001.000-008 | G&L Realty LLC | 6935 S Old State Road 37 | Bloomington, IN 47403 | PERRY TOWNSHIP |
| GB | | | | | |
| GB | | | | | |
| GB | 53-08-32-400-020.000-008 | G & L Realty, LLC | 6935 S Old State Road 37 | Bloomington, IN 47403 | PERRY TOWNSHIP |

| TAG | Parcel Number (18-digits) | Owner Name | Property Street | Property City, ST & ZIP | Political Township |
|-----|---------------------------|--|-------------------------------|----------------------------|----------------------|
| GB | 53-08-32-400-020.000-008 | G & L Realty, LLC | 6935 S Old State Road 37 | Bloomington, IN 47403 | PERRY TOWNSHIP |
| GB | ROW | | | | |
| GB | ROW | | | | |
| GB | 53-08-32-400-026.000-008 | Perry Township of Monroe County | 7057 S Old State Road 37 | Bloomington, IN 47403 | PERRY TOWNSHIP |
| GB | 53-08-32-400-026.000-008 | Perry Township of Monroe County | 7057 S Old State Road 37 | Bloomington, IN 47403 | PERRY TOWNSHIP |
| GB | ROW | | | | |
| GB | ROW | | | | |
| GB | 53-08-19-200-061.000-008 | State of Indiana | S Monroe Medical Park BLVD | Bloomington, IN 47403 | PERRY TOWNSHIP |
| GB | 53-08-19-200-061.000-008 | State of Indiana | S Monroe Medical Park BLVD | Bloomington, IN 47403 | PERRY TOWNSHIP |
| GB | ROW | | | | |
| GB | ROW | | | | |
| GB | 53-08-19-200-060.000-008 | Indiana University Health Inc | 4171 S Monroe Medical PK BLVD | Bloomington, IN 47403 | PERRY TOWNSHIP |
| GB | 53-08-19-200-060.000-008 | Indiana University Health Inc | 4171 S Monroe Medical PK BLVD | Bloomington, IN 47403 | PERRY TOWNSHIP |
| GB | 53-08-19-200-059.000-008 | MPT OF BLOOMINGTON LLC | 4011 S Monroe Medical Pk BLVD | Bloomington, IN 47403 | PERRY TOWNSHIP |
| GB | 53-08-19-200-059.000-008 | MPT OF BLOOMINGTON LLC | 4011 S Monroe Medical Pk BLVD | Bloomington, IN 47403 | PERRY TOWNSHIP |
| GB | ROW | | | | |
| GB | ROW | | | | |
| GB | 53-08-19-200-064.000-008 | AKB Development, LLC | 4330 S ROCKPORT RD | Bloomington, IN 47403-9765 | PERRY TOWNSHIP |
| GB | 53-08-19-200-064.000-008 | AKB Development, LLC | 4330 S ROCKPORT RD | Bloomington, IN 47403-9765 | PERRY TOWNSHIP |
| GB | ROW | | | | |
| GB | ROW | | | | |
| GB | 53-09-14-101-013.000-015 | Clark, Joel & Lisa | 3210 S Duncan RD | Bloomington, IN 47403-9513 | VAN BUREN TOWNSHIP |
| GB | 53-09-14-101-013.000-015 | Clark, Joel & Lisa | 3210 S Duncan RD | Bloomington, IN 47403-9513 | VAN BUREN TOWNSHIP |
| GB | 53-09-14-100-018.000-015 | FUNKHOUSER, DONALD G | 4646 W State Road 45 | Bloomington, IN 47403-9340 | VAN BUREN TOWNSHIP |
| GB | 53-09-14-100-018.000-015 | FUNKHOUSER, DONALD G | 4646 W State Road 45 | Bloomington, IN 47403-9340 | VAN BUREN TOWNSHIP |
| GB | 53-09-14-100-027.000-015 | FUNKHOUSER, DONALD G | 5227 W Airport RD | Bloomington, IN 47403-9201 | VAN BUREN TOWNSHIP |
| GB | 53-09-14-100-027.000-015 | FUNKHOUSER, DONALD G | 5227 W Airport RD | Bloomington, IN 47403-9201 | VAN BUREN TOWNSHIP |
| GB | 53-09-14-100-014.000-015 | ZZ STATE OF INDIANA | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| GB | 53-09-14-100-014.000-015 | ZZ STATE OF INDIANA | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| GB | 53-09-14-100-023.000-015 | FUNKHOUSER, DONALD G | 5259 W Airport RD | Bloomington, IN 47403-9201 | VAN BUREN TOWNSHIP |
| GB | 53-09-14-100-023.000-015 | FUNKHOUSER, DONALD G | 5259 W Airport RD | Bloomington, IN 47403-9201 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-400-080.001-015 | Murphy Oil USA Inc | 3311 W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-400-080.001-015 | Murphy Oil USA Inc | 3311 W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-400-080.000-015 | WAL-MART REALTY CO | 3585 W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-400-080.000-015 | WAL-MART REALTY CO | 3585 W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| GB | RDWY | | | | |
| GB | RDWY | | | | |
| GB | 53-09-12-200-021.001-015 | Byers, John E Revocable Trust | S Curry PIKE | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-200-021.001-015 | Byers, John E Revocable Trust | S Curry PIKE | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| GB | 53-09-01-400-007.000-015 | Liberty Mall Shaw Family LLC | 1180 S Liberty DR | Bloomington, IN 47403-5120 | VAN BUREN TOWNSHIP |
| GB | 53-09-01-400-007.000-015 | Liberty Mall Shaw Family LLC | 1180 S Liberty DR | Bloomington, IN 47403-5120 | VAN BUREN TOWNSHIP |
| GB | 53-09-01-400-002.000-015 | | | | |
| GB | 53-09-01-400-002.000-015 | | | | |
| GB | 53-04-34-400-018.000-011 | STATE OF INDIANA | W ST RD 48 | BLOOMINGTON, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-34-400-018.000-011 | STATE OF INDIANA | W ST RD 48 | BLOOMINGTON, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-34-400-038.000-011 | Blue Creek LLC | N Oard RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-34-400-038.000-011 | Blue Creek LLC | N Oard RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-05-31-203-005.000-004 | Strains, Laurens B, Post 604 Veterans of Foreign W | 2404 W Industrial Park DR | Bloomington, IN 47404-2690 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-31-203-005.000-004 | Strains, Laurens B, Post 604 Veterans of Foreign W | 2404 W Industrial Park DR | Bloomington, IN 47404-2690 | BLOOMINGTON TOWNSHIP |
| GB | ROW | | | | |
| GB | ROW | | | | |
| GB | 53-05-31-203-026.000-004 | Hanna Properties LLC | 2536 W Industrial Park DR | Bloomington, IN 47404-2691 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-31-203-026.000-004 | Hanna Properties LLC | 2536 W Industrial Park DR | Bloomington, IN 47404-2691 | BLOOMINGTON TOWNSHIP |
| GB | ROW | | | | |
| GB | ROW | | | | |
| GB | 53-05-20-300-027.000-004 | STATE OF INDIANA | N ST RD 37 | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-027.000-004 | STATE OF INDIANA | N ST RD 37 | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-039.001-004 | Rumple Properties LLC | 3101 N Canterbury CT | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-039.001-004 | Rumple Properties LLC | 3101 N Canterbury CT | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |

| TAG | Parcel Number (18-digits) | Owner Name | Property Street | Property City, ST & ZIP | Political Township |
|-----|---------------------------|------------------------------------|----------------------------|----------------------------|----------------------|
| GB | 53-05-20-300-039.000-004 | Westbury Propeties LLC | 3110 N WESTBURY VILLAGE DR | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-039.000-004 | Westbury Propeties LLC | 3110 N WESTBURY VILLAGE DR | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-002.000-004 | Westbury Properties LLC | 3106 N Canterbury CT | Bloomington, IN 47408 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-002.000-004 | Westbury Properties LLC | 3106 N Canterbury CT | Bloomington, IN 47408 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-039.002-004 | Westbury Properties LLC | N Canterbury CT | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-039.002-004 | Westbury Properties LLC | N Canterbury CT | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-039.003-004 | Canterbury Ct LLC | 3116 N Canterbury CT | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-039.003-004 | Canterbury Ct LLC | 3116 N Canterbury CT | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-19-401-009.000-004 | HALE, STEPHEN L & GAIL G | 3122 N Norwest Woods CIR | Bloomington, IN 47404-9224 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-19-401-009.000-004 | HALE, STEPHEN L & GAIL G | 3122 N Norwest Woods CIR | Bloomington, IN 47404-9224 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-19-401-002.000-004 | NELSON, BRETT E & LORI A | 3114 N Norwest Woods CIR | Bloomington, IN 47404-9224 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-19-401-002.000-004 | NELSON, BRETT E & LORI A | 3114 N Norwest Woods CIR | Bloomington, IN 47404-9224 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-011.000-004 | Westbury Village LLC | W State Road 46 | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-011.000-004 | Westbury Village LLC | W State Road 46 | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-031.000-004 | High Rock Church INC | 3124 N Canterbury CT | Bloomington, IN 47404-1500 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-031.000-004 | High Rock Church INC | 3124 N Canterbury CT | Bloomington, IN 47404-1500 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-19-100-003.000-004 | Rodatz, Heinrich Revocable Trust | 3450 N Maple Grove RD | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-19-100-003.000-004 | Rodatz, Heinrich Revocable Trust | 3450 N Maple Grove RD | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-039.004-004 | High Rock Church Incorporated | 3129 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-039.004-004 | High Rock Church Incorporated | 3129 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-19-401-003.000-004 | Laster, James C & Melissa A | 3118 N Norwest Woods CIR | Bloomington, IN 47404-9224 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-19-401-003.000-004 | Laster, James C & Melissa A | 3118 N Norwest Woods CIR | Bloomington, IN 47404-9224 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.008-004 | Westbury Properties LLC | N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.008-004 | Westbury Properties LLC | N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-031.000-004 | High Rock Church INC | 3124 N Canterbury CT | Bloomington, IN 47404-1500 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-031.000-004 | High Rock Church INC | 3124 N Canterbury CT | Bloomington, IN 47404-1500 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-023.000-004 | WESTBURY VILLAGE LLC | 3109 N Canterbury CT | Bloomington, IN 47404-1500 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-023.000-004 | WESTBURY VILLAGE LLC | 3109 N Canterbury CT | Bloomington, IN 47404-1500 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-039.006-004 | Westbury Properties LLC | N Canterbury CT | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-039.006-004 | Westbury Properties LLC | N Canterbury CT | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-013.000-004 | JL Properties LLC | 3108 N Norwest Woods LN | Bloomington, IN 47404-9281 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-013.000-004 | JL Properties LLC | 3108 N Norwest Woods LN | Bloomington, IN 47404-9281 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.002-004 | ENJ Investments LLC | 3131 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.002-004 | ENJ Investments LLC | 3131 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.000-004 | ENJ Investments LLC | 3133 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.000-004 | ENJ Investments LLC | 3133 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.004-004 | Westbury Properties LLC | 3135 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.004-004 | Westbury Properties LLC | 3135 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-039.005-004 | MLB Holdings LLC | 3137 N WESTBURY VILLAGE DR | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-039.005-004 | MLB Holdings LLC | 3137 N WESTBURY VILLAGE DR | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.006-004 | Westbury Properties LLC | 3139 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.006-004 | Westbury Properties LLC | 3139 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.007-004 | Westbury Properties LLC | 3141 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.007-004 | Westbury Properties LLC | 3141 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.000-004 | ENJ Investments LLC | 3133 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.000-004 | ENJ Investments LLC | 3133 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-04-24-101-059.000-011 | Riley SIP Properties LLC | 4935 W Arlington RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-24-101-059.000-011 | Riley SIP Properties LLC | 4935 W Arlington RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-24-101-059.000-011 | Riley SIP Properties LLC | 4935 W Arlington RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-24-101-059.000-011 | Riley SIP Properties LLC | 4935 W Arlington RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-24-102-007.000-011 | Milestone Contractors LP | 4755 W Arlington RD | Bloomington, IN 47404-1137 | RICHLAND TOWNSHIP |
| GB | 53-04-24-102-007.000-011 | Milestone Contractors LP | 4755 W Arlington RD | Bloomington, IN 47404-1137 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-050.000-011 | Miller & Livingston Properties LLC | 4950 W Arlington RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-050.000-011 | Miller & Livingston Properties LLC | 4950 W Arlington RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-029.000-011 | ZZ STATE OF INDIANA | W Arlington RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-029.000-011 | ZZ STATE OF INDIANA | W Arlington RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-24-101-032.000-011 | ZZ STATE OF INDIANA | 5003 W Arlington RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-24-101-032.000-011 | ZZ STATE OF INDIANA | 5003 W Arlington RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-009.000-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |

| TAG | Parcel Number (18-digits) | Owner Name | Property Street | Property City, ST & ZIP | Political Township |
|-----|---------------------------|--|-------------------------------|----------------------------|-----------------------|
| GB | 53-04-13-400-009.000-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-042.000-011 | GAULDIN, CALVIN W. & SHIRLEY M | 3530 W Pyramid CT | Bloomington, IN 47404-1157 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-042.000-011 | GAULDIN, CALVIN W. & SHIRLEY M | 3530 W Pyramid CT | Bloomington, IN 47404-1157 | RICHLAND TOWNSHIP |
| GB | 53-04-24-101-027.000-011 | ZZ STATE OF INDIANA | W State Rd 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-24-101-027.000-011 | ZZ STATE OF INDIANA | W State Rd 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-24-101-015.000-011 | ZZ STATE OF INDIANA | 5001 W Arlington RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-24-101-015.000-011 | ZZ STATE OF INDIANA | 5001 W Arlington RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-24-101-026.000-011 | OWEN COUNTY STATE BANK | 3419 W State Road 46 | Bloomington, IN 47404-9165 | RICHLAND TOWNSHIP |
| GB | 53-04-24-101-026.000-011 | OWEN COUNTY STATE BANK | 3419 W State Road 46 | Bloomington, IN 47404-9165 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-033.000-011 | | | | |
| GB | 53-04-13-400-033.000-011 | | | | |
| GB | 53-04-13-400-009.000-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-009.000-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-030.000-011 | Belcher, Richard M & Sally A Revocable Trust | 3477 W State Road 46 | Bloomington, IN 47404-9165 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-030.000-011 | Belcher, Richard M & Sally A Revocable Trust | 3477 W State Road 46 | Bloomington, IN 47404-9165 | RICHLAND TOWNSHIP |
| GB | ROW | | | | |
| GB | ROW | | | | |
| GB | 53-04-24-101-018.000-011 | Farm Credit Services Of Mid-America, FLCA | 3399 N Finance RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-24-101-018.000-011 | Farm Credit Services Of Mid-America, FLCA | 3399 N Finance RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-24-101-018.009-011 | H2R LLC, an Indiana limited liability company | 3389 N Finance RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-24-101-018.009-011 | H2R LLC, an Indiana limited liability company | 3389 N Finance RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-014.000-011 | Highland Park Estates LLC | 4101 N Centennial DR | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-014.000-011 | Highland Park Estates LLC | 4101 N Centennial DR | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-047.000-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-047.000-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-003.000-011 | | | | |
| GB | 53-04-13-400-003.000-011 | | | | |
| GB | 53-04-13-400-014.001-011 | CRIDER, ROBERT E | 4055 N Centennial DR | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-400-014.001-011 | CRIDER, ROBERT E | 4055 N Centennial DR | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | RDWY | | | | |
| GB | RDWY | | | | |
| GB | 53-04-13-300-036.001-011 | McDonalds USA LLC | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-300-036.001-011 | McDonalds USA LLC | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-300-059.000-011 | Ooley, Donna H | 4295 W State Road 46 | Bloomington, IN 47404-9588 | RICHLAND TOWNSHIP |
| GB | 53-04-13-300-059.000-011 | Ooley, Donna H | 4295 W State Road 46 | Bloomington, IN 47404-9588 | RICHLAND TOWNSHIP |
| GB | 53-04-13-300-019.001-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-300-019.001-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-300-019.001-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-300-019.001-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-300-027.000-011 | ARCHLAND PROPERTY I LLC | 4499 W State Road 46 | Bloomington, IN 47404-9588 | RICHLAND TOWNSHIP |
| GB | 53-04-13-300-027.000-011 | ARCHLAND PROPERTY I LLC | 4499 W State Road 46 | Bloomington, IN 47404-9588 | RICHLAND TOWNSHIP |
| GB | 53-05-08-400-007.000-004 | Thompson, David Allen | 5101 N State Road 37 Business | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-08-400-007.000-004 | Thompson, David Allen | 5101 N State Road 37 Business | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-08-400-012.000-004 | Gupta, Dan | 5109 N State Road 37 Business | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-08-400-012.000-004 | Gupta, Dan | 5109 N State Road 37 Business | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-03-17-403-046.000-002 | Board of Commissioners of the County of Monroe | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-046.000-002 | Board of Commissioners of the County of Monroe | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-074.000-002 | Spoor, Troy D | 8273 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-074.000-002 | Spoor, Troy D | 8273 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-018.000-002 | Record, Lori G | 8298 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-018.000-002 | Record, Lori G | 8298 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-089.000-002 | ZZ TOWN OF STINESVILLE | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-089.000-002 | ZZ TOWN OF STINESVILLE | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-089.000-002 | ZZ TOWN OF STINESVILLE | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-089.000-002 | ZZ TOWN OF STINESVILLE | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-045.000-002 | BLOOMINGTON RESTORATIONS INC | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-045.000-002 | BLOOMINGTON RESTORATIONS INC | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-032.000-002 | WELCH, JESSE J & KAREN J | 8126 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-032.000-002 | WELCH, JESSE J & KAREN J | 8126 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |

| TAG | Parcel Number (18-digits) | Owner Name | Property Street | Property City, ST & ZIP | Political Township |
|-----|---------------------------|----------------------------------|-----------------------|----------------------------|-----------------------|
| GB | 53-03-17-403-077.000-002 | PAYTON, REGINALD & DEBRA | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-077.000-002 | PAYTON, REGINALD & DEBRA | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-031.000-002 | Record, Lori G | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-031.000-002 | Record, Lori G | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-093.000-002 | Neal, Jarrod T; Gulick, Cherie L | 8205 W MAIN ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-093.000-002 | Neal, Jarrod T; Gulick, Cherie L | 8205 W MAIN ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-068.000-002 | ARNETT, JAMES BRADLEY & JULIA | 8182 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-068.000-002 | ARNETT, JAMES BRADLEY & JULIA | 8182 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-089.000-002 | ZZ TOWN OF STINESVILLE | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-089.000-002 | ZZ TOWN OF STINESVILLE | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-069.000-002 | Pfeiffer, Mischelle & Joseph | 8248 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-069.000-002 | Pfeiffer, Mischelle & Joseph | 8248 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-076.000-002 | McGinnis, Nicholas J & Ashley M | 8171 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-076.000-002 | McGinnis, Nicholas J & Ashley M | 8171 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-089.000-002 | ZZ TOWN OF STINESVILLE | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-089.000-002 | ZZ TOWN OF STINESVILLE | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-017.000-002 | Smithville Telephone Co Inc | 8362 N Market ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-017.000-002 | Smithville Telephone Co Inc | 8362 N Market ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | RDWY | | | | |
| GB | RDWY | | | | |
| GB | 53-03-17-403-062.000-002 | CARTER, ROBERT | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-062.000-002 | CARTER, ROBERT | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-074.000-002 | Spoor, Troy D | 8273 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-074.000-002 | Spoor, Troy D | 8273 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-074.000-002 | Spoor, Troy D | 8273 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-074.000-002 | Spoor, Troy D | 8273 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-063.000-002 | Town of Stinesville | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-063.000-002 | Town of Stinesville | W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-074.000-002 | Spoor, Troy D | 8273 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| GB | 53-03-17-403-074.000-002 | Spoor, Troy D | 8273 W Main ST | Stinesville, IN 47464 | BEAN BLOSSOM TOWNSHIP |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-045.000-006 | | | | |
| LB | 53-11-29-301-045.000-006 | | | | |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-080.000-006 | Tuck, Elizabeth A & Steven L | 9303 S Harrodsburg RD | Springville, IN 47462 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-080.000-006 | Tuck, Elizabeth A & Steven L | 9303 S Harrodsburg RD | Springville, IN 47462 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-080.000-006 | Tuck, Elizabeth A & Steven L | 9303 S Harrodsburg RD | Springville, IN 47462 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-080.000-006 | Tuck, Elizabeth A & Steven L | 9303 S Harrodsburg RD | Springville, IN 47462 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-080.000-006 | Tuck, Elizabeth A & Steven L | 9303 S Harrodsburg RD | Springville, IN 47462 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-080.000-006 | Tuck, Elizabeth A & Steven L | 9303 S Harrodsburg RD | Springville, IN 47462 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-080.000-006 | Tuck, Elizabeth A & Steven L | 9303 S Harrodsburg RD | Springville, IN 47462 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-080.000-006 | Tuck, Elizabeth A & Steven L | 9303 S Harrodsburg RD | Springville, IN 47462 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-078.000-006 | Leasure, Leslie A | 9291 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-078.000-006 | Leasure, Leslie A | 9291 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | RDWY | | | | |
| LB | RDWY | | | | |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |

| TAG | Parcel Number (18-digits) | Owner Name | Property Street | Property City, ST & ZIP | Political Township |
|-----|---------------------------|--|---------------------------|----------------------------|----------------------|
| LB | 53-11-29-301-081.000-006 | Goveia, Alexandra | 9271 S Harrodsburg RD | Bloomington, IN 47403-8818 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-079.000-006 | Mitchell, Monica L | 9292 S Harrodsburg RD | Harrodsburg, IN 47434-8000 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-301-079.000-006 | Mitchell, Monica L | 9292 S Harrodsburg RD | Harrodsburg, IN 47434-8000 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-101-004.000-006 | South Central Regional Sewer District | W Hobart RD | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-101-004.000-006 | South Central Regional Sewer District | W Hobart RD | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-100-021.000-006 | | | | |
| LB | 53-11-29-100-021.000-006 | | | | |
| LB | 53-11-29-100-013.000-006 | MILLER, DENNIS E | 9205 S Old State Road 37 | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-100-013.000-006 | MILLER, DENNIS E | 9205 S Old State Road 37 | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-400-016.000-006 | Jeffries Family Trust | 9206 S Old State Road 37 | Bloomington, IN 47403-9449 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-400-016.000-006 | Jeffries Family Trust | 9206 S Old State Road 37 | Bloomington, IN 47403-9449 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-100-020.000-006 | Smithville Telephone Co Inc | 9190 S Old State Road 37 | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-100-020.000-006 | Smithville Telephone Co Inc | 9190 S Old State Road 37 | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-100-013.000-006 | MILLER, DENNIS E | 9205 S Old State Road 37 | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-29-100-013.000-006 | MILLER, DENNIS E | 9205 S Old State Road 37 | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-15-400-005.000-006 | Pruitt, Paul R Siffin, Mae | 2235 E Pointe RD | Bloomington, IN 47401-9041 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-15-400-005.000-006 | Pruitt, Paul R Siffin, Mae | 2235 E Pointe RD | Bloomington, IN 47401-9041 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-14-200-020.000-006 | G L TODD LLC | 3401 E Cleve Butcher RD | Bloomington, IN 47401-9007 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-14-200-020.000-006 | G L TODD LLC | 3401 E Cleve Butcher RD | Bloomington, IN 47401-9007 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-14-200-020.000-006 | G L TODD LLC | 3401 E Cleve Butcher RD | Bloomington, IN 47401-9007 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-14-200-020.000-006 | G L TODD LLC | 3401 E Cleve Butcher RD | Bloomington, IN 47401-9007 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-03-100-027.000-006 | Fleetwood, Shane & Joey | 7105 S McCormick LN | Bloomington, IN 47401 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-03-100-027.000-006 | Fleetwood, Shane & Joey | 7105 S McCormick LN | Bloomington, IN 47401 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-03-100-034.000-006 | Stewart, John Robert | 7250 S STRAIN RIDGE RD | BLOOMINGTON, IN 47401 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-03-100-034.000-006 | Stewart, John Robert | 7250 S STRAIN RIDGE RD | BLOOMINGTON, IN 47401 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-03-102-002.000-006 | Glass, Kenneth E Revocable Living Trust | 7135 S Fairfax RD | Bloomington, IN 47401-8948 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-03-102-002.000-006 | Glass, Kenneth E Revocable Living Trust | 7135 S Fairfax RD | Bloomington, IN 47401-8948 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-03-102-001.000-006 | Shubh Laabh Inc | 7148 S Fairfax RD | Bloomington, IN 47401-9046 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-03-102-001.000-006 | Shubh Laabh Inc | 7148 S Fairfax RD | Bloomington, IN 47401-9046 | CLEAR CREEK TOWNSHIP |
| LB | RDWY | | | | |
| LB | RDWY | | | | |
| LB | 53-11-03-101-013.000-006 | Glass, Kenneth | 6680 S Fairfax RD | Bloomington, IN 47401-9349 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-03-101-013.000-006 | Glass, Kenneth | 6680 S Fairfax RD | Bloomington, IN 47401-9349 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-03-100-062.000-006 | ZZ NEW HORIZON CHURCH | 7013 S McCormick LN | Bloomington, IN 47401-9370 | CLEAR CREEK TOWNSHIP |
| LB | 53-11-03-100-062.000-006 | ZZ NEW HORIZON CHURCH | 7013 S McCormick LN | Bloomington, IN 47401-9370 | CLEAR CREEK TOWNSHIP |
| LB | 53-08-34-305-069.000-008 | Sanders, Deborra L & Eversole, Willowbei | 6442 S Fairfax RD | Bloomington, IN 47401-9500 | PERRY TOWNSHIP |
| LB | 53-08-34-305-069.000-008 | Sanders, Deborra L & Eversole, Willowbei | 6442 S Fairfax RD | Bloomington, IN 47401-9500 | PERRY TOWNSHIP |
| LB | 53-08-34-305-025.000-008 | White, Mark | 1798 E Lena AVE | Bloomington, IN 47401 | PERRY TOWNSHIP |
| LB | 53-08-34-305-025.000-008 | White, Mark | 1798 E Lena AVE | Bloomington, IN 47401 | PERRY TOWNSHIP |
| LB | 53-08-34-300-032.000-008 | Indiana Limestone Corp. | S Fairfax RD | Bloomington, IN 47401 | PERRY TOWNSHIP |
| LB | 53-08-34-300-032.000-008 | Indiana Limestone Corp. | S Fairfax RD | Bloomington, IN 47401 | PERRY TOWNSHIP |
| LB | 53-09-32-201-002.000-015 | Monroe Fire Protection District | 6510 W Center ST | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-32-201-002.000-015 | Monroe Fire Protection District | 6510 W Center ST | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-08-21-300-018.000-008 | Hall, Edward J Sr & Connie J | 4720 S Walnut Street PIKE | Bloomington, IN 47401-9052 | PERRY TOWNSHIP |
| LB | 53-08-21-300-018.000-008 | Hall, Edward J Sr & Connie J | 4720 S Walnut Street PIKE | Bloomington, IN 47401-9052 | PERRY TOWNSHIP |
| LB | 53-08-21-300-075.000-008 | BMI Properties LLC | 4724 S Walnut Street PIKE | Bloomington, IN 47401-9052 | PERRY TOWNSHIP |
| LB | 53-08-21-300-075.000-008 | BMI Properties LLC | 4724 S Walnut Street PIKE | Bloomington, IN 47401-9052 | PERRY TOWNSHIP |
| LB | 53-08-21-300-006.000-008 | RWP LLC | 4750 S Walnut Street PIKE | Bloomington, IN 47401 | PERRY TOWNSHIP |
| LB | 53-08-21-300-006.000-008 | RWP LLC | 4750 S Walnut Street PIKE | Bloomington, IN 47401 | PERRY TOWNSHIP |
| LB | ROW | | | | |
| LB | ROW | | | | |
| LB | 53-08-19-200-058.000-008 | Monroe Medical Park Association, Inc | W Shaw RD | Bloomington, IN 47403 | PERRY TOWNSHIP |
| LB | 53-08-19-200-058.000-008 | Monroe Medical Park Association, Inc | W Shaw RD | Bloomington, IN 47403 | PERRY TOWNSHIP |
| LB | 53-08-19-200-063.004-008 | DUKE ENERGY INDIANA INC | W Shaw RD | Bloomington, IN 47403 | PERRY TOWNSHIP |
| LB | 53-08-19-200-063.004-008 | DUKE ENERGY INDIANA INC | W Shaw RD | Bloomington, IN 47403 | PERRY TOWNSHIP |
| LB | ROW | | | | |
| LB | ROW | | | | |
| LB | 53-08-19-200-064.000-008 | AKB Development, LLC | 4330 S ROCKPORT RD | Bloomington, IN 47403-9765 | PERRY TOWNSHIP |
| LB | 53-08-19-200-064.000-008 | AKB Development, LLC | 4330 S ROCKPORT RD | Bloomington, IN 47403-9765 | PERRY TOWNSHIP |

| TAG | Parcel Number (18-digits) | Owner Name | Property Street | Property City, ST & ZIP | Political Township |
|-----|---------------------------|--|---------------------------|----------------------------|--------------------|
| LB | 53-08-19-200-063.000-008 | Indiana University Health Inc | W Shaw RD | Bloomington, IN 47403 | PERRY TOWNSHIP |
| LB | 53-08-19-200-063.000-008 | Indiana University Health Inc | W Shaw RD | Bloomington, IN 47403 | PERRY TOWNSHIP |
| LB | ROW | | | | |
| LB | ROW | | | | |
| LB | 53-08-18-300-003.000-009 | ZZ STATE OF INDIANA | S State Road 37 | Bloomington, IN 47403 | PERRY TOWNSHIP |
| LB | 53-08-18-300-003.000-009 | ZZ STATE OF INDIANA | S State Road 37 | Bloomington, IN 47403 | PERRY TOWNSHIP |
| LB | 53-08-19-200-049.000-008 | Fullerton LLC | W Fullerton PIKE | Bloomington, IN 47403 | PERRY TOWNSHIP |
| LB | 53-08-19-200-049.000-008 | Fullerton LLC | W Fullerton PIKE | Bloomington, IN 47403 | PERRY TOWNSHIP |
| LB | ROW | | | | |
| LB | ROW | | | | |
| LB | 53-09-14-300-046.000-015 | Hatton, Janet E | 5699 W State Road 45 | Bloomington, IN 47403-9363 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-300-046.000-015 | Hatton, Janet E | 5699 W State Road 45 | Bloomington, IN 47403-9363 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-022.000-015 | DILLMAN PROPERTIES LLC | 4955 W State Road 45 | Bloomington, IN 47403-9362 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-022.000-015 | DILLMAN PROPERTIES LLC | 4955 W State Road 45 | Bloomington, IN 47403-9362 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-026.000-015 | Tiller, Matt C | 5263 W Airport RD | Bloomington, IN 47403-9201 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-026.000-015 | Tiller, Matt C | 5263 W Airport RD | Bloomington, IN 47403-9201 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-009.000-015 | Tiller, Matt C | W Airport RD | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-009.000-015 | Tiller, Matt C | W Airport RD | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-023.000-015 | FUNKHOUSER, DONALD G | 5259 W Airport RD | Bloomington, IN 47403-9201 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-023.000-015 | FUNKHOUSER, DONALD G | 5259 W Airport RD | Bloomington, IN 47403-9201 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-018.000-015 | FUNKHOUSER, DONALD G | 4646 W State Road 45 | Bloomington, IN 47403-9340 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-018.000-015 | FUNKHOUSER, DONALD G | 4646 W State Road 45 | Bloomington, IN 47403-9340 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-101-012.000-015 | ZZ STATE OF INDIANA | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-101-012.000-015 | ZZ STATE OF INDIANA | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-101-006.000-015 | FUNKHOUSER, DONALD G | 4806 W State Road 45 | Bloomington, IN 47403-9341 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-101-006.000-015 | FUNKHOUSER, DONALD G | 4806 W State Road 45 | Bloomington, IN 47403-9341 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-101-009.000-015 | Scioto Blue River Properties LLC | 4812 W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-101-009.000-015 | Scioto Blue River Properties LLC | 4812 W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-014.000-015 | ZZ STATE OF INDIANA | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-014.000-015 | ZZ STATE OF INDIANA | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-010.000-015 | | | | |
| LB | 53-09-14-100-010.000-015 | | | | |
| LB | 53-09-14-100-014.000-015 | ZZ STATE OF INDIANA | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-014.000-015 | ZZ STATE OF INDIANA | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-101-011.000-015 | Store Master Funding XXI LLC | 4900 W State Road 45 | Bloomington, IN 47403-9341 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-101-011.000-015 | Store Master Funding XXI LLC | 4900 W State Road 45 | Bloomington, IN 47403-9341 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-011.000-015 | ZZ STATE OF INDIANA | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-100-011.000-015 | ZZ STATE OF INDIANA | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-101-010.000-015 | Store Master Funding XXI LLC | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-101-010.000-015 | Store Master Funding XXI LLC | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-101-007.000-015 | FUNKHOUSER, DONALD G | 4750 W State Road 45 | Bloomington, IN 47403-9657 | VAN BUREN TOWNSHIP |
| LB | 53-09-14-101-007.000-015 | FUNKHOUSER, DONALD G | 4750 W State Road 45 | Bloomington, IN 47403-9657 | VAN BUREN TOWNSHIP |
| LB | ROW | | | | |
| LB | ROW | | | | |
| LB | 53-09-12-300-033.000-015 | Mac's Convenience Stores LLC | 2520 S Leonard Springs RD | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-12-300-033.000-015 | Mac's Convenience Stores LLC | 2520 S Leonard Springs RD | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-12-300-032.000-015 | Deckard, Richard E Family Limited Partnership #201 | 3830 W State Road 45 | Bloomington, IN 47403-5113 | VAN BUREN TOWNSHIP |
| LB | 53-09-12-300-032.000-015 | Deckard, Richard E Family Limited Partnership #201 | 3830 W State Road 45 | Bloomington, IN 47403-5113 | VAN BUREN TOWNSHIP |
| LB | 53-09-12-300-062.000-015 | MAI, NGA | 2544 S Leonard Springs RD | Bloomington, IN 47403-3134 | VAN BUREN TOWNSHIP |
| LB | 53-09-12-300-062.000-015 | MAI, NGA | 2544 S Leonard Springs RD | Bloomington, IN 47403-3134 | VAN BUREN TOWNSHIP |
| LB | 53-09-12-300-023.000-015 | Curry Pike Storage LLC | 2450 S Curry PIKE | BLOOMINGTON, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-12-300-023.000-015 | Curry Pike Storage LLC | 2450 S Curry PIKE | BLOOMINGTON, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-12-300-038.000-015 | MACS CONVENIENCE STORES LLC | 2530 S Leonard Springs RD | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-12-300-038.000-015 | MACS CONVENIENCE STORES LLC | 2530 S Leonard Springs RD | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-12-300-034.000-015 | | | | |
| LB | 53-09-12-300-034.000-015 | | | | |
| LB | 53-09-12-300-033.000-015 | Mac's Convenience Stores LLC | 2520 S Leonard Springs RD | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-12-300-033.000-015 | Mac's Convenience Stores LLC | 2520 S Leonard Springs RD | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-09-12-300-033.000-015 | Mac's Convenience Stores LLC | 2520 S Leonard Springs RD | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |

| TAG | Parcel Number (18-digits) | Owner Name | Property Street | Property City, ST & ZIP | Political Township |
|-----|---------------------------|---|---------------------------|----------------------------|----------------------|
| LB | 53-09-12-300-033.000-015 | Mac's Convenience Stores LLC | 2520 S Leonard Springs RD | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-01-61-702-501.000-015 | ZZ STATE OF INDIANA | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-01-61-702-501.000-015 | ZZ STATE OF INDIANA | W State Road 45 | Bloomington, IN 47403 | VAN BUREN TOWNSHIP |
| LB | 53-05-25-303-004.000-004 | HANDYDOWN ENTERPRISES LLC | E State Road 45 | Bloomington, IN 47408 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-25-303-004.000-004 | HANDYDOWN ENTERPRISES LLC | E State Road 45 | Bloomington, IN 47408 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-36-200-017.000-004 | HANDYDOWN ENTERPRISES LLC | 4638 E State Road 45 | Bloomington, IN 47408-9219 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-36-200-017.000-004 | HANDYDOWN ENTERPRISES LLC | 4638 E State Road 45 | Bloomington, IN 47408-9219 | BLOOMINGTON TOWNSHIP |
| LB | 53-04-24-101-006.000-011 | Casey Shake DMV LLC | 3140 N Smith PIKE | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-04-24-101-006.000-011 | Casey Shake DMV LLC | 3140 N Smith PIKE | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-04-24-101-015.000-011 | ZZ STATE OF INDIANA | 5001 W Arlington RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-04-24-101-015.000-011 | ZZ STATE OF INDIANA | 5001 W Arlington RD | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-031.000-011 | CE Immobilien LLC | 3536 W Pyramid CT | Bloomington, IN 47404-1157 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-031.000-011 | CE Immobilien LLC | 3536 W Pyramid CT | Bloomington, IN 47404-1157 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-013.000-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-013.000-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-008.000-011 | Patel, Naraj & Nita | 4252 N Centennial DR | Bloomington, IN 47404-9608 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-008.000-011 | Patel, Naraj & Nita | 4252 N Centennial DR | Bloomington, IN 47404-9608 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-032.000-011 | Hoosier Hills Credit Union | 3590 W State Road 46 | Bloomington, IN 47404-9167 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-032.000-011 | Hoosier Hills Credit Union | 3590 W State Road 46 | Bloomington, IN 47404-9167 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-053.000-011 | Lakeview Apostolic Church Of Jesus Christ | 3510 W State Road 46 | Bloomington, IN 47404-9167 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-053.000-011 | Lakeview Apostolic Church Of Jesus Christ | 3510 W State Road 46 | Bloomington, IN 47404-9167 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-031.000-011 | CE Immobilien LLC | 3536 W Pyramid CT | Bloomington, IN 47404-1157 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-031.000-011 | CE Immobilien LLC | 3536 W Pyramid CT | Bloomington, IN 47404-1157 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-053.000-011 | Lakeview Apostolic Church Of Jesus Christ | 3510 W State Road 46 | Bloomington, IN 47404-9167 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-053.000-011 | Lakeview Apostolic Church Of Jesus Christ | 3510 W State Road 46 | Bloomington, IN 47404-9167 | RICHLAND TOWNSHIP |
| LB | 53-04-13-300-011.000-013 | | | | |
| LB | 53-04-13-300-011.000-013 | | | | |
| LB | 53-04-13-400-013.000-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-013.000-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-032.000-011 | Hoosier Hills Credit Union | 3590 W State Road 46 | Bloomington, IN 47404-9167 | RICHLAND TOWNSHIP |
| LB | 53-04-13-400-032.000-011 | Hoosier Hills Credit Union | 3590 W State Road 46 | Bloomington, IN 47404-9167 | RICHLAND TOWNSHIP |
| LB | 53-00-71-457-001.000-011 | SPEEDWAY SUPERAMERICA LLC | 3585 W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-00-71-457-001.000-011 | SPEEDWAY SUPERAMERICA LLC | 3585 W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-00-71-457-001.000-011 | SPEEDWAY SUPERAMERICA LLC | 3585 W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-00-71-457-001.000-011 | SPEEDWAY SUPERAMERICA LLC | 3585 W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-04-13-300-019.001-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-04-13-300-019.001-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-04-13-300-027.000-011 | ARCHLAND PROPERTY I LLC | 4499 W State Road 46 | Bloomington, IN 47404-9588 | RICHLAND TOWNSHIP |
| LB | 53-04-13-300-027.000-011 | ARCHLAND PROPERTY I LLC | 4499 W State Road 46 | Bloomington, IN 47404-9588 | RICHLAND TOWNSHIP |
| LB | RDWY | | | | |
| LB | RDWY | | | | |
| LB | 53-04-14-100-019.000-011 | Hawkins, Michelle L | 4695 N Ridgewood DR | Bloomington, IN 47404-8926 | RICHLAND TOWNSHIP |
| LB | 53-04-14-100-019.000-011 | Hawkins, Michelle L | 4695 N Ridgewood DR | Bloomington, IN 47404-8926 | RICHLAND TOWNSHIP |
| LB | 53-04-14-100-035.000-011 | Brinegar, Christopher | 4698 N Brookbank DR | Bloomington, IN 47404-9600 | RICHLAND TOWNSHIP |
| LB | 53-04-14-100-035.000-011 | Brinegar, Christopher | 4698 N Brookbank DR | Bloomington, IN 47404-9600 | RICHLAND TOWNSHIP |
| LB | 53-04-14-100-020.000-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-04-14-100-020.000-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| LB | 53-04-14-100-055.000-011 | Pratt, Robert E Jr | 4685 N Ridgewood DR | Bloomington, IN 47404-8926 | RICHLAND TOWNSHIP |
| LB | 53-04-14-100-055.000-011 | Pratt, Robert E Jr | 4685 N Ridgewood DR | Bloomington, IN 47404-8926 | RICHLAND TOWNSHIP |
| LB | 53-05-02-300-020.000-004 | Higgins, Roger & Julie L | 6128 N Old State Road 37 | Bloomington, IN 47408-9739 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-02-300-020.000-004 | Higgins, Roger & Julie L | 6128 N Old State Road 37 | Bloomington, IN 47408-9739 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-02-300-026.000-004 | Rice, James David & Janet Carol AB Living Trust | E Robinson RD | Bloomington, IN 47408 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-02-300-026.000-004 | Rice, James David & Janet Carol AB Living Trust | E Robinson RD | Bloomington, IN 47408 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-02-300-009.000-004 | Gaden Khachoe Shing Monastery Inc | 2150 E Dolan RD | Bloomington, IN 47408 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-02-300-009.000-004 | Gaden Khachoe Shing Monastery Inc | 2150 E Dolan RD | Bloomington, IN 47408 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-02-300-006.000-004 | Higgins, Roger & Julie | 6175 N Old State Road 37 | Bloomington, IN 47408-9740 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-02-300-006.000-004 | Higgins, Roger & Julie | 6175 N Old State Road 37 | Bloomington, IN 47408-9740 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-300-010.000-004 | STATE OF INDIANA | N ST RD 37 | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-300-010.000-004 | STATE OF INDIANA | N ST RD 37 | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |

| TAG | Parcel Number (18-digits) | Owner Name | Property Street | Property City, ST & ZIP | Political Township |
|-----|---------------------------|-------------------------------|--------------------------|----------------------------|----------------------|
| LB | 53-05-04-200-006.000-004 | STATE OF INDIANA | N ST RD 37 | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-200-006.000-004 | STATE OF INDIANA | N ST RD 37 | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-200-017.000-004 | STATE OF INDIANA | N ST RD 37 | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-200-017.000-004 | STATE OF INDIANA | N ST RD 37 | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-202-004.000-004 | Thompson, Mark & Elizabeth | 6571 N THOMPSON RIDGE RD | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-202-004.000-004 | Thompson, Mark & Elizabeth | 6571 N THOMPSON RIDGE RD | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-202-002.000-004 | Thompson, Mark & Elizabeth | 6593 N THOMPSON RIDGE RD | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-202-002.000-004 | Thompson, Mark & Elizabeth | 6593 N THOMPSON RIDGE RD | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-200-018.000-004 | STATE OF INDIANA | N ST RD 37 | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-200-018.000-004 | STATE OF INDIANA | N ST RD 37 | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | ROW | | | | |
| LB | ROW | | | | |
| LB | ROW | | | | |
| LB | ROW | | | | |
| LB | 53-05-04-202-001.000-004 | Thompson, Mark & Elizabeth | 6765 N State Road 37 | Bloomington, IN 47404-9498 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-202-001.000-004 | Thompson, Mark & Elizabeth | 6765 N State Road 37 | Bloomington, IN 47404-9498 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-202-002.000-004 | Thompson, Mark & Elizabeth | 6593 N THOMPSON RIDGE RD | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-202-002.000-004 | Thompson, Mark & Elizabeth | 6593 N THOMPSON RIDGE RD | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-202-005.000-004 | Thompson, Mark & Elizabeth | N State Road 37 | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-202-005.000-004 | Thompson, Mark & Elizabeth | N State Road 37 | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-200-034.000-004 | Baugh, Brenda | 6419 N Charlie Taylor LN | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-200-034.000-004 | Baugh, Brenda | 6419 N Charlie Taylor LN | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-200-034.002-004 | Thompson, Mark & Elizabeth | 6427 N Charlie Taylor LN | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-200-034.002-004 | Thompson, Mark & Elizabeth | 6427 N Charlie Taylor LN | Bloomington, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-200-028.000-004 | THOMPSON, MARK & ELIZABETH R | 6505 N THOMPSON RIDGE RD | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-04-200-028.000-004 | THOMPSON, MARK & ELIZABETH R | 6505 N THOMPSON RIDGE RD | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | row | | | | |
| LB | row | | | | |
| LB | RDWY | | | | |
| LB | RDWY | | | | |
| LB | 53-01-35-300-034.000-003 | McNamee, William J & Lynn | 9137 E Southshore DR | Unionville, IN 47468 | BENTON TOWNSHIP |
| LB | 53-01-35-300-034.000-003 | McNamee, William J & Lynn | 9137 E Southshore DR | Unionville, IN 47468 | BENTON TOWNSHIP |
| LB | 53-01-35-300-003.000-003 | Jyoti, Dhruv & Sonia | 9191 E Southshore DR | Unionville, IN 47468 | BENTON TOWNSHIP |
| LB | 53-01-35-300-003.000-003 | Jyoti, Dhruv & Sonia | 9191 E Southshore DR | Unionville, IN 47468 | BENTON TOWNSHIP |
| LB | 53-01-35-300-053.000-003 | | | | |
| LB | 53-01-35-300-053.000-003 | | | | |
| LB | 53-02-33-100-026.000-017 | State of Indiana | 100 E Sample RD | Bloomington, IN 47408-9308 | WASHINGTON TOWNSHIP |
| LB | 53-02-33-100-026.000-017 | State of Indiana | 100 E Sample RD | Bloomington, IN 47408-9308 | WASHINGTON TOWNSHIP |
| LB | RDWY | | | | |
| LB | RDWY | | | | |
| LB | ROW | | | | |
| LB | ROW | | | | |
| LB | 53-02-33-100-017.000-017 | Mac's Convenience Stores LLC | 7340 N Wayport RD | Bloomington, IN 47408 | WASHINGTON TOWNSHIP |
| LB | 53-02-33-100-017.000-017 | Mac's Convenience Stores LLC | 7340 N Wayport RD | Bloomington, IN 47408 | WASHINGTON TOWNSHIP |
| LB | 53-02-33-100-013.000-017 | CMC4 LLC | 7326 N Wayport RD | Bloomington, IN 47408 | WASHINGTON TOWNSHIP |
| LB | 53-02-33-100-013.000-017 | CMC4 LLC | 7326 N Wayport RD | Bloomington, IN 47408 | WASHINGTON TOWNSHIP |
| LB | 53-02-33-100-022.000-017 | Arbor Investment LLC | 7330 N Wayport RD | Bloomington, IN 47408-9315 | WASHINGTON TOWNSHIP |
| LB | 53-02-33-100-022.000-017 | Arbor Investment LLC | 7330 N Wayport RD | Bloomington, IN 47408-9315 | WASHINGTON TOWNSHIP |
| LB | ROW | | | | |
| LB | ROW | | | | |
| GB | 53-09-12-400-044.000-015 | Public Investment Corp | 3690 W State Road 45 | Bloomington, IN 47403-5109 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-400-044.000-015 | Public Investment Corp | 3690 W State Road 45 | Bloomington, IN 47403-5109 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-400-033.000-015 | Public Investment Corp. | 3598 W State Road 45 | Bloomington, IN 47403-5121 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-400-033.000-015 | Public Investment Corp. | 3598 W State Road 45 | Bloomington, IN 47403-5121 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-400-056.000-015 | Public Investment Corp. | 3650 W State Road 45 | Bloomington, IN 47403-5109 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-400-056.000-015 | Public Investment Corp. | 3650 W State Road 45 | Bloomington, IN 47403-5109 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-400-029.000-015 | Public Investment Corp. | 3939 W Industrial BLVD | Bloomington, IN 47403-5169 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-400-029.000-015 | Public Investment Corp. | 3939 W Industrial BLVD | Bloomington, IN 47403-5169 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-400-028.000-015 | Public Investment Corporation | 2431 S Curry PIKE | Bloomington, IN 47403-3174 | VAN BUREN TOWNSHIP |

| TAG | Parcel Number (18-digits) | Owner Name | Property Street | Property City, ST & ZIP | Political Township |
|-----|---------------------------|--------------------------------|-------------------------------|----------------------------|----------------------|
| GB | 53-09-12-400-028.000-015 | Public Investment Corporation | 2431 S Curry PIKE | Bloomington, IN 47403-3174 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-400-075.000-015 | BRYAN RENTAL, INC. | 2411 S Curry PIKE | Bloomington, IN 47404-1410 | VAN BUREN TOWNSHIP |
| GB | 53-09-12-400-075.000-015 | BRYAN RENTAL, INC. | 2411 S Curry PIKE | Bloomington, IN 47404-1410 | VAN BUREN TOWNSHIP |
| GB | 53-08-21-200-116.000-008 | Owen County State Bank | 4020 S Old State Road 37 | Bloomington, IN 47401-7412 | PERRY TOWNSHIP |
| GB | 53-08-21-200-116.000-008 | Owen County State Bank | 4020 S Old State Road 37 | Bloomington, IN 47401-7412 | PERRY TOWNSHIP |
| LB | 53-08-17-100-039.000-008 | | | | |
| LB | 53-08-17-100-039.000-008 | | | | |
| LB | 53-08-17-100-038.000-008 | Rogers & Country Club Inc | 2801 S Rogers ST | Bloomington, IN 47403-4343 | PERRY TOWNSHIP |
| LB | 53-08-17-100-038.000-008 | Rogers & Country Club Inc | 2801 S Rogers ST | Bloomington, IN 47403-4343 | PERRY TOWNSHIP |
| UR | 53-11-29-400-023.000-006 | Miller, Dennis E | 9345 S Harrodsburg RD | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| UR | 53-11-29-400-023.000-006 | Miller, Dennis E | 9345 S Harrodsburg RD | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| UR | 53-11-29-400-028.000-006 | KOONTZ, RONALD KEITH & MARY L | 9294 S Old State Road 37 | Bloomington, IN 47403-9449 | CLEAR CREEK TOWNSHIP |
| UR | 53-11-29-400-028.000-006 | KOONTZ, RONALD KEITH & MARY L | 9294 S Old State Road 37 | Bloomington, IN 47403-9449 | CLEAR CREEK TOWNSHIP |
| UR | RDWY | | | | |
| UR | RDWY | | | | |
| UR | 53-11-29-101-006.000-006 | May, Dwight R & Brandy J | 424 W Hobart RD | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| UR | 53-11-29-101-006.000-006 | May, Dwight R & Brandy J | 424 W Hobart RD | Bloomington, IN 47403 | CLEAR CREEK TOWNSHIP |
| UR | 53-11-29-101-002.000-006 | Boruff, James D & Danielle R | 726 W Hobart RD | Bloomington, IN 47403-9410 | CLEAR CREEK TOWNSHIP |
| UR | 53-11-29-101-002.000-006 | Boruff, James D & Danielle R | 726 W Hobart RD | Bloomington, IN 47403-9410 | CLEAR CREEK TOWNSHIP |
| LB | 53-05-16-200-005.000-004 | Cream & Crimson Management LLC | 4750 N STATE ROAD 37 BUSINESS | BLOOMINGTON, IN 47408 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-16-200-005.000-004 | Cream & Crimson Management LLC | 4750 N STATE ROAD 37 BUSINESS | BLOOMINGTON, IN 47408 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-16-200-010.000-004 | Cream & Crimson Management LLC | 4750 N Old State Road 37 | Bloomington, IN 47408-9261 | BLOOMINGTON TOWNSHIP |
| LB | 53-05-16-200-010.000-004 | Cream & Crimson Management LLC | 4750 N Old State Road 37 | Bloomington, IN 47408-9261 | BLOOMINGTON TOWNSHIP |
| GB | 53-04-13-300-044.001-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-300-044.001-011 | ZZ STATE OF INDIANA | W State Road 46 | Bloomington, IN 47404 | RICHLAND TOWNSHIP |
| GB | 53-04-13-300-017.001-011 | Jallal, Nasir | 4137 W State Road 46 | Bloomington, IN 47404-9588 | RICHLAND TOWNSHIP |
| GB | 53-04-13-300-017.001-011 | Jallal, Nasir | 4137 W State Road 46 | Bloomington, IN 47404-9588 | RICHLAND TOWNSHIP |
| GB | 53-04-13-300-017.001-011 | Jallal, Nasir | 4137 W State Road 46 | Bloomington, IN 47404-9588 | RICHLAND TOWNSHIP |
| GB | 53-04-13-300-017.001-011 | Jallal, Nasir | 4137 W State Road 46 | Bloomington, IN 47404-9588 | RICHLAND TOWNSHIP |
| GB | 53-08-21-200-115.000-008 | Owen County State Bank | 4034 S Old State Road 37 | Bloomington, IN 47401-7412 | PERRY TOWNSHIP |
| GB | 53-08-21-200-115.000-008 | Owen County State Bank | 4034 S Old State Road 37 | Bloomington, IN 47401-7412 | PERRY TOWNSHIP |
| GB | 53-09-01-400-007.000-015 | Liberty Mall Shaw Family LLC | 1180 S Liberty DR | Bloomington, IN 47403-5120 | VAN BUREN TOWNSHIP |
| GB | 53-09-01-400-007.000-015 | Liberty Mall Shaw Family LLC | 1180 S Liberty DR | Bloomington, IN 47403-5120 | VAN BUREN TOWNSHIP |
| GB | 53-09-01-400-007.000-015 | Liberty Mall Shaw Family LLC | 1180 S Liberty DR | Bloomington, IN 47403-5120 | VAN BUREN TOWNSHIP |
| GB | 53-09-01-400-007.000-015 | Liberty Mall Shaw Family LLC | 1180 S Liberty DR | Bloomington, IN 47403-5120 | VAN BUREN TOWNSHIP |
| GB | 53-09-01-400-007.000-015 | Liberty Mall Shaw Family LLC | 1180 S Liberty DR | Bloomington, IN 47403-5120 | VAN BUREN TOWNSHIP |
| GB | 53-09-01-400-001.000-015 | Lazarus LLC | 1425 S Curry PIKE | Bloomington, IN 47403-2708 | VAN BUREN TOWNSHIP |
| GB | 53-09-01-400-007.000-015 | Liberty Mall Shaw Family LLC | 1180 S Liberty DR | Bloomington, IN 47403-5120 | VAN BUREN TOWNSHIP |
| GB | 53-09-01-400-001.000-015 | Lazarus LLC | 1425 S Curry PIKE | Bloomington, IN 47403-2708 | VAN BUREN TOWNSHIP |
| GB | 53-05-20-300-013.000-004 | JL Properties LLC | 3108 N Norwest Woods LN | Bloomington, IN 47404-9281 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.002-004 | ENJ Investments LLC | 3131 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-013.000-004 | JL Properties LLC | 3108 N Norwest Woods LN | Bloomington, IN 47404-9281 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.002-004 | ENJ Investments LLC | 3131 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-013.000-004 | JL Properties LLC | 3108 N Norwest Woods LN | Bloomington, IN 47404-9281 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.000-004 | ENJ Investments LLC | 3133 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-013.000-004 | JL Properties LLC | 3108 N Norwest Woods LN | Bloomington, IN 47404-9281 | BLOOMINGTON TOWNSHIP |
| GB | 53-05-20-300-009.000-004 | ENJ Investments LLC | 3133 N WESTBURY VILLAGE DR | BLOOMINGTON, IN 47404 | BLOOMINGTON TOWNSHIP |
| LB | RDWY | | | | |
| LB | 53-11-29-301-079.000-006 | Mitchell, Monica L | 9292 S Harrodsburg RD | Harrodsburg, IN 47434-8000 | CLEAR CREEK TOWNSHIP |
| LB | RDWY | | | | |
| LB | 53-11-29-301-079.000-006 | Mitchell, Monica L | 9292 S Harrodsburg RD | Harrodsburg, IN 47434-8000 | CLEAR CREEK TOWNSHIP |

April 25, 2023

Monroe County Board of Zoning Appeals
c/o Tammy Behrman
Planning Department
Showers Building North
501 N Morton St
Suite 224
Bloomington, IN 47404

Re: VAR-23-5 - Sojourn House - 7505 E. Kerr Creek Rd. - Use Variance for Group Home Class II

Dear Members of the Board of Zoning Appeals,

I have been a resident of 7165 E. Kerr Creek Road since 1990. I am opposed to the second variance request in the abovementioned case.

This variance request is essentially the same as the first one, which was denied at the 3/1/23 hearing. Instead of filing an appeal of that outcome, which is the proper procedure in such matters, Sojourn has filed a second variance request. The only difference now is that Sojourn has hired a lawyer (or is possibly receiving pro bono assistance) demanding the variance and threatening to sue the county if they don't get what they want. Their case is essentially the same as the previous one, which was denied because they do not meet any of the 5 standards for granting a variance listed in Chapter 812-5 of our zoning ordinance.

Sojourn appears to be operating their business at 7505 without a variance or Certificate of Occupancy. There is always a car parked there in the same spot, which is perhaps an attempt to make it look occupied for safety reasons. But frequently there are from 2 to 10 cars parked there, filling the driveway and spilling over onto the lawn and the edge of the road. After the 3/1 hearing, neighbors saw trucks and vans from Leading Edge Security on 3 or 4 days - possibly installing a security system.

I am including the *Recovery Residence How To Manual* published by the Indiana FSSA Division of Mental Health and Addiction. Please read the section on Neighbor Relations beginning on page 14. Sojourn has done the exact opposite of what the guidelines recommend. From the beginning, Sojourn has treated the neighbors in a hostile manner. They have made no attempt to get to know the neighbors or reach out in any way. The day after purchasing the property, Carissa Muncie told a neighbor to tell all the other neighbors not to call her, not to push her. Sojourn has attacked us in the Herald Telephone, the IDS, on WFIU, and on their website, calling us NIMBYs and stating that we should be ashamed of ourselves.

I think you know by now that we have never disputed the validity of their "mission". This is about land use. Sojourn is not above the law, and we just want to be protected by the laws of this county.

Yours truly,

Terri Gould

Terri Gould
7165 E. Kerr Creek Road
Bloomington, IN 47408

RECOVERY RESIDENCE: HOW TO MANUAL



**Division of Mental
Health and Addiction**

Dear Future Landlord,

Half-way house. Transitional living. Sober home. These are all alternative terms for Recovery Residence. They are probably the terms that you may be more familiar with or have heard before. In an effort to unify and encompass all the terms being used to define the same services being provided, the National Alliance of Recovery Residences coined the term “Recovery Residence”. It helps to not only make sure that all service providers are on the same page, but it also accurately describes the residential modality of recovery support. At a bare minimum, recovery housing and peer supports are the services that are provided by recovery residences.

This manual was commissioned by the Indiana Family and Social Services Administration Division of Mental Health and Addiction as a “how to” guide to assist you through the process of becoming a Recovery Residence. It is intended to be used as a point of reference as you navigate through the process of establishing your residence. Whether you already own a property that you want to transition into a Recovery Residence, or you are at the “thinking about it” stage, this manual is designed to help and support you along the way. It is recommended that your organization team members who are responsible for working on the Recovery Residence program development read this manual in its entirety prior to initiating this process. There is a considerable amount of information that is shared which provides important steps to more effectively and efficiently guide your team in the development of your residence.

Most importantly, these suggestions and recommendations were obtained through conducting focus groups with directors and staff of current recovery residences throughout the state. They have offered their guidance and expertise with creating a recovery residence to ease this process so that it is more successful for your organization. The manual does not give all of the answers, but it will ask many questions, which will allow you the opportunity to explore how you want to operate your residence. Remember, this is your organization and your residence. We wish you the best in your endeavors.

This manual was created by Blanc Consulting Group on behalf of the Division of Mental Health and Addiction.



Table of Contents

| | |
|---|-----------|
| Dear Future Landlord..... | 2 |
| How to Get started..... | 5 |
| Laying the Foundation | 6 |
| Establish a Budget..... | 6 |
| Identify Funding Opportunities..... | 7 |
| Build a Board of Directors..... | 7 |
| Find a Location..... | 9 |
| We Have the Property – What is Next?..... | 11 |
| Home Repairs..... | 11 |
| Americans with Disabilities Act..... | 12 |
| Insurance..... | 12 |
| Networking..... | 12 |
| Neighbor Relations..... | 14 |
| Development | 15 |
| Who are you? Mission and Vision | 15 |
| Policies and Procedures..... | 16 |
| Process and certifications | 20 |
| State, City, and County Certification Processes..... | 21 |
| State..... | 21 |
| City/County | 21 |
| Indiana Affiliation of Recovery Residences | 21 |
| Department of Mental Health and Addiction | 23 |
| Recovery Works | 25 |
| Before You Open | 26 |
| Establish Paperwork | 27 |
| Hire and Train Staff..... | 28 |

Hire..... 28

Staff Development 29

Billing Process 30

Referral Relationships and Processes 30

Ongoing Process and Management..... 32

Household Management – Level II – IV 33

Data Collection..... 34

Working with Others 34

Working with the State 35

Appendix and Resources..... 37

Appendix 38

Resources 39

References 39

Additional Website Resources..... 39

HOW TO GET STARTED

Laying the Foundation

Establish a Budget

While your motivation or mission may be different from a for-profit business, you still need to understand your income and expenses in order to be successful. Since you may have no past information to go on, a budget must be created using your best estimates. Some things to think about before you begin:

- Have you reached out to the Indiana Affiliation of Recovery Residences for technical assistance opportunities?
- What do you need to open the door on the first day?
- What will your fixed costs be on a continuing basis? (e.g. staff, mortgage/rent, utilities, etc.)
- What will your variable costs be on a continuing basis? (e.g. client “rent”)
- What can you contribute to keep costs low? (e.g. furniture)
- What can you get as donations? (e.g. toiletries, food)
- What can you do without? (e.g. decorations)

Start by thinking about what will be needed on day one, in order to open the doors of your Recovery Residence. This can typically be broken down into four categories: facility costs (house), fixed assets (capital costs such as furniture), materials and supplies (e.g. office supplies, marketing), and other costs (license, permits, consultants fees, etc.). The next step will be to establish the monthly expenses and consider those costs that typically do not change from month to month (mortgage/rent, utilities, phone, insurance, employee costs, etc.).

Lastly, you will want to estimate your monthly income. It is vital that you are realistic here. For example, you most likely will not be at capacity from day one. This means that you will not be collecting rent from residents 365 days of the year. Your budget will be your guide during your first year. A sample budget has been included in the Appendix to provide an example of this process.

The following areas should be considered when developing a budget:

1. You will note that there are start-up costs in the budget. This is all the funding that will be necessary to open the doors of the Recovery Residence. You will need to have these costs included in your budget.
2. This budget example is for a 12-bed Recovery Residence. In the Income section, please note that the budget does not start with all 12 beds occupied. There is a ramp up

period. All beds are not full until month four. It is recommended to be conservative with your estimates, not only regarding your program, but also with your budget.

3. Lastly, it is strongly recommended that you open doors with a reserve large enough to operate for no less than two years. This will safeguard you against unexpected costs and emergencies, allow the Recovery Residence to operate without relying on income from residents, and help to ensure longevity of your business. Please note that on the sample budget the expenditures will exceed the income for the first several months, so having the reserve will help defray these “start-up costs”.

Identify Funding Opportunities

The organization is getting ready to address a basic need for individuals who are at a vulnerable point in their recovery. Typically, individuals enter a Recovery Residence early in their recovery. Residents are still learning about recovery and are re-learning life without substances. By providing some basic needs for them such as shelter, food, and a safe place, they can focus on their recovery. These services need to be provided for the residents for the foreseeable future; therefore, it is very important to consider the recommendation that funding be developed and secured for at least two years.

The organization may consider a variety of options for funding the residence for this initial two-year period. These could include, but not be limited to:

- Financial Institution Loans
- Accessing board member or key stakeholder assistance
- Donations/fundraisers
- Corporate sponsorship

Build a Board of Directors

Having a board of directors is a best practice for any business, regardless of the size or for-profit or non-profit status. Boards are the businesses backbone for growth. They are the people that help to advise you on the best way to create and manage a quality Recovery Residence. The board can help you develop ideas for growing the business, managing client/resident satisfaction and best practices with the Recovery Community. Lastly, boards provide some accountability to the management team within the business.

Bo Ilsoe, with Nokia Growth Partners, a global venture capital firm, has spent more than 30 years in operations and investments. Along the way, he has had the opportunity to learn a thing or two about what an effective, well-run board looks like. He shares in a blog post on

VentureBeat, that “building a board is incredibly challenging, yet getting it right is critical to setting the tone for success from the start” (Ilsoe, 2017). In his post, he shares eight steps to building a strong board of directors. Below is a summary of those steps.

1. Look beyond your investors: You must remember that an investor does not automatically deserve a board seat. Often times, individuals or companies that invest in organizations/agencies do so for their own specific interest or agenda. That interest or agenda may not match with the agenda or interest of the organization, which can ultimately detract from, rather than add value to, a board. Bo also notes that, “(S)imilarly, while the founder is an integral part of the team, he/she is not always the best fit for a board seat” (Ilsoe, 2017).
2. To help set the stage from the top, find a board president with experience; one who has been there before: Bo notes that choosing a board president based on non-board work experience is a mistake. He recommends that the person should have five to 10 years of experience working on a board and must be able to manage diverse stakeholders, both internally and externally. Additionally, a board president should play the role of coach or mentor to the CEO/Executive Director. They should be able to redirect by suggesting corrective actions, assist with hiring, and fundraise. They should be someone that augments the management team and helps them perform at higher level. The board’s president and CEO/Executive Director should never be the same person (Ilsoe, 2017).
3. Be transparent and keep communication lines open: Be upfront about board changes. Keep dialogue with board members consistent, open, and truthful. Doing this will ensure your board members are not blindsided when changes do occur. It ensures continued trust. This also applies in identifying new external candidates; make sure that you are including current members in the selection process.
4. Board size: While the ideal board size varies, Ilsoe believes that the magic number is five , with a maximum of seven. He thinks that keeping the number small “ensures diversity of view while retaining discipline, focus, engagement and commitment” (Ilsoe, 2017).
5. Plan for the long run: “The best boards have the right mix of skills, abilities, and perspectives, so think carefully and holistically about whom you choose for your board. Be particularly thoughtful in selecting your board president. The board president will play a critical role in shaping your organization’s culture and guiding it along the path to success. Also consider that you’ll likely work with each person for five to seven years — so make decisions with the long term in mind” (Ilsoe, 2017).
6. Avoid applicants actively seeking board seats: “A good rule of thumb is to avoid people who actively put themselves forward for board positions. These people are likely more interested in their own goals than in the goals and interests of your (organization). Your best choice is likely too busy to worry about their next board position, which means you’ll have to actively convince them to work with you” (Ilsoe, 2017).
7. Set clear expectations to build trust: Putting the right team together is only the start. Now you have to make the board work, and make meetings functions, to your benefit. Transparency and clear communication are going to continue to be important here. The mantra of “Under promise, and over deliver” is a safe bet here. However, be careful of

selling yourself and the organization short. You have goals and expectations to meet too. It's also important to spend time together as a board outside of meetings. Make sure to cultivate relationships through an annual, full day strategy meeting and occasional dinners or outings to bolster board morale (Ilsoe, 2017).

8. Make meetings meaningful: Board meetings are often a drag. Yet the responsibility ultimately lies with you, as the CEO/Executive Director, to make sure they are successful. You should come to the meeting with a "plan of action in place and be prepared to take charge, manage expectations, be demanding when needed, and stay candid about the good, the bad, and the ugly. Pre-meeting preparation is essential; ensure materials are distributed in advance and that board members have had adequate time to review information and arrive at the meeting ready to discuss the real issues. While meeting cadence varies, I urge companies to take advantage of sub-committees and outside experts to address specific issues. This allows smaller groups to meet more frequently to tackle particular matters of regulation, compensation, recruiting, lobbying, etc., and report back results to the CEO and board-at-large" (Ilsoe, 2017).

Building the right board takes time, patience and considerable effort. However, the outcome will ultimately benefit your organization.

Find a Location

Now that the budget and the board have been established it is time to find a residence. First, an organization must consider zoning. All buildings, whether businesses or homes, are zoned for a particular occupancy. For example, commercial properties, which house retail stores or offices, are generally zoned as a C-1 Property and cannot be used as residences without a special permit or variance. Zoning is controlled by local units of government, and because of this, there are many different terms possible. Below are a few basic terms to note that will be helpful when reviewing properties:

- R-1 Property: Generally, this designates a zoned area where only Single-Family Residences are allowed.
- R-2 Property: Generally, this designates an area where single family and 2 family residences are allowed. An example would be a duplex.
- R-3 Property: R-3 and higher generally provide for different levels of multi-family residences.
- C-1 Property: Commercial Property where retail, office and other similar commercial uses are allowed.
- C-2 Property: C-2 and higher designate varying degrees of commercial uses that provide for a more intense use of the land, such as garages, motor vehicle repair facilities, gas stations and the like. Reading the local zoning ordinance carefully is recommended to determine the allowed uses.

- I-1 Property: I-1 generally signifies a light industrial property. Often in a light industrial property commercial uses are allowed, along with light manufacturing. Light manufacturing designation allows plants that have a low impact on the surrounding area. Light industrial uses generally do not allow for loud disturbing noises or noticeable discharge of gases or fluids. Again, local ordinances should be carefully reviewed and considered.
- I-2 Property: I-2 and higher zoning classifications generally allow for more intense use of the property. These areas are reserved and promoted for manufacturing. These areas are necessary for jobs and productivity but having the recovery residence next to one may not be desirable. Again, consult the local ordinance for the specific allowed uses.
- A Property: Agricultural Property is a growing zoning classification. In an agricultural area, zoning is now often used to try and preserve the farming character of the area. Agricultural zoning often requires very large lots for placement of a single home; for example, up to 25 acres or more. There is a growing trend to use zoning to preserve the undeveloped parts of our country.
- PUD Property: This does not stand for any type of property in particular. PUD stands for Planned Unit Development. A PUD zoning designation is especially created to allow a development that does not fit into or comply with the requirements of the usual zoning classifications. For example, condominium complexes are often Planned Unit Developments. The condominium will have a greater density of housing than allowed by normal Residential Classes. If the developer convinces the local board that administers the zoning ordinance that the development would benefit the community, then the developer would be allowed to build the Planned Unit Development. It is possible to have a PUD for residential, commercial (such as a shopping mall) or industrial (such as an industrial park) properties. Be sure to check and see if any PUDs are in the area being considered, that might affect the value and enjoyment of the property and prospective residence.
- Special Use Permit: Sometimes the local board will allow different uses than the stated use(s) in a particular area. For example, a doctor's office normally does not have high traffic, noise or other nuisance features. Having the doctor's office in a residential area promotes the public good and does not harm the surrounding values, as well as a developer who may want to build an apartment complex into a commercial area. The zoning classifications (R-1, R-2, C-1, C-2, I-1, I-2 and A) will often have allowed different uses spelled out in the ordinance. Typically, these are allowed only if they enhance the area and do not harm the value and use of surrounding properties.
- Zoning Variance: Sometimes a use is not contemplated by a zoning ordinance, but the use would be of such value to the community that the local board administering the zoning will allow the use as a variance. Such a use could be a power plant placed in an otherwise agricultural/residential area. The uses are not specifically compatible, but the tax base would generate significant revenue for the local government so that the use is allowed for the common good. There are also variances that are less imposing on an area but were simply not contemplated when the ordinance was adopted. (Porter & Bergman, 2005)

It is strongly recommended that a realtor be hired when looking for a residence. A realtor will only show you properties that are already zoned to allow what you want to do. However, if there is already a property being considered, then an architect can help with navigating the local government requirements in requesting a special use permit or zoning variance if necessary. The location must be zoned correctly in order to pass a fire inspection by the local fire marshal (Please note that verification of a fire inspection is a required item by INARR and DMHA).

It is not possible to specifically identify the exact local government agency that you need to reach out to in order to begin to navigate the zoning process for your property as this differs across the state. It is best to start with the city/town government in the area of the recovery residence. The local zoning ordinances can be found within the city/town's codes. The American Planning Association, Indiana Chapter can also be used as a resource. Their website is www.indianaplanning.org. It is also difficult to estimate the amount of time or a cost associated with this process, as it will vary for each property. It is estimated that an architect's time would be anywhere from \$100-\$250.00/hr. Please note that written permission from the property owner to operate a Recovery Residence is necessary per INARR standards.

We Have the Property – What is Next?

Home Repairs

A property has been obtained, but it may need some repairs in order to get ready for habitation. Based on the skill level of organization staff, there are many things that can be completed internally, such as painting and small repairs. However, if there are major repairs that need to be done, such as tearing down walls or replacing floors, and the repairs are above or beyond the level of expertise of the staff, it is strongly recommended that professionals are hired to complete the repairs or renovations. Remember that people will be living here, and the residence needs to be a safe environment for them. This is not the place to cut corners. An organization can potentially save expenses in other areas by requesting donations for furnishings, paint and/or needed supplies. It is important to refer to INARR Standards, DMHA standards, and the local zoning codes of the residence to ensure that standards are being met for all repairs. As a reminder, the structural, electrical, gas, and plumbing repairs should only be completed by certified workers.

Americans with Disabilities Act

It is recommended that an architect be consulted to determine if the residence is subject to the Americans with Disabilities Act requirements. Every location and local government have different zoning requirements and regulations. The requirements for the residence's location will need to be followed. You can access basic information at www.ADA.gov, and learn more about the qualifications and changes needed to make to the residence in order to stay up to code. Based on the law, reasonable accommodations must be made for persons with disabilities. (Information and Technical Assistance on the Americans with Disabilities Act, n.d.)

Insurance

Liability coverage and any other insurance appropriate for the level of care being provided will need to be acquired. An insurance broker/agent will be able to assist with the best options for the coverage needed. The level and type of insurance needed will be different for every Recovery Residence and business.

Networking

An important part of beginning any business, but particularly one which will rely on referrals, is networking. It is essential that the organization administration effectively market their mission and services to the community, as well as the Recovery Community (including other Recovery Residences). The following are a few recommendations:

- In Indiana, every community has a Local Coordinating Council. Consider becoming a member of the local community's LCC. You can find out more about the local LCC at www.in.gov/cji.
- Each county has a Community Correction board. The board meets on a regular basis, and typically allows for presentations from community providers. This would be a good opportunity for the organization to share its mission and to market the program.
- Create a presentation about the Recovery Residence and the services offered or how your residence is structured and present to: probation, court, public defender's office, and prosecutor's office.

In addition to establishing amicable relationships with criminal justice partners, it is recommended to get to know the treatment and service providers in your area. The Recovery House will be providing the lowest level of care unless the residence is a Level IV residence. Therefore, relationships will need to be established with other treatment providers in order to

refer residents when other community or treatment services are needed, as well as to market and promote the residence. Some important services to consider accessing include:

- **Case Management:** A majority of the residents will have a lot going on when they first arrive at the residence. Some will be there because they decided they wanted a change in their life, and that drugs/alcohol were no longer worth it. However, a majority will most likely be there because they are under some form of supervision and they have nowhere else to go. One of the things they need help with is managing all the systems they are trying to navigate: court, probation/parole/community corrections, SUD services, addressing health care, making doctor appointments, finding a doctor, finding a job... the list could go on and on. Having a referral source to help them manage all of this is vital, particularly if what the individual requires is not part of the services offered at the residence. Connect2Help 2-1-1 can always be utilized as a resource for locating services in the area. In addition, the residence can be listed as a source in 2-1-1.
- **Detoxification:** This will allow the organization to have a referral source in the event that there is a resident that (a) needs detoxification prior to entering the residence or (b) relapses while staying at the residence and needs assistance.
- **Education:** It is always a good idea to know the local GED resources to assist clients that may not have received their high school diploma. In addition, being able to assist or direct clients in the right direction, should they want to pursue higher education, would be recommended.
- **Employment:** It will be necessary for the residents to find employment early in their stay in order for them to pay for their received services, pending how the residence program is established. Therefore, having resources to assist the residents with locating employment will be critical. It is recommended that the staff develop a relationship with the local Workforce One office, as well as establish relationships with local business owners. This could include businesses that hire on a regular basis and would be willing to take a chance on those individuals that reside in the residence.
- **Faith-based Community:** Many people have some sort of belief system. Therefore, having connections with the faith-based community will allow referrals to be made to the local faith institutions. Additionally, a lot of faith-based organizations may have resources available for the clients such as clothes or bus passes. They may also hold 12-Step meetings in their locations.
- **Food Pantries:** Food Pantries are a great resource for clients to access if they are in need of food sources. One thing to remember: if Recovery Works funding is being utilized, the residence must purchase food for at least one meal per day, which means that free food cannot be utilized for that meal. Please refer to the Recovery Works service manual for all guidelines.
- **Medication Assisted Treatment –** For some residents, medication assisted treatment is their chosen path of recovery. It is important to be able to support all residents and their chosen recovery paths.
- **Mental Health service:** Some residents will require additional mental health services, such as individual therapy/counseling. They may have anxiety, depression, trauma, or other needs that require a professional to help them work through.

- Neighborhood Associations: These formal neighborhood organizations are a great way to build relationships with neighbors and help avoid “Not In My Back Yard” (NIMBY) situations. It is recommended that the administration and staff have representatives attend meetings held by the Neighborhood Associations. Attending these meetings, provides the opportunity to meet the neighbors and begin to build relationships and answer their questions regarding the operations and services provided by the residence.
- Residential Care – Sometimes the level of care provided will not be enough for some of the residents. In some cases, they may require more accountability and services than is offered at the residence. In order to meet the needs of the residents, a higher level of care, such as a residential stay, may be needed. Be prepared for this scenario by already having a referral source established.
- Skills Training: Some of the residents have been so involved with the behaviors and realities of substance use, that they may not have learned basic life skills like budgeting or grocery shopping. Residents may need to be referred to programs or services that help them learn how to “live life” on a daily basis.
- Substance Use services: Depending on the level of care offered, the residence may not provide Substance Use Disorder services. Therefore, a referral will need to be made for those that need these services. Some may benefit from group sessions, or some may be court-ordered to attend some kind of SUD services.
- Healthcare Navigator: Having a relationship with a healthcare navigator may be very helpful for your clients to access healthcare in a timely manner.

Building relationships and trust with all of these referral sources will pay off in the end. The more effort put into these relationships, the more the organization will benefit. It will be easier to refer residents and know that they will receive quality care and receive appointments in a timely manner.

Neighbor Relations

Building strong relationships with the neighbors are equally as important as referral sources. The neighbors and the organization staff need the opportunity to “get to know each other” to begin to develop and establish mutual trust. Taking the time to build a relationship with the neighbors, and establishing your organization as a good neighbor makes it easier for the neighbor to call the organization first to address any problems or issues. The following are some recommendations on how the residence can establish itself as a good neighbor:

- Be considerate of the neighbors
- Don’t play loud music or make excessive noise
- If smoking is allowed, establish the area to make sure it doesn’t drift into your neighbor’s home

- Make sure the residence's outdoor area is neat and well maintained (lawn is mowed, no overgrown bushes/trees, no trash in yard, etc.)
- Get to know the neighbors (have an annual party, offer tours before the residence opens so people know what's going on at the residence, etc.)
- Make sure that residents are parking appropriately and not blocking driveways or the street

These are just a few examples. If there is a conflict between the residence and a neighbor, or a resident and a neighbor, handle it immediately. Do not allow it to escalate and attempt to handle it calmly and prudently. Always try to resolve problems in person, not via text or email, so the message is much less likely to be misconstrued.

Development

Who are you? Mission and Vision

A mission statement is a formal way to explain the organization's core purpose and values. A good mission statement clearly states the purpose of the organization and the goals needed for success. According to BusinessDictionary.com, a mission statement "is a written declaration of an organization's core purpose and focus that normally remains unchanged over time" (mission statement, n.d.). A mission statement defines the organization's cause and is intended to be an internal document that inspires and informs the team in order to achieve the company's goals. Most mission statements fall between two to four sentences in length and are not more than 100 words in total.

A vision statement defines what the organization wants to pursue for its cause. What are the future aspirations of the organization's efforts? A vision statement is defined "as aspirational description of what an organization would like to achieve or accomplish in the mid-term or long-term future. It is intended to serve as a clear guide for choosing current and future courses of action" (mission statement, n.d.). A vision statement is typically longer than a mission statement and defines the desired depth and breadth of the organization's future. A vision statement should inspire others to act for the future.

Some examples include:

LinkedIn

Mission: To connect the world's professionals to make them more productive and successful.

Vision: To create economic opportunity for every member of the global workforce.

Uber

Mission: We ignite opportunity by setting the world in motion.

Vision: Smarter transportation with fewer cars and greater access. Transportation that creates more job opportunities and higher incomes for drivers.

Alzheimer's Association

Mission: To eliminate Alzheimer's Disease through the advancement of research; to provide and enhance care and support for all affected; and to reduce the risk of dementia through the promotion of brain health.

Vision: A world without Alzheimer's Disease.

Policies and Procedures

The organization's Policies and Procedures Manual will be one of the most important documents to be created and implemented. It will allow the administration to be able to enforce rules within the residence, for both residents and staff. Below is a list of recommended content for your manual:

- Admissions criteria and procedures – What will be the criteria for an individual to be admitted to the residence? What will the application process look like? Will there be an interview? Or an assessment?
- Alcohol and Drug Use Policy - Be sure to include a list of prohibited items and procedures for associated staff searches.
- Assessment – What is the resident intake assessment process? What assessment tool(s) will the staff be using? *This policy/procedure is only applicable for Level IV Recovery Residences.
- Collect Demographic information – This should include emergency contact information, and the release of information form for that emergency contact.
- Confidentiality- There must be policies and procedures in place that guarantee that the information shared by these clients is safe and secure. How is the organization going to keep residents' personal information secure, and limit staff access? How does the organization intend to comply with applicable confidentiality laws?
- Consumer Rights – What are the procedures to ensure the protection of your resident's rights? Their right to a safe sober living environment? Their right to be informed on any changes that affect them directly in a timely manner?
- Curfew Policy – Will there be a curfew policy? And if so, what will it be? For example, all residents need to be home by 10:00 pm.

- Discharge Planning – An important part of getting a resident ready for the end of their stay at the residence is planning for their discharge. What are the procedures regarding that process? *This policy/procedure is only applicable for Level IV Recovery Residences.
- Drug Screen Policy and/or Toxicology Protocol – When and why to complete a drug screen on clients? What happens if they have a positive test result?
- Emergency Procedures – Procedures for: fire, tornado, overdose, additional emergency situation; should include important numbers (9-1-1, police, fire, etc.). There should be evacuation maps posted in obvious places around the home.
- Employee Policies – Remember that this is the Policies and Procedures manual for both residents and employees. Employee policies will need to be included in the manual as well, such as whether or not the organization would employ a resident, staff/resident relationship guidelines, employee code of ethics, etc. The INARR Standards are a good resource for items that should be included in this area.
- Exposure policy – What happens if someone is exposed to bodily fluids and/or a contagious disease?
- Good neighbor policy – Provide the neighbors with your contact information, or the house manager’s contact information. Should an incident arise, this allows the neighbors to contact someone immediately with their concerns. Include a time frame for response in the policy and an example of how interactions will be handled. Some possible examples of concerns could include: smoking, loitering, lewd/offensive language, gestures or actions, cleanliness of property, etc.
- Grievance Policy – What is the procedure in place should a resident have a complaint?
- House chores – Will residents have to clean up the house? How will that be determined? Will there be a schedule and assignments?
- House Rules – What are going to be the “deal breakers” in your residence? This would include the rules that, if broken, would cause you to ask a resident to leave. Some examples could include: positive urine screens; missing attendance at a weekly resident meeting; not meeting curfew; etc.
- Intake process – Once they have met admission criteria, what will the intake look like? What papers do they need to fill out? (A list of recommended forms will be mentioned later in this manual.) What processes do they need to be shown? (e.g. what to do in case of an emergency, where their space/bed is, who their roommates are, where they can store food, how they can make this their home and be safe in it, etc.)
- Kitchen rules – Residents should be involved in food preparation in some capacity.
- Locations – While this is not a policy – the organization will want to include addresses for all operational sites, including any site where services are provided.
- Medication Assisted Treatment – What will the organization’s policy be around this? There are some great resources available about this service and Recovery Residences through the National Alliance of Recovery Residences (NARR)(This is located at: https://narronline.org/wp-content/uploads/2019/03/NARR-C4-NCBH_MAR-RH-Brief.pdf).
- Mission/Vision Statement – The organization’s mission and vision statements should be included along with the policies and procedures in the manual.
- Naloxone Procedures – What happens if someone overdoses? Who is trained to use Naloxone? Where is it stored? What happens after the incident?

- Nondiscrimination Policy - Will everyone be accepted in your residence? Is there any reason why they could not be accepted? For example, is the residence suitable for someone in a wheelchair? If not, do you have a statement that shares that all reasonable accommodations will be made?
- Organizational Structure – Take the time to outline/map what the organizational structure is. For example, who answers to who, etc. Include the Board of Directors.
- Parking policy – Where should residents park? In the driveway? On the street? An assigned spot?
- Peer Leadership/Mentors – What are the criteria, guidelines, and expectations for peer leaders/mentor roles within the residence? What does resident-to-resident peer support look like? How is that facilitated and managed? The policy should include written responsibilities, role descriptions, guidelines and/or feedback for peer leaders/residence leaders.
- Personal space rules – Are residents to make their beds every day? What about requiring that their personal space is cleaned up?
- Population served – What will be the population served? Men only? Women only? Co-ed? Pregnant women and children? A special population, such as LBGTO, or 18-25, or HIV positive?
- Prescription and Non-prescription Medication Policy – This should include usage and storage; policies should be consistent with your Resident level and any relevant state laws.
- Programming – What are the residents to walk away with at the end of their stay? Is the residence to just be a safe, sober environment for them, or to offer services and a structured environment? The organization will have to determine what the structure of the residence looks and feels like for the residents. What are they expected to do while they are in the residence? What is their specific schedule? How are the residents' recovery goals met? Do they have to work/go to school/volunteer? Do they have to participate in mutual aid/caregiving? How are they going to participate in or create social/physical activities? Are they going to participate in daily/weekly community activities/programming?
- Recovery Plan – Every resident should have a Recovery Plan that is resident-driven. It should include an exit plan/strategy. The intent is that residents increase their recovery capital through things like recovery support and community service or work/employment while staying at the residence. The recovery plan will be an outline of how they build their recovery capital during their stay. A policy should be created to guide how staff help to build recovery plans for residents.
- Relapse policy – What will be done if someone relapses while staying in the residence? While it is understood that they cannot stay in the residence, there should be a plan in place for a referral to a higher level of care. In addition, there should be a guideline in place for when a person is asked to leave and when they are not. For example, if a resident relapse at night, they should not be asked to leave in the middle of the night as it puts them at further risk.
- Removal of personal property – If a resident breaks rules and is asked to leave, what happens? What is the policy concerning removing personal property?
- Resident Financial Responsibility – It is imperative to be honest and straightforward in conversations with residents about their financial responsibilities in order to live in the

home. It is strongly recommended that the organization have an easy to read form for clients that outlines exactly what they will owe on a weekly basis and in total if they stay for the duration of the intended program. Take the time to explain these details and have the conversation upfront, as it decreases problems in the future. This policy should also include issues such as refunds.

- Resident Input – Explain how residents can provide feedback, inform and guide operations, advocate for community- building, govern, help make rules, and have a voice in determining who they live with. This is their home, and they need to feel some ownership.
- Resident Progress – As clients progress in their recovery plan/treatment plan, it is important to document progress. What will be the policy/procedure for documenting resident progress? *This policy/procedure is only applicable for Level IV Recovery Residences.
- Resident Rights – What are the rights of the residents while staying in the residence? What are the things that are promised to be provided for them?
- Safety and Health Policy – create a policy that encourages residents to take responsibility for their own and others’ safety and health
- Safety Inspection Policy – Should include inspection of the following: functional smoke detectors in all bedrooms spaces and elsewhere as code demands; functional carbon monoxide detectors; functional fire extinguishers placed in plain sight and/or clearly marked; regularly documented inspections of the smoke detectors, carbon monoxide detectors and fire extinguishers; fire and other emergency drills that take place regularly and are documented
- Smoking Policy – Policy should state that residence is either smoke-free or available only in a designated location
- Social Media – At all times the resident MUST be protected and their community privacy and confidentiality. How is that going to be accomplished?

The above recommendations are in no particular order of importance and are not to be seen or interpreted as a complete listing for an organization. There will likely be other policies and procedures that will be required to be implemented on an ongoing basis. Ultimately, the organization is responsible for the development and initiation of their policies and procedures. However, this listing is being provided to give the organization a good start on this process.

PROCESS AND CERTIFICATIONS

State, City, and County Certification Processes

State

The first step in the process and certifications is to become a legal business entity within the state of Indiana. First, decide how you would like to structure and form your business. The Corporation Division with the Office of the Secretary of State is willing to help but is unable to offer legal advice. If legal guidance is needed, it is recommended to find an attorney that specializes in business law. For information on how to structure and form your business, a good resource to access is: www.in.gov/sos/business/2428/htm. This page includes information on formal structures, as well as information needed to form a business. Another excellent resource is the link to the State of Indiana website, www.INBiz.in.gov, which can be utilized to set up a business.

City/County

The local city or county government is where any special use permits or zone variance information is located. Typically, an organization will need to work with the City's/County's Code Enforcement Office. As shared earlier, it is strongly recommended to work with professionals to request these permits or variances. An architect or building engineer is equipped to assist with the nuances of the processes. In the long run, it will save time, energy, and money to hire someone to assist with the process, rather than trying to navigate it alone.

Along with requesting permits or variances, the city/county will also oversee the residence inspection. Typically this will be done with the local fire department to ensure that the residence meets all of the necessary fire codes associated with the zoning for the residence. It is recommended to ensure that the residence is zoned properly first before requesting an inspection.

Indiana Affiliation of Recovery Residences

The Indiana Affiliation of Recovery Residences is an affiliate chapter of the National Alliance of Recovery Residences. INARR is a non-profit agency that was developed in order to support Recovery Residences. Their stated mission is, "To create, evaluate and improve standards and measure of equality for all levels of recovery residences. INARR provides a forum for exchanging

ideas to include developing uniformity for our field, problem solving, and advocacy” (Levels of Recovery Residences, n.d.). Their philosophy is to support Recovery Residence providers in their efforts of providing “quality recovery-oriented housing opportunities to persons in recovery who seek to reside in abstinence-based, peer supportive environments” (Levels of Recovery Residences, n.d.). They believe that recovery should be person-driven, and done in an environment that meets their unique needs, while also meeting the basic needs of “safety, dignity, and respect” (Levels of Recovery Residences, n.d.). INARR’s intent is to provide a fair certification process for those Recovery Residences that meet the National Alliance of Recovery Residence standard and the INARR Code of Ethics. Additionally, they are available for support, training, and advocacy. Additional information regarding the INARR organization can be found on their website at www.inarr.org.

In calendar year 2017, legislation was passed that mandated that the Division of Mental Health and Addiction certify Recovery Residences in order for them to receive state or federal funding. DMHA elected to have the certification process conducted through a third party. INARR was chosen as the vendor to handle the certification of Recovery Residences. If an agency is interested in pursuing state or federal funding from DMHA (i.e. Recovery Works, grants, etc.), it MUST be certified by INARR.

In order to become a certified residence and associate with INARR, the first step is determining the level of the home. There are four levels:

- Level I: Peer Run
- Level II: Monitored Residence
- Level III: Supervised Residence
- Level IV: Residential Treatment (different from clinical/ASAM definition)

Each level provides a different degree of support and has different standards that must be met. INARR provides tools to help with determining the level of a residence, which is located on their website. Once the level has been determined, an application will need to be completed (which is also on the INARR website). One application must be completed per each property being certified. Along with the application, a signed assurances form must be submitted. This is a statement acknowledging that the residence(s) are in compliance with all local and state rules that may affect the recovery residence(s). It is the organization’s responsibility to be aware of, and in compliance with, any and all regulations.

Once the application has been submitted, it is recommended to prepare for the inspection. In order to prepare, it is recommended to take time reviewing each standard and making sure that the written statements, documents, policies, procedures, etc. for each standard is available. Having a large binder where all of the documents are organized will be helpful for the reviewing process.

The next step will be having the residence(s) inspected by someone within INARR. Inspections are done by peer review inspections, meaning they are typically conducted by individuals that are in the Recovery Residence industry. The peer review team will be checking to make sure the residence meets the required standards. Once the inspection is complete, the results will be compiled, shared, and reviewed by INARR staff. INARR will provide the organization with written documentation of the inspection results, along with the residence status, or if necessary, any required areas of improvement with accompanying timelines. Once the inspection is considered approved, the application is submitted to the INARR Board for final approval. After all applicable standards are met, the residence will receive official notification of its certification and INARR Associate designation.

It is important to note that a peer review may not be scheduled until the residence has been operating at or around 60% resident capacity for two months or longer. Additionally, certification must be renewed every two years. Certification renewal includes the organization being up to date on the annual fee and the bi-annual peer review inspection.

If the staff have any questions about the INARR process they should contact the INARR organization directly to request assistance.

Department of Mental Health and Addiction

The Division of Mental Health and Addiction is an agency within the Family Social Services Administration. One of their roles is to certify addiction providers. If it is determined through the application process with INARR that the residence will be a Level IV residence, it is recommended to first apply to become a certified provider through DMHA. Level IV Recovery Residences have licensed and credentialed staff providing addiction services. Clinical-level services are typically provided on-site. Due to the level of care being provided, this requires that the agency be certified by DMHA.

There are forms and several requirements that must be met in order to be certified by DMHA. They are as follows:

Addiction Treatment Service Providers – Outpatient (ASO) (≤ 10 employees)

- Application – State Form 55376
- Documentation of Direct Service Providers – State Form 52810
- Statement of Understanding and Compliance with 440 IAC 4.4
- Policies and Procedures that include the following:
 - Legal Name

- Description of organizational structure, mission statement, services provided, populations served
- Locations of all operational sites
- Procedures to ensure protection of consumer rights IC 12-27
- Confidentiality 42 CFR 2
- Admission Criteria 440 IAC 4.4-24.5(c)
- Consumer Intake Assessments 440 IAC 4.4-2-4.5 (d)
- Treatment Planning 440 IAC 4.4-2-4.5 (f)
- Consumer Progress 440 IAC 4.4-2-4.5 (h)
- Discharge Planning 440 IAC 4.4-2-4.5 (i)
- At least 50% of direct service providers must be licensed and credentialed as follows:
 - LCSW, LMHC, LMFT
 - Psychologist
 - Physician
 - APN or certified nursing specialist
 - An individual credentialed in addictions counseling by a credentialing body approved by the division (i.e. CADAAC, Recovery Coach)
- At least one must be credentialed in addictions

Addiction Treatment Service Providers – Regular (ASR) (≥11 employees)

- Application – State Form 55376
- Statement of Understanding and Compliance with 440 IAC 4.4
- Policies and Procedures that include the following:
 - Legal Name
 - Description of organizational structure, mission statement, services provided, populations served
 - Locations of all operational sites
 - Procedures to ensure protection of consumer rights IC 12-27
 - Confidentiality 42 CFR 2
 - Admission Criteria 440 IAC 4.4-24.5(c)
 - Consumer Intake Assessments 440 IAC 4.4-2-4.5 (d)
 - Treatment Planning 440 IAC 4.4-2-4.5 (f)
 - Consumer Progress 440 IAC 4.4-2-4.5 (h)
 - Discharge Planning 440 IAC 4.4-2-4.5 (i)
- Copy of accreditation letter from an accrediting agency approved by DMHA. Also include a copy of the full accreditation agency report, the accrediting body's survey recommendations and the organizations response to the recommendations. If accreditation has been applied for but not yet received, the organization must provide proof of application. (For information about temporary certification, please refer to 440 IAC 4.4-2-3-3.5.).

To access the rules and regulations through the State of Indiana website, it is located at: <http://www.in.gov/legislative/>. Click on "Administrative Code" in the publication's column, then click on "Title 440". For additional information on the certification application, please visit www.in.gov/fssa/dmha/2943.htm. For questions regarding the process, email the Certifications and Licensure team at DMHA-CL@fssa.in.gov.

Recovery Works

The last step for certification is the easiest. There are three forms that must be filled out for Recovery Works: the application, a W-9, and the direct deposit form. Once the forms have been completed, please submit them to Recovery.Works@fssa.in.gov. All three forms can be found on the Recovery Works website, located at: www.recoveryworks.fssa.in.gov.

Once the Recovery Works team begins to process your application, they will contact the organization to get information about who should have access to the billing system, the Web Infrastructure for Treatment Services, and DARMHA, the data management system. The employee that is responsible for the intake process will need access to DARMHA. It is recommended that the owner/Executive Director and one other back up person have access as well. All staff will be entered into the WITS system, but not all staff will need access. Please refer to the Recovery Works Policies and Procedure Manual for a guideline as to how staff should be designated in WITS.

Once the organization has been set up in DARMHA and WITS, the residence can begin accepting Recovery Works referrals. This will be the final certification in the process.

BEFORE YOU OPEN

Establish Paperwork

The development of the forms that the organization utilizes is important as it sets the tone for the overall structure, management and operations of the residence. These forms typically directly relate to the organization policies and procedures. It makes the organization appear professional, particularly if all the forms have a uniform look, with the same font, your logo, etc. When the forms and documents look professional, the organization will generally be taken more seriously. Below are some examples of forms that should be prepared:

- Recovery Meeting Sheet
- Behavioral Standards Understanding and Agreement
- Chore Sheet
- Community Check In Form
- Confidentiality Agreement
- Critical Incident Form
- Drug and Alcohol Use Policy
- Exit/Discharge Form
- Financial Agreement
- Group Confidentiality
- HIPAA Notice
- House Rules Agreement
- Liability Waiver
- Media Release
- Medication Information
- Monthly Goal Setting
- Nondiscrimination
- Notice of Privacy Practices
- Overnight Leave Request
- Pre-entry Screen – Screener questions that help staff determine if the resident is a good match for the residence
- Recovery Plan
- Referral Form
- Release of Information
- Resident Entry Form – Basic information about the resident
- Resident Program Attendance Log
- Resident Rights and Responsibilities
- Search for Hazardous Items
- Transportation Release – Allows staff to transport resident
- What to do in case of an emergency – Return to use plan, suicide ideation

This initial listing is not to be interpreted as an all-inclusive listing of Recovery Residence forms. It is likely that additional forms will need to be developed, along with additional policies and

procedures on an ongoing basis. The Massachusetts Alliance for Sober Housing, another NARR affiliate, has great resources for forms. Below are two links to help the organization get started:

- <https://mashsoberhousing.org/wp-content/uploads/2016/07/Recovery-Residences-101-Forms-Package.pdf>
- <https://mashsoberhousing.org/wp-content/uploads/2019/07/Website-Sample-sober-homes.pdf>

Hire and Train Staff

Hire

The hiring and training of staff is a very important part of the process prior to opening the residence. A Level I Residence will not require any staff, as it is a fully peer-run residence. Levels II through IV will need staff and the specific level will dictate the amount of staff necessary for operations. Overall, when considering the hiring of staff:

- Background Checks – The organization will want to establish a background check or due-diligence practice for all staff that are hired. It is recommended this be done for any level of staff, regardless of their level of interaction with residents.
- Certification – The organization will want to have a procedure in place to verify staff certifications when necessary. (e.g. Peer Coach certification, licensure, Community Health Worker Certification, etc.)
- Hiring Process – The organization will want to ensure that its hiring process puts people in roles that are most appropriate for the level they will be working in. For example, if someone is going to be promoted, it is recommended to make sure that the staff member is versed and trained in the Social Model of recovery and utilizes the best professional practices.
- Job Descriptions – These should include, at a minimum, responsibilities, necessary certification/licensure, lived experience credential, the need to facilitate access to community-based resources, eligibility, knowledge, skills, abilities needed to deliver services.
- Staff Code of Conduct – How to ensure that staff maintain proper boundaries.
- Support and Self-care – How are staff members supported and how is it ensured they maintain self-care? Are they encouraged to have their own network of support? Is staff expected to model that same support through genuineness, empathy, respect, support and unconditional positive regard?

Staff Development

Once staff are hired, the training process begins. In order to ensure that the residence is providing quality services, all staff must have comprehensive orientation training and ongoing development of their skills. Below are some examples of the training that should be provided upon hiring and orientation of new staff:

- Adult Needs and Strengths Assessment – This is a requirement of DMHA through Recovery Works. If it is decided to utilize Recovery Works, someone on the team will need to become ANSA- certified, and that person will be required to give this assessment to every resident with a Recovery Works referral.
- Assessment – How are assessments done?
- Compliance – The organization will also want to have staff be aware of and help maintain compliance with all of the certifications. They can do this by being aware of all of the policies and procedures that were developed to obtain the certifications.
- Cultural Competency
- First Aid
- HIPAA and Confidentiality
- Intake Process
- Naloxone Training
- Notes – For billing purposes, it is recommended that staff are trained on the proper way to take and document notes of services provided.
- QPR – Suicide Prevention Training
- ROSC Model Training – Recovery Oriented Systems of Care

The following are links to good resources for trainings:

- DMHA: <https://www.in.gov/fssa/dmha/index.htm>.
- Project Echo: <https://oudecho.iu.edu/get-involved/>
- Substance Abuse Mental Health Services Administration: <https://www.samhsa.gov/>
- Addiction Technology Transfer Center Network: <https://attcnetwork.org/>

Ongoing staff development is highly recommended by incorporating a training development plan for all staff. This can be accomplished by either establishing individual goals for each staff member via their annual evaluation, or by developing an overall training plan for all staff. For example, every other month at an all staff meeting, bring in an expert to provide training on a relevant topic.

Lastly, provide on-going support to staff. Make sure a positive, supportive, and productive work environment is created in the organization and residence that acknowledges and celebrates their achievements and professional developments.

Billing Process

Prior to opening the doors, it is recommended that the organization establish the costs for residents. Once the billing rate has been determined the organization should establish a billing process. It is recommended that this process include which day of the week or month the rent will be collected. Questions to be considered regarding this process also include: Will late payments be allowed? If so, will there be a penalty? Will everyone be charged the same rate, regardless of their funding source (self-pay, Recovery Works, another grant, etc.)? These are all things that will need to be determined and be included in a written agreement signed by the organization and the residents at admission.

When residents pay, the organization will need to produce a statement outlining how much they have paid and for what services. This statement needs to be provided to residents in a timely manner. In addition to a statement for the resident, the organization must maintain clear records of what has been charged and what has been paid for each client. A system will need to be developed that works effectively for the organization. Whether a specialized tool such as QuickBooks, Wave, etc. is purchased, or it is maintained through Excel spreadsheets, the organization will need to find what works best for their process. It is necessary that payments from third parties are clearly denoted in the system as well. For example, if a payment from Recovery Works is received, it is recommended a note be made of this for each client.

If billing Recovery Works, that program has provided great resources to assist with the billing processes on their website at, www.RecoveryWorks.fssa.in.gov.

Referral Relationships and Processes

Most of the residents will come from referrals via the relationships that have been developed by the organization's team in the community. It is recommended that the organization establish a process for how referrals are accepted and determine if they are a good fit for the residence. Creating a referral form is the easiest way to accomplish this process. The form can be sent to the referral partners, and they can fill it out and submit it as needed. The form can also be located on your website for easy access at any time.

On the referral form it is recommended that the organization gather some basic demographic information about the potential resident so that they can be contacted to schedule an interview. Information about the referral source should be included so that they can also be

contacted as needed for any additional information as needed. If there is any other basic information that the organization would like to collect up front, that is not already part of the application, it should be included in the referral form (e.g. any criminal justice information, mental health/substance use history information, etc.).

Once the form is finalized, it is recommended to establish a central location for all referrals to be submitted. A dedicated email account is ideal, such as RecoveryHouseInfo@gmail.com. It is recommended that the email account for referrals be general, and not a specific person's email. However, make sure that a specific person (with a back-up staff person) is assigned to check that email daily.

Be sure to maintain your relationships with your referral partners. Every so often set up a time to retrain them on how the referrals are completed and received by your organization. This is especially important when considering referral partner staff turnover and loss of information. That is always an opportunity for the staff to meet the new staff at the referral source and share with them what makes the residence unique.

ONGOING PROCESS AND MANAGEMENT

Household Management – Level II – IV

As shared earlier, there are different levels of Recovery Residences. The level of the Recovery Residence will determine the amount of household management and oversight that needs to take place. Below is a breakdown of how each should look. (This information is provided from the INARR website. (Levels of Recovery Residences, n.d.))

Level I – Peer-Run Recovery Residence

Level I homes are democratically run and have no external oversight or supervision. The state of Indiana relies on the Oxford House Model for Level I Residences. For information on this model, please visit www.oxfordhouse.org.

Level II – Monitored Residence

Level II often includes residences that are single-family, or apartment-style living and are overseen by a House Manager or Senior Resident. The House Manager or Senior Resident role is typically a paid position. This setting is structured and may have scheduled, peer facilitated support services. Residents are strongly encouraged to be involved in self-help and/or treatment services. Typically, house meetings are utilized as a main form of communication. Level II may or may not utilize drug screens to confirm abstinence.

Level III – Supervised Residence

Level III offers a high level of support and typically is very structured. There is a clear hierarchy that provides administrative oversight and support to service providers (certified staff, case managers, facility manager, etc.). Clinical level care is provided by service providers in the community; however, support services (skills training, case management, employment services) are provided at the residence.

Level IV – Residential Treatment

This is the highest level of structure for a Recovery Residence. This level is one step below clinically managed residential services. This level of care is operated by a licensed treatment provider and includes an organizational hierarchy with licensed and credentialed staff. Clinical and support services are typically provided on site.

The different levels will all require different levels of staffing, different schedules and different levels of management, based on the intensity of the level of care being provided.

It is recommended that it be determined how behavioral issues, breaking the house rules, or resident-resident disagreements are managed at the residence. Being prepared and being proactive in addressing those issues prior to them occurring will ease and better organize the process.

Data Collection

Data collection will be invaluable to the organization as it grows. If the organization becomes a Recovery Works provider, it will be required to collect certain demographic data and assessment data. As a member of INARR, it will also be asked to collect data to support INARR outcome measures. However, collecting an organization's own data is necessary, so it can document and demonstrate success.

Demographic data will not be enough to demonstrate success. It is recommended that the organization find a set of tools that measures how residents are doing at intake, and at designated time points throughout their stay at the residence. Texas Christian University's Institute of Behavioral Research (<https://ibr.tcu.edu/>) has free evaluations available for behavioral health providers to use. There is a wealth of knowledge on their website to assist with finding the right evaluation tool.

Once a tool is chosen, data from residents will be gathered at intake and discharge, and at least one other time during their stay at the residence. The time interval selected must be consistent. For example, the organization may select the time intervals at intake; then 90 days from intake; and upon discharge. This allows a pattern of change to be seen in a resident. When the data is aggregated, patterns of success can be identified, as well as any areas of needed improvement.

Working with Others

A large part of ensuring that the residents receive the care they need, lies in the relationships and knowledge that the staff have developed. In addition to ensuring established relationships with referral services, which will sustain the business, it is recommended to ensure a comprehensive knowledge of where to send the clients for referrals when the residence cannot meet their needs. As mentioned earlier in the network section, it is recommended to have a network of providers to whom referrals can be made when necessary.

It is important to remember that when making a referral for a client, typically a Release of Information (ROI) for the client will be needed. This will allow the organization staff to speak with the referral agency about the resident. For example, if a client is referred to a Community Mental Health Center for Substance Use services, the staff will need to have an ROI in order to speak with the resident's therapist about services or why they are making the referral.

In addition to working with referral sources, it is recommended to establish relationships with other Recovery Residences in your community. Sometimes the organization will get referrals that are not a good fit for the residence. It is important to be able to have options in order to make a referral to another residence that could be a better option for the resident. The best way to know if another Recovery Residence is a better option is to learn about their program by building a relationship. In some communities, there are meetings established for the Recovery Residences that allow them the opportunity to come together and share their services and programs.

Working with the State

If the organization elects to become a Recovery Works provider, there will be certain expectations that are required to be met. All of those expectations are listed in the Recovery Works Policies and Procedures Manual, which can be found at www.RecoveryWorks.fssa.in.gov. One of those expectations is documenting your services properly. For each service, Recovery Works provides a service definition. Within the service definition, the exact information they are looking for in a service note is provided. For example, for peer services, the following information in a service note must be provided:

- Date service was rendered
- Start and end time of service
- Report of the participant's status on the identified outcome measures
- Description of what happened in the session
- How this interaction will assist the participant in moving forward in their recovery
- What is the specific plan for next steps, including the participants actionable items, including date, time and type of next contact?

The following is an example of a proper service note:

On August 29, 2019, from 9 – 9:30 a.m. client met with peer specialist to work towards his goal of finding a recovery support system. At this meeting, the client and specialist discussed different 12-step type meetings, such as AA and NA, and how they typically operate and the flow of the meetings. Additionally, they looked up different meeting options and navigated a

bus schedule so the client can attend both an AA and NA meeting. The client will try both types of meeting before their next meeting on September 1, 2019, at 9 a.m. Today's interaction assisted the client in moving forward in his recovery because he is looking for ways to maintain his sobriety through mutual self-help groups.

At some point, the Recovery Works team will do an audit, and they will look for service notes and documentation that match what is required for each service definition. If the information needed is not present, there will be repercussions that could include a corrective action plan or termination.

It also is important to check email regularly. The Recovery Works team will communicate via email on a semi-regular basis. If assistance is needed, is it recommended to reach out to them via email at, Recovery.Works@fssa.in.gov.

APPENDIX AND RESOURCES

Appendix

Resources

References

About Us. (n.d.). Retrieved August 29, 2019, from inarr.org: <https://www.inarr.org/about-us/>

Ilsoe, B. (2017, July 2). *8 Steps to building a strong board of directors*. Retrieved August 23, 2019, from VentureBeat: <https://venturebeat.com/2017/07/02/8-steps-to-building-a-strong-board-of-directors/>

Levels of Recovery Residences. (n.d.). Retrieved August 29, 2019, from INARR: <https://www.inarr.org/certification/application-process/levels-of-recovery-residences/>

mission statement . (n.d.). Retrieved August 27, 2019, from BusinessDictionary.com: <http://www.businessdictionary.com/definition/mission-statement.html>

Additional Website Resources

Find an Architect: www.aia.org

For information on DMHA Certification: www.in.gov/fssa/dmha/2943.htm

Indiana Affiliation of Recovery Residences: www.inarr.org

Local Coordinating Council information: www.in.gov/cji

Massachusetts Alliance for Sober Housing: <https://mashsoberhousing.org>

National Alliance of Recovery Residences: www.narr.org

Oxford House: www.oxfordhouse.org

Recovery Works: www.RecoveryWorks.fssa.in.gov

State of Indiana Business information: www.INBiz.in.gov

State of Indiana Legislative Code: <http://www.in.gov/legislative/>

State of Indiana Secretary of State: www.in.gov/sos/business/2428/htm

Texas Christian University: <https://ibr.tcu.edu/>

Indiana Planning Association: www.indianaplanning.org

Americans with Disabilities Act: www.ADA.gov

DMHA: <https://www.in.gov/fssa/dmha/index.htm>.

Project Echo: <https://oudecho.iu.edu/get-involved/>

Substance Abuse Mental Health Services Administration: <https://www.samhsa.gov/>

Addiction Technology Transfer Center Network: <https://attcnetwork.org/>



Jackie Nester Jelen

Dec 14, 2022 at 12:57 pm

Hi Carissa-

Thank you for submitting this use determination application for the property at 7505 E Kerr Creek Road. This will be helpful in documenting the location of this group home in order to review future group homes that must be located more than 3000 ft from one another.

Due to the following state statute interpretation, staff does not feel a use determination is necessarily required since the statute allows for a group home to be located outright in any zone that allows for residential uses. The property is in the Agriculture/Rural Reserve (AG/RR) zone and the Environmental Constraints Overlay Area 3 and does allow for residential uses under Chapter 802 of the Monroe County Zoning Ordinance. We note there is an existing home on the lot and will be utilized for the use. Any new development would require compliance with the Zoning Ordinance. Note that this home is proximate to the DNR Zone A Floodplain and may limit future



lot and will be utilized for the use. Any new development would require compliance with the Zoning Ordinance. Note that this home is proximate to the DNR Zone A Floodplain and may limit future development. I will include a map of the floodplain and the related property in the attachments so you are aware, as it also impacts the driveway location.

The language in the Indiana State Code applies for this use:

"IC 12-28-4-7 Zoning ordinances; residential facilities for individuals with a mental illness Sec. 7. (a) A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws."

"IC 12-28-4-8 Zoning ordinances; residential facilities for individuals with a developmental disability Sec. 8. (a) A residential facility for individuals with a developmental disability:

(1) for not more than eight (8) individuals with a developmental disability; and



required to meet all other zoning requirements, ordinances, and laws.”

“IC 12-28-4-8 Zoning ordinances; residential facilities for individuals with a developmental disability Sec. 8. (a) A residential facility for individuals with a developmental disability:

(1) for not more than eight (8) individuals with a developmental disability; and

(2) established under a program authorized by IC 12-11-1.1-1(e)(1) or IC 12-11-1.1-1(e)(2);

is a permitted residential use that may not be disallowed by any zoning ordinance (as defined in IC 36-7-1-22) in a zoning district or classification that permits residential use.

(b) A zoning ordinance may only require a residential facility described in subsection (a) to meet the same:

(1) zoning requirements;

(2) developmental standards; and

(3) building codes;

as other residential structures or improvements in the same residential zoning district or classification.

“IC 12-28-4-3 Staffing; daily living, self-help, and social skills needs of recipients; Medicaid; federal financial participation Sec. 3. Residential facilities for individuals with a developmental disability must have



to 12-28-43 stating, daily living, self-help, and social skills needs of recipients: Medicaid: federal financial participation Sec. 3. Residential facilities for individuals with a developmental disability must have sufficient qualified training and habilitation support staff so that the residential facility, regardless of organization or design, has appropriately qualified and adequately trained staff (not necessarily qualified intellectual disability professionals (as defined in 42 CFR 483.430)) to conduct the activities of daily living, self-help, and social skills that are minimally required based on each recipient's needs and, if appropriate, for federal financial participation under the Medicaid program."

The next step is to check with the Building Department (812-349-2580) whether any permits are required for the use. It appears this property has direct access to Kerr Creek, however it is close to another property owned by the Mandell's and may warrant further investigation. Lastly, if you plan on having any type of signage at this property, please let us know.

Let us know if you have any further questions.

Sincerely,
Jackie and Tammy

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)
SOCIETY HOUSE, INC

IN THE MONROE CIRCUIT COURT

CAUSE NO: 53CC6-2307-MJ-CG1710

Petitioner/Plaintiff,

vs.

BOARD OF ZONING APPEALS,
MONROE COUNTY, INDIANA, and
MONROE COUNTY, INDIANA

Respondent(s)/Defendant(s).

SUMMONS

TO DEFENDANT: Monroe County Board of Zoning Appeals
c/o Margaret Clements, Board Chair
Judge Nat U. Hill III Meeting Room
100 West Kirkwood Avenue
Bloomington, TN 47404

You are hereby notified that you have been sued by the persons named as Petitioner/Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An Answer or other appropriate response in writing to the Complaint must be filed whether by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Lenzie T. Johnson
Lenzie T. Johnson
Attorney for Plaintiff
7/31/2023
Date: _____

Nicole Browne
Nicole Browne
Clerk, Monroe County Courts
7/31/2023
Date: _____



Clendening Johnson & Behrer, P.C.
405 W. Patterson Drive, Suite 205
Bloomington, IN 47403
(812) 333-1116

(The following manner of service of summons is hereby designated.)

- Registered or certified mail
- Service at place of employment, to-wit:
- Service on individual - (Personal or copy) at above address
- Service on agent. (Specify)

RETURN OF SUMMONS

This summons came to hand on the day of and I served the same on the ____ day of _____, 2023.

1. By delivering a copy of summons and complaint personally to _____ on this ____ day of _____, 2023.
2. By leaving a copy of summons and complaint personally with _____ on this ____ day of _____, 2023.
3. By mailing by first class a copy of summons and complaint on this ____ day of _____, 2023 to _____ Defendant's last known address.
4. Defendant cannot be found in my bailiwick and summons was not served.

Dated: _____, 2023

Nicole Browne, Clerk

Dated: _____, 2023

Sheriff, Monroe County

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)
SOCIETY HOUSE, INC

IN THE MONROE CIRCUIT COURT

CAUSE NO: 53C06-2307-MI-C01710

Petitioner/Plaintiff,

vs.

BOARD OF ZONING APPEALS,
MONROE COUNTY, INDIANA, and
MONROE COUNTY, INDIANA

Respondent(s)/Defendant(s).

SUMMONS

TO DEFENDANT: Monroe County
c/o David Schilling, County Attorney
100 W. Kirkwood Ave.
Bloomington, IN 47404

You are hereby notified that you have been sued by the persons named as Petitioner/Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An Answer or other appropriate response in writing to the Complaint must be filed whether by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Lennie T. Johnson
Lennie T. Johnson
Attorney for Plaintiff

Date: 7/31/2023

Nicole Browne
Nicole Browne
Clerk, Monroe County Courts

Date: 7/31/2023



Clendening Johnson & Behrer, P.C.
405 W. Patterson Drive, Suite 205
Bloomington, IN 47406
(812) 332-1000

(The following manner of service of summons is hereby designated.)

- Registered or certified mail
- Service at place of employment, to-wit:
- Service on individual - (Personal or copy) at above address
- Service on agent. (Specify)

RETURN OF SUMMONS

This summons came to hand on the day of and I served the same on the ____ day of _____, 2023.

1. By delivering a copy of summons and complaint personally to _____ on this ____ day of _____, 2023.
2. By leaving a copy of summons and complaint personally with _____ on this ____ day of _____, 2023.
3. By mailing by first class a copy of summons and complaint on this ____ day of _____, 2023 to _____ Defendant's last known address.
4. Defendant cannot be found in my bailiwick and summons was not served.

Dated: _____, 2023

Nicole Browne, Clerk

Dated: _____, 2023

Sheriff, Monroe County

| | | |
|-----------------------------|-------|---------------------------------|
| STATE OF INDIANA |) | IN THE MONROE CIRCUIT COURT |
| |) SS: | |
| COUNTY OF MONROE |) | CAUSE NO.: 53C06-2307-MI-001710 |
| SOJOURN HOUSE, INC. |) | |
| |) | |
| Petitioner/Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| BOARD OF ZONING APPEALS, |) | |
| MONROE COUNTY, INDIANA, and |) | |
| MONROE COUNTY, INDIANA |) | |
| |) | |
| Respondents/Defendants. |) | |

CERTIFICATE OF ISSUANCE OF SUMMONS

The undersigned hereby certifies that pursuant to the Indiana Rules of Trial Procedure service of the *Complaint*, *Summons* and *Appearance* were mailed, via Certified Mail, return receipt requested, on the 31st day of July, to each of the Defendants whose names and addresses appear below:

| <u>Name</u> | <u>Address</u> | <u>Return Receipt Number</u> |
|---------------------------------------|---|------------------------------|
| Monroe County Board of Zoning Appeals | c/o Margaret Clements, Board Chair Judge Nat U. Hill III Meeting Room 100 West Kirkwood Avenue Bloomington, IN 47404 | 9414 8118 9876 5417 4788 66 |
| Monroe County | c/o David Schilling, County Attorney 100 West Kirkwood Avenue Bloomington, IN 47404 | 9414 8118 9876 5417 4705 87 |

Respectfully submitted,

Clendening Johnson & Bohrer, P.C.

/s/Lonnie D. Johnson

Lonnie D. Johnson, #16758-53

Clendening Johnson & Bohrer, P.C.
 409 W. Patterson Drive, Suite 205
 Bloomington, IN 47403
 (812) 332-1000

STATE OF INDIANA) IN THE MONROE CIRCUIT COURT
) ss:
COUNTY OF MONROE) CAUSE NO. 53CO6-2307-MI-001710

SOJOURN HOUSE, INC.)
)
 Petitioner/Plaintiff,)
)
 vs.)
)
 BOARD OF ZONING APPEALS,)
 MONROE COUNTY, INDIANA, and)
 MONROE COUNTY, INDIANA)
)
 Respondents/Defendants.)

APPEARANCE OF ATTORNEYS IN CIVIL CASE

Party Classification: Responding

- 1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):

Monroe County Board of Zoning Appeals
501 N. Morton Street, Suite 224
Bloomington, Indiana 47408; and,

Monroe County, Indiana
c/o Board of Commissioners of the County of Monroe, Indiana
100 W. Kirkwood Ave., RM 323
Bloomington, Indiana 47408

- 2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Name: David B. Schilling **Attorney Number:** 2255-12
Address: Courthouse, Room 220 **Phone:** (812) 349-2525
100 W. Kirkwood Avenue **Fax:** Not applicable
Bloomington, IN 47408

Computer Address: dschilling@co.monroe.in.us

- 3. There are other party members: **No**
- 4. I will accept service by FAX at the above noted number: **No**
- 5. This case involves support issues: **No**

6. There are related cases: **No**
7. This form has been served on all other parties. Certificate of Service is attached: **Yes**
8. Additional information required by local rule: **Not applicable**

Respectfully submitted,

/s/ David B. Schilling
David B. Schilling 2255-12

Counsel for Defendants
Monroe County Board of Zoning Appeals and
Monroe County, Indiana

Monroe County Legal Department
100 W. Kirkwood Avenue
Room 220
Bloomington, Indiana 47404
(812) 349-2525

CERTIFICATE OF SERVICE

I certify that on August 15, 2023, that the foregoing was electronically served contemporaneously to its filing through the Indiana E-Filing System upon:

Lonnie D. Johnson, ljohnson@lawcjb.com;

Cheyenne N. Riker, criker@lawcjb.com; and,

John M. Stringfield, jstringfield@lawcjb.com.

/s/ David B. Schilling
David B. Schilling

Monroe County Legal Department
100 W. Kirkwood Avenue
Room 220
Bloomington, Indiana 47404
(812) 349-2525

STATE OF INDIANA) IN THE MONROE CIRCUIT COURT
) ss:
COUNTY OF MONROE) CAUSE NO. 53CO6-2307-MI-001710

SOJOURN HOUSE, INC.)
))
Petitioner/Plaintiff,)
))
vs.)
))
BOARD OF ZONING APPEALS,)
MONROE COUNTY, INDIANA, and)
MONROE COUNTY, INDIANA)
))
Respondents/Defendants.)

INITIAL MOTION FOR ENLARGEMENT OF TIME TO RESPOND

Come now the Respondent/Defendant Monroe County Board of Zoning Appeals (“Board”) and the Respondent/Defendant Monroe County, Indiana (County), by counsel, and pursuant to Indiana Rules of Trial Procedure, Rule 6(B) and Local Rule LR53-TR00-0204(A), move the Court for a thirty (30) day extension of time to answer or otherwise respond to the Petitioner’s/Plaintiff’s Petition For Judicial Review (“Petition”) and Complaint for Damages (“Complaint”). In support of its motion, the Board would state as follows:

1. On July 31, 2023, the Petitioner/Plaintiff Sojourn House, Inc, deposited its Petition and Complaint in the United States Mail addressed to the Board and the County. See attached Exhibits A and B.

2. Pursuant to Indiana Rules of Trial Procedure, Rule 5(B)(2), service of the Petition and Complaint was complete on July 31, 2023.

3. Pursuant to Indiana Rules of Trial Procedure, Rule 6(C), and Rule 6(E), a response to the Petition and Complaint is due on or before August 23, 2023.

4. The Board and the County request a thirty (30) day enlargement of time to respond to and including September 22, 2023.

5. This motion is being filed before the original due date of the response.

Respectfully submitted,

/s/ David B. Schilling
David B. Schilling, 2255-12

Attorney for the Respondent Board
Monroe County Attorneys Office
Courthouse, RM 220
100 W. Kirkwood Ave
Bloomington, Indiana 47408
Telephone: (812) 349-2525
dschilling@co.monroe.in.us

CERTIFICATE OF SERVICE

I certify that on August 15, 2023, that the foregoing was electronically served contemporaneously to its filing through the Indiana E-Filing System upon:

Lonnie D. Johnson, ljohnson@lawcjb.com;

Cheyenne N. Riker, criker@lawcjb.com; and,

John M. Stringfield, jstringfield@lawcjb.com.

/s/ David B. Schilling
David B. Schilling

Monroe County Legal Department
100 W. Kirkwood Avenue, Room 220
Bloomington, Indiana 47404
(812) 349-2525

EXHIBIT

A

Clendening Johnson & Bohrer P.C
Brandis Young
409 W PATTERSON DR STE 205
BLOOMINGTON IN 47403-4831

\$10.78 US POSTAGE
FIRST-CLASS
Jul 31 2023
Mailed from ZIP 47403
13 OZ FIRST-CLASS MAIL FLATS RATE
ZONE 1
11923275



USPS CERTIFIED MAIL

9414 8118 9876 5417 4788 66

Monroe County Board of Zoning Appeals
c/o Margaret Clements, Board Chair
100 W KIRKWOOD AVE
JUDGE NAT U HILL III MEETING ROOM
BLOOMINGTON IN 47404-5143



062S0001442135

23026-01

stamps
endicia



062S0014949871

\$10.78 US POSTAGE
FIRST-CLASS

Jul 31 2023
Mailed from ZIP 47403
13 OZ FIRST-CLASS MAIL FLATS RATE
ZONE 1
11923275

USPS CERTIFIED MAIL



9414 8118 9876 5417 4705 87

Monroe County
c/o David Schilling, County Attorney
100 W KIRKWOOD AVE
BLOOMINGTON IN 47404-5143



Clendening Johnson & Bohrer P.C
Brandis Young
409 W PATTERSON DR STE 205
BLOOMINGTON IN 47403-4831

EXHIBIT

B

23026-01

| | | |
|-----------------------------|-------|--------------------------------|
| STATE OF INDIANA |) | IN THE MONROE CIRCUIT COURT |
| |) ss: | |
| COUNTY OF MONROE |) | CAUSE NO. 53CO6-2307-MI-001710 |
| SOJOURN HOUSE, INC. |) | |
| |) | |
| Petitioner/Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| BOARD OF ZONING APPEALS, |) | |
| MONROE COUNTY, INDIANA, and |) | |
| MONROE COUNTY, INDIANA |) | |
| |) | |
| Respondents/Defendants. |) | |

ORDER ON
INITIAL MOTION FOR ENLARGEMENT OF TIME TO RESPOND

This matter having come before the Court on the Respondents’/Defendants’ Initial Motion For Enlargement Of Time To Respond in the following words and figures:

[HLI].

And the Court having read the motion and being duly advised in the premises FINDS that the Respondents’/Defendants’ motion satisfies the requirements of Local Rule LR53-TR00-0204 and, thus, that the Respondents/Defendants are entitled to the automatic thirty (30) day extension of time to answer available under that rule.

THEREFORE, IT IS ORDERED ADJUDGED AND DECREED by the Court that the Board shall have to and including September 22, 2023, to file a responsive pleading in the above-captioned action.

SO ORDERED this 17th day of August, 2023.



 KARAKROTHER, Judge
 Monroe Circuit Court, Division VI

Distribution:
 Lonnie Johnson, Cheyenne Riker, John Stringfield
 David Schilling

STATE OF INDIANA)
) SS: IN THE MONROE CIRCUIT COURT
COUNTY OF MONROE) CAUSE NO.: 53C06-2307-MI-001710

SOJOURN HOUSE, INC.)
)
 Petitioner/Plaintiff,)
)
 vs.)
)
 BOARD OF ZONING APPEALS,)
 MONROE COUNTY, INDIANA, and)
 MONROE COUNTY, INDIANA)
)
 Respondents/Defendants.)

**Petitioner’s First Motion for Extension of Time to
Submit Hearing Transcript Pursuant to Indiana Code 36-7-4-1613**

Plaintiff/Petitioner, Sojourn House Inc. (“Petitioner”), by counsel, **Clendening Johnson & Bohrer, P.C.**, moves the Court to extend by a period of thirty (30) days, to and including, September 27, 2023, the time within which Petitioner shall be permitted to submit its transcript of the June 28, 2023, Board of Zoning Appeals hearing. In support of this *Motion*, Plaintiff state:

Introduction

Petitioner’s July 27, 2023, *Verified Petition for Judicial Review* identifies, among other things, that Monroe County Board of Zoning Appeals unlawfully discriminated against Sojourn House, Inc. and its residents, who are victims of human trafficking and myriad mental and behavioral health diagnoses, by refusing to hear their request for a reasonable accommodation as required by the Americans with Disabilities Act and the Fair Housing Act. Further, Monroe County, Indiana (“the County”) has enacted ordinances that are in direct conflict with state and federal law, which ordinances were used as a basis for discrimination against Sojourn House.

When Sojourn House filed its amended petition for variance, not only was it forced to wait months for the amended petition to be heard, when the Board finally convened, with Sojourn House, its attorneys, and its several supporters present, the Board refused to hear the amended petition altogether – a petition that was filed as a matter of right under the Monroe County Zoning Code (“the Ordinance”).

Petitioner is now in a position where it must rely on Respondents to provide a transcript as required by Indiana Statute; to the date of this *Motion*, the transcript has not been provided. Petitioner is now forced, once again, to wait on the Respondents to be able to pursue its discrimination claims. For the foregoing reasons and those that follow, Petitioner respectfully requests an extension of the deadline to submit the June 28, 2023 hearing transcript.

Request for Relief

1. Petitioner’s *Verified Petition for Judicial Review* was filed on July 27, 2023.
2. Pursuant to Indiana Code 36-7-4-1613(a), “[w]ithin thirty (30) days after the filing of the petition, or within further time allowed by the court, the petitioner shall transmit to the court the original or a certified copy of the board record for judicial review of the zoning decision[.]
3. Therefore, Petitioner is required to submit a transcript of the June 28, 2023, Board of Zoning Appeals hearing to the Court on or before August 28, 2023.
4. On July 28, 2023, Petitioner formally requested a copy of the June 28, 2023, Board of Zoning Appeals hearing at issue, as required by the Statute. (See, Exhibit A).
5. On July 31, 2023, the Monroe County Planning Department acknowledged receipt of Petitioner’s request and indicated that they would “work to put together the transcript.” (See, Exhibit A).

6. On August 10, 2023, counsel for Petitioner followed-up on status of the transcript production. (See, Exhibit B).

7. On August 11, 2023, the Monroe County Planning Department responded and indicated that “The minutes of the BZA from the 6-28-2023 meeting have been drafted and require BZA approval. The next BZA hearing where the minutes could be approved will take place on 8-30-2023.” (See, Exhibit B).

8. Given the August 11, 2023, representations by the Monroe County Planning Department, it is apparent that the transcript will not be provided on or before August 28, 2023.

9. The Board has continuously delayed Sojourn’s opportunity to pursue their claims through the proper administrative channels. Now, Petitioner is being advised that the seemingly menial task of transcribing and providing a hearing record (that is apparently already complete) cannot be forwarded to Petitioner due to a procedural delay.

10. Indiana Code 36-7-4-1613(b) states: “An extension of time in which to file the record shall be granted by the court for good cause shown. Inability to obtain the record from the responsible board within the time permitted by this section is good cause.”

11. Petitioner is unable to obtain the record from the responsible board within the time permitted.

12. Petitioner would now respectfully request an additional thirty (30) days, to and including September 27, 2023, to provide the June 28, 2023, hearing transcript.¹

13. This *Motion* is not made for the purpose of delay, and the granting of this *Motion* will not prejudice Respondents.

¹ Due to the habitual delays in this matter already, Petitioners would advise the Court that they anticipate that they may need to request another extension, should the transcript not be provided in a reasonable amount of time.

WHEREFORE, Petitioner, Sojourn House Inc., by counsel, respectfully moves the Court for a thirty (30) day extension of time, to and including, September 27, 2023, submit the transcript of the June 28, 2023, Board of Zoning Appeals hearing, and for all other relief proper in the premises.

Clendening Johnson & Bohrer, P.C.

/s/ Lonnie D. Johnson

Lonnie D. Johnson, #16758-53

/s/ Cheyenne N. Riker

Cheyenne N. Riker, #31482-53

/s/ John M. Stringfield

John M. Stringfield, #35436-49

Certificate of Service

This will certify that a copy of the foregoing was served upon the following counsel of record via the Court's electronic mail service and filing system this 17th day of August 2023:

David B. Shilling
Monroe County Legal Department
dschilling@co.monroe.in.us

/s/ John M. Stringfield

John M. Stringfield

Clendening Johnson & Bohrer, P.C.

409 W. Patterson Drive, Suite 205
Bloomington, IN 47403
(812) 332-1000

Subject: RE: Sojourn House - Petition for Judicial Review
Date: Monday, July 31, 2023 at 8:40:49 AM Eastern Daylight Time
From: Jacqueline N. Jelen
To: 'jstringfield@lawcjb.com'
CC: 'Work', 'Cheyenne Riker', ljohnson@lawcjb.com, 'Brandis A. Young', David Schilling, Tammy Behrman, Lee F. Baker
Attachments: Complaint.pdf

EXHIBIT A

Hello John –

We have received the petition. We will work to put together the transcript.

Thank you,

Jackie N. Jelen, AICP
Director
Monroe County Planning Department
501 N. Morton St., Suite 224
Bloomington, IN 47404
jnester@co.monroe.in.us
Phone: (812) 349-2560

From: jstringfield@lawcjb.com <jstringfield@lawcjb.com>
Sent: Friday, July 28, 2023 11:24 AM
To: Jacqueline N. Jelen <jnester@co.monroe.in.us>
Cc: 'Work' <mmccutchen@lawcjb.com>; 'Cheyenne Riker' <cheyenneriker@gmail.com>; ljohnson@lawcjb.com; 'Brandis A. Young' <byoung@lawcjb.com>
Subject: RE: Sojourn House - Petition for Judicial Review

Ms. Jelen:

Good morning.

Sojourn House has filed its Petition for Judicial Review regarding the matters identified in the attached Petition. We would now formally request that your office please prepare a transcript of the June 28, 2023, Board of Zoning Appeals hearing as required by Indiana Code § 36-7-4-1613(c).

Please contact our office if you have any questions.

Best,

John

John M. Stringfield
Senior Litigation Associate, Clendening Johnson & Bohrer, P.C.
Bloomington | 409 W. Patterson Drive, Ste. 205, Bloomington, IN 47403
Indianapolis | 225 N. Delaware Street, Floor 2, Indianapolis, IN 46204
P: [812-332-1000](tel:812-332-1000) | C: [317-416-6020](tel:317-416-6020) | F: [317-269-3429](tel:317-269-3429)

Subject: RE: Sojourn House - Petition for Judicial Review

Date: Friday, August 11, 2023 at 12:32:14 PM Eastern Daylight Time

EXHIBIT B

From: Jacqueline N. Jelen

To: 'John M. Stringfield', David Schilling

CC: 'Work', 'Cheyenne Riker', ljohnson@lawcjb.com, 'Brandis A. Young', Lee F. Baker

Hello Mr. Stringfield,

The minutes of the BZA from the 6-28-2023 meeting have been drafted and require BZA approval. The next BZA hearing where the minutes could be approved will take place on 8-30-2023.

Please let us know if you have further questions.

Thanks,

Jackie N. Jelen, AICP

Director

Monroe County Planning Department

501 N. Morton St., Suite 224

Bloomington, IN 47404

jnester@co.monroe.in.us

Phone: (812) 349-2560

From: John M. Stringfield <jstringfield@lawcjb.com>

Sent: Thursday, August 10, 2023 9:15 PM

To: David Schilling <dschilling@co.monroe.in.us>; Jacqueline N. Jelen <jnester@co.monroe.in.us>

Cc: 'Work' <mmccutchen@lawcjb.com>; 'Cheyenne Riker' <cheyenneriker@gmail.com>;

ljohnson@lawcjb.com; 'Brandis A. Young' <byoung@lawcjb.com>; Lee F. Baker <lfbaker@co.monroe.in.us>

Subject: Re: Sojourn House - Petition for Judicial Review

Mr. Schilling or Ms. Jelen: I hope you are doing well.

I am following up regarding status of Sojourn's transcript request. As you likely know, we have 30 days from our Petition filing to submit the transcript. If you do not anticipate that the transcript will be available within that timeframe, please advise so that we can file the appropriate request for extension with the Court as permitted by statute.

Please advise.

Thank you,

John

John M. Stringfield

Senior Litigation Associate

Clendening Johnson & Bohrer, P.C.

Bloomington | [409 W. Patterson Drive, Ste. 205, Bloomington, IN 47403](#)

Indianapolis | [225 N. Delaware Street, Indianapolis, IN 46204](#)

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT

CAUSE NO.: 53C06-2307-MI-001710

SOJOURN HOUSE, INC.)
)
) Petitioner/Plaintiff,)
)
) vs.)
)
) BOARD OF ZONING APPEALS,)
) MONROE COUNTY, INDIANA, and)
) MONROE COUNTY, INDIANA)
)
) Respondents/Defendants.)

Order

Petitioner, Sojourn House Inc., by counsel, **Clendening Johnson & Bohrer, P.C.**, files its *First Motion for Extension of Time to Submit Hearing Transcript Pursuant to Indiana Code 36-7-4-1613*,

And the Court, being fully advised in the premises, **GRANTS** this Motion and extends the time within which Petitioner has to submit its transcript of the June 28, 2023, Board of Zoning Appeals hearing to September 27, 2023.

Ordered this 22nd day of August, 2023.



Judge, Monroe Circuit Court

DISTRIBUTION:

Counsel of Record

2240/23.8160.NJP/db

STATE OF INDIANA)
) SS:
 COUNTY OF MONROE) SITTING AT BLOOMINGTON, INDIANA

SOJOURN HOUSE, INC.,)
)
 Plaintiff,)
)
 v.) Cause No.: 53C06-2307-MI-0001710
)
 BOARD OF ZONING APPEALS, MONROE)
 COUNTY, INDIANA, and MONROE)
 COUNTY, INDIANA,)
)
 Defendants.)

APPEARANCE BY ATTORNEYS IN CIVIL CASE

Party Classification: Initiating Responding Intervening

1. The undersigned attorney and all attorneys listed on this form, now appear in this case for the following member(s): **BOARD OF ZONING APPEALS, MONROE COUNTY, INDIANA, AND MONROE COUNTY, INDIANA.**

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

| | | | |
|----------|---------------------------------------|--------------|---|
| Name: | <u>Emily Curosh</u> | Atty Number: | <u>(#35194-45)</u> |
| Address: | <u>233 East 84th Drive</u> | Phone: | <u>219/322-0830</u> |
| | <u>Suite 301</u> | Fax: | <u>219/322-0834</u> |
| | <u>Merrillville, IN 46410</u> | Email: | <u>Ecurosh@khkklaw.com</u> |

3. There are other party members: Yes No (If yes, list on continuation page.)

4. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8(B)(3): _____

5. I will accept service by FAX at above noted number: Yes No .

6. This case involves support issues. Yes No (If yes, supply social security numbers for all family members on continuation page.)

7. There are related cases: Yes No (If yes, list on continuation page.)

8. This form has been served on all other parties. Certificate of Service is attached: Yes No .

9. Additional information required by local rule. _____

Respectfully Submitted,

/s/ Emily Curosh

Emily Curosh (#29663-64) of
KNIGHT, HOPPE, KURNIK & KNIGHT, LTD.
Attorney for Defendants Board of Zoning Appeals,
Monroe County, Indiana, and Monroe County,
Indiana

KNIGHT, HOPPE, KURNIK & KNIGHT, LTD.
Attorneys for BOARD OF ZONING APPEALS,
MONROE COUNTY, INDIANA, and MONROE
COUNTY, INDIANA
233 East 84th Drive, Suite 301
Merrillville, IN 46410
219/322-0830; FAX: 219/322-0834
EMAIL: Ecurosh@kkklaw.com

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2023, I electronically filed the foregoing **APPEARANCE BY ATTORNEYS IN CIVIL CASE** using the Indiana E-Filing System (IEFS). I also certify the following persons were served electronically with the foregoing document through the IEFS:

- Lonnie Dale Johnson
ljohnson@lawcbj.com
- Cheyenne Riker
criker@lawcbj.com
- John Michael Stringfield
jstringfield@lawcbj.com
- Emily Curosh
Ecurosh@khkklaw.com

Manual Notice List: None

/s/ Emily Curosh

2240/23-8160.NJP/db

| | | |
|---------------------------------|---|----------------------------------|
| STATE OF INDIANA |) | IN THE MONROE CIRCUIT COURT |
| |) | SS: |
| COUNTY OF MONROE |) | SITTING AT BLOOMINGTON, INDIANA |
| SOJOURN HOUSE, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Cause No.: 53C06-2307-MI-0001710 |
| |) | |
| BOARD OF ZONING APPEALS, MONROE |) | |
| COUNTY, INDIANA, and MONROE |) | |
| COUNTY, INDIANA, |) | |
| |) | |
| Defendants. |) | |

NOTICE TO STATE COURT OF REMOVAL TO FEDERAL COURT

COME NOW Defendants, Board of Zoning Appeals, Monroe County, Indiana, and Monroe County, Indiana, and provide notice of the removal of this cause from Monroe Circuit Court to the United States District Court for the Southern District of Indiana, Indianapolis Division, pursuant to 28 U.S.C. §§ 1441 and 1446. This Court is therefore without jurisdiction to undertake further proceedings with respect to this cause. Pursuant to 28 U.S.C. §1446(d), this Notice shall affect removal, and the State Court shall proceed no further unless and until this matter is remanded.

WHEREFORE, Defendants petition this Court to enter an appropriate order removing the State Court action from Monroe Circuit Court to the United States District Court for the Southern District of Indiana, Indianapolis Division, and/or for all other appropriate relief.

Respectfully Submitted,

/s/ Emily Curosh
 Emily Curosh (#29663-64) of
 KNIGHT, HOPPE, KURNIK & KNIGHT, LTD.
 Attorney for Defendants Board of Zoning Appeals,
 Monroe County, Indiana, and Monroe County,
 Indiana

KNIGHT, HOPPE, KURNIK & KNIGHT, LTD.
Attorneys for BOARD OF ZONING APPEALS,
MONROE COUNTY, INDIANA, and MONROE
COUNTY, INDIANA
233 East 84th Drive, Suite 301
Merrillville, IN 46410
219/322-0830; FAX: 219/322-0834
EMAIL: Ecurosh@kkklaw.com

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2023, I electronically filed the foregoing **NOTICE TO STATE COURT OF REMOVAL TO FEDERAL COURT** using the Indiana E-Filing System (IEFS). I also certify the following persons were served electronically with the foregoing document through the IEFS:

- Lonnie Dale Johnson
ljohnson@lawcbj.com
- Cheyenne Riker
criker@lawcbj.com
- John Michael Stringfield
jstringfield@lawcbj.com
- Emily Curosh
Ecurosh@khkklaw.com

Manual Notice List: None

/s/ Emily Curosh _____

23-08-29App EC 8160